

**CHANGE IN CONDITIONS APPLICATION**

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>1630 PIB, LLC</u>	NAME: <u>1630 PIB, LLC</u>
ADDRESS: <u>3328 Peachtree Rd NE, Ste 100</u>	ADDRESS: <u>3328 Peachtree Rd NE, Ste 100</u>
CITY: <u>Atlanta</u>	CITY: <u>Atlanta</u>
STATE: <u>Georgia</u> ZIP: <u>30326</u>	STATE: <u>Georgia</u> ZIP: <u>30326</u>
PHONE: <u>770.232.0000</u>	PHONE: <u>770.232.0000</u>
CONTACT PERSON: <u>Brian Easley</u> PHONE: <u>770.232.0000</u>	
CONTACT'S E-MAIL: <u>beasley@mptlawfirm.com</u>	

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

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
ZONING DISTRICT(S): <u>RM-24</u>	PRIOR ZONING CASE: <u>RZM2018-00003</u>
LAND DISTRICT(S): <u>7</u>	LAND LOT(S): <u>207</u> ACREAGE: <u>+/- 16.068</u>
ADDRESS OF PROPERTY: <u>1630 Peachtree Industrial Boulevard</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Modify Conditions 1(A) and 1(B) of RZM2018-00003</u>	
<b>RESIDENTIAL DEVELOPMENT:</b> NO. OF LOTS/DWELLING UNITS: <u>200</u> DWELLING UNIT SIZE (Sq. Ft.): <u>varies per UDO</u> GROSS DENSITY: <u>+/- 12.45 units per acre</u> NET DENSITY: <u>+/- 19.25 units per acre</u>	<b>NON-RESIDENTIAL DEVELOPMENT:</b> NO. OF BUILDINGS/LOTS: <u>NA</u> TOTAL GROSS SQUARE FEET: <u>NA</u> DENSITY: <u>NA</u> <b>RECEIVED BY</b> <b>JUL 02 2020</b>

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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## Legal Description

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 207, 7<sup>th</sup> District, Gwinnett County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at the intersection of the southeastern right of way of Peachtree Industrial Boulevard (300 feet right of way) and the Land Lot Line common to Land Lots 239 and 240 (per Plat Book 61, Page 151); thence south easterly along the right of way of Peachtree Industrial Boulevard a distance of 866.07 feet to a point, that is the **POINT OF BEGINNING**; thence leaving said right of way South 35°32'12" East a distance of 1273.41 feet to a point located in the center of Suwanee Creek; thence along the center of Suwanee Creek the following courses and distances: South 40°57'59" West a distance of 59.19 feet to a point; thence South 52°06'25" West a distance of 18.08 feet to a point; thence North 83°56'46" West a distance of 47.76 feet to a point; thence North 25°53'16" West a distance of 24.66 feet to a point; thence North 35°04'41" West a distance of 26.13 feet to a point; thence North 68°20'06" West a distance of 59.81 feet to a point; thence North 44°40'27" West a distance of 71.13 feet to a point; thence North 68°12'03" West a distance of 30.74 feet to a point; thence North 60°41'23" West a distance of 25.98 feet to a point; thence North 74°26'47" West a distance of 37.51 feet to a point; thence South 87°44'06" West a distance of 41.06 feet to a point; thence North 84°35'13" West a distance of 29.07 feet to a point; thence South 82°52'25" West a distance of 22.92 feet to a point; thence North 76°17'35" West a distance of 24.82 feet to a point; thence North 88°55'41" West a distance of 22.21 feet to a point; thence South 59°31'15" West a distance of 35.48 feet to a point; thence South 65°00'12" West a distance of 17.18 feet to a point; thence South 37°49'18" West a distance of 15.98 feet to a point; thence South 20°57'06" West a distance of 38.54 feet to a point; thence South 22°50'24" East a distance of 22.15 feet to a point; thence South 33°52'27" East a distance of 21.08 feet to a point; thence South 04°59'51" East a distance of 15.99 feet to a point; thence South 08°32'08" West a distance of 31.76 feet to a point; thence South 25°28'53" West a distance of 21.62 feet to a point; thence South 49°05'06" West a distance of 19.89 feet to a point; thence South 75°46'19" West a distance of 13.94 feet to a point; thence North 69°42'15" West a distance of 17.57 feet to a point; thence North 30°52'37" West a distance of 22.69 feet to a point; thence North 53°07'08" West a distance of 89.94 feet to a point; thence South 89°00'15" West a distance of 84.64 feet to a point; thence North 69°12'05" West a distance of 89.40 feet to a point; thence North 45°51'22" West a distance of 28.59 feet to a point; thence North 31°28'36" West a distance of 30.88 feet to a point; thence North 63°38'15" West a distance of 30.73 feet to a point; thence North 55°26'16" West a distance of 51.31 feet to a point; thence North 38°35'48" West a distance of 27.82 feet to a point; thence North 28°03'09" West a distance of 8.29 feet to a point; thence North 11°44'55" East a distance of 14.10 feet to a point; thence North 27°48'13" East a distance of 16.28 feet to a point; thence North 40°47'04" East a distance of 27.43 feet to a point; thence North 57°53'08" East a distance of 27.30 feet to a point; thence North 45°21'13" East a distance of 15.33 feet to a point; thence North 33°20'40" East a distance of 16.19 feet to a point; thence North 10°09'19" East a distance of 45.09 feet to a point; thence South 33°41'24" East a distance of 0.00 feet to a point; thence North 52°21'45" West a

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distance of 22.53 feet to a point; thence North 82°53'34" West a distance of 22.02 feet to a point; thence North 76°42'30" West a distance of 28.20 feet to a point; thence South 73°45'53" West a distance of 18.32 feet to a point; thence North 89°56'23" West a distance of 25.18 feet to a point; thence North 73°19'02" West a distance of 22.04 feet to a point; thence North 58°58'17" West a distance of 30.38 feet to a point; thence North 44°10'12" West a distance of 31.19 feet to a point; thence North 34°36'13" West a distance of 20.65 feet to a point; thence North 22°23'25" West a distance of 101.57 feet to a point; thence North 52°30'01" West a distance of 18.09 feet to a point; thence North 63°44'48" West a distance of 25.30 feet to a point; thence North 83°04'25" West a distance of 10.11 feet to a point; thence North 69°30'57" West a distance of 47.02 feet to a point; thence South 89°28'22" West a distance of 27.10 feet to a point; thence South 72°25'37" West a distance of 24.46 feet to a point; thence South 61°32'53" West a distance of 24.52 feet to a point; thence South 32°54'43" West a distance of 14.77 feet to a point; thence South 08°09'08" West a distance of 25.78 feet to a point; thence South 21°28'00" West a distance of 50.04 feet to a point; thence South 07°34'23" East a distance of 22.64 feet to a point; thence South 03°21'34" East a distance of 27.64 feet to a point; thence South 03°07'38" West a distance of 20.25 feet to a point; thence South 31°25'39" West a distance of 19.43 feet to a point; thence South 62°32'02" West a distance of 38.66 feet to a point; thence South 77°18'12" West a distance of 56.68 feet to a point; thence leaving said center of Suwanee Creek North 39°55'24" West a distance of 179.95 feet to a point located on the southeasterly right of way of Peachtree Industrial Boulevard; thence along said right of way 319.61 feet along a curve to the right, said curve having a chord of North 48°03'42" East 319.47 feet and a radius of 3107.41 feet to a point; thence continuing along said right of way North 50°56'22" East a distance of 671.98 feet to a point, being the **POINT OF BEGINNING**.

Said tract contains 16.068 Acres.

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**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:

*Please see attached*

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- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

*Please see attached*

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- (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:

- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS:

*Please see attached*

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

- (A) Yes, approval of the proposed Change in Conditions Application will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed residential development is compatible with existing uses and will further diversify housing options in the surrounding area.
- (B) No, approval of the proposed Change in Conditions Application will not adversely affect the existing use or usability of any of the nearby properties. Rather, the proposed development will complement nearby employment and commercial uses.
- (C) Due to the size, location, layout and dimensions of the subject property and the current economic climate, the Applicant submits that the property does not have reasonable economic use as currently zoned.
- (D) No, approval of the proposed Change in Conditions Application will not result in an excessive or burdensome use of the infrastructure systems. The proposed development has frontage on Peachtree Industrial Boulevard with convenient access to both Sugarloaf Parkway and McGinnis Ferry with access to utilities.
- (E) Yes, the proposed Change in Conditions Application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The Property is within the Community Mixed-Use character area which specifically encourages apartments on the Property. Moreover, the 2040 Plan acknowledges shifting trends in housing preferences and encourages multi-family development.
- (F) The Applicant submits that the high-quality of the proposed development, the Property's convenient location on Peachtree Industrial Boulevard near both McGinnis Ferry and Sugarloaf Parkway provide additional supporting grounds for approval of the Application.

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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**  
**CHANGE IN CONDITIONS APPLICATION OF 1630 PIB, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached change in conditions application (the "Application") on behalf of 1630 PIB, LLC (the "Applicant") for the purpose of requesting to modify existing zoning conditions on an approximately 16.068 acre tract located on the easterly side of Peachtree Industrial Boulevard between McGinnis Ferry Road and Sugarloaf Parkway (the "Property"). The Property is within close proximity to the existing mixed-use development at the intersection of Peachtree Industrial Boulevard and Sugarloaf Parkway as well as the Suwanee Station mixed-use development just to the north within the City limits of Suwanee.

The Property was zoned RM-24 in 2018 for a 200-unit multifamily community with zoning conditions restricting it to use as an independent living retirement community with a 55+ age restriction for residents. The Applicant is requesting to modify conditions 1(A) and 1(B) to remove the age restriction and allow the use of the Property for multifamily residential apartments. The proposed change in conditions is consistent with the policy goals set forth in the Gwinnett County 2040 Unified Plan (the "2040 Plan"). Specifically, the 2040 Plan designates the Property as within the Community Mixed-Use Character Area which encourages apartments as a potential development type. The Property is also located in very close proximity to multiple employment centers off of Peachtree Crest Drive and Buford Highway (State Route 13) as well as the regional employment center near the Infinite Energy Center which is less than five miles away. The 2040 Plan provides that "Similar to many of the shifts in our economy, younger people are broadly driving changes in how housing has historically been viewed. While owning a traditional suburban detached single family home will continue to be very desirable, younger generations are looking for more types of housing product options and for flexibility that ownership is not able to provide." Moreover, the 2040 Plan discusses potential negative impacts to a community when an area is dominated by a single housing type stating "within housing, this has emerged as a major threat to our future success with a potential over-reliance on detached single family homes." According to the 2040 Plan, 73% of housing units are single-family detached homes. This over-reliance on single-family detached housing leaves Gwinnett "vulnerable to emerging shifts in housing preferences [which] are being driven by three overall

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Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043  
 NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

TELEPHONE 770 232 0000  
 FACSIMILE 678 518 6880

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factors: The Age of Our People, Changes in Ownership Preferences, [and] Changes in Household Sizes.”

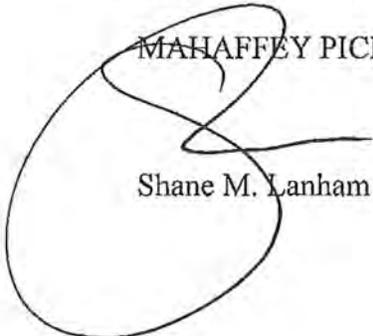
The Property would also have convenient access to the proposed Lower Suwanee Creek Greenway which would connect existing segments of the Suwanee Creek Greenway to the Western Gwinnett Bikeway which runs along Peachtree Industrial Boulevard. Ultimately, these trail segments will compose part of the proposed Loop Trail which is currently in the study and development phase. This pedestrian connectivity enhances the walkability of the community and the surrounding area. Not only does walkability promote a healthy lifestyle, it also provides additional transportation methods helping mitigate traffic impacts of development.

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 1st day of July, 2020.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

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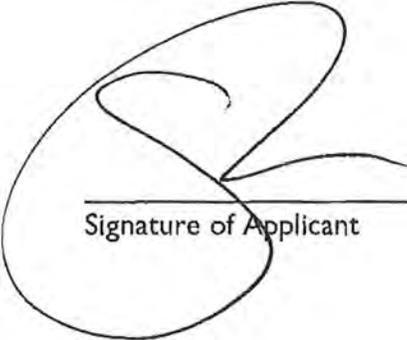
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**CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION**

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.



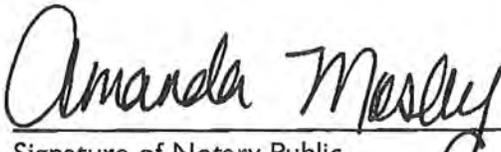
Signature of Applicant

6/30/20

Date

Shane M. Lanham, Attorney for the Applicant

Type or Print Name and Title



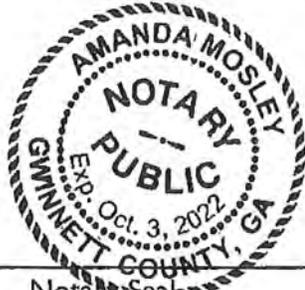
Signature of Notary Public

Signature of Notary Public

4/30/20

Date

Date



Notary Seal

Notary Seal

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**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]* \_\_\_\_\_ 6/30/2020 \_\_\_\_\_  
Signature of Property Owner Date

R. Brand Morgan \_\_\_\_\_  
Type or Print Name and Title

*[Handwritten Signature]* \_\_\_\_\_ 6/30/2020 \_\_\_\_\_  
Signature of Notary Public Date



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**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.

Signature of Applicant \_\_\_\_\_ Date 6/30/20 Type of Print Name and Title  
 \_\_\_\_\_ Shane M. Lanham, Attorney for the Applicant

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

Amanda Mosley 6/30/20  
 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 OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

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

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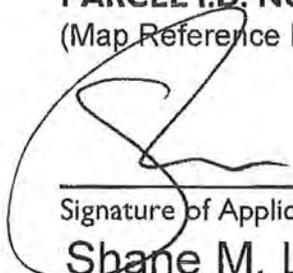
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**VERIFICATION OF CURRENT PAID PROPERTY TAXES  
FOR CHANGE IN CONDITIONS**

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:**                      7                      207                      085  
(Map Reference Number)                      District                      Land Lot                      Parcel



Signature of Applicant

6/30/20

Date

**Shane M. 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)

\_\_\_\_\_  
NAME

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

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Visitors can check wait times in advance [here](#).



Chat

### ACCOUNT DETAIL

[View/Pay Your Taxes](#) / [Account Detail](#)

**Tax Account**

**Mailing Address:**  
1630 PIB LLC  
3328 PEACHTREE RD NE STE 100  
ATLANTA, GA 30326-1488

**SITUS:**  
1630 PEACHTREE INDUSTRIAL BLVD

**Tax District:**  
COUNTY Unincorporated

[Change Mailing Address](#)

Parcel ID	Property Type	Last Update
R7207 085	Real Property	6/30/2020 11:17:06 AM

**Legal Description**  
TR 1 PEACHTREE IND BLVD

**Pay Now**

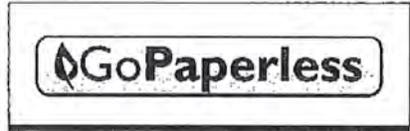
No payment due for this account.

**Schedule Payments**

[Schedule Future Payments](#)

.....

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**Tax Bills**

Note: Four years of tax information is available online. Email [tax@gwinnettcountry.com](mailto:tax@gwinnettcountry.com) to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2019	\$16,657.78	\$16,777.72	\$0.00	\$0.00	10/15/2019	\$0.00
2018	\$16,724.38	\$16,724.38	\$0.00	\$0.00	10/15/2018	\$0.00
2017	\$16,853.58	\$16,853.58	\$0.00	\$0.00	12/1/2017	\$0.00
2016	\$15,164.14	\$15,164.14	\$0.00	\$0.00	10/15/2016	\$0.00
<b>Total</b>						\$0.00



**Print Tax Bill**

[Click to view and print your Aug 2019 tax bill.](#)

\* This bill is good through Oct 15, 2019 only.



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