

RECEIVED

2.23.2023

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Hayley Todd, Zoning Manager, PEC+	NAME: Diplomat Infraprop Sugarloaf LLC
ADDRESS: 350 Research Ct STE 200	ADDRESS: 5675 Jimmy Carter Boulevard Ste 109
CITY: Norcross	CITY: Norcross
STATE: GA ZIP: 30092	STATE: GA ZIP: 30071
PHONE: 757-508-6593	PHONE: _____
EMAIL: htodd@pec.plus	EMAIL: _____
CONTACT PERSON: Hayley Todd PHONE: 757-508-6593	
CONTACT'S E-MAIL: htodd@pec.plus	

APPLICANT IS THE:	
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICTS(S): O&I PRIOR ZONING CASE: RZM2022-00015	
PARCEL NUMBER(S): 7 121 012, 7 121 174, 7 121 014, 7 121 093 ACREAGE: 7.5	
ADDRESS OF PROPERTY: 2534, 2540, 2549 Meadow Church Road	
PROPOSED CHANGE IN CONDITIONS: Reduce 50' undisturbed buffer to a 30' undisturbed buffer	
RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: 160 DWELLING UNIT SIZE (Sq. Ft.): N/A GROSS DENSITY: 21.3 NET DENSITY: 21.3	NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/LOTS: _____ TOTAL GROSS SQUARE FEET: _____ DENSITY: _____

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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:

SEE ATTACHMENT

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

SEE ATTACHMENT

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

SEE ATTACHMENT

- (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:

SEE ATTACHMENT

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

SEE ATTACHMENT

- (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:

SEE ATTACHMENT

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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

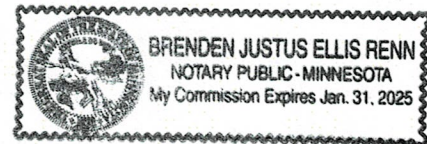
2/21/23
Date

Hayley Todd, Zoning Manager, PEC+

Type or Print Name and Title


Signature of Notary Public

2/21/23
Date



Notary Seal

WINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

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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.



Signature of Property Owner

2-21-23

Date

Shaneel Lalani, Managing Partner, Diplomat Infraprop Sugarloaf LLC

Type or Print Name and Title



Signature of Notary Public

2/21/23

Date



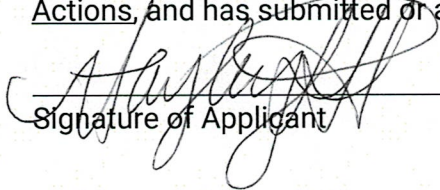
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Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

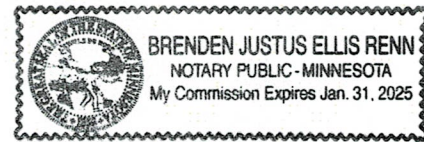
CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

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.

 2/21/23 Hayley Todd, Zoning Manager, PEC+
Signature of Applicant Date Type of Print Name and Title

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

 2/21/23
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 Hayley Todd, Zoning Manager, PEC+
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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4.3.2023

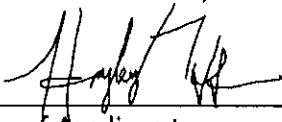
Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

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: 7 - 121 - 013
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

2/20/23

Date

Hayley Todd, Zoning Manager PEC+

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)

V. Schokky
NAME

TSA II
TITLE

3/23/2023
DATE

RECEIVED

4.3.2023

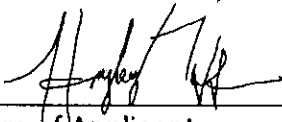
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FOR CHANGE IN CONDITIONS**

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PARCEL I.D. NUMBER: 7 - 121 - 174
(Map Reference Number) District Land Lot Parcel



 2/20/23
Signature of Applicant Date

Hayley Todd, Zoning Manager PEC+
Type or Print Name and Title

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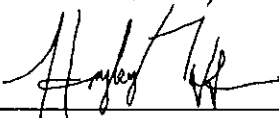
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PARCEL I.D. NUMBER: 7 - 121 - 014
(Map Reference Number) District Land Lot Parcel

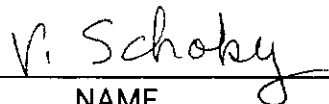
 2/20/23
Signature of Applicant Date

Hayley Todd, Zoning Manager PEC+
Type or Print Name and Title

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 TSA II
NAME TITLE
3/23/2023
DATE

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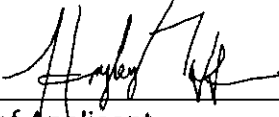
Gwinnett County Planning Division
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PARCEL I.D. NUMBER: 7 - 121 - 093
(Map Reference Number) District Land Lot Parcel

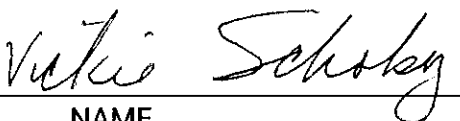
 2/20/23
Signature of Applicant Date

Hayley Todd, Zoning Manager PEC+
Type or Print Name and Title

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TAX COMMISSIONERS USE ONLY

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 TSA II
NAME TITLE
3/23/2023
DATE

4/3/2023

Re: **Letter of Intent - Change in Conditions and Waiver**
2534, 2540, 2549 Meadow Church Road (+/-7.5 acres)
PEC+ Project No. 22243.00

Dear Community Development Officials,

This change in conditions and waiver application relates to \pm 7.5 acres on Meadow Church Road (2534, 2450 and 2549 Meadow Church Road) (the "Subject Property"). The application seeks to (a) modify one zoning condition approved on October 22, 2019 (RZM2019-00014) and (b) waive certain structure setbacks, all to allow for the development of a new, 160-unit full-service, senior independent living community (sometimes referred to as the "Senior Development"). The Senior Development is permitted by underlying zoning but cannot be constructed absent the requested change in condition and waiver.

Site, Site History and Proposal

The Subject Property is located on the west side of Meadow Church Road. It consists of four parcels and totals \pm 7.5 acres. Each parcel is zoned O-I (Office-Institutional District).

The Subject Property has an irregular shape. It is triangular and the frontage on Meadow Church Road is curvilinear. It also has challenging topography. As a result, the Subject Property has remained undeveloped. It has been the subject of several rezoning efforts, however, over the last almost 40 years.

In 1985, the County approved the rezoning of parcel R7121 093 from RA-200 (Agriculture-Residence District) to RM-13 (Multifamily Residence District) to allow for a multifamily apartment development (REZ1985-00049). In 1994, the County approved the rezoning of the same property from R-100 as part of a 1,377-acre mixed-use development that included single-family residences and a golf course. In 2009, the County denied a rezoning (RZ2009-0026) and a special use permit (SUP2009-00043) request that would have allowed for the construction of a 115,000 square foot assisted living facility and medical office.

In 2019, the County approved a rezoning (RZC2019-00014) and a special use permit (SUP2019-00065) that allowed for a three-story, 178,600 square foot independent and assisted living facility. The instant application seeks to modify one condition imposed with this approval, as explained below. Finally, the site was the subject of another rezoning in 2022 (case RZM2022-00015) that proposed to change the O-I designation to RM-24 to facilitate apartment units. The rezoning was denied and the site remained zoned O-I.

As noted above, the current proposal is for the development of a new, 160-unit full-service senior independent living community limited to three-stories which is consistent with the approvals in rezoning case RZC2019-00014 and special use case SUP2019-00065.

Summary of Request:

The applicant proposes to change condition 2.B of the 2019 rezoning (RZM2019-00014). The condition reads as follows:

Provide a 50-foot natural and enhanced buffer adjacent to residentially-zoned property to the northwest. The buffer shall be supplemented with evergreen and deciduous plantings where sparsely vegetated.

The applicant proposes to modify condition 2.B as follows:

Provide a 30-foot natural and enhanced buffer adjacent to the residentially-zoned property to the northwest. Where possible, the developer will replant in the reduction area (the 20-foot distance from 30-feet to 50-feet from the property line) property with evergreen and deciduous plantings.

The applicant also requests a waiver from structure setbacks per section 610-20.4.B of the UDO:

All proposed improvements including, but not limited to, driveways, dumpsters, parking facilities, pavement, or retaining walls will be located a minimum of 5 feet away from any buffer.

The Applicant notes that only parking facilities (surface lot) will be located within the 5' buffer, not vertical improvements.

Rationale for Request

Due to site constraints, the 50' buffer condition and the 5' additional setback inhibit the type of development that the Subject Property has been approved for since 2019. Because of the proposed use—a full-service senior living community—mobility and accessibility for senior persons are a top concern. The building footprint requires a relatively flat site, which involves grading more of the overall site area, including in the required 50' buffer. Additionally, smooth and connected sidewalks, ramps, parking access and enhanced landscaping will be made possible with the additional grading space. Below is a summarized list of issues:

1. The buffer requirement prevents an efficient layout of the parking and drive aisles, particularly when ADA striping is considered;
2. The 50' buffer condition leaves inadequate room for landscaping between the building and sidewalks/parking area and between the building face and the back of curb;
3. The buffer condition will require a steep wall along the northwest property line to achieve the requisite flatness necessary for a senior-oriented development, but a steep wall will not be required if the applicant is permitted to disturb the requested 20';
4. The buffer condition leaves insufficient area for BMPs.
5. The applicant must relocate a power line on the Subject Property and the buffer reduction is necessary to create sufficient room for the relocation.

The applicant is requesting only the minimum relief necessary and is taking steps to minimize and mitigate the impact of both the modification and waiver requested. The applicant and owner respectfully request that the Gwinnett County Board of Commissioners, Planning Commission and Planning Staff approve and support the Applicant's Change of Conditions request to allow for the reduction of the 50' undisturbed buffer to 30' feet, permitting a 20' encroachment for land disturbance. This will contribute to an overall better site plan, improved user experience and aesthetics. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,

Hayley Todd

Zoning Manager, Planners and Engineers Collaborative, Inc.

RECEIVED

[illegible]

ADDRESS	2934 & 2640 MEADOW CHURCH RD GULFPORT, MS 39097
SITE AREA	7.562 ACRES
<u>ZONING</u>	
ZONING JURISDICTION	04
<u>DEVELOPMENT STANDARDS</u>	
FRONT YARD	15 FEET
SIDE YARD	15 FEET
SIDE YARD BUFFER	50 FEET
REAR YARD BUFFER	25 FEET
<u>PARKING</u>	
TOTAL PARKING SPACES PROVIDED	240 SPACES



350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

MEADOW CHURCH
RD

AT
2534 & 2549 MEADOW CHURCH RD
DULUTH, GA 30097

[illegible]

PRELIMINARY

0 25 50 100 150

SCALE: 1" = 50'

DATE: 01/23/2023

PROJECT: 22243.00

SHEET

RECEIVED

[illegible]

ADDRESS	2934 S 2540 MEADOW CHURCH RD DULUTH, GA 30097
SITE AREA	7.562 ACRES
<u>ZONING</u>	
ZONING JURISDICTION	04
<u>DEVELOPMENT STANDARDS</u>	
FRONT YARD	15 FEET
SIDE YARD	15 FEET
SIDE YARD BUFFER	50 FEET
REAR YARD BUFFER	25 FEET
<u>PARKING</u>	
TOTAL PARKING SPACES PROVIDED	240 SPACES

ORIGINAL POWER LINE LOCATION
THROUGH SITE



350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

MEADOW CHURCH
RD

AT
2534 & 2549 MEADOW CHURCH RD
DULUTH, GA 30097

[illegible]

PRELIMINARY

0 25 50 100 150

SCALE: 1" = 50'

DATE: 01/23/2023

PROJECT: 22243.00

SHEET

CABLE / TV	SEWER
Cable / TV Marker	Green Top
Cable / TV Pedestal	Sanitary Sewer Manhole
Cable / TV Manhole	Sanitary Sewer Vent Pipe
Cable / TV Junction	Sanitary Sewer Force Main Valve
Cable / TV Cable Box	Sanitary Sewer Lift Station
ELECTRIC/POWER	SITE / TOPOGRAPHIC FEATURES
Transformer	Spot Elevation
Gas Meter	Air Condition Unit
Power Pole/Utility Pole	Railroad
Street Light/Utility Pole	Maltese
Electric Box	Satellite Dish
Electric Manhole	Flag Pole
Electric Manhole	Monitoring Well
Electric / Power Marker	Antenna
Spot Light	Camera Pole / Camera
Light	Bare Hole Location
FIBER OPTIC	Mail Route
Fiber Optic Marker	Rail Road Mile Post
Fiber Optic Manhole	STORM / DRAINAGE
Fiber Optic Pedestal	Storm Structure Lid
GAS	Drop Inlet
Gas Meter	Catch Basin
Gas Manhole	Double Wing Catch Basin
Gas Pit Cap	Rain Inlet
Gas Manhole	Catch Basin
Gas Pressure Relief Valve	Junction Box
Gas Vent	Curb Inlet
Gas Vent Pipe	Flood-In Spot
Gas Vent Pipe	Inlet
Gas Vent Pipe	Storm Structure Lid
Gas Vent Pipe	Drop Inlet
Gas Vent Pipe	Catch Basin
Gas Vent Pipe	Double Wing Catch Basin
Gas Vent Pipe	Rain Inlet
Gas Vent Pipe	Catch Basin
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Gas Vent Pipe	Catch Basin
Gas Vent Pipe	Double Wing Catch Basin
Gas Vent Pipe	

2.23.2023



PROPERTY

_____ Adjacent Property
_____ Property Line
_____ Center of Creek

FENCE LINES

_____ X _____ Barb Wire Fence
_____ O _____ Chain Link Fence
_____ D _____ Wood Fence
_____ R _____ Roman Wire Fence
_____ F _____

SITE / TOPOGRAPHIC FEATURES

EXISTING OVERHEAD

_____—OW— Overhead Wires

EXISTING UNDERGROUND

_____—C— Cable
_____—E— Electric
_____—FO— Fiber Optic
_____—G— Gas
_____—T— Telecommunications
_____—H— Holes
_____—TW— Television
_____—SD— Storm Drainage Line

APPROX.	Approximate	LE	Inert Element
#4	1/2" Rebar	IPF	In Pin Field
C&G	Curb and Gutter	IPS	In Pin Set
CM	Concrete	IPV	In Pin Valve
CMP	Compressed Metal Pipe	IR	Iron
CN	Concrete	IRF	Iron Reinforcing
COP	Conspicuous Plastic Pipe	N/F	Not on Form
CS	Cast	NR	Not Reinforced
D	Dug	PB	Pile Box
D2	Dredged	PC	Pipe
DE	Drainage Elevation	PKF	PK Not Found
EOP	End of Placement	PKS	PK Not Set
EP	End of Power Pipe	PKV	PK Not Valve
EPAN	Electric Panel	PDC	Point of Control
ESMT	Elevation	PVC	Polyvinyl Chloride
ESL	End of Section	RCP	Rigid Concrete Pipe
F	Fish	RCP	Reinforced Concrete
FTE	Fish Trap Elevation	RCV	Reinforced Concrete Valve
FL	Flow	SE	Sanitary Sewer
FLUP	Flow Pipe	SEE	Sanitary Sewer
GA	Georgia	SSMH	Sanitary Sewer Manhole
GM	Ground	TR	Transformer
GM	Gas Main	TCP	Sanitary Clay Pipe
H	Head	W.D.F.	Wood Frame
H.W.	Head Water	W	Water
H.W.	Head Water	WV	Water Valve
HS	Head Street		

U

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 121, of the 7th District, Gwinnett County, Georgia and being more particularly described as follows:

BEGIN at a found 1/2 inch rebar, said rebar having coordinates of North: 1,451,553.3 and East: 2,316,714.0, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, said rebar located on the westerly right of way of Meadow Church Road (80 foot public right of way), said rebar being the TRUE POINT OF BEGINNING;

THENCE along said westerly right of way of Meadow Church Road the following courses and distances: along a curve turning to the left with an arc length of 201.60 feet, having a radius of 613.20 feet, being subtended by a chord bearing of South 00 degrees 57 minutes 53 seconds West, and a chord length of 200.69 feet to a point; South 08 degrees 28 minutes 27 seconds East a distance of 153.99 feet to a found iron pin with cap; South 08 degrees 28 minutes 27 seconds East a distance of 20.74 feet to a point; along a curve turning to the right with an arc length of 231.59 feet, having a radius of 342.11 feet, being subtended by a chord bearing of South 10 degrees 53 minutes 56 seconds West, and a chord length of 227.19 feet to a point; South 30 degrees 19 minutes 25 seconds West a distance of 19.07 feet to a found iron pin with cap; South 30 degrees 19 minutes 25 seconds West a distance of 195.14 feet to a point; along a curve turning to the left with an arc length of 129.66 feet, having a radius of 858.86 feet, being subtended by a chord bearing of South 26 degrees 00 minutes 03 seconds West, and a chord length of 129.54 feet to a point; along a curve turning to the left with an arc length of 30.91 feet, having a radius of 358.45 feet, being subtended by a chord bearing of South 19 degrees 10 minutes 46 seconds West, and a chord length of 30.90 feet to a found iron pin with cap; along a curve turning to the left with an arc length of 13.64 feet, having a radius of 405.25 feet, being subtended by a chord bearing of South 13 degrees 44 minutes 15 seconds West, and a chord length of 13.63 feet to a found iron pin with cap; thence leaving said westerly right of way and proceed North 63 degrees 41 minutes 11 seconds West a distance of 116.67 feet to a found iron pin with cap; thence North 26 degrees 04 minutes 51 seconds West a distance of 95.51 feet to a found 1/2 inch rebar; thence along a curve turning to the left with an arc length of 287.29 feet, having a radius of 2822.76 feet, being subtended by a chord bearing of North 29 degrees 02 minutes 16 seconds West, and a chord length of 287.17 feet to a point; thence North 31 degrees 55 minutes 43 seconds West a distance of 57.71 feet to a point; thence along a curve turning to the left with an arc length of 188.74 feet, having a radius of 1391.41 feet, being subtended by a chord bearing of North 35 degrees 43 minutes 32 seconds West, and a chord length of 188.59 feet to a found 1/2 inch rebar; thence North 59 degrees 56 minutes 24 seconds East a distance of 80.80 feet to a found 1/2 inch rebar; thence North 60 degrees 06 minutes 43 seconds East a distance of 96.55 feet to a point; thence North 60 degrees 06 minutes 39 seconds East a distance of 118.21 feet to a found iron pin with cap; thence North 61 degrees 18 minutes 16 seconds East a distance of 421.10 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING.

Tract or parcel contains 329,395 square feet or 7.562 acres.

2/21/2023

Re: **Zoning Standards Analysis - Change in Conditions**
2534, 2540, 2549 Meadow Church Road (+/-7.5 acres)
PEC+ Project No. 22243.00

Dear Community Development officials,

Please see below the responses to the Standards Governing the Exercise of the Zoning Power:

The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

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:

The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The property was rezoned to O&I for the express purpose of constructing a 160-unit senior-oriented development. The reduction of this buffer will facilitate the development that has been approved by the County. Nothing will change substantially about the development that was approved such that it would affect nearby properties; the proposed change will allow better construction and use of the land for the approved senior use.

B. Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property:

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Most of the nearby properties are already developed, and are aware of the approved use of the site. The reduction of the required buffer is the lowest necessary reduction to facilitate the development. Where possible, the unused parts of the reduction area will be replanted with deciduous and evergreen plantings to increase screening.

C. Whether the property to be affected by the proposed change in conditions has a reasonable economic use as currently zoned:

The proposal has reasonable economic use as zoned, and the proposal would not alter the use of the property. The change in conditions would improve the usability of the site under the existing conditions, which would improve the overall experience of the project.

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:

The proposed rezoning will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed change in conditions will not affect the use or number of units proposed to be on site.

E. Whether the proposed change in conditions is in conformity with the policy and intent of the land use plan:

The proposed rezoning is in conformity with the policy and intent of the comprehensive plan. The proposed change in conditions will not alter the approved use of the site, it will only enhance the buildable area of the site, to facilitate a development in line with the goals of the Gwinnett County Comprehensive Plan.

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:

The proposed reduction in the required buffer is the minimum relief required to construct a development that has already been vetted and approved during the zoning process. Granting the reduction would improve the experience

of the senior residents on site by limiting harsh walls due to grading, creating more space for attractive landscaping, and enhancing on-site pedestrian connectivity.

The applicant and owner respectfully request that the Gwinnett County Board of Commissioners, Planning Commission and Planning Staff approve and support the Applicant's Change of Conditions request to allow for the reduction of the 50' undisturbed buffer to 30' feet, permitting a 20' encroachment for land disturbance. This will contribute to an overall better site plan, improved user experience and aesthetics. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,

Hayley Todd

Zoning Manager, Planners and Engineers Collaborative, Inc.