

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
WP Group Acquisitions, LLC c/o Mahaffey NAME: <u>Pickens Tucker, LLP</u>	NAME: <u>Turner, Kenneth K</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>1090 Oakhaven Drive</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Roswell</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30075</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:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>M-1</u> REQUESTED ZONING DISTRICT: <u>RM-13</u>	
LAND DISTRICT(S): <u>7</u> LAND LOT(S): <u>207</u> ACREAGE: <u>+/- 47.86</u>	
ADDRESS OF PROPERTY: <u>1700 Block of Peachtree Industrial Boulevard</u>	
PROPOSED DEVELOPMENT: <u>Multi-family Residential Community</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>352</u>	No. of Buildings/Lots: <u>NA</u>
Dwelling Unit Size (Sq. Ft.): <u>Varies per UDO</u>	Total Building Sq. Ft. <u>NA</u>
Gross Density: <u>+/- 7.35 units per acre</u>	Density: <u>NA</u>
Net Density: <u>+/- 10.22 units per acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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## LEGAL DESCRIPTION

All that tract of land lying in Land Lot 207 of the 7th District of Gwinnett County, Georgia and being more particularly described as follows:

Commencing at a point at the intersection of the edge of the southeasterly R/W line of Peachtree Industrial Boulevard (300' R/W) and the centerline of Oak Park Drive, thence running in a generally southwesterly direction along the aforementioned R/W for a distance of 2797.11 feet to a point, said point being the true POINT OF BEGINNING; thence N 21°16'36" E, 77.57 feet; thence along an arc 128.86 feet, having a radius of 3107.41 feet, the chord of which is N 22°27'53" E, 128.86 feet to a point in Suwanee Creek being approximately 50 feet wide; thence S 44°06'04" E, 265.35 feet; thence S 38°24'58" E, 93.84 feet; thence S 73°17'14" E, 58.03 feet; thence N 54°02'23" E, 117.94 feet; thence N 29°10'50" E, 76.26 feet; thence N 15°30'56" E, 41.66 feet; thence N 21°44'09" W, 38.18 feet; thence N 07°49'59" E, 56.52 feet; thence N 01°27'55" W, 57.62 feet; thence N 78°49'15" E, 71.21 feet; thence S 87°16'35" E, 29.45 feet; thence N 43°50'52" E, 77.60 feet; thence N 01°32'25" E, 82.61 feet; thence N 22°39'51" W, 56.93 feet; thence N 02°25'52" E, 41.60 feet; thence N 06°12'13" E, 87.63 feet; thence N 03°01'03" E, 48.86 feet; thence N 03°40'58" E, 61.43 feet; thence N 12°34'04" E, 69.61 feet; thence S 89°49'17" E, 41.53 feet; thence N 67°38'17" E, 41.35 feet; thence N 77°46'07" E, 34.21 feet; thence N 47°19'39" E, 63.12 feet; thence N 01°52'04" E, 98.40 feet; thence N 28°30'21" E, 75.43 feet; thence N 89°58'24" E, 74.96 feet; thence S 69°07'42" E, 79.86 feet; thence S 08°00'20" E, 60.78 feet; thence S 42°18'34" E, 80.24 feet; thence S 73°47'48" E, 56.53 feet; thence N 84°31'00" E, 53.91 feet; thence S 50°19'56" E, 66.52 feet; thence S 38°01'00" W, 66.91 feet; thence S 52°44'53" W, 39.40 feet; thence S 29°55'41" W, 29.53 feet; thence S 29°07'18" E, 36.83 feet; thence S 55°42'39" E, 96.58 feet; thence S 33°00'37" E, 57.63 feet; thence S 84°02'06" E, 27.30 feet; thence S 76°23'03" E, 91.83 feet; thence S 83°30'13" E, 73.65 feet; thence S 43°16'36" E, 96.52 feet; thence S 67°58'48" E, 20.39 feet; thence N 59°43'57" E, 39.48 feet; thence N 12°46'19" E, 40.69 feet; thence N 02°15'44" E, 29.10 feet; thence N 15°16'51" W, 68.72 feet; thence N 51°40'17" E, 67.21 feet; thence S 80°38'10" E, 101.71 feet; thence N 88°37'12" E, 83.46 feet; thence S 78°27'42" E, 49.18 feet; thence S 45°50'58" E, 64.97 feet; thence S 37°26'40" E, 32.81 feet; thence S 63°00'23" E, 63.71 feet; thence S 14°12'35" W, 27.41 feet; thence S 12°58'33" E, 3.56 feet; thence N 86°14'18" E, 53.22 feet; thence S 87°20'39" E, 35.47 feet; thence N 45°13'36" E, 47.46 feet; thence N 54°27'58" E, 52.55 feet, running thence and leaving the creek, S 35°32'02" E, 162.78 feet; thence S 29°55'32" W, 1669.87 feet; thence N 50°49'38" W, 1227.40 feet; thence S 23°29'47" W, 77.57 feet; thence N 50°44'28" W, 577.60 feet and the true POINT OF BEGINNING.

The above described parcel contains 47.86 acres (2084800 sq. ft.)

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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

- (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 Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development is located in close proximity to multiple mixed-use and multi-family developments and is compatible with the character of surrounding development. Adjacent property is zoned RM-24 and M-1.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. Rather, the proposed development would complement existing commercial, mixed-use, industrial, and residential development.
- (C) In light of the size, location, layout, topography, and natural features of the property, the Applicant submits that the subject Property does not have reasonable economic use as currently zoned.
- (D) No, approval of the proposed Rezoning Application will not result in an excessive or burdensome use of the infrastructure systems. The Property sits on Peachtree Industrial Boulevard with convenient access to McGinnis Ferry Road, Sugarloaf Parkway, Buford Highway, and Interstate 85. Peachtree Industrial Boulevard and Sugarloaf Parkway are both classified as Principal Arterials on the Gwinnett County Long Range Road Classification Map and McGinnis Ferry Road and Buford Highway are both classified as Major Arterials.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan which specifically encourages multi-family residential developments in the Community Mixed-Use Character Area.
- (F) Applicant submits that the character of surrounding development, the Property's location on a major transportation corridor, and the Property's current industrial zoning classification all provide additional supporting grounds for approval of the proposed rezoning.

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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. Schurz  
Thomas A. Simpson  
Andrew D. Stancil  
R. Lee Tucker, Jr.

\*Of Counsel

**LETTER OF INTENT FOR REZONING APPLICATION OF  
WP GROUP ACQUISITIONS, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning application (the "Application") on behalf of WP Group Acquisitions, LLC (the "Applicant") for the purpose of requesting the rezoning of an approximately 47.86-acre tract located on the easterly side of Peachtree Industrial Boulevard just north of Sugarloaf Parkway (the "Property"). The Property is currently zoned M-1 (Light Industry District) and is located within the Community Mixed-Use Character Area as set forth in the Gwinnett County 2040 Unified Plan (the "2040 Plan"). The 2040 Plan encourages medium to high density in this character area and designates "apartments/townhomes/condos" as a "Potential Development Type." The Property is conveniently located on Peachtree Industrial Boulevard, which is classified as a Principal Arterial on the Gwinnett County Long Range Road Classification Map, between Sugarloaf Parkway and McGinnis Ferry Road. The Property has direct access to Peachtree Industrial Boulevard but sits behind existing commercial uses including a day care and a self-storage facility. The Property is also adjacent to additional industrially-zoned land and industrial uses on Peachtree Crest Drive.

The Applicant is proposing to rezone the Property from M-1 to RM-13 zoning classification of the Gwinnett County Unified Development Ordinance (the "UDO") in order to accommodate the development and construction of an attractive multi-family residential community with an overall density of approximately 7.35 units per acre. The proposed development would include approximately 352 units of attractive multi-family residential homes in a community with ample open space, recreational opportunities, and community amenities. A large clubhouse would include the leasing office as well as additional amenities such as a fitness center and mail kiosk. A resort-style pool and patio would also be available to residents with opportunities for socializing and outdoor cooking. Additional common area with gazebos and grilling stations are placed throughout the development in convenient locations for residents. Proposed amenities also include dog parks and garages.

The proposed development is compatible with surrounding zoning classifications and existing land uses. Land to the south is zoned M-1, an approximately 6-acre tract zoned C-2 is located across Peachtree Industrial Boulevard at its intersection with Noblin Ridge Drive, and a 16-acre tract zoned RM-24 is located to the north. Commercial uses are present along the

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easterly side of Peachtree Industrial Boulevard moving south towards Sugarloaf Parkway and light industrial uses are established to the south along Peachtree Crest Drive. The proposed development would provide an attractive, medium density, infill development along a major transportation corridor. Residents would have convenient access to the downtowns of both Duluth and Suwanee which are each less than three miles away. The Regional Activity Center surrounding the Infinite Energy Center which has been called "Downtown Gwinnett" is also less than three miles away and would provide residents with abundant opportunities for shopping, dining, and entertainment.

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 4th day of March, 2020.

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.



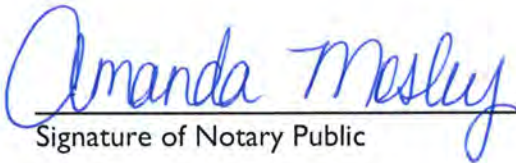
Signature of Applicant

3/4/20

Date

**Shane Lanham, Attorney for the Applicant**

Type or Print Name and Title



Signature of Notary Public

3/4/20

Date



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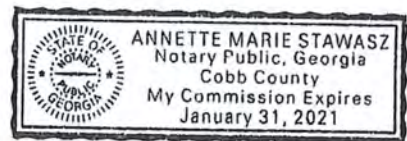
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Bradley G. Johnson 3/2/20  
Signature of Applicant Date  
On behalf of: WP Group Acquisitions, LLC  
Bradley G. Johnson Manager  
Type or Print Name and Title

Annette Marie Stawasz 3/2/2020  
Signature of Notary Public 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.

*Grady W. Turner*

*[Signature]*

Signature of Property Owner

Date

*Grady W. Turner*      *Co - Executor*

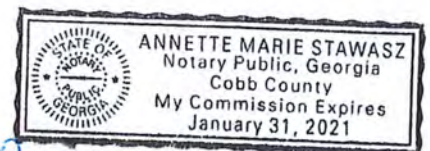
*Michael K. Turner*      *Co - Executor*

Type or Print Name and Title

*Annette Marie Stawasz*      *3/3/2020*

Signature of Notary Public

Date



Notary Seal

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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

SIGNATURE OF APPLICANT'S  
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE

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)

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

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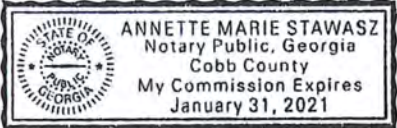
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Bradley A Johnson 3/2/20 Manager  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE  
On behalf of: WP Group Acquisitions, LLC

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE  
Annette Marie Stawasz 3/2/2020  
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 Bradley Johnson | WP Group Acquisitions, LLC  
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      207      008  
(Map Reference Number)      District      Land Lot      Parcel

      3/5/20  
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)

Ingrid Espinal      TSA II  
NAME      TITLE  
3/5/2020      RZW '20015  
DATE

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

**PARCEL I.D. NUMBER:**      7      207      009  
(Map Reference Number)      District      Land Lot      Parcel

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)

Ingrid Espinal  
NAME

TSA II  
TITLE

03/05/2020  
DATE

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

**PARCEL I.D. NUMBER:**      7      207      078  
(Map Reference Number)      District      Land Lot      Parcel

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)

Ingrid Espinal  
NAME

TSA #  
TITLE

03/05/2020  
DATE

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