

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: Mahaffey Pickens Tucker, LLP	NAME: BCLS Capital, LLC
ADDRESS: 1550 North Brown Road, Suite 125	ADDRESS: PO Box 906
CITY: Lawrenceville	CITY: Braselton
STATE: Georgia ZIP: 30043	STATE: Georgia ZIP: 30517
PHONE: 770.232.0000	PHONE: 770.232.0000
CONTACT PERSON: Shane Lanham PHONE: 770.232.0000	
CONTACT'S E-MAIL: slanham@mptlawfirm.com	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): C-2 & M-1	REQUESTED ZONING DISTRICT: HRR
LAND DISTRICT(S): 7	LAND LOT(S): 157 ACREAGE: +/- 7.378
ADDRESS OF PROPERTY: 6610 Sugarloaf Parkway	
PROPOSED DEVELOPMENT: Multifamily residential community	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units +/- 265 dwelling units	No. of Buildings/Lots: NA
Dwelling Unit Size (Sq. Ft.): varies per UDO	Total Building Sq. Ft. NA
Gross Density: +/- 35.92 units per acre	Density: NA
Net Density: +/- 35.92 units per acre	

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 157 of the 7th District, Gwinnett County, Georgia and being more particularly described as follows:

To find ***The Point of Beginning***, Commence at the Intersection of the Northwesterly Right-of-Way of Meadow Church Road (R/W varies) and the Southwesterly Right-of-Way of Sugarloaf Parkway (160' R/W), if extended to form a point; THENCE leaving said Intersection, North 28 degrees 12 minutes 30 seconds West for a distance of 63.98 feet to a Point on the Southwesterly Right-of-Way of Sugarloaf Parkway; THENCE continuing along said Right-of-Way of Sugarloaf Parkway, North 28 degrees 12 minutes 30 seconds West for a distance of 241.11 feet to an Iron Pin Set, said point being ***THE TRUE POINT OF BEGINNING***.

THENCE from the said point as thus established and leaving the aforesaid Right-of-Way of Sugarloaf Parkway, South 60 degrees 20 minutes 38 seconds West for a distance of 456.63 feet to a ½" Rebar Found; THENCE North 29 degrees 56 minutes 07 seconds West for a distance of 498.96 feet to a ½" Rebar Found; THENCE North 40 degrees 05 minutes 24 seconds East for a distance of 53.42 feet to a ½" Rebar Found; THENCE North 45 degrees 08 minutes 36 seconds West for a distance of 183.62 feet to an Iron Pin Set; THENCE North 58 degrees 48 minutes 00 seconds East for a distance of 469.00 feet to an Iron Pin Set on the aforesaid Southwesterly Right-of-Way of Sugarloaf Parkway; THENCE continuing along said Right-of-Way the following three (3) courses and distances, along a curve to the right, having a radius of 11,379.15 feet and arc length of 257.55 feet, being subtended by a chord of South 29 degrees 34 minutes 14 seconds East for a distance of 257.54 feet to an Iron Pin Set; THENCE along a curve to the right, having a radius of 11,379.15 feet and arc length of 140.36 feet, being subtended by a chord of South 28 degrees 34 minutes 27 seconds East for a distance of 140.36 feet to a Point; THENCE South 28 degrees 12 minutes 30 seconds East for a distance of 309.26 feet to an Iron Pin Set, said point being THE POINT OF BEGINNING.

Said property contains 7.378 acres as shown as Lots 1 & 2, Block A on the Final Plat for Flannigan at Sugarloaf, recorded at Plat Book 124, Pages 71-72, Gwinnett County Records, Prepared by Precision Planning, Inc., dated June 10, 2008 (PPI Job# 06187).

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GENERAL NOTES:
1. TOTAL AREA = 1.378 ACRES

- [illegible]

STORM WATER - NOTES

- [illegible]

SIDEWALK NOTES
: SIDEWALK REPORT

- SIDEWALK NOTES**
- * SIDEWALKS REQUIRED ALONG THE FRONTAGE OF "SEASIDE" PARKWAY ARE TO BE LOCATED FROM THE BACK OF CURB AND SHALL BE CONSTRUCTED OF CONCRETE A MINIMUM OF 8" THICK AND 4" TACK, WITH A CROSS SLOPE OF 1/2" PER FOOT. FINISH SURF SHALL BE CLASS "B" AND HAVE A STRENGTH OF 3000 PSI @ 28 DAYS (SEE A112, A-1).
- * FOR NEW RESIDENTIAL SIDEWALK PROJECTS, SIDEWALKS SHALL BE INSTALLED ON NEW INTERIOR DRIVEWAYS (WITH ROPS INCLUDING 10'-00" TO 54'-0" AND "TYPICAL" TERRAZZO) AND EXISTING DRIVEWAYS (WITH EXISTING DRIVEWAYS) WITHIN 30 DAYS OF APPROVAL OF THE FINAL PLAN.



SUGARLOAF PARKWAY
160' RIGHT-OF-WAY
(16.0 / 3300 / PG. 252)

VICINITY MAP

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BLOCK	NO. OF LOTS
A	7

[illegible]

* Net Density is the Total Average minus NDE of Seed-bearing area and/or sterility or non-recruitment of \pm SE

[illegible]

* EVALUATED FOR 100-YR STORM EVENT @ 100%
 ** MINED QUALITY TESTS

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED IN THE CERTIFICATE. PERSON, OR CERTIFICATE, DOES NOT Warrant THAT THE INFORMATION IS CORRECT OR THAT IT IS EXEMPTED FROM DISCLOSURE BY THE GOVERNING APPLICABLE LAW. PERSON.

INFORMATION REGARDING THE PROPERTY PRECISELY, SIZE, DIMENSIONS AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREIN. THERE IS NO GUARANTEE OF THE ACCURACY OF THIS INFORMATION. IT SHALL BE CONSIDERED TO HAVE BEEN OBTAINED BY PERSONS USING THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREIN MAY BE INADEQUATE AND LIMITED AND THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY RELEASE THE CONTRACTOR FROM LIABILITY OF THIS INFORMATION.

**BUSINESS PARK AT SUGARLOAF
UNIT 2**

GRAPHIC SCALE



OWNER/DEVELOPER
G.P.'S ENTERPRISES, INC.
1500 HIGHWAY 124
AUBURN, GA 30011
(770) 945-0810
CONTACT: GEORGE P. STANLEY

ENGINEER:
PRECISION PLANNING, INC.
P.O. BOX 3210
400 PINE BLVD
LAWRENCEVILLE, GA. 30046
770-338-8000

FINAL THIRTIETHS CERTIFICATE
 IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AS TO THE PROPERTY LINES AND ALL IMPROVEMENTS THEREIN THEREON, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY OF THE PLAT BY ME OR SUPERVISOR, THAT ALL ADJACENT OWNERS WERE HERETOFORE ACTUALLY NOTICED, AND THEIR LOCATION, NAME, TYPE, AND ADDRESS, ARE CORRECTLY SHOWN, THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS A DIRECTED PERCESSION OF ONE FOOT IN 32,400 FEET AND AN ANGULAR ERROR OF .15" PER ANGLE POINT, AND WAS ADJUSTED USING THE STURMANT METHOD. THIS PLAT HAS BEEN CALCULATED FOR CURVATURE, AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,321 FEET, AND CONTAINS A CORRECTION FOR CURVATURE. THIS PLAT IS CORRECT AS TO THE PLAT AREA AND PERMITS NEIGHBORHOODS SHOWN HAS NO DISCREPANCY IN TOTAL AREA. SHOWN AND PERMITS

Frederick W. Brown

FINAL PLAT APPROVAL

THE DEPUTY CLERK OF THE COMMISSION OF PLANNING AND DEVELOPMENT CERTIFIES THAT THIS PLAT CONFORMS WITH THE ZONING REGULATION, AND THE DEVELOPMENT REGULATION, AND THAT IT HAS BEEN APPROVED BY ALL OTHER OPERATIONAL COUNTY DEPARTMENTS. AS APPROPRIATE, THIS PLAT IS APPROVED, SUBJECT TO THE PROVISIONS AND REQUIREMENTS OF THE DEVELOPMENT REGULATION AND MAINTENANCE AGREEMENT DESCRIBED FOR THIS PROJECT BETWEEN THE OWNER AND CHAMBERLAIN COUNTY.

DATED THIS 26TH DAY OF JULY 2009

DEPUTY CLERK OF THE COMMISSION OF PLANNING AND DEVELOPMENT

PH: 208.00011

Precision Planning, Inc.



Flannigan at

Sugarloaf

NO. 1507

FINAL PLAT

100

[illegible]

1 of 2

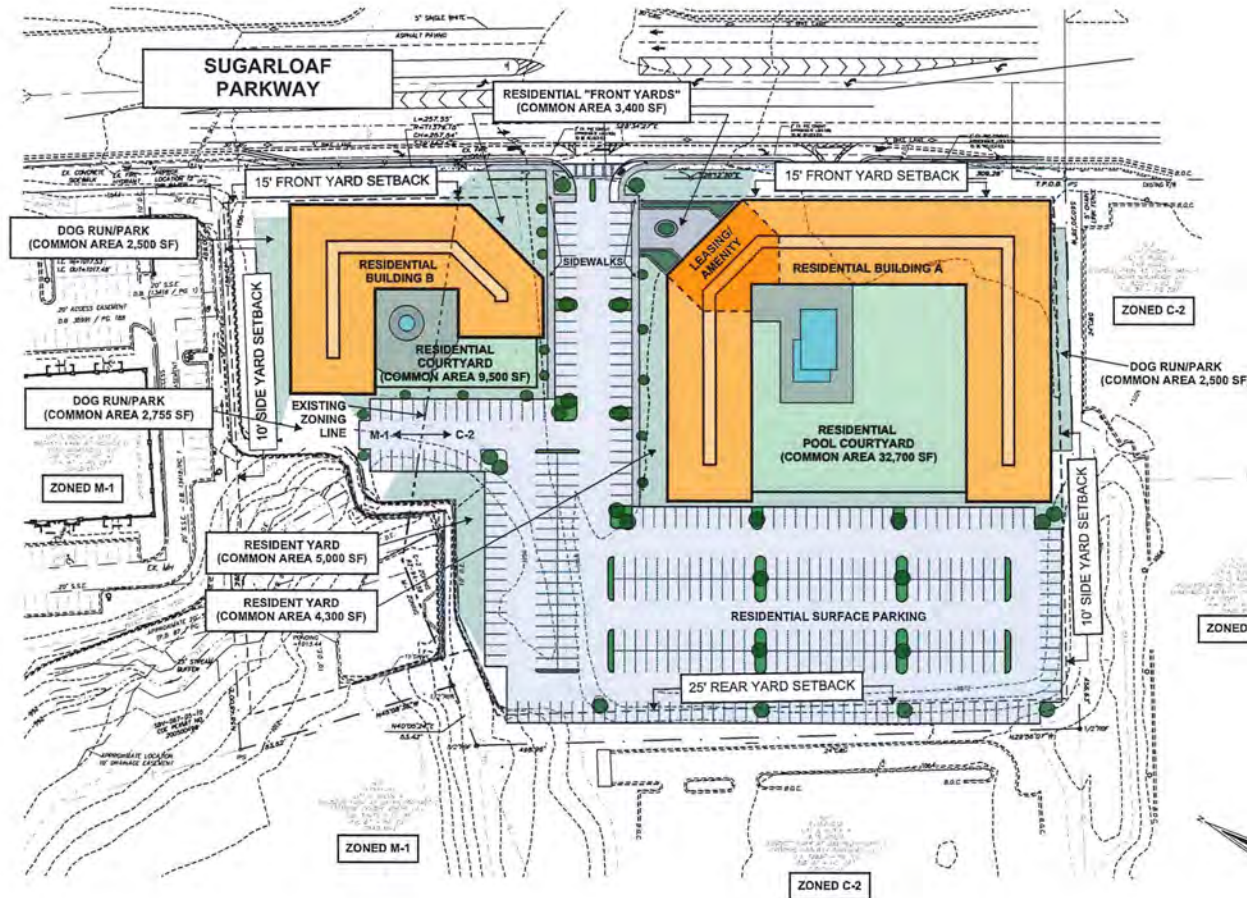
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CONCEPT PLAN

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SITE DATA:

CURRENT ZONING - M-1 AND C-2
PROPOSED ZONING - HRR

TOTAL SITE ACREAGE: 7.378
SITE NET ACREAGE: 7.378

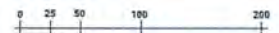
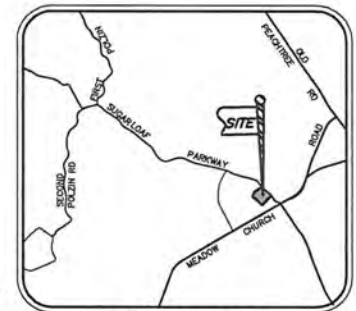
PROPOSED RESIDENTIAL UNITS: 265

GROSS SITE DENSITY
265 UNITS / 7.378 ACRES = 36 UNITS/ACRE

NET SITE DENSITY
265 UNITS / 7.378 ACRES = 36 UNITS/ACRE

PERCENTAGE COMMON AREA:
62,655 SF / 321,385 SF = 20%

PROPOSED PARKING SPACES: 347



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

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

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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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REZONING 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 would support and complement adjacent and nearby employment uses by providing necessary residential critical mass.
- (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 enhance surrounding land uses and diversify the land use mix in the area as called for by the 2040 Plan.
- (C) Due to the size, location, and layout of the property, the Applicant submits that the 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 existing streets, transportation facilities, utilities, or schools. The subject property has direct access to Sugarloaf Parkway, which is classified as a Principal Arterial Roadway on the Gwinnett County Long Range Road Classification Map. The Property also has convenient access to utilities.
- (E) Yes, the proposed development is in conformity with the policy and intent of the Gwinnett County 2040 Comprehensive Plan. The 2040 Plan encourages mixed-use centers and calls for apartments as a potential development type in the Workplace Centers Character Area.
- (F) The Applicant submits that the subject Property's close proximity to major employment, shopping, and entertainment centers provides 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
Shane M. Lanham

Austen T. Mabe
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

LETTER OF INTENT FOR REZONING APPLICATION

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning application (the "Application") for the purpose of requesting the rezoning of an approximately 7.378-acre tract of land located on the westerly side of Sugarloaf Parkway between Meadow Church Road and Premiere Parkway (the "Property"). The Property is currently split-zoned C-2 and M-1 and is likewise surrounded by land zoned either C-2 or M-1. The surrounding area is characterized by an intense mix of land uses including commercial/retail, office, and warehouse/distribution uses.

The Applicant is proposing to rezone the Property from C-2 and M-1 to the HRR zoning classification of the Gwinnett County Unified Development Ordinance in order to accommodate the development and construction of an attractive, high-end residential community with approximately 265 units of urban-style multifamily homes. The proposed community would have convenient vehicular and pedestrian access to adjacent and nearby shopping, employment, and entertainment uses. Specifically, residents of the proposed community would be able to walk to the adjacent commercial development at the corner of Sugarloaf Parkway and Meadow Church Road. Additional shopping and dining options are also within walking distance just to the south of the Property across Meadow Church Road as are a host of entertainment options at the Infinite Energy Arena, Infinite Energy Theatre, and the Hudgens Center for the Arts. The proposed development would also provide an internal, centrally-located amenity area including a fitness center, club room, and swimming pool for use of residents.

The proposed community is compatible with the policies set forth in the 2040 Unified Plan which designate the Property as within the Workplace Centers Character Area. Policies for this character area encourage a mix of land uses and higher residential densities. Specifically, the 2040 Plan designates apartments and mixed-use developments as appropriate "potential development types." Moreover, the 2040 Plan provides that employment-oriented uses in the Workplace Centers Character Area "should be supported where appropriate by opportunities for residential uses and multi-use oriented commercial areas." The proposed development would provide important residential critical mass to directly support and complement these existing employment and commercial uses. Residents could easily live, work, shop, and play all within a very short distance of the Property. Residents would also have convenient access to Interstate 85

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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and University Parkway (State Route 316) via Sugarloaf Parkway. Expanded regional shopping destinations are also close by at Gwinnett Place Mall and Sugarloaf Mills Mall.

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 Application filed herewith. The Applicant respectfully requests your approval of this Application.

This 6th day of December, 2019

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

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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

12/3/19
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

12/3/19
Date



Notary Seal

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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.

BCLS CAPITAL LLC

George P. Flanigan *Manager*

Signature of Property Owner

12/5/19

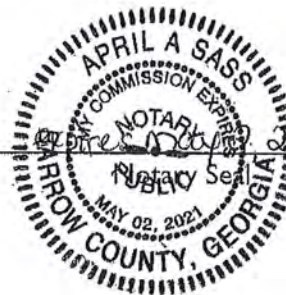
Date

George P. Flanigan,

Type or Print Name and Title

April A. Sass *12/5/19*

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

 12/3/19 Shane M. Lanham, Attorney for Applicant

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

 12/3/19 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 OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Please see attached		

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

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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN
CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS**

MAHAFFEY PICKENS TUCKER, LLP

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
None		

JEFF MAHAFFEY

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Clint Dixon	\$1500	06/26/2019

LEE TUCKER

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Clint Dixon	\$1000	06/26/2019

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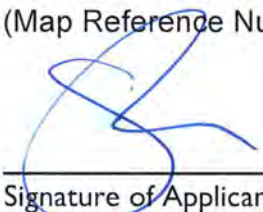
Updated 10/02/2019

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 - 157 - 102
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

12/3/19
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

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)

Lovell Hunley
NAME

TSA-I
TITLE


12-3-19
DATE

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 - 157 - 030
(Map Reference Number) District Land Lot Parcel

 12/3/19
Signature of Applicant Date
Shane Lanham, Attorney for the Applicant
Type or Print Name and Title

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)

Love H Hunley TSA - I
NAME TITLE
12-3-19
DATE

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Memorandum

Date: December 5, 2019

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From: Marc R. Acampora, PE

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Subject: Trip Generation for Proposed Sugarloaf Parkway Multi-Family Development
Gwinnett County, Georgia

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The trip generation was calculated for a proposed multi-family residential development in Gwinnett County, Georgia. The site is located along the west side of Sugarloaf Parkway north of Meadow Church Road, as shown in Figure 1. The proposed site plan is presented in Figure 2.

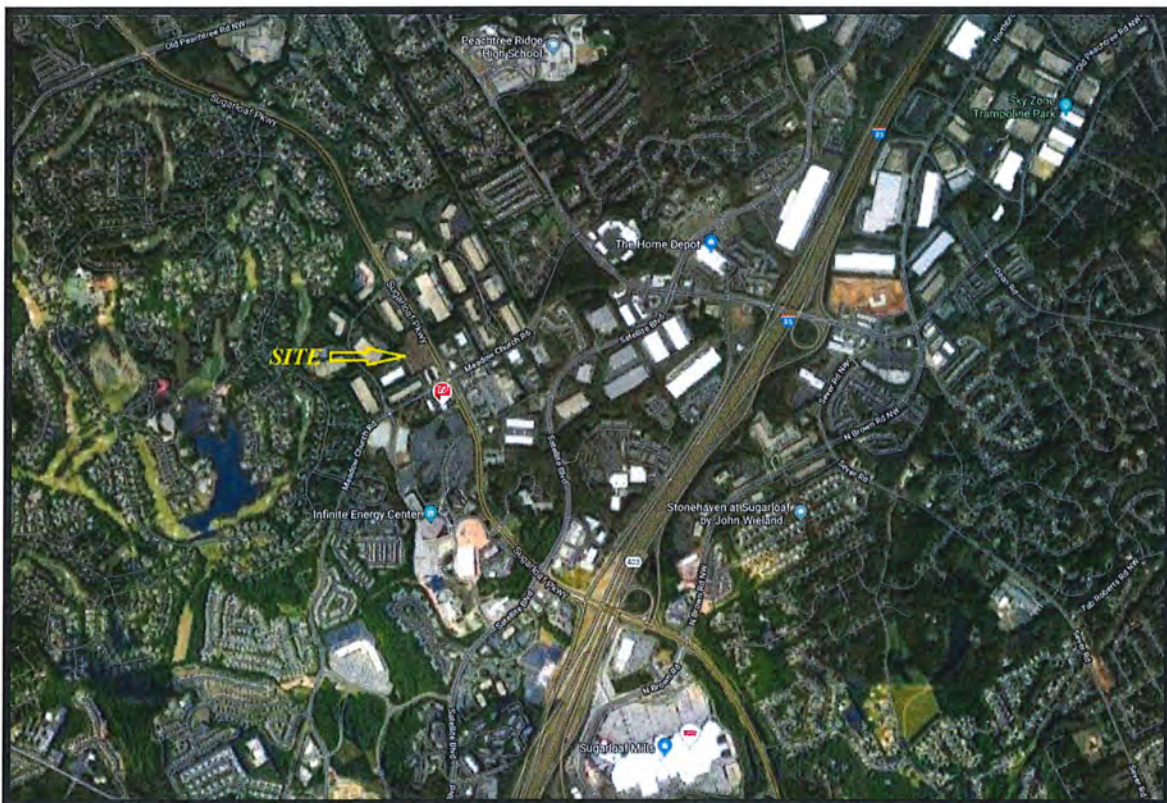


Figure 1 – Site Location Map

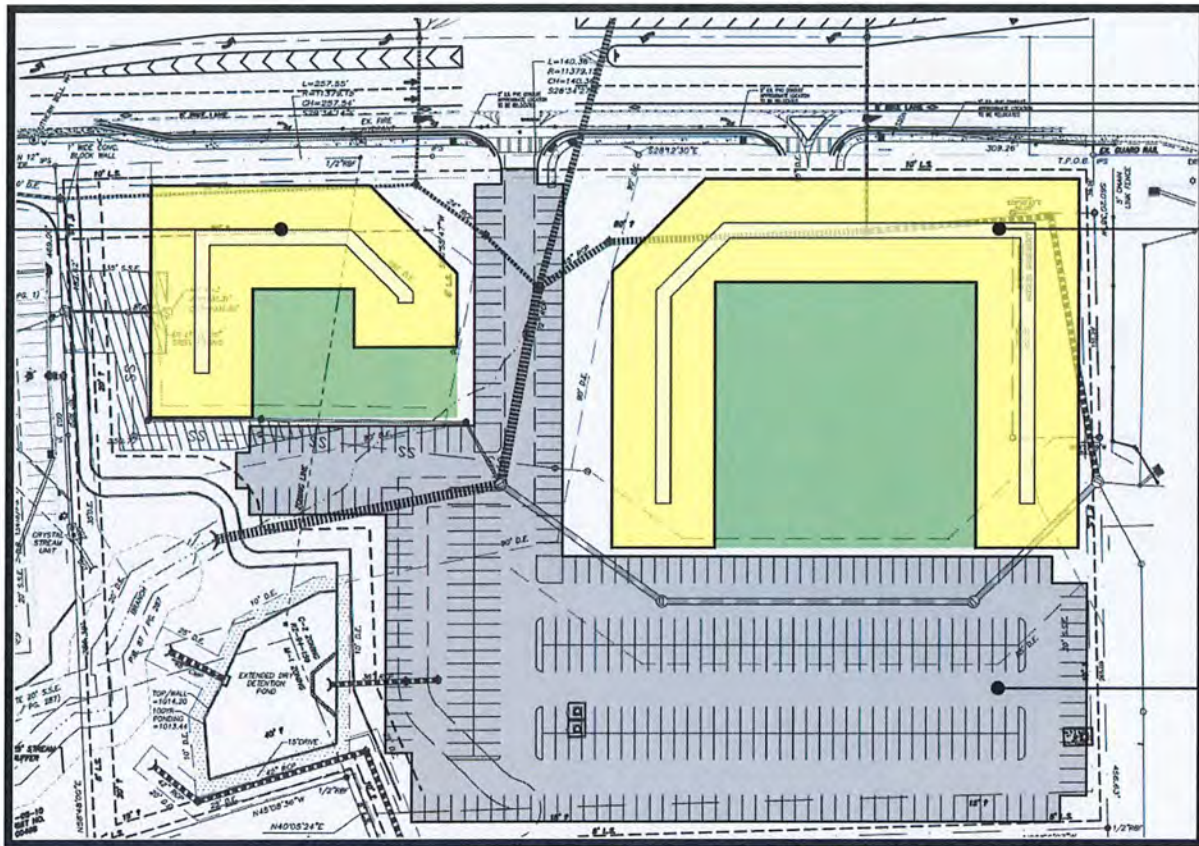


Figure 2 – Site Plan

The site will be developed with two residential buildings with a total of 265 units. One full-movement vehicular access and one right-in/right-out vehicular access will be provided on the west side of Sugarloaf Parkway.

The volume of traffic that will be generated by the proposed multi-family development was calculated using the equations in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition (the current edition). ITE Land Use 221 – Multi-Family Housing (Mid-Rise) was chosen as representative of the proposed development. The trip generation is summarized in Table 1.

Table 1 – Sugarloaf Parkway Multi-Family Development Trip Generation

Land Use	ITE Code	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour
			In	Out	Total	In	Out	Total	2-Way
Multi-Family Housing	221	265 units	23	66	89	69	44	113	1,444

The proposed multi-family development will generate 89 new trips in the morning peak hour, 113 new trips in the evening peak hour, and 1,444 new daily trips.

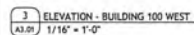
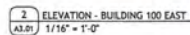
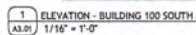
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MARC R. ACAMPORA, PE, LLC
TRAFFIC ENGINEERING

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2-MARCH-19-Bus_Dev17PA Residential Mall of Georgia ELEVATIONS AND ZONING ELEVATIONS.mxd
3/5/2019 12:57:56 PM

TPA RESIDENTIAL



1	BRICK COLOR #1
2	BRICK COLOR #2
3	FIBER CEMENT COLOR #1
4	FIBER CEMENT COLOR #2
5	FIBER CEMENT COLOR #3
6	BANDING AT PODIUM
7	ALUMINUM WINDOW
8	ALUMINUM PATIO DOOR
9	PATIO RAILING
10	PRECAST CONCRETE
11	ALUMINUM STOREFRONT

A3.01

09-06-19

NOT RELEASABLE FOR CONSTRUCTION

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1 PERSPECTIVE MAIN ENTRY
A3.04 1/16" = 1'-0"



2 PERSPECTIVE VIEW FROM SOUTHEAST
A3.04 1/16" = 1'-0"



ELEVATION KEYNOTES	
1	BRICK COLOR #1
2	BRICK COLOR #2
3	FIBER CEMENT COLOR #1
4	FIBER CEMENT COLOR #2
5	FIBER CEMENT COLOR #3
6	BANDING AT POOLUM
7	ALUMINUM WINDOW
8	ALUMINUM PATIO DOOR
9	PATIO RAILING
10	PRECAST CONCRETE
11	ALUMINUM STOREFRONT

PROJECT #:
DRAWN BY:
CHECKED BY:

**NILES BOLTON
ASSOCIATES**

3060 Peachtree Rd., N.W.,
Suite 600
Atlanta, GA 30305
T 404 365 7600
www.nilesbolton.com

No.	Description	Date

This drawing, as an instrument of service, is not
shall remain the property of the architect and shall
not be reproduced, modified or used in any way
without the permission of the architect.

TPA RESIDENTIAL

SHEET TITLE:
**PERSPECTIVES -
EXTERIOR**

SHEET NUMBER:
A3.04

09-06-19

NOT RELEASED FOR CONSTRUCTION

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JUSTIFICATION FOR REZONING APPLICATIONS

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

The application of the UDO as applied to the subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the HRR zoning classification as requested by the Applicant, and is not economically suitable for development under the present C-2 and M-1 zoning classifications of Gwinnett County. A denial of the 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.

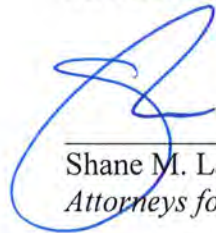
A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the HRR zoning classification as set forth in the Application with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate 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 HRR zoning classification, subject to conditions which are different from the conditions by which the Applicant may amend its Application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in

zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

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