

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2024-00007
Current Zoning: M-2 (Heavy Industry District)
Request: Rezoning to C-3 (Highway Business District)
Additional Request: Variance
Address: 2975 Breckinridge Boulevard
Map Number: R6206 056 (Portion)
Site Area: 4.05 acres
Proposed Development: Garden Supply Center
Commission District: District 1 – Commissioner Carden
Character Area: Workplace Center

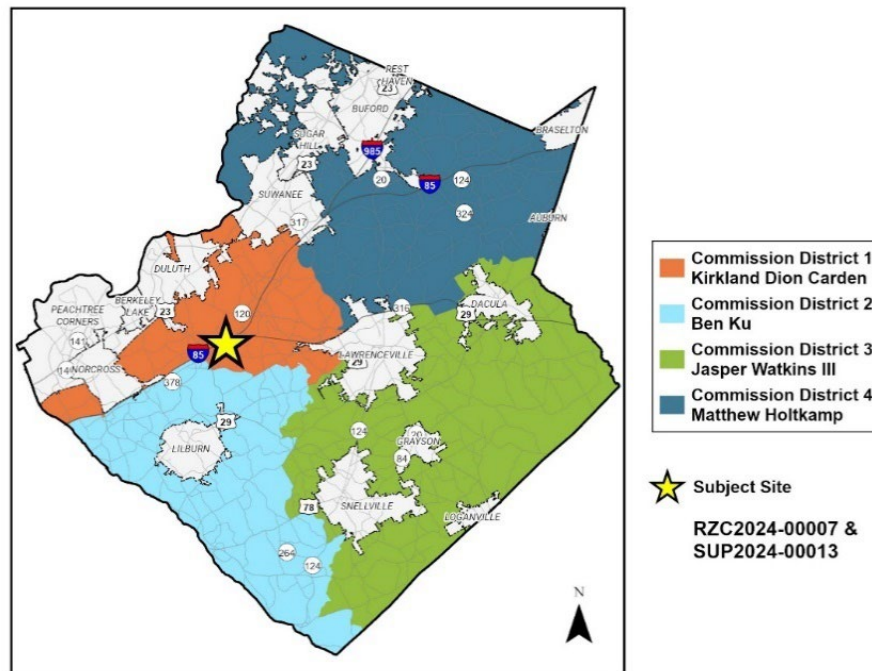
Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL WITHOUT PREJUDICE

Case Number: SUP2024-00013
Current Zoning: M-2 (Proposed C-3 Zoning)
Request: Special Use Permit
Additional Request: Variance
Address: 2975 Breckinridge Boulevard
Map Number: R6206 056 (Portion)
Site Area: 4.05 acres
Proposed Development: Outdoor Sales and Storage
Commission District: District 1 – Commissioner Carden
Character Area: Workplace Center

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL WITHOUT PREJUDICE



Applicant: DIG09 Duluth Pavilion, LLC
c/o Andersen Tate & Carr
1960 Satellite Boulevard, Suite 4000
Duluth, GA 30097

Owner: DIG09 Duluth Pavilion, LLC
3100 Breckinridge Boulevard, Suite 401
Duluth, GA 30096

Contact: Melody A. Glouton

Contact 770.822.0900

Zoning History

The subject property is zoned M-2 (Heavy Industry District). There are no prior zoning requests on record for this property.

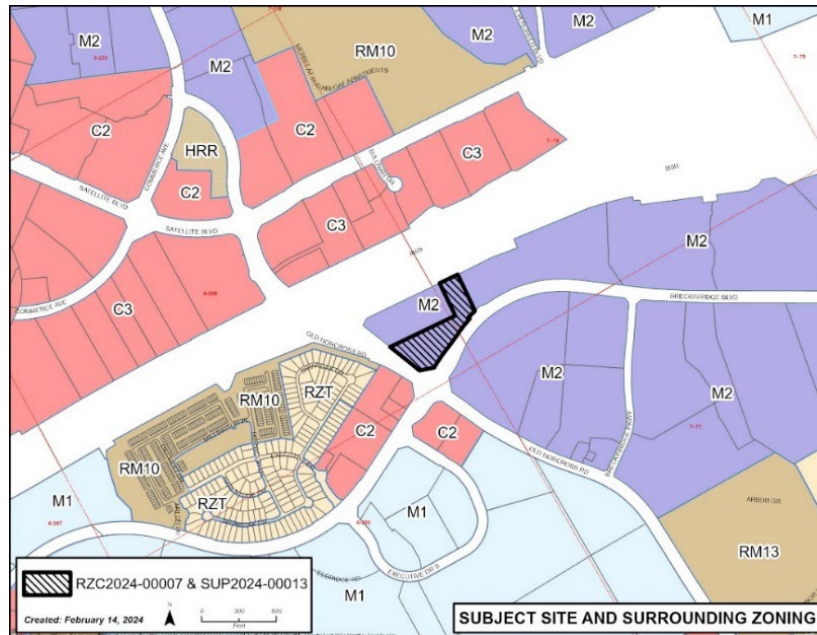
Existing Site Condition

The subject property is a 4.05-acre portion of an 8.51-acre parcel located at the northern corner of the Breckinridge Boulevard and Old Norcross Road intersection. The site is developed with an approximate 194,000 square foot warehouse/office building and a large surface parking lot. The site is accessed by two full-access driveways, one on Breckinridge Boulevard and another on Old Norcross Road. There is an existing sidewalk along Old Norcross Road. The nearest Gwinnett County Transit stop is located along the Old Norcross Road site frontage.

Surrounding Use and Zoning

The subject property is primarily surrounded by office and light commercial uses. The site is bound to the north by Interstate 85. Farther to the northwest, across the interstate, is Gwinnett Place Mall. Office uses are located to the east and south along Breckinridge Boulevard. To the west, across Old Norcross

Road is a small, multi-tenant commercial center and Breckinridge Station, a residential subdivision with townhouses and detached residences. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning
Proposed	Garden Supply Center with Outdoor Sales and Storage	C-3
North	Warehouse/Office	M-2
East	Office	M-2
South	Commercial	C-2
	Office	M-2
West	Commercial	C-2
	Single-Family Residential	R-ZT

Project Summary

The applicant requests rezoning of a 4.05-acre property from M-2 to C-3 and a special use permit for a garden supply center with outdoor sales and storage, including:

- A 2.35-acre display area for box-grown trees, palms, and shrubs.
- A 0.68-acre gated employee area for loading and transporting inventory.
- A new irrigation system to maintain inventory on-site.
- A 5-foot-tall wrought iron fence enclosing the display area and employee areas.
- Hours of operation Monday through Saturday, 7:30 a.m. to 5:00 p.m., and Sunday 9:00 a.m. to 5:00 p.m.
- 14 employee parking space adjacent to the proposed work yard. 5 parking spaces are indicated on the adjacent parcel for customer parking. The adjacent parcel will have sufficient parking for the warehouse/office use.
- The applicant plans to lease 2,000 square feet of office space within the warehouse/office building on the adjacent parcel.
- The remaining office/warehouse parcel will have approximately 222 parking spaces.

Zoning and Development Standards

The applicant is requesting a rezoning to C-3 for a garden supply center and a special use permit for outdoor sales and storage. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Front Yard Setback	Minimum 0'	>0'	YES
Side Yard Setback	Minimum 0'	>0'	YES
Rear Yard Setback	Minimum 0'	>0'	YES
Parking	Minimum 44 spaces Maximum 88 spaces	14 spaces	NO*
Landscape Strip	Minimum 10'	10'	YES

* Applicant is requesting a variance from this UDO standard.

Variance Request

In addition to the rezoning request, the applicant is seeking a variance from the following provision of Title II of the UDO:

1. Table 240.1 Minimum and Maximum Parking Requirements

Industrial parking shall be minimum 1 space per 3,000 square feet and maximum 1 space 1,500 square feet.

The applicant is requesting to reduce the minimum required parking from a total of 44 spaces to 14 spaces.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit E). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Rezoning and Special Use Permit Requests Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.6. For special use permits, the Department shall also evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.6. After this evaluation, staff makes the following findings based on the standards from the UDO:

A. Whether a proposed rezoning and special use permit 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 warehouse/office and light commercial uses. A garden supply center and plant nursery with outdoor sales and storage of this size and scale would be out of character for the area and would likely conflict with the existing nearby properties. While the general area is zoned industrially, it has developed as office/warehouse uses. The rezoning and special use permit for outdoor storage would not be suitable in view of the use and development of adjacent property.

B. Whether a proposed rezoning and special use permit will adversely affect the existing use or usability of adjacent or nearby property.

The proposed rezoning and special use permit would adversely impact the existing use and usability of adjacent and nearby property. The garden supply center includes a 2.35-acre retail area with box-grown trees, palms, and shrubs as well as a 0.68-acre employee area for loading and transporting of inventory. The applicant does not provide any customer parking on the proposed new parcel, and plans to utilize parking for the remaining warehouse/office parcel, which could adversely impact parking for the site. In addition, the adjacent roads would be impacted by heavy trucks that will likely be used to transport materials. It is also unclear how materials will be stored on the site and whether there will be impacts related to dirt and heavy debris leaving the site.

C. Whether the property to be affected by a proposed rezoning and special use permit has a reasonable economic use as currently zoned.

The property has a reasonable economic use as currently zoned.

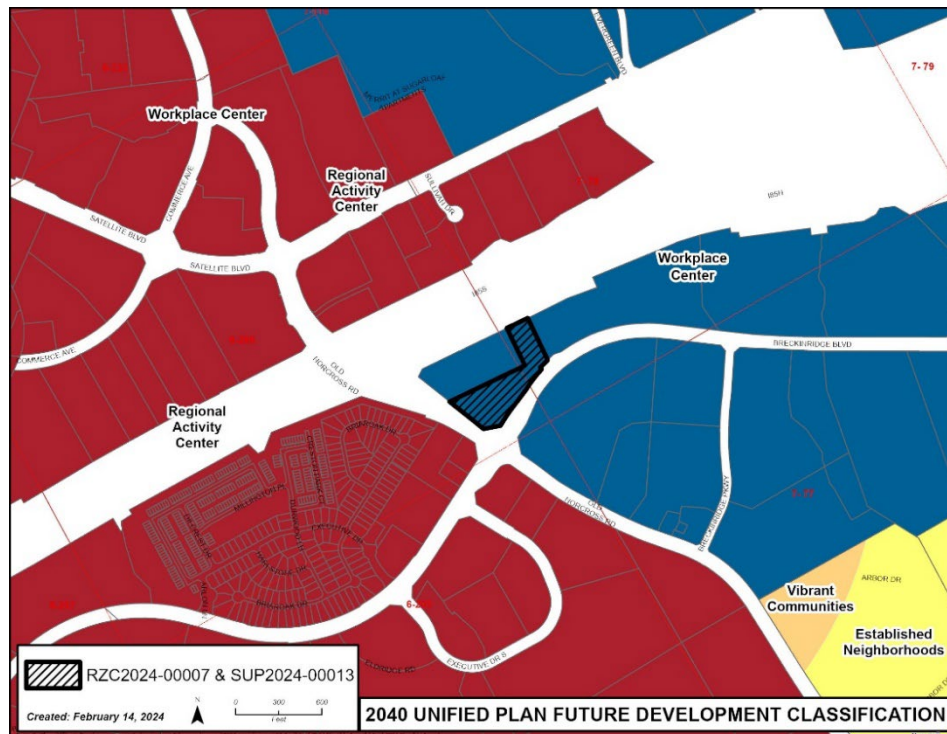
D. Whether the proposed rezoning and special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning and special use permit request are attached (Exhibit E).

E. Whether the proposed rezoning and special use permit is in conformity with the policy and intent of the Unified Plan and Future Development Map; and

The application was received prior to the adoption of the 2045 Unified Plan, and was analyzed based on the 2040 Unified Plan. The 2040 Unified Plan and Future Development Map indicates that the subject property is within the Workplace Center Character Area, which is intended to accommodate a mixture of intense non-residential, mixed-use, and high-density residential uses around and near Regional Activity Centers. Emphasis should be placed on encouraging employment-oriented uses including mid- to high-rise office buildings, industrial parks, and locations for freight oriented and logistic uses, where appropriate. The proposed garden supply center with outdoor sales and storage is not representative of developments the character area

recommends. Therefore, the proposed rezoning and special use permit is not in conformity with the policy and intent of the Unified Plan and Future Development Map.



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 and special use permit.

There are no other conditions giving support for approval or disapproval of the proposal.

Variance Requests Analysis: The standards for granting variances are outlined in Section 270-100.7 of the UDO. Staff makes the following findings related to the variance request:

The applicant is requesting to significantly reduce the minimum required parking for the garden supply center. The reduction of over 68% required parking would significantly impact the operation of the proposed garden supply center as well as the existing warehouse/office building. Granting this variance request would not meet the intent of the UDO.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the rezoning and special use permit requests.

In addition, staff recommends **DENIAL** of the following variances:

1. To reduce the minimum required parking from a total of 44 spaces to 14 spaces.

Staff Recommended Conditions

NOTE: The following conditions are provided as a guide should the Board of Commissioners choose to approve this petition.

RZC2024-00007

Approval as C-3 (Highway Business District) for a garden supply center subject to the following conditions:

1. Use on the site shall be limited to a garden supply center and accessory uses.
2. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received February 6, 2024, with revisions required by conditions of approval and the Unified Development Ordinance as reviewed and approved by the Department of Planning and Development.
3. Hours of operation shall be Monday to Saturday, 7:30 a.m. to 5:00 p.m. and Sunday, 9:00 a.m. to 5:00 p.m.
4. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of grand opening and during special events which shall occur no more than twice per calendar year, and last no longer than seven days each.
5. A shared parking agreement shall be executed between the newly created 4.05-acre property and the adjacent M-2 zoned warehouse/office property, if customer parking is provided off-site.
6. An exemption plat shall be approved by the Department of Planning and Development and recorded prior to the issuance of permits or other site activities related to the garden supply center.

SUP2024-00013

Approval of a special use permit for outdoor sales and storage of goods subject to the following conditions:

1. The workers' yard area shall be screened by a solid fence, subject to the review and approved by the Department of Planning and Development.
2. Outdoor storage on the site shall be limited to those customary to a garden supply center.

Planning Commission Recommendation

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **DENIAL WITHOUT PREJUDICE** of the rezoning and special use permit requests.

In addition, the Planning Commission recommends **DENIAL WITHOUT PREJUDICE** of the following variance request:

1. To reduce the minimum required parking from a total of 44 spaces to 14 spaces.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Applicant's Response to Standards
- D. Application and Disclosure of Campaign Contributions
- E. Internal and External Agency Review Comments
- F. Maps

Exhibit A: Site Visit Photos



View of property from Old Norcross Road



View of existing parking lot



View of Breckinridge Road frontage



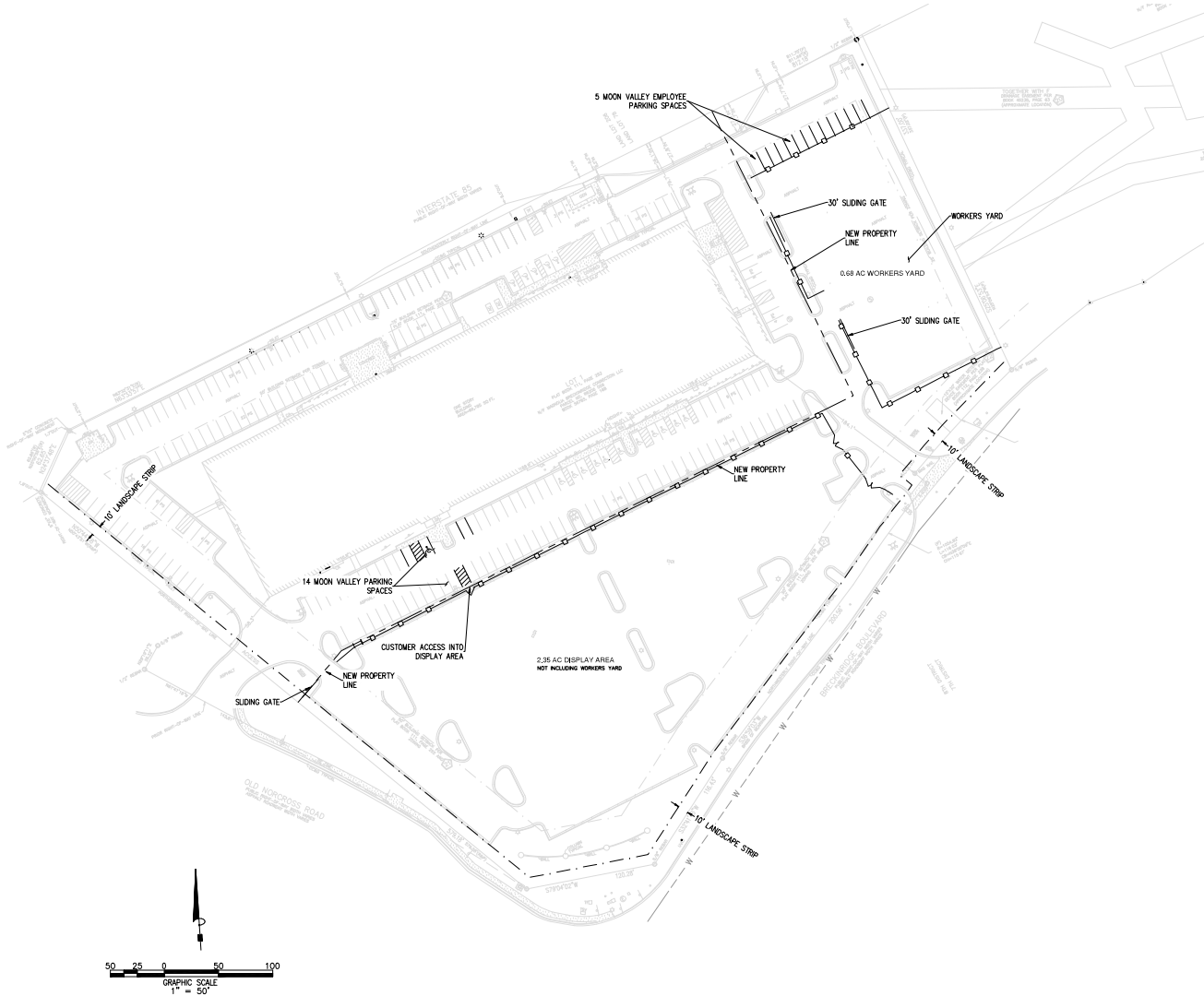
View of existing parking lot facing Breckinridge Boulevard

Exhibit B: Site Plan

[attached]

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CONCEPTUAL PLAN
MOON VALLEY DULUTH, GA
2975 BRECKINRIDGE BLVD
DULUTH, GA
GWINNETT COUNTY

PROJECT NUMBER

PLAN STATUS

DATE	DESCRIPTION
PS	DESIGN
PS	DRAWN
PS	CHKD
SCALE	H: 1/50 V: NONE

JOB No.

DATE : 2/6/2024

CP-1
SHEET 01 OF 1

Exhibit C: Letter of Intent and Applicant's Response to Standards

[attached]

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ANDERSEN | TATE | CARR

January 25, 2024

**COMBINED LETTER OF INTENT AND JUSTIFICATION
FOR REZONING AND SPECIAL USE PERMIT**

**Rezoning and Special Use Permit Applications
Gwinnett County, Georgia**

Applicant:

DIG09 Duluth Pavilion, LLC

Property:

Tax Parcel ID R6206 056 (Portion Only)

±4.050 Acres of Land

Located at 2975 Breckinridge Blvd, Duluth, Georgia

From M-2 to C-3

Submitted for Applicant by:

Melody A. Glouton, Esq.

ANDERSEN TATE & CARR, P.C.

One Sugarloaf Centre

1960 Satellite Blvd.

Suite 4000

Duluth, Georgia 30097

770.822.0900

mglouton@atclawfirm.com

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I. INTRODUCTION

These Applications for Rezoning and Special Use Permit (“SUP”) are submitted for a 4.050-acre parcel of land located in Land Lot 206 of the 6th District of Gwinnett County, Georgia, and known as 2975 Breckinridge Blvd. (the “Property”). The Property is currently a single tax parcel located on Breckinridge Blvd and Old Norcross Road.¹ The Property is accessible from existing driveways on Breckinridge Blvd. and Old Norcross Road. The Property is further shown on the survey prepared by AEI Consultants and filed with this Application. The Property is owned by DIG09 Duluth Pavilion, LLC and further identified below from the Gwinnett County GIS:



The Property is currently zoned M-2 (Heavy Industry District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant and Property Owner, DIG09 Duluth Pavilion, LLC (the “Applicant”) now seeks approval to rezone a portion of the property to C-3 (Highway Business District) with an associated SUP, to allow for the operation of Moon Valley Nurseries, to include a Garden Supply Center and Plant Nursery with outdoor sales, outdoor display, and outdoor storage of goods and equipment. 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 SURROUNDING USE AND ZONING

The subject Property is located in an area with a mix of industrial, commercial and residential uses. The properties immediately adjacent to the proposed site are all zoned for industrial purposes. The following is a summary of surrounding uses and zoning:

¹ This Rezoning Application only applies to 4.050 acres of the current tax parcel. The property will be subdivided into two tracts to accommodate the proposed use. The remaining 4.465 acres of the parcel will remain M-2.

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Location	Land Use	Zoning
Proposed	Garden Supply Center and Plant Nursery with Retail Sales and Outdoor Display	C-3 (Highway Business District)
North	Interstate 85	N/A
South	Industrial and Commercial	M-2 (Heavy Industry District) and C-2 (General Business District)
East	Industrial	M-2 (Heavy Industry District)
West	Commercial and Residential	C-2 (General Business District) and R-ZT (Single Family Residence District)

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 for predominantly employment-oriented uses and includes office parks, industrial parks, and locations for freight oriented and logistic uses. In keeping with the policies of the Workplace Center Character Area, the operation of Moon Valley Nurseries would be consistent with the other light and heavy industrial uses established in the area. Accordingly, the proposed rezoning satisfies the intent of the 2040 Plan, especially considering the Property is surrounded by other industrial uses.

III. PROJECT SUMMARY AND PROPOSED TENANT

As shown on the conceptual plan filed with this Applications (the “Site Plan”), the rezoning would allow Moon Valley Nurseries to operate their business on site to include a Garden Supply Center and Plant Nursery, with outdoor sales, outdoor display, and outdoor storage of goods and equipment. The Applicant does not intend to rezone, change or modify the existing building on the remaining portion of the Property which is currently M-2. The Property

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currently contains a 194,490 square-foot single-story building with parking around the entire structure. Today, the Property and the existing building are significantly underutilized, with only one tenant occupying 10% of the building.

The Applicant desires to activate the site with a nationally recognized business that specializes in box-grown trees, palms, and shrubs, known as Moon Valley Nurseries (“MVN”). MVN offers delivery, installation, and continued care of their inventory by ISA certified arborists. While they currently occupy 50 locations in six states, the company aims to expand to 70 locations by the end of 2024. The business model for MVN allows them to provide healthy, sustainable trees with very low impact to the Property and surrounding properties. As reflected on the Site Plan, 2.35 acres of the Property will be used as the display area. The remaining 0.68 acres of the Property will be used as the workers yard to assist with preparation, loading, and transporting the inventory to the end user, as well as a holding area for new inventory. Additional fencing will be installed around the Property as well to provide security for the inventory. The proposed hours for the business are Monday-Saturday, 7:30 am – 5:00 pm, and Sunday 9:00 am – 5:00 pm. As shown on the Site Plan, the inventory will be displayed on the existing paved parking lot. Pending approval, an irrigation system will be installed on the Property to maintain healthy inventory for sale to the public. The irrigation system will be designed to prevent any additional run off and result in a net reduction of water on site. Additional information regarding MVN is included with this Application.

To develop the site as requested, the Applicant is also seeking a variance from Section 211.90.11 with regard to outdoor sales and storage of goods in non-residential zoning districts (other than industrial). The requested variance is necessary to afford the Applicant relief so that the Property may be redeveloped in accordance with the intent of the site plan. Due to the size and existing layout of the Property, strict adherence to the requirements of the UDO is not possible in this matter. Further, granting the variances would not adversely affect the existing use or usability of adjacent property.

V. SITE IMPACT ANALYSIS

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

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

Yes, approval of the rezoning and SUP will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Property is located on Brekinridge Blvd. and Old Norcross Road and situated among existing heavy and light industrial properties. The Property is surrounded by intense commercial uses.

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(B) WHETHER A PROPOSED REZONING AND SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No, the proposed rezoning and SUP will not adversely affect the existing use or usability of any of the nearby properties. The proposed use is compatible with existing industrial uses of adjacent properties.

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

The Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic use as currently zoned.

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

No, the rezoning and SUP will not result in an excessive or burdensome use of the infrastructure systems. No increase in impacts on public facilities are anticipated in the form of traffic, utility demand, or schools. The Property has convenient access to Old Norcross Road and Interstate 85. The proposed development would be consistent with the existing industrial uses. Moreover, appropriate conditions, site development requirements, and planning could mitigate any potential impacts.

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

The proposed rezoning and SUP are in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The subject property is located within the Workplace Center Character Area of the 2040 Future Development Map. This designation includes office parks, industrial parks, freight-oriented, and logistic uses. The requested rezoning for a Garden Supply Center and Plant Nursery business would conform with the policy and intent of the Unified Plan and Future Development Map.

(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 REZONING AND SPECIAL USE PERMIT:

The Applicant submits that the character of the surrounding properties and the existing industrial uses provide supporting reasons for approval of the rezoning and SUP. In addition, the Applicant submits that the Property's location, size, and dimensions, as well

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2/1/2024 as its proximity to among major light industrial, provide further support for approval of the rezoning.

VI. JUSTIFICATION FOR REZONING

The Applicant respectfully submits that "The Unified Development Ordinance of Gwinnett County, Georgia" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development and operation of a garden supply center and plant nursery, with outdoor sales, outdoor display, and outdoor storage of goods and equipment under C-3 with an associated SUP, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Gwinnett County Board of Commissioners to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested rezoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the Gwinnett County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the

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Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

These Applications meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone the Property from M-2 to C-3, with an associated SUP, 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 25th day of January, 2024.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/dwb
4863-9902-1216, v. 1

Exhibit D: Application and Disclosure of Campaign Contributions

[attached]

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Gwinnett

WINNETT COUNTY
PLANNING AND DEVELOPMENT | PLANNING DIVISION
REZONING APPLICATION

Please complete this application to amend the official zoning map of Gwinnett County and attach a letter of intent explaining what is proposed.

Applicant Information	Property Owner Information
Name: DIG09 Duluth Pavillion, LLC c/o Andersen Tate & Carr Address: 1960 Satellite Blvd S-4000 City: Duluth State: GA Zip code: 30097 Phone: 770-822-0900 Email: mglouton@atclawfirm.com	Name: DIG09 Duluth Pavillion, LLC Address: 3100 Breckinridge Blvd S-401 City: Duluth State: GA Zip code: 30096 Phone: 404-988-4226 Email: michael@investdenali.com
Contact person: Melody A. Glouton Phone: 770-822-0900 Contact's email: mglouton@atclawfirm.com	
<p align="center">Applicant is the</p> <p align="center"> <input type="checkbox"/> Owner's agent <input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Contract purchaser </p>	
Present zoning district(s): M-2 Requested zoning district: C-3 Parcel number(s): R6206 056 (Portion of) Acreage: 4.050 Address of property: 2975 Breckinridge Blvd., Duluth, Georgia Proposed development: Garden Supply Center and Plant Nursery with retail sales, outdoor display, and outdoor storage of additional equipment.	
<p align="center">RESIDENTIAL DEVELOPMENT</p> No. of Lots/Dwelling Units _____ Dwelling Unit Size (Sq. Ft.): _____ Gross Density: _____ Net Density: _____	<p align="center">NON-RESIDENTIAL DEVELOPMENT</p> No. of Buildings/Lots: 0 / 1 Total Building Sq. Ft. n/a Density: n/a

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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 months from the date of last action by the Board of Commissioners.

[Signature]

1/9/2024

Signature of applicant

Date

MICHAEL GODIN, MANAGER

1/9/2024

Type or print name and title

Date

[Signature]

1/9/2024

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 months from the date of last action by the Board of Commissioners.



Signature of applicant

1/9/2024

Date

MICHAEL GOODIN MANAGER

Type or print name and title

1/9/2024

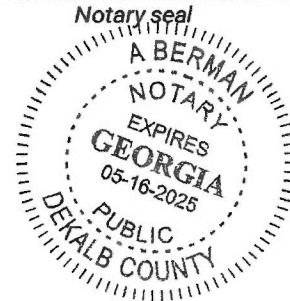
Date



Signature of notary public

1/9/2024

Date



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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, applying for a rezoning, has complied with the Official Code of Georgia Section 36-67A-1 and has submitted or attached the required information on the forms provided.

Godin

1/9/2024

Signature of applicant

Date

MICHAEL GODIN, MANAGER

1/9/2024

Type or print name and title

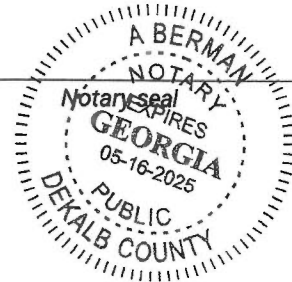
Date

Chermon

1/9/2024

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 or more to a member of the Gwinnett County Board of Commissioners or a member of the Gwinnett County Planning Commission?

☐ Yes

☒ No

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.

RECEIVED

2/1/2024

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, applying for a rezoning, has complied with the Official Code of Georgia Section 36-67A-1 and has submitted or attached the required information on the forms provided.

Melody A. Glouton 01.25.2024
Signature of applicant Date

Melody A. Glouton, Attorney for Applicant 01.25.2024
Type or print name and title Date

D. Den 01.25.2024
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 or more to a member of the Gwinnett County Board of Commissioners or a member of the Gwinnett County Planning Commission?

☒ Yes ☐ No Andersen Tate & Carr
Name

If the answer is yes, please complete the following section: See attached

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.

RECEIVED

2/1/2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 12/2023

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
Name: DIG09 Duluth Pavillion, LLC c/o Andersen Tate & Carr	Name: DIG09 Duluth Pavillion, LLC
Address: 1960 Satellite Blvd S-4000	Address: 3100 Breckinridge Blvd S-401
City: Duluth	City: Duluth
State: GA ZIP: 30097	State: GA ZIP: 30096
Phone: 770-822-0900	Phone: 404-988-4226
Email: mglouton@atclawfirm.com	Email: michael@investdenali.com
Contact Person: Melody A. Glouton Phone: 770-822-0900	
Contact's Email: mglouton@atclawfirm.com	
<p align="center">APPLICANT IS THE:</p> <p> <input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER </p>	
Existing/Proposed Zoning District(s): M-2/C-3	
Parcel Number(s): R6206 056 (portion of) Acreage: 4.050	
Property Address(es): 2975 Breckinridge Blvd Duluth, Georgia	
Proposed Development: Garden Supply Center and Plant Nursery with outdoor display, outdoor sales, and outdoor storage of additional goods equipment	
Variance(s): Section 211.90.11 (outdoor sales and storage of goods) Waiver(s):	
Building/Leased Sq. Ft.: n/a Floor Area Ratio: n/a	

RECEIVED

2/1/2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 12/2023

SPECIAL USE PERMIT 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 six (6) months from the date of last action by the Board of Commissioners.




Signature of Applicant

1/25/24

Date

Melody A. Glouton, Esq., Attorney for Applicant

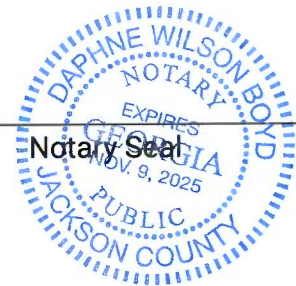
Type or Print Name and Title



Signature of Notary Public

1/25/24

Date



RECEIVED

2/1/2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 12/2023

SPECIAL USE PERMIT 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 six (6) months from the date of last action by the Board of Commissioners.

Melody A. Glouton
Signature of Property Owner

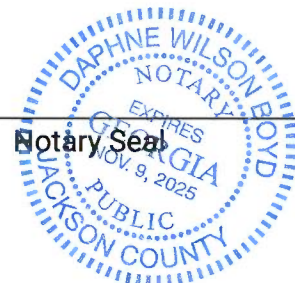
1/25/24
Date

Melody A. Glouton, Esq., Attorney for Applicant

Type or Print Name and Title

Dor
Signature of Notary Public

1/25/24
Date



RECEIVED

2/1/2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 12/2023

CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, 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.

Melody A. Glouton

1/25/24

Signature of Applicant

Date

Type of Print Name and Title

Melody A. Glouton, Attorney for Applicant

Signature of Applicant's
Attorney or Representative

Date

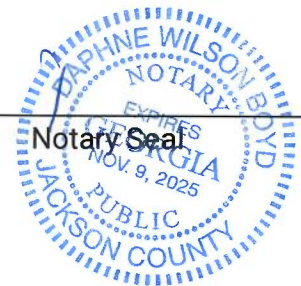
Type or Print Name and Title

[Signature]

1/25/24

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?



Yes



No

Andersen, Tate, & Carr

(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)
<i>* See attached</i>		

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

RECEIVED

2/1/2024

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contribution Was Made (within last two years)
Nicole Love Hendrickson and/or Love4Gwinnett	\$1,500.00 \$1,000.00 \$800.00	03/03/2023 06/07/2023 10/05/2023
Kirkland Carden and/or Kirkland 4 Gwinnett, LLC	\$500.00 \$2,000.00	05/05/2022 07/17/2023
Ben Ku and/or Ku For You	\$1,000.00 \$1,500.00	03/25/2022 10/06/2022
Matthew Holtkamp and/or Matthew For Gwinnett	\$2,500.00 \$800.00	9/15/2023 01/24/2024

4864-7245-2500, v. 1

2/1/2024

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 Gwinnett County Tax Commissioner. 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 ID Number:
(Map reference number)

6

206

056

District

Land lot

Parcel

Melody A. Ghoufer
Signature of applicant

1/22/24
Date

Melody A. Glouton, Attorney for Applicant

01/22/2024

Type or print name and title

Date _____

Please take this form to the Tax Commissioners office at the Gwinnett Justice and Administration Center, located at 75 Langley Drive in Lawrenceville, for their approval below.

TAX COMMISSIONERS USE ONLY

Payment of all property taxes billed to date for the above referenced parcel has been verified as paid current and confirmed by the signature below.

confirmed by the signature below.

JMS Duffie (Signature)
Name

1/22/24
Date

TSA

Title

RECEIVED

2/1/2024

CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, 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.

Melody A. Glouton

Signature of Applicant

1/25/24

Date

Type of Print Name and Title

Melody A. Glouton, Attorney for Applicant

Signature of Applicant's
Attorney or Representative

1/25/24

Date

Type or Print Name and Title

[Signature]

Signature of Notary Public

1/25/24

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?

☐

Yes

☒

No

Digou Duluth Pavillion, LLC

(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)

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

Exhibit E: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		03.01.2024	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcounty.com	
Case Number:		SUP2024-00013 and RZC2024-00007	
Case Address:		2975 Breckinridge Boulevard, Duluth, 30096	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES <input type="checkbox"/> NO
1	Breckinridge Boulevard is a minor arterial. ADT = 12,679. Old Norcross Road is a major arterial. ADT = 21,919.		
2	Transit stop (#2335166 – Old Norcross Road and Breckinridge Boulevard) is located along the Old Norcross Road site frontage.		
3	A 5' concrete sidewalk shall be required along the Breckinridge Boulevard frontage, per UDO section 360-90.		
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> X NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021

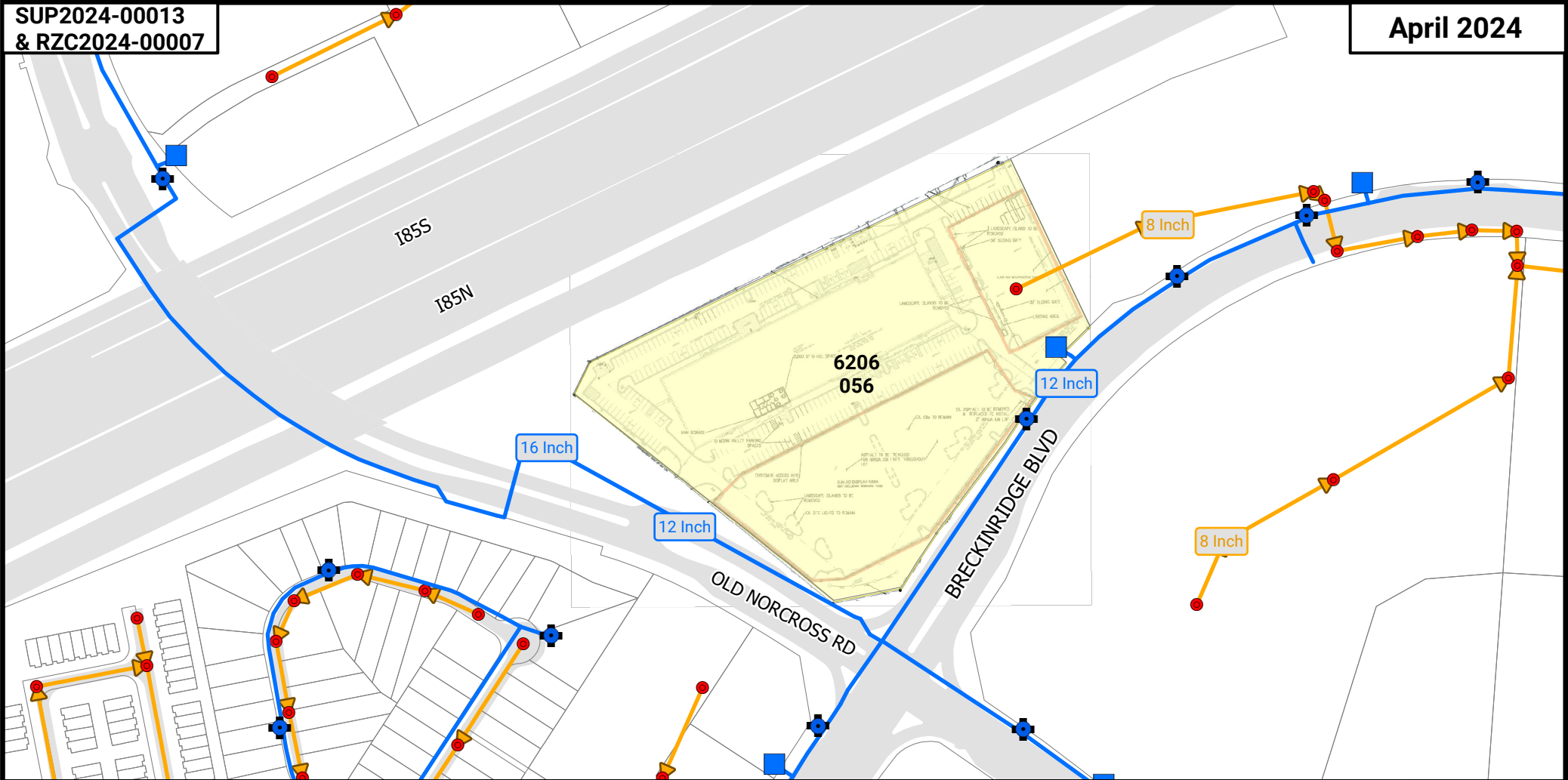


Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:				
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcountry.com		
Case Number:		SUP2024-00013 & RZC2024-00007		
Case Address:		2975 Breckinridge Blvd		
Comments:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> X NO
1	Water: GCDWR does not have comments for this rezoning case and Special Use Permit. The existing facility is connected to public water.			
2	Sewer: GCDWR does not have comments for this rezoning case and Special Use Permit. The existing facility is connected to public sewer.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> X NO
1				
2				
3				
4				
5				
6				
7				

Note: Attach additional pages, if needed

Revised 7/26/2021



LEGEND

Water Main

Hydrant

Master Vault

Manhole

Sewer Collector

2975 Breckinridge Blvd
M-2 to C-3

Water & Sewer
Utility Map

0 140 280
Feet

LOCATION

Water Comments: GCDWR does not have comments for this rezoning case and Special Use Permit. The existing facility is connected to public water.

Sewer Comments: GCDWR does not have comments for this rezoning case and Special Use Permit. The existing facility is connected to public sewer.

Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Exhibit F: Maps

[attached]



185S

185N

BRECKINRIDGE BLVD

OLD NORCROSS RD

OLD NORCROSS RD

BRIAR OAK DR



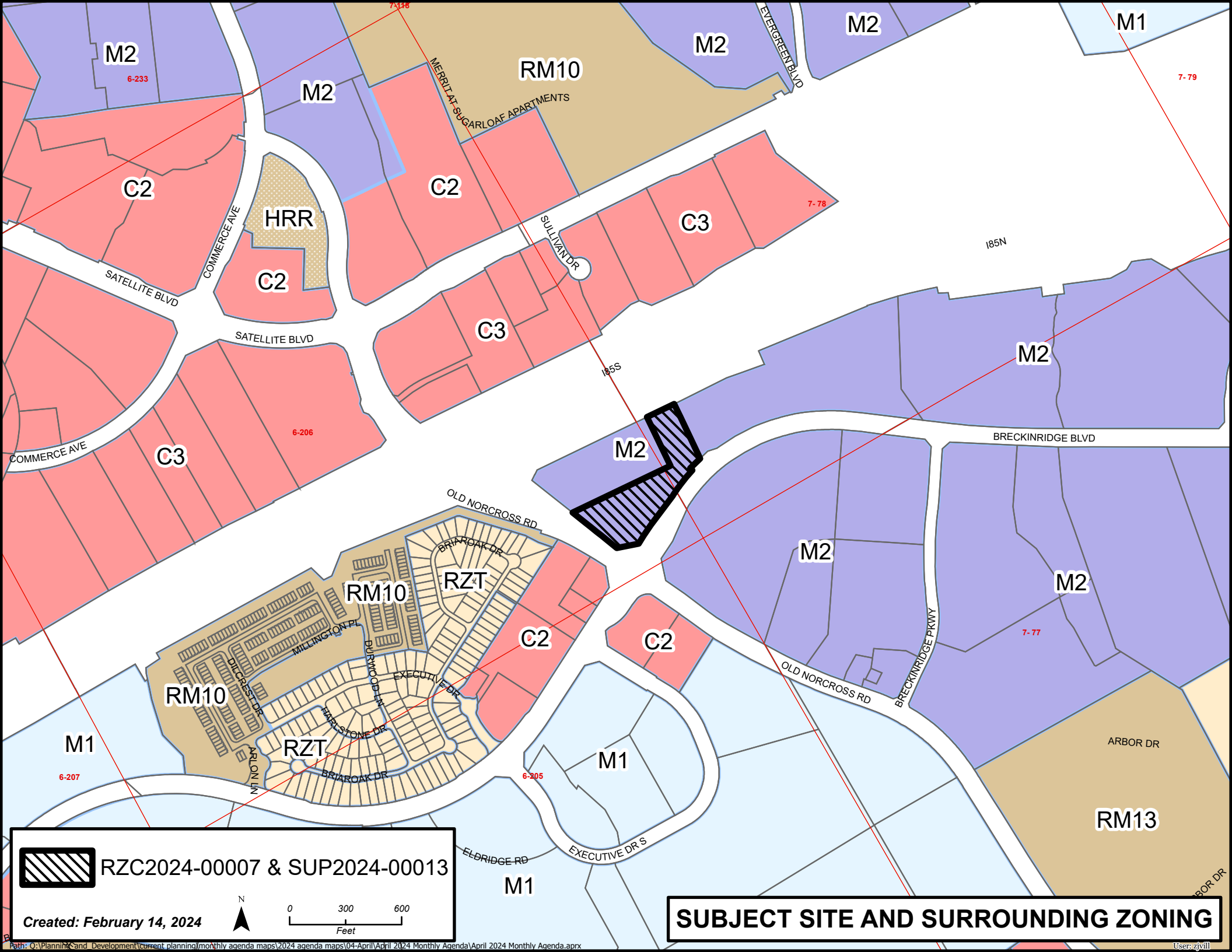
RZC2024-00007 & SUP2024-00013

Created: February 14, 2024



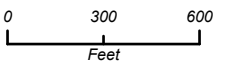
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Gwinnett County GIS

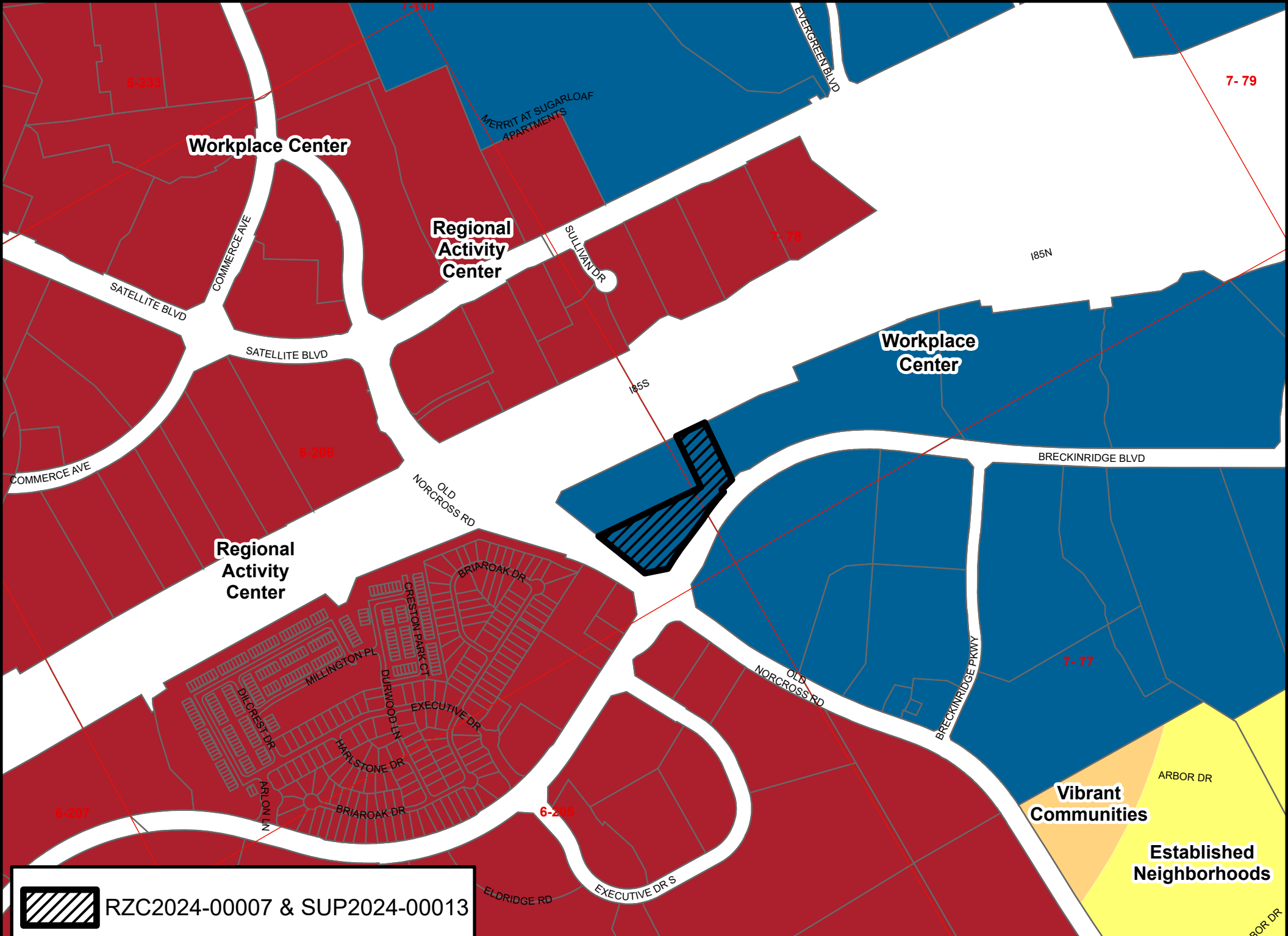



RZC2024-00007 & SUP2024-00013

Created: February 14, 2024



SUBJECT SITE AND SURROUNDING ZONING



**RZC2024-00007 & SUP2024-00013**

Created: February 14, 2024

N

0

300

600

Feet

2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION