

**CHANGE IN CONDITIONS APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Thomas Eye Medical Properties, LLC c/o Andersen, Tate &amp; Carr, P.C.</u>	NAME: <u>Overlook at Huntcrest, LLC</u>
ADDRESS: <u>1960 Satellite Blvd., Ste 4000</u>	ADDRESS: <u>3328 Peachtree Rd NE, Ste 100</u>
CITY: <u>Duluth</u>	CITY: <u>Atlanta</u>
STATE: <u>Ga</u> ZIP: <u>30097</u>	STATE: <u>Ga</u> ZIP: <u>30326-1488</u>
PHONE: <u>770-822-0900</u>	PHONE: <u>770-963-9223</u>
EMAIL: <u>sadams@atclawfirm.com</u>	EMAIL: <u>jwhitworth@brandproperties.com</u>
CONTACT PERSON: <u>Shaun R. Adams, Esq.</u> PHONE: <u>770-822-0900</u>	
CONTACT'S E-MAIL: <u>sadams@atclawfirm.com</u>	

<b>APPLICANT IS THE:</b>	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICTS(S): <u>MU-R</u> PRIOR ZONING CASE: <u>RZM2015-0007</u>	
PARCEL NUMBER(S): <u>R7155 518</u> ACREAGE: <u>3.561</u>	
ADDRESS OF PROPERTY: <u>1465 Satellite Blvd, Suwanee, Ga 30024</u>	
PROPOSED CHANGE IN CONDITIONS: <u>See Attached</u>	
<p><b>RESIDENTIAL DEVELOPMENT:</b></p> <p>NO. OF LOTS/DWELLING UNITS: _____</p> <p>DWELLING UNIT SIZE (Sq. Ft.): _____</p> <p>GROSS DENSITY: _____</p> <p>NET DENSITY: _____</p>	<p><b>NON-RESIDENTIAL DEVELOPMENT:</b></p> <p>NO. OF BUILDINGS/LOTS: <u>2</u></p> <p>TOTAL GROSS SQUARE FEET: <u>28,000</u></p> <p>DENSITY: <u>N/A</u></p>

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

**Proposed Change in Conditions for Zoning Case RZM2015-0007**

The Applicant, Thomas Eye Medical Properties, LLC (the "Applicant") is seeking to amend conditions 1.C and 1.D of Zoning Resolution RZM2015-0007 as follows:

**Condition 1.C.** Residential bBuildings shall be constructed in general accordance with the elevations submitted at the November 17, 2015 Board of Commissioners Meeting, with internal corridors (no breezeways), and with primary exterior treatments of brick or stacked stone on each elevation. The remainder of each elevation may be the same, or fiber-cement shake or siding. Commercial buildings shall be constructed in general accordance with the elevations dated December 1, 2021, and prepared by Peacock Architects, Inc. Building elevations shall be submitted for review and approval of the Director of Planning and Development prior to the issuance of a Development Permit.

**Condition 1.D.** Commercial area structures consisting of commercial, office and retail uses shall be permitted as mixed-uses, with site plan revisions to the commercial portion of the development to be permitted and subject to review and approval by the Director of Planning and Development. Prior to issuance of a Certificate of Occupancy for the residential portion of the site, the Developer shall obtain an LDP (Land Disturbance Permit) for the non-residential portion of the site and complete the installation of all utilities, the multi-use trail and landscaping along the entire property frontage of Satellite Boulevard, as well as install sod in the future commercial building footprint areas. ~~Commercial area structures shall be a minimum three (3) stories in height and shall face away from the parking and toward Satellite Boulevard, with the exception that up to ten percent (10%) commercial area square footage may be developed in free standing, one-story buildings (limited to use as full service, sit down restaurants or coffee shops). A vibrant urban pedestrian friendly common area shall be created along and between Satellite Blvd. and the building front. Outdoor dining patios, covered walkways, benches, planters and fountains are encouraged for this common area.~~

GWINNETT COUNTY

PLANNING AND DEVELOPMENT

RECEIVED

12/23/2021

ANDERSEN | TATE | CARR

December 23, 2021

**LETTER OF INTENT AND JUSTIFICATION FOR CHANGE IN CONDITIONS**

**Change in Conditions Application  
Gwinnett County, Georgia**

**Applicant:**

Thomas Eye Medical Properties, LLC

**Property:**

Tax Parcel ID R7155 518  
±3.561 Acres of Land  
Located at 1465 Satellite Blvd.  
Suwanee, GA 30024

**Submitted for Applicant by:**

Shaun R. Adams, Esq.  
ANDERSEN TATE & CARR, P.C.  
One Sugarloaf Centre  
1960 Satellite Blvd.  
Suite 4000  
Duluth, Georgia 30097  
770.822.0900  
[sadams@atclawfirm.com](mailto:sadams@atclawfirm.com)

## INTRODUCTION

This Application for Change in Conditions is submitted for a 3.561-acre parcel of land located in Land Lot 155 of the 7<sup>th</sup> District of Gwinnett County, Georgia, Suwanee, and known as 1465 Satellite Blvd. (hereinafter the “Property”). The Property is mostly a rectangular lot facing Satellite Boulevard. The Property is shown on the survey prepared by Planners and Engineers Collaborative dated September 16, 2021, and revised on October 19, 2021, and filed with this Application. The Property that is the subject of this rezoning application is owned by Overlook at Huntcrest, LLC and further identified below from the Gwinnett County GIS:



The Property is currently zoned MU-R (Regional Mixed-Use District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant, Thomas Eye Medical Properties, LLC (the “Applicant”) now seeks approval to amend conditions 1.C and 1.D of Zoning Resolution RZM2015-0007 (attached as Exhibit A) as follows:

**Condition 1.C.** Residential b~~B~~uildings shall be constructed in general accordance with the elevations submitted at the November 17, 2015 Board of Commissioners Meeting, with internal corridors (no breezeways), and with primary exterior treatments of brick or stacked stone on each elevation. The remainder of each elevation may be the same, or fiber-cement shake or siding. Commercial buildings shall be constructed in general accordance with the elevations dated December 1, 2021, and prepared by Peacock Architects, Inc. Building elevations shall be submitted for review and approval of the Director of Planning and Development prior to the issuance of a Development Permit.

**Condition 1.D.** Commercial area structures consisting of commercial, office and retail uses shall be permitted as mixed-uses, with site plan revisions to the commercial portion of the development to be permitted and subject to review and approval by the

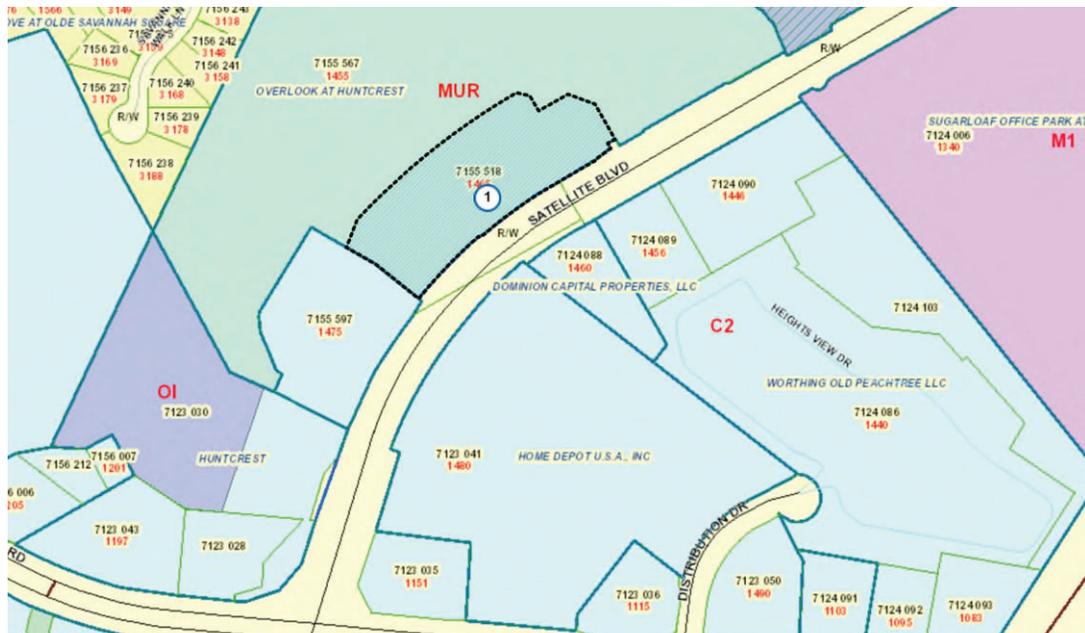
Director of Planning and Development. Prior to issuance of a Certificate of Occupancy for the residential portion of the site, the Developer shall obtain an LDP (Land Disturbance Permit) for the non-residential portion of the site and complete the installation of all utilities, the multi-use trail and landscaping along the entire property frontage of Satellite Boulevard, as well as install sod in the future commercial building footprint areas. ~~Commercial area structures shall be a minimum three (3) stories in height and shall face away from the parking and toward Satellite Boulevard, with the exception that up to ten percent (10%) commercial area square footage may be developed in free standing, one-story buildings (limited to use as full service, sit down restaurants or coffee shops). A vibrant urban pedestrian friendly common area shall be created along and between Satellite Blvd. and the building front. Outdoor dining patios, covered walkways, benches, planters and fountains are encouraged for this common area.~~

This document is submitted as the Letter of Intent, Response to Standards Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

**II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA**

The Property is a rectangular tract fronting Satellite Boulevard near the intersection of Old Peachtree Road and Satellite Boulevard in Suwanee, Georgia. The Property consists of the undeveloped commercial portion of a Regional Mixed Use (MU-R) development with the multi-family component bounding the northern and eastern portions of the Property. There is an assisted living facility adjacent to the southern boundary that is zoned C-2 with additional commercial, mixed-use and industrial uses across the street. The surrounding parcels are improved with a mix of office, medical, commercial, multi-family, and industrial uses.

The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Workplace Center Character Area,” of the Gwinnett County Future Development Map. The Workplace Center Character Area is intended for predominantly employment-oriented uses and includes office parks, industrial parks, and locations for freight oriented and logistic uses. Below are maps of the surrounding uses and the zoning classifications by parcel:



**III. PROJECT SUMMARY**

The Applicant intends to construct two, one-story office buildings, one of which will be occupied by Thomas Eye Group. The Change in Conditions on the Property will remove the three-story minimum height requirement for the office buildings and allow for a quality developed that is scaled to the current office needs in the community. The proposed development will consist of two, one-story buildings totaling 28,000sf. The building occupied by Thomas Eye Group will total 20,000sf and a second office building is planned for an approximately 8,000sf of additional space. Elevations prepared by Peacock Architects, Inc, dated December 1, 2021 have been submitted with this application.

The proposed development maintains the intent of the original MU-R zoning by proposing predominately office uses for the commercial component in accordance with Condition I. of the Zoning Resolution. The proposed location is centrally located at the fully signalized intersection of Satellite Blvd. and the development entrance with a similar mix of uses across the street. The Change in Conditions will allow for the proposed development identified on the site plan prepared by Peacock Architects, Inc. dated October 1, 2021 and submitted with this Application, while maintaining the original intent of the Zoning Resolution. The Property has access to a public water supply, public sanitary sewer, and convenient direct access to collector streets, major thoroughfares and state and interstate highways.

**IV. SITE IMPACT ANALYSIS**

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that the Change in Conditions, satisfies UDO § 270-20.5, entitled “Standards Governing Exercise of the Zoning Power,” as follows:

(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:

Approval of the change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Subject Property is surrounded by commercial, office/warehouse, and light industrial uses.

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

Approval of the proposed change in conditions will not adversely affect the existing use or usability of adjacent or nearby properties. Rather the proposed development would complement surrounding land uses.

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

No. The subject property does not have any reasonable economic use based on the current zoning conditions, as well as the challenges due to the size, shape, location, and dimensions of the subject property.

(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:

No. This property is located in an area with public water and sewer availability, and convenient access to major thoroughfares and highways. The requested change in conditions and office uses are consistent with the existing uses with no excessive or burdensome impact on existing streets, transportation facilities, or utilities, and will have no impact whatsoever on the schools.

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

The proposed change in conditions is in conformity with the policy and intent of the 2040 Plan. The Property is designated as being within the Workplace Center Character Area on the 2040 Plan Future Development Map. Encouraged land uses for this character area specifically include office parks that are integrated into the Workplace Center Character Area.

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

The Applicant submits that the character of the surrounding development and the existing mix of uses in the area provide supporting reasons for approval of the change in conditions. The Applicant submits that the Property's location, size, and dimensions, as provide further support for approval of the proposed change in conditions application.

**V. JUSTIFICATION FOR REZONING**

The Applicant respectfully submits that the portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or may classify the Subject Property which is the subject of the change in conditions application into any more or less intensive zoning classification, development and/or conditions other than as requested by the Applicant are, and 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, 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 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, Paragraphs I and 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 any economically viable use of the Subject Property while not substantially advancing legitimate state interests. Under *Lathrop v. Deal*, the application of the UDO in a way that constitutes a taking shall be deemed a waiver of sovereign immunity.<sup>1</sup>

The Subject Property is presently suitable for development under the MU-R zoning classification with the change in conditions as requested by the Applicant and is not economically suitable for development under its present zoning classification with the current zoning conditions in force. A denial of the requested change in conditions 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, Paragraphs I and 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 approve the requested change in conditions for the Subject Property under the MU-R zoning classification, 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.

Any change in conditions of the Subject Property under the MU-R classification, subject to conditions which are different from the requested 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 utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

Accordingly, the Applicant respectfully requests that the change in conditions application submitted by the Applicant relative to the Subject Property be granted and that the Subject Property be permitted for development in general accordance with the Site Plan submitted with this application.

---

<sup>1</sup> *Lathrop v. Deal*, 301 Ga 408, 880-881 S.E. 2d 867 (2017)

GWINNETT COUNTY

PLANNING AND DEVELOPMENT

RECEIVED

12/23/2021

**VI. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that this Application for Change in Conditions be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 2nd day of November, 2021.

**ANDERSEN, TATE & CARR, P.C.**

*Shaun R. Adams*

Shaun R. Adams, Esq.

Enclosures  
SRA/ag

RECEIVED

11/02/2021 at 1:02PM

Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 10/2021

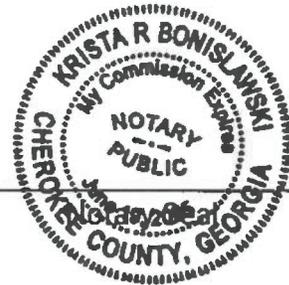
**CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION**

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

 10-28-21  
\_\_\_\_\_  
Signature of Applicant Date

Mark Berman / Manager  
\_\_\_\_\_  
Type or Print Name and Title

Krista R. Bonislanski 10/28/2021  
\_\_\_\_\_  
Signature of Notary Public Date



RECEIVED

11/02/2021 at 1:02PM

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

**CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION**

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

*[Handwritten Signature]*

10/28/21

Signature of Property Owner

Date

*Brand Morgan*

Type or Print Name and Title

*J. Michelle Cheek*

Signature of Notary Public

10/28/2021

Date



Notary Seal

RECEIVED

11/02/2021 at 1:02PM

**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	Type of Print Name and Title
	11-2-21	Shaun R. Adams, Attorney for Applicant

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

	11-2-2021	Notary Seal
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    Andersen, Tate & Carr, P.C.  
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)
Nicole Love Hendrickson Commissioner	\$1,000	9/30/2020

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



Taxes are current



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

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

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

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

**PARCEL I.D. NUMBER:** \_\_\_\_\_  
(Map Reference Number)      District      Land Lot      Parcel

R7 - 155 - 518

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

*[Handwritten Signature]*      11-28-21  
*Mark Berman*      *Manager*

\_\_\_\_\_  
Type or Print Name and Title

**\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.\*\*\***

**TAX COMMISSIONERS USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

\_\_\_\_\_  
NAME      Tax Services Assoc. II  
\_\_\_\_\_  
DATE      TITLE

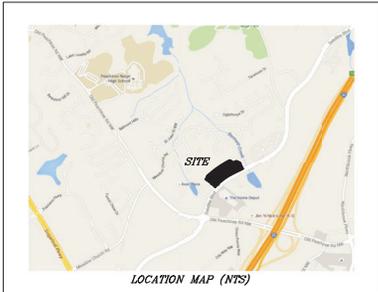
11-2-2021  
\_\_\_\_\_  
DATE

## LEGAL DESCRIPTION COMMERCIAL TRACT

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 155 AND 156 of the 7<sup>TH</sup> District, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the northwesterly right-of-way line of Satellite Boulevard (Variable R/W) and the Land Lot Line common to Land Lots 155 & 156; thence along said right-of-way line the following courses and distances: South 59 degrees 56 minutes 37 seconds West a distance of 20.92 feet to a point; thence 171.45 feet along an arc of a curve to the left, said curve having a radius of 1,282.26 feet and a chord bearing and distance of South 53 degrees 10 minutes 06 seconds West 171.32 feet to a point; thence South 62 degrees 49 minutes 48 seconds West a distance of 12.51 feet to a point; thence North 34 degrees 24 minutes 11 seconds West a distance of 2.02 feet to a point; thence 216.73 feet along an arc of a curve to the left, said curve having a radius of 1,248.35 feet and a chord bearing and distance of South 43 degrees 23 minutes 47 seconds West 216.45 feet to a point; thence leaving said right-of-way line North 51 degrees 30 minutes 24 seconds West a distance of 27.62 feet to a PK Nail found; thence North 51 degrees 27 minutes 38 seconds West a distance of 110.31 feet to a PK Nail found; thence North 60 degrees 30 minutes 43 seconds West a distance of 84.79 feet to a point; thence North 20 degrees 51 minutes 34 seconds East a distance of 75.07 feet to a point; thence 511.98 feet along an arc of a curve to the right, said curve having a radius of 1,775.06 feet and a chord bearing and distance of North 51 degrees 21 minutes 03 seconds East 510.21 feet to a point; thence South 78 degrees 39 minutes 10 seconds East a distance of 34.36 feet to a point; thence South 30 degrees 11 minutes 35 seconds East a distance of 44.26 feet to a point; thence North 60 degrees 28 minutes 12 seconds East a distance of 84.43 feet to a point; thence South 70 degrees 33 minutes 33 seconds East a distance of 72.14 feet to a point; thence South 29 degrees 46 minutes 17 seconds East a distance of 101.28 feet to a point on said right-of-way line of Satellite Boulevard; thence along said right-of-way line the following courses and distances: South 60 degrees 13 minutes 43 seconds West a distance of 20.98 feet to a point; thence South 29 degrees 46 minutes 26 seconds East a distance of 14.48 feet to a point; thence South 53 degrees 22 minutes 24 seconds West a distance of 48.68 feet to a point; thence South 33 degrees 20 minutes 29 seconds East a distance of 2.00 feet to a point; thence South 59 degrees 56 minutes 37 seconds West a distance of 145.58 feet to a point to a point and the TRUE POINT OF BEGINNING.

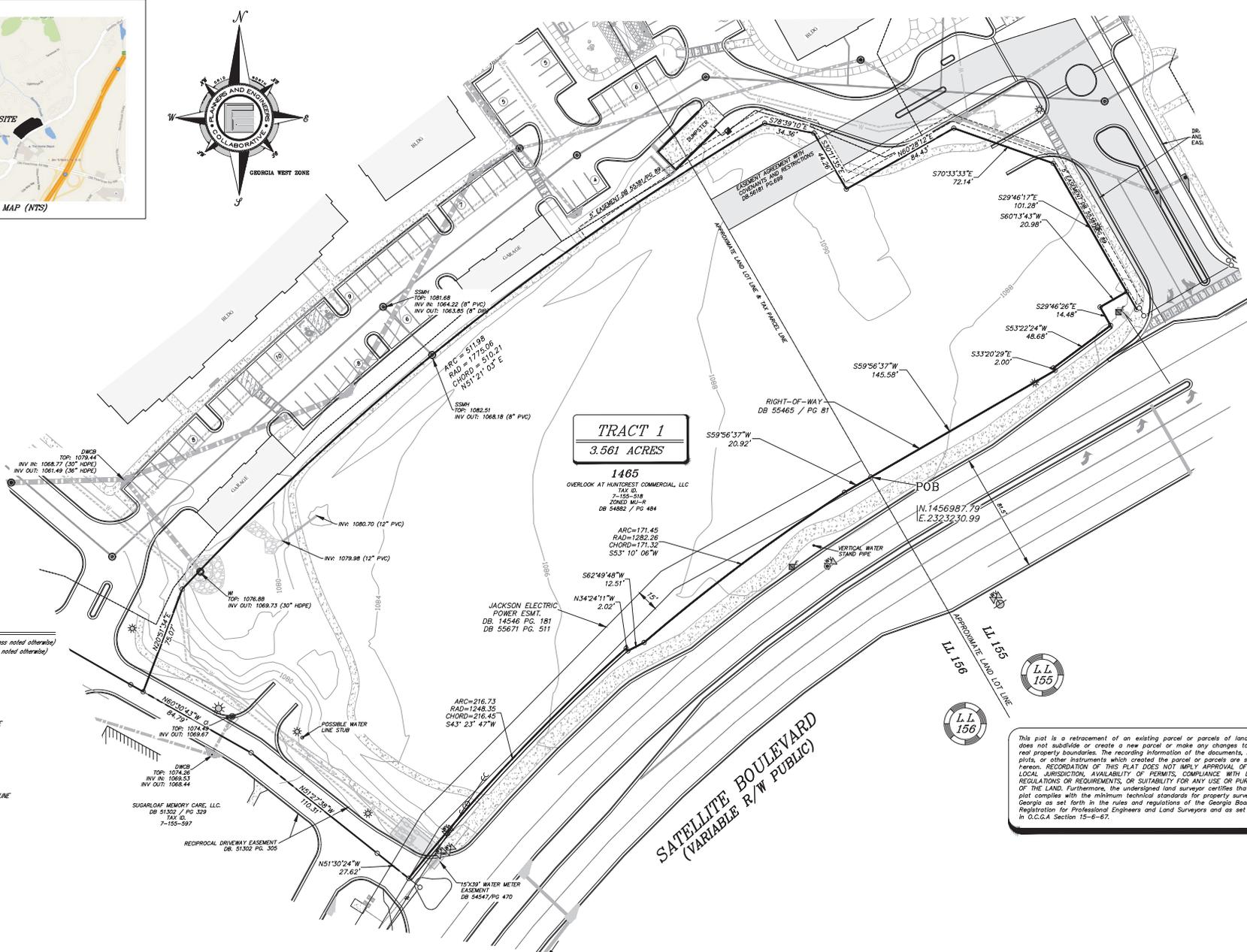
Said tract containing 3.561 acres.



GINNETT COUNTY  
PLANNING AND DEVELOPMENT  
**RECEIVED**  
11/02/2021 at 1:02 PM

**LEGEND**

- IRON PIN FOUND (4# Re-Rod unless noted otherwise)
- IRON PIN SET (4# Re-Rod unless noted otherwise)
- IRON PIN FOUND (open top pipe)
- IRON PIN SET (crimp top pipe)
- POINT
- CONCRETE MONUMENT FOUND
- SANITARY SINKER MANHOLE
- SANITARY SINKER LINE
- STORM DRAINAGE LINE
- COMB. STORM & SAN. SINKER LINE
- CATCH BASIN
- JUNCTION BOX
- DRAIN INLET
- WEIR INLET
- CURB INLET
- POWER POLE W/ GUY WIRE
- OVERHEAD POWER / TELEPHONE LINE
- WATER VALVE
- GAS VALVE
- FINE WIDENANT
- WATER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND CABLE LINE
- LIGHT POLE
- EXISTING TREE
- CALLS FOR REED
- TOP OF WALL
- BOTTOM OF WALL
- WALL (TYPE)
- BREAKFORMER
- BOREHOLE
- REINFORCED CONCRETE PIPE
- BUILDING SETBACK LINE
- SIGN
- BACK OF CURB
- CLEARWALL



**TRACT 1**  
3.561 ACRES

1465  
OVERLOOK AT HUNTEREST COMMERCIAL, LLC  
TAX ID: 7-125-018  
ZONED M3-E  
DB 54892 / PG 484

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

DRAWN BY: TSD  
CHECKED BY: JMH  
DATE: 09/16/21  
SCALE: 1" = 30'



**ALTA/ASPS LAND TITLE SURVEY**  
THOMAS EYE MEDICAL PROPERTIES, LLC, CHICAGO TITLE INSURANCE COMPANY AND CALLOWAY  
DISTRICT 7th  
158 & 156 TITLE AND ESCROW, LLC. GINNETT GEORGIA

REV	DATE	DESCRIPTION
1	10/19/2021	ADDRESSING COMMENT REGARDING ACCESS EASEMENT
2		
3		

**PLANNERS AND ENGINEERS COLLABORATIVE**  
"WE PROVIDE SOLUTIONS"  
SITE PLANNING ■ LANDSCAPE ARCHITECTURE  
CIVIL ENGINEERING ■ LAND SURVEYING  
300 HENRIETTA DRIVE, SUITE 100A, GINNETT, GA 30229  
770.424.2741 ■ WWW.PE&CS.COM

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT  
RECEIVED  
11/02/2021 at 1:02PM

**TITLE EXCEPTIONS**

Chicago Title Insurance Company's Commitment No. 2-40687 with an effective date of September 21, 2021 at 5:00 p.m., was used in the preparation of this survey and the listed exceptions are as follows:

- (a) Easement from M.D. Hodges Enterprises, Inc. to Georgia Power Company, dated April 14, 1997, filed for record August 5, 1997 at 11:18 a.m., recorded in Deed Book 14546, Page 181, Records of Gwinnett County, Georgia. AFFECTS SUBJECT PROPERTY AND IS SHOWN.
- (b) [INTENTIONALLY OMITTED]
- (c) [INTENTIONALLY OMITTED]
- (d) [INTENTIONALLY OMITTED]
- (e) Easement Agreement from The Gates of Superior, LLC to Atlanta Gas Light Company, dated as of September 21, 2006, filed for record November 13, 2006 at 8:50 a.m., recorded in Deed Book 47242, Page 197, aforesaid Records. IS VAGUE IN ITS DESCRIPTION AND CANNOT DETERMINE IF IT AFFECTS THE SUBJECT PROPERTY.
- (f) [INTENTIONALLY OMITTED]
- (g) Declaration of Reciprocal Easements with Covenants, Conditions and Restrictions by The Gates of Superior, LLC, a Georgia limited liability company, dated April 5, 2016, filed for record April 16, 2016 at 2:09 p.m., recorded in Deed Book 51302, Page 303, aforesaid Records, as amended by that certain First Amendment to Declaration of Easements with Covenants, Conditions and Restrictions by and between Overlook at Huntcrest Commercial, LLC a Georgia limited liability company, Overlook at Huntcrest, LLC, a Delaware limited liability company and Superior Memory Care, LLC, a Delaware limited liability company, dated September 16, 2016, filed for record September 15, 2016 at 2:29 a.m., recorded in Deed Book 56140, Page 738, aforesaid Records, but omitting any restriction based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons. AFFECTS SUBJECT PROPERTY AS SHOWN.
- (h) Right-of-Way Easement from Overlook at Huntcrest, LLC to Jackson Electric Membership Corporation, a corporation, dated June 6, 2016, filed for record August 25, 2016 at 10:04 a.m., recorded in Deed Book 54537, Page 181, aforesaid Records. AFFECTS SUBJECT PROPERTY AND IS BLANKET IN NATURE.
- (i) Water Metering Device and Access Easement from Overlook at Huntcrest, LLC to Gwinnett County Water and Sewerage Authority, a political subdivision of the State of Georgia, dated August 30, 2016, filed for record August 30, 2016 at 5:17 p.m., recorded in Deed Book 54547, Page 470, aforesaid Records. AFFECTS SUBJECT PROPERTY AND IS SHOWN.
- (j) [INTENTIONALLY OMITTED]
- (k) [INTENTIONALLY OMITTED]
- (l) [INTENTIONALLY OMITTED]
- (m) [INTENTIONALLY OMITTED]
- (n) Right-of-Way Easement from Overlook at Huntcrest, LLC to Jackson Electric Membership Corporation, a corporation, dated September 11, 2017, filed for record January 26, 2018 at 2:07 p.m., recorded in Deed Book 58671, Page 311, aforesaid Records. AFFECTS SUBJECT PROPERTY AS SHOWN. PILES WERE RELOCATED DURING CONSTRUCTION.
- (o) [INTENTIONALLY OMITTED]
- (p) Easement from Overlook at Huntcrest Commercial, LLC, a Georgia limited liability company and Overlook at Huntcrest, LLC, a Delaware limited liability company, dated as of September 27, 2018, filed for record October 3, 2018 at 2:22 p.m., recorded in Deed Book 58186, Page 498, aforesaid Records. AFFECTS SUBJECT PROPERTY AND IS BLANKET ON NATURE.
- (q) [INTENTIONALLY OMITTED]
- (r) [INTENTIONALLY OMITTED]
- (s) [INTENTIONALLY OMITTED]
- (t) All those matters as disclosed by that certain plat recorded in Plat Book 137, Page 157, aforesaid Records. AFFECTS SUBJECT PROPERTY AND IS BLANKET IN NATURE.
- (u) [INTENTIONALLY OMITTED]
- (v) Those matters as disclosed by that certain survey entitled "ALTA/NSPS Land Title Survey for Thomas Eye Medical Properties, LLC, Chicago Title Insurance Company, and Calloway Title and Escrow, LLC", prepared by Planners and Engineers Collaborative, bearing the seal and certification of Jonathan N. Howard, Georgia Registered Land Surveyor No. 30068, dated June 25, 2018, last revised September 26, 2021, being designated as Re No. 0423102, as follows:
  - (1) Thirty (30") inch high density polyethylene pipe crossing the northwesterly boundary line of subject property; and
  - (2) Water line crossing the northwesterly boundary line of subject property.

**LEGAL DESCRIPTION — COMMERCIAL TRACT**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 155 AND 156 of the 77th District, Gwinnett County, Georgia and being more particularly described as follows:

**BEGINNING** at an iron pin found at the intersection of the northwesterly right-of-way line of Satellite Boulevard (Variable R/W) and the Land Lot Line common to Land Lots 155 & 156; thence along said right-of-way line the following courses and distances: South 59 degrees 56 minutes 37 seconds West a distance of 20.82 feet to a point; thence 171.65 feet along an arc of a curve to the left, said curve having a radius of 1,282.26 feet and a chord bearing and distance of South 53 degrees 10 minutes 06 seconds West 171.32 feet to a point; thence South 62 degrees 49 minutes 48 seconds West a distance of 12.51 feet to a point; thence North 34 degrees 24 minutes 11 seconds West a distance of 2.02 feet to a point; thence 216.73 feet along an arc of a curve to the left, said curve having a radius of 1,248.35 feet and a chord bearing and distance of South 43 degrees 23 minutes 47 seconds West 216.45 feet to a point; thence leaving said right-of-way line North 51 degrees 30 minutes 24 seconds West a distance of 27.62 feet to a PK Nail found; thence North 51 degrees 27 minutes 38 seconds West a distance of 110.31 feet to a PK Nail found; thence North 60 degrees 30 minutes 43 seconds West a distance of 84.79 feet to a point; thence North 20 degrees 21 minutes 34 seconds East a distance of 76.07 feet to a point; thence 511.98 feet along an arc of a curve to the right, said curve having a radius of 1,775.06 feet and a chord bearing and distance of North 51 degrees 21 minutes 03 seconds East 510.21 feet to a point; thence South 78 degrees 39 minutes 10 seconds East a distance of 34.36 feet to a point; thence South 30 degrees 11 minutes 35 seconds East a distance of 44.26 feet to a point; thence North 60 degrees 28 minutes 12 seconds East a distance of 84.43 feet to a point; thence South 70 degrees 33 minutes 33 seconds East a distance of 72.14 feet to a point; thence South 29 degrees 46 minutes 17 seconds East a distance of 101.28 feet to a point on said right-of-way line of Satellite Boulevard; thence along said right-of-way line the following courses and distances: South 60 degrees 13 minutes 43 seconds West a distance of 20.98 feet to a point; thence South 29 degrees 46 minutes 26 seconds East a distance of 14.48 feet to a point; thence South 53 degrees 22 minutes 24 seconds West a distance of 48.68 feet to a point; thence South 33 degrees 20 minutes 29 seconds East a distance of 2.00 feet to a point; thence South 59 degrees 56 minutes 37 seconds West a distance of 145.58 feet to a point to a point and the TRUE POINT OF BEGINNING.

Said Tract Containing 3.561 acres.

**NOTES**

1. The underground utilities shown have been located from field survey information and existing drawings. This surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information supplied and to the surveyor's best knowledge are approximately as shown. The surveyor has not physically located the underground utilities.
2. I have examined the Federal Emergency Management Agency Flood Insurance Rate Map for Gwinnett County, Georgia and Incorporated Areas, Community Panel Number 1313500057, Panel 57 of 155, effective date September 29, 2006 and found NO portion of the property shown hereon to fall within a designated Flood Zone "A" (areas of 100 Year flood).
3. The orthometric heights (elevations and contours) shown hereon were determined by GPS observations and were adjusted by Planners and Engineers Collaborative in March 2016, North American Datum of 1983 (NAD83), North American Vertical Datum of 1988 (NAVD88), Georgia West Zone State Plane Coordinates.
4. The term "Certification" relating to professional engineering and land surveying services shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.
5. This property was updated by site visit on September 15, 2021 for the purpose of determining visible above ground physical changes located on the property. The property lines were not resurveyed and reflect conditions existing on prior surveys by Planners and Engineers Collaborative.
6. There is no observed evidence of recent earth moving work, building construction or building additions observed in the process of conducting fieldwork.
7. The land described in the survey is the same as described in the Title Commitment

**REFERENCES**

1. ALTA/ACSM Land Title Survey for Touchstone Bancshares, INC., and Satellite Boulevard Investors, LLC., by Geosurvey, Ltd., dated November 3, 2016.
2. Approved construction plans for Overlook at Huntcrest, prepared by Planners and Engineers, dated January 15, 2016.

This is to certify to: Thomas Eye Medical Properties, LLC., Chicago Title Insurance Company, and Calloway Title and Escrow, LLC.

That this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1 - 4, 7(A), 7(B), 8-10, 13 and 16 of Table A thereof. The field work was completed on September 15, 2021.

Date of Map or Plat: June 25, 2018.

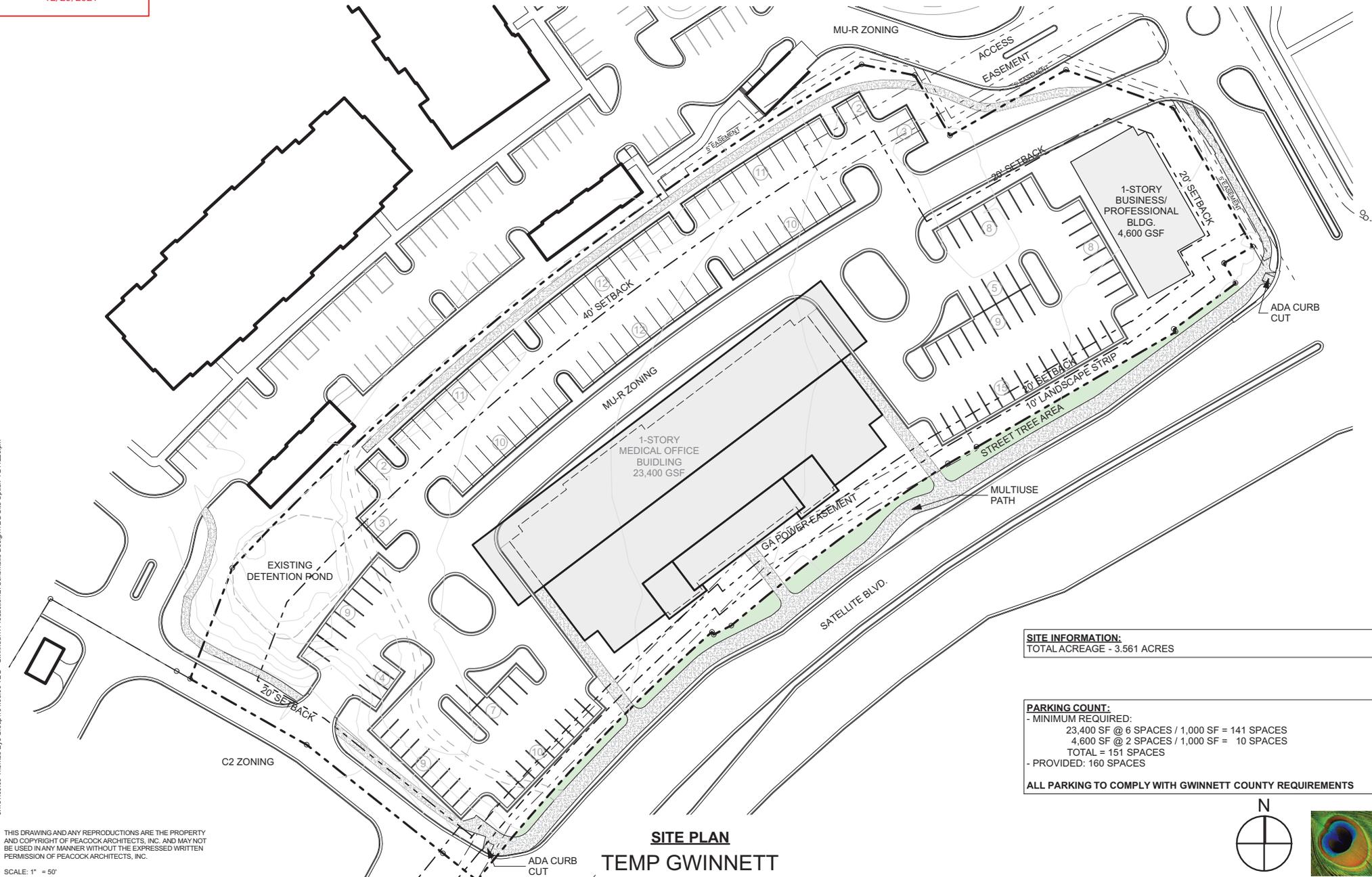
DRAWN BY: TSD  
CHECKED BY: JMH  
NO. OF REVISIONS: 02  
DATE: 09/02/21  
SCALE: 1" = 30'  
0 15 30 60

ALTA/NSPS LAND TITLE SURVEY  
THOMAS EYE MEDICAL PROPERTIES, LLC, CHICAGO TITLE INSURANCE COMPANY AND CALLOWAY TITLE AND ESCROW, LLC.  
LAND DISTRICT: 77  
155 & 156  
GWINNETT COUNTY, GEORGIA

REV	DATE	DESCRIPTION
1	10/02/2021	ADDRESSING COWNEY REGARDING ACCESS EASEMENT
2		
3		
4		

**PLANNERS AND ENGINEERS COLLABORATIVE**  
"WE PROVIDE SOLUTIONS"  
SITE PLANNING ■ LANDSCAPE ARCHITECTURE  
CIVIL ENGINEERING ■ LAND SURVEYING  
300 BSA BLVD., SUITE 200  
FLOWERSVILLE, GA 30236  
770.624.2121 ■ WWW.PEAC.COM

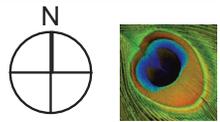
J:\431.00.00 Thomas Eye Group\431.00.00 TEG - Gwinnett\11\_Production\2\_Schematic Design\TEG Site Option 4.211220.dwg



**SITE INFORMATION:**  
 TOTAL ACREAGE - 3.561 ACRES

**PARKING COUNT:**  
 - MINIMUM REQUIRED:  
 23,400 SF @ 6 SPACES / 1,000 SF = 141 SPACES  
 4,600 SF @ 2 SPACES / 1,000 SF = 10 SPACES  
 TOTAL = 151 SPACES  
 - PROVIDED: 160 SPACES

**ALL PARKING TO COMPLY WITH GWINNETT COUNTY REQUIREMENTS**



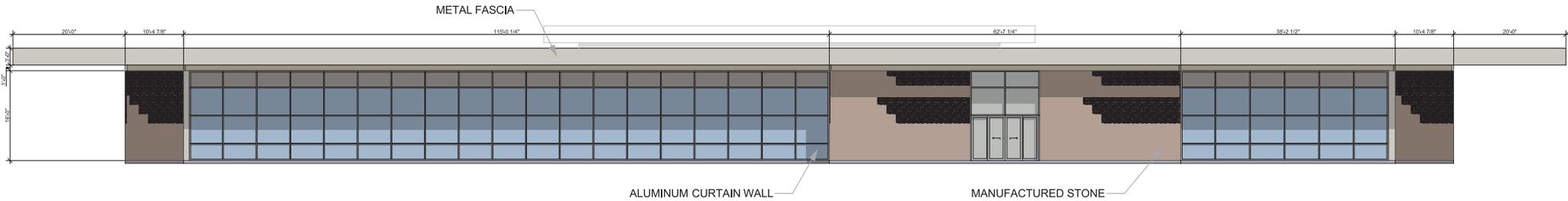
**SITE PLAN**  
**TEMP GWINNETT**

1465 SATELLITE BLVD. NW, SUWANEE, GA 30024

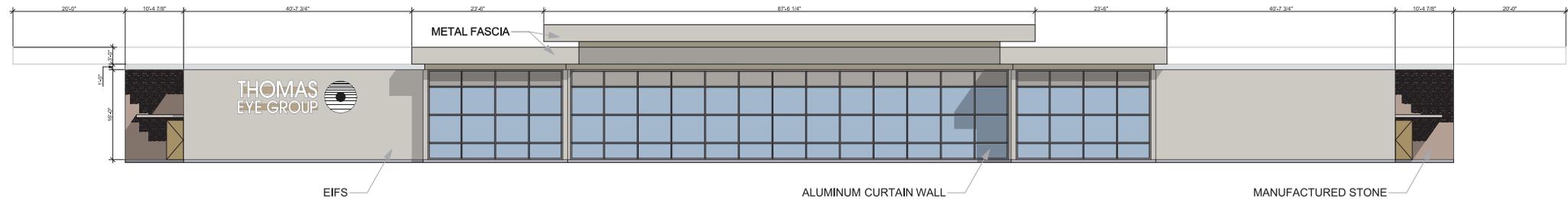
THIS DRAWING AND ANY REPRODUCTIONS ARE THE PROPERTY AND COPYRIGHT OF PEACOCK ARCHITECTS, INC. AND MAY NOT BE USED IN ANY MANNER WITHOUT THE EXPRESSED WRITTEN PERMISSION OF PEACOCK ARCHITECTS, INC.

SCALE: 1" = 50'

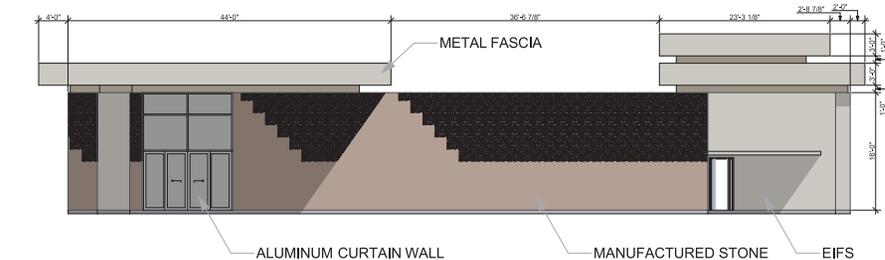
12/22/2021



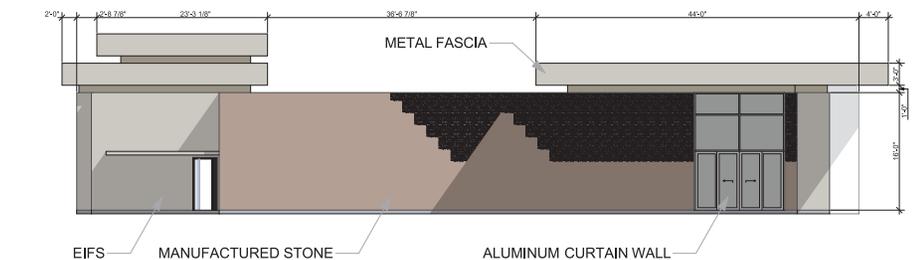
NORTHWEST ELEVATION



SOUTHEAST ELEVATION



SOUTHWEST ELEVATION



NORTHEAST ELEVATION

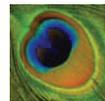
THIS DRAWING AND ANY REPRODUCTIONS ARE THE PROPERTY AND COPYRIGHT OF PEACOCK ARCHITECTS, INC. AND MAY NOT BE USED IN ANY MANNER WITHOUT THE EXPRESSED WRITTEN PERMISSION OF PEACOCK ARCHITECTS, INC.

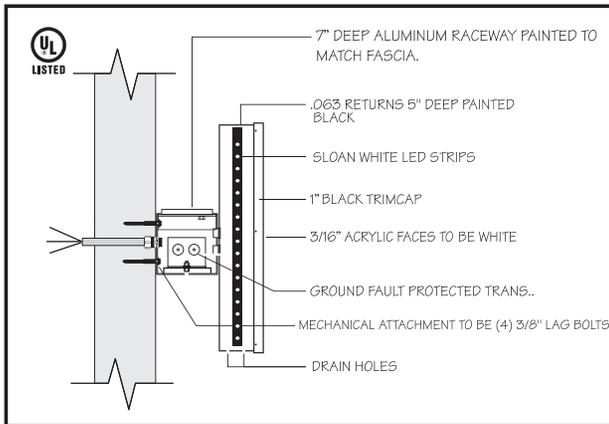
SCALE: 1/8" = 1'-0"

12/16/2021

# TEMP GWINNETT

SUWANEE, GA





(1) One Set of Acrylic face channel letters.  
 Returns to be given a Black polyurethane finish.  
 Faces to be #7328 white acrylic with black trimcap.  
 LOGO to have 1st surface black vinyl copy applied to face for lines and black dot.  
 Letters to be mounted to aluminum raceway painted to match building fascia.  
 Letters to be illuminated by Sloan white LED's.  
 Note: Letter size determined by "H"  
 Sign to bear U.L. label and include disconnect switch.

This sign is designed for 120 volts

NOTE: This signwork to have UL label and to be manufactured with Electro-bits and remote transformers to conform with NEC 600 Electrical Neon Installation code and UL2101.

<b>WHITEWAY NEON - AD</b>	JOB NAME Thomas Eye Group (Gwinnett) Suwanee, GA		CUSTOMER APPROVAL _____ OF _____	
	SALES PERSON D. Levin	DRAWING BY Gene	DATE 12/21/21	DRAWING # 21-1221-1