

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>27th Group Properties, LLC c/o Andersen, Tate & Carr, P.C.</u>	NAME: <u>New Saigon Plaza, LLC</u>
ADDRESS: <u>1960 Satellite Blvd., Suite 4000</u>	ADDRESS: <u>6251 Smithpointe Dr.</u>
CITY: <u>Duluth</u>	CITY: <u>Peachtree Corners</u>
STATE: <u>GA</u> ZIP: <u>30097</u>	STATE: <u>GA</u> ZIP: <u>30092</u>
PHONE: <u>770-822-0900</u>	PHONE: <u>770-912-9684</u>
CONTACT PERSON: <u>Shaun R. Adams, Esq.</u> PHONE: <u>770-822-0900</u>	
CONTACT'S E-MAIL: <u>sadams@atclawfirm.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): O-1 REQUESTED ZONING DISTRICT: C-1

PARCEL NUMBER(S): R6169 008A ACREAGE: 2.85

ADDRESS OF PROPERTY: 4773 Jimmy Carter Blvd., Norcross

PROPOSED DEVELOPMENT: Convenience store with fuel pumps

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>6,000 sq. ft.</u>
Gross Density: _____	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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 11-30-2020
 RZC2021-00005

Legal Description

All that tract or parcel of land lying and being in Land Lot 169 of the 6th Land District, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the southeasterly right-of-way line of Jimmy Carter Boulevard (100' r/w) and the southeasterly right-of-way line of Queen Anne Court (50' r/w), thence along said right-of-way line of Jimmy Carter Boulevard, S 19°44'58" E, a distance of 332.55 feet to a point, thence N 70°15'05" E, a distance of 25.00 feet to a ½" rebar found, said point being the **TRUE POINT OF BEGINNING**;

thence N 45°39'20" E, a distance of 363.86 feet to a ½" rebar found,
thence S 43°49'45" E, a distance of 339.21 feet to a ½" rebar found,
thence S 60°06'05" W, a distance of 502.10 feet to a point on said right-of-way line of Jimmy Carter Boulevard,
thence along said right-of-way line, N 19°41'18" W, a distance of 226.73 feet to a ½" rebar found,
thence N 70°15'05" E, a distance of 24.76 feet to a ½" rebar found,
thence N 19°44'58" W, a distance of 20.00 feet to a point, and the **TRUE POINT OF BEGINNING**;

Said property contains 2.85 acres, more or less and more particularly shown on that drawing labeled "Engineering Survey of 2.85 Acre Site on Jimmy Carter Blvd", for CMB Design Group, prepared by SPG Surveying, LLC, dated October 19, 2020.

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RZC2021-00005

THIS BLOCK IS RESERVED FOR THE COLOR OF SUPERIOR COURT

NOTES:
 THE PROPERTY IS ZONED OI. SITE AREAS 124,133 SF FT OR 2.85 ACRES.
 CURRENT M.N.B.L.D.C. SETBACKS: PER COUNTY PLANNING DEPT. FRONT-10', SIDE-10', REAR-25'.
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,784 AND AN ANGULAR ERROR OF 1" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
 A PRECISION FOCUS 35 TOTAL STATION WAS USED TO OBTAIN LINEAR AND ANGULAR MEASUREMENTS. LINEAR DISTANCES SHOWN ARE GROUND HORIZONTAL DISTANCES.
 THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN 1000,000 FEET.
 FIELD WORK WAS COMPLETED ON OCTOBER 16, 2020.

ELEVATIONS ESTABLISHED ARE BASED ON NAVD83 DATUM AND WERE ESTABLISHED USING GPS EQUIPMENT ON WGPS REFERENCE STATIONS.
 NO NGS MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.
 BEARINGS AND DISTANCES SHOWN HEREON WERE FIELD MEASURED AND ARE IN SUBSTANTIAL AGREEMENT WITH THE DESCRIPTION UNLESS OTHERWISE NOTED HEREON.

SPC SURVEYING, LLC DOES NOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA.
 NO PART OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA (ZONE AE) AS DEFINED BY F.J.R.M. COMMUNITY PANEL NUMBER 131552001P, EFFECTIVE DATE OF SEPT. 29, 2008, CHWNETT COUNTY, GEORGIA, AND UNINCORPORATED AREAS.

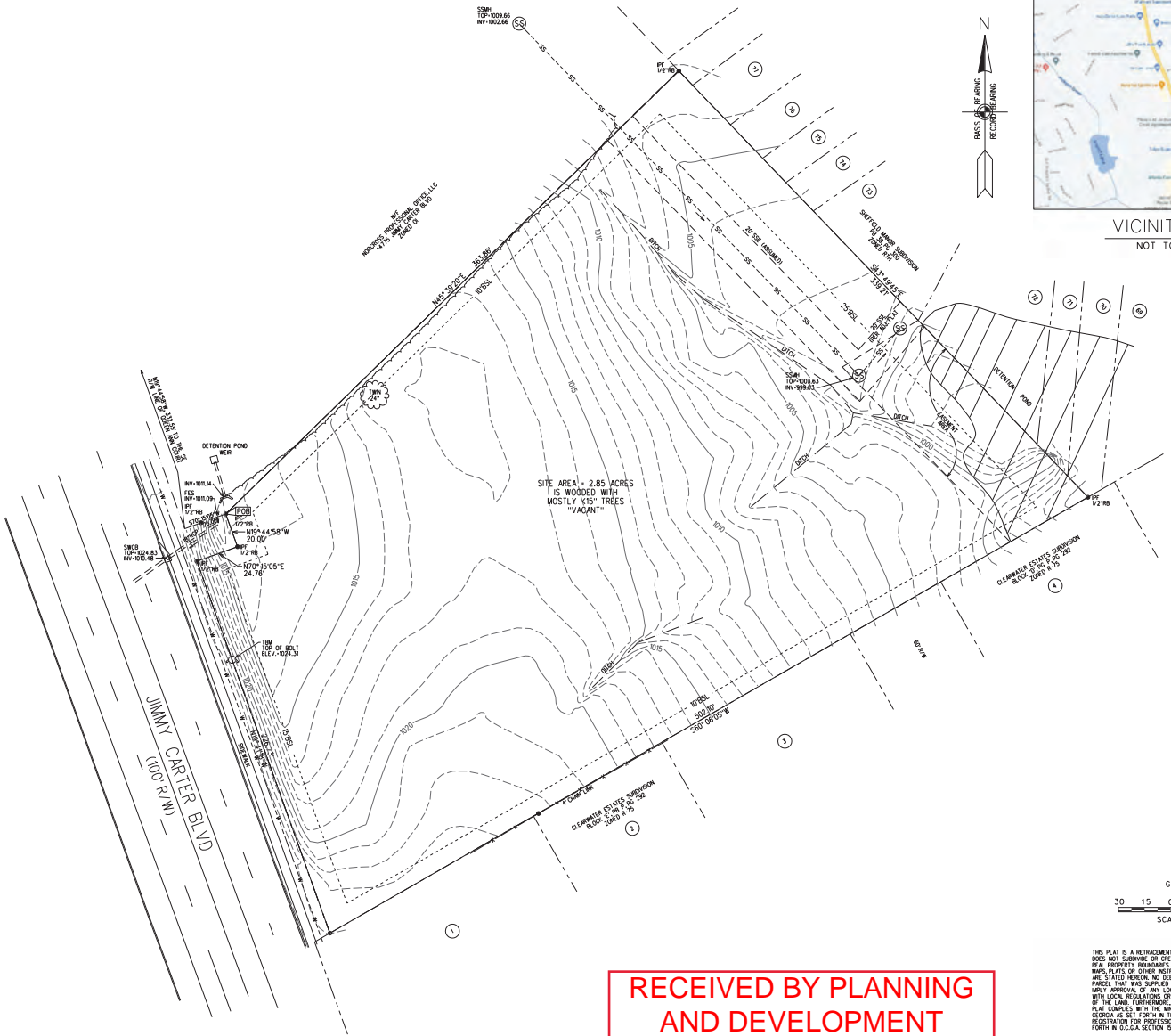
UNLESS STATED OTHERWISE HEREON, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO ANY WATER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OF TITLE OR TITLE SEARCH OF THE PROPERTY.

UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS OR STRUCTURES THERE TO WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF THE PREMISES ARE SHOWN. THE PREMISES SHOWN AND DESCRIBED HEREON ARE SUBJECT TO ANY EXISTING EASEMENTS, RIGHT-OF-WAYS, RESTRICTIONS, AND SETBACK LINES WHETHER OR NOT THEY ARE SHOWN ON THE PLAT HEREON OR WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY EASEMENTS.

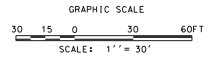
REPRODUCTIONS OF THIS PLAT ARE NOT VALID UNLESS SEALED AND SIGNED WITH AN ORIGINAL SIGNATURE.
 INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER & LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON AND WAS BASED ON VISIBLE ABOVE GROUND EVIDENCE SUCH AS MANHOLES, CATCH BASINS, FIRE HYDRANTS, WATER METERS, ETC. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INADEQUATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

NO EVIDENCE OF RECENT EARTH MOVING, WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED DURING THE PROCESS OF CONDUCTING THE FIELDWORK.
 NO EVIDENCE OF RECENT STREET / SIDEWALK CONSTRUCTION / REPAIRS OBSERVED DURING THE PROCESS OF CONDUCTING THE FIELDWORK.
 NO WETLAND MARKERS WERE OBSERVED DURING THE PROCESS OF CONDUCTING THE FIELDWORK.
 NO OBSERVED EVIDENCE, IN THE PROCESS OF CONDUCTING THE FIELDWORK, OF CEMETERIES OR BURIAL GROUNDS.
 NO ENCROACHMENTS EXIST ON THIS PROPERTY.

THIS PROPERTY WAS SURVEYED BASED ON THE LAND DESCRIPTIONS IN THE FOLLOWING REFERENCE MATERIAL:
 1. LIMITED WARRANTY DEED FROM COITA REALTY GROUP, LLC AND NEW SAGON PLAZA, LLC, DATED FEBRUARY 29, 2007, RECORDED IN DEED BOOK 47643, PAGE 233, IN CHWNETT COUNTY RECORDS.



- LEGEND
- PF IRON PIN FOUND
 - IRON PIN SET (1/2" REBAR)
 - LL LAND LOT
 - LLL LAND LOT LINE
 - Ⓜ MANHOLE
 - POB POINT OF BEGINNING
 - R/W RIGHT-OF-WAY
 - N/W NOW OR FORMERLY
 - BSL BUILDING SETBACK LINE
 - Ⓜ JUNCTION BOX
 - Ⓜ DROP INLET
 - Ⓜ DOUBLE WING CATCH BASIN
 - Ⓜ HEADWALL
 - Ⓜ SINGLE WING CATCH BASIN
 - Ⓜ STORM LINE
 - DE DRAINAGE EASEMENT
 - SS SANITARY SEWER LINE
 - Ⓜ SANITARY SEWER EASEMENT
 - Ⓜ CLEAREOUT
 - W— WATER MAIN
 - Ⓜ WATER METER
 - Ⓜ WATER VALVE
 - Ⓜ FIRE HYDRANT
 - G— GAS LINE
 - FO— FIBER OPTIC
 - U— UNDERGROUND TEL.
 - UE— UNDERGROUND ELEC.
 - OW— OVERHEAD ELEC.
 - Ⓜ UTILITY POLE
 - SIGN
 - Ⓜ HARDWOOD
 - Ⓜ PINE

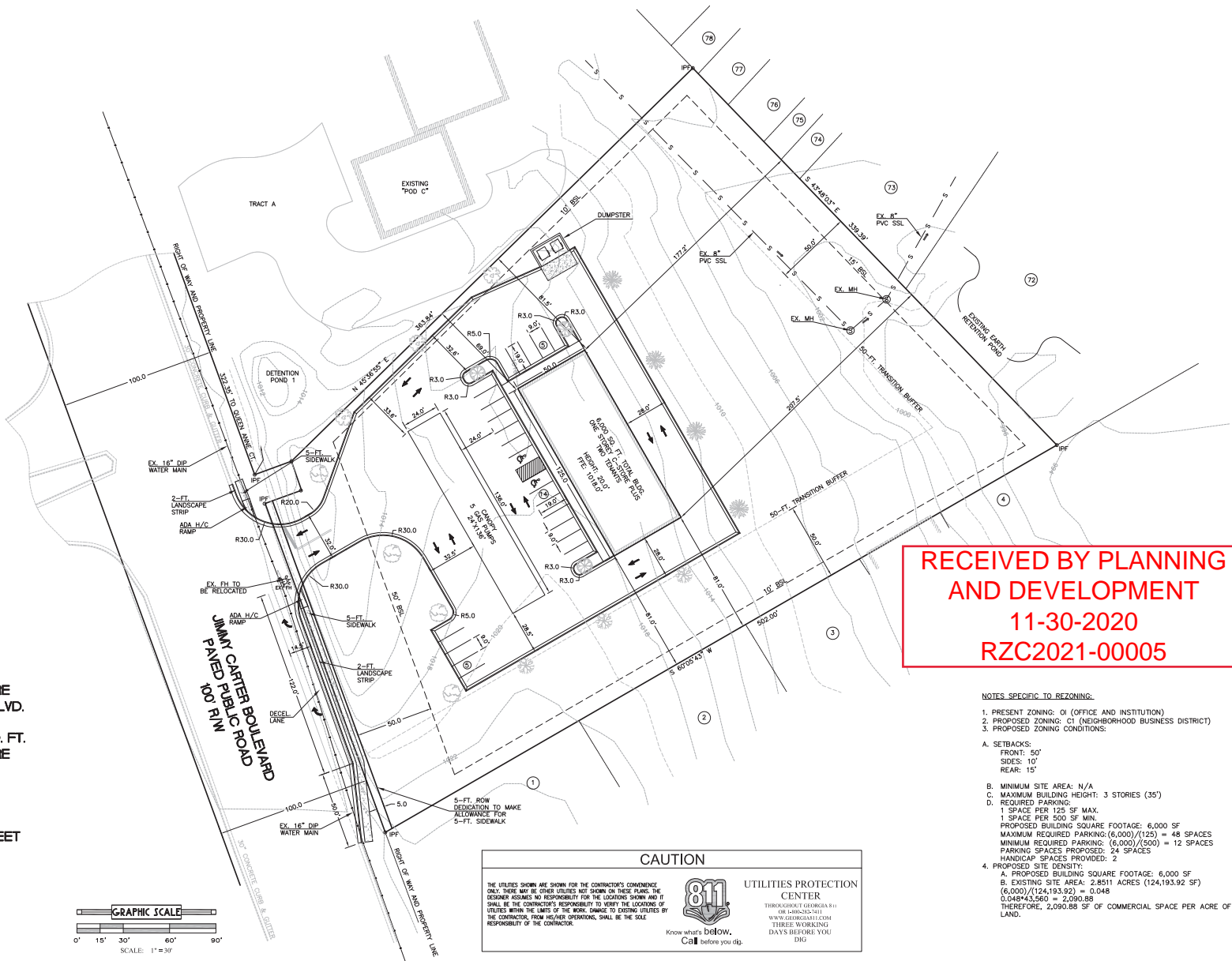


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THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUPERSEDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING AND ORIGIN OF THE DOCUMENTS, MAPS, PLATS OR OTHER INSTRUMENTS AND RECORDS OF THE DOCUMENTS ARE STATED HEREON. NO DEED OR RECORDED SURVEY WAS FOUND FOR THE 2 ACRE PARCEL THAT WAS SUPPOSED TO BE THE CLIENT. RECORDING 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 83-6-67.

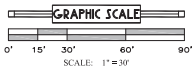
Steven P. Griggs
 STEVEN P. GRIGGS, RLS NO. 2843

Engineering Survey of 2.85 Acre Site on Jimny Carter Blvd Land Lot 169, 6th District, Gwinnett County, GA For: CMB Design Group	
BY:	
DATE:	
File No. 20200601 Drawn By: SG Approved By: SG Released By: SG Date: 10/27/2020 Project No. 2020060101	CMB DESIGN GROUP, LLC 1180 W. 17th Street NW Atlanta, GA 30336 Phone: 404.886.8888 Email: info@cmbdesign.com
SHEET 1 OF 1	



CONVENIENT STORE
AT JIMMY CARTER BLVD.
PROPOSED 6,000 SQ. FT.
CONVENIENT STORE

TRACT B
VACANT LOT
124,193.92 SQUARE FEET
2.85 ACRES



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RZC2021-00005**

NOTES SPECIFIC TO REZONING:

1. PRESENT ZONING: OI (OFFICE AND INSTITUTION)
2. PROPOSED ZONING: C1 (NEIGHBORHOOD BUSINESS DISTRICT)
3. PROPOSED ZONING CONDITIONS:
 - A. SETBACKS:
FRONT: 35'
SIDES: 10'
REAR: 15'
 - B. MINIMUM SITE AREA: N/A
 - C. MAXIMUM BUILDING HEIGHT: 3 STORIES (35')
 - D. REQUIRED PARKING:
1 SPACE PER 125 SF MAX.
1 SPACE PER 500 SF MIN.
PROPOSED BUILDING SQUARE FOOTAGE: 6,000 SF
MAXIMUM REQUIRED PARKING: (6,000)/(125) = 48 SPACES
MINIMUM REQUIRED PARKING: (6,000)/(500) = 12 SPACES
PARKING SPACES PROPOSED: 24 SPACES
HANDICAP SPACES PROVIDED: 2
4. PROPOSED SITE DENSITY:
 - A. PROPOSED BUILDING SQUARE FOOTAGE: 6,000 SF
 - B. EXISTING SITE AREA: 2.8511 ACRES (124,193.92 SF)
(6,000)/(124,193.92) = 0.048
0.048*43,560 = 2,090.88
THEREFORE, 2,090.88 SF OF COMMERCIAL SPACE PER ACRE OF LAND.

CAUTION

THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE. ONLY THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE DESIGNER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF UTILITIES WITHIN THE LIMITS OF THE WORK. DAMAGE TO EXISTING UTILITIES BY THE CONTRACTOR, FROM MISUSE OPERATIONS, SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

UTILITIES PROTECTION CENTER
THROUGHOUT GEORGIA BY:
OR 1-800-253-2111
WWW.GEORGIA811.COM
THREE WORKING DAYS BEFORE YOU DIG

Know what's below.
Call before you dig.



CONCEPTUAL
SITE PLAN WITH
TOPOGRAPHY

DATE	NO	DESCRIPTION

11/20/20
DATE

JOB NUMBER

C-2

REZONING APPLICANT 27TH GROUP, INC'S
RESPONSE TO STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

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

Approval of the proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Subject Property is adjacent to additional land zoned for commercial and office including O-I, C-1, and C-2. The Subject Property is located on the north side of Jimmy Carter Blvd with convenient access to I-85.

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

Approval of the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties. Rather the proposed development would complement surrounding land uses by providing an additional neighborhood serving business to the immediate area.

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

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

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

Approval of the proposed rezoning will not result in an excessive or burdensome use of the existing streets, transportation facilities, utilities, or schools. Jimmy Carter Blvd is a state road running east/west through Gwinnett County with convenient access to Interstate 85. The Subject Property also has access to necessary utilities.

- E) WHETHER THE PROPOSED REZONING 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 2040 Plan. The subject property is designated as within the Community Mixed-Use Character Area on the 2040 Plan Future Development Map. Encouraged land uses for this character area specifically include commercial and retail along

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major corridors such as Jimmy Carter Blvd. The Subject Property is located adjacent to properties currently zoned O-I, C-1, and C-2 with similar uses.

- 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 ZONING PROPOSAL:**

Yes. The Community Mixed-Use Character Area in the 2040 Plan encourages the development of neighborhood serving commercial and commercial uses along major corridors such as Jimmy Carter Blvd. Therefore, the proposed rezoning is entirely appropriate for the Subject Property in light of the emerging needs for Gwinnett citizens and the current land uses in the surrounding area.

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ANDERSEN | TATE | CARR

Shaun R. Adams
Email: sadams@atclawfirm.com

Telephone: 770.822.0900
Direct Dial: 678.518.6855
Direct Fax: 770.236.9702

November 23, 2020

VIA HAND DELIVERY

Gwinnett County
Board of Commissioners
Attn: Director of Planning and Development
446 West Crogan Street
Lawrenceville, GA 30046-2440

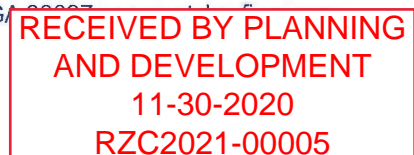
**RE: LETTER OF INTENT FOR 27TH GROUP PROPERTIES, LLC,
(4773 JIMMY CARTER BLVD, NORCROSS, GA; PARCEL R6169 008A)**

Dear Board of Commissioners, Planning Commission and Planning Staff:

Andersen, Tate & Carr, P.C. submits this Letter of Intent and attached Rezoning Application (“Application”) on behalf of the Applicant, 27th Group Properties, LLC (the “Applicant”) for the purpose of requesting a rezoning from O-I to C-1 on approximately 2.85 acres located along the north side of Jimmy Carter Blvd between Wintergreen Road and Meadowbrook Drive (the “Subject Property”). The Tax Parcel ID for the Subject Property is R6169 008A.

The Applicant intends to develop the Subject Property as a neighborhood serving convenience store with fuel pumps. The rezoning of the Subject Property will activate a dormant site and allow for a quality commercial development that will service the surrounding community in accordance with the 2040 Comprehensive Plan. The proposed development will consist of five (5) gas pumps under a single canopy and one multi-tenant building totaling approximately 6,000 square feet. One space will be reserved for the convenience store and the remaining tenant spaces will be intended for use as permitted within the C-1 zoning district.

The proposed development maintains the buffer and setbacks around the property as required by the Gwinnett County Unified Development Ordinance (“UDO”), including a minimum 50-foot privacy buffer along the eastern and northern property lines. Additionally, the building is proposed to be set 177-feet from the closest corner of the building to the rear property line, allowing for ample privacy and screening from the townhome community to the rear. The proposed location is centrally located along Jimmy Carter Blvd between two major commercial nodes and surrounded by a range of other commercial properties including O-I, C-1, and C-2. The Subject Property is across the street from existing automotive uses including a gas station, auto repair and tire store with additional automotive uses in close proximity along the Jimmy Carter Corridor. Moreover, approval of the proposed development would make it the only gas station on the north side of Jimmy Carter Blvd (westbound travel lanes) in a 3.5-mile span between Lawrenceville Highway and I-85. The site has direct access onto Jimmy Carter Blvd,



and the requested rezoning will provide ample parking and circulation, in compliance with Gwinnett County transportation requirements. 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.

The proposed convenience store with fuel pumps will provide a needed neighborhood serving commercial use along the westbound travel side of Jimmy Carter Blvd which connects parts of Norcross and Tucker to I-85. The rezoning will have no adverse impacts on surrounding properties, and the development is entirely suitable and even complementary to the other land uses in the area. This request is entirely appropriate and consistent with other uses on similarly situated properties along this section of Jimmy Carter Blvd. Moreover, the 2040 Comprehensive Plan places the Subject Property within the Community Mixed-Use Character Area which calls for a range of intensity in commercial uses, including shopping plazas, that integrate high quality aesthetics and site design.

This proposed location will provide a quality, retail and convenience store option to patrons in that area. The Applicant submits the Rezoning Application and supporting exhibits in further support of this rezoning request. The Applicant and its representatives welcome the opportunity to meet with County officials and Staff to answer any questions. The Applicant respectfully requests your approval of this Application.

Respectfully submitted,

ANDERSEN, TATE & CARR, P.C.



Shaun R. Adams
Attorney for Applicant

SRA/ag

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ANDERSEN | TATE | CARR

Shaun R. Adams
Email: sadams@atclawfirm.com

Telephone: 770.822.0900
Direct Dial: 678.518.6855
Direct Fax: 770.236.9702

November 5, 2020

VIA HAND DELIVERY

Gwinnett County
Attn: Kathy Holland, Director of Planning and Development
446 West Crogan Street
Lawrenceville, Ga 30046

RE: JUSTIFICATION FOR REZONING FOR 27th GROUP, INC. (4773 JIMMY CARTER BLVD, NORCROSS, GEORGIA)

Dear Chairman and Commissioners:

This letter is written on behalf of 27TH Group, Inc. (the “Applicant”), in connection with the rezoning application for property located at 4773 Jimmy Carter Blvd, Norcross, Georgia, (the “Subject Property”).

Constitutional Objections

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 rezoning 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.¹

The Subject Property is presently suitable for development under the C-1 classification as requested by the Applicant and is not economically suitable for development under its present O-

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

I zoning classification of Gwinnett County. A denial of the requested rezoning 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 rezone the Subject Property to C-1 zoning classification, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Subject Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

Any rezoning of the Subject Property to the C-1 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 rezoning application submitted by the Applicant relative to the Subject Property be granted and that the Subject Property be rezoned to the zoning classification as shown on the respective application.

Respectfully,

ANDERSEN, TATE & CARR, P.C.



Shaun R. Adams

SRA/ag

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REZONING APPLICANT'S CERTIFICATION

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



11/2/2020

Signature of Applicant

Date

Anil Damani, President

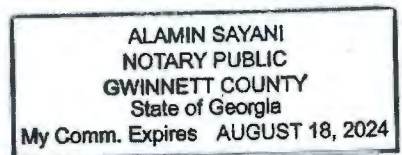
Type or Print Name and Title



Signature of Notary Public

personally known

11/02/2020
Date



Notary Seal

REZONING PROPERTY OWNER'S CERTIFICATION

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


Signature of Property Owner

11/2/2020
Date

Tung Q. Le
Type or Print Name and Title


Signature of Notary Public

11/02/2020
Date


ALAMIN SAYANI
NOTARY PUBLIC
GWINNETT COUNTY
Notary Seal
My Comm. Expires AUGUST 18, 2024

ID# : GA DL 052913127
Exp# : 02/08/2021


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RZC2021-00005

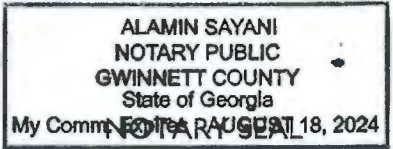
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.


 _____ 11/2/2020 Anil Damani, President
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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


 _____ 11/02/2020
 SIGNATURE OF NOTARY PUBLIC DATE
 personally known



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

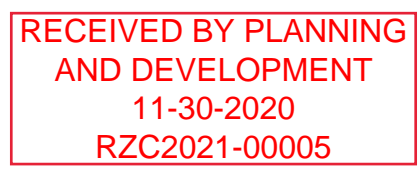
Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES NO 27th Group Properties, LLC
 YOUR NAME

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

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

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



CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.


 SIGNATURE OF ~~APPLICANT~~ Owner DATE _____ TYPE OR PRINT NAME AND TITLE Tung Q. Le

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

Mary Reeves 11/06/2020
 SIGNATURE OF NOTARY PUBLIC DATE

MARY REEVES
 NOTARY PUBLIC
 Gwinnett County, Georgia
 My Commission Expires 6/5/2024
 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 New Saigon Plaza, LLC
 YOUR NAME

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

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

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

RECEIVED BY PLANNING AND DEVELOPMENT
 11-30-2020
 RZC2021-00005

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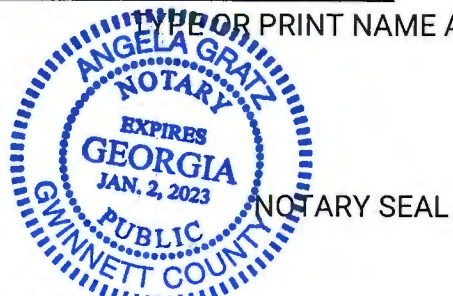
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

[Signature] 11/5/2020 Shaun R. Adams, Attorney for Applicant

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

[Signature] 11-5-2020

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 Elect	- \$1,000	9/30/2020

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

RECEIVED BY PLANNING
 AND DEVELOPMENT
 11-30-2020
 RZC2021-00005

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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

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

PARCEL I.D. NUMBER: R6 - 169 - 008A
(Map Reference Number) District Land Lot Parcel

11/2/2020

Signature of Applicant

Date

Anil Damani, President
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)

Ingrid Umauzos
NAME

TSA #
TITLE

11/23/2020
DATE

There are no delinquent taxes. 2020 property taxes are due 12/01/2020.

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