

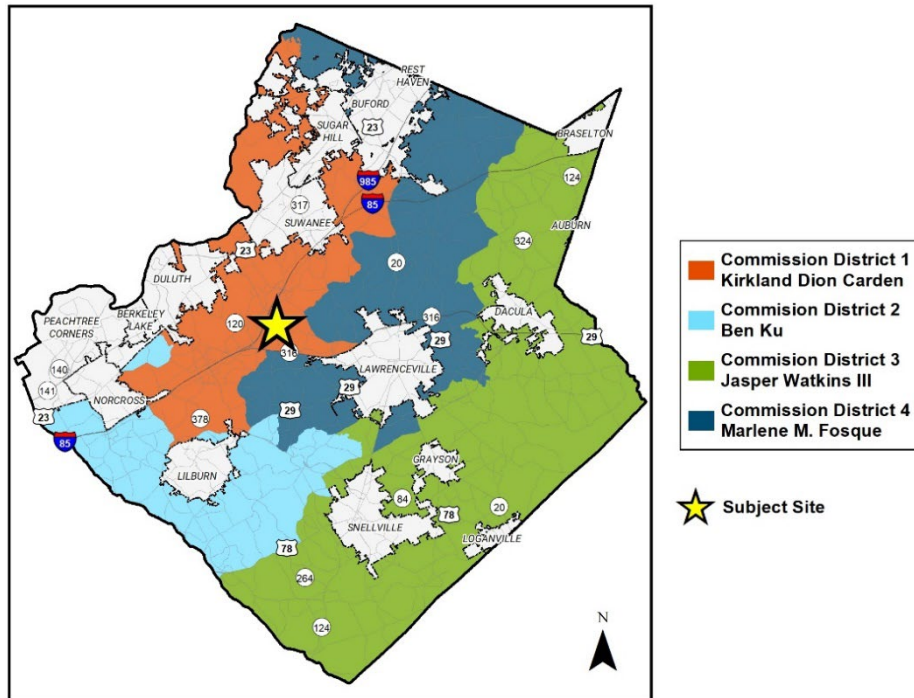


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: CIC2022-00034
Current Zoning: C-2 (General Business District)
Overlay District: Civic Center
Request: Change in Conditions
Additional Request: Variances
Address: 1959 Duluth Highway
Map Number: R7081 130
Site Area: 1.73 acres
Square Footage: 61,327
Proposed Development: Extended Stay Hotel
Commission District: District 1 – Commissioner Carden
Character Area: Regional Activity Center

Staff Recommendation: APPROVAL WITH CONDITIONS

Planning Commission Recommendation: APPROVAL WITH CONDITIONS



Planning Commission Advertised Public Hearing Date: 12/5/2022
Board of Commissioners Advertised Public Hearing Date: 12/13/2022

Applicant: RK Hotel Group, LLC
c/o Blum & Campbell, LLC
3000 Langford Road, Building 100
Peachtree Corners, GA 30071

Owner: Sugarloaf Mills Residual Limited
Partnership
PO Box 6120
Indianapolis, IN 46206

Contact: Jody Charles Campbell

Contact Phone: 470.365.2890

Zoning History

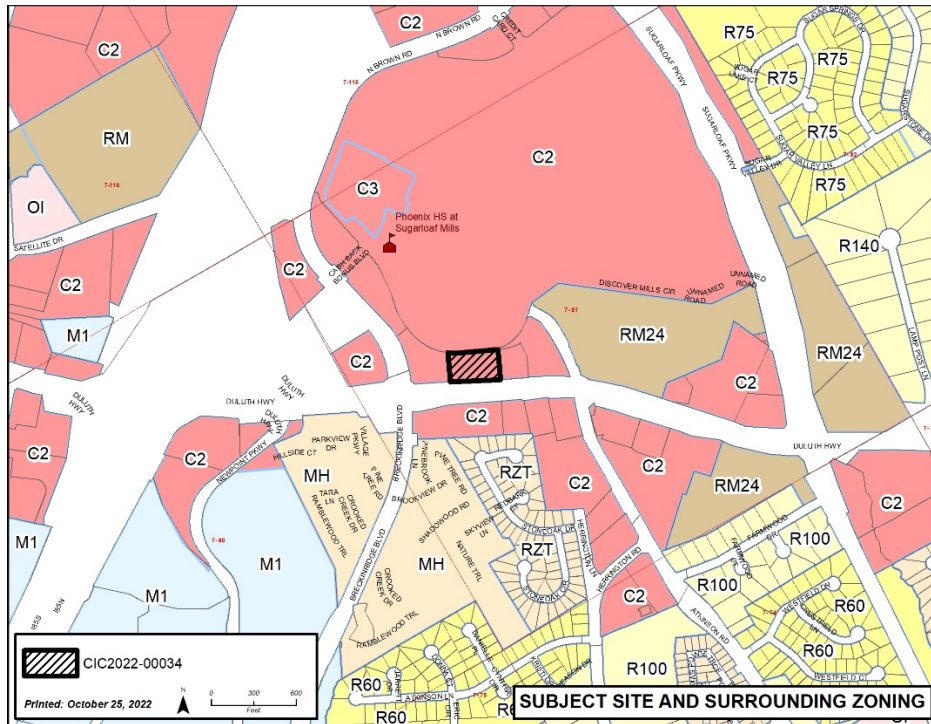
The subject property is zoned C-2 (General Business District). In 1998, a rezoning case from R-100 (Single-Family Residence District), C-2 (General Business), M-1 (Light Industry District), and O-I (Office-Institutional) was approved as C-2 and O-I to allow retail and service-commercial uses, pursuant to REZ1998-00166. A building height increase was approved pursuant to SUP1998-00123. In 2001, rezoning case RZC2001-00028, amended the previously approved conditions in order to construct Sugarloaf Mills. This request is a change in conditions from this rezoning case. The site is within the Civic Center Overlay zoning district.

Existing Site Condition

The subject site is a 1.73-acre parcel located along Duluth Highway, adjacent to the Sugarloaf Mills Mall. The property is vacant and mostly contains a gravel area used for overflow parking. The perimeter of the site contains street trees along Sugarloaf Mills Circle, which is the interior ring road which surrounds the mall parking lots. There are also evergreen trees and shrubs along the Duluth Highway frontage. The site is generally flat except for the portion near Duluth Highway where it was graded down to street level. There are no streams or ponds located on the site. Sidewalks are present along Duluth Highway. The nearest Gwinnett County Transit facility is approximately 500 feet from the subject site along Sugarloaf Mills Circle.

Surrounding Use and Zoning

The subject site is surrounded by a mixture of commercial uses. The property to the north is Sugarloaf Mills. A fast-food restaurant is located on the adjacent parcel to the east. A large apartment development is located farther east at the intersection of Duluth Highway and Atkinson Road. Across Duluth Highway to the south, is a multi-tenant shopping center which contains retail, service, and restaurant uses. There is a large residential area across Duluth Highway consisting of single-family detached homes and manufactured home parks. A tire store is located on the adjacent parcel to the west. Interstate 85 is also located farther to the west along Duluth Highway. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Extended Stay Hotel	C-2	N/A
North	Commercial	C-2	N/A
East	Commercial	C-2	N/A
South	Commercial	C-2	N/A
West	Commercial	C-2	N/A

Project Summary

The applicant requests a change in conditions for a 1.73-acre property zoned C-2 to allow an extended stay hotel, including:

- A change in conditions of case RZC2001-00028. The applicant is requesting a revision to the following condition:
 - Condition 1B., “Any hotel or office buildings shall be limited to a height of no more than twelve stories and be located between North Brown Road and Interstate 85.” The applicant is requesting to amend this condition to remove the portion only allowing hotels between North Brown Road and Interstate 85.
- A 61,327 square foot, four-story building with 114 rooms.
- 63 parking spaces located on site.
- Access provided via two driveways onto Sugarloaf Mills Circle.
- A stormwater management facility to the rear of the property, between the hotel and Duluth Highway along the southern property line.
- A dumpster enclosure in the side yard, on the southwestern portion of the site.
- Exterior façade materials are comprised of EIFS/stucco with wood and metal accents.
- A required 10-foot-wide landscape strip along Sugarloaf Mills Circle and Duluth Highway.

Zoning and Development Standards

The applicant is requesting a change in conditions in the C-2, General Business District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	43'	YES
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	>10'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Off-Street Parking	Minimum: 114 spaces Maximum 228 spaces	63 spaces	NO*
Landscape Strip	10'	10'	YES
Lot Size (Hotel)	Minimum 2 acres	1.73 acres	NO**

*The applicant is requesting a parking variance.

**The supplemental use regulations for hotels requires a minimum site size of 2 acres. The applicant is requesting a variance from this request.

In addition, the following standards apply to development in the Civic Center Overlay District:

Standard	Meets Standard?
A sidewalk that is a minimum of four feet wide shall connect the entrance of the buildings to the public rights of way.	NO

Variance Requests

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

1. Section 230-130.3(CC): Supplemental Use Standards

Each hotel/motel site shall be a minimum of two acres.

2. Section 240-20: – Table 240.1. Minimum Parking Requirements:

Minimum parking spaces for a hotel/motel: 1 per unit (114 spaces)

3. Section 220-30-3 (E) (4): Activity Center/Corridor Overlay District

For developments exceeding 7,500 square feet, primary building facades and entrances shall be located no more than 70 feet from the public rights-of-way and shall be oriented toward the street and shall provide a sidewalk connecting the front entrance to a continuous sidewalk placed parallel to the street.

The applicant proposes to construct an extended stay hotel on a parcel that is less than 2 acres. The applicant also proposes a reduction in parking spaces from 114 to 63. The applicant proposes to eliminate the provision for a sidewalk connecting the front entrance to a continuous sidewalk placed parallel along Duluth Highway.

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 F). 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

Change in Conditions Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification or a change in conditions 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:

1. Whether a proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The site is adjacent to retail and commercial uses and will be a possible location for visitors to the area in close proximity of the Gas South District. Similar hotels with suites are located nearby within the Sugarloaf Mills area. An extended stay hotel would provide a greater mix of lodging options in the area. The change in conditions request to allow for an extended stay hotel would be suitable in consideration of nearby properties.

2. Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property.

The existing use and usability of adjacent or nearby properties would not be adversely affected by the change in conditions. An extended stay hotel would place potential customers nearby to existing restaurants and retail uses.

3. Whether the property to be affected by a proposed change in conditions has a reasonable economic use as currently zoned.

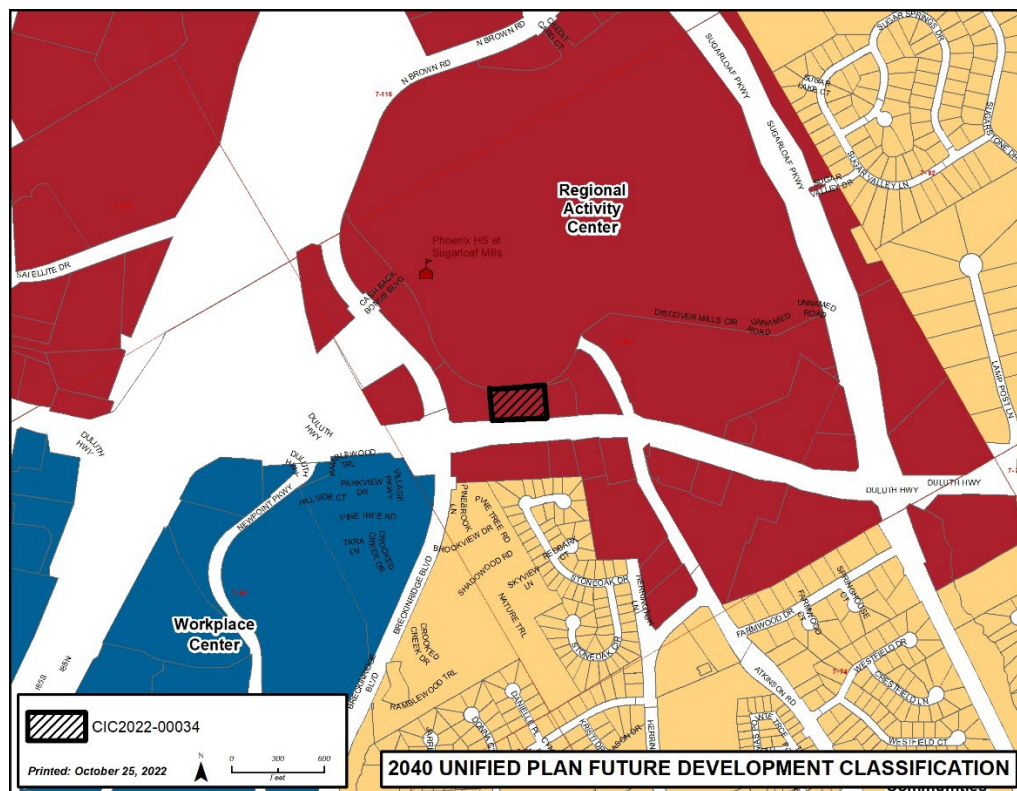
The property has a reasonable economic use as currently zoned.

4. Whether the proposed change in conditions will result in a use 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 appropriate conditions, site development requirements, and planning. An increased impact is not anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning and change in conditions request is attached (Exhibit F).

5. Whether the proposed change in conditions is in conformity with the policy and intent of the Unified Plan and Future Development Map.

The 2040 Unified Plan and Future Development Map indicates that the subject property lies within the Regional Activity Center Character Area. This is intended for areas that have intense commercial and office/employment activity, as well as high-density residential elements. The dominant focus of these activity centers includes a combination of retail, office, high-density residential uses and transit-oriented developments. An extended stay hotel would provide employment opportunities for local residents and an alternative/ additional lodging option for visitors to the area.



6. 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 change in conditions.

The site is a suitable location for a commercial use serving travelers and nearby residents. Located within the Sugarloaf Mills mall area and in proximity to the Gas South District, the extended stay hotel would be an appropriate addition.

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

One requested variance is to allow for a hotel to be constructed on a parcel that is less than 2 acres. Requiring the parcel to be 2 acres is unnecessary when considering it is part of a much larger commercial development. The overall development has easements and agreements in place which allow shared parking. The parking variance request on the lot is appropriate given the vast amount of parking across Sugarloaf Mills Circle. The request to eliminate the sidewalk from the front building entrance to the sidewalk parallel to the street is reasonable due to the steep slope that is currently adjacent to Duluth Highway. Furthermore, it is likely that any pedestrian traffic to and from the hotel would be towards Sugarloaf Mills and not to Duluth Highway. Approval of these variances would not nullify the intent of the Unified Development Ordinance.

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 change in conditions request.

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

1. To allow for a hotel/motel site to be on a 1.73-acre parcel.
2. To allow the reduction of minimum parking requirements from 114 spaces to 63 spaces.
3. To allow the elimination of the sidewalk connecting the front entrance to a continuous sidewalk placed parallel to Duluth Highway.

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 change in conditions request.

In addition, the Planning Commission recommends **APPROVAL** of the following variance requests:

1. To allow for a hotel/motel site to be on a 1.73-acre parcel.
2. To allow the reduction of minimum parking requirements from 114 spaces to 63 spaces.
3. To allow the elimination of the sidewalk connecting the front entrance to a continuous sidewalk placed parallel to Duluth Highway.

Planning Commission Recommended Conditions (includes Staff Recommended Conditions)

NOTE: The following conditions are provided as a guide should the Board of Commissioners choose to approve this petition.

The conditions below are those from RZC2001-00028 with suggested changes in bold or strikethrough.

Approval of a Change in Conditions for an extended stay hotel, subject to the following conditions:

1. To restrict the use of the property as follows:

~~A. Retail and service commercial and accessory uses excluding the following retail and service uses as listed in Section 1308 of the Zoning Resolution A.1. (Adult Entertainment Establishments) and A.12. (Billboards).~~ **Use of the site shall be limited to a hotel,**

including an extended stay hotel not to exceed 62,000 square feet.

- B. ~~Limit the height of the mall complex to a height not to exceed 90 feet. Any~~ **The** hotel or office buildings shall be limited to a height of no more than ~~twelve~~ **four** stories. and be located between North Brown Road and Interstate 85.

- C. ~~Development shall be in general accordance with the revised site plan for Sugarloaf Mills prepared by Precision Planning, Inc. and dated August 27, 1998. These rezonings are approved with these conditions with the intent to allow the development of a project in general accordance with that as shown on the applicant's site plan referenced above. It is not the intent of this board to rezone these parcels as C-2 to allow them to be developed in a "piecemeal" fashion inconsistent with the plans submitted by the applicant. There shall be no more than 18 outparcels. Outparcels shall not have direct access to Sugarloaf Parkway or Duluth Highway, except for the driveway between parcels B-4 and B-5 already approved and permitted by the Georgia Department of Transportation. No more than seven of these outparcels shall permit drive-through users.~~ **The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received October 19, 2022, with revisions required by conditions of approved and the Unified Development Ordinance subject to the review and approval of the Department of Planning and Development.**

2. To satisfy the following site development considerations:

- A. ~~Provide a 75-foot buffer, with 50 feet to be natural and undisturbed and the remaining 25 feet to be disturbed and enhanced, adjacent to residentially-zoned property. In conjunction with the issuance of a development permit, the applicant agrees to and shall donate to Gwinnett County, Georgia for green space and natural area Parcel H-1 (approximately 8.48 acres) located on the northern side of Sugarloaf Parkway.~~

- B. ~~Provide a minimum 100-foot-wide tree save/passive recreation area between the mall complex and the right-of-way of Sugarloaf Parkway. A landscaping plan incorporating existing mature trees shall be submitted. This area shall also include sidewalks, pedestrian lighting, benches and open grassed area.~~

- C. Provide a ten-foot-wide landscaped strip outside the dedicated rights-of-way of all road frontages.

- D. Provide a five-foot wide landscaped strip adjacent to all internal property lines.

- E. No billboards shall be permitted.

- F. Dumpsters shall be screened by a fence or wall.

- G. Provide inter-parcel access throughout the development, and as required by the ~~Development Division~~ **Department of Planning and Development**.
- H. Lighting shall be contained in cut-off type luminaries which do not reflect into nearby residential properties.
- I. No outdoor loudspeaker systems shall be allowed.
- J. All development shall conform to ~~a unified development design plan to be incorporated into recorded covenants governing the overall development. This plan shall govern architectural design and exterior finish materials, signage and landscaping, and shall be submitted for review and approval prior to the issuance of any permit. The architectural design and plans for the exterior of the mall buildings shall be submitted to and approved by the Director, Department of Planning and Development. Any modifications and revisions to such plans once approved shall be subject to additional review and approval by the Director as foreshaid.~~ **Category 3 for Commercial and Non-Residential Buildings per the Gwinnett County Architecture Design Standards.**
- K. No outdoor storage, temporary uses, tents, or displays shall be permitted.
- L. Provide landscapeding throughout all surface parking areas and submit landscape plans for review and approval by the ~~Director~~ **Department** of Planning and Development. ~~The number and height of the trees to be included in applicant's landscape plan for the parking areas shall not be less than what would be required by Staff's recommended condition 2.L.~~
- ~~M. The number, design and location of all exits/entrances for the development shall be subject to the review and approval of the Gwinnett Department of Transportation.~~
- ~~N. The number, design and location of median breaks along all proposed public roads within the development shall be subject to the review and approval of the Gwinnett County Department of Transportation.~~
- ~~O. Dedicate right-of-way and construct all other proposed public roads within the development subject to the review and approval of the Gwinnett County Department of Transportation.~~
- ~~P. At the time of issuance of a development permit, provide, at a minimum, five-foot wide sidewalks per specifications of the Gwinnett County Development Regulations in the following areas:~~
 - ~~(1) along both sides of Sugarloaf Parkway except Parcels HI and GI.~~
 - ~~(2) along both sides of North Brown Road except Parcel HI. Adjacent to North Brown Road construct an eight-foot-wide multi-use path on one side of the road.~~

- ~~(3) along the property frontage of Georgia Highway 120, except on Parcel A1.~~
- ~~(4) with respect to other public and/or internal roads, provide a pedestrian circulation plan which shall be subject to the approval of the Director of Planning and Development.~~

Q. Appliances shall be limited to economy sized refrigerator, microwaves, and a regular sized dishwasher.

R. Applicant shall provide a crosswalk to the Sugarloaf Mills parking lot, subject to the review and approval of the Department of Planning and Development.

~~3. To abide by the following requirements, dedications and improvements:~~

~~A. Prior to the issuance of the first certificate of occupancy, developer will design and install traffic signals at the following locations subject to approval of design plans by Gwinnett County Department of Transportation:~~

- ~~(1) North Brown Road and Northern Main Access Driveway.~~
- ~~(2) North Brown Road and Southern Main Access Driveway.~~

~~B. Prior to the issuance of the first certificate of occupancy, design and implement traffic signal modification, to include new signal heads and signal timing plans, subject to approval of the Gwinnett Department of Transportation and Georgia Department of Transportation at the following intersections:~~

- ~~(1) State Road 120 and North Brown Road~~
- ~~(2) State Road 120 and Atkinson Road~~
- ~~(3) State Road 120 and Sugarloaf Parkway~~
- ~~(4) Sugarloaf Parkway and North Brown Road~~

~~C. Subject to approval of Gwinnett County Department of Transportation, dedicate all necessary rights-of-way and easements, design, and construct relocated North Brown Road as a four-lane roadway, with median, auxiliary turn lanes, and bikeway, from State Road 120 through Sugarloaf Parkway to the northern property boundary of parcel G-1.~~

~~D. Subject to the approval of Gwinnett County Department of Transportation, dedicate rights-of-way and easements, design and construct the following intersection modifications:~~

- ~~(1) State Road 120 at North Brown Road
 - ~~(a) Add right turn lane and shared right/through lane from southbound North Brown Road to westbound State Road 120.~~
 - ~~(b) Add dual left turn lanes from eastbound State Road 120 to northbound~~~~

- North Brown Road.
 - (c) Add right turn lane from westbound State Road 120 to northbound North Brown Road.
- ~~(2) State Road 120 at Atkinson Road

 - (a) Add dual left turn lanes from eastbound State Road 120 to northbound site driveway.~~
- ~~(3) Sugarloaf Parkway at North Brown Road

 - (a) Add right turn lanes on the northbound and southbound approaches of North Brown Road.
 - (b) Add free flow right turn lane from eastbound Sugarloaf Parkway to southbound North Brown Road with the extra lane to be carried to the first signalized driveway intersection on North Brown Road.~~
- ~~(4) Sugarloaf Parkway at site driveway

 - (a) Install traffic signals and add dual left turn lanes from Sugarloaf Parkway into site driveway at proposed signalized major project access drive prior to the issuance of a certificate of occupancy for a movie theater or additional retail expansion containing more than 50,000 square feet.~~

All intersection designs must be approved by Gwinnett County Department of Transportation and/or State of Georgia Department of Transportation.

E. Prior to issuance of a development permit, provide an Alternate Mode Transportation Plan subject to approval by the Gwinnett County Department of Transportation and the Gwinnett County Planning and Development Department. At minimum this plan should include:

- ~~(1) In conjunction with the applicant's purchase of the property, the applicant agrees to and shall provide designated parking for Gwinnett County, Georgia's Park-n-Ride program not to exceed 10 acres and shall construct a bus transfer facility on property that is either on or adjacent to the mall site pursuant to a publicly recorded agreement between the applicant and Gwinnett County, Georgia.~~
- ~~(2) Dedicated electric vehicle recharging spaces for use by the general public.~~
- ~~(3) Incorporation of alternate fuel vehicles for on-site maintenance and services.~~
- ~~(4) Pedestrian facilities.~~
- ~~(5) Bicycle facilities.~~
- ~~(6) Provision of shuttle and bus drop-off/pick-up area near main building entrances.~~

In addition, the plan should provide details concerning proposed leadership by the developer in a Transportation Management Association in the vicinity of the site.

~~F. Applicant will work to establish an overlay district for the site within a 90-day period.~~

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevation
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. Internal and External Agency Review Comments
- G. RZC2001-00028 Resolution
- H. Discover Mills Master Declaration of Easements, Covenants, Conditions, and Restrictions
- I. Maps

Exhibit A: Site Visit Photos



View from Sugarloaf Mills Circle



View from Sugarloaf Mills Circle

Exhibit B: Site Plan

[attached]

Exhibit C: Building Elevations

[attached]

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Exterior 1



Exterior 2



Exterior 3

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We've designed our lobbies and other public spaces to be welcoming, contemporary and comfortable—the perfect place to blend work and play and support our guests on their mission to build on their success.



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Modern Fitness Center



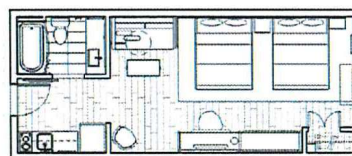
Efficient Meeting Room

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FUNCTIONAL AND EFFICIENT LIVING SPACES

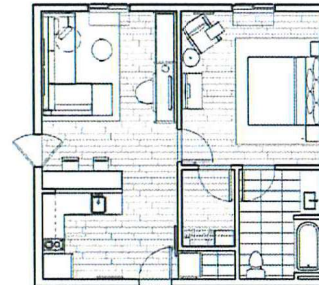
Our room options appeal to the needs of the Extended Stay guest. The versatile room types are ideal for business travelers and families alike. With separate spaces to sleep, relax, work and eat, as well as fully equipped kitchens, guests can feel right at home.



Double Queen Suite 

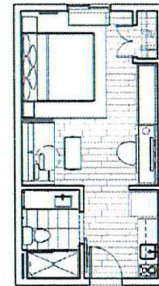
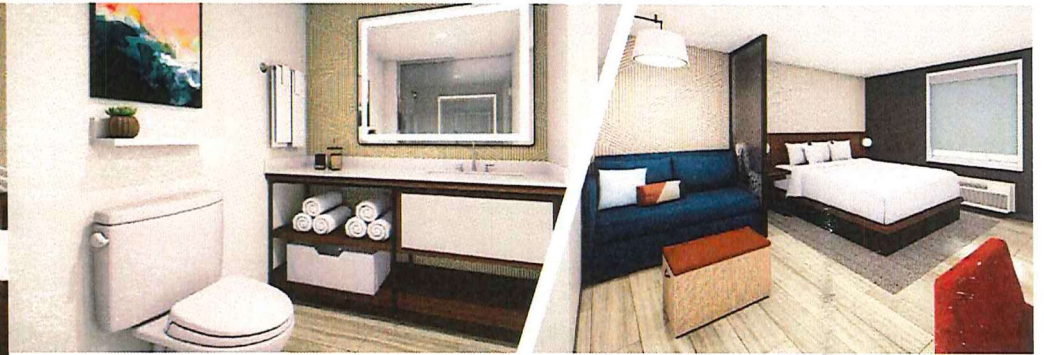
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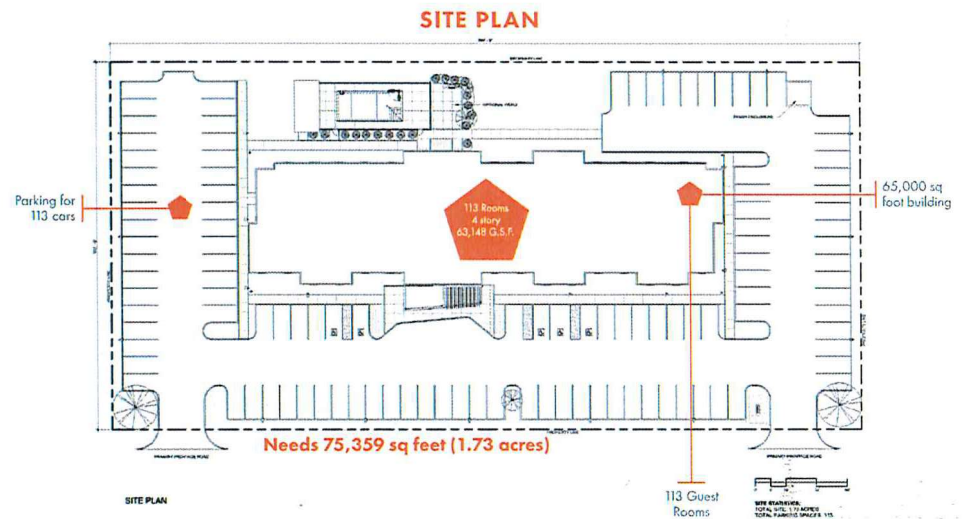
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FLOOR PLANS



- 62 King Bedroom Suites
- 4 Accessible King Bedroom Suites
- 1 Accessible One Bedroom Suite
- 39 Double Queens Bedroom Suites
- 7 One Bedroom Suites

SITE PLAN



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CIC2022-00034

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

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BLUM & CAMPBELL, LLC

Attorneys at Law

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JODY@BLUMCAMPBELL.COM

October 5, 2022

VIA Electronic Delivery

Honorable Chairwoman Nicole Love Hendrickson
Commissioner Kirkland Carden
Commissioner Ben Ku
Commissioner Jasper Watkins III
Commissioner Marlene Fosque
Gwinnett Justice and Administration Building
75 Langley Drive
Lawrenceville, Georgia 30046

Re: RK Hotel Group, LLC
Application for Change in Conditions and Variance
Property Address: 1959 Duluth Highway, Lawrenceville, GA 30043
Parcel No. R7081 130

Dear Chairwoman Hendrickson and Commissioners:

This law firm has the pleasure of representing RK Hotel Group, LLC. My client is a prospective purchaser of the real property located at 1959 Duluth Highway, Lawrenceville, Georgia 30043 (the "Property"). The Property is currently located within unincorporated Gwinnett County, Georgia bordered by Duluth Highway to the South, Discount Tire to the West, Burger King to the East, and the ring road of the Sugarloaf Mills development to the North. The Property is currently undeveloped, and my client seek to obtain a change to a condition of zoning prohibiting the development of a hotel business anywhere other than between North Brown Road and Interstate 85. It is my client's intent to construct and operate an Everhome Suites hotel on the Property.

If approved, the change in condition will accommodate the development of this vacant parcel of land into a four-story hotel with 114 rooms and a total of 63 surface parking spaces on the property with additional parking spaces available across the ring road if needed. The standards for granting a change in condition are as follows:

(A) Whether a proposed change in conditions will permit a use that is suitable in view of the use and development adjacent and nearby the property:

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The change in conditions will facilitate the development of this property in a manner that is consistent with the growth and development of the surrounding area. Sugarloaf Mills and the Sugarloaf/Duluth Highway corridors have become the epicenter of entertainment and conference activity in Gwinnett County. The expansion of the Gas South District and Gwinnett Visitors and Convention Center has substantially increased the need for high quality, affordable hotel space in the area. Moreover, the entertainment, dining and shopping options provided by Sugarloaf Mill makes this property uniquely suitable for a hotel business whose guests will further expand the patronage of the surrounding businesses. Additionally, the Aloft Sugarloaf and Tru by Hilton hotels demonstrate the viability of these businesses along the ring road of Sugarloaf Mills.

(B) Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property:

The proposed change of condition will not adversely affect the existing use or usability of adjacent or nearby property. AS stated above, two hotel business have been developed along the ring road of Sugarloaf Mills with no measurable decrease in the existing businesses. Hotel businesses support the shopping, restaurant, and entertainment establishments located in and around Sugarloaf Mills.

(C) Whether the Property to be affected by a proposed change in condition has reasonable economic use as currently zoned:

The property does have reasonable economic use as currently zoned, however, various topographical limitations prevent the property from being developed as a general commercial property. The property itself has no access to or from Duluth Highway, which is a critical component to any retail or restaurant establishment. Because access will be limited to the ring road of Sugarloaf Mills, the highest and best use of the commercial property is as a destination business such as a hotel.

(D) Whether the proposed change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

No. The establishment of a hotel will in no way burden existing utilities or schools. Traffic to and from the hotel will be limited to the ring road of Sugarloaf Mills. This limited access will require all patrons to access major collector streets and thoroughfares such as Sugarloaf Parkway, North Brown Road, and Duluth Highway, all of which are serviced by multi-lane, traffic control regulated intersections.

(E) Whether the proposed change in conditions is in conformity with the policy and intent of the Land Use Plan:

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The Future Land Use Map identifies this property as being located within a Regional Activity Center. The 2040 Comprehensive Plan highlights some of the important goals and opportunities for these areas include repurposing dead retail space, create activity centers that are walkable/mixed use and disincentivizing retailers from vacating to new locations. The establishment of a hotel will further support the existing businesses and establishments within the Sugarloaf Mills area and the redevelopment of the Gas South District and Sugarloaf Parkway corridor. By providing overnight guests with a variety of restaurant, entertainment and retail shopping options a mere walk across the parking lot, the approval of the change of condition will achieve all these stated objectives and allow for the development of a parcel that has remained vacant for over 20 years.

(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 change in conditions:

The County has already approved two hotel establishments that would violate the letter of the condition at issue. The Aloft Lawrenceville and Tru by Hilton establishments located off the Sugarloaf Mills ring road are not located “between” North Brown Road and Interstate 85, thus, to deny the change in condition for this property would violate principles of uniformity under the Zoning Procedures Act. Moreover, the redevelopment of the Sugarloaf Mills mall area after twenty years suggests that hotel businesses are needed and appropriate for the area.

In addition to the Change in Condition, my client seeks the following three (3) variances:

1. **Section 230-130.3(BB) to reduce the minimum lot size requirement from two acres to 1.732 acres;**
2. **Section 240-20 to reduce the minimum parking requirements from 114 spaces to 63 spaces; and**
3. **Section 220-30-3(E)(4) to eliminate the provision of a sidewalk from the front building entrance to the sidewalk parallel to the street.**

The standards for the requested variances are as follows:

- a. **Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain:**

Each variance requested arises from a condition that is unique and peculiar to the land. The parcel is limited in size due to its location between the ring road for the mall and Duluth Highway directly south. There are extreme elevation changes between the proposed buildable area of the property and Duluth Highway. There is no additional land available that would allow the parcel to meet the two-acre minimum lot size as each abutting property to the east and west are improved with

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developments. Further, because of the limited parcel size, there is no ability to provide parking onsite in a manner that would satisfy the requirements of the UDO. With respect to the sidewalk requirement, the location and orientation of the property limits the potential buildable area to only that area shown on the enclosed site plan. This requires the building to face the internal private ring road and prohibits the construction of a sidewalk from the front of the building to the public right of way that is Duluth Highway.

- b. Is the request necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved result in an unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced? Please explain:**

The requests are necessary due to the unique conditions presented by the property. An unnecessary hardship would arise if the minimum lot size requirement of two acres was strictly enforced. Because the property is 1.732 acres, a hotel development would not be possible on this site. The fact that the parcel has yet to be developed suggests market demand is limited and the proposed hotel is one of but a few uses that could meet market demand. An unnecessary hardship would arise relative to the parking requirements as the property will not support an additional 51 spaces. The proposal includes that maximum number of parking spaces that can be built on the property. As for the sidewalk request, the location of the property and the extreme elevation changes prevent compliance with the requirement. The strict application of the UDO in this sense would require the hotel to face Duluth Highway and back up to the private ring road. This would be misaligned with the orientation of the other buildings along the ring road and would create an incongruent development pattern.

- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain:**

The conditions requiring the requested relief is not ordinarily found on properties of the same zoning district. The property is located between two developed properties and between two rights of way – one public and one private. The elevation change from the Duluth Highway to the buildable area of the property is extreme. The size of the property is fixed due to the fact that this is an infill project located in an already developed area. These conditions are not ordinarily found in properties of the same zoning district such that compliance could not be achieved. Here, the conditions present unique challenges to the development of the property if done in strict compliance with the UDO.

- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain:**

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The request is not a result of conditions created by the applicant. Applicant is buying the property in the condition that it has been in for many years prior. The property is vacant and has never been developed which suggests the existing conditions on the property are largely prohibitive to development of any kind that would be supported by the market demand in the area.

- e. **Would granting the variance impair or injure other property or improvements in the neighborhood in which the subject property is located, or impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety, or substantially diminish or impair property values within the neighborhood? Please explain:**

Granting the variances requested by this application would not impair or injure other property or improvements in the neighborhood. As previously mentioned, development of this site is an infill project that presents an opportunity to develop a vacant property in a largely developed area. Granting the requested variances will allow for the development of the property in manner that does not pose any negative externalities on the public. The development of the property as a hotel is much less intense than many of the uses existing in the area and will not negatively impact traffic. There will be no increase of fire danger nor will there be any hazard to air navigation. Public safety will not be threatened and property values are likely to be positively impacted rather than negatively impacted by this development.

- f. **Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain:**

The variances requested by this application are the absolute minimum necessary to afford relief and make possible the reasonable use of the land.

- g. **Does the variance desired meet the general spirit and intent of Title 2 of the UDO and/or the purpose and intent of the Gwinnett County Unified Plan? Please explain:**

The general spirit and intent of Title 2 of the UDO and the Gwinnett County Unified Plan is to ensure proper and safe development that does not threaten or unduly harm the general health, safety and welfare of the general public. The requested variances in this application are aligned with that intent. The reduced lot size is minimal such that there is little difference between the existing lot size at 1.74 acres and the required minimum of two acres. The difference in the parking is accounted for by the declaration of easement for parking located in that certain Master Declaration of Easements, Covenants, Conditions and Restrictions dated April 16, 2001 enclosed herein. This easement benefits the subject property and will ameliorate parking shortfalls by allowing guests access to the parking located across the ring road. With respect to the sidewalk requirement, the intent of the UDO and Gwinnett County Unified Plan will be met as the applicant intends to construct a sidewalk parallel to the private ring road in-keeping with the properties that abut to the east and west.

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Enclosed herewith is a proposed site plan showing the Property with the proposed use as well as architectural renderings of the proposed development and other information regarding Everhome Suites. Several features of the proposed development bear mention. First, the property will be accessed from two separate entrances located off the ring road of Sugarloaf Mills only and vegetive buffer and screening will be placed along Duluth Highway.

My clients look forward to working with the County to create a quality development that both the County and the public can be proud of. We believe that the approval of these requests will allow the Property to achieve the highest and best use, and that denial of the application will deprive the Property and my client of substantial economic value. The subject property has been vacant for many years and cannot economically support the present value of the land as presently zoned. Approval will also generate substantial property tax revenue and hotel/motel tax revenue that can be used to increase needed infrastructure throughout Gwinnett County. If you have any questions or need any additional information to process this application, please do not hesitate to contact me.

Please contact me at the information listed herein if there are any questions regarding this application.

Very Truly Yours,

BLUM & CAMPBELL, LLC

Jody Charles Campbell

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Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

See attached

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

See attached

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

See attached

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

See attached

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

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 CHANGE IN CONDITIONS:

See attached

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CLERK SUPERIOR COURT
GWINNETT COUNTY, GA.

01 APR 16 PM 4:15

TOM LAWLER, CLERK

After Recording Return To:

Lawrence J. Gould, Esq.
Arnall Golden & Gregory, LLP
1201 West Peachtree Street, Suite 2800
Atlanta, Georgia 30309-3450

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AFTER RECORDING RETURN TO
SLUTZKY, WOLFE AND BAILEY, LLP
2155 CUMBERLAND PARKWAY
BUILDING 1300
ATLANTA, GEORGIA 30339-4508

DISCOVER MILLS

MASTER DECLARATION OF
EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS

DATED APRIL 16, 2001

MADE BY

SUGARLOAF MILLS LIMITED PARTNERSHIP
and
SUGARLOAF MILLS RESIDUAL LIMITED PARTNERSHIP

April 5, 2001

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SUGARLOAF MILLS

MASTER DECLARATION OF EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS

THIS MASTER DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS (as may be amended, restated, replaced and/or supplemented, this "Master Declaration") is made as of the ___ day of April, 2001, by (i) SUGARLOAF MILLS LIMITED PARTNERSHIP, a Delaware limited partnership ("SMLP"), and (ii) SUGARLOAF MILLS RESIDUAL LIMITED PARTNERSHIP, a Delaware limited partnership ("Residual"), based upon the following recitals:

A. SMLP is the owner of those certain parcels of land containing, in the aggregate, approximately one hundred sixteen (116) acres situated in Gwinnett County, Georgia (the "SMLP Land"), as shown on the site plan attached hereto and made a part hereof as Exhibit A-1 and Exhibit A-2 (collectively, the "Site Plan") and as more particularly described and depicted in Exhibit B attached hereto and made a part hereof. The SMLP Land is generally comprised of two (2) separate areas, as follows: (1) the "Mall Parcel" which consists of the area that is (or will be) situated inside the Ring Road (hereinafter defined) and, additionally the M block, as both are shown on the Site Plan, on which SMLP intends to develop (or permit or cause others to develop) the Enclosed Mall (hereinafter defined) and the Anchors (hereinafter defined), and (2) the Ring Road and all other Project Roads and areas utilized for ingress, egress and access between the Mall Parcel and the public rights of way adjacent to the Total Parcel (defined below).

B. Pursuant to a transaction or series of transactions to occur in the future, Residual will become the owner of those certain parcels of land containing, in the aggregate, approximately forty seven (47) acres situated in Gwinnett County, Georgia (the "Residual Land"), as shown on the Site Plan and as more particularly described and depicted on Exhibit C attached hereto and made a part hereof. The Residual Land generally is located outside the Ring Road, between the Ring Road and the public roadways and rights of way that are adjacent to the Total Parcel; except that the Residual Land shall not include the M block (which is located outside of the Ring Road) which is identified on the Site Plan.

C. SMLP and Residual may sell or lease certain portions of the SMLP Land and/or the Residual Land (collectively, the "Total Parcel," as more particularly defined below) from time to time and SMLP and Residual intend that they and all future owners, tenants and occupants of the various portions of the Total Parcel and each of their respective successors and assigns shall own, develop, use and enjoy their respective portions of the Total Parcel (or cause the same to be owned, developed, used and enjoyed) generally in conjunction with each other in order to make integrated use of the Total Parcel as a regional retail shopping center including (without limitation) the Enclosed Mall and Anchors to be developed on the Mall Parcel and

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(b) Grant of Shopping Center Parking Area and Sidewalk Easements.

(i) Declarant grants, creates, declares and reserves for itself a perpetual, non exclusive easement, for the benefit of the Mall Parcel and all portions thereof in, on and over the Shopping Center Parking Area and the sidewalks located or to be located on the Mall Parcel (other than the Project Sidewalks, which shall be subject to the terms, provisions and easements set forth in Section 2.1(c) below) for the following purposes, but in all cases subject to this Master Declaration and any rules, regulations or restrictions adopted by Declarant pursuant hereto: (A) in the case of the Shopping Center Parking Area, (1) vehicular and pedestrian ingress to and egress from each portion of the Mall Parcel and the remainder thereof, (2) parking of motor vehicles, and (3) vehicular passage and circulation; and (B) in the case of the Project Sidewalks, (1) pedestrian ingress and egress to, from and between each portion of the Mall Parcel and the remainder thereof, and (2) unobstructed pedestrian passage and circulation.

(ii) Notwithstanding the foregoing provisions of this Subsection (b) or any other provision of this Master Declaration, Declarant shall have the right, at its sole option, to construct (or cause or permit to be constructed) any Buildings or improvements that it may desire in any Building Area and/or Future Building Area, or in any other portion of the Total Parcel which it may elect, in its discretion, to designate as a Building Area or Future Building Area; provided, however, that neither Declarant nor the Property Owner of any Property within the Mall Parcel shall construct or cause to be constructed any Buildings or improvements in any area if and to the extent that such construction would result in a reduction in the number of parking spaces in the Mall Parcel or any Property therein below the number of parking spaces required to be maintained pursuant to applicable Laws, unless Declarant in its discretion develops alternate parking areas which satisfy the requirements of such Laws.

(iii) The easements and other provisions of this Subsection (b) shall terminate on the date of expiration or sooner termination of this Master Declaration.

(iv) No Property Owner or Occupant of any Property in the Mall Parcel (other than Declarant) shall construct or permit to be constructed any Buildings or other structures in the Shopping Center Parking Area located on its Property, except in the portions thereof, if any, which are expressly designated as a Building Area or a Future Building Area on the Site Plan.

(v) No charge of any type shall be made to or collected from any Property Owner, Occupant or Space Tenant (and/or their tenants, licensees, invitees, employees, contractors and customers) for the right to park vehicles in the Shopping Center Parking Area, except for (1) reimbursement for such maintenance and other costs as may be provided for in any lease or other agreement with any Property Owner, Occupant or Space Tenant, and (2) Common Area Maintenance Expenses pursuant to Section 6.3 below. Nothing herein, however, shall prohibit Declarant from charging any Person for the lighting of the Shopping Center Parking Area after the ordinary operating hours of the Shopping Center. Further, nothing herein shall

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prohibit SMLP (or any Persons expressly authorized by SMLP) from providing and charging for valet parking services to patrons of the Shopping Center who wish to utilize such services.

(vi) Declarant shall have the right, but not the obligation, to develop parking decks (above ground or underground) on the Shopping Center Parking Area and/or to develop additional areas as Parking Area on land outside the Ring Road (the "Satellite Parking Areas"). The Satellite Parking Areas may be located within or outside of the Total Parcel and, at the discretion of Declarant, may be made available for parking by Persons who are not patrons or customers of the Shopping Center. Any and all parking spaces contained in Satellite Parking Areas shall be deemed to be located in the Shopping Center Parking Area, for the purposes of calculating the parking requirements set forth in this Subsection (b).

(c) Grant of Project Sidewalk Easements and other Common Area Easements.

(i) Declarant grants, creates, declares and reserves for itself a perpetual, non exclusive easement, for the benefit of the Mall Parcel and the Residual Land and all portions thereof, in, on and over (1) any Project Sidewalks located or to be located from time to time on the Total Parcel, for the purpose of pedestrian access, ingress and egress to and from each Property and for unobstructed pedestrian passage and circulation, and (2) the other Common Areas of the Total Parcel which are not otherwise specifically provided for in this Article 2, for the purposes for which such Common Areas are created and designed, as designated by Declarant in writing from time to time herein, on the Site Plan or in a recorded amendment hereto.

(ii) The provisions of this Subsection (c) shall terminate on the date of expiration or sooner termination of this Master Declaration, except as to portions of the Project Sidewalks or the other Common Areas that shall be lawfully dedicated, with respect to which such easements shall terminate upon such dedication and the proper acceptance thereof; provided, however, that in the event any portion(s) of the Project Sidewalks or other Common Areas are so dedicated and Declarant or either Party remains liable for the maintenance thereof or for the cost of maintenance thereof, the costs so incurred shall be Common Area Maintenance Expenses hereunder.

(d) General Principles, Restrictions and Reservations. Notwithstanding anything to the contrary contained in Subsections 2.1(a)-(c), inclusive, above, the grant of the easements under such subsections shall be subject to the following terms and provisions and shall include the following rights and shall be subject to the following restriction and reservations:

(i) Each of the easements granted and created under Sections 2.1(a)-(c), inclusive, shall be effective from and after the date on which the particular portion of the Project Roads, Shopping Center Parking Area, Project Sidewalks and/or Common Areas covered thereby, as applicable, to which such easement pertains is first constructed and open for use.

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

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Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: RK Hotel Group, LLC	NAME: Sugarloaf Mills Residual Limited Partnership
ADDRESS: c/o Blum & Campbell, LLC 3000 Langford Road, Building 100	ADDRESS: PO Box 6120
CITY: Peachtree Corners	CITY: Indianapolis
STATE: Georgia ZIP: 30071	STATE: IN ZIP: 46206
PHONE: 470-365-2890	PHONE: 317-263-1600
EMAIL: jody@blumcampbell.com	EMAIL: dlindqui@simon.com
CONTACT PERSON: Jody Charles Campbell PHONE: 470-365-2890	
CONTACT'S E-MAIL: jody@blumcampbell.com	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

ZONING DISTRICTS(S): C-2 (General Business District) Civic Center Overlay District PRIORITY ZONING CASE: RZC-01-028

PARCEL NUMBER(S): R7081 130 ACREAGE: 1.732 acres

ADDRESS OF PROPERTY: 1959 Duluth Highway, Lawrenceville, Georgia 30043

PROPOSED CHANGE IN CONDITIONS: Change in Condition I(B) to eliminate restriction that any hotel of office building "be located between North Brown Road and Interstate 85."

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/LOTS: 1
DWELLING UNIT SIZE (Sq. Ft.): _____	TOTAL GROSS SQUARE FEET: 61,327
GROSS DENSITY: _____	DENSITY: 114 rooms, 63 parking spaces
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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10/6/2022

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

CHANGE IN CONDITIONS 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

10/6/2022

Date

Brian J. McDade - Executive Vice President (as agent of Property Owner)

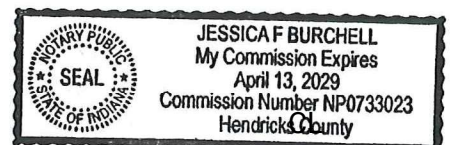
Type or Print Name and Title

Signature of Notary Public

10-6-22

Date

Notary Seal



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Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS 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.



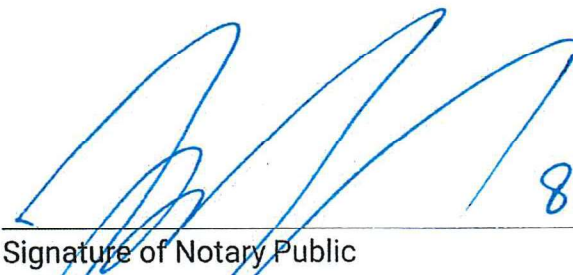
Signature of Applicant




Date




Type or Print Name and Title



Signature of Notary Public



Date



Notary Seal

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Change in Conditions Application
Last Updated 5/2021

**VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS**

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:	7th	81	R7081 130
(Map Reference Number)	District	Land Lot	Parcel

[Signature] 31st Aug 2022
 Signature of Applicant Date

Denis Barstoft
 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)

<u><i>[Signature]</i></u>	<u>TSA II</u>
NAME	TITLE

10/6/2022
 DATE

There are no delinquent taxes for 2021 property taxes due.

Exhibit F: Internal and External Agency Review Comments

[attached]



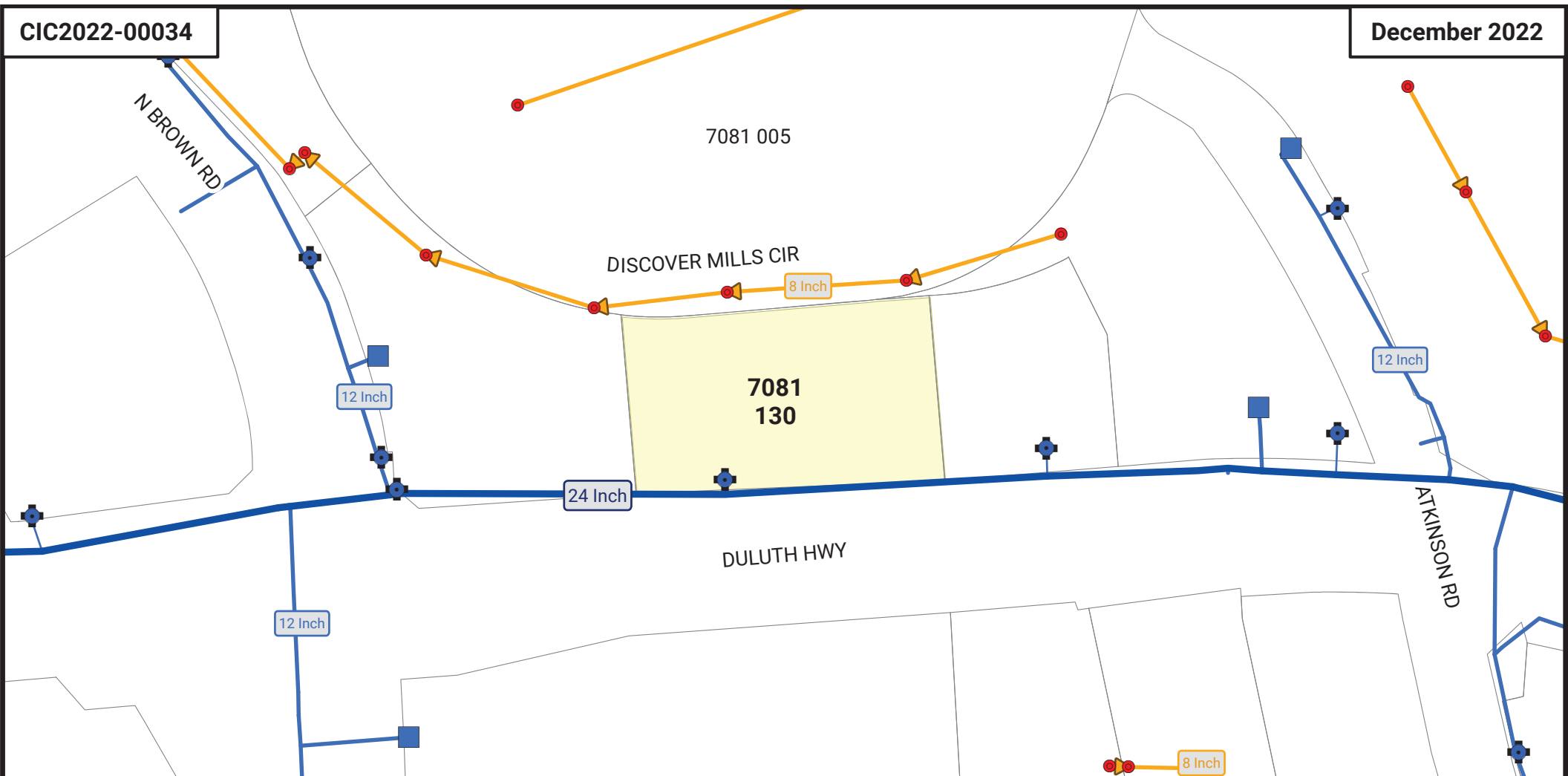
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		11.9.2022	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		CIC2022-00034	
Case Address:		1959 Duluth Highway	
Comments:		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
1	Duluth Highway (SR 120) is a major arterial. ADT = 21,900.		
2	500' to the nearest transit facility (#2335340) Sugarloaf Mills at the Discount Tire Company.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			



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

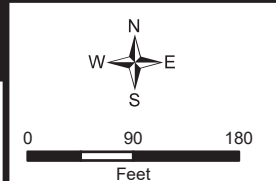
TRC Meeting Date:				
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcounty.com		
Case Number:		CIC2022-00034		
Case Address:		1959 Duluth Highway		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The developer shall connect to an existing 12-inch water main located approximately 330 ft west on the eastern right-of-way of North Brown Road. Connection to the 24-inch transmission main along Duluth Highway is not permitted.			
2	Sewer: A Sewer Capacity Certification is required to confirm capacity. Pending available capacity, the development may connect to an existing 8-inch gravity sewer main approximately 25 ft from the property boundary on Parcel 7081 005. An easement will be required.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1				
2				
3				
4				
5				
6				
7				



LEGEND

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

1959 Duluth Highway
C-2
Water & Sewer
Utility Map



LOCATION



Water Comments: The developer shall connect to an existing 12-inch water main located approximately 330 ft west on the eastern right-of-way of North Brown Road. Connection to the 24-inch transmission main along Duluth Highway is not permitted.

Sewer Comments: A Sewer Capacity Certification is required to confirm capacity. Pending available capacity, the development may connect to an existing 8-inch gravity sewer main approximately 25 ft from the property boundary on Parcel 7081 005. An easement will be required.

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 site 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 G: RZC2001-00028 Resolution

[attached]

CASE NUMBER RZC-01-028

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

<u>Present</u>	<u>VOTE</u>
Wayne Hill, Chairman	<u>AYE</u>
Marcia Neaton-Griggs, District 1	<u>AYE</u>
Patti Muise, District 2	<u>AYE</u>
John Dunn, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

On motion of COMM. NEATON-GRIGGS, which carried 5-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from C-2 to C-2 (CHANGE IN CONDITIONS) by SUGARLOAF MILLS RESIDUAL LTD. for the proposed use of COMMERCIAL/RETAIL (CHANGE IN CONDITIONS) on a tract of land described by the attached legal description, which

is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JULY 24 , 2001 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 24TH day of JULY , 2001, that the aforesaid application to amend the Official Zoning Map from C-2 to C-2 (CHANGE IN CONDITIONS) is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Retail and service commercial and accessory uses excluding the following retail and service uses as listed in Section 1308 of the Zoning Resolution A.1. (Adult Entertainment Establishments) and A.12. (Billboards).
 - B. Limit the height of the mall complex to a height not to exceed 90 feet. Any hotel or office buildings shall be limited to a height of no more than twelve stories and be located between North Brown Road and Interstate 85.
 - C. Development shall be in general accordance with the revised site plan for Sugarloaf Mills prepared by Precision Planning, Inc. and dated August 27, 1998. These rezonings are approved with these conditions with the intent to allow the development of a project in general accordance with that as shown on the

applicant's site plan referenced above. It is not the intent of this board to rezone these parcels as C-2 to allow them to be developed in a "piecemeal" fashion inconsistent with the plans submitted by the applicant. There shall be no more than 18 outparcels. Outparcels shall not have direct access to Sugarloaf Parkway or Duluth Highway, except for the driveway between parcels B-4 and B-5 already approved and permitted by the Georgia Department of Transportation. No more than seven of these outparcels shall permit drive-through users.

2. To satisfy the following site development considerations:
 - A. Provide a 75-foot buffer, with 50-feet to be natural and undisturbed and the remaining 25-feet to be disturbed and enhanced, adjacent to residentially-zoned property. In conjunction with the issuance of a development permit, the applicant agrees to and shall donate to Gwinnett County, Georgia for green space and natural area Parcel H-1 (approximately 8.48 acres) located on the northern side of Sugarloaf Parkway.
 - B. Provide a minimum 100 foot wide tree save/passive recreation area between the Mall complex and the right-of-way of Sugarloaf Parkway. A landscaping plan incorporating existing mature trees shall be submitted. This area shall also include sidewalks, pedestrian lighting, benches and open grassed area.
 - C. Provide a ten-foot wide landscaped strip outside the dedicated rights-of-way of all road frontages.
 - D. Provide a five-foot wide landscaped strip adjacent to all internal property lines.
 - E. No billboards shall be permitted.
 - F. Dumpsters shall be screened by a fence or wall.
 - G. Provide interparcel access throughout the development, and as required by the Development Division.

- H. Lighting shall be contained in cut-off type luminaries which do not reflect into nearby residential properties.
- I. No outdoor loudspeaker systems shall be allowed.
- J. All development shall conform to a unified development design plan to be incorporated into recorded covenants governing the overall development. This plan shall govern architectural design and exterior finish materials, signage and landscaping, and shall be submitted for review and approval prior to the issuance of any permit. The architectural design and plans for the exterior of the mall buildings shall be submitted to and approved by the Director, Department of Planning and Development. Any modifications and revisions to such plans once approved shall be subject to additional review and approval by the Director as foresaid.
- K. No outdoor storage, temporary uses, tents or displays shall be permitted.
- L. Provide landscaped throughout all surface parking areas and submit landscape plans for review and approval by the Director of Planning and Development. The number and height of the trees to be included in applicant's landscape plan for the parking areas shall not be less than what would be required by Staff's recommended condition 2.L.
- M. The number, design and location of all exits/entrances for the development shall be subject to the review and approval of the Gwinnett Department of Transportation.
- N. The number, design and location of median breaks along all proposed public roads within the development shall be subject to the review and approval of the Gwinnett County Department of Transportation.
- O. Dedicate right-of-way and construct all other proposed public roads within the development subject to the review and approval of the Gwinnett County Department of Transportation.

P. At the time of issuance of a development permit, provide, at a minimum, five-foot wide sidewalks per specifications of the Gwinnett County Development Regulations in the following areas:

- (1) along both sides of Sugarloaf Parkway except Parcels H1 and G1.
- (2) along both sides of North Brown Road except Parcel H1. Adjacent to North Brown Road construct an eight-foot wide multi-use path on one side of the road.
- (3) along the property frontage of Georgia Highway 120, except on Parcel A1.
- (4) with respect to other public and/or internal roads, provide a pedestrian circulation plan which shall be subject to the approval of the Director of Planning and Development.

3. To abide by the following requirements, dedications and improvements:

A. Prior to the issuance of the first certificate of occupancy, developer will design and install traffic signals at the following locations subject to approval of design plans by Gwinnett County Department of Transportation:

- (1) North Brown Road and Northern Main Access Driveway.
- (2) North Brown Road and Southern Main Access Driveway.

B. Prior to the issuance of the first certificate of occupancy, design and implement traffic signal modification, to include new signal heads and signal timing plans, subject to approval of the Gwinnett Department of Transportation and Georgia Department of Transportation at the following intersections:

- (1) State Road 120 and North Brown Road
- (2) State Road 120 and Atkinson Road
- (3) State Road 120 and Sugarloaf Parkway
- (4) Sugarloaf Parkway and North Brown Road

- C. Subject to approval of Gwinnett County Department of Transportation, dedicate all necessary rights-of-way and easements, design, and construct relocated North Brown Road as a four-lane roadway, with median, auxiliary turn lanes, and bikeway, from State Road 120 through Sugarloaf Parkway to the northern property boundary of parcel G-1.
- D. Subject to the approval of Gwinnett County Department of Transportation, dedicate rights-of-way and easements, design and construct the following intersection modifications:
- (1) State Road 120 at North Brown Road
 - (a) Add right turn lane and shared right/through lane from southbound North Brown Road to westbound State Road 120.
 - (b) Add dual left turn lanes from eastbound State Road 120 to northbound North Brown Road.
 - (c) Add right turn lane from westbound State Road 120 to northbound North Brown Road.
 - (2) State Road 120 at Atkinson Road
 - (a) Add dual left turn lanes from eastbound State Road 120 to northbound site driveway.
 - (3) Sugarloaf Parkway at North Brown Road
 - (a) Add right turn lanes on the northbound and southbound approaches of North Brown Road.
 - (b) Add free flow right turn lane from eastbound Sugarloaf Parkway to southbound North Brown Road with the extra lane to be carried to the first signalized driveway intersection on North Brown Road.

- (4) Sugarloaf Parkway at site driveway
 - (a) Install traffic signals and add dual left turn lanes from Sugarloaf Parkway into site driveway at proposed signalized major project access drive prior to the issuance of a certificate of occupancy for a movie theater or additional retail expansion containing more than 50,000 square feet.

All intersection designs must be approved by Gwinnett County Department of Transportation and/or State of Georgia Department of Transportation.

- E. Prior to issuance of a development permit, provide an Alternate Mode Transportation Plan subject to approval by the Gwinnett County Department of Transportation and the Gwinnett County Planning and Development Department. At minimum this plan should include:
 - (1) In conjunction with the applicant's purchase of the property, the applicant agrees to and shall provide designated parking for Gwinnett County, Georgia's Park-n-Ride program not to exceed 10 acres and shall construct a bus transfer facility on property that is either on or adjacent to the mall site pursuant to a publicly recorded agreement between the applicant and Gwinnett County, Georgia.
 - (2) Dedicated electric vehicle recharging spaces for use by the general public.
 - (3) Incorporation of alternate fuel vehicles for on-site maintenance and services.
 - (4) Pedestrian facilities.
 - (5) Bicycle facilities.
 - (6) Provision of shuttle and bus drop-off/pick-up area near main building entrances.

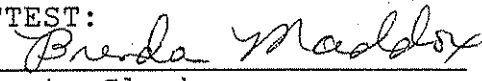
In addition, the plan should provide details concerning proposed leadership by the developer in a Transportation Management Association in the vicinity of the site.

- F. Applicant will work to establish an overlay district for the site within a 90-day period.

WINNETT COUNTY BOARD OF COMMISSIONERS

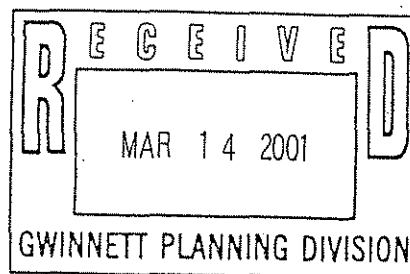
By: 
R. Wayne Hill, Chairman

Date Signed: Aug. 8, 2001

ATTEST:

County Clerk

feet, being subtended by a chord of North 32 degrees 39 minutes 24 seconds West for a distance of 147.48 feet to an iron pin set; THENCE North 41 degrees 56 minutes 31 seconds West for a distance of 11.10 feet to an iron pin set; THENCE along a curve to the left having a radius of 29.00 feet and an arc length of 46.39 feet, being subtended by a chord of North 87 degrees 45 minutes 55 seconds West for a distance of 41.60 feet to an iron pin set; THENCE South 46 degrees 24 minutes 42 seconds West for a distance of 193.70 feet to an iron pin set, said iron pin set being the TRUE POINT OF BEGINNING.

Said tract of land containing 98.44 acres and being shown as Tract PROPER on and described according to that certain plat titled "Subdivision Plat For The Mills Corporation", by Landair Surveying, Inc., dated March 13, 2001 and bearing the seal of Jon G. Adams, Georgia RLS # 2768, which survey is hereby made part of this legal description by this reference.

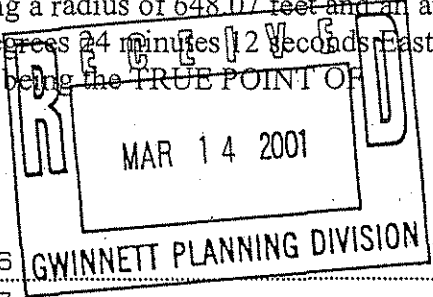


LEGAL DESCRIPTION

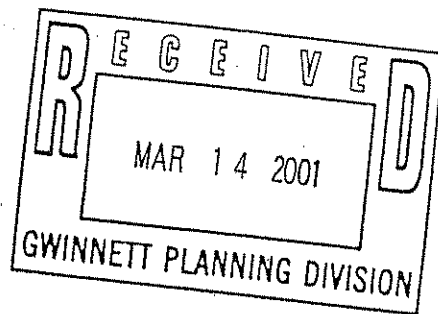
Block A

All that tract or parcel of land lying in and being part of Land Lots 81 and 115, 7th District, Gwinnett County, Georgia and being more particularly described as follows:

From the TRUE POINT OF BEGINNING, being an iron pin set lying on the northwesterly mitered right-of-way intersection of State Route 120 (R/W Varies) and proposed North Brown Road (120' R/W); THENCE proceed along said right-of-way of State Route 120, South 46 degrees 27 minutes 36 seconds West for a distance of 31.11 feet to an iron pin set; THENCE South 86 degrees 24 minutes 51 seconds West for a distance of 284.60 feet to an 1/2" rebar found; THENCE leaving said right-of-way of State Route 120 proceed, North 29 degrees 30 minutes 24 seconds West for a distance of 686.42 feet to an iron pin set; THENCE North 29 degrees 30 minutes 01 seconds West for a distance of 119.56 feet to an iron pin set; THENCE North 29 degrees 29 minutes 51 seconds West for a distance of 267.87 feet to an iron pin set lying on the easterly right-of-way line of Interstate 85 (R/W Varies); THENCE along said right-of-way line of Interstate 85 along a curve to the right having a radius of 1810.20 feet and an arc length of 159.28 feet, being subtended by a chord of North 06 degrees 36 minutes 09 seconds West for a distance of 159.23 feet to a point; THENCE along a curve to the right having a radius of 1810.20 feet and an arc length of 31.78 feet, being subtended by a chord of North 03 degrees 34 minutes 44 seconds West for a distance of 31.78 feet to an iron pin set; THENCE leaving the right-of-way of said I-85, North 60 degrees 44 minutes 00 seconds East for a distance of 114.52 feet to an iron pin set; THENCE South 75 degrees 20 minutes 34 seconds East for a distance of 62.15 feet to an iron pin set lying on the westerly right-of-way line of proposed North Brown Road; THENCE proceed along said right-of-way of proposed North Brown Road along a curve to the left having a radius of 632.96 feet and an arc length of 430.80 feet, being subtended by a chord of South 24 degrees 06 minutes 30 seconds East for a distance of 422.53 feet to a point; THENCE South 43 degrees 35 minutes 34 seconds East for a distance of 9.29 feet to an iron pin set; THENCE South 46 degrees 24 minutes 42 seconds West for a distance of 20.07 feet to an iron pin set; THENCE South 43 degrees 35 minutes 18 seconds East for a distance of 147.65 feet to an iron pin set; THENCE North 46 degrees 24 minutes 42 seconds East for a distance of 20.08 feet to an iron pin set; THENCE South 43 degrees 34 minutes 53 seconds East for a distance of 360.56 feet to a point; THENCE along a curve to the right having a radius of 656.20 feet and an arc length of 195.83 feet, being subtended by a chord of South 35 degrees 01 minutes 55 seconds East for a distance of 195.10 feet to an iron pin set; THENCE along a curve to the right having a radius of 656.20 feet and an arc length of 195.83 feet, being subtended by a chord of South 35 degrees 01 minutes 55 seconds East a distance of 195.10 feet to a point; THENCE along a curve to the right having a radius of 648.07 feet and an arc length of 168.03 feet, being subtended by a chord of South 16 degrees 49 minutes 51 seconds East a distance of 167.56 feet to a point; THENCE along a curve to the right having a radius of 648.07 feet and an arc length of 45.24 feet, being subtended by a chord of South 07 degrees 24 minutes 12 seconds East a distance of 45.23 feet to an iron pin set, said iron pin set being the TRUE POINT OF BEGINNING.



Said tract of land containing 7.50 acres and being shown as Tract A on and described according to that certain plat titled "Subdivision Plat For The Mills Corporation", by Landair Surveying, Inc., dated March 13, 2001 and bearing the seal of Jon G. Adams, Georgia RLS # 2768, which survey is hereby made part of this legal description by this reference.

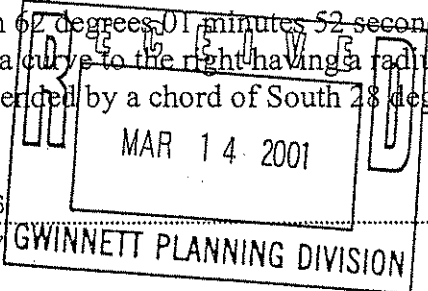


LEGAL DESCRIPTION

Block B

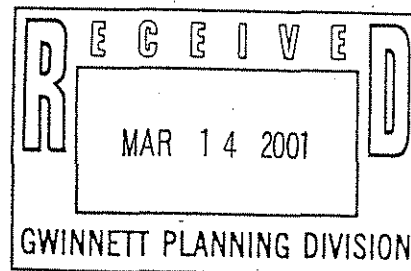
All that tract or parcel of land lying in and being part of Land Lot 81, 7th District, Gwinnett County, Georgia and being more particularly described as follows:

From the TRUE POINT OF BEGINNING, being an iron pin set on the northeasterly right-of-way intersection of State Route 120 (R/W Varies) and proposed North Brown Road (120' R/W); THENCE proceed along said right-of-way line of proposed North Brown Road, North 49 degrees 06 minutes 14 seconds West for a distance of 29.89 feet to an iron pin set; THENCE North 03 degrees 20 minutes 37 seconds West a distance of 40.54 feet to a point; THENCE South 86 degrees 38 minutes 13 seconds West a distance of 4.51 feet to a point; THENCE along a curve to the left having a radius of 776.20 feet and an arc length of 449.9 feet, being subtended by a chord of North 26 degrees 58 minutes 35 seconds West for a distance of 443.63 feet to a point; THENCE North 43 degrees 35 minutes 27 seconds West for a distance of 352.76 feet to an iron pin set; THENCE North 46 degrees 24 minutes 42 seconds East for a distance of 19.98 feet to an iron pin set; THENCE North 43 degrees 35 minutes 18 seconds West for a distance of 38.23 feet to an iron pin set; THENCE leaving said North Brown Road, North 46 degrees 24 minutes 42 seconds East for a distance of 193.70 feet to an iron pin set; THENCE along a curve to the right having a radius of 29.00 feet and an arc length of 46.39 feet, being subtended by a chord of South 87 degrees 45 minutes 55 seconds East for a distance of 41.60 feet to an iron pin set; THENCE South 41 degrees 56 minutes 31 seconds East for a distance of 11.10 feet to an iron pin set; THENCE along a curve to the right having a radius of 457.00 feet and an arc length of 148.12 feet, being subtended by a chord of South 32 degrees 39 minutes 24 seconds East for a distance of 147.48 feet to an iron pin set; THENCE South 23 degrees 22 minutes 17 seconds East for a distance of 134.82 feet to an iron pin set; THENCE along a curve to the right having a radius of 301.00 feet and an arc length of 50.67 feet, being subtended by a chord of South 18 degrees 32 minutes 57 seconds East for a distance of 50.61 feet to an iron pin set; THENCE along a curve to the left having a radius of 473.00 feet and an arc length of 316.76 feet, being subtended by a chord of South 32 degrees 54 minutes 43 seconds East for a distance of 310.87 feet to an iron pin set; THENCE along a curve to the left having a radius of 384.00 feet and an arc length of 286.43 feet, being subtended by a chord of South 73 degrees 27 minutes 56 seconds East for a distance of 279.84 feet to an iron pin set; THENCE North 85 degrees 09 minutes 56 seconds East for a distance of 209.72 feet to an iron pin set; THENCE along a curve to the left having a radius of 303.00 feet and an arc length of 217.91 feet, being subtended by a chord of North 64 degrees 33 minutes 44 seconds East for a distance of 213.25 feet to an iron pin set; THENCE North 34 degrees 28 minutes 08 seconds East for a distance of 99.92 feet to an iron pin set; THENCE North 23 degrees 52 minutes 16 seconds East a distance of 41.97 feet to an iron pin set on the northwest right-of-way of Atkinson Road; THENCE along a curve to the right having a radius of 29.00 feet and an arc length of 45.55 feet, being subtended by a chord of North 69 degrees 58 minutes 43 seconds East for a distance of 41.01 feet to an iron pin set; THENCE South 65 degrees 01 minutes 17 seconds East a distance of 49.53 feet to an iron pin set; THENCE along a curve to the right having a radius of 211.00 feet and an arc length of 22.02 feet, being subtended by a chord of South 62 degrees 01 minutes 52 seconds East a distance of 22.01 feet to an iron pin set; THENCE along a curve to the right having a radius of 1,594.38 feet and an arc length of 437.48 feet, being subtended by a chord of South 28 degrees 49



minutes 56 seconds East a distance of 436.11 feet to an iron pin set on the northwest intersection of Atkinson Road and Highway 120; THENCE along a curve turning to the right having a radius of 1530.41 feet and an arc length of 193.96 feet, being subtended by a chord of North 88 degrees 36 minutes 09 seconds West a distance of 193.83 feet to a right-of-way monument (disturbed); THENCE South 85 degrees 10 minutes 02 seconds West for a distance of 887.45 feet to an iron pin set, said iron pin set being the TRUE POINT OF BEGINNING.

Said tract of land containing 9.08 acres and being shown as Tract B on and described according to that certain plat titled "Subdivision Plat For The Mills Corporation", by Landair Surveying, Inc., dated March 13, 2001 and bearing the seal of Jon G. Adams, Georgia RLS # 2768, which survey is hereby made part of this legal description by this reference.



LEGAL DESCRIPTION

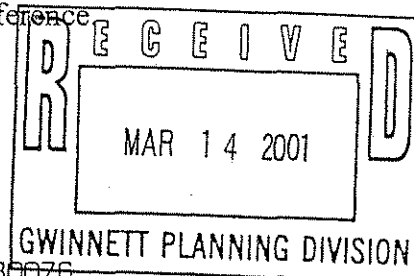
Block C

All that tract or parcel of land lying in and being part of Land Lot 81 and 115, 7th District, Gwinnett County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING commence at an iron pin set lying on the northeasterly right-of-way intersection of State Route 120 (R/W Varies) and proposed North Brown Road (120' R/W); THENCE proceed North 49 degrees 06 minutes 14 seconds West for a distance of 29.89 feet to an iron pin set; THENCE North 03 degrees 20 minutes 37 seconds West for a distance of 40.54 feet to an iron pin set; THENCE South 86 degrees 38 minutes 13 seconds West for a distance of 4.51 feet to an iron pin set; THENCE along a curve to the left having a radius of 776.20 feet and an arc length of 449.9 feet, being subtended by a chord of North 26 degrees 58 minutes 35 seconds West for a distance of 443.63 feet to a point; THENCE North 43 degrees 35 minutes 27 seconds West for a distance of 352.76 feet to an iron pin set; THENCE proceed North 46 degrees 24 minutes 42 seconds East a distance of 19.98 feet to an iron pin set, THENCE proceed North 43 degrees 35 minutes 18 seconds West a distance of 38.23 feet to an iron pin set, THENCE North 43 degrees 35 minutes 18 seconds West a distance of 80.00 feet to an iron pin set, said iron pin being the TRUE POINT OF BEGINNING.

From the TRUE POINT OF BEGINNING as thus established proceed along said right-of-way line of proposed North Brown Road North 43 degrees 35 minutes 18 seconds West for a distance of 29.61 feet to an iron pin set; THENCE South 46 degrees 24 minutes 42 seconds West for a distance of 19.99 feet to an iron pin set; THENCE North 43 degrees 35 minutes 34 seconds West for a distance of 16.82 feet to a point; THENCE along a curve to the right having a radius of 513.96 feet and an arc length of 538.42 feet, being subtended by a chord of North 13 degrees 31 minutes 06 seconds West for a distance of 514.13 feet to an iron pin set; THENCE leaving said right-of-way of proposed North Brown Road proceed North 81 degrees 12 minutes 58 seconds East for a distance of 30.01 feet to an iron pin set; THENCE along a curve to the left having a radius of 139.00 feet and an arc length of 80.71 feet, being subtended by a chord of South 25 degrees 18 minutes 31 seconds East for a distance of 79.58 feet to a point; THENCE South 41 degrees 56 minutes 31 seconds East for a distance of 370.67 feet to an iron pin set; THENCE along a curve to the right having a radius of 29.00 feet and an arc length of 44.72 feet, being subtended by a chord of South 02 degrees 14 minutes 05 seconds West for a distance of 40.42 feet to an iron pin set; THENCE South 46 degrees 24 minutes 42 seconds West for a distance of 197.66 feet to an iron pin set, said iron pin set being the TRUE POINT OF BEGINNING.

Said tract of land containing 2.09 acres and being shown as Tract C on and described according to that certain plat titled "Subdivision Plat For The Mills Corporation", by Landair Surveying, Inc., dated March 13, 2001 and bearing the seal of Jon G. Adams, Georgia RLS # 2768, which survey is hereby made part of this legal description by this reference



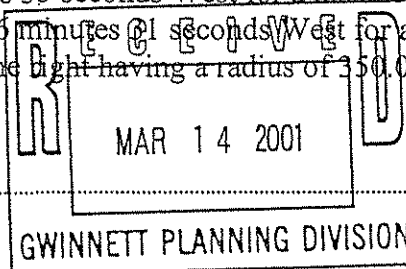
LEGAL DESCRIPTION

Block D

All that tract or parcel of land lying in and being part of Land Lot 81, 7th District, Gwinnett County, Georgia and being more particularly described as follows:

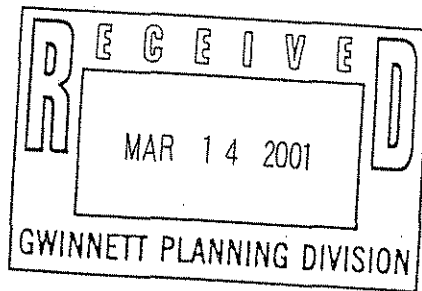
To find the TRUE POINT OF BEGINNING commence at an iron pin set lying on the northeasterly right-of-way intersection of State Route 120 (R/W Varies) and proposed North Brown Road (120' R/W); THENCE proceed North 49 degrees 06 minutes 14 seconds West for a distance of 29.89 feet to an iron pin set; THENCE North 43 degrees 35 minutes 27 seconds West for a distance of 40.54 feet to an iron pin set; THENCE South 86 degrees 38 minutes 13 seconds West for a distance of 4.51 feet to an iron pin set; THENCE along a curve to the left having a radius of 776.20 feet and an arc length of 449.9 feet, being subtended by a chord of North 26 degrees 58 minutes 35 seconds West for a distance of 443.63 feet to a point; THENCE North 43 degrees 35 minutes 27 seconds West for a distance of 19.98 feet to an iron pin set; THENCE proceed North 46 degrees 24 minutes 42 seconds East a distance of 193.70 feet to an iron pin set, THENCE proceed North 43 degrees 35 minutes 18 seconds West a distance of 38.23 feet to an iron pin set, THENCE North 43 degrees 35 minutes 18 seconds West a distance of 80.00 feet to an iron pin set; THENCE North 43 degrees 35 minutes 18 seconds West for a distance of 29.61 feet to an iron pin set; THENCE South 46 degrees 24 minutes 42 seconds West for a distance of 19.99 feet to an iron pin set; THENCE North 43 Degrees 35 Minutes 34 Seconds West for a distance of 16.82 feet, THENCE along a curve to the right having a radius of 513.96 feet and an arc distance of 538.42 feet being subtended by a chord of North 13 degrees 31 minutes 06 seconds West for a distance of 514.13 feet to a point; THENCE along a curve turning to the right having a radius of 513.96 feet and an arc distance of 39.74 feet being subtended by a chord of North 18 degrees 42 minutes 29 seconds East for a distance of 39.73 feet to a point; THENCE North 20 degrees 59 minutes 10 seconds East for a distance of 608.67 feet to a point, THENCE along a curve turning to the right having a radius of 512.96 feet and an arc distance of 444.95 feet said curve being subtended by a chord of North 45 degrees 50 minutes 09 seconds East for a distance of 431.13 feet to a point, THENCE North 70 degrees 41 minutes 09 Seconds East 354.37 feet to an iron pin set, said iron pin set being the TRUE POINT OF BEGINNING.

From the TRUE POINT OF BEGINNING as thus established proceed North 70 degrees 43 minutes 27 seconds East for a distance of 152.89 feet to a point; THENCE along a curve to the left having a radius of 1359.46 feet and an arc length of 263.06 feet, being subtended by a chord of North 65 degrees 33 minutes 01 seconds East for a distance of 262.65 feet to an iron pin set; THENCE South 34 degrees 14 minutes 08 seconds East for a distance of 14.00 feet to an iron pin set, THENCE along a curve to the left having a radius of 3105.61 feet and an arc length of 48.69 feet, being subtended by a chord of North 50 degrees 26 minutes 35 seconds East for a distance of 48.69 feet to an iron pin set; THENCE leaving said right of way of Proposed North Brown Road proceed South 39 degrees 05 minutes 21 seconds East for a distance of 172.25 feet to an iron pin set; THENCE along a curve to the right having a radius of 29.00 feet and an arc length of 46.41 feet, being subtended by a chord of South 06 degrees 45 minutes 35 seconds West for a distance of 41.62 feet to an iron pin set; THENCE South 52 degrees 36 minutes 01 seconds West for a distance of 7.34 feet to an iron pin set; THENCE along a curve to the right having a radius of 350.00 feet



and an arc length of 267.06 feet, being subtended by a chord of South 74 degrees 28 minutes 03 seconds West for a distance of 260.63 feet to an iron pin set; THENCE North 83 degrees 40 minutes 24 seconds West for a distance of 262.59 feet to an iron pin set; THENCE North 19 degrees 18 minutes 35 seconds West for a distance of 44.20 feet to an iron pin set on the southwesterly right of way of said Proposed North Brown Road, said iron pin set being the TRUE POINT OF BEGINNING.

Said tract of land containing 1.73 acres and being shown as Tract D on and described according to that certain plat titled "Subdivision Plat For The Mills Corporation", by Landair Surveying, Inc., dated March 13, 2001 and bearing the seal of Jon G. Adams, Georgia RLS # 2768, which survey is hereby made part of this legal description by this reference.



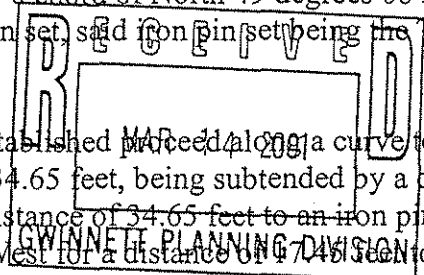
LEGAL DESCRIPTION

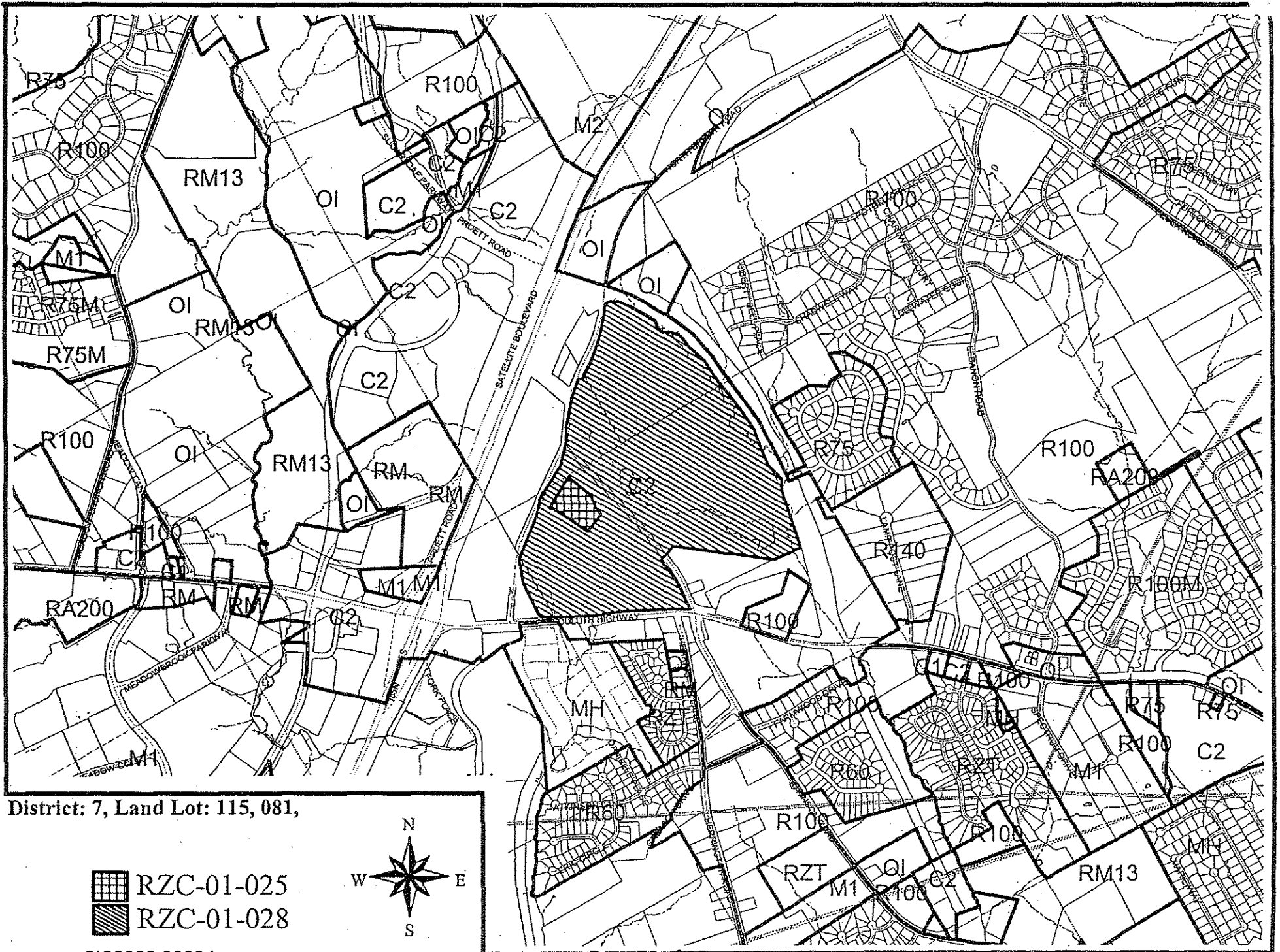
Block E

All that tract or parcel of land lying in and being part of Land Lot 115, 7th District, Gwinnett County, Georgia and being more particularly described as follows:



To find the TRUE POINT OF BEGINNING commence at an iron pin set lying on the northeasterly right-of-way intersection of State Route 120 (R/W Varies) and proposed North Brown Road (120' R/W); THENCE proceed North 49 degrees 06 minutes 14 seconds West for a distance of 29.89 feet to an iron pin set; THENCE North 43 degrees 35 minutes 27 seconds West for a distance of 40.54 feet to an iron pin set; THENCE South 86 degrees 38 minutes 13 seconds West for a distance of 4.51 feet to an iron pin set; THENCE along a curve to the left having a radius of 776.20 feet and an arc length of 449.9 feet, being subtended by a chord of North 26 degrees 58 minutes 35 seconds West for a distance of 443.63 feet to a point; THENCE North 43 degrees 35 minutes 27 seconds West for a distance of 352.76 feet to an iron pin set; THENCE proceed North 46 degrees 24 minutes 42 seconds East a distance of 19.98 feet to an iron pin set, THENCE proceed North 43 degrees 35 minutes 18 seconds West a distance of 38.23 feet to an iron pin set, THENCE North 43 degrees 35 minutes 18 seconds West a distance of 80.00 feet to an iron pin set; THENCE North 43 degrees 35 minutes 18 seconds West for a distance of 29.61 feet to an iron pin set; THENCE South 46 degrees 24 minutes 42 seconds West for a distance of 19.99 feet to an iron pin set; THENCE North 43 Degrees 35 Minutes 34 Seconds West for a distance of 16.82 feet to a point; THENCE along a curve to the right having a radius of 513.96 feet and an arc distance of 538.42 feet being subtended by a chord of North 13 degrees 31 minutes 06 seconds West for a distance of 514.13 feet to a point; THENCE along a curve turning to the right having a radius of 513.96 feet and an arc distance of 39.74 feet being subtended by a chord of North 18 degrees 42 minutes 29 seconds East for a distance of 39.73 feet to a point; THENCE North 20 degrees 59 minutes 10 seconds East for a distance of 608.67 feet to a point, THENCE along a curve turning to the right having a radius of 512.96 feet and an arc distance of 444.95 feet said curve being subtended by a chord of North 45 degrees 50 minutes 09 seconds East for a distance of 431.13 feet to a point, THENCE North 70 degrees 41 minutes 09 Seconds East 354.37 feet to an iron pin set, THENCE North 70 degrees 43 minutes 27 seconds East for a distance of 152.89 feet to a point; THENCE along a curve to the left having a radius of 1359.46 feet and an arc length of 263.06 feet, being subtended by a chord of North 65 degrees 33 minutes 01 seconds East for a distance of 262.65 feet to an iron pin set; THENCE South 34 degrees 14 minutes 08 seconds East for a distance of 14.00 feet to an iron pin set, THENCE along a curve to the left having a radius of 3105.61 feet and an arc length of 48.69 feet, being subtended by a chord of North 50 degrees 26 minutes 35 seconds East for a distance of 48.69 feet to an iron pin set; THENCE along a curve to the left having a radius of 3105.61 feet and an arc length of 92.05, said curve being subtended by a chord of North 49 degrees 08 minutes 41 seconds East for a distance of 92.04 feet to an iron pin set, said iron pin set being the TRUE POINT OF BEGINNING.

From the TRUE POINT OF BEGINNING as thus established proceed along a curve to the left having a radius of 3105.61 feet and an arc length of 34.65 feet, being subtended by a chord of North 47 degrees 58 minutes 34 seconds East for a distance of 34.65 feet to an iron pin set; THENCE North 43 degrees 55 minutes 43 seconds West for a distance of 7.45 feet to an iron pin





District: 7, Land Lot: 115, 081,

-  RZC-01-025
-  RZC-01-028

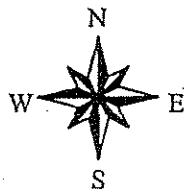


Exhibit H: Discover Mills Master Declaration of Easements, Covenants, Conditions, and Restrictions

[attached]

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0061

BK 22859 PG 0061 301659

182

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA.

01 APR 16 PM 4:15

TOM LAWLER, CLERK

Amend - 25712-188

After Recording Return To:

Lawrence J. Gould, Esq.
Arnall Golden & Gregory, LLP
1201 West Peachtree Street, Suite 2800
Atlanta, Georgia 30309-3450

**AFTER RECORDING RETURN TO
SLUTZKY, WOLFE AND BAILEY, LLP
2255 CUMBERLAND PARKWAY
BUILDING 1300
ATLANTA, GEORGIA 30339-4502**

DISCOVER MILLS

**MASTER DECLARATION OF
EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS**

DATED APRIL 16, 2001

MADE BY

**SUGARLOAF MILLS LIMITED PARTNERSHIP
and
SUGARLOAF MILLS RESIDUAL LIMITED PARTNERSHIP**

April 5, 2001

1339641v2

053538

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connected to the Enclosed Mall, no more than one (1) Building shall be erected on any Property, unless expressly approved by Declarant.

1.4 **Building Area.** "Building Area" means those areas of the Total Parcel designated from time to time by Declarant or the DRC for the location of Buildings and other above-ground improvements together with adjacent truck loading or delivery docks or areas, truck tunnels, ramps and wells, as the same shall be shown on the plans and specifications therefor which are approved by the DRC (as provided in Article 3). When a Future Building Area (as defined below) is improved with a Building, provided that Declarant or the DRC shall have approved the same in writing, it shall automatically thereafter be deemed to be a Building Area. Any enlargement of or addition to a Building Area, either by development of Buildings and improvements on Future Building Areas or as additional Buildings and improvements allowed hereunder, shall be included in the definition of Building Area for purposes of this Master Declaration, provided that such development is approved by Declarant or the DRC in accordance with this Declaration.

1.5 **Bus Parking Areas.** "Bus Parking Areas" means the portion(s) of the Parking Area (hereinafter defined) designed and intended primarily for bus parking. The intended initial location of the Bus Parking Areas may be designated on the Site Plan, but shall be subject to relocation from time to time by Declarant or the DRC.

1.6 **City.** "City" shall mean any municipal corporation having jurisdiction over the Total Parcel.

1.7 **Common Areas.** "Common Areas" means all areas of the Total Parcel identified as such on the Site Plan or from time to time so designated by Declarant for the non-exclusive use or benefit of Declarant and the other Occupants, in common, pursuant and subject to the terms of this Master Declaration, including but not limited to the Project Roads (including landscaped medians and right-of-way areas pertaining to the Project Roads), the Shopping Center Parking Area, the Satellite Parking Areas (if any), the Bus Parking Areas, the Project Sidewalks, the Common Utility Facilities, the Pylon Sign Easement Areas (together with the Pylon Signs and the utility lines servicing the Pylon Signs), the Additional Easement Areas, the Enclosed Mall (except for those portions of the Enclosed Mall which are specifically designed and intended for occupancy by individual Occupants or Space Tenants), the Landscape Buffers (if and to the extent designated as "Common Areas" by Declarant pursuant to Section 2.7 below), and any other areas within the Total Parcel that may hereafter be specifically designated in writing as Common Areas by Declarant. "Common Areas" also shall include those improvements and facilities which pertain to the function of the Common Areas, such as (without limitation) lighting systems and standards, traffic and directional signs, and traffic striping and markings that are or may be hereafter installed or located within or about the Common Areas specified above.

1.8 **Common Utility Facilities.** "Common Utility Facilities" means, subject to the terms and restrictions of Section 2.1 hereof, all storm drainage facilities (including, without limitation, any catch basins), sanitary sewer systems, natural gas systems, water lines and systems, fire protection mains and fire hydrants, electrical power systems, television cable systems, if any, and telecommunication systems, which serve the Enclosed Mall and/or more than one Property and which may now or hereafter be situated in, on, under, over or outside of (but servicing) any portion of the Total Parcel. Notwithstanding the foregoing, the term "Common Utility Facilities" shall not include any utility lines and facilities which are designed and intended to service only one Property (other than the Enclosed Mall) within the Total Parcel. All utility lines servicing the Enclosed Mall or the Pylon Signs shall be considered Common Utility Facilities. Common Utility Facilities may or may not be owned by Declarant, and/or may be owned by or dedicated to a municipal authority, utility company or utility cooperative (whether public, quasi-public or private) or governmental agency that provides the applicable utility service.

1.9 **Constant Dollars.** "Constant Dollars" shall mean an adjustment made to a certain dollar amount by multiplying such dollar amount by a fraction the numerator of which is the Consumer Price Index as of the date that such adjustment is being made, and the denominator of which is the Consumer Price Index as of the date of this Master Declaration.

1.10 **Consumer Price Index.** "Consumer Price Index" shall mean the Consumer Price Index for All Urban Consumers (1982-1984 = 100), U. S. City Average All Items promulgated by the Bureau of Labor Statistics of the United States Department of Labor or, if unavailable or no longer published, a substitute index designated by Declarant and ascertainable by the general public that is intended to measure or reflect relative increases and decreases in consumer prices over time.

1.11 **County.** "County" means Gwinnett County, Georgia, and the respective agencies thereof.

1.12 **Declarant.** "Declarant" shall mean SMLP and Residual and shall also include (i) with respect to SMLP, its successors to the entire fee interest of SMLP in and to the Enclosed Mall, including, without limitation, any lender of SMLP which, pursuant to a foreclosure action or a deed in lieu of foreclosure, shall obtain possession of or fee title to the entire Enclosed Mall, and (ii) with respect to Residual, its successors to the entire fee interest of Residual in and to the then undeveloped portions of the Residual Land (including, without limitation, any lender of Residual which, pursuant to a foreclosure action or a deed in lieu of foreclosure, shall obtain possession of or fee title to the undeveloped portions of the Residual Land), as expressly designated in writing by Residual and then only upon the express written consent of SMLP, it being agreed that, upon sale or other conveyance of the entire fee interest of Residual in and to the then undeveloped portions of the Residual Land, SMLP shall succeed to the interest of Residual hereunder (without the necessity of express assignment from Residual, and without effecting the merger and/or termination of this Master Declaration), unless Residual shall

(b) Grant of Shopping Center Parking Area and Sidewalk Easements.

(i) Declarant grants, creates, declares and reserves for itself a perpetual, non exclusive easement, for the benefit of the Mall Parcel and all portions thereof in, on and over the Shopping Center Parking Area and the sidewalks located or to be located on the Mall Parcel (other than the Project Sidewalks, which shall be subject to the terms, provisions and easements set forth in Section 2.1(c) below) for the following purposes, but in all cases subject to this Master Declaration and any rules, regulations or restrictions adopted by Declarant pursuant hereto: (A) in the case of the Shopping Center Parking Area, (1) vehicular and pedestrian ingress to and egress from each portion of the Mall Parcel and the remainder thereof, (2) parking of motor vehicles, and (3) vehicular passage and circulation; and (B) in the case of the Project Sidewalks, (1) pedestrian ingress and egress to, from and between each portion of the Mall Parcel and the remainder thereof, and (2) unobstructed pedestrian passage and circulation.

(ii) Notwithstanding the foregoing provisions of this Subsection (b) or any other provision of this Master Declaration, Declarant shall have the right, at its sole option, to construct (or cause or permit to be constructed) any Buildings or improvements that it may desire in any Building Area and/or Future Building Area, or in any other portion of the Total Parcel which it may elect, in its discretion, to designate as a Building Area or Future Building Area; provided, however, that neither Declarant nor the Property Owner of any Property within the Mall Parcel shall construct or cause to be constructed any Buildings or improvements in any area if and to the extent that such construction would result in a reduction in the number of parking spaces in the Mall Parcel or any Property therein below the number of parking spaces required to be maintained pursuant to applicable Laws, unless Declarant in its discretion develops alternate parking areas which satisfy the requirements of such Laws.

(iii) The easements and other provisions of this Subsection (b) shall terminate on the date of expiration or sooner termination of this Master Declaration.

(iv) No Property Owner or Occupant of any Property in the Mall Parcel (other than Declarant) shall construct or permit to be constructed any Buildings or other structures in the Shopping Center Parking Area located on its Property, except in the portions thereof, if any, which are expressly designated as a Building Area or a Future Building Area on the Site Plan.

(v) No charge of any type shall be made to or collected from any Property Owner, Occupant or Space Tenant (and/or their tenants, licensees, invitees, employees, contractors and customers) for the right to park vehicles in the Shopping Center Parking Area, except for (1) reimbursement for such maintenance and other costs as may be provided for in any lease or other agreement with any Property Owner, Occupant or Space Tenant, and (2) Common Area Maintenance Expenses pursuant to Section 6.3 below. Nothing herein, however, shall prohibit Declarant from charging any Person for the lighting of the Shopping Center Parking Area after the ordinary operating hours of the Shopping Center. Further, nothing herein shall

prohibit SMLP (or any Persons expressly authorized by SMLP) from providing and charging for valet parking services to patrons of the Shopping Center who wish to utilize such services.

(vi) Declarant shall have the right, but not the obligation, to develop parking decks (above ground or underground) on the Shopping Center Parking Area and/or to develop additional areas as Parking Area on land outside the Ring Road (the "Satellite Parking Areas"). The Satellite Parking Areas may be located within or outside of the Total Parcel and, at the discretion of Declarant, may be made available for parking by Persons who are not patrons or customers of the Shopping Center. Any and all parking spaces contained in Satellite Parking Areas shall be deemed to be located in the Shopping Center Parking Area, for the purposes of calculating the parking requirements set forth in this Subsection (b).

(c) **Grant of Project Sidewalk Easements and other Common Area Easements.**

(i) Declarant grants, creates, declares and reserves for itself a perpetual, non exclusive easement, for the benefit of the Mall Parcel and the Residual Land and all portions thereof, in, on and over (1) any Project Sidewalks located or to be located from time to time on the Total Parcel, for the purpose of pedestrian access, ingress and egress to and from each Property and for unobstructed pedestrian passage and circulation, and (2) the other Common Areas of the Total Parcel which are not otherwise specifically provided for in this Article 2, for the purposes for which such Common Areas are created and designed, as designated by Declarant in writing from time to time herein, on the Site Plan or in a recorded amendment hereto.

(ii) The provisions of this Subsection (c) shall terminate on the date of expiration or sooner termination of this Master Declaration, except as to portions of the Project Sidewalks or the other Common Areas that shall be lawfully dedicated, with respect to which such easements shall terminate upon such dedication and the proper acceptance thereof; provided, however, that in the event any portion(s) of the Project Sidewalks or other Common Areas are so dedicated and Declarant or either Party remains liable for the maintenance thereof or for the cost of maintenance thereof, the costs so incurred shall be Common Area Maintenance Expenses hereunder.

(d) **General Principles, Restrictions and Reservations.** Notwithstanding anything to the contrary contained in Subsections 2.1(a)-(c), inclusive, above, the grant of the easements under such subsections shall be subject to the following terms and provisions and shall include the following rights and shall be subject to the following restriction and reservations:

(i) Each of the easements granted and created under Sections 2.1(a)-(c), inclusive, shall be effective from and after the date on which the particular portion of the Project Roads, Shopping Center Parking Area, Project Sidewalks and/or Common Areas covered thereby, as applicable, to which such easement pertains is first constructed and open for use.

Exhibit I: Maps

[attached]



N BROWN RD
N BROWN RD

ATKINSON RD

DISCOVER MILLS CIR

DULUTH HWY


DULUTH HWY

INRIDGE BLVD

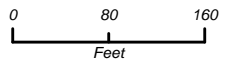
DGE BLVD

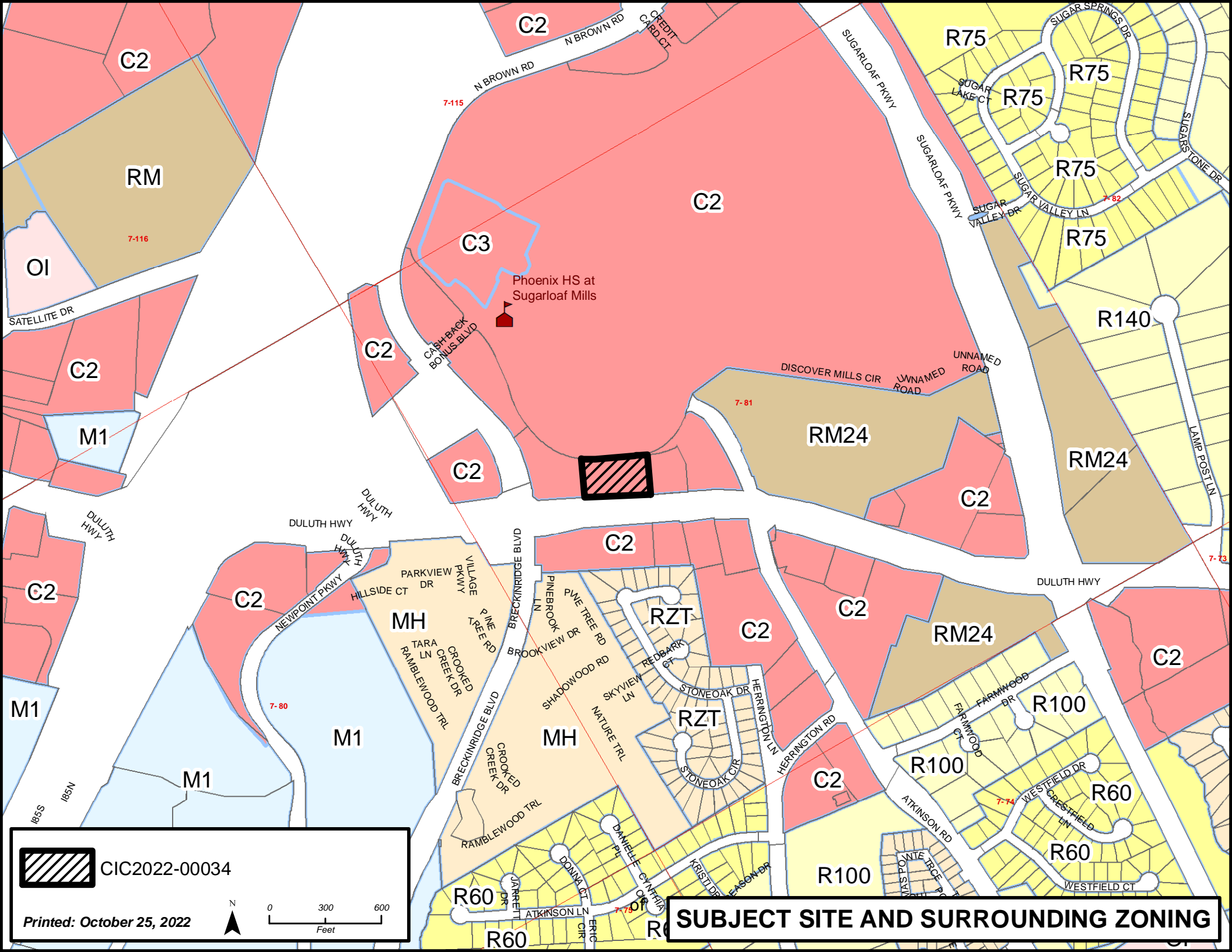
VILLAGE
PKWY

STONEOAK DR

 CIC2022-00034

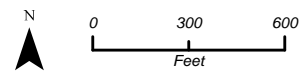
Printed: October 25, 2022



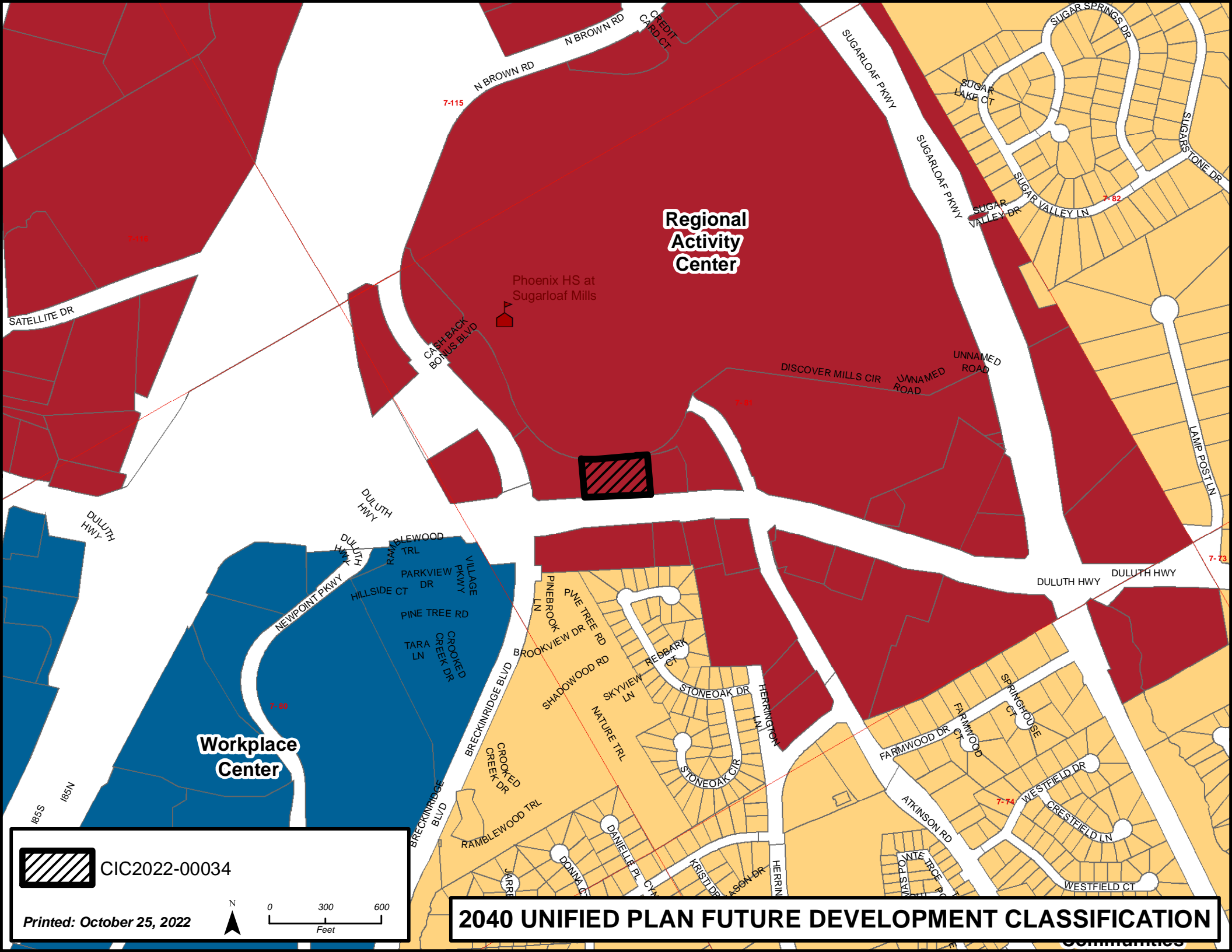


 CIC2022-00034

Printed: October 25, 2022




SUBJECT SITE AND SURROUNDING ZONING



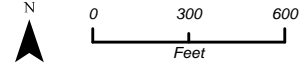
Regional Activity Center

Phoenix HS at Sugarloaf Mills

Workplace Center

 CIC2022-00034

Printed: October 25, 2022



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

RECEIVED

10/6/2022

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: RK Hotel Group, LLC	NAME: Sugarloaf Mills Residual Limited Partnership
ADDRESS: c/o Blum & Campbell, LLC 3000 Langford Road, Building 100	ADDRESS: PO Box 6120
CITY: Peachtree Corners	CITY: Indianapolis
STATE: Georgia ZIP: 30071	STATE: IN ZIP: 46206
PHONE: 470-365-2890	PHONE: 317-263-1600
EMAIL: jody@blumcampbell.com	EMAIL: dlindqui@simon.com
CONTACT PERSON: Jody Charles Campbell PHONE: 470-365-2890	
CONTACT'S E-MAIL: jody@blumcampbell.com	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

ZONING DISTRICTS(S): C-2 (General Business District) Civic Center Overlay District PRIOR ZONING CASE: RZC-01-028

PARCEL NUMBER(S): R7081 130 ACREAGE: 1.732 acres

ADDRESS OF PROPERTY: 1959 Duluth Highway, Lawrenceville, Georgia 30043

PROPOSED CHANGE IN CONDITIONS: Change in Condition I(B) to eliminate restriction that any hotel of office building "be located between North Brown Road and Interstate 85."

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/LOTS: 1
DWELLING UNIT SIZE (Sq. Ft.): _____	TOTAL GROSS SQUARE FEET: 61,327
GROSS DENSITY: _____	DENSITY: 114 rooms, 63 parking spaces
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

10/6/2022

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

CHANGE IN CONDITIONS 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.

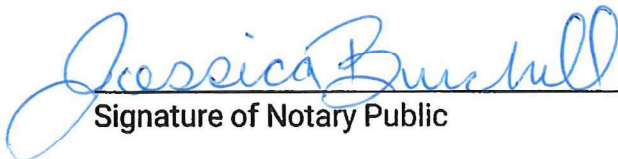


Signature of Property Owner

10/6/2022

Date

Brian J. McDade - Executive Vice President (as agent of Property Owner)
Type or Print Name and Title

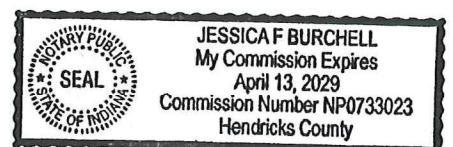


Signature of Notary Public

10-6-22

Date

Notary Seal



RECEIVED

10/6/2022

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

See attached

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

See attached

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

See attached

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

See attached

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

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 CHANGE IN CONDITIONS:

See attached

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10/6/2022

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS 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.



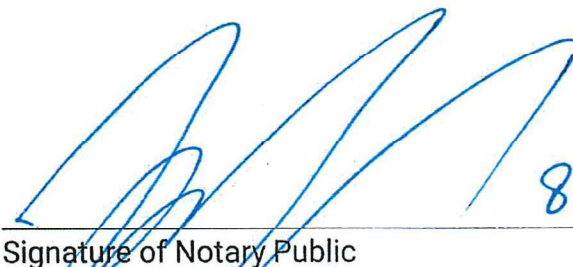
Signature of Applicant



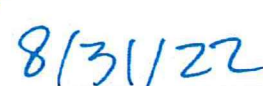
Date




Type or Print Name and Title



Signature of Notary Public



Date



Notary Seal

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10/6/2022

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

**VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS**

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:	7th	81	R7081 130
(Map Reference Number)	District	Land Lot	Parcel

[Signature] 31st Aug 2022
 Signature of Applicant Date

Denis Barstoft
 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)

<u><i>[Signature]</i></u>	<u>TSA II</u>
NAME	TITLE

10/6/2022
 DATE

There are no delinquent taxes
 for 2021 property taxes due.

RECEIVED

10/6/2022

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 81 OF THE 7TH DISTRICT OF GWINNETT COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at a point on the northerly right-of-way of state route no. 120 (variable r/w) and its intersection with the easterly right-of-way of north brown road (variable r/w); traveling thence North $85^{\circ} 07' 39''$ East a distance of 234.24 feet to the point of beginning;

Traveling thence $n04^{\circ} 51' 58'' w$ a distance of 221.34 feet to a point; traveling thence along a curve turning to the left with an arc length of 75.14 feet, with a radius of 384.00 feet, being subtended by a chord bearing of South $89^{\circ} 02' 36''$ East, with a chord length of 75.02 feet to a point; traveling thence North $85^{\circ} 01' 20''$ East a distance of 210.11 feet to a point; traveling thence North $86^{\circ} 05' 10''$ East a distance of 67.19 feet to a point; traveling thence South $04^{\circ} 53' 21''$ East a distance of 212.98 feet to a point; traveling thence South $85^{\circ} 07' 39''$ West a distance of 352.01 feet to a point which is the point of beginning.

Said land having an area of 75,442 square feet, 1.732 acres, more or less.

RECEIVED

10/6/2022

FIELD WORK COMPLETED ON: 5/2/2022

PLAT COMPLETED ON: 05/17/2022

THIS MAP OR PLAT HAS BEEN CALCULATED FOR ACCURACY AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 355,809 FEET.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, THEREFORE, ALL EASEMENTS AND MATTERS OF RECORD MAY NOT BE SHOWN HEREON.

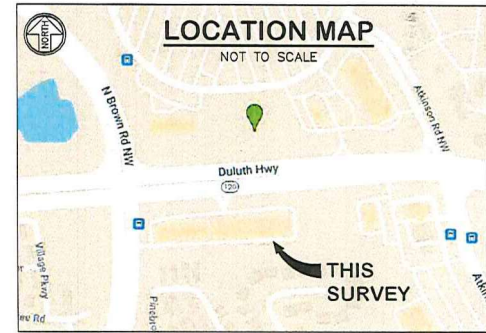
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USES OF THAT NAME APPEARING IN THE TITLE BLOCK AND IS CERTIFIED TO NO OTHER PARTY.

ALL OR A PORTION OF THIS SURVEY WAS PERFORMED BY GPS. 100% OF THIS SURVEY WAS PERFORMED BY GPS. TYPE OF GPS USED WAS REAL TIME KINEMATIC (RTK). THE GPS EQUIPMENT USED TO PERFORM THIS SURVEY IS MADE BY LEICA AND IS GPS UNITS CS16 OR CS17 AND ARE MULTI-FREQUENCY (GNSS) RECEIVERS. THE RELATIVE POSITION ACCURACY OF THIS SURVEY IS 0.35".

THE CURRENT PROPERTY OWNER IS SUGARLOAF MILLS RESIDUAL LP PER DEED BOOK 25712, PAGE 226 OF GWINNETT COUNTY, GEORGIA RECORDS.

REFERENCE MATERIALS INCLUDE:

PB 91, PG 118
PB 91, PG 222-226
DB 25712, PG 226
DB 27874, PG 1
DB 26188, PG 184
GWINNETT COUNTY RECORDS



INVERT TABLE											
#	NAME	CODE	STRUCTURE	RIM	INVERT	PIPE 1	PIPE 2	PIPE 3	DIRECTION	INVERT	DIRECTION
S1	SMH			1014.54	1000.06	10" UNKNOWN	S2	1000.51	10" UNKNOWN	SOUTH	S3
S2	SMH			1013.94	1002.52	10" UNKNOWN	EAST	1002.86	10" UNKNOWN	SE	S1
S3	SMH			1014.13	998.84	10" UNKNOWN	S1	999.33	10" UNKNOWN	SW	WNW
S4	JB		NO ACCESS - OFFSITE	1013.85	992.22	30" CMP	C/L				
S5	DMH		BROKEN	1014.44			S5				
S6	DMH		BROKEN	1013.95	996.90	30" CMP	S4	997.62	30" CMP	SOUTH	S5

BLOCK RESERVED FOR CLERK OF SUPERIOR COURT

LEGEND

- A = ARC LENGTH
- BL = BUILDING SETBACK LINE
- CL = CENTERLINE
- CALC = CALCULATED POINT
- CB = CATCH BASIN
- CHB = CHORD BEARING
- CHL = CHORD LENGTH
- D = DELTA ANGLE
- DB = DEED BOOK
- IPF = IRON PIN FOUND
- IPP = IRON PIN PLACED
- JB = JUNCTION BOX
- LL = APPARENT LAND LOT LINE
- LL = LAND LOT
- MH = MANHOLE
- NF = NOW OR FORMERLY
- OHW = OVERHEAD WIRE
- OTP = OPEN TOP PIPE
- PL = PROPERTY LINE
- PB = PLAT BOOK
- PG = PAGE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- PP = POWER POLE
- R = RADIUS
- R/W = RIGHT OF WAY
- RB = REBAR
- SMH = SEWER MANHOLE
- SOFT = SQUARE FOOT

SYMBOL LEGEND

- [Symbol] = CONCRETE
- [Symbol] = ASPHALT PAVEMENT
- [Symbol] = BUILDING OUTLINE
- [Symbol] = IRON PIN FOUND
- [Symbol] = IRON PIN PLACED (1/2" REBAR)
- [Symbol] = BOUNDARY POINT
- [Symbol] = IPF CONCRETE MONUMENT
- [Symbol] = OVERHEAD WIRE
- [Symbol] = RIGHT-OF-WAY
- [Symbol] = CENTERLINE OF ROAD
- [Symbol] = ORANGE UTILITY PAINT
- [Symbol] = YELLOW UTILITY PAINT
- [Symbol] = BLUE UTILITY PAINT
- [Symbol] = DRAINAGE LINE
- [Symbol] = DIRECTION OF PIPE
- [Symbol] = LIGHT POLE

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, IT IS MY OPINION THAT THIS PROPERTY IS OUTSIDE OF THE 100 YEAR FLOOD HAZARD AREA. PANEL #J31350007IF. EFFECTIVE DATE: 1/29/2005

GEORGIA811
www.Georgia811.com

Contact 811 before you dig.

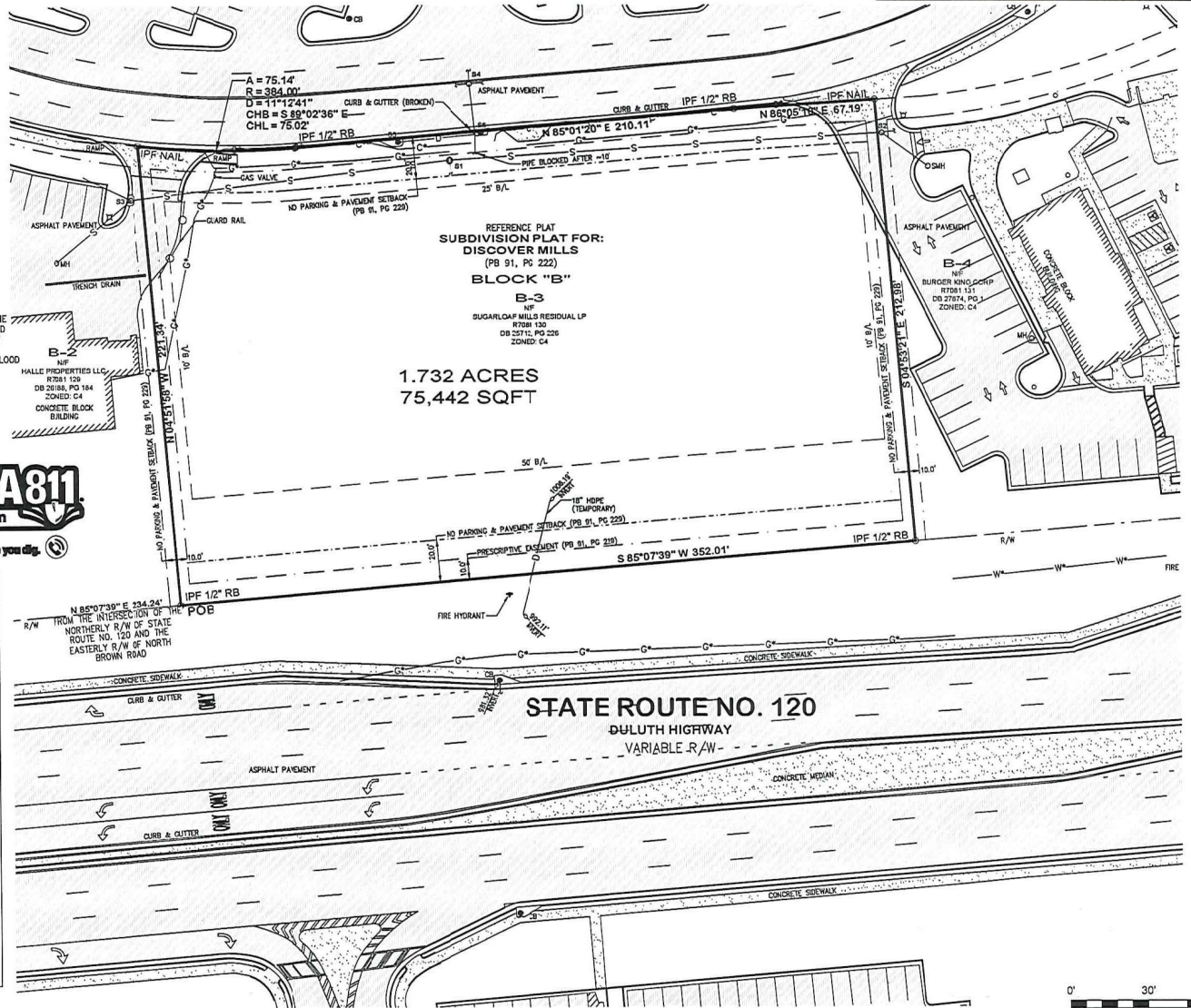
THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

[Signature]
JONATHAN B. PRINCE, R.L.S. #3244

05/17/2022
DATE



SITE ADDRESS: 1959 DULUTH HIGHWAY LAWRENCEVILLE, GEORGIA

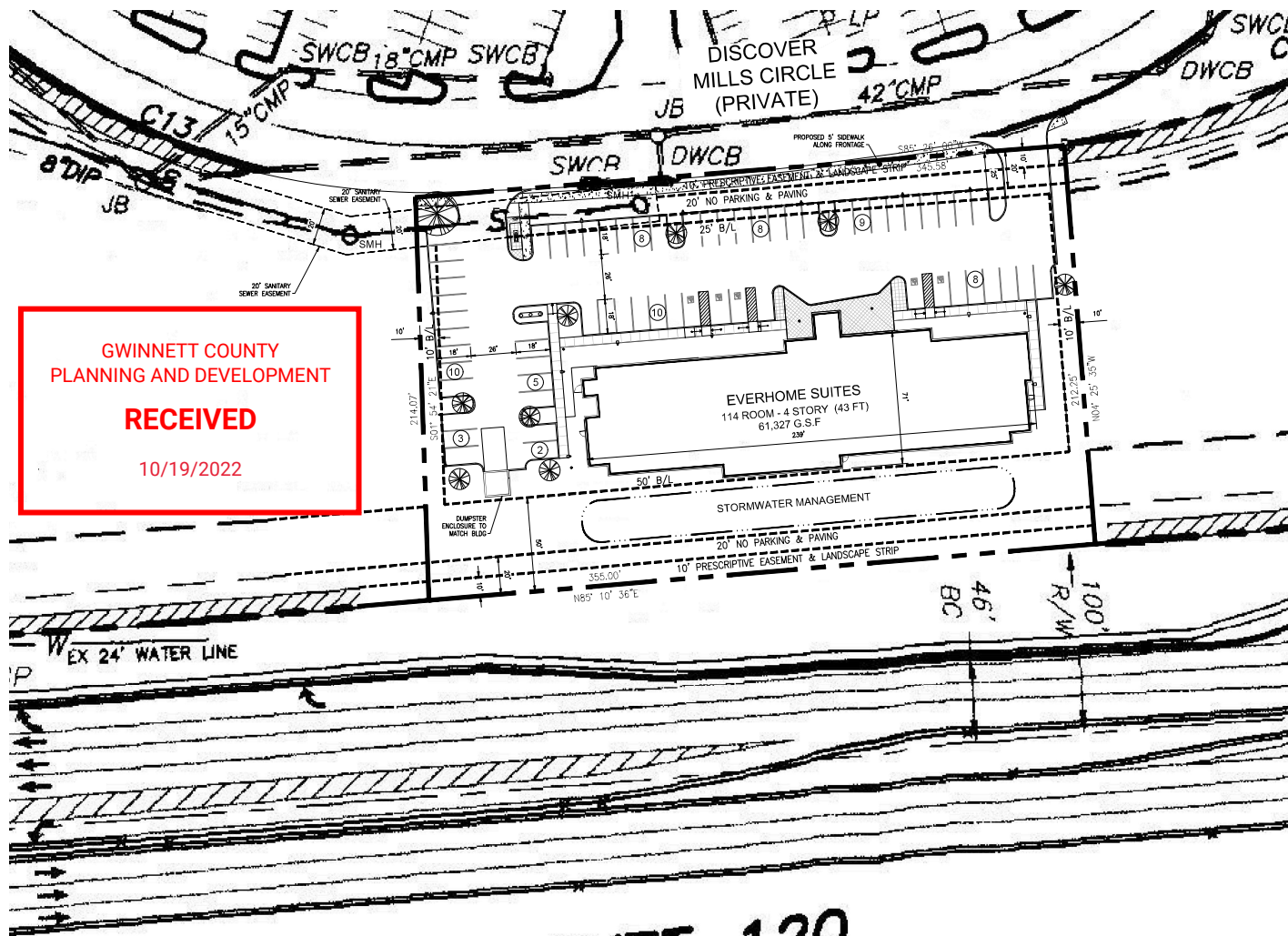


IronStone SURVEYING
96 Ernest Bliss Drive, Jackson, Georgia 30233
Phone 770-927-4614 | Email: office@ironstonesurveying.com

RETRACEMENT SURVEY FOR SUGARLOAF HOSPITALITY LLC
IN LAND LOT 81, DISTRICT 7, GWINNETT COUNTY, GEORGIA

Original Plat Date: 05/17/2022
Scale: 1" = 30'
Drawn By: S.J.L.
Checked By: S.P.R.C.L.
Original Field Date: 5/2/2022
Crew: R.J.L.
Field Book: FIELD SKETCH
Job No.: 220138
Dwg. No.: 220138-B
Sheet: 1 of 1





**GWINNETT COUNTY
 PLANNING AND DEVELOPMENT**

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 10/19/2022

**STATE ROUTE 120
 (R/W VARIES)
 PUBLIC ROAD**

PARCEL IDENTIFICATION NUMBER:
 PROPERTY ID: R7081 130
 ALTERNATE ID: 3457587

PROJECT INFORMATION:
SITE ADDRESS:
 1959 DULUTH HIGHWAY
 LAWRENCEVILLE, GEORGIA 30043

OWNER:
 SUGARLOAF MILLS RESIDUAL LP
 PO BOX 6120
 INDIANAPOLIS, INDIANA 46206-6120
 CONTACT: MR. DAVID BARATOFFE
 PHONE: (678) 889-6038

DEVELOPER:
 SUGARLOAF HOSPITALITY LLC
 1705 HWY 138 ~ SUITE 80282
 CONYERS, GEORGIA 30013
 CONTACT: MR. NAYAN RAJAGURU
 PHONE: (770) 310-0788

ENGINEER:
 SITE DEVELOPMENT PARTNERS, LLC
 4555 MANSELL ROAD ~ SUITE 300
 ALPHARETTA, GA 30022
 CONTACT: MR. ROGER BLACKWELL
 PHONE: (404) 271-7356
 EMAIL: rblackwell@SDPartners.com

ZONING CLASSIFICATION:
 C-2 GENERAL BUSINESS DISTRICT
 MIN LOT SIZE NONE
 MIN LOT WIDTH NONE
 MAX BUILDING HEIGHT 45 FEET
 FRONT SETBACK 15 FEET
 SIDE SETBACK 10 FEET
 REAR SETBACK 30 FEET

NOTE: THIS SITE LIES WITHIN THE CMC CENTER OVERLY DISTRICT.

SITE AREA = 1.74 ACRES

PARKING CALCULATION:
 114 ROOMS, 4 STORY HOTEL

MIN. PARKING REQUIREMENT
 1 SPACE PER UNIT
 1 x 114 = 114
 114 SPACES REQUIRED

MAX. PARKING REQUIREMENT
 2 SPACES PER UNIT
 2 x 114 = 228
 228 SPACES REQUIRED

PARKING PROVIDED
 63 SPACES INCLUDING 5 H/C

PROJECT NARRATIVE:
 PROPOSED CONSTRUCTION IS FOR A 43 FOOT TALL HOTEL WITH SUPPORTING UTILITIES. A VARIANCE IS REQUIRED FOR PARKING THAT DOES NOT MEET THE MINIMUM REQUIREMENT.

REFERENCES:
 BOUNDARY INFORMATION TAKEN FROM SUBDIVISION PLAT FOR DISCOVER MILLS BY LANDAR SURVEYING, INC DATED MARCH 13, 2001 AND SUPPLEMENTED WITH DATA TAKEN FROM FIELD OBSERVATIONS AND GWINNETT COUNTY GIS WEBSITE.

VARIANCES REQUESTED:
 A. VARIANCE FROM SECTION 230-130.3(BB) - TO REDUCE THE LOT SIZE FROM 2.0 ACRES TO 1.74 ACRES.
 B. VARIANCE FROM SECTION 240-20 TO REDUCE THE MINIMUM PARKING REQUIREMENTS FROM 114 SPACES TO 63 SPACES
 C. VARIANCE FROM SECTION 220-30.3(E)(4) TO ELIMINATE THE PROVISION OF A SIDEWALK FROM THE BUILDING ENTRANCE TO THE SIDEWALK PARALLEL TO THE STREET.

CLIENT

**SUGARLOAF
 HOSPITALITY LLC**

1705 Hwy 138 ~ Suite 80282
 Conyers, Georgia 30013
 (770) 310-0788

PROJECT

**EVERHOME
 SUITES**

1959 Duluth Hwy
 Lawrenceville, GA 30043

SDP PROJECT NO. C-2002-08

**SITE DEVELOPMENT
 PARTNERS, LLC**

4555 Mansell Road, Suite 300
 Alpharetta, GA 30022
 Phone: 404-271-7356
 GA P.E. Firm PEF007277

SEAL



NOT VALID WITHOUT EXPIRES AND DATE
 These drawings are instruments of service and are the exclusive property of SITE DEVELOPMENT PARTNERS, LLC (SDP). Their use and publication shall be restricted to the project for which they were prepared. Resale, reproduction, or publication by any method, in whole or in part, is prohibited except by written permission from SDP.

DATE December 29, 2021

PRINT RECORD

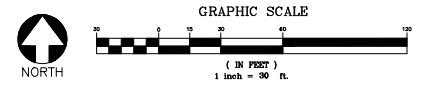
01/24/22 SUBMITTAL 1 ROB
 10/17/22 SUBMITTAL 2 ROB

DRAWING TITLE

**VARIANCE
 EXHIBIT**

DRAWING NUMBER

V1.01



SITE DEVELOPMENT PARTNERS, LLC, Alpharetta, Georgia © Civil Engineering © Land Planning © SERVICE © EXPERIENCE © QUALITY © What Our Clients Need When They Need It.

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10/6/2022

BLUM & CAMPBELL, LLC

Attorneys at Law

JODY CHARLES CAMPBELL
ATTORNEY AT LAW
LICENSED IN GA

3000 Langford Road, Building 100
Peachtree Corners, Georgia 30071

TELEPHONE: (470) 365-2890
FACSIMILE: (470) 365-2899
JODY@BLUMCAMPBELL.COM

October 5, 2022

VIA Electronic Delivery

Honorable Chairwoman Nicole Love Hendrickson
Commissioner Kirkland Carden
Commissioner Ben Ku
Commissioner Jasper Watkins III
Commissioner Marlene Fosque
Gwinnett Justice and Administration Building
75 Langley Drive
Lawrenceville, Georgia 30046

**Re: RK Hotel Group, LLC
Application for Change in Conditions and Variance
Property Address: 1959 Duluth Highway, Lawrenceville, GA 30043
Parcel No. R7081 130**

Dear Chairwoman Hendrickson and Commissioners:

This law firm has the pleasure of representing RK Hotel Group, LLC. My client is a prospective purchaser of the real property located at 1959 Duluth Highway, Lawrenceville, Georgia 30043 (the "Property"). The Property is currently located within unincorporated Gwinnett County, Georgia bordered by Duluth Highway to the South, Discount Tire to the West, Burger King to the East, and the ring road of the Sugarloaf Mills development to the North. The Property is currently undeveloped, and my client seek to obtain a change to a condition of zoning prohibiting the development of a hotel business anywhere other than between North Brown Road and Interstate 85. It is my client's intent to construct and operate an Everhome Suites hotel on the Property.

If approved, the change in condition will accommodate the development of this vacant parcel of land into a four-story hotel with 114 rooms and a total of 63 surface parking spaces on the property with additional parking spaces available across the ring road if needed. The standards for granting a change in condition are as follows:

(A) Whether a proposed change in conditions will permit a use that is suitable in view of the use and development adjacent and nearby the property:

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The change in conditions will facilitate the development of this property in a manner that is consistent with the growth and development of the surrounding area. Sugarloaf Mills and the Sugarloaf/Duluth Highway corridors have become the epicenter of entertainment and conference activity in Gwinnett County. The expansion of the Gas South District and Gwinnett Visitors and Convention Center has substantially increased the need for high quality, affordable hotel space in the area. Moreover, the entertainment, dining and shopping options provided by Sugarloaf Mill makes this property uniquely suitable for a hotel business whose guests will further expand the patronage of the surrounding businesses. Additionally, the Aloft Sugarloaf and Tru by Hilton hotels demonstrate the viability of these businesses along the ring road of Sugarloaf Mills.

(B) Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property:

The proposed change of condition will not adversely affect the existing use or usability of adjacent or nearby property. AS stated above, two hotel business have been developed along the ring road of Sugarloaf Mills with no measurable decrease in the existing businesses. Hotel businesses support the shopping, restaurant, and entertainment establishments located in and around Sugarloaf Mills.

(C) Whether the Property to be affected by a proposed change in condition has reasonable economic use as currently zoned:

The property does have reasonable economic use as currently zoned, however, various topographical limitations prevent the property from being developed as a general commercial property. The property itself has no access to or from Duluth Highway, which is a critical component to any retail or restaurant establishment. Because access will be limited to the ring road of Sugarloaf Mills, the highest and best use of the commercial property is as a destination business such as a hotel.

(D) Whether the proposed change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

No. The establishment of a hotel will in no way burden existing utilities or schools. Traffic to and from the hotel will be limited to the ring road of Sugarloaf Mills. This limited access will require all patrons to access major collector streets and thoroughfares such as Sugarloaf Parkway, North Brown Road, and Duluth Highway, all of which are serviced by multi-lane, traffic control regulated intersections.

(E) Whether the proposed change in conditions is in conformity with the policy and intent of the Land Use Plan:

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The Future Land Use Map identifies this property as being located within a Regional Activity Center. The 2040 Comprehensive Plan highlights some of the important goals and opportunities for these areas include repurposing dead retail space, create activity centers that are walkable/mixed use and disincentivizing retailers from vacating to new locations. The establishment of a hotel will further support the existing businesses and establishments within the Sugarloaf Mills area and the redevelopment of the Gas South District and Sugarloaf Parkway corridor. By providing overnight guests with a variety of restaurant, entertainment and retail shopping options a mere walk across the parking lot, the approval of the change of condition will achieve all these stated objectives and allow for the development of a parcel that has remained vacant for over 20 years.

(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 change in conditions:

The County has already approved two hotel establishments that would violate the letter of the condition at issue. The Aloft Lawrenceville and Tru by Hilton establishments located off the Sugarloaf Mills ring road are not located “between” North Brown Road and Interstate 85, thus, to deny the change in condition for this property would violate principles of uniformity under the Zoning Procedures Act. Moreover, the redevelopment of the Sugarloaf Mills mall area after twenty years suggests that hotel businesses are needed and appropriate for the area.

In addition to the Change in Condition, my client seeks the following three (3) variances:

1. **Section 230-130.3(BB) to reduce the minimum lot size requirement from two acres to 1.732 acres;**
2. **Section 240-20 to reduce the minimum parking requirements from 114 spaces to 63 spaces; and**
3. **Section 220-30-3(E)(4) to eliminate the provision of a sidewalk from the front building entrance to the sidewalk parallel to the street.**

The standards for the requested variances are as follows:

- a. **Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain:**

Each variance requested arises from a condition that is unique and peculiar to the land. The parcel is limited in size due to its location between the ring road for the mall and Duluth Highway directly south. There are extreme elevation changes between the proposed buildable area of the property and Duluth Highway. There is no additional land available that would allow the parcel to meet the two-acre minimum lot size as each abutting property to the east and west are improved with

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developments. Further, because of the limited parcel size, there is no ability to provide parking onsite in a manner that would satisfy the requirements of the UDO. With respect to the sidewalk requirement, the location and orientation of the property limits the potential buildable area to only that area shown on the enclosed site plan. This requires the building to face the internal private ring road and prohibits the construction of a sidewalk from the front of the building to the public right of way that is Duluth Highway.

- b. Is the request necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved result in an unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced? Please explain:**

The requests are necessary due to the unique conditions presented by the property. An unnecessary hardship would arise if the minimum lot size requirement of two acres was strictly enforced. Because the property is 1.732 acres, a hotel development would not be possible on this site. The fact that the parcel has yet to be developed suggests market demand is limited and the proposed hotel is one of but a few uses that could meet market demand. An unnecessary hardship would arise relative to the parking requirements as the property will not support an additional 51 spaces. The proposal includes that maximum number of parking spaces that can be built on the property. As for the sidewalk request, the location of the property and the extreme elevation changes prevent compliance with the requirement. The strict application of the UDO in this sense would require the hotel to face Duluth Highway and back up to the private ring road. This would be misaligned with the orientation of the other buildings along the ring road and would create an incongruent development pattern.

- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain:**

The conditions requiring the requested relief is not ordinarily found on properties of the same zoning district. The property is located between two developed properties and between two rights of way – one public and one private. The elevation change from the Duluth Highway to the buildable area of the property is extreme. The size of the property is fixed due to the fact that this is an infill project located in an already developed area. These conditions are not ordinarily found in properties of the same zoning district such that compliance could not be achieved. Here, the conditions present unique challenges to the development of the property if done in strict compliance with the UDO.

- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain:**

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The request is not a result of conditions created by the applicant. Applicant is buying the property in the condition that it has been in for many years prior. The property is vacant and has never been developed which suggests the existing conditions on the property are largely prohibitive to development of any kind that would be supported by the market demand in the area.

- e. Would granting the variance impair or injure other property or improvements in the neighborhood in which the subject property is located, or impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety, or substantially diminish or impair property values within the neighborhood? Please explain:**

Granting the variances requested by this application would not impair or injure other property or improvements in the neighborhood. As previously mentioned, development of this site is an infill project that presents an opportunity to develop a vacant property in a largely developed area. Granting the requested variances will allow for the development of the property in manner that does not pose any negative externalities on the public. The development of the property as a hotel is much less intense than many of the uses existing in the area and will not negatively impact traffic. There will be no increase of fire danger nor will there be any hazard to air navigation. Public safety will not be threatened and property values are likely to be positively impacted rather than negatively impacted by this development.

- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain:**

The variances requested by this application are the absolute minimum necessary to afford relief and make possible the reasonable use of the land.

- g. Does the variance desired meet the general spirit and intent of Title 2 of the UDO and/or the purpose and intent of the Gwinnett County Unified Plan? Please explain:**

The general spirit and intent of Title 2 of the UDO and the Gwinnett County Unified Plan is to ensure proper and safe development that does not threaten or unduly harm the general health, safety and welfare of the general public. The requested variances in this application are aligned with that intent. The reduced lot size is minimal such that there is little difference between the existing lot size at 1.74 acres and the required minimum of two acres. The difference in the parking is accounted for by the declaration of easement for parking located in that certain Master Declaration of Easements, Covenants, Conditions and Restrictions dated April 16, 2001 enclosed herein. This easement benefits the subject property and will ameliorate parking shortfalls by allowing guests access to the parking located across the ring road. With respect to the sidewalk requirement, the intent of the UDO and Gwinnett County Unified Plan will be met as the applicant intends to construct a sidewalk parallel to the private ring road in-keeping with the properties that abut to the east and west.

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Enclosed herewith is a proposed site plan showing the Property with the proposed use as well as architectural renderings of the proposed development and other information regarding Everhome Suites. Several features of the proposed development bear mention. First, the property will be accessed from two separate entrances located off the ring road of Sugarloaf Mills only and vegetive buffer and screening will be placed along Duluth Highway.

My clients look forward to working with the County to create a quality development that both the County and the public can be proud of. We believe that the approval of these requests will allow the Property to achieve the highest and best use, and that denial of the application will deprive the Property and my client of substantial economic value. The subject property has been vacant for many years and cannot economically support the present value of the land as presently zoned. Approval will also generate substantial property tax revenue and hotel/motel tax revenue that can be used to increase needed infrastructure throughout Gwinnett County. If you have any questions or need any additional information to process this application, please do not hesitate to contact me.

Please contact me at the information listed herein if there are any questions regarding this application.

Very Truly Yours,

BLUM & CAMPBELL, LLC

Jody Charles Campbell

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DISCOVER MILLS

MASTER DECLARATION OF
EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS

DATED APRIL 16, 2001

MADE BY

SUGARLOAF MILLS LIMITED PARTNERSHIP
and
SUGARLOAF MILLS RESIDUAL LIMITED PARTNERSHIP

April 5, 2001

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SUGARLOAF MILLS

MASTER DECLARATION OF EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS

THIS MASTER DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS (as may be amended, restated, replaced and/or supplemented, this "Master Declaration") is made as of the ___ day of April, 2001, by (i) SUGARLOAF MILLS LIMITED PARTNERSHIP, a Delaware limited partnership ("SMLP"), and (ii) SUGARLOAF MILLS RESIDUAL LIMITED PARTNERSHIP, a Delaware limited partnership ("Residual"), based upon the following recitals:

A. SMLP is the owner of those certain parcels of land containing, in the aggregate, approximately one hundred sixteen (116) acres situated in Gwinnett County, Georgia (the "SMLP Land"), as shown on the site plan attached hereto and made a part hereof as Exhibit A-1 and Exhibit A-2 (collectively, the "Site Plan") and as more particularly described and depicted in Exhibit B attached hereto and made a part hereof. The SMLP Land is generally comprised of two (2) separate areas, as follows: (1) the "Mall Parcel" which consists of the area that is (or will be) situated inside the Ring Road (hereinafter defined) and, additionally the M block, as both are shown on the Site Plan, on which SMLP intends to develop (or permit or cause others to develop) the Enclosed Mall (hereinafter defined) and the Anchors (hereinafter defined), and (2) the Ring Road and all other Project Roads and areas utilized for ingress, egress and access between the Mall Parcel and the public rights of way adjacent to the Total Parcel (defined below).

B. Pursuant to a transaction or series of transactions to occur in the future, Residual will become the owner of those certain parcels of land containing, in the aggregate, approximately forty seven (47) acres situated in Gwinnett County, Georgia (the "Residual Land"), as shown on the Site Plan and as more particularly described and depicted on Exhibit C attached hereto and made a part hereof. The Residual Land generally is located outside the Ring Road, between the Ring Road and the public roadways and rights of way that are adjacent to the Total Parcel; except that the Residual Land shall not include the M block (which is located outside of the Ring Road) which is identified on the Site Plan.

C. SMLP and Residual may sell or lease certain portions of the SMLP Land and/or the Residual Land (collectively, the "Total Parcel," as more particularly defined below) from time to time and SMLP and Residual intend that they and all future owners, tenants and occupants of the various portions of the Total Parcel and each of their respective successors and assigns shall own, develop, use and enjoy their respective portions of the Total Parcel (or cause the same to be owned, developed, used and enjoyed) generally in conjunction with each other in order to make integrated use of the Total Parcel as a regional retail shopping center including (without limitation) the Enclosed Mall and Anchors to be developed on the Mall Parcel and

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(b) Grant of Shopping Center Parking Area and Sidewalk Easements.

(i) Declarant grants, creates, declares and reserves for itself a perpetual, non exclusive easement, for the benefit of the Mall Parcel and all portions thereof in, on and over the Shopping Center Parking Area and the sidewalks located or to be located on the Mall Parcel (other than the Project Sidewalks, which shall be subject to the terms, provisions and easements set forth in Section 2.1(c) below) for the following purposes, but in all cases subject to this Master Declaration and any rules, regulations or restrictions adopted by Declarant pursuant hereto: (A) in the case of the Shopping Center Parking Area, (1) vehicular and pedestrian ingress to and egress from each portion of the Mall Parcel and the remainder thereof, (2) parking of motor vehicles, and (3) vehicular passage and circulation; and (B) in the case of the Project Sidewalks, (1) pedestrian ingress and egress to, from and between each portion of the Mall Parcel and the remainder thereof, and (2) unobstructed pedestrian passage and circulation.

(ii) Notwithstanding the foregoing provisions of this Subsection (b) or any other provision of this Master Declaration, Declarant shall have the right, at its sole option, to construct (or cause or permit to be constructed) any Buildings or improvements that it may desire in any Building Area and/or Future Building Area, or in any other portion of the Total Parcel which it may elect, in its discretion, to designate as a Building Area or Future Building Area; provided, however, that neither Declarant nor the Property Owner of any Property within the Mall Parcel shall construct or cause to be constructed any Buildings or improvements in any area if and to the extent that such construction would result in a reduction in the number of parking spaces in the Mall Parcel or any Property therein below the number of parking spaces required to be maintained pursuant to applicable Laws, unless Declarant in its discretion develops alternate parking areas which satisfy the requirements of such Laws.

(iii) The easements and other provisions of this Subsection (b) shall terminate on the date of expiration or sooner termination of this Master Declaration.

(iv) No Property Owner or Occupant of any Property in the Mall Parcel (other than Declarant) shall construct or permit to be constructed any Buildings or other structures in the Shopping Center Parking Area located on its Property, except in the portions thereof, if any, which are expressly designated as a Building Area or a Future Building Area on the Site Plan.

(v) No charge of any type shall be made to or collected from any Property Owner, Occupant or Space Tenant (and/or their tenants, licensees, invitees, employees, contractors and customers) for the right to park vehicles in the Shopping Center Parking Area, except for (1) reimbursement for such maintenance and other costs as may be provided for in any lease or other agreement with any Property Owner, Occupant or Space Tenant, and (2) Common Area Maintenance Expenses pursuant to Section 6.3 below. Nothing herein, however, shall prohibit Declarant from charging any Person for the lighting of the Shopping Center Parking Area after the ordinary operating hours of the Shopping Center. Further, nothing herein shall

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prohibit SMLP (or any Persons expressly authorized by SMLP) from providing and charging for valet parking services to patrons of the Shopping Center who wish to utilize such services.

(vi) Declarant shall have the right, but not the obligation, to develop parking decks (above ground or underground) on the Shopping Center Parking Area and/or to develop additional areas as Parking Area on land outside the Ring Road (the "Satellite Parking Areas"). The Satellite Parking Areas may be located within or outside of the Total Parcel and, at the discretion of Declarant, may be made available for parking by Persons who are not patrons or customers of the Shopping Center. Any and all parking spaces contained in Satellite Parking Areas shall be deemed to be located in the Shopping Center Parking Area, for the purposes of calculating the parking requirements set forth in this Subsection (b).

(c) Grant of Project Sidewalk Easements and other Common Area Easements.

(i) Declarant grants, creates, declares and reserves for itself a perpetual, non exclusive easement, for the benefit of the Mall Parcel and the Residual Land and all portions thereof, in, on and over (1) any Project Sidewalks located or to be located from time to time on the Total Parcel, for the purpose of pedestrian access, ingress and egress to and from each Property and for unobstructed pedestrian passage and circulation, and (2) the other Common Areas of the Total Parcel which are not otherwise specifically provided for in this Article 2, for the purposes for which such Common Areas are created and designed, as designated by Declarant in writing from time to time herein, on the Site Plan or in a recorded amendment hereto.

(ii) The provisions of this Subsection (c) shall terminate on the date of expiration or sooner termination of this Master Declaration, except as to portions of the Project Sidewalks or the other Common Areas that shall be lawfully dedicated, with respect to which such easements shall terminate upon such dedication and the proper acceptance thereof; provided, however, that in the event any portion(s) of the Project Sidewalks or other Common Areas are so dedicated and Declarant or either Party remains liable for the maintenance thereof or for the cost of maintenance thereof, the costs so incurred shall be Common Area Maintenance Expenses hereunder.

(d) General Principles, Restrictions and Reservations. Notwithstanding anything to the contrary contained in Subsections 2.1(a)-(c), inclusive, above, the grant of the easements under such subsections shall be subject to the following terms and provisions and shall include the following rights and shall be subject to the following restriction and reservations:

(i) Each of the easements granted and created under Sections 2.1(a)-(c), inclusive, shall be effective from and after the date on which the particular portion of the Project Roads, Shopping Center Parking Area, Project Sidewalks and/or Common Areas covered thereby, as applicable, to which such easement pertains is first constructed and open for use.

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Exterior 2



Exterior 3

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Inviting Lobby

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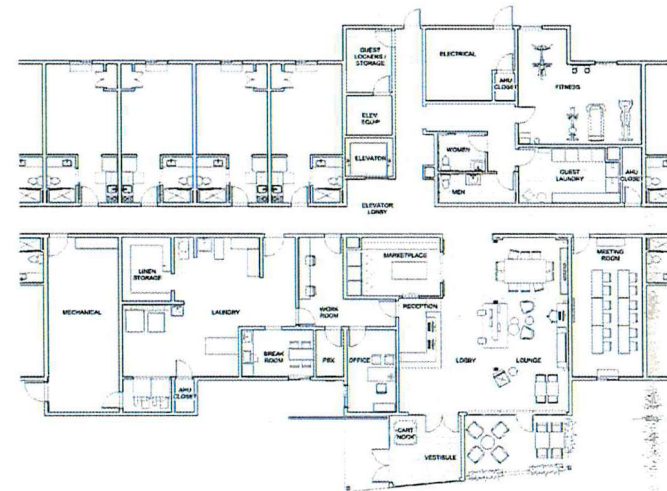
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Refreshing Pool

PUBLIC SPACE FLOOR PLAN

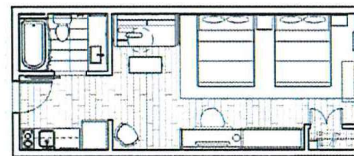


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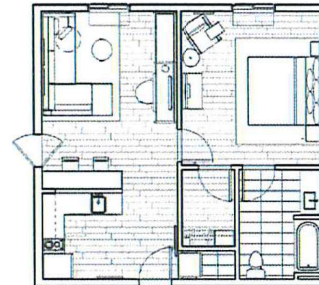
Our room options appeal to the needs of the Extended Stay guest. The versatile room types are ideal for business travelers and families alike. With separate spaces to sleep, relax, work and eat, as well as fully equipped kitchens, guests can feel right at home.



Double Queen Suite 

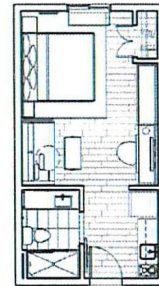
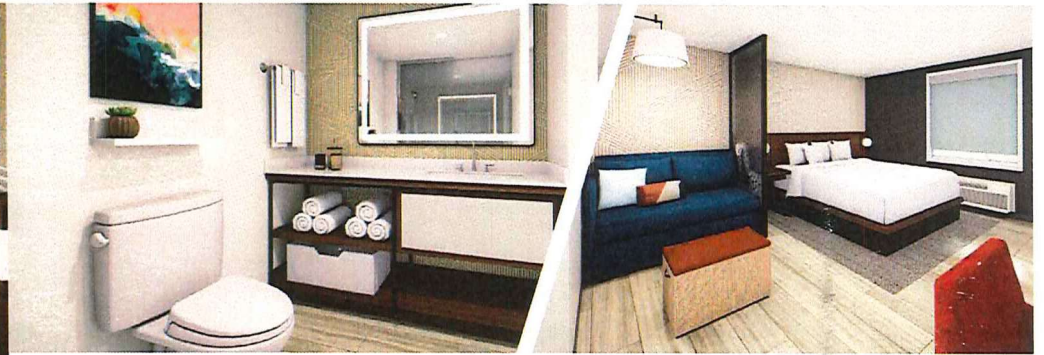
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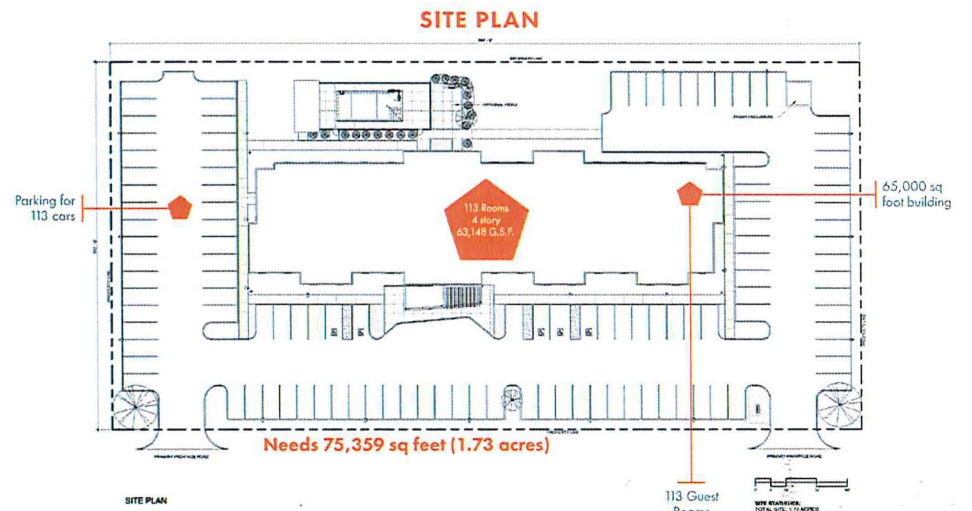
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FLOOR PLANS



- 62 King Bedroom Suites
- 4 Accessible King Bedroom Suites
- 1 Accessible One Bedroom Suite
- 39 Double Queens Bedroom Suites
- 7 One Bedroom Suites

SITE PLAN



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CHANGE IN CONDITIONS CHECKLIST

The following is a checklist of information required for submission of a Change in Conditions application. The Planning and Development Department reserves the right to reject any incomplete applications.

- Pre-Application Acknowledgement Form (if applicable)
- Application Form
- Boundary Survey
- Legal Description
- Site Plan (One (1) digital copy)
- Standards Governing Exercise of the Zoning Power
- Letter of Intent
- Applicant Certification with Notarized Signature
- Property Owner Certification with Notarized Signature
- Conflict of Interest Certification/Campaign Contributions
- Verification of Paid Property Taxes (most recent year)
- Application Fee – make checks payable to Gwinnett County

Additional Exhibits (if required):

- Additional site plan requirements for OSC, TND, R-SR, R-TH, MU-N, MU-C, MU-R and HRR rezoning requests
- Traffic Study
- Review Form for Development of Regional Impact

Please bring this checklist when filing for a Change in Conditions.