

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Fuqua Acquisitions II, LLC c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Mansour Properties, LLC &amp; Lifestyle Family Group, LLC</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>669 Atlanta Country Club Dr SE</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Marietta</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30067</u>
PHONE: <u>770.232.0000</u>	PHONE: <u>770.232.0000</u>
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770.232.0000</u>	
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	

**APPLICANT IS THE:**

☐ OWNER'S AGENT    ☐ PROPERTY OWNER    ☒ CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): C-2 & O-1 REQUESTED ZONING DISTRICT: MU-R

LAND DISTRICT(S): 7 LAND LOT(S): 146 ACREAGE: +/- 34.5

ADDRESS OF PROPERTY: Buford Drive & Laurel Crossing Parkway

PROPOSED DEVELOPMENT: Regional Mixed-Use Development

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>+/-500</u>	No. of Buildings/Lots: <u>12 buildings</u>
Dwelling Unit Size (Sq. Ft.): <u>Varies per Site Plan</u>	Total Building Sq. Ft. <u>+/-276,500 square feet</u>
Gross Density: <u>+/- 14.5 units per acre</u>	Density: <u>+/- 276,500 square feet per acre</u>
Net Density: <u>+/- 14.5 units per acre</u>	

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

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## LEGAL DESCRIPTION

### *PROPERTY DESCRIPTION*

(TRACT ONE)

All that tract or parcel of land lying and being in Land Lots 145 and 146 of the 7th Land District, Gwinnett County, Georgia and being more particularly described as follows:

To find the point of beginning, commence at the intersection of Land Lots 133, 134, 145 and 146; THENCE North 26 degrees 54 minutes 06 seconds West for a distance of 427.32 feet to a point, said point marked by a leaf spring found, said point also being THE TRUE POINT OF BEGINNING.

THENCE from said point as thus established, South 63 degrees 24 minutes 24 seconds West for a distance of 2341.04 feet to a point, said point marked by an axle found; THENCE South 63 degrees 16 minutes 04 seconds West for a distance of 775.21 feet to a point along the northeast right-of-way of Georgia Hwy. 20(R/W Varies), said point marked by a 1/2 inch rebar pin set; THENCE along said right-of-way North 08 degrees 59 minutes 40 seconds West for a distance of 689.32 feet to a point; THENCE continuing along said right-of-way North 03 degrees 17 minutes 01 seconds West for a distance of 201.00 feet to a point; THENCE North 10 degrees 24 minutes 17 seconds West for a distance of 405.64 feet to a point, said point marked by a concrete monument found; THENCE leaving said right-of-way North 63 degrees 19 minutes 10 seconds East for a distance of 2708.57 feet to a point, said point marked by a flat iron bar; THENCE North 26 degrees 50 minutes 52 seconds West for a distance of 970.32 feet to a point along the southern right-of-way of Interstate 85 (R/W Varies), said point marked by a 1/2 inch rebar pin set; THENCE along said right-of-way North 89 degrees 22 minutes 07 seconds East for a distance of 245.43 feet to a point; THENCE continuing along said right-of-way along a curve to the right having a radius of 11309.17 feet and an arc length of 950.02 feet, being subtended by a chord of South 88 degrees 22 minutes 53 seconds East for a distance of 949.74 feet to a point; THENCE South 85 degrees 44 minutes 37 seconds East for a distance of 297.32 feet to a point, said point marked by a concrete monument found; THENCE South 89 degrees 22 minutes 36 seconds East for a distance of 457.29 feet to a point; THENCE along a curve to the right having a radius of 11309.17 feet and an arc length of 184.49 feet, being subtended by a chord of South 82 degrees 40 minutes 51 seconds East for a distance of 184.49 feet to a point, said point marked by a 1 inch open top pipe found; THENCE leaving said right-of-way South 13 degrees 04 minutes 33 seconds West for a distance of 281.41 feet to a point, said point marked by a 1 inch open top pipe found; THENCE South 51 degrees 34 minutes 14 seconds East for a distance of 114.35 feet to a point, said point marked by a marked tree found; THENCE South 00 degrees 24 minutes 05 seconds West for a distance of 362.09 feet to a point, said point marked by a 1/2 inch rebar pin set; THENCE South 44 degrees 23 minutes 03 seconds West for a distance of 1656.40 feet to a point, said point marked by a leaf spring found, said point also being THE TRUE POINT OF BEGINNING.

LESS AND EXCEPT TRACT I-B, TRACT I-C, TRACT I-E, AND TRACT I-F AS DEPICTED ON THAT CERTAIN PLAN PREPARED BY PRECISION PLANNING, INC. DATED 11/13/1998.

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All that tract or parcel of land lying and being in Land Lot 146 of the 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGINNING at a 5/8-inch rebar set at the Westerly end of the mitered intersection of the Easterly right-of-way line of Georgia Highway 20, a.k.a. Buford Drive (variable right-of-way) and the Northerly right-of-way line of Laurel Crossing Parkway (100-foot right-of-way), said point being the TRUE POINT OF BEGINNING; Thence along said Easterly right-of-way line of Georgia Highway 20 North 07 degrees 10 minutes 16 seconds West, a distance of 228.04 feet to a 5/8-inch rebar set; Thence North 13 degrees 34 minutes 35 seconds West, a distance of 405.72 feet to a concrete monument found; Thence departing said right-of-way line North 60 degrees 06 minutes 30 seconds East, a distance of 2582.77 feet to a 5/8-inch rebar set; Thence South 30 degrees 06 minutes 46 seconds East, a distance of 71.67 feet to a 5/8-inch rebar set located on the Northerly right-of-way line of Laurel Crossing Parkway (100-foot right-of-way); Thence along said right-of-way line and following along a curve to the left having an arc length of 246.88 feet, with a radius of 851.65 feet, being subtended by a chord bearing of South 31 degrees 27 minutes 34 seconds West, for a distance of 246.01 feet to a 5/8-inch rebar set; Thence South 23 degrees 08 minutes 42 seconds West, a distance of 491.69 feet to a 5/8-inch rebar set; Thence along a curve to the right having an arc length of 455.17 feet, with a radius of 750.00 feet, being subtended by a chord bearing of South 40 degrees 31 minutes 52 seconds West, for a distance of 448.22 feet to a 5/8-inch rebar set; Thence South 57 degrees 55 minutes 02 seconds West, a distance of 1413.16 feet to a 5/8-inch rebar set; Thence along a curve to the right having an arc length of 174.28 feet, with a radius of 700.00 feet, being subtended by a chord bearing of South 65 degrees 03 minutes 00 seconds West, for a distance of 173.83 feet to a 5/8-inch rebar set; Thence South 72 degrees 10 minutes 57 seconds West, a distance of 149.19 feet to a 5/8-inch rebar set; Thence North 57 degrees 31 minutes 42 seconds West, a distance of 49.20 feet to a 5/8-inch rebar set, said point being the TRUE POINT OF BEGINNING.

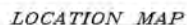
Said tract of land contains 34.551 Acres.

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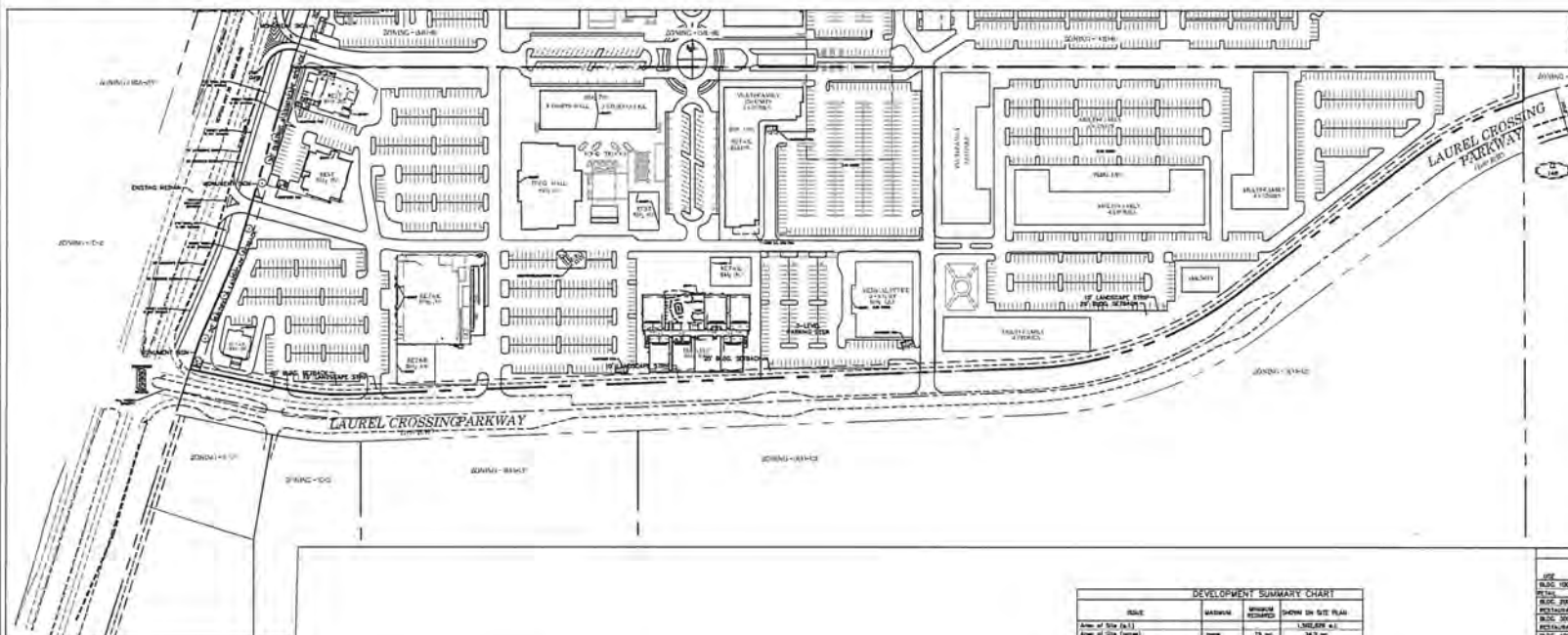
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RESIDENTIAL DENSITY: 500 units/34.5 acres = 14.5 units/acre



### VARIANCES

1. BUILDINGS ARE NOT WITH IN 30' OF RIGHT OF WAY (220-30.3.5.4)
2. OVER MAXIMUM OF 20% OF PARKING BETWEEN BUILDING AND RIGHT OF WAY/STREET  
(220-30.3.5.3)(210-225.5.2)
3. NO GREENWAY PATH LOCATED ON THIS SITE. (210-225.5(10))
4. OUTDOOR SEATING TIMES FROM 5 am to 2 pm NEXT TO RESIDENTIAL USES (220-120.4(1))
5. OUTDOOR SEATING AREAS MAY BE LOCATED ADJACENT TO SIDEWALKS THAT ARE AT LEAST 66 FEET IN WIDTH

DWELLING UNIT FLOOR AREA			
	EFFICIENCY	1000 SF	700 SF
LOW INHIBITORS	800	750	1000
REMARKS	N/A	750	1000

[illegible]

PARKING STATISTICS				
TYPE	BLVD. SPACE	MINIMUM PARK SPACE	MINIMUM PARK SPACE	PERCENT
REGULAR	3,000 S.F.	1	18	14
RESTAURANT	15,000 S.F.	87	1,615	78
RESTAURANT	10,000 S.F.	81	1,615	20
REGULAR	4,000 S.F.	8	20	10
RESTAURANT	4,000 S.F.	22	53	30
REGULAR	70,000 S.F.	58	1,145	144
REGULAR	30,000 S.F.	167	3,313	119
REGULAR	22,000 S.F.	44	110	40
REGULAR	10,000 S.F.	11	22	20
REGULAR	5,000 S.F.	12	87	40
REGULAR	3,000 S.F.	11	97	40
REGULAR	25,000 S.F.	100	200	20
REGULAR	15,000 S.F.	25	50	20
RESTAURANT	15,000 S.F.	17	333	20
RESTAURANT	15,000 S.F.	203	403	23
REGULAR	50,000 S.F.	100	203	74
REGULAR	100,000 S.F.	1,374	2,000	145
TOTAL	N/A	1,374	3,023	22

[illegible]

### SITE PLAN



**GEORGIA 811**  
Utility Protection Center, Inc.

Camp white hot  
 Grill before you die  
 Dial 811  
 Or Call 800-282-7411

[illegible]

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**HAYNES GIPSON & ASSOCIATES**  
CONSULTING ENGINEERS  
CIVIL & STRUCTURAL SERVICES  
15526 NORTH WILSON ROAD, SUITE 100  
DALLAS, TEXAS 75244  
PHONE: (770) 493-7050  
FAX: (770) 491-7510



RELATIONSHIP DOCUMENT

PHASE II  
THE EXCHANGE  
@ Gwinnett

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1

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**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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**REZONING & SPECIAL USE PERMIT APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

- (A) Yes, the proposed development will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development is adjacent to land recently zoned for a large-scale mixed-use development and is in close proximity with additional commercial, multifamily residential, and mixed-use zoning classifications and land uses. The proposed development includes points of ingress and egress on Buford Drive (SR 20) and Laurel Crossing Parkway as well as interparcel connectivity to the previously-approved mixed-use development to the north.
- (B) No, the proposed development will not adversely affect the existing use or usability of any of the nearby properties. Rather, the proposed development would complement existing commercial, residential, and employment centers. Further, the proposed development represents a continuation of the previously-approved mixed-use development to the north and complements and expands the land uses approved thereunder.
- (C) In light of the size, location, layout, topography, and natural features of the property and also in light of the nature of surrounding development, the Applicant submits that the subject Property does not have reasonable economic use as currently zoned.
- (D) No, the proposed development will not result in an excessive or burdensome use of the infrastructure systems. The proposed development would have convenient access to Buford Drive, Laurel Crossing Parkway, Rock Springs Road, and Interstates 85 and 985.
- (E) Yes, the proposed development is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan which designates the property as within a Regional Activity Center. Mixed-use developments are specifically encouraged in the Regional Activity Center Character Area.
- (F) The Applicant submits that the character of surrounding development, recent zoning actions by the Gwinnett County Board of Commissioners, and the subject property's convenient access to major transportation corridors provide additional supporting grounds for approval of the proposed development.

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Matthew P. Benson  
Gerald Davidson, Jr.\*  
Brian T. Easley  
Kelly O. Faber  
Christopher D. Holbrook  
Nicholas N. Kemper  
Shane M. Lanham  
Austen T. Mabe

Jeffrey R. Mahaffey  
Steven A. Pickens  
Catherine V. Schutz  
Thomas A. Simpson  
Andrew D. Stancil  
R. Lee Tucker, Jr.

\*Of Counsel

**LETTER OF INTENT FOR**  
**REZONING & SPECIAL USE PERMIT APPLICATIONS OF**  
**FUQUA ACQUISITIONS II, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning and special use permit applications (the "Applications") on behalf of Fuqua Acquisitions II, LLC (the "Applicant") in order to allow the development of an approximately 34.5-acre property (the "Property") located at the intersection of Buford Drive (State Route 20) and Laurel Crossing Parkway as a regional mixed-use development pursuant to the Regional Mixed Use (MU-R) zoning classification of the Gwinnett County Unified Development Ordinance (the "UDO"). The Property has frontage on Buford Drive and Laurel Crossing Parkway with convenient access to Interstate 85. The Property is currently zoned C-2 and O-I (the "Current Zoning"). The Property is located within the Mall of Georgia Activity Center/Corridor Overlay District as set forth in the UDO and the Regional Activity Center Character Area as set forth in the Gwinnett County 2040 Unified Plan (the "2040 Plan"). The Applicant is requesting to rezone the Property from the Current Zoning to the Regional Mixed Use (MU-R) zoning classification of the UDO with a special use permit for Outdoor Sales, Storage, or Display in order to accommodate the development of the Property for a mix of commercial/retail, restaurant, office, entertainment, and multi-family residential land uses as depicted on the site plan (the "Site Plan") and building elevations/renderings (the "Building Elevations") submitted with the Application.

Currently, planned commercial uses include a variety of retail and restaurant uses including both standalone commercial/retail buildings and vertically-mixed buildings such as Building 1100 which would include retail uses on the ground floor with up to five stories of multi-family residential units above. The proposed development would also include a movie theatre located at the southern end of a central promenade running north to south through the center of the proposed development. This central promenade extends into the Property from the

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

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

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adjacent recently-approved mixed-use development to the north and would provide an attractive pedestrian corridor and internal activity center creating a unique sense of place within the larger mixed-use development. To further accentuate and activate the central promenade, the proposed development includes a food hall adjacent to a central town green and courtyard which would provide a gathering place for residents and visitors to enjoy outdoor dining and a wide variety of events. The proposed food hall courtyard would also include a food truck alley with additional on-site dining options. The town green is designed to foster a strong sense of community by hosting educational and promotional events, cooking and kitchen equipment demonstrations, health and wellness seminars, fitness classes, yoga, and other similar activities. A proposed stage would accommodate live music, plays, and sporting event and concert streaming. The proposed town green and courtyard area would also include a brewpub, microbrewery, and/or microdistillery with a roof top patio complementing the retail, commercial, and entertainment components of the development and creating a true live/work/play environment. The Applicant is requesting approval of the special use permit for Outdoor Sales, Storage, or Display in order to further activate the town green by hosting, from time to time, outdoor markets such as farmers markets and art fairs, holiday festivals, holiday celebrations, and other events. Additional entertainment options on the town green would include outdoor recreation and activities, e.g., bocce ball, pickle ball, corn hole, and other similar activities.

A fashion hall catering to boutique and local retail shops is proposed on the ground floor of Building 700 at the northern end of the town green with two stories of office uses above. The town green area would include pedestrian amenities, outdoor seating and dining, and attractive landscaping including modern turf materials designed to accommodate large amounts of foot traffic. The proposed development would also include a standalone, three-story, full-service medical office building within Building 1200. The proposed medical office building would include doctor's offices as well as related, non-industrial, medical laboratory and testing facilities expanding residents' access to healthcare. The medical office building would be equipped to accommodate MRIs and other diagnostic care or procedures. Overall, the proposed development would include approximately 172,500 square feet of retail/restaurant space including the proposed movie theatre and approximately 500 units of multifamily dwellings all within buildings ranging from one story to five stories, or 60 feet, in height.

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The proposed development is consistent with the policy goals set forth in the 2040 Plan which provides that the "Activity Center Character areas on the Future Development Map are those areas where the most intensive forms of future development are suggested." Specifically, recommended potential development types for Regional Activity Centers include large-scale mixed-use developments, apartments, retail, shopping plazas, and large, multi-story office buildings. The 2040 Plan also encourages "a variety of small-scale, but intense open spaces for public gathering including plazas and pocket parks." Proposed buildings would have varying heights and would include attractive architectural designs and building materials as set forth on the Building Elevations preserving the aesthetics of the proposed development and enhancing visitors' pedestrian experience.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of this Application.

This 3rd day of April, 2019.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

*Attorneys for the Applicant*

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**REZONING APPLICANT'S CERTIFICATION**

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



Signature of Applicant

4/4/19

Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

04/04/19

Date



Notary Seal

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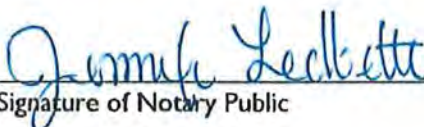
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 Jeff Fuqua, Manager 4/2/19  
Signature of Applicant JE Date

Jeff Fuqua, Manager  
Type or Print Name and Title

 4/2/19  
Signature of Notary Public Date




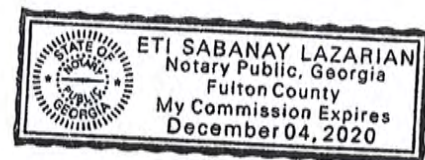
**REZONING PROPERTY OWNER'S CERTIFICATION**

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

  
\_\_\_\_\_  
Signature of Property Owner      4/3/2019      Date

John Mansour / manager      mansour properties, llc  
\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public      4/3/19      Date



Notary Seal

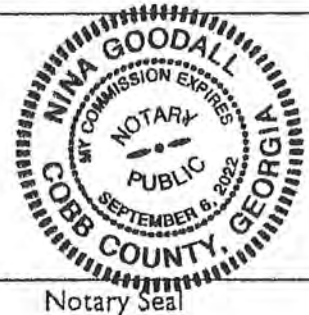
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[Signature] 4/4/19  
Signature of Property Owner Date

Sam Lereto / manager / Lifestyle Family Group  
Type or Print Name and Title

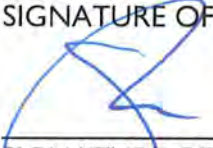
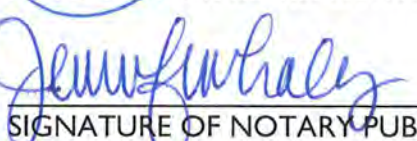
Nina Goodall 4/4/2019  
Signature of Notary Public Date



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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	7/4/19	Shane M. Lanham, Attorney for Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	4/4/19	
SIGNATURE OF NOTARY PUBLIC	DATE	



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

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

☐ YES ☒ NO Mahaffey Pickens Tucker, LLP  
YOUR NAME

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

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

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

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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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

7 4/2/19 Jeff Fuqua, Manager  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE  
Fuqua Acquisitions II, LLC

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

Jennifer Lett 4/2/19  
SIGNATURE OF NOTARY PUBLIC DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

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

☐ YES ☒ NO Jeff Fuqua  
YOUR NAME

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

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

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

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

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

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

**PARCEL I.D. NUMBER:**      7      146      002  
(Map Reference Number)      District      Land Lot      Parcel



Signature of Applicant

4/4/19  
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

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**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)

Debra Smith  
NAME

tax services associate  
TITLE

April 4, 2019  
DATE

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

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

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

**PARCEL I.D. NUMBER:**      7      146      029  
(Map Reference Number)      District      Land Lot      Parcel

  
\_\_\_\_\_  
Signature of Applicant

4/4/19  
\_\_\_\_\_  
Date

**Shane Lanham, Attorney for the Applicant**  
\_\_\_\_\_  
Type or Print Name and Title

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**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)

Debra Smith      tax services associate  
NAME      TITLE

April 4, 2019  
DATE

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      4/4/19  
Signature of Applicant      Date

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

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Debra Smith      tax services associate  
NAME      TITLE

April 4, 2019  
DATE

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## JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance (the "UDO") which classify or may classify the property which is the subject of this Application (the "Property") into any less intensive zoning classification other than as requested by the Applicant, and/or without the requested Special Use Permit, as set forth in the Application, (the "SUP") are or would be unconstitutional in that they would destroy the Applicant's and the owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO as applied to the subject Property, which restricts its use to the present zoning classification without the SUP, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the MU-R classification with the SUP as requested by the Applicant, and is not economically suitable for development under the present O-I and C-2 zoning classifications of Gwinnett County. A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the MU-R classification and grant the SUP with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the MU-R classification, or grant of

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the SUP, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



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Shane M. Lanham

*Attorneys for Applicant*

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

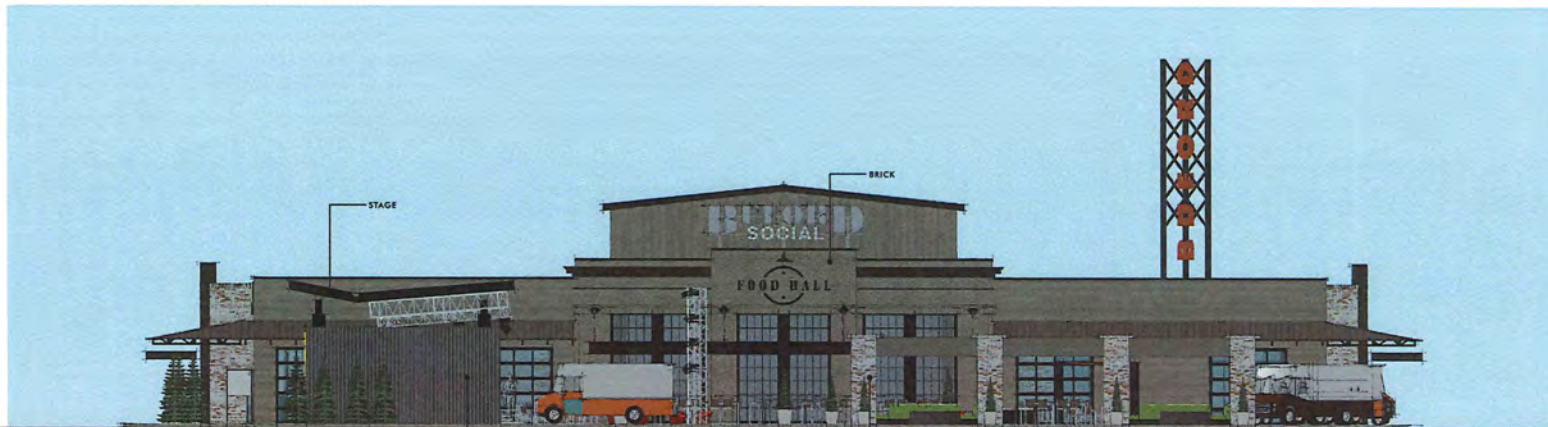
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FOOD HALL COURTYARD ELEVATION



FOOD HALL SIDE ELEVATION

4.04.2019

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# THE EXCHANGE

at Gwinnett

APR 15 2019



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FOOD HALL FRONT ELEVATION



FOOD HALL SIDE ELEVATION

4.04.2019



AERIAL VIEW OF FOOD HALL AND COURTYARD



AERIAL VIEW OF OFFICE AND APARTMENTS FROM HWY 20



VIEW OF APARTMENTS FROM MAIN STREET

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FOOD HALL FRONT ENTRANCE



FOOD HALL COURTYARD



OUTDOOR DINING AREA

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OFFICE BUILDINGS



ROUND-A-BOUT



THEATER PLAZA AREA

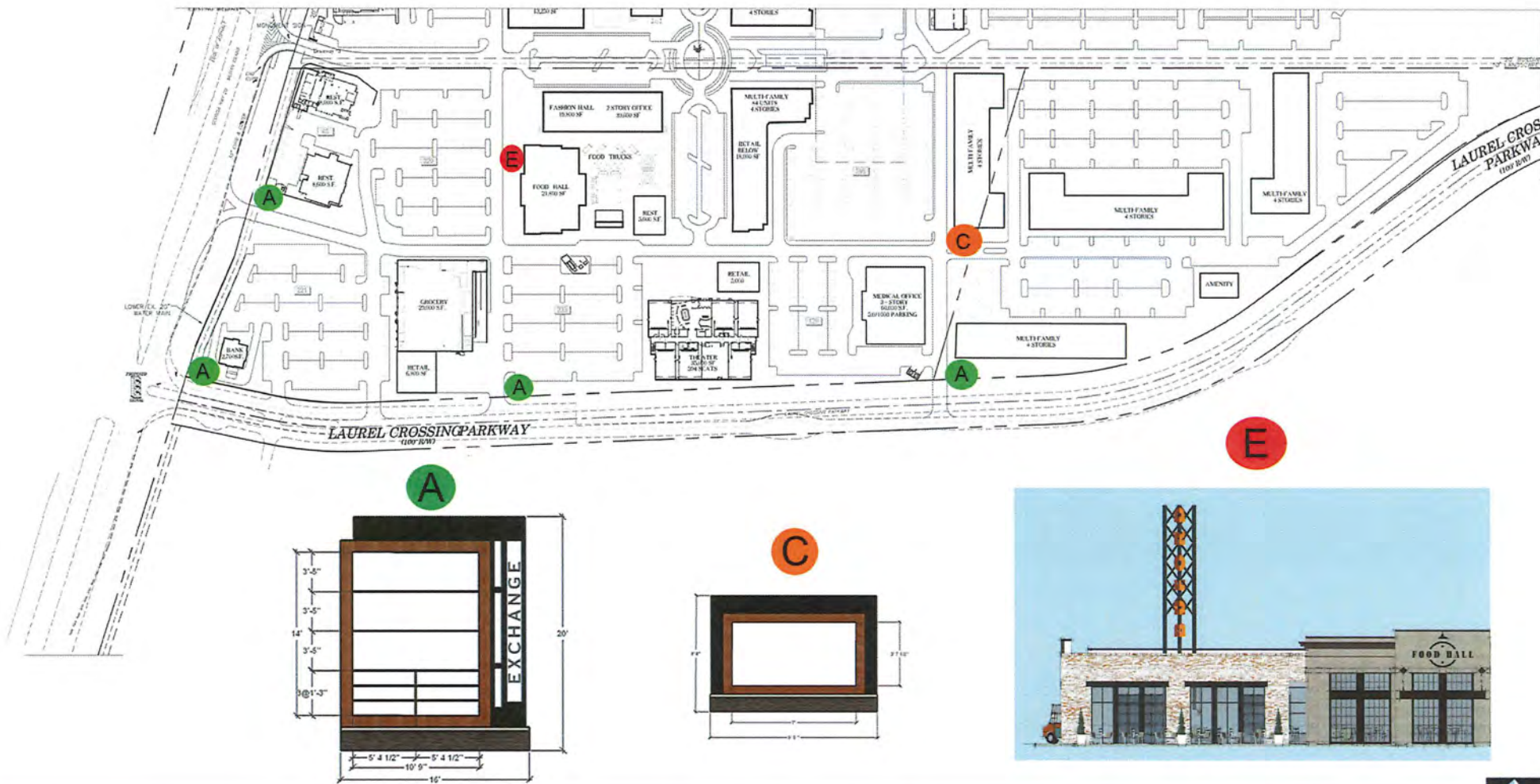
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**SEATING:**  
**Inside = 110**  
 Tables and soft seating located within the common areas

**Outside = 500**  
 Tables and soft seating  
 Exceeds maximum 50% of inside seating





NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

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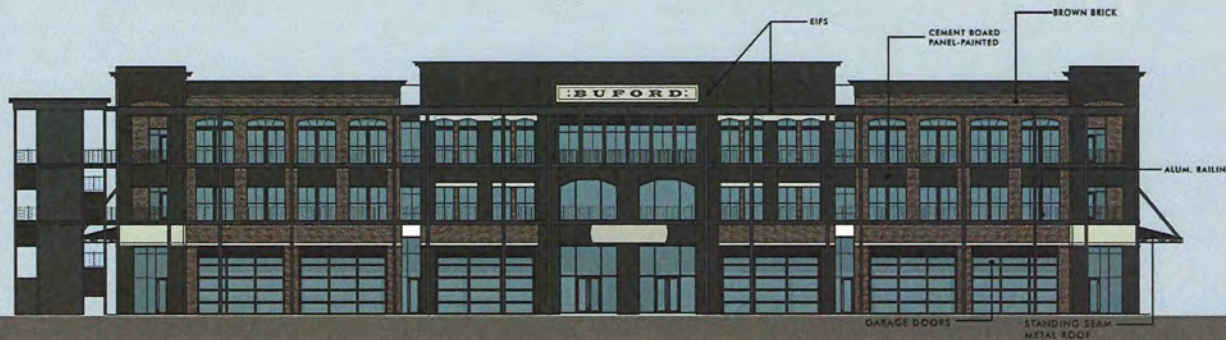
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FRONT ELEVATION-  
OFFICE BUILDING



RIGHT SIDE ELEVATION-  
OFFICE BUILDING



REAR ELEVATION-  
OFFICE BUILDING

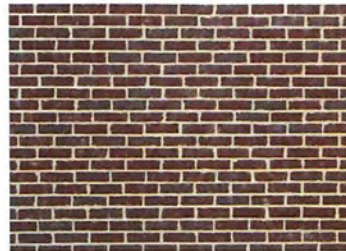


LEFT SIDE ELEVATION-  
OFFICE BUILDING

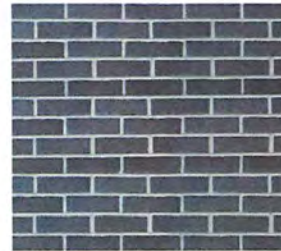
# Building Materials



NEUTRAL COLOR BRICK



RED COLOR BRICK



DARK COLOR BRICK



NEUTRAL COLOR EIFS TRIM



DARK CEMENT BOARD  
WOOD TEXTURE

LIGHT CEMENT BOARD  
WOOD TEXTURE



BLACK ANODIZED ALUM STOREFRONT

THE EXCHANGE @GWINNETT

PROPOSED MATERIALS

JUNE 25, 2018

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# Multi-Family Elevations



FRONT ELEVATION



SIDE ELEVATION

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THE EXCHANGE @ GWINNETT  
GWINNETT COUNTY, GEORGIA

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# Multi-Family Elevations



REAR ELEVATION 1



REAR ELEVATION 2

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22/06/2018

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FRONT ELEVATION-  
APARTMENT BUILDING



RIGHT SIDE ELEVATION-  
APARTMENT BUILDING



REAR ELEVATION-  
APARTMENT BUILDING



LEFT SIDE ELEVATION-  
APARTMENT BUILDING