

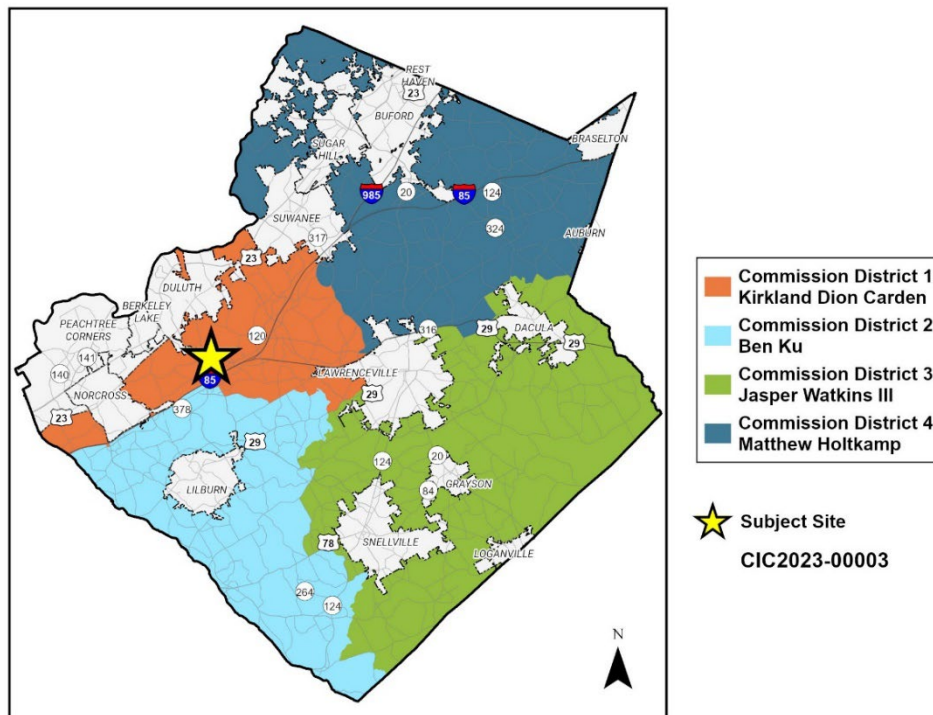


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: CIC2023-00003
Current Zoning: C-3 (Highway Business District)
Request: Change in Conditions
Additional Requests: Variances and Waiver
Addresses: 2100 Pleasant Hill Road and 3380 Satellite Boulevard
Map Numbers: R6232 003 and 059
Site Area: 4.21 acres
Square Footage: 50,820
Proposed Development: Automobile Sales and Related Service
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: 2/8/2023
Board of Commissioners Advertised Public Hearing Date: 2/28/2023 (Public Hearing Held/ Action Tabled to 3/21/2023)

Applicant: HAB Group 3, LLC
1437 Wintercress Court
Marietta, GA 30066

Owner: OLP Havertportfolio LP
60 Cuttermill Road, Suite 303
Great Neck, NY 3104

Urban Development Agency of
Gwinnett County
75 Langley Drive
Lawrenceville, GA 30046

Contact: Darrell Baker

Contact Phone: 404.977.2470

Zoning History

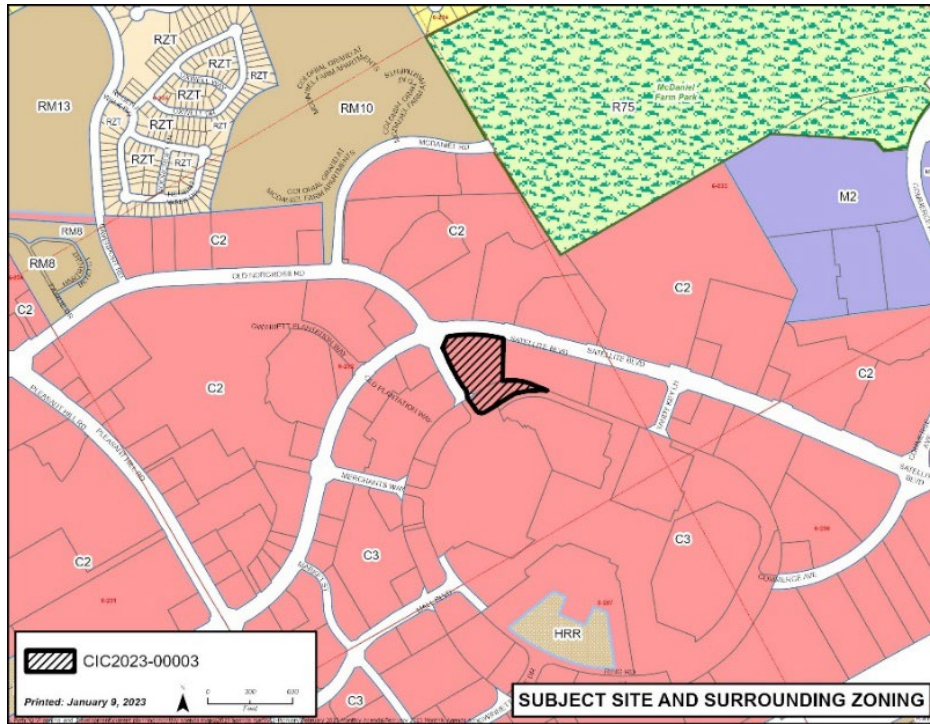
The subject property is zoned C-3 (Highway Business District). In 1979, a larger area including the subject property was rezoned from M-1 (Light Industry District), M-2 (Heavy Industry District), and MH (Manufactured Housing District) to C-2 (General Business District) for a regional shopping center (Gwinnett Place Mall), pursuant to REZ1979-00147. In 1988, the larger area including the subject property was rezoned from C-2 to C-3, pursuant to CZ-1-1-88. In 1991, a change in conditions was approved for the same area pursuant to RZ-91-056. The proposed change in conditions request is from this approval.

Existing Site Condition

The subject site is a 4.21-acre assemblage located across from the Gwinnett Place Mall and a portion of a right of way, located along Satellite Boulevard, at its intersection with Old Norcross Road. The northern parcel is developed with a 50,820 square foot commercial building with surface parking located on an out parcel adjacent to Gwinnett Place Mall. The southern part of the site is a portion of a Gwinnett County-owned parcel developed with a surface parking lot. The site also includes a small portion of the Old Norcross right of way. The overall site topography is relatively flat with slight slope from north to south with an elevation difference of approximately 10 feet. Sidewalks exit along the property frontage on Satellite Boulevard. There are no sidewalks on Old Norcross Road or Ring Road. The nearest Gwinnett County Transit stop is approximately 0.1 miles from the subject site.

Surrounding Use and Zoning

The subject site is surrounded by a variety of commercial uses. Several new and used vehicle dealerships are located to the north, while Gwinnett Place Mall is located to the south. Commercial outparcels containing a multi-tenant shopping center and a bank are located to the east and west. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Automobile Sales	C-3	N/A
North	Commercial	C-2	N/A
East	Commercial	C-3	N/A
South	Commercial	C-3	N/A
West	Commercial	C-3	N/A

Project Summary

The applicant requests a change in conditions for a 4.21-acre assemblage of parcels zoned C-3 to allow for automobile sales and service, including:

- A change in conditions of case RZ-91-056. The applicant is requesting a revision to the following condition:
 - Condition 3: *“Auto sales and associated service facilities shall be limited to the area described in the survey noted as Rezoning Exhibit for Partridge Green, Inc., by Development Consultants Group, dated June 1, 1988.”* The applicant is requesting the condition be deleted in its entirety to allow the requested use on the property.
- A 50,820 square foot existing building to be renovated to accommodate a Tesla auto sales and service facility. Primary exterior building materials of painted CMU, EIFS and brick veneer and glass.
- Combination of parcels to create one 4.21-acre parcel.
- 121 surface parking spaces around the existing building for customers, employees, and inventory.
- 584 parking spaces in a six-level parking structure to accommodate a regional car delivery/distribution facility. The parking structure is accessible via internal driveways facility.
- A full access driveway, located to the southwest of the facility, from Old Norcross Road.

- A two-bay car wash area located adjacent to the parking structure.
- An 80'X19' truck unloading zone located on the eastern side of the building.
- A limited access driveway located to the northeast of the facility.
- Two dumpsters and dumpster pads located to the rear of the building and a larger dumpster located adjacent to the rear building façade.
- A variance to reduce the required side setback from 10 feet to 3.5 feet.
- Reconfiguration of the rear portion of the site to accommodate the parking structure, a driveway entrance with a gate from the east, and a two-way vehicular ramp from the auto sales facility parking area.

Zoning and Development Standards

The applicant is requesting a change in conditions in the C-3, Highway 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'	63'6"	NO*
Front Yard Setback	Minimum 15'	18.3'	YES
Side Yard Setback	Minimum 10'	3.5'	NO**
Rear Yard Setback	Minimum 30'	>30'	YES
Off-Street Parking	Minimum: 128 spaces Maximum: 339 spaces	121 Surface Spaces 584 Parking Deck	YES
Landscape Stripe	Minimum 10'	7'	NO***

*Applicant is requesting a building height variance for an accessory structure.
 **Applicant is requesting a side yard setback variance.
 ***Applicant is requesting a waiver from the landscape strip requirement along Satellite Boulevard.

Waiver Request

In addition to the change in condition request, the applicant is seeking a waiver from the following provision of Title III of the UDO:

1. ***Per UDO Section 610-10 Landscape Strips: A 10-foot-wide landscape strip is required adjacent to any street right-of-way abutting the property and running the length of the entire property frontage.***

The applicant is requesting a waiver to reduce the required 10-foot-wide landscape strip to 7 feet along Satellite Boulevard. The applicant is proposing to keep the existing landscape strip that varies in width.

Variance Request

In addition to the change in conditions request, the applicant is seeking a variance from the following provision of Title II of the UDO:

1. ***Per UDO Section 230-10., Dimensional Standards, maximum building height for the properties zoned C-3 is 45 feet***

The applicant requests a variance to increase the height of the parking structure from 45 feet to 63 feet 6 inches.

2. Per UDO Section 230-10., Dimensional Standards, minimum required side setback for the properties zoned C-3 is 10 feet.

The applicant requests a variance to reduce a portion of the minimum required side yard setback along the eastern property line from 10 feet to 3.5 feet in order to accommodate the parking deck.

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 G). 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:

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.

The site is surrounded by a variety of commercial properties. The property is located along Satellite Boulevard which affords access to a large customer base. The proximity to Interstate 85 also makes the location suitable for an auto sales business. In addition, there are several car dealerships along this portion of Satellite Boulevard, including some directly across the street from the subject property.

B. 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 impacted by the request. This is a largely developed commercial area with several car dealerships. The site has multiple driveways which provide ingress and egress in multiple directions, thus not overloading any street or intersection. As there are a limited number of Tesla dealerships and distribution centers in the state, the use would attract customers from throughout the region that would likely support other nearby business. Additional efforts should be taken to screen the parking structure in support of the redevelopment of Gwinnett Place Mall.

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

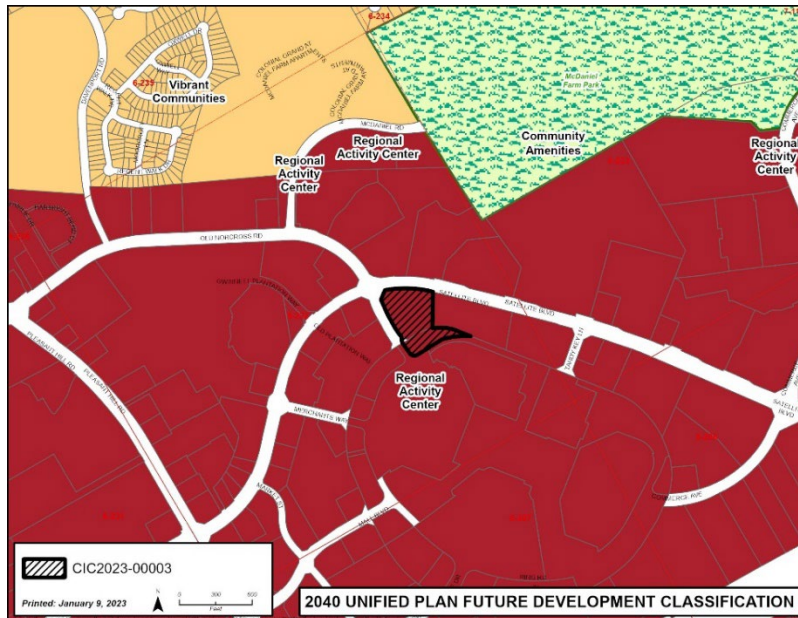
The property has a reasonable economic use as currently zoned.

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.

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. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning and change in conditions request is attached (Exhibit G).

E. 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 property is located within a Regional Activity Center Character Area. This character area is intended for areas that have intense commercial and office/employment activity. The Gwinnett Place Mall is an intensely developed retail corridor and the use of the subject property for automotive sales would be consistent with policies of the Unified Plan, with appropriate conditions of zoning.



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 surrounding area consists of high-intensity retail/commercial uses along the Satellite Boulevard corridor. Numerous car dealerships are located along Commerce Avenue and Satellite Boulevard in the immediate vicinity. In addition, a change in conditions was approved for the same purposes on a different parcel subject to the same conditions in 2020, pursuant to CIC2020-00005.

Waiver Request Analysis: When considering waivers from Title III of the UDO, staff is required to review whether an undue hardship may result from strict compliance with the regulations and that approval would not adversely affect the general public welfare or nullify the intent of the Development

Regulations. In addition, there must be a determination that there are unusual topographical or other exceptional conditions. Staff makes the following findings related to the waiver request:

The applicant is requesting a waiver to reduce the required 10-foot-wide landscape strip to 7 feet along Satellite Boulevard. The applicant proposes to keep the existing landscape strip. The existing landscape strip consists of a grassed strip and some trees. While the existing landscape strip does not completely meet the requirements of the Unified Development Ordinance, the existing width and plantings are consistent with the landscape strip on adjacent properties.

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:

The requested variances are to reduce the minimum side yard setback along a very short portion of the eastern property line, from 10 feet to 3.5 feet in order to accommodate a parking structure and to increase the height of the parking structure from 45 feet to 63 feet 6 inches. The setback variance is required for only a small section of the side yard and the adjacent parcel is also zoned C-3 and has a commercial use. The parking deck would face the rear of the building on the adjacent parcel, which will have a lesser impact to the businesses on the property. Therefore, the requested variances will not cause a substantial detriment to the public good nor impair the purposes or intent of Title 2 of the UDO.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing exercise of zoning power, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the change in conditions request.

In addition, staff recommends **APPROVAL** of the following waiver request:

1. Section 610-10., To reduce the minimum required width of the required landscape strip from 10 feet to 7 feet.

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

2. Section 230-10, To reduce the minimum required side yard setback from 10 feet to 3.5 feet along the eastern property line as shown on Exhibit B: Site Plan.
3. Section 230-10., To increase the maximum building height for the parking structure from 45 feet to 63 feet 6 inches.

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 waiver request:

1. Section 610-10., To reduce the minimum required width of the required landscape strip from 10 feet to 7 feet.

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

2. Section 230-10, To reduce the minimum required side yard setback from 10 feet to 3.5 feet along the eastern property line as shown on Exhibit B: Site Plan.
3. Section 230-10., To increase the maximum building height for the parking structure from 45 feet to 63 feet 6 inches.

Planning Commission Recommended Conditions (includes Staff Recommended Conditions)

NOTE: The conditions below are those from RZ-91-056 with suggested changes in bold or strikethrough.

1. **The proposed development shall be constructed in general conformance with Exhibit C: Site Plan dated received, January 3, 2023, with revisions required by conditions of approval and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.**
2. No billboards shall be permitted.
3. ~~Outdoor recreational uses shall be subject to the approval of a Special Use Permit by the Board of Commissioners after a public hearing and after a recommendation by the Planning Commission.~~
4. ~~Auto sales and associated service facilities shall be limited to the area described in the survey noted as Rezoning Exhibit for Partridge Green, Inc., by Development consultants Group, dated June 1, 1988.~~
5. ~~No auto sales, service or repair facility shall front (adjacent to) Pleasant Hill Road, except for the existing Firestone Tire store/auto service facility.~~
6. **The parking Deck shall adhere to Architectural Design Standards Category 4 of the Gwinnett County Architectural Standards for parking decks and structures. Screening elements shall be subject to the review and approval of the Department of Planning and Development.**
7. **The applicant shall coordinate with the Gwinnett County Department of Transportation to determine the specific property amount and location eligible for abandonment of right-of-way.**
8. **A 15-foot-wide landscaped buffer shall be provided between the proposed parking structure and the property lines along Old Norcross Road and Ring Road, subject to the review and approval of the Department of Planning and Development.**
9. **The facades of the auto dealership oriented toward Satellite Boulevard and Old Norcross Road shall adhere to Architectural Design Standards Category 4. Remaining facades shall conform to Exhibit D: Building Elevations dated received January 3, 2023, with**

revisions required by conditions of approval and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.

Exhibits:

- A. Site Visit Photos
- B. Previously Approved Resolution (REZ1991-00056)
- C. Site Plan
- D. Building Elevations
- E. Letter of Intent and Applicant's Response to Standards
- F. Application and Disclosure of Campaign Contributions
- G. Internal and External Agency Review Comments
- H. Maps

Exhibit A: Site Visit Photos



View of the existing Haverty's Building



View of the rear parking lot

Exhibit B: Previously Approved Resolution (REZ1991-00056)

[attached]

CASE NUMBER RZ-91-056

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.

Present

VOTE

Lillian Webb, Chairman	<u>AYE</u>
W. J. Dodd, District 1	<u>AYE</u>
Doug Williamson, District 2	<u>AYE</u>
J. Curtis McGill, District 3	<u>AYE</u>
Renee Unterman, District 4	<u>AYE</u>

On motion of COMM. DODD, 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-3 to C-3 (CHANGE IN CONDITIONS) by GWINNETT COUNTY PLANNING COMMISSION for the proposed use of CHANGE IN CONDITIONS on a tract of land described by the attached legal description, which

CASE NUMBER RZ-91-056

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 HOME WEEKLY, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JULY 23, 1991, and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 23RD day of JULY, 1991, that the aforesaid application to amend the Official Zoning Map from C-3 to C-3 is hereby APPROVED subject to the following enumerated conditions:

1. No billboards shall be permitted.
2. Outdoor recreational uses shall be subject to the approval of a Special Use Permit by the Board of Commissioners after a public hearing and after a recommendation by the Planning Commission.
- ~~3. Auto sales and associated service facilities shall be limited to the area described in the survey noted as Rezoning Exhibit for Partridge Green, Inc., by Development Consultants Group, dated June 1, 1988.~~
4. No auto sales, service or repair facility shall front (adjacent to) Pleasant Hill Road, except for the existing Firestone Tire Store/auto service facility.

CASE NUMBER RZ-91-056

5. No mobile home or mobile home building, leasing or sales lot, new or used shall be permitted.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: *Lillian Webb*
Lillian Webb, Chairman

Date Signed: 8-13-91

ATTEST:

Balkau W. Brown
Clerk

Exhibit C: Site Plan

[attached]

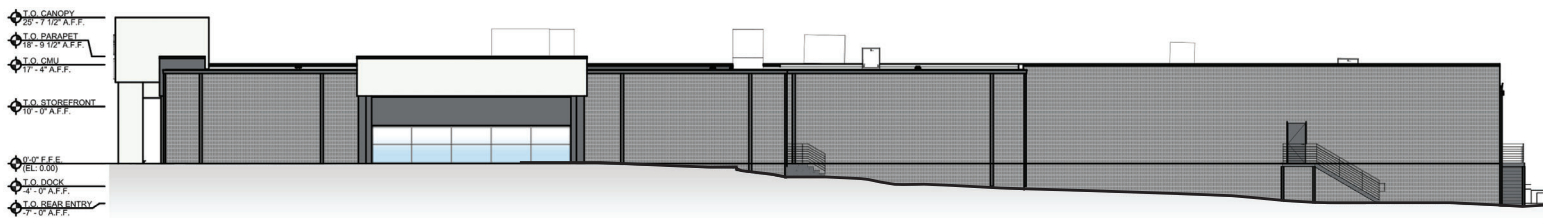
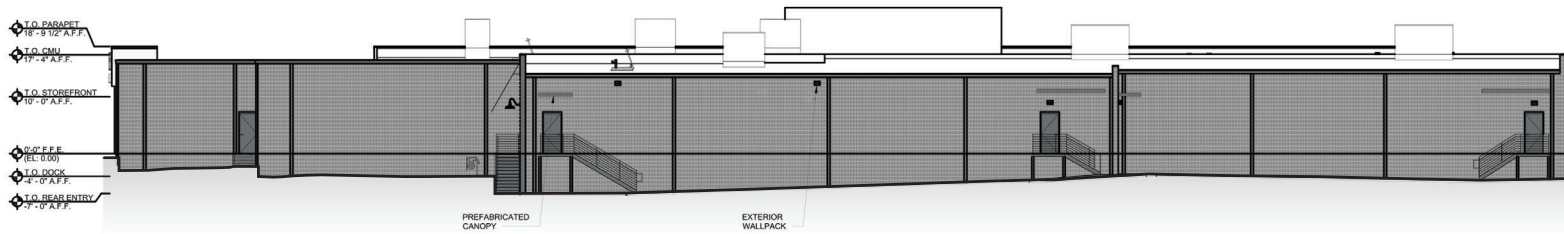
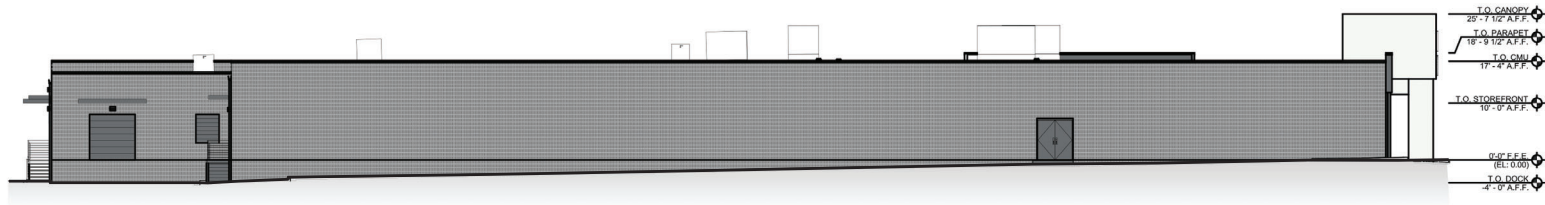
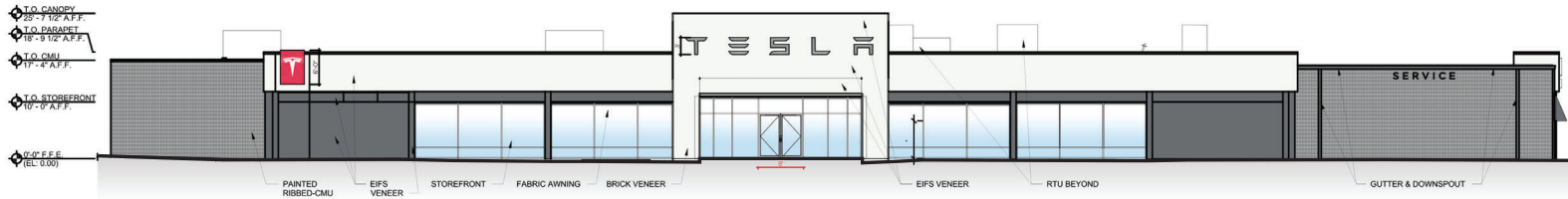
Exhibit D: Building Elevations

[attached]

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DULUTH - TESLA CENTER - WARM CLIMATE

ELEVATION 1/3/2023



SCALE: 1/32" = 1'-0"

TESLA DECEMBER 15, 2022

NA | 3380 Satellite Blvd Duluth, GA 30096 | USA

FORCAST
REAL ESTATE DEVELOPMENT

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

[attached]

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1.26.2023

Letter of Intent

Change in Condition #3 of RZ-91-056 for Parcel # R6232059

2 -Side Yard Set Back Variances for a 1.259 Acre Carve Out from Parcel # R6232003

Purchaser Representative:

Darrell Baker
Randolph Williams
900 Westpark Drive, Suite 210
Peachtree City, GA 30269

Address of Property: 3380 Satellite Blvd, Duluth, GA 30096
2100 Pleasant Hill Rd, Duluth, GA 30096 (County Mall Tract)

Parcels:

R6232 059	2.93 acres	Existing Retail Furniture Sales Location
R6232 003	1.259 acres	1.259 acre tract out of the Mall tract being purchased from Gwinnett County. Mark Farmer - Contact

Proposed Use of the Property:

A full sales and service Tesla Dealership (SSD) & Parking Deck for a Regional Car Delivery Facility.

Zoning Classification: C-2, Will remain C-2

Number of Lots: Two, The existing furniture site as well as the County site being purchased. At purchase, the site will be platted as 1 tract.

Density: Remains the same. Existing building of 50,820 SF will be remodeled for the dealership. The adjacent County lot being purchased will become a multi-level parking deck for a Regional Car Delivery / Distribution Facility.

Parking:	Existing:	Upper Lot:	132 Spaces (Furniture Bldg)
		Lower Lot:	<u>100 Spaces</u> (County Tract)
		Total:	232 Spaces
	Proposed:	Upper Lot	121 Spaces
		Parking Deck	<u>584 Spaces</u>
		Total:	705 Spaces

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1. Height of Building: Highest Elevation on Existing Bldg to Remain / 25' 7 ½"

Height of Deck: Building FFE at Satellite Blvd 1002.50
Max Building Height (45') 1047.50

Variations: Applicant is requesting following variations:

1. A building height variance for an accessory structure (garage) from 45 feet to 63'6".
2. A side yard setback variance from 10 feet to 3.5 feet.
3. A variance from landscape strip requirements along the road frontages.

Change in Condition: Remove #3 Condition of RZ-91-056 (Attached)

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12/1/2022

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:

The change in condition is consistent with car sales and maintenance facilities in the area, especially from the Interstate to Tandy Key Lane.

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

The Change in Condition will not adversely affect adjacent or nearby properties and is consistent with uses already in the area.

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

The current retail use as a furniture retail sales location is reasonable, but post covid retail changes could make a bldg of this size a challenge to lease as a single retail tenant location in the future.

- (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:

The area is designed as a high transportation area and the use will not cause excessive or burdensome use to the local infrastructure. The impact to schools is a positive one in that the use generates no new student population.

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

The use is consistent with the current and future land use plan and will enhance the current ERP out from Gwinnett County.

- (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 new redevelopment of the mall will be strengthened by the caliber of the use in this location.

Exhibit F: Application and Disclosure of Campaign Contributions

[attached]

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12/1/2022

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>HAB Group 3, LLC</u>	NAME: <u>OLP Havertportfolio LP</u>
ADDRESS: <u>1437 Wintercress Court</u>	ADDRESS: <u>60 Cuttermill Rd, Suite 303</u>
CITY: <u>Marietta</u>	CITY: <u>Great Neck</u>
STATE: <u>GA</u> ZIP: <u>30066</u>	STATE: <u>NY</u> ZIP: <u>11021-3104</u>
PHONE: <u>770.315.8467</u>	PHONE: <u>516.773.2795</u>
EMAIL: <u>matt@forcastre.com</u>	EMAIL: <u>patc@1liberty.com</u>
CONTACT PERSON: <u>Darrell Baker , Purchaser</u> PHONE: <u>404.977.2470</u> Representative	
CONTACT'S E-MAIL: <u>dbaker@rwcre.net</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICT(S): <u>C-2</u>	PRIOR ZONING CASE: <u>RZ-91-056</u>
PARCEL NUMBER(S): <u>R6232 059</u>	ACREAGE: <u>4.21</u>
ADDRESS OF PROPERTY: <u>3380 Satellite Blvd, Duluth, GA 30096</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Remove Condition #3 from RZ-91-056</u>	
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/LOTS: <u>1 Bldg / 2 Lots</u>
DWELLING UNIT SIZE (Sq. Ft.): _____	TOTAL GROSS SQUARE FEET: <u>50,820</u>
GROSS DENSITY: _____	DENSITY: <u>Density on original lot remains the same, adding 0.991 acres of parking in a purchase from Gwinnett Co. from tract R6232 003 that will remain parking area</u>
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

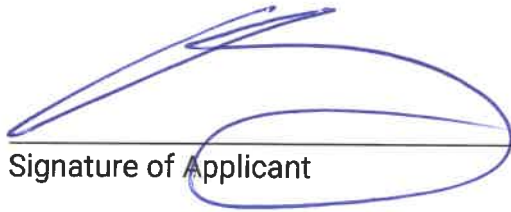
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12/1/2022

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.



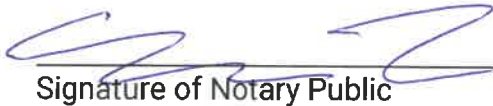
Signature of Applicant

11/3/22

Date

Matt Boone, Purchaser

Type or Print Name and Title



Signature of Notary Public

11/3/2022

Date

Notary Seal

RECEIVED

12/1/2022

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.

OLP HAVERTPORTFOLIO L.P., a Delaware limited partnership

By: [Signature] 11/3/2022
Signature of Property Owner Date

Name: Patrick J. Callan, Jr.
Title: President of the Sole Member of the General Partner

Type or Print Name and Title

[Signature] 11/3/2022
Signature of Notary Public Date Notary Seal

RICHARD M. FIGUEROA
Notary Public, State of New York
Registration #02F15073484
Qualified in New York County
Commission Expires April 23, 2023

RECEIVED

12/1/2022

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.

[Handwritten Signature]

12/2/2022

Signature of Property Owner

Date

0.991 acre carve out of Tax Parcel R6232 003
(Reference CIC 2023-00003 and associated concurrent variance)

Susan Canon

Gwinnett County Director of Planning and Development

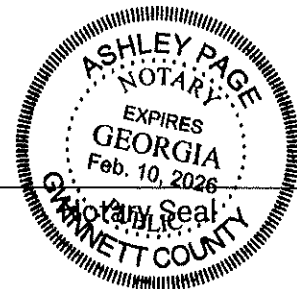
Type or Print Name and Title

[Handwritten Signature]

12/2/22

Signature of Notary Public

Date



**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:
(Map Reference Number)

6th - 232 - R6232 059
District Land Lot Parcel


Signature of Applicant

11/2/22
Date

Matt Booc, Purchaser
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)

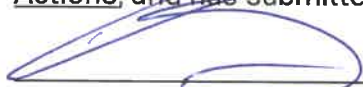
Vicki Schoby
NAME

TSA II
TITLE


11/3/2022
DATE

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS


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

 11/3/22 Matt Boone, Purchaser

 Signature of Applicant Date Type of Print Name and Title

 11/3/22 Darrell Baker, Purchaser Representative

 Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

 11/3/2022 _____
 Signature of Notary Public Date Notary Seal



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

YES NO Matt Boone

 Your Name

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

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

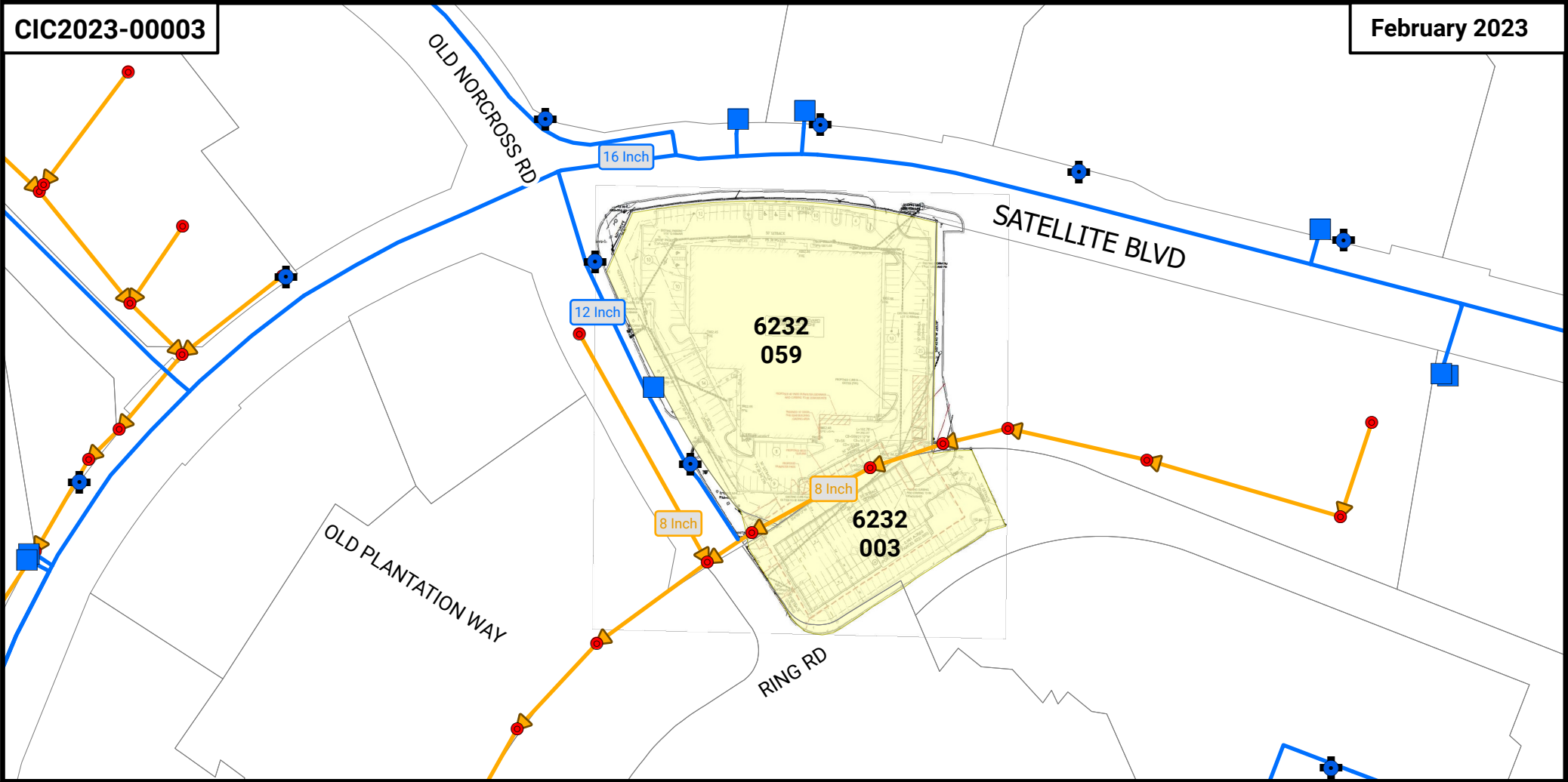
Attach additional sheets if necessary to disclose or describe all contributions.

Exhibit G: Internal and External Agency Review Comments

[attached]

TRC Meeting Date:		1.18.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcounty.com	
Case Number:		CIC2023-00003	
Case Address:		3380 Satellite Boulevard, Duluth, 30096	
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO
1	Satellite Boulevard is a major arterial. ADT = 40,102.		
2	0.10 mile to the nearest transit facility (#2334752) Gwinnett Transit Center.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO
1	Coordinate with the Gwinnett County Department of Transportation to determine the specific property amount and location eligible for abandonment.		
2			
3			
4			
5			
6			
7			

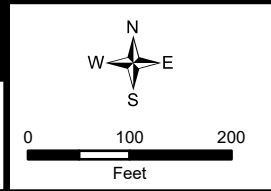
TRC Meeting Date:					
Department/Agency Name:		DWR			
Reviewer Name:		Mike Pappas			
Reviewer Title:		GIS Planning Manager			
Reviewer Email Address:		Michael.pappas@gwinnettcounty.com			
Case Number:		CIC2023-00003			
Case Address:		3380 Satellite Boulevard			
Comments:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
1	Water: DWR does not have comments for this development. The existing building is connected to public water.				
2	Sewer: DWR does not have comments for this development. The existing building is connected to public sewer.				
3					
4					
5					
6					
7					
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
1					
2					
3					
4					
5					
6					
7					



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

**3380 Satellite Boulevard
C-2**

**Water & Sewer
Utility Map**



Water Comments: DWR does not have comments for this development. The existing building is connected to public water.

Sewer Comments: DWR does not have comments for this development. The existing building is connected to public sewer.

Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

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

Exhibit H: Maps

[attached]

SATELLITE BLVD

SATELLITE BLVD

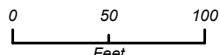
OLD NORCROSS RD

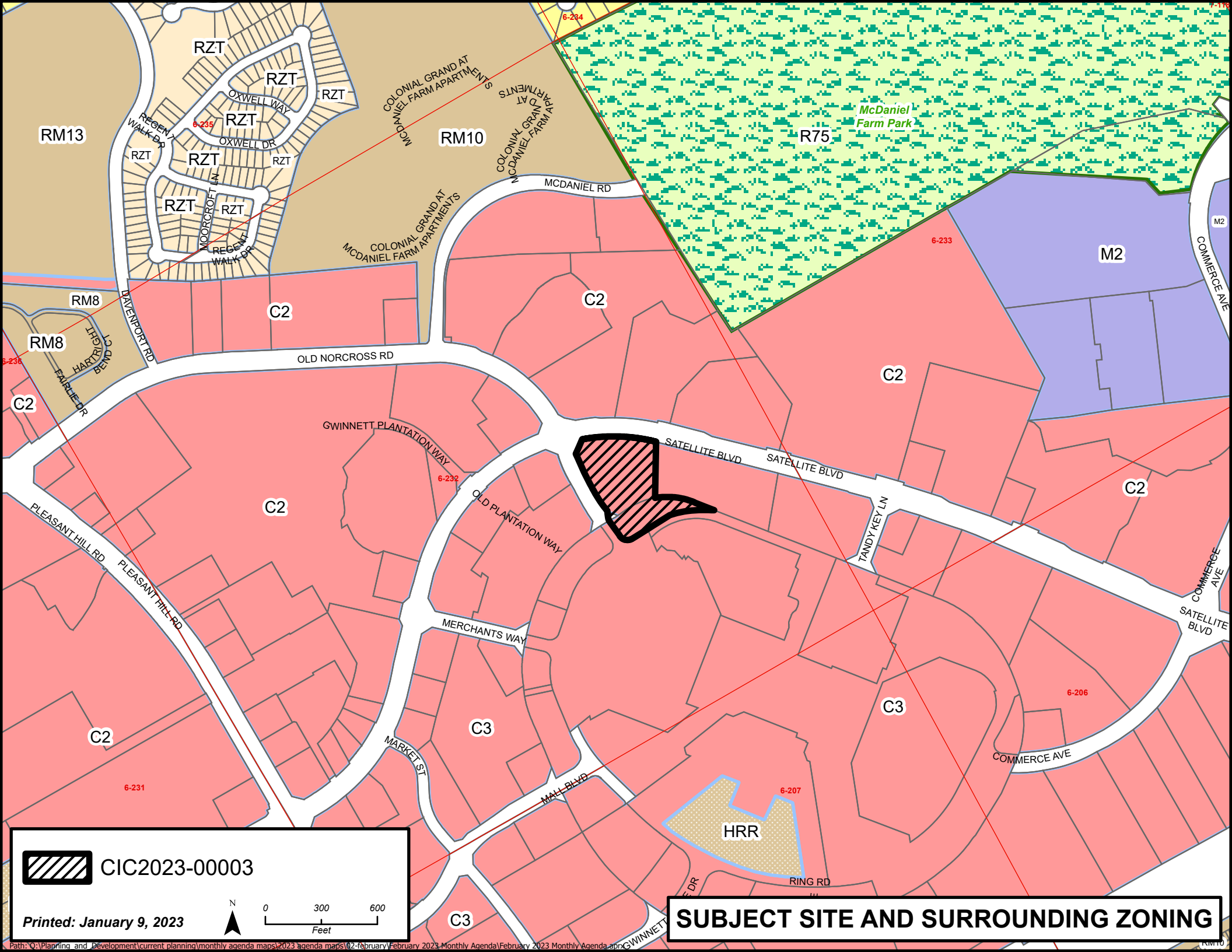
RING RD



CIC2023-00003

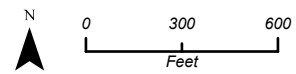
Printed: January 9, 2023



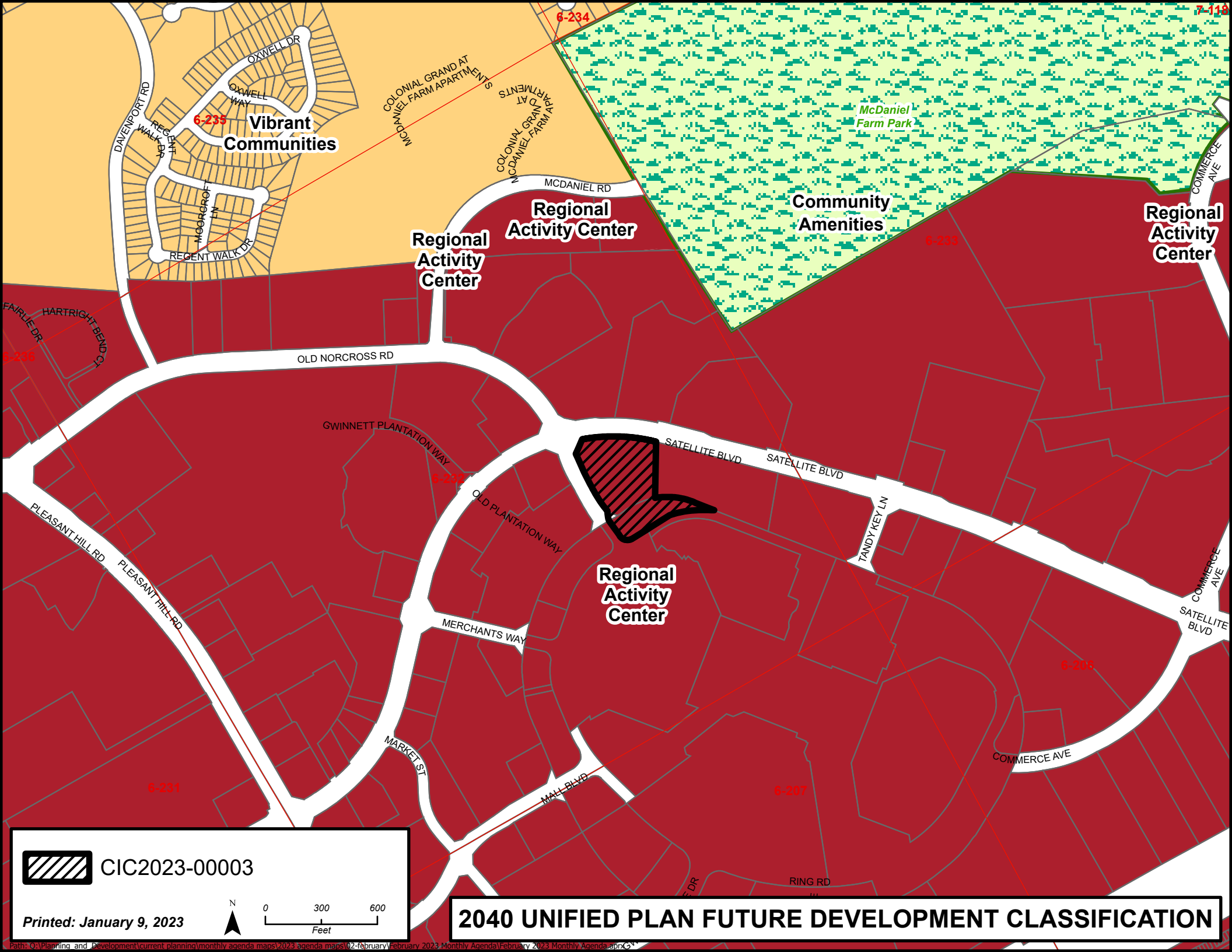


 CIC2023-00003

Printed: January 9, 2023



SUBJECT SITE AND SURROUNDING ZONING



Vibrant Communities


Regional Activity Center

Regional Activity Center

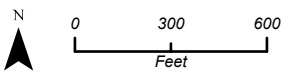
Community Amenities

Regional Activity Center

Regional Activity Center

 **CIC2023-00003**

Printed: January 9, 2023



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

RECEIVED

12/2/2022

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>HAB Group 3, LLC</u>	NAME: <u>OLP Havertportfolio LP</u>
ADDRESS: <u>1437 Wintercress Court</u>	ADDRESS: <u>60 Cuttermill Rd, Suite 303</u>
CITY: <u>Marietta</u>	CITY: <u>Great Neck</u>
STATE: <u>GA</u> ZIP: <u>30066</u>	STATE: <u>NY</u> ZIP: <u>11021-3104</u>
PHONE: <u>770.315.8467</u>	PHONE: <u>516.773.2795</u>
EMAIL: <u>matt@forcastre.com</u>	EMAIL: <u>patc@1liberty.com</u>
CONTACT PERSON: <u>Darrell Baker , Purchaser</u> PHONE: <u>404.977.2470</u> Representative	
CONTACT'S E-MAIL: <u>dbaker@rwcre.net</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICTS(S): <u>C-2</u>	PRIOR ZONING CASE: <u>RZ-91-056</u>
PARCEL NUMBER(S): <u>R6232 059</u>	ACREAGE: <u>2.93</u>
ADDRESS OF PROPERTY: <u>3380 Satellite Blvd, Duluth, GA 30096</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Remove Condition #3 from RZ-91-056</u>	
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/LOTS: <u>1 Bldg / 2 Lots</u>
DWELLING UNIT SIZE (Sq. Ft.): _____	TOTAL GROSS SQUARE FEET: <u>50,820</u>
GROSS DENSITY: _____	DENSITY: <u>Density on original lot remains the same, adding 0.991 acres of parking in a purchase from Gwinnett Co. from tract R6232 003 that will remain parking area</u>
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

12/2/2022

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:

The change in condition is consistent with car sales and maintenance facilities in the area, especially from the Interstate to Tandy Key Lane.

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

The Change in Condition will not adversely affect adjacent or nearby properties and is consistent with uses already in the area.

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

The current retail use as a furniture retail sales location is reasonable, but post covid retail changes could make a bldg of this size a challenge to lease as a single retail tenant location in the future.

- (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:

The area is designed as a high transportation area and the use will not cause excessive or burdensome use to the local infrastructure. The impact to schools is a positive one in that the use generates no new student population.

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

The use is consistent with the current and future land use plan and will enhance the current ERP out from Gwinnett County.

- (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 new redevelopment of the mall will be strengthened by the caliber of the use in this location.

RECEIVED

12/2/2022

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

11/3/22
Date

Matt Boone, Purchaser

Type or Print Name and Title



Signature of Notary Public

11/3/2022
Date

Notary Seal

RECEIVED

12/2/2022

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

CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION

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OLP HAVERTPORTFOLIO L.P., a Delaware limited partnership

By:  _____ 11/3/2022
Signature of Property Owner Date

Name: Patrick J. Callan, Jr.
Title: President of the Sole Member of the General Partner

Type or Print Name and Title

 _____ 11/3/2022
Signature of Notary Public Date Notary Seal

RICHARD M. FIGUEROA
Notary Public, State of New York
Registration #02F15073484
Qualified in New York County
Commission Expires April 23, 2023

RECEIVED

12/2/2022

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

CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION

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[Handwritten Signature]

12/2/2022

Signature of Property Owner

Date

0.991 acre carve out of Tax Parcel R6232 003
(Reference CIC 2023-00003 and associated concurrent variance)

Susan Canon

Gwinnett County Director of Planning and Development

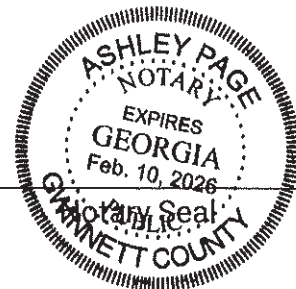
Type or Print Name and Title

Ashley Page

12/2/22

Signature of Notary Public

Date



RECEIVED

12/2/2022

3380 SATELLITE BOULEVARD

ALL THAT TRACT OR PARCEL OF LAND, TOGETHER WITH IMPROVEMENTS THEREON, LYING AND BEING IN LAND LOT 232 OF THE SIXTH LAND DISTRICT, GWINNETT COUNTY, GEORGIA, CONTAINING 127,653 S.F. (2.930 ACRES) OF LAND, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MITERED INTERSECTION OF THE SOUTHERLY MARGIN OF THE 100 FOOT RIGHT-OF-WAY OF SATELLITE BOULEVARD WITH THE EASTERLY MARGIN OF THE 88 FOOT RIGHT-OF-WAY OF OLD NORCROSS ROAD, BEING THE POINT OF BEGINNING;

THENCE ALONG THE RIGHT-OF-WAY OF SATELLITE BOULEVARD 277.34 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1056.04 FEET, A CHORD BEARING OF NORTH 86 DEGREES 21 MINUTES 51 SECONDS EAST, AND A CHORD DISTANCE OF 276.54 FEET TO A POINT;

THENCE 130.33 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 991.74 FEET, A CHORD BEARING OF SOUTH 80 DEGREES 28 MINUTES 56 SECONDS EAST, AND A CHORD DISTANCE OF 130.24 FEET TO A 1/2" REBAR;

THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 00 DEGREES 45 MINUTES 45 SECONDS WEST, 285.38 FEET TO A POINT;

THENCE 162.78 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 382.07 FEET, A CHORD BEARING OF SOUTH 68 DEGREES 21 MINUTES 32 SECONDS WEST, AND A CHORD DISTANCE OF 161.55 FEET TO A POINT;

THENCE SOUTH 56 DEGREES 09 MINUTES 13 SECONDS WEST, 66.01 FEET TO A 1/2" REBAR ON THE EASTERN RIGHT-OF-WAY OF OLD NORCROSS ROAD;

THENCE ALONG SAID RIGHT-OF-WAY NORTH 69 DEGREES 50 MINUTES 50 SECONDS WEST, 52.79 FEET TO A 1/2" REBAR;

THENCE NORTH 29 DEGREES 33 MINUTES 45 SECONDS WEST, 273.95 FEET TO A POINT;

THENCE NORTH 23 DEGREES 54 MINUTES 01 SECONDS WEST, 88.52 FEET TO A 1/2" REBAR;

THENCE ALONG A MITER NORTH 27 DEGREES 18 MINUTES 26 SECONDS EAST, 54.35 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH (ADD PARCEL)

ALL THAT TRACT OR PARCEL OF LAND, TOGETHER WITH IMPROVEMENTS THEREON, LYING AND BEING IN LAND LOT 232 OF THE SIXTH LAND DISTRICT, GWINNETT COUNTY, GEORGIA, CONTAINING 43,145 S.F. (0.991 ACRES) OF LAND, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND TO THE POINT OF BEGINNING, COMMENCE AT THE MITERED INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY OF SATELLITE BOULEVARD WITH THE EASTER RIGHT-OF-WAY OF OLD NORCROSS ROAD;

THENCE ALONG THE RIGHT-OF-WAY OF OLD NORCROSS ROAD AND ALONG SAID MITER SOUTH 27 DEGREES 18 MINUTES 26 SECONDS WEST, 54.35 FEET TO A 1/2" REBAR;

THENCE SOUTH 23 DEGREES 54 MINUTES 01 SECONDS EAST, 88.52 FEET TO A POINT;

THENCE SOUTH 29 DEGREES 33 MINUTES 45 SECONDS EAST, 273.95 FEET TO A POINT;

THENCE ALONG A MITER SOUTH 69 DEGREES 50 MINUTES 50 SECONDS EAST, 52.79 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING THE RIGHT-OF-WAY OF OLD NORCROSS ROAD NORTH 56 DEGREES 09 MINUTES 13 SECONDS EAST, 66.01 FEET TO A POINT;

RECEIVED

12/2/2022
THENCE 162.78 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 382.07, A CHORD BEARING OF NORTH 68 DEGREES 21 MINUTES 32 SECONDS EAST, AND A CHORD DISTANCE OF 161.55 FEET TO A POINT;

THENCE 51.75 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 382.07, A CHORD BEARING OF NORTH 84 DEGREES 26 MINUTES 39 SECONDS EAST, AND A CHORD DISTANCE OF 51.71 FEET TO A POINT;

THENCE SOUTH 26 DEGREES 24 MINUTES 35 SECONDS EAST, 103.50 FEET TO A POINT;

THENCE 22.85 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 594.82 FEET, A CHORD BEARING OF SOUTH 72 DEGREES 18 MINUTES 11 SECONDS WEST, AND A CHORD DISTANCE OF 22.85 FEET TO A POINT;

THENCE SOUTH 57 DEGREES 31 MINUTES 47 SECONDS WEST, 135.89 FEET TO A POINT;

THENCE SOUTH 57 DEGREES 31 MINUTES 47 SECONDS WEST, 97.04 FEET TO A POINT;

THENCE 73.14 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 48.00 FEET, A CHORD BEARING OF NORTH 78 DEGREES 49 MINUTES 08 SECONDS WEST, AND A CHORD DISTANCE OF 66.26 FEET TO A POINT;

THENCE NORTH 35 DEGREES 11 MINUTES 20 SECONDS WEST, 102.49 FEET TO A POINT;

THENCE NORTH 56 DEGREES 09 MINUTES 13 SECONDS EAST, 48.00 FEET TO THE POINT OF BEGINNING.

RECEIVED

12/2/2022

Letter of Intent

Change in Condition #3 of RZ-91-056 for Parcel # R6232059

Side Yard Set Back Variance for a 0.991 acre Carve Out from Parcel # R6232003

Purchaser Representative:

Darrell Baker
Randolph Williams
900 Westpark Drive, Suite 210
Peachtree City, GA 30269

Address of Property: 3380 Satellite Blvd, Duluth, GA 30096
2100 Pleasant Hill Rd, Duluth, GA 30096 (County Mall Tract)

Parcels:

R6232 059	2.93 acres	Existing Retail Furniture Sales Location
R6232 003	0.991 acres	0.991 acre tract out of the Mall tract being purchased from Gwinnett County. Mark Farmer - Contact

Proposed Use of the Property:

A full sales and service Tesla Dealership (SSD) & Parking Deck for a Regional Car Delivery Facility.

Zoning Classification: C-2, Will remain C-2

Number of Lots: Two, The existing furniture site as well as the County site being purchased. At purchase, the site will be platted as 1 tract.

Density: Remains the same. Existing building of 50,820 SF will be remodeled for the dealership. The adjacent County lot being purchased will become a multi-level parking deck for a Regional Car Delivery / Distribution Facility.

<i>Parking:</i>	Existing:	Upper Lot:	132 Spaces (Furniture Bldg)
		Lower Lot:	<u>100 Spaces</u> (County Tract)
		Total:	232 Spaces
	Proposed:	Upper Lot	121 Spaces
		Parking Deck	<u>517 Spaces</u>
		Total:	637 Spaces

RECEIVED

12/2/2022

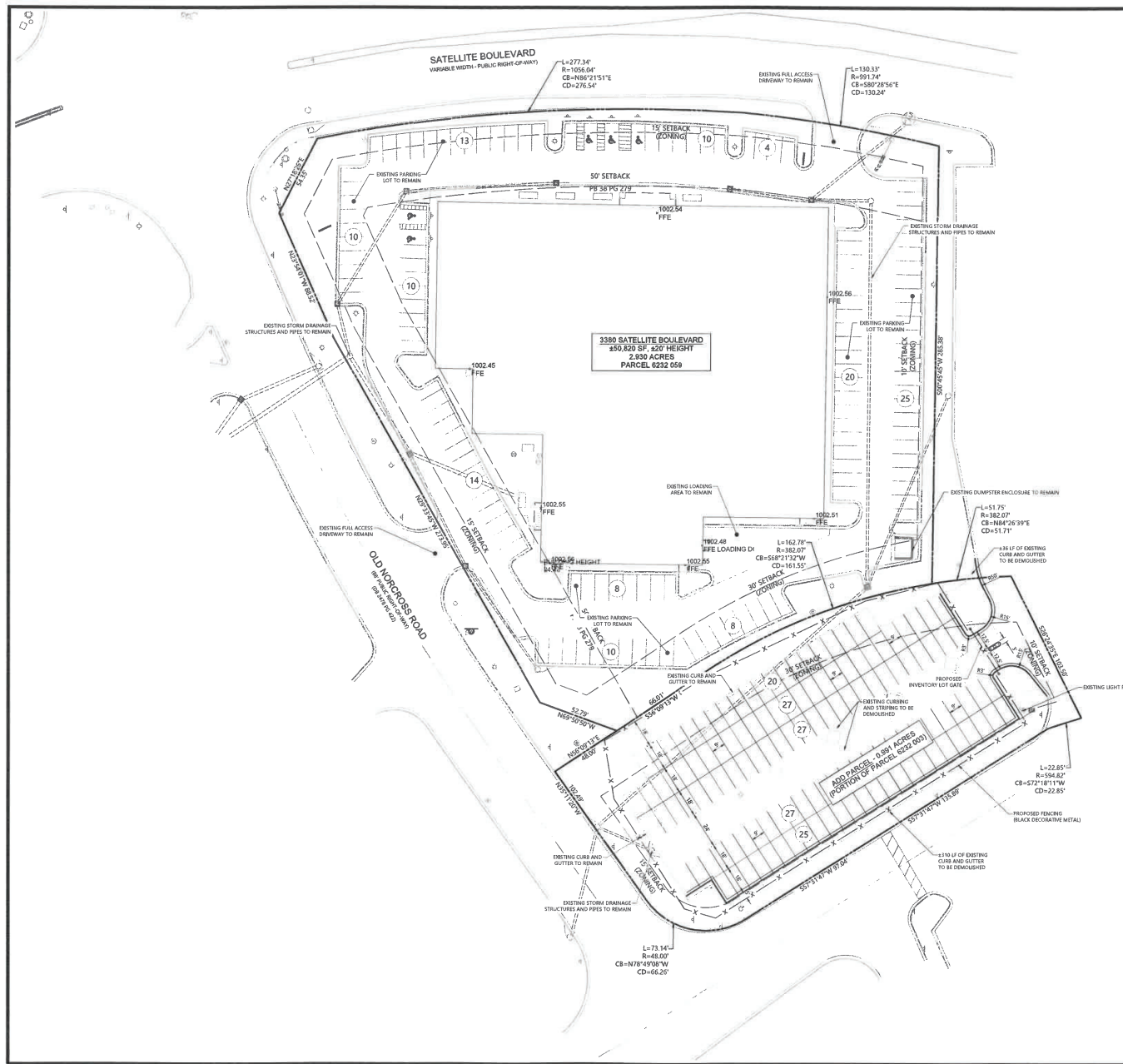
Height of Building: Highest Elevation on Existing Bldg to Remain / 25' 7 ½"

Height of Deck: Building FFE at Satellite Blvd 1002.50
Max Building Height (45') 1047.50

Variance: Applicant is requesting a Side Yard Building Setback Variance from UDO Section 230-10 on Parcel # R6232003. Based on the size / shape of the parcel and adjacent location of the new Gwinnett Transportation Hub and widening of the existing ring road, we maxed out on the amount of land we could purchase from the county. The setback variance will alleviate the need for an additional height variance and keep the deck size more scaled to the existing building size from Satellite Blvd. The site plan in this package shows the requested reduction in side yard building setback from 50' to 10' in the lower NW corner of the site.

Change in Condition: Remove #3 Condition of RZ-91-056 (Attached)

THE NAME, ADDRESS AND PHONE NUMBER OF THE ARCHITECT OR ENGINEER SHALL BE SHOWN ON ALL DRAWINGS. THE NAME, ADDRESS AND PHONE NUMBER OF THE CLIENT SHALL BE SHOWN ON ALL DRAWINGS. THE NAME, ADDRESS AND PHONE NUMBER OF THE CLIENT SHALL BE SHOWN ON ALL DRAWINGS.



VICINITY MAP



DEVELOPER/APPLICANT:

RANDOLPH WILLIAMS
 100 WESTFARM DRIVE, SUITE 210
 PEACHTREE CITY, GA 30288
 CONTACT: DANIEL BAKER, AGENT
 PHONE: 404.977.2470

ENGINEER:

ATWELL
 1800 PARKWAY PLACE
 SUITE 100
 MARIETTA, GA 30067
 CONTACT: ROBBI KAY, P.E.
 PHONE: 770.960.8648

GENERAL NOTES:

- THE EXISTING FURNITURE SALES BUILDING IS PROPOSED TO BE RE-PURPOSED FOR AN AUTOMOBILE SALES AND SERVICE FACILITY. THE SCOPE OF THE REDEVELOPMENT IS TO PROPOSE CHANGE IN CONDITIONS FOR THIS SPECIFIC USE AND TO PRESERVE THE EXISTING PARKING LOT, UTILITY, LOADING AREA, STORM WATER COMPLIANCE AND MANAGEMENT.
- EXISTING SITE IS CURRENTLY SERVED WITH GWINNETT COUNTY WATER AND SEWER SERVICES.
- WE INTEND TO RE-USE AND MAINTAIN ALL TREE BUFFER AREAS AND TREE ISLANDS CURRENTLY ON THE SITE EXCEPT FOR THOSE IN THE ADDITIONAL LOT.
- NO FLOODPLAIN, WETLANDS, AND DESIGN DISTRICT ON THE PROPERTY.
- NO CEMETERIES EXIST ON THE PROPERTY.

SITE SUMMARY:

ADDRESS: 3388 SATELLITE BLVD DULUTH, GWINNETT GA 30066		CITY: GWINNETT COUNTY	
TOTAL PROPERTY AREA: 457.9 AC		DEVELOPABLE AREA: 457.9 AC	
DEVELOPABLE AREA: 457.9 AC		DEVELOPABLE AREA: 457.9 AC	
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DEVELOPABLE AREA: 457.9 AC		DEVELOPABLE AREA: 457.9 AC	

BUFFERS & SETBACKS:

FRONT:	15'
REAR:	30'

APPLICATION TYPE:

CHANGE IN CONDITIONS IN CONDITION 3 OF C2-1-1-68 AND R2-61-054

PARKING SUMMARY:

PARKING EXISTING	UPPER LOT: 133 SPACES (HARVEY'S BUILDING)
	LOWER LOT: 100 SPACES (SMALL PARKING)
TOTAL:	233 SPACES
PARKING CALCULATIONS	SEC. 240-20-3
	AUTOMOBILE SALES, NEW CAR DEALERSHIP
MAX = 1 PER 100 SF	MAX = 1 PER 100 SF
MAX = 1 PER 100 SF	MAX = 1 PER 100 SF
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MAX = 1 PER 100 SF	MAX = 1 PER 100 SF

PARKING PROPOSED:

UPPER LOT: 133 SPACES (AUTO SALES PARKING)	
LOWER LOT: 100 SPACES (INVENTORY SPACES)	
TOTAL:	233 SPACES

811
Know what's below.
Call before you dig.
The Georgia 811 program is a free service that connects you to the utility companies that serve your area. It helps you find out what's underground before you dig. It's the best way to avoid accidents, injuries, and property damage. Call 811 before you dig.

24 HOUR EMERGENCY CONTACT:
DANIEL BAKER
404-977-2470

ATWELL
1800 PARKWAY PLACE, SUITE 100
MARIETTA, GA 30067
770.960.8648
www.atwell-engineers.com

LOT 1 PARCEL 6232 059
3388 SATELLITE BLVD 30096
DULUTH
GWINNETT COUNTY, GA

TESLA - GWINNETT MALL
RANDOLPH WILLIAMS
SITE DEVELOPMENT PLANS
SITE CONCEPTUAL PLAN

DATE: 10-27-2022

REVISIONS

GEORGIA
REGISTERED PROFESSIONAL ENGINEER
DANIEL BAKER
10000 N. HIGHWAY 100, SUITE 100
MARIETTA, GA 30067
770.960.8648

GSWCC No. 21547

DRAWN BY: MR
CHECKED BY: BK
PROJECT MANAGER: BK
JOB #: 22000559
SHEET CODE
SHEET NO. C200

JOB FILE: 220005-028 SITE PLAN/CONTRACT

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12/2/2022

**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:
(Map Reference Number)

6th - 232 - 26232 059
District Land Lot Parcel



Signature of Applicant

11/2/22

Date

Matt Booc, Purchaser

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)

Vicki Schoby

NAME

TSA II

TITLE

11/3/2022

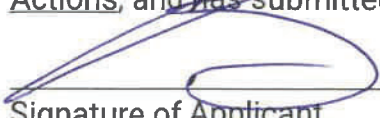
DATE


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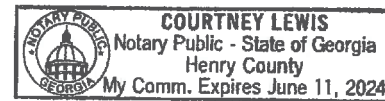
12/2/2022


CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

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

 11/2/22 MaA Boone, Purchaser
Signature of Applicant Date Type of Print Name and Title

 11/2/22 Dannell Baker, Agent
Signature of Applicant's Attorney or Representative Date Type or Print Name and Title



 11/2/2022 _____
Signature of Notary Public Date Notary Seal

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

YES NO Dannell Baker
Your Name

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

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

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

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Letter of Intent

Change in Condition #3 of RZ-91-056 for Parcel # R6232059

Purchaser Representative:

Darrell Baker
Randolph Williams
900 Westpark Drive, Suite 210
Peachtree City, GA 30269

Address of Property: 3380 Satellite Blvd, Duluth, GA 30096

Parcels:

R6232 059	2.93 acres	Existing Retail Furniture Sales Location
R6232 003	0.991 acres	0.991 acre tract out of the Mall tract being purchased from Gwinnett County. Mark Farmer - Contact

Proposed Use of the Property:

A full sales and service Tesla Dealership (SSD).

Zoning Classification: C-2, Will remain C-2

Number of Lots: Two, The existing furniture site as well as the County site being purchased.

Density: Remains the same. Existing building of 50,820 SF will be remodeled for the dealership. The adjacent County lot being purchased will remain surface parking as it currently exists.

<i>Parking:</i>	Existing:	Upper Lot:	132 Spaces (Furniture Bldg)
		Lower Lot:	100 Spaces (County Tract)
		Total:	232 Spaces
	Proposed:	Upper Lot	132 Spaces
		Lower Lot	126 Spaces
		Total:	258 Spaces

Height of Building: Highest Elevation on Existing Bldg to Remain / 25' 7 1/2"

Buffer Changes: None Requested

Change in Condition: Remove #3 Condition of RZ-91-056 (Attached)

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12/2/2022

CASE NUMBER RZ-91-056

PLANNING BOOK 12

0533

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.

Present

Lillian Webb, Chairman
W. J. Dodd, District 1
Doug Williamson, District 2
J. Curtis McGill, District 3
Renee Unterman, District 4

VOTE

AYE
AYE
AYE
AYE
AYE

On motion of COMM. DODD, 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-3 to C-3 (CHANGE IN CONDITIONS) by GWINNETT COUNTY PLANNING COMMISSION for the proposed use of CHANGE IN CONDITIONS on a tract of land described by the attached legal description, which

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12/2/2022

0534

CASE NUMBER RZ-91-056

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 HOME WEEKLY, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JULY 23, 1991, and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 23RD day of JULY, 1991, that the aforesaid application to amend the Official Zoning Map from C-3 to C-3 is hereby APPROVED subject to the following enumerated conditions:

1. No billboards shall be permitted.
2. Outdoor recreational uses shall be subject to the approval of a Special Use Permit by the Board of Commissioners after a public hearing and after a recommendation by the Planning Commission.
3. ~~Auto sales and associated service facilities shall be limited to the area described in the survey noted as Rezoning Exhibit for Partridge Green, Inc., by Development Consultants Group, dated June 1, 1988.~~
4. No auto sales, service or repair facility shall front (adjacent to) Pleasant Hill Road, except for the existing Firestone Tire Store/auto service facility.

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PLANNING BOOK 12

0535

CASE NUMBER RZ-91-056

5. No mobile home or mobile home building, leasing or sales lot, new or used shall be permitted.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Lillian Webb
Lillian Webb, Chairman

Date Signed: 8-13-91

ATTEST:

Bethann W. Brown
Clerk