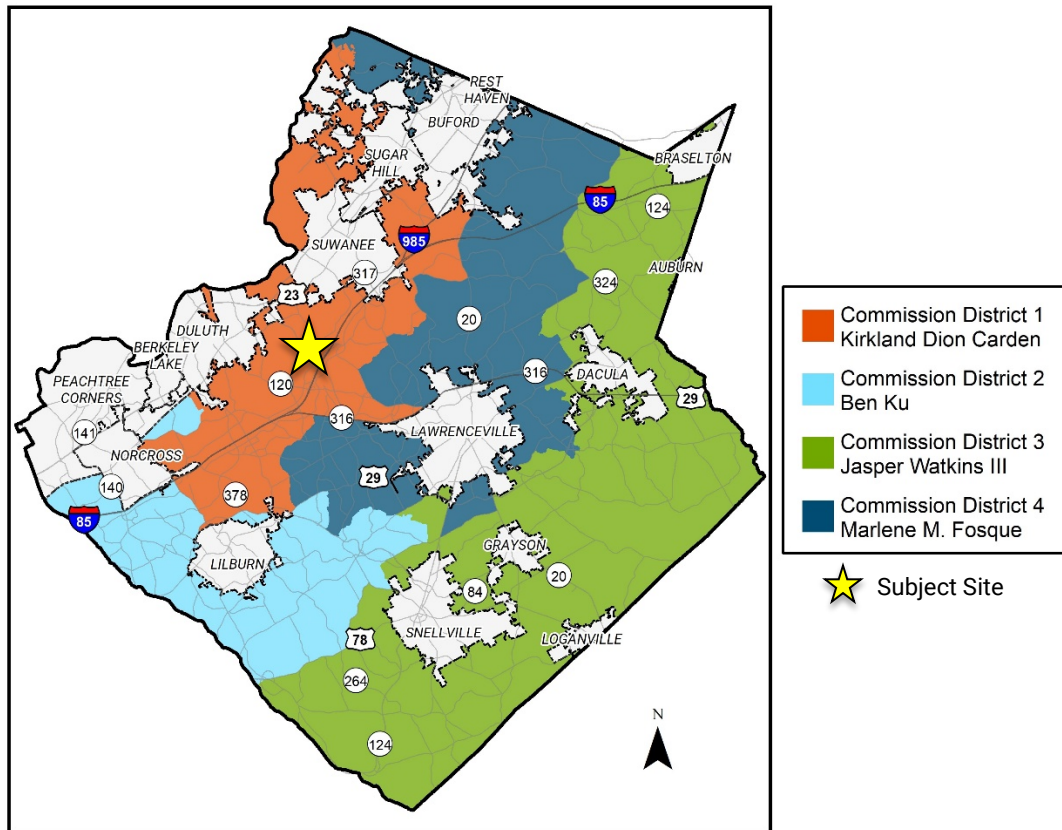




## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** CIC2022-00001  
**Current Zoning:** C-2 (General Business District)  
**Overlay District:** Civic Center  
**Request:** Change in Conditions  
**Additional Request:** Architectural Design Standard Variation  
**Address:** 6590 Sugarloaf Parkway  
**Map Number:** R7122 185  
**Site Area:** 1.63 acres  
**Square Feet:** 15,157  
**Proposed Development:** Retail and Convenience Store with Fuel Pumps  
**Commission District:** District 1 – Commissioner Carden  
**Character Area:** Regional Activity Center

**Staff Recommendation:** DENIAL



Location Map

**Planning Commission Advertised Public Hearing Date: 1/4/2022**  
**Board of Commissioners Advertised Public Hearing Date: 1/25/2022**

**Applicant:** 6590 Sugarloaf Investments, LLC  
c/o Andersen, Tate & Carr, P.C.  
1960 Satellite Boulevard  
Suite 4000  
Duluth, GA 30097

**Owner:** Blue Panther Development, LLC  
105 Jessup Road  
West Jessup, NJ 08086

**Contact:** Melody A. Glouton

**Contact Phone:** 770.822.0900

## **Zoning History**

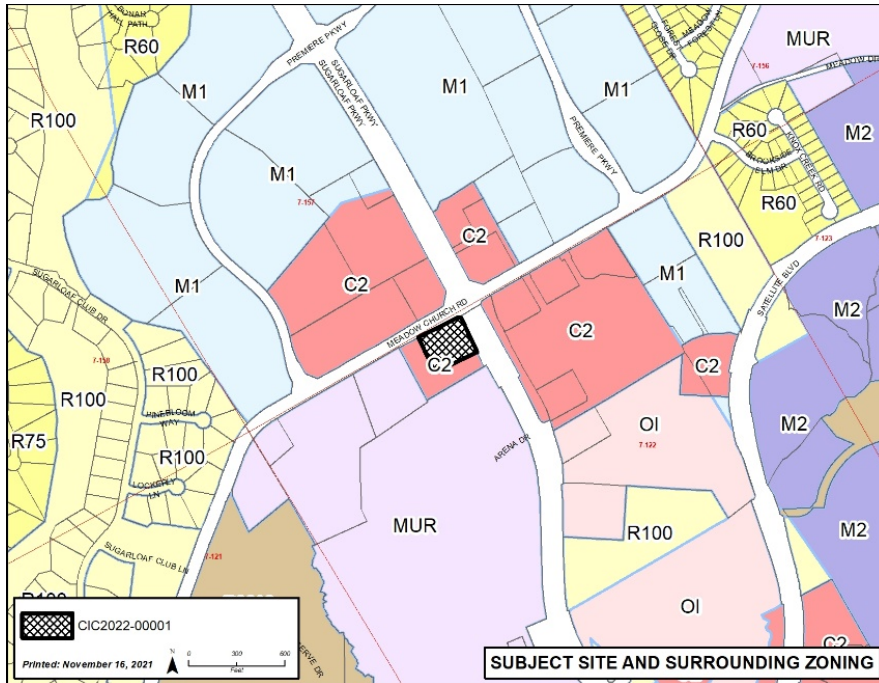
The subject property is zoned C-2 (General Business District). In 1978, moved-in-house case MIH-78-002 was approved for a single-family residence. In 1999, case RZ-99-132 rezoned the property from R-100 to C-2 for a multi-tenant retail development. This request is a change in conditions from this rezoning approval. The subject site is located in the Civic Center Overlay District.

## **Existing Site Condition**

The subject parcel is a 1.63-acre developed parcel located at the southwest corner of the intersection of Sugarloaf Parkway and Meadow Church Road. A vacant commercial structure constructed in 2001 exists on the property. A Walgreens drug store previously occupied the site until its closure in 2021. Overhead utilities are located along the Meadow Church Road frontage. Five-foot sidewalks and landscaping are along both road frontages. Access to the parcel is provided by a shared driveway on both Sugarloaf Parkway and Meadow Church Road. The subject parcel shares these driveways with a small commercial development which surrounds the property to the south and west. The nearest Gwinnett County transit stop is 0.83 miles from the site.

## **Surrounding Use and Zoning**

The subject site is adjacent to significant commercial, office, and entertainment developments in all directions. The subject property is immediately surrounded by a small commercial development which includes retail and restaurants. A grocery store, convenience store with fuel pumps, and further retail is found to the north and east. The Gas South District is located approximately 750 feet to the south of the subject property on Sugarloaf Parkway. The following is a summary of surrounding uses and zoning:



Surrounding Zoning

Location	Land Use	Zoning
Proposed	Commercial	C-2
North	Commercial	C-2
East	Commercial	C-2
South	Commercial	C-2
West	Commercial	C-2

## Project Summary

The applicant requests a change in conditions for a 1.63-acre property zoned C-2 to allow for a convenience store with fuel pumps, including:

- A modification of a prior zoning approval (RZ-99-132) by removing the following condition in its entirety:
  - 1.b. Outparcel development fronting Sugarloaf Parkway shall be limited to restaurants (excluding drive-through restaurants), financial institutions, office professional and accessory uses.
- This request is the result of conditions placed on the property which anticipated the development of a small commercial development encompassing the subject property and the immediately adjacent parcel (R7122 186). A Walgreens drug store was constructed on the property in 2001 and became vacant in 2021.
- The vacant, existing structure is 15,157 square feet. This structure will be reconfigured to serve six tenants, including a convenience store with fuel pumps, a restaurant, and four retail tenant spaces.
- A fuel canopy facing Sugarloaf Parkway with five fuel pumps.
- Elevations indicate the façade will be reconfigured to serve multiple tenants, with a variety of materials including brick, glass, and EIFS.
- 52 existing parking spaces, located primarily along the Meadow Church Road and Sugarloaf Parkway road frontages.

- Access provided by existing driveways from Meadow Church Road and Sugarloaf Parkway. The Meadow Church Road entrance is a full-service driveway. The Sugarloaf Parkway entrance is a right in-right out only driveway.

## Zoning and Development Standards

The applicant is requesting a change in conditions in the C-2, General Business District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Existing	Meets Standard?
Building Height	Maximum 45'	<45'	YES
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	>10'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Off-Street Parking	Minimum: 45 spaces Maximum: 114 spaces	52 spaces	YES
Landscape Strip	10'	10'	YES
Architectural Landscape Requirement	<10' from façade	0'	NO*
Overlay Setback	<70'	>70'	NO**

\*The applicant is requesting a variation from Appendix 1, Section 6.1.1 L of the UDO to eliminate the required landscape area within 10' of the building façade.

\*\*The existing structure is located more than 70' from both rights of way. Per Section 220-30.3 (E).4, a variance application to the Zoning Board of Appeals will be required.

## Architectural Design Standard Variation Request

In addition to the rezoning request, the applicant is seeking a variation from the following provision of Appendix Section 1.0 of the UDO:

1. 6.0.0 – Architectural Design Category Standards for Category 3
  - 6.1.0 – Commercial and Non-Residential Buildings
    - 6.1.1 Exterior Wall Design

L. Buildings shall incorporate landscape areas immediately in front of the building. Landscape areas shall have live ornamental shrubs and/or trees. Landscape areas shall be located not more than ten (10) feet from the building and shall be provided at intervals not to exceed fifty (50) linear feet. Building facades without windows or storefront shall incorporate landscape areas with vertical height plants. Buildings located on corner lots or double frontage lots, facing either public streets or private driveways shall be considered as having multiple fronts. Landscape areas shall be permanent in-ground installations. Moveable planters do not qualify as permanent installations. Sculptured topiary shrubs shall not depict product shapes or other graphic shapes.

All development located within an Activity Center/Corridor Overlay District is required to meet Category 3 of the Architectural Design Standards. In this case, the applicant is requesting to waive the above, Category 3 requirement, in its entirety.

## Internal and External Agency Review

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

## Staff Analysis

**Change in Conditions Request Analysis:** According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification or a change in conditions the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

**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 site is adjacent to commercially zoned property within the Civic Center Overlay District. While a convenience store with fuel pumps is allowed as a use by right in the C-2, General Business District, the development of such a property within this Overlay District would be inappropriate. Surrounding developments within the Overlay District have been developed with financial institutions, offices, retail properties, and restaurants, similar to the conditions of approval on the subject property, pursuant to RZ-99-132. The redevelopment of the adjacent Gas South District further encourages immediately surrounding properties such as the subject property to create high quality and pedestrian friendly environments. The proposed redevelopment of the property into retail and restaurant spaces would be both appropriate and allowed by right in this area, without the addition of a convenience store with fuel pumps.

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

The existing use and usability of adjacent or nearby properties would likely be negatively impacted by the proposed change-in-conditions. The addition of a convenience store with fuel pumps on the subject property would be inappropriate within the context of the Overlay District. Additionally, the current configuration of access points from Meadow Church Road and Sugarloaf Parkway could be insufficient to safely handle the volume of traffic associated with a convenience store with fuel pumps. Lower intensity retail would be appropriate on the subject property.

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

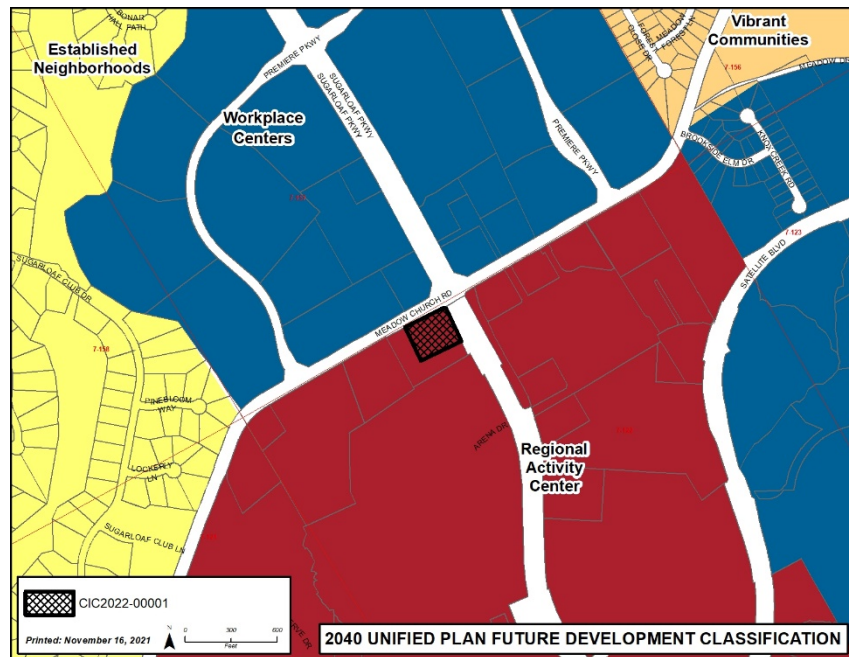
The property has a reasonable economic use as currently zoned.

**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.**

An increased impact on public facilities is anticipated in the form of traffic, utility demand, and stormwater runoff. However, with appropriate conditions and site development requirements these impacts would be mitigated. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements, related to this request, are attached (Exhibit F).

**E. Whether the proposed change in conditions is in conformity with the policy and intent of the Unified Plan and Future Development Map.**

The 2040 Unified Plan Future Development Map indicates that the subject property lies within the Regional Activity Center Character Area. The Regional Activity Center designation is intended for areas of intense commercial and office/employment activity. A convenience store with fuel pumps would not be inappropriate in this character area as it is a single-story, automobile oriented use.



*Surrounding Future Land Use*

**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 nearby areas are developed primarily with intensive commercial uses, including retail, restaurants, an indoor arena, and an event hall. A convenience store with fuel pumps is located opposite the subject site, on the eastern corner of the intersection. The redevelopment of the subject property with a convenience store would be inappropriate in the context of the ongoing redevelopment of the Gas South District and the Civic Center Overlay District.

**Architectural Design Standard Variation Request Analysis:** Alternate building designs, architectural materials or color selections that vary from the architectural design standards of Category 2, 3, or 4, shall be reviewed and approved by the Planning Commission. Creative, innovative and unique designs

are encouraged, but care must be taken to maintain compatibility to surrounding buildings and community features

The requested variation is from the landscaping requirement located immediately in front of the façade of the existing structure. The property was initially developed before this architectural design standard was implemented. As the property is undergoing a substantial development involving the disturbance of impervious area, all development standards must be met. The landscaping requirement encourages an attractive, pedestrian friendly environment that separates pedestrian activity from paved parking areas. This development is on a corner lot and therefore considered to have two fronts. The current proposal is not a creative, innovative, or unique design and is instead a request to waive the requirement altogether.

### **Staff Recommendation**

Based on the staff's evaluation of the request and the standards governing exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the change in conditions request.

In addition, staff recommends **DENIAL** of the following Architectural Design Standard Variation::

1. Exemption from Overlay Standard 6.1.1 L. of Appendix One: Architectural Design Standards.

### **Staff Recommended Conditions**

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

NOTE: The conditions below are from RZ-99-132 with additions in bold and deletions in strikethrough.

Approval of a Change in Conditions for the redevelopment of a commercial parcel, subject to the following conditions:

1. To restrict the use of the property as follows:
  - a. Retail and service commercial and accessory uses.
  - b. ~~Outparcel development fronting Sugarloaf Parkway shall be limited to restaurants (excluding drive-thru restaurants), financial institutions, office professional and accessory uses.~~
2. To satisfy the following site development considerations:
  - a. Provide a 15-foot wide landscaped strip outside the right-of-way of Sugarloaf Parkway. Provide a ten-foot wide landscaped strip outside the right-of-way of Meadow Church Road.
  - b. ~~Provide a minimum 10-foot wide landscaped strip adjacent to residentially-zoned property.~~

- c. Provide a five-foot wide landscaped strip adjacent to all internal property lines except where interparcel access is provided.
  - d. Provide interparcel access throughout the development.
  - e. ~~The development shall be limited to one shared curb cut per road frontage. The design and location of curb cuts shall be subject to review and approval of the Gwinnett Department of Transportation.~~ **The development shall be limited to existing curb cuts. Any modifications to existing curb cuts shall be subject to review and approval of the Gwinnett Department of Transportation.**
  - f. ~~Provide landscaped islands throughout the parking areas. At a minimum, landscaped islands shall consist of a 100-square foot planted area per eighteen (18) spaces of double row parking with a 100-square foot planted area at the end of each row. These landscaped islands shall include at least two trees per island. Trees shall be a minimum of five feet in height at the time of planting. Submit landscape plans for review and approval by the Development Review Section. Alternate planting plans consistent with the intent of this condition may be submitted for review and approval of the Planning Director.~~
  - g. Buildings shall be finished with architectural treatments of glass and brick.
  - h. At the time of development, provide minimum 5-foot wide sidewalks along both road frontages.
  - i. Dumpsters shall be screened by a brick fence or wall matching the buildings. Dumpster pickup shall be limited to between the hours of 7:00 am and 7:00 pm.
  - j. **Existing and proposed** signage shall comply with all requirements of the Gwinnett County Sign Ordinance. ~~Ground signs shall be monument type signs architecturally consistent with the shopping center development across Sugarloaf Parkway, and subject to review and approval of the Development Division.~~
  - k. No billboards shall be permitted.
  - l. Building, signage, and landscape plans shall be submitted for review and approval by the **Director of Planning and Development.** ~~Planning Commission. Landscaping shall be consistent with the standards of the Sugarloaf Farms development and adjacent and nearby commercial/office development.~~
  - m. **Provide a pedestrian connection from the building directly to the sidewalk along Sugarloaf Parkway.**
3. ~~Install an eight foot high wooden fence along the common property line of Robert H. McIntyre (Tax Parcel #7-122-002).~~



**Exhibits:**

- A. Site Visit Photos
- B. Previously Approved Resolution and Site Plan
- C. Site Plan
- D. Building Elevations
- E. Letter of Intent and Applicant's Response to Standards
- F. External Agency Review Comments
- G. Maps

**Exhibit A: Site Visit Photos**



**View from Intersection of Sugarloaf Parkway and Meadow Church Road**



**View of Parking Lot along Sugarloaf Parkway**

**Exhibit B: Previously Approved Resolution and Site Plan**

**[attached]**

**PAULSON MITCHELL**  
 INCORPORATED  
 LAND PLANNERS  
 ENGINEERS  
 TRANSPORTATION  
 ARCHITECTS  
 1254 N.W. STREET  
 SUITE 300  
 NORCROSS, GEORGIA 30071  
 TEL: 770-447-8847

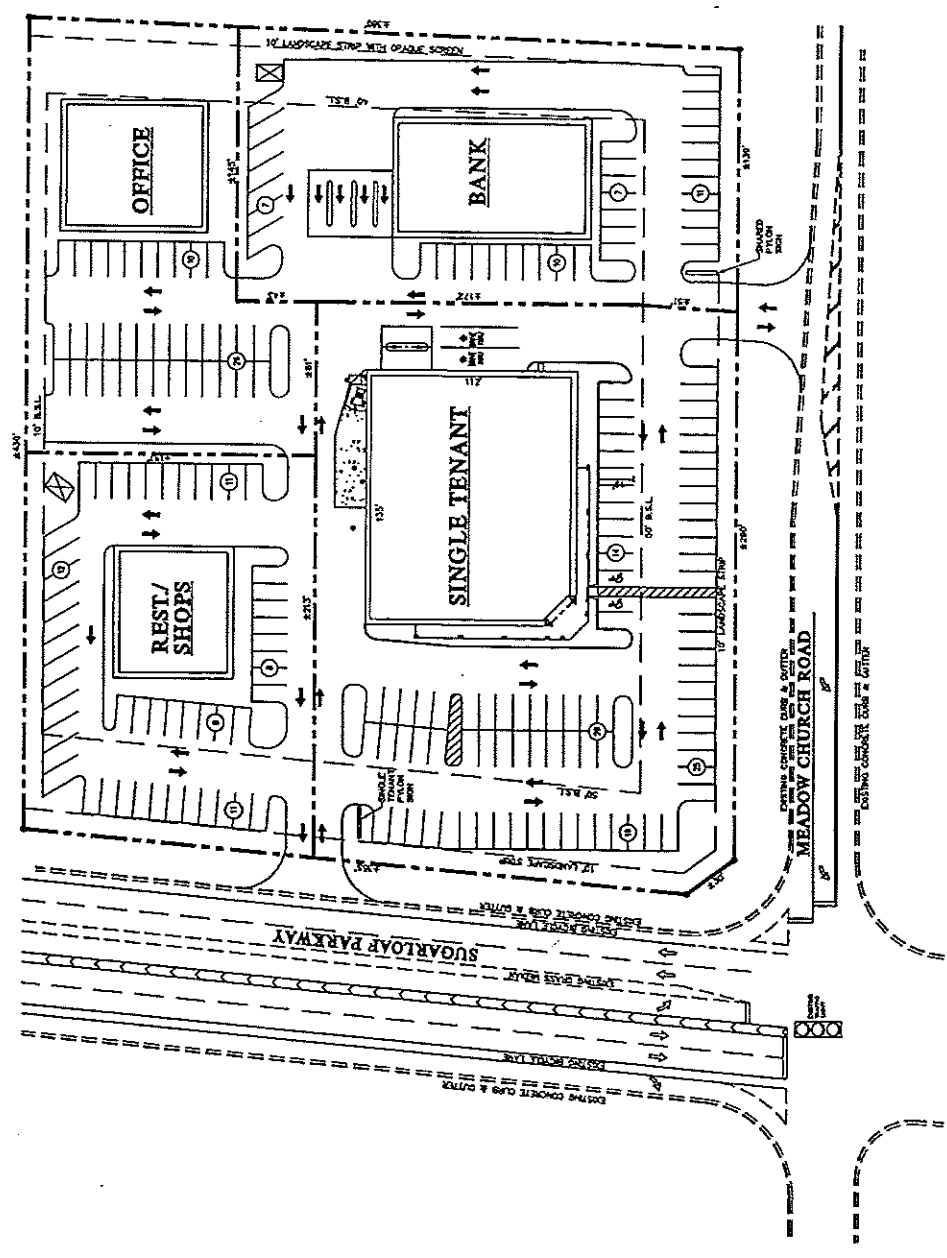
PROJECT:  
**PROPOSED  
 DEVELOPMENT**  
 CHANNETT COUNTY, GA  
 STORE NUMBER:

FOR:  
**ANCHOR  
 DEVELOPMENT**  
 P.O. BOX 923389  
 NORCROSS, GA. 30010  
 (770)447-8847

REVISIONS

PRELIMINARY  
 SITE  
 PLAN  
**PS.7**

SITE ANALYSIS	
SINGLE TENANT	15,120 S.F.
PARKING	85 SPACES
PARKING RATIO	5.62/MSF
LAND AREA	±1.55 ACRES
BANK	6,720 S.F.
PARKING	35 SPACES
PARKING RATIO	±0.88 ACRES
LAND AREA	5,600 S.F.
OFFICE	35 SPACES
PARKING	6.42/MSF
PARKING RATIO	±0.67 ACRES
LAND AREA	4,500 S.F.
REST./SHOPS	90 SPACES
PARKING RATIO	±0.74 ACRES
LAND AREA	±3.84 ACRES
TOTAL LAND AREA	



**PRELIMINARY SITE PLAN**  
 SCALE: 1" = 30'

CASE NUMBER RZ-99-132

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

<u>Present</u>	<u>VOTE</u>
Wayne Hill, Chairman	<u>AYE</u>
Tommy Hughes, District 1	<u>AYE</u>
Patti Muise, District 2	<u>AYE</u>
Judy Waters, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

On motion of COMM. HUGHES, which carried 5-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from

R-100 to C-2

by ANCHOR DEVELOPMENT, LLC for the proposed use of

COMMERCIAL/RETAIL (REDUCTION IN BUFFERS) on a

tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on DECEMBER 14, 1999, and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 14<sup>TH</sup> day of DECEMBER, 1999, that the aforesaid application to amend the Official Zoning Map from R-100 to C-2 is hereby APPROVED subject to the following enumerated conditions:

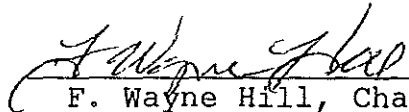
1. To restrict the use of the property as follows:
  - A. Retail and service commercial and accessory uses.
  - B. Outparcel development fronting Sugarloaf Parkway shall be limited to restaurants (excluding drive-through restaurants), financial institutions, office professional and accessory uses.
2. To satisfy the following site development considerations:
  - A. Provide a 15-foot wide landscaped strip outside the right-of-way of Sugarloaf Parkway. Provide a ten-foot wide landscaped strip outside the right-of-way of Meadow Church Road.
  - B. Provide a minimum 10-foot wide landscaped strip adjacent to residentially-zoned property.
  - C. Provide a five-foot wide landscaped strip adjacent to all internal property lines except where interparcel access is provided.

- D. Provide interparcel access throughout the development.
- E. The development shall be limited to one shared curb cut per road frontage. The design and location of curb cuts shall be subject to review and approval of the Gwinnett Department of Transportation.
- F. Provide landscaped islands throughout the parking areas. At a minimum, landscaped islands shall consist of a 100-square foot planted area per eighteen (18) spaces of double row parking with a 100-square foot planted area at the end of each row. These landscaped islands shall include at least two trees per island. Trees shall be a minimum of five feet in height at the time of planting. Submit landscape plans for review and approval by the Development Review Section. Alternate planting plans consistent with the intent of this condition may be submitted for review and approval of the Planning Director.
- G. Buildings shall be finished with architectural treatments of glass and brick.
- H. At the time of development, provide minimum 5-foot wide sidewalks along both road frontages.
- I. Dumpsters shall be screened by a brick fence or wall matching the buildings. Dumpster pickup shall be limited to between the hours of 7:00 am and 7:00 pm.
- J. Signage shall comply with all requirements of the Gwinnett County sign regulations. Ground signs shall be monument type signs architecturally consistent with the shopping center development across Sugarloaf Parkway, and subject to review and approval of the Development Division.
- K. No billboards shall be permitted.
- L. Building, signage, and landscape plans shall be submitted for review and approval by the Planning Commission. Landscaping shall be consistent with the standards of the Sugarloaf Farms development and adjacent and nearby commercial/office development.

3. Install an eight foot high wooden fence along the common property line of Robert H. McIntyre (Tax Parcel #7-122-002).

GWINNETT COUNTY BOARD OF COMMISSIONERS

By:

  
\_\_\_\_\_

F. Wayne Hill, Chairman

Date Signed:

Dec. 28, 1999

ATTEST:

  
\_\_\_\_\_

County Clerk



**Legal Description**

Anchor Development, LLC

3.78 Acre Tract at Sugarloaf Parkway and Meadow Church Road  
District 7, Land Lot 122, Parcel 0038

All that tract or parcel of land containing 3.78 acres lying in Land Lot 122 of the 7<sup>th</sup> District of Gwinnett County, Georgia, being more particularly described as follows:

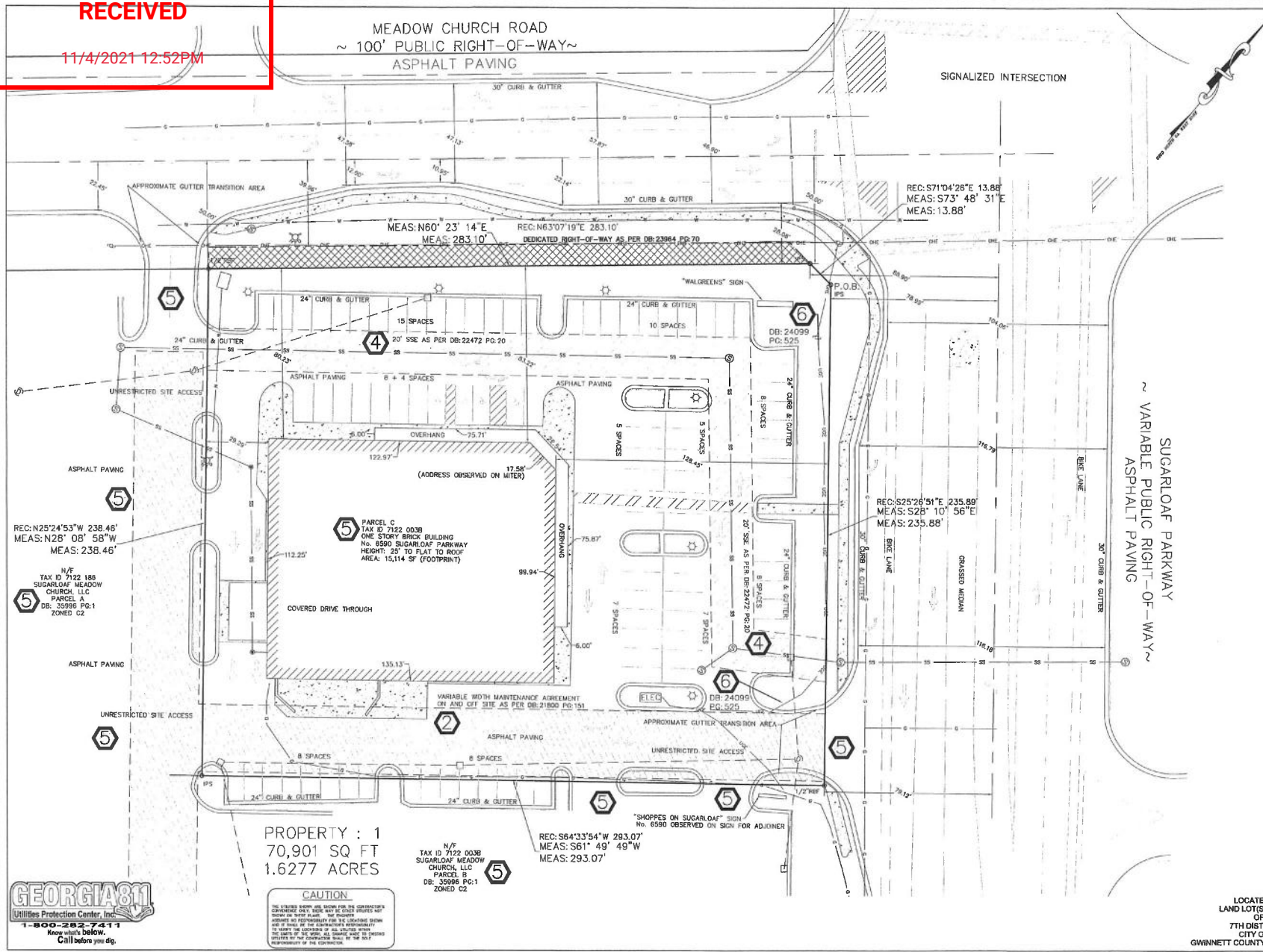
Beginning on the southwesterly right-of-way of Meadow Church Road at the mitered corner established at its intersection with the southwesterly right-of-way of Sugarloaf Parkway, thence S 53° 51' 37"W along said miter a distance of 30.96 feet to a point on the southwesterly right-of-way of Sugarloaf Parkway, thence N 85° 00' 00" along said right-of-way for a distance of 356.71 feet, thence leaving said right-of-way N 00° 00' 00"W a distance of 430.44 feet, thence S 88° 00' 00" a distance of 380.58 feet to a point along the southwesterly right-of-way of Meadow Church Road, thence S 00° 00' 00" along said right-of-way a distance of 429.99 feet to the Point of Beginning.

**Exhibit C: Site Plan**

**[attached]**

RECEIVED

11/4/2021 12:52PM



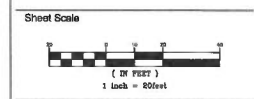
**GSA, INC.**  
GRANT SHEPHERD & ASSOCIATES, INC.

LAND SURVEYING-LAND PLANNING-SITE DEVELOPMENT  
CONSTRUCTION MANAGEMENT-CONSTRUCTION LAYOUT



000 project number:  
13-01-260

ALTA/ACSM  
LAND TITLE SURVEY  
FOR:  
MEADOW CHURCH PROPERTIES LLC,  
6590 SUGARLOAF PARKWAY, LLC,  
KINGS LOVE SUGARLOAF, LLC,  
CHATEAU RUN SUGARLOAF, LLC,  
FIDELITY NATIONAL TITLE INSURANCE  
COMPANY, AND VILLA CAPRI  
SUGARLOAF, LLC



Issued for date  
CLIENT **2/5/13**

revision item	date
▲	
▲	
▲	
▲	
▲	

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key plan / vicinity map - n.l.s. -

IN MY OPINION, THIS PLAN IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE SURVEYING STANDARDS AND REQUIREMENTS OF THE STATE OF GEORGIA.  
G.A. R.L.S. 700 2138



sheet number  
**2 of 2**  
drawn by XXX checked by 569

LOCATED IN:  
LAND LOT(S) 122  
OF THE  
7TH DISTRICT  
CITY OF XX  
GWINNETT COUNTY, GA

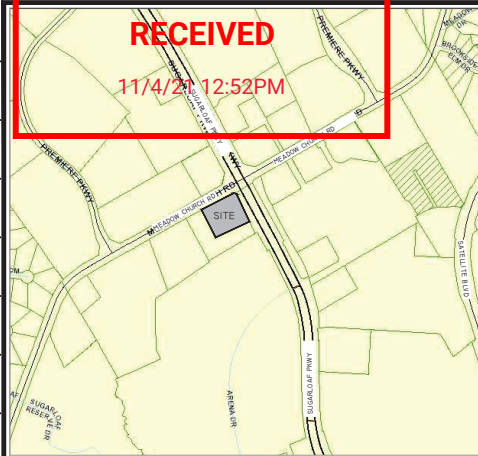


PROPERTY : 1  
70,901 SQ FT  
1.6277 ACRES

**CAUTION**  
THE UTILITY LOCATIONS SHOWN ON THIS CONSTRUCTION PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY DATA. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE SAFETY OF ALL OPERATIONS.

RECEIVED

11/4/21 12:52PM



VICINITY MAP

N.T.S

THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS SHOWN ON F.U.M. COMMUNITY PANEL NUMBER 13135000596, DATED MARCH 4, 2013.

SITE PLAN DEVELOPED FROM INFORMATION GATHERED FROM GWINNETT COUNTY GIS AND INFORMATION PROVIDED BY CLIENT. COE RESERVES THE RIGHT TO REVISE THE SITE PLAN AS ADDITIONAL INFORMATION IS MADE AVAILABLE. SITE PLAN SUBJECT TO CHANGE. ALTA SURVEY BY GSA, INC DATED 2/5/13 JOB #13-01-0260 UTILIZED FOR BOUNDARY INFORMATION.

NOTES

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SITE WORK SPECIFICATIONS AND SHALL COMPLY APPLICABLE FEDERAL, STATE AND LOCAL CODES.
- REFERENCE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS, TRUCK DOCKS, SIDEWALKS, STEPS, TRANSFORMER PADS, ETC.
- ALL DIMENSIONS AND RADI ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHOWN TO BUILDINGS ARE TO OUTSIDE FACE OF BUILDING.
- ALL HANDICAP ACCESSIBLE PARKING SIGNS AND STRIPING SHALL BE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITY ACT (ADA) REQUIREMENTS AND STATE CODE.
- ALL TRAFFIC SIGNS SHALL CONFORM TO THE UNIFORM TRAFFIC CONTROL MANUAL AND THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION.
- ALL STRIPED OR CURBED RADI SHALL BE 5' UNLESS OTHERWISE NOTED.
- THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY EXISTING IMPROVEMENTS, ONSITE OR OFF SITE, SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, ETC. THE REPAIR MUST BE APPROVED BY THE ENGINEER AND BE EQUAL OR BETTER THAN EXISTING CONDITIONS.
- SITE LIGHTING SHALL BE INCLUDED IN THE GENERAL CONTRACTOR'S SCOPE OF WORK. ALL PARKING LOT LIGHTING POLES, BASES, FIXTURES WITH LAMPS SHALL BE INSTALLED BY THE GENERAL CONTRACTOR'S ELECTRICAL CONTRACTOR AND SHALL SUPPLY A ONE YEAR WARRANTY CERTIFICATE.
- CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
- SITE CONTRACTOR SHALL SUPPLY AS-BUILT PLANS INDICATING ALL CHANGES AND DEVIATIONS.
- ANY DEVIATION FROM THESE PLANS MAY CAUSE THE WORK TO BE UNACCEPTABLE.
- ANY UNANTICIPATED CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE NOTIFIED TO THE ENGINEER IMMEDIATELY.
- ALL CONCRETE SHALL BE 4,000 PSI 28 DAY COMPRESSIVE STRENGTH.
- PROJECT SIGNAGE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- ALL CURB AND GUTTER WITHIN THE DEVELOPMENT SHALL BE 24" UNLESS OTHERWISE NOTED.
- PARKING LOT STRIPING SHALL BE INCLUDED IN PAVING CONTRACTOR'S SCOPE FOR WORK. STRIPING WILL BE ACCORDING TO OWNER'S SPECIFICATIONS. ALL STRIPING IS TO HAVE TWO (2) COATS OF PAINT (MIN).
- LIGHT POLE BASES SHALL BE PAINTED PER SITE WORK SPECIFICATIONS.
- ALL STOP BARS, DIRECTIONAL ARROWS AND DOUBLE YELLOW STRIPING ARE TO BE THERMOPLASTIC, BOTH ON SITE AND WITHIN THE DOT RIGHT OF WAY. PARKING STALL STRIPING IS TO BE 4" HIGH WHITE PAINT.
- LOADING AND UNLOADING OF ANY TRUCKS MUST TAKE PLACE ONSITE. NO LOADING OR UNLOADING WILL BE ALLOWED IN THE COUNTY RIGHT OF WAY.

LEGEND - PROPOSED

	SETBACK LINE		WATER METER		SIDEWALKS AND ARCHITECTURAL CONCRETE
	PROPERTY LINE		ADA RAMP		HEAVY DUTY ASPHALT
	PROPOSED CURB & GUTTER		CONCRETE WHEEL STOP		HEAVY DUTY CONCRETE
	PARKING SPACE NUMBER		TRANSFORMER PAD		STANDARD DUTY ASPHALT
	DIRECTIONAL ARROWS				
	STOP BAR				
	ACCESSIBLE SPACES				

SITE DATA

PARCEL ID (REFERENCE): 7122 105  
 FUTURE LAND USE: COMMUNITY ACTIVE CENTER  
 EXISTING LAND USE: COMMERCIAL  
 CURRENT ZONING CLASSIFICATION: C-2  
 CURRENT LOCAL JURISDICTION: GWINNETT COUNTY  
 FLOOD ZONE CLASSIFICATION: "ZONE X"  
 SITE AREA: 70,290 SF OR 1.63 ACRES  
 EXISTING IMPERVIOUS AREA: 1.43 ACRES  
 PROPOSED IMPERVIOUS AREA: 1.33 ACRES  
 TOTAL IMPERVIOUS AREA TO BE DISTURBED: 10,328 SF

BUILDING DATA

BUILDING AREA: 15,157 SF  
 BUILDING HEIGHT: 20'  
 STORES: 1  
 DENSITY: 21%

PROPOSED PARKING DATA

CONVENIENCE STORE, GASOLINE STATIONS  
 GROSS BUILDING FLOOR AREA: 4,249 SF  
 MIN: 1 PER 500 SF = 8.500/500 = 9  
 MAX: 1 PER 125 SF = 4249/125 = 34

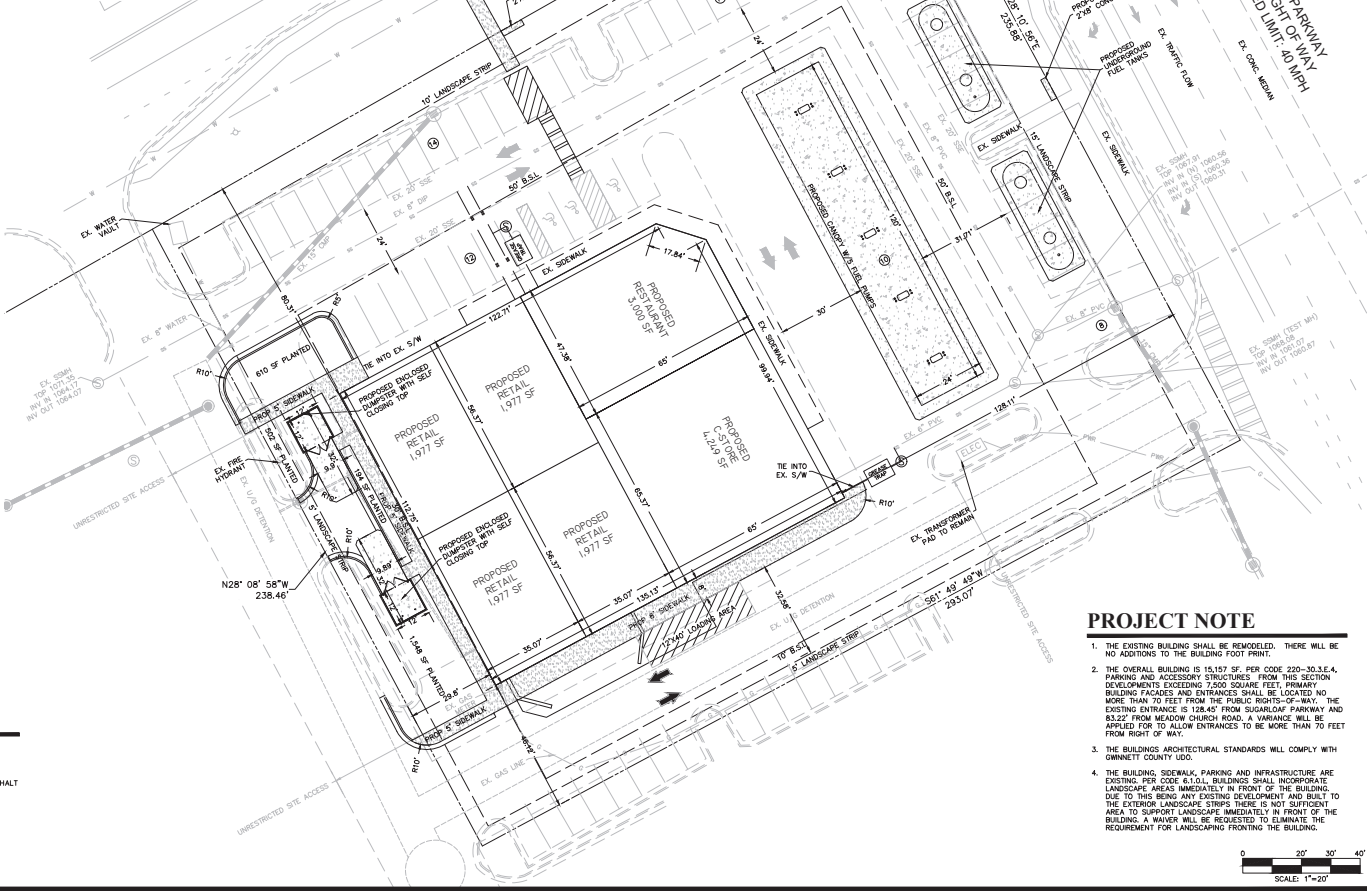
RETAIL USE  
 GROSS BUILDING FLOOR AREA: 7,908 SF  
 MIN: 1 PER 500 SF = 7908/500 = 16  
 MAX: 1 PER 200 SF = 7908/200 = 40

RESTAURANT  
 GROSS FLOOR AREA: 3,000 SF  
 MIN: 1 PER 100 SF = 3000/100 = 30  
 MAX: 1 PER 75 SF = 3000/75 = 40 SF  
 MIN. PARKING REQUIRED: 45  
 MAX. PARKING ALLOWED: 114

TOTAL PARKING PROVIDED: 42 3/4 ADA PARKING SPACES (EXISTING)

DIRECTION	PROPERTY USE	ZONING
NORTH	COMMERCIAL	C-2
SOUTH	COMMERCIAL	C-2
WEST	COMMERCIAL	C-2
EAST	COMMERCIAL	C-2

DIRECTION	REQUIRED SETBACK	PROVIDED SETBACK
FRONT	50'	SEE PLAN
REAR	30'	SEE PLAN
SIDE	50'	SEE PLAN
SIDE	10'	SEE PLAN

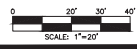


CONTRACTOR PLEASE NOTE THERE ARE NUMEROUS UNDERGROUND UTILITIES. ALL SHALL BE FIELD LOCATED PRIOR TO CONSTRUCTION OF DRIVEWAY AND PROPOSED UTILITY AND STORM DRAIN CROSSINGS. IMMEDIATELY BRING TO THE ATTENTION OF THE OWNER / ENGINEER AND / OR UTILITY PROVIDER OF EXPOSED CONFLICTS

AS APPLICANT FOR THE SUBMITTAL FOR A "CHANGE OF USE" IT IS OUR UNDERSTANDING THAT THIS IS PERMITTED UNDER THE RIGHTS OF PURCHASER

PROJECT NOTE

- THE EXISTING BUILDING SHALL BE REMODELED. THERE WILL BE NO ADDITIONS TO THE BUILDING FOOTPRINT.
- THE OVERALL BUILDING IS 15,157 SF. PER CODE 220-20.3.E.4, PARKING AND ACCESSORY STRUCTURES FROM THIS SECTION DEVELOPMENTS EXCEEDING 7,500 SQUARE FEET. PRIMARY BUILDING ENTRANCES AND ENTRANCES SHALL BE LOCATED NO MORE THAN 70 FEET FROM THE PUBLIC RIGHTS-OF-WAY. THE EXISTING ENTRANCE IS 128.40' FROM SUGARLOAF PARKWAY AND 83.22' FROM MEADOW CHURCH ROAD. A VARIANCE WILL BE APPLIED FOR TO ALLOW ENTRANCES TO BE MORE THAN 70 FEET FROM RIGHT OF WAY.
- THE BUILDING'S ARCHITECTURAL STANDARDS WILL COMPLY WITH GWINNETT COUNTY UO.
- THE BUILDING, SIDEWALK, PARKING AND INFRASTRUCTURE ARE EXISTING PER CODE 8.10.L. BUILDINGS SHALL INCORPORATE LANDSCAPE AREAS IMMEDIATELY IN FRONT OF THE BUILDING. DUE TO THIS BEING ANY EXISTING DEVELOPMENT AND BUILT TO THE EXISTING LANDSCAPE STRIPS THERE IS NOT SUFFICIENT AREA TO SUPPORT LANDSCAPE IMMEDIATELY IN FRONT OF THE BUILDING. A WAIVER WILL BE REQUESTED TO ELIMINATE THE REQUIREMENT FOR LANDSCAPING FRONTING THE BUILDING.



**Civil Consulting Engineers, Inc.**  
 211 EAST MAIN STREET  
 CANTON, GA 30114  
 678-662-4072  
 ccinc@ccinc-engineers.com  
 ALABAMA, CO., LA, MS, TX

STATE OF GEORGIA  
 REGISTERED PROFESSIONAL ENGINEER  
 TERRY S. BOOHER, P.E.  
 11/17/21

PROPOSED RETAIL  
 DULUTH, GA 30087  
 6590 SUGARLOAF PARKWAY  
 CLIENT NAME: 6590 SUGARLOAF INVESTMENTS, LLC.  
 CLIENT ADDRESS: 1550 N. BROWN RD STE 130  
 LAWRENCEVILLE, GA 30043

NO.	REV.	DATE	DESCRIPTION

OTHER PROJ. #:  
 CLIENT PROJ. #:  
 DATE PROJ. # 2021-000  
 ISSUE DATE: 10/12/21  
 SHEET NAME:  
 CONCEPTUAL SITE PLAN  
 SHEET NO:  
**C1**

**Exhibit D: Building Elevations**

**[attached]**

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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PLANNING AND DEVELOPMENT

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GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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

**[attached]**

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11/4/21 12:52PM

November 12, 2021

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

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

**Applicant:**

6590 Sugarloaf Investments, LLC

**Property:**

Tax Parcel ID R7122 185

±1.6277 Acres of Land

Located at 6590 Sugarloaf Parkway, Duluth, Georgia 30097

**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](mailto:mglouton@atclawfirm.com)

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## I. INTRODUCTION

This Application for Change in Conditions is submitted for a 1.6277-acre parcel of land located in Land Lot 122 of the 7<sup>th</sup> District of Gwinnett County, Georgia, Duluth, and known as 6590 Sugarloaf Parkway (hereinafter the “Property”). The Property is currently zoned C-2 pursuant to RZ-99-132 and is designated within the “Regional Activity Center” character area on the Gwinnett County 2040 Unified Plan Future Development Map. The Property is shown on the survey prepared by Grant Shepherd & Associates, Inc. dated February 5 and 6, 2013, and filed with this Application. The Property that is the subject of this change in conditions application is owned by Blue Panther Development, LLC and further identified below from the Gwinnett County GIS:



The Applicant, 6590 Sugarloaf Investments, LLC (the “Applicant”) now seeks approval to renovate the interior of the existing building to create tenant units for retail, restaurant and convenience store, and to reconfigure the parking lot to incorporate five (5) fuel pumps. In order to do so, the Applicant is requesting to amend Condition 1.B. of Zoning Resolution RZ-99-132 (attached as Exhibit A) as follows:

1. To restrict the use of the property as follows:

A. Retail and service commercial and accessory uses.

~~B. Outparcel development fronting Sugarloaf Parkway shall be limited to restaurants (excluding drive through restaurants), financial institutions, office professional and accessory uses.~~



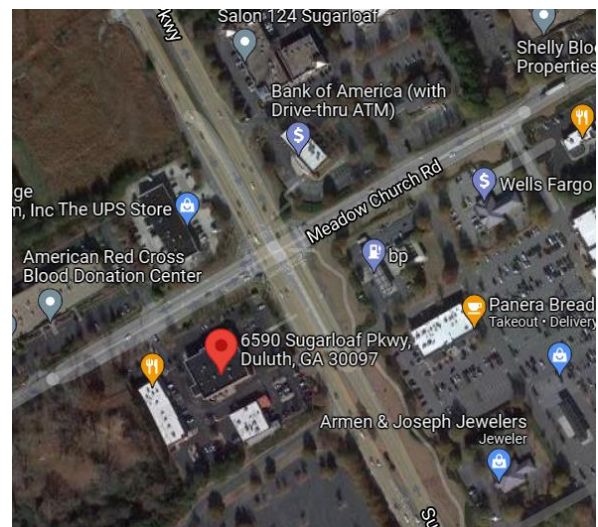
This document is submitted as the Letter of Intent, Response to Standard Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

## II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a square tract at the intersection of Sugarloaf Parkway and Meadow Church Road in Duluth, Georgia. The Property is an outparcel of a larger C-2 development with existing restaurant and retail uses and is adjacent to the Gas South District on the southern and eastern property boundaries. All corners of the intersection are zoned C-2 with additional commercial uses extending in all direction off of the intersection. Uses include retail, restaurant, gas stations, grocery stores, and restaurants with drive-thru windows.

The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Regional Activity Center” Character Area, of the Gwinnett County Future Development Map. The Regional Activity Center Character Area is intended for areas that have intense commercial and office activity. Potential development types include retail, shopping plazas, and large-scale mixed-use developments incorporating such uses.

As referenced above, the surrounding properties in this corridor are zoned commercial. Below are maps of the surrounding uses and the zoning classifications by parcel:



## III. PROJECT SUMMARY

As shown on the conceptual site plan prepared by Civil Consulting Engineers, Inc. dated October 12, 2021, and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes to redevelop the existing Walgreens building into a multi-tenant building that would include an approximately 4,249sf convenience store, 3,000sf restaurant, and four 1,977sf retail spaces totaling 7,908sf. The Applicant would utilize the existing building

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footprint which totals 15,157sf. Further, the Applicant proposes to reconfigure the parking lot to include five (5) fuel pumps under a single canopy. The proposed retail spaces will be a permitted use within the C-2 zoning district. The existing parking lot will be reconfigured to incorporate five (5) fuel pumps and a canopy fronting Sugarloaf Parkway. The existing utilities will be used based on the electrician, plumber, and licensed contractor's direction. There will be an addition of two (2) grease traps to support the restaurant and convenience store. The pavement will be replaced as such that the drainage basin and drainage path will be unaltered. The Property will utilize the existing access points on Meadow Church Road and Sugarloaf Parkway. As shown on the site plan, the building, sidewalk, parking and infrastructure are existing. As such, with regard to the requirement set forth in the UDO that buildings shall incorporate landscape areas immediately in front of the building, the Applicant will seek a waiver from said request due to the fact that this is an existing development and there is not sufficient landscape area immediately in front of the existing structure to incorporate new space.

#### **IV. SITE IMPACT ANALYSIS**

Pursuant to UDO § 270-20.6, entitled "Impact Analysis," the Applicant submits its written impact analysis which shows that rezoning to C-2, satisfies UDO § 270-20.5, entitled "Standards Governing Exercise of the Zoning Power," as follows:

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

Yes, approval of the proposed Change in Conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is located at the intersection of Sugarloaf Parkway and Meadow Church Rd. The Property is adjacent to intense, large-scale commercial developments and across the street from existing commercial uses that are consistent with the Applicant's proposal.

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

No, the proposed Change in Conditions Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed change in conditions would allow for a redevelopment that is compatible with existing intense commercial uses on adjacent and nearby properties. Rather the proposed development would complement existing commercial uses and provide a convenient neighborhood serving commercial use for the surrounding community and existing traffic volume on Sugarloaf Parkway.

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

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The Applicant submits that due to the size, location, layout, topography, and natural features of the Property, it does not have reasonable economic use as currently zoned. The Applicant's proposal would allow for the Property to be redeveloped for a use that is consistent with surrounding properties and those on the other corners of the intersection. Further, maintaining the restriction on the Property that the Applicant is seeking to delete would place an undue burden on the Property by putting it at an economic disadvantage to other properties located at the same intersection.

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

No, the proposed change in conditions application will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Sugarloaf Parkway as well as Meadow Church Road. The proposed redevelopment would complement the existing commercial uses in the area by providing a neighborhood serving use that is absent on the east bound side of Sugarloaf Parkway.

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

The proposed change in conditions application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The Property is located within the Regional Activity Center Character Area of the 2040 Future Development Map. Encouraged land uses for the Regional Activity Character Area specifically include intense commercial and retail uses. The proposed development would be compatible with and successfully co-exist with the surrounding 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 PROPOSED CHANGE IN CONDITIONS:

The Applicant submits that the character of the surrounding development and the existing mix of the same or similar intense commercial uses in the area provide supporting reasons for approval of the change in conditions request. The Applicant submits that the Property's location, size, and dimensions, as well as its location at the intersection of Sugarloaf Parkway and Meadow Church Road and intense commercial corridor provide further support for approval of the proposed change in conditions application.

**V. 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, or conditions the Property, in such a way that would

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preclude development of a convenience store with fuel pumps and other retail uses 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 or conditions 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 would deprive the Applicant and Property owner of any reasonable use and redevelopment 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 redeveloped 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 and changes to conditions different than 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 conditions on the Property constitutes 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 change in conditions application 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 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.

This Application 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).

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**VI. CONCLUSION**

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

Respectfully submitted this 4th day of November, 2021.

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

*Melody A. Glouton*

Melody A. Glouton, Esq.

Enclosures  
MAG/ag

**Exhibit F: External Agency Review Comments**

**[attached]**

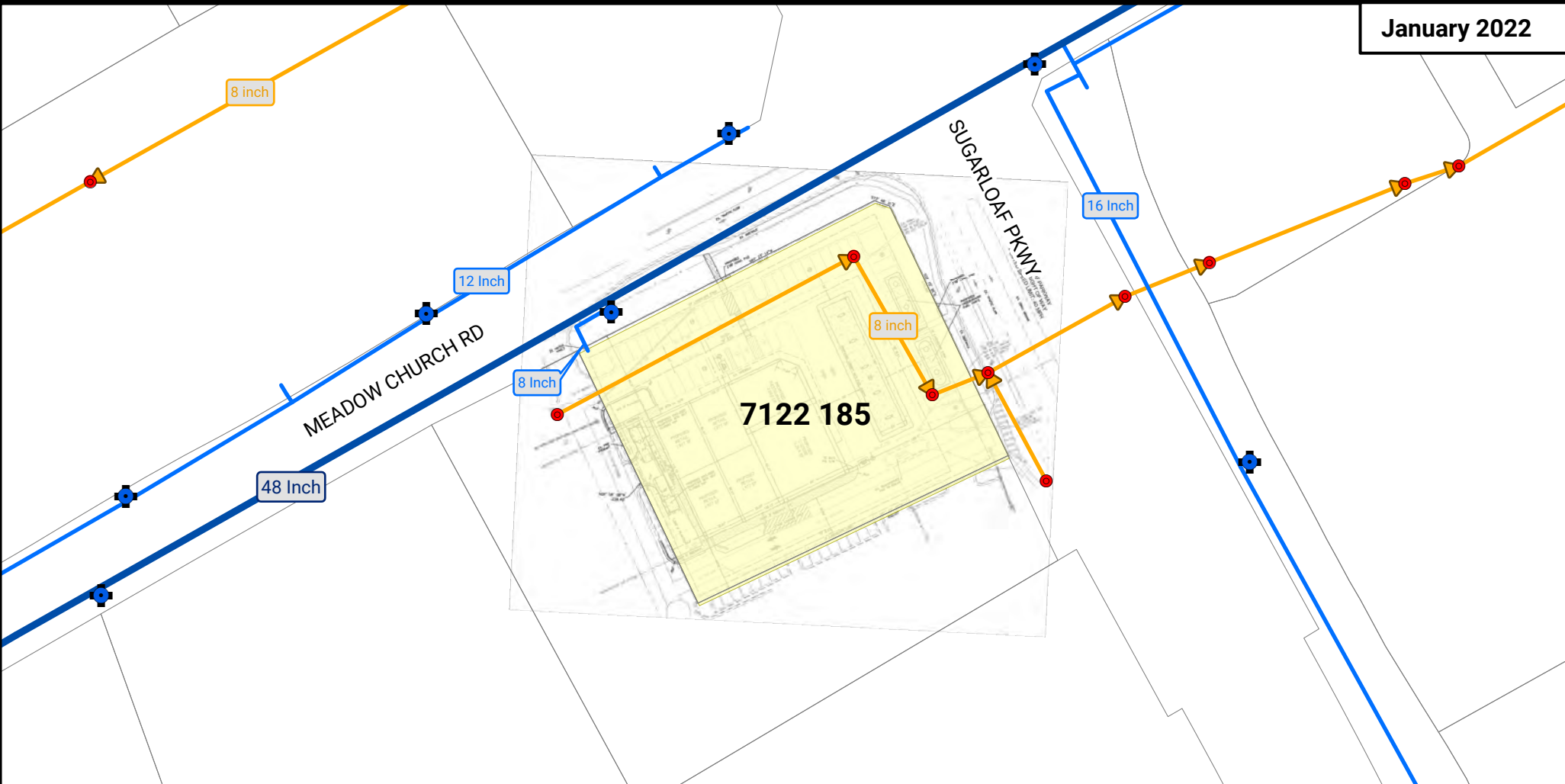


**Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b>		December 14, 2021		
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		<a href="mailto:Michael.pappas@gwinnettcountry.com">Michael.pappas@gwinnettcountry.com</a>		
Case Number:		CIC2022-00001		
Case Address:		6590 Sugarloaf Parkway		
<b>Comments:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>X</b>	<b>YES</b>	<b>NO</b>
1	WATER: The existing building is connected to water main.			
2	WATER: Existing 48-inch water main along south right-of-way of Meadow Church Rd must be avoided during all phases of construction.			
3	SEWER: An updated Sewer Capacity Certification is required for redevelopment to confirm available capacity.			
4	SEWER: The existing building is connected to sewer.			
5	SEWER: Underground storage tanks shall not be within the existing sanitary sewer easement.			
6				
7				
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<b>YES</b>	<b>X</b> <b>NO</b>
1				
2				
3				
4				
5				
6				
7				

**Note:** Attach additional pages, if needed

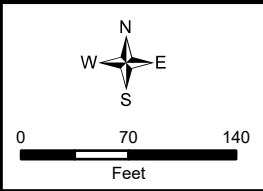
Revised 7/26/2021



	Flow Management		Hydrant		Sewer Force Main
	Pump Station		City		Effluent Outfall
	Regional		Water Main		Sewer Collector
	Manhole		Reuse Main		Sewer Interceptor

CIC2022-00001  
C-2

# Water & Sewer Utility Map



**Water Comments:** The existing building is connected to water main. Existing 48-inch water main along south right-of-way of Meadow Church Rd must be avoided during all phases of construction.

**Sewer Comments:** An updated Sewer Capacity Certification is required for redevelopment to confirm available capacity. The existing building is connected to sewer. Underground storage tanks shall not be within the existing sanitary sewer easement.

**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 G: Maps**

**[attached]**



MEADOW DR

BROOKSIDE ELM DR

PREMIERE PKWY

SUGARLOAF PKWY

PREMIERE PKWY

MEADOW CHURCH RD

SATELLITE BLVD

ARENA DR

PINEBLOOM WAY

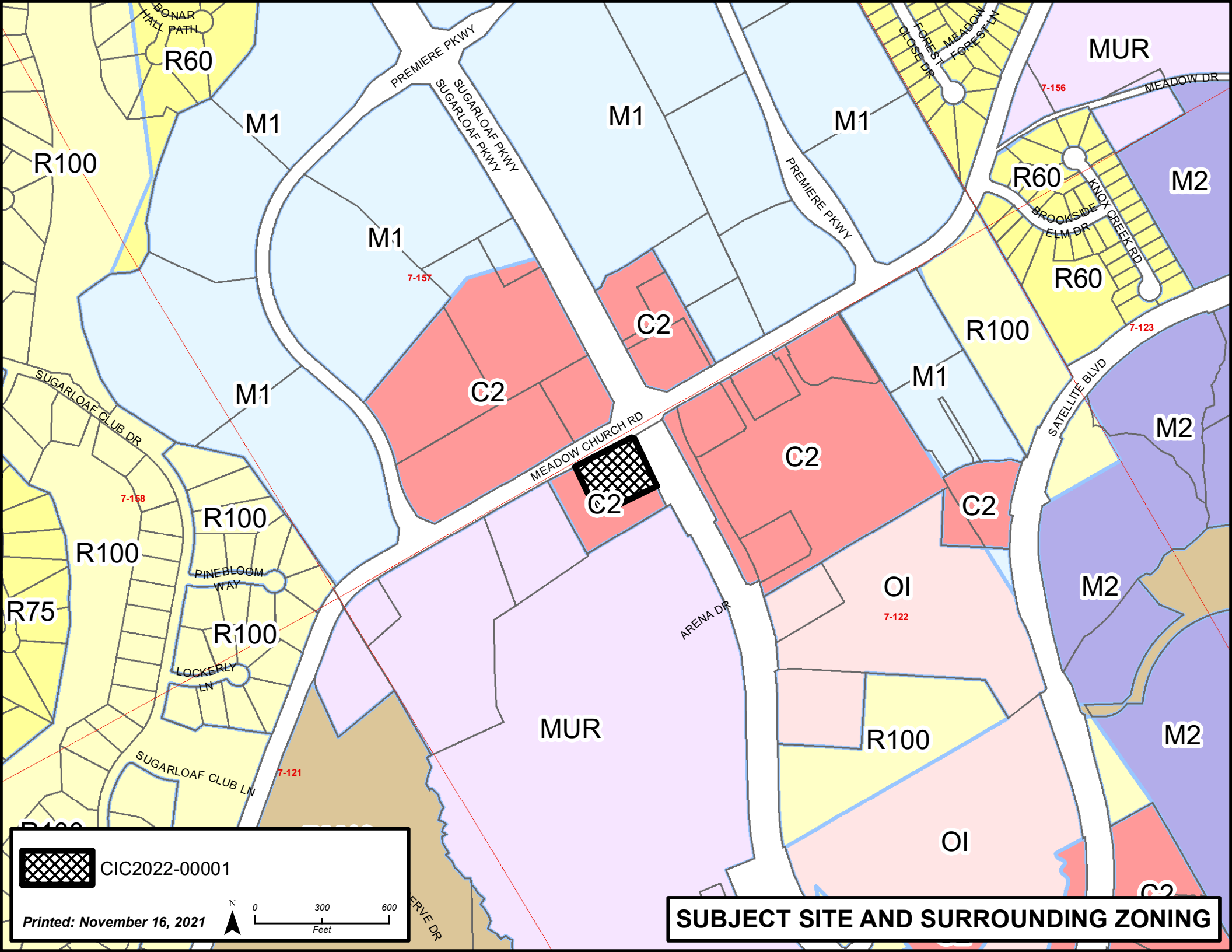
LOCKERLY LN

 CIC2022-00001


Printed: November 17, 2021

0 200 400  
Feet

N



 CIC2022-00001

Printed: November 16, 2021  0 300 600 Feet

**SUBJECT SITE AND SURROUNDING ZONING**

**Established  
Neighborhoods**

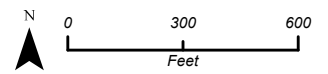
**Workplace  
Centers**

**Vibrant  
Communities**

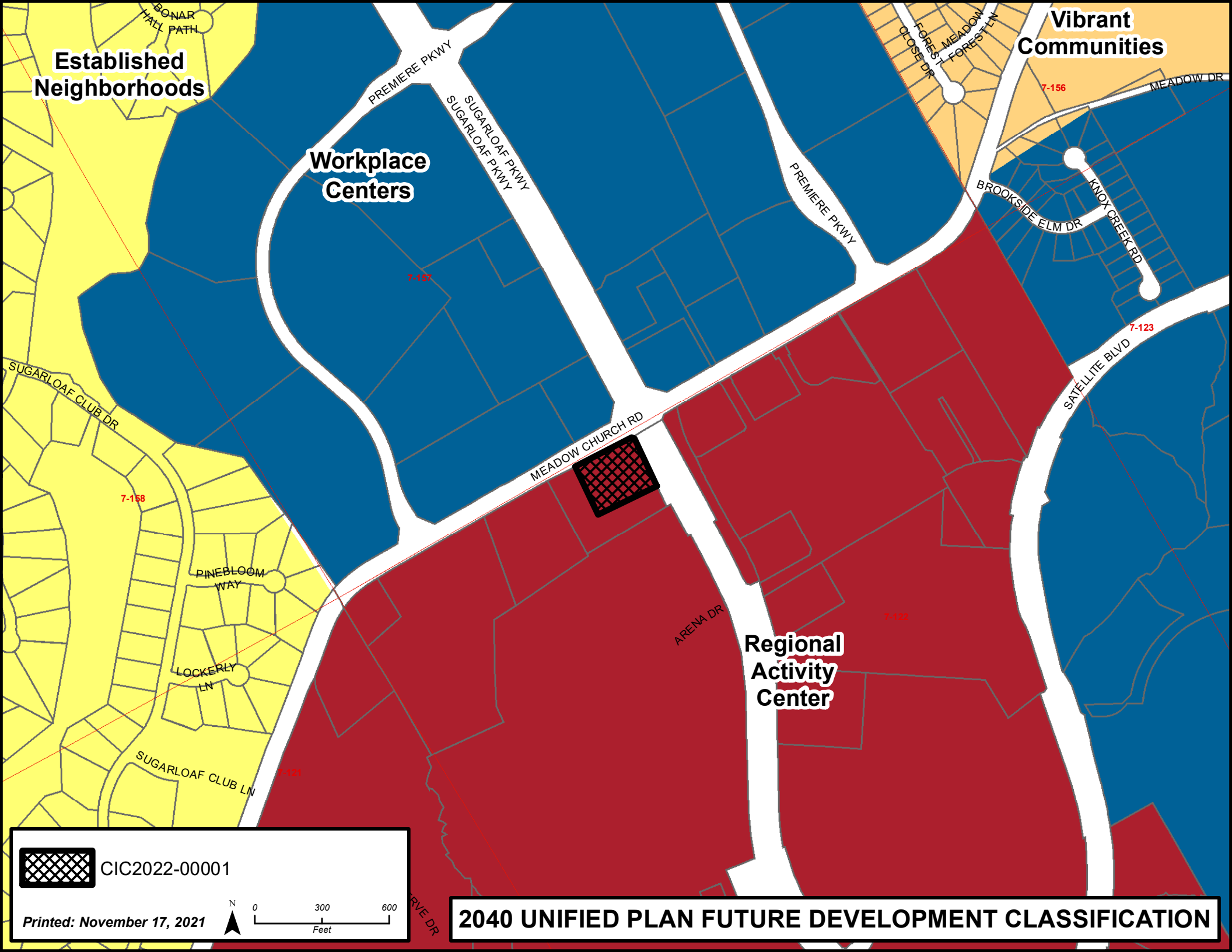
**Regional  
Activity  
Center**

 CIC2022-00001

Printed: November 17, 2021



**2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION**



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**CHANGE IN CONDITIONS APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>6590 Sugarloaf Investments, LLC c/o Andersen, Tate &amp; Carr, P.C.</u> ADDRESS: <u>1960 Satellite Blvd., Suite 4000</u> CITY: <u>Duluth</u> STATE: <u>GA</u> ZIP: <u>30097</u> PHONE: <u>770-822-0900</u> EMAIL: <u>mglouton@atclawfirm.com</u>	NAME: <u>Blue Panther Development, LLC a Delaware Corporation</u> ADDRESS: <u>105 Jessup Rd.</u> CITY: <u>West Jessup</u> STATE: <u>NJ</u> ZIP: <u>08086</u> PHONE: <u>561-315-2113</u> EMAIL: <u>singerdevelopment@gmail.com</u>
CONTACT PERSON: <u>Melody A. Glouton, Esq.</u> PHONE: <u>770-822-0900</u> CONTACT'S E-MAIL: <u>mglouton@atclawfirm.com</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICTS(S): <u>C-2</u> PRIOR ZONING CASE: <u>RZ-99-132</u> PARCEL NUMBER(S): <u>R7122 185</u> ACREAGE: <u>1.6277</u> ADDRESS OF PROPERTY: <u>6590 Sugarloaf Parkway, Duluth</u> PROPOSED CHANGE IN CONDITIONS: <u>Remove Condition 1(B) from RZ-99-132</u>	
<b>RESIDENTIAL DEVELOPMENT:</b> NO. OF LOTS/DWELLING UNITS: _____ DWELLING UNIT SIZE (Sq. Ft.): _____ GROSS DENSITY: _____ NET DENSITY: _____	<b>NON-RESIDENTIAL DEVELOPMENT:</b> NO. OF BUILDINGS/LOTS: <u>1</u> TOTAL GROSS SQUARE FEET: <u>15,157</u> DENSITY: <u>N/A</u>

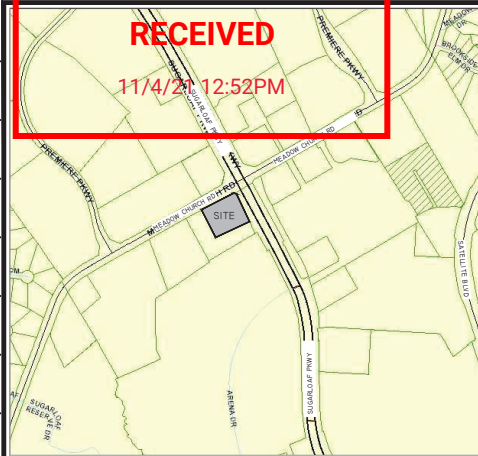
**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**





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VICINITY MAP

N.T.S

THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS SHOWN ON F.U.M. COMMUNITY PANEL NUMBER 13135000596, DATED MARCH 4, 2013.

SITE PLAN DEVELOPED FROM INFORMATION GATHERED FROM GWINNETT COUNTY GIS AND INFORMATION PROVIDED BY CLIENT. COE RESERVES THE RIGHT TO REVISE THE SITE PLAN AS ADDITIONAL INFORMATION IS MADE AVAILABLE. SITE PLAN SUBJECT TO CHANGE. ALTA SURVEY BY GSA, INC DATED 2/5/13 JOB #13-01-0260 UTILIZED FOR BOUNDARY INFORMATION.

**SITE DATA**

PARCEL ID (REFERENCE): 7122 105  
 FUTURE LAND USE: COMMUNITY ACTIVE CENTER  
 EXISTING LAND USE: COMMERCIAL  
 CURRENT ZONING CLASSIFICATION: C-2  
 CURRENT LOCAL JURISDICTION: GWINNETT COUNTY  
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 SITE AREA: 70,290 SF OR 1.63 ACRES  
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 PROPOSED IMPERVIOUS AREA: 1.33 ACRES  
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**BUILDING DATA**

BUILDING AREA: 15,157 SF  
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 STORES: 1  
 DENSITY: 21%

**PROPOSED PARKING DATA**

CONVENIENCE STORE, GASOLINE STATION  
 GROSS BUILDING FLOOR AREA: 4,249 SF  
 MIN: 1 PER 500 SF = 8 SPACES  
 MAX: 1 PER 125 SF = 34 SPACES  
 METAL USE  
 GROSS BUILDING FLOOR AREA: 7,908 SF  
 MIN: 1 PER 500 SF = 16 SPACES  
 MAX: 1 PER 200 SF = 40 SPACES  
 RESTAURANT  
 GROSS FLOOR AREA: 3,000 SF  
 MIN: 1 PER 100 SF = 30 SPACES  
 MAX: 1 PER 75 SF = 40 SPACES  
 MIN. PARKING REQUIRED: 45  
 MAX. PARKING ALLOWED: 114  
 TOTAL PARKING PROVIDED: 62 1/4 ADA PARKING SPACES (EXISTING)

DIRECTION	PROPERTY USE	ZONING
NORTH	COMMERCIAL	C-2
SOUTH	COMMERCIAL	C-2
WEST	COMMERCIAL	C-2
EAST	COMMERCIAL	C-2

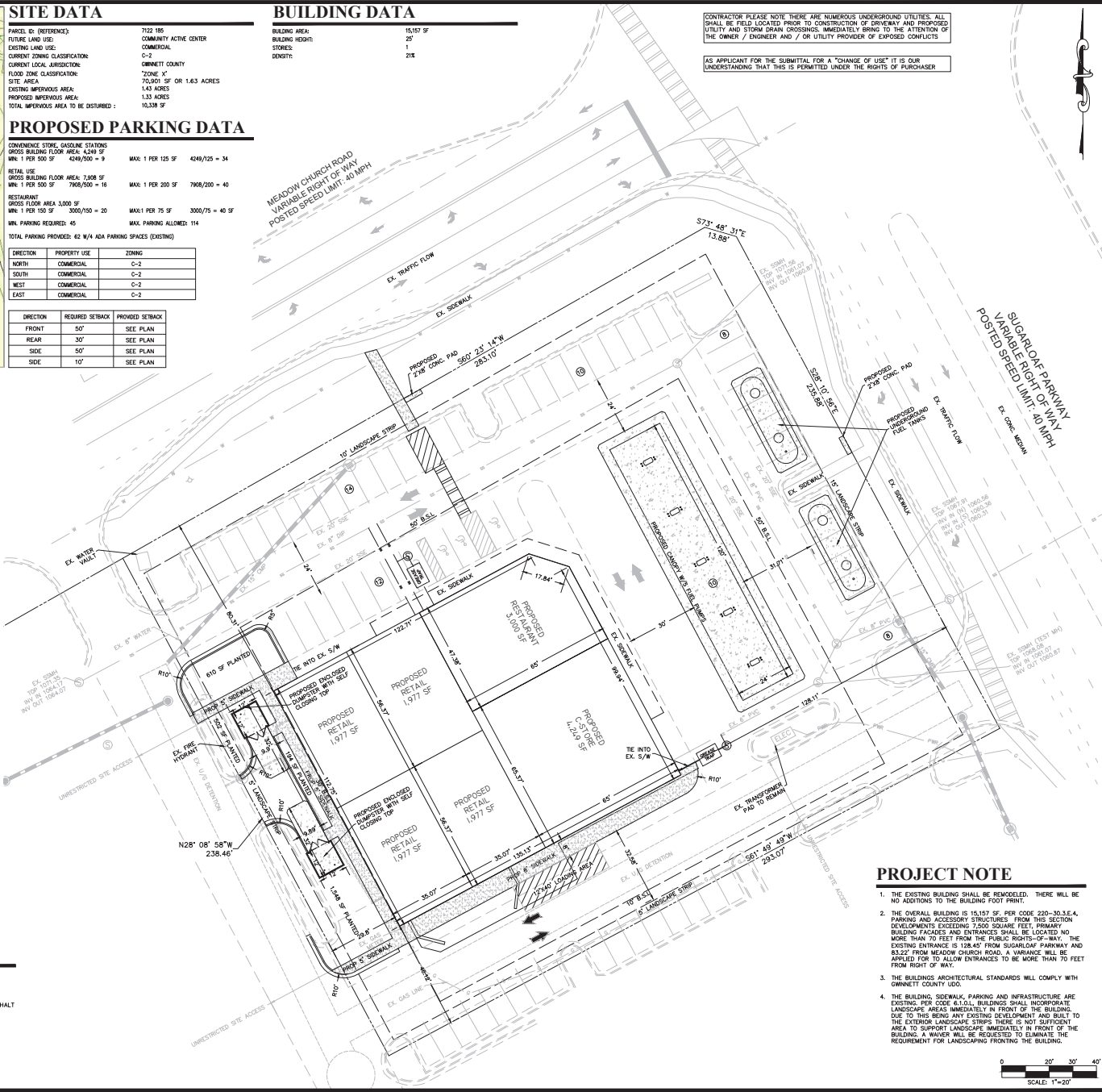
DIRECTION	REQUIRED SETBACK	PROVIDED SETBACK
FRONT	50'	SEE PLAN
REAR	30'	SEE PLAN
SIDE	50'	SEE PLAN
SIDE	10'	SEE PLAN

**NOTES**

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SITE WORK SPECIFICATIONS AND SHALL COMPLY APPLICABLE FEDERAL, STATE AND LOCAL CODES.
- REFERENCE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS, TRUCK DOCKS, SIDEWALKS, STEPS, TRANSFORMER PADS, ETC.
- ALL DIMENSIONS AND RADI ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHOWN TO BUILDINGS ARE TO OUTSIDE FACE OF BUILDING.
- ALL HANDICAP ACCESSIBLE PARKING SIGNS AND STRIPING SHALL BE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITY ACT (ADA) REQUIREMENTS AND STATE CODE.
- ALL TRAFFIC SIGNS SHALL CONFORM TO THE UNIFORM TRAFFIC CONTROL MANUAL AND THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION.
- ALL STRIPED OR CURBED RADI SHALL BE 5' UNLESS OTHERWISE NOTED.
- THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY EXISTING IMPROVEMENTS, ONSITE OR OFF SITE, SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, ETC. THE REPAIR MUST BE APPROVED BY THE ENGINEER AND BE EQUAL OR BETTER THAN EXISTING CONDITIONS.
- SITE LIGHTING SHALL BE INCLUDED IN THE GENERAL CONTRACTOR'S SCOPE OF WORK. ALL PARKING LOT LIGHTING POLES, BASES, FIXTURES WITH LAMPS SHALL BE INSTALLED BY THE GENERAL CONTRACTOR'S ELECTRICAL CONTRACTOR AND SHALL SUPPLY A ONE YEAR WARRANTY CERTIFICATE.
- CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
- SITE CONTRACTOR SHALL SUPPLY AS-BUILT PLANS INDICATING ALL CHANGES AND DEVIATIONS.
- ANY DEVIATION FROM THESE PLANS MAY CAUSE THE WORK TO BE UNACCEPTABLE.
- ANY UNANTICIPATED CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE NOTIFIED TO THE ENGINEER IMMEDIATELY.
- ALL CONCRETE SHALL BE 4,000 PSI 28 DAY COMPRESSIVE STRENGTH.
- PROJECT SIGNAGE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- ALL CURB AND GUTTER WITHIN THE DEVELOPMENT SHALL BE 24" UNLESS OTHERWISE NOTED.
- PARKING LOT STRIPING SHALL BE INCLUDED IN PAVING CONTRACTOR'S SCOPE FOR WORK. STRIPING WILL BE ACCORDING TO OWNER'S SPECIFICATIONS. ALL STRIPING IS TO HAVE TWO (2) COATS OF PAINT (MIN).
- LIGHT POLE BASES SHALL BE PAINTED PER SITE WORK SPECIFICATIONS.
- ALL STOP BARS, DIRECTIONAL ARROWS AND DOUBLE YELLOW STRIPING ARE TO BE THERMOPLASTIC, BOTH ON SITE AND WITHIN THE DOT RIGHT OF WAY. PARKING STALL STRIPING IS TO BE 4" HIGH WHITE PAINT.
- LOADING AND UNLOADING OF ANY TRUCKS MUST TAKE PLACE ONSITE. NO LOADING OR UNLOADING WILL BE ALLOWED IN THE COUNTY RIGHT OF WAY.

**LEGEND - PROPOSED**

	SETBACK LINE		WATER METER		SIDEWALKS AND ARCHITECTURAL CONCRETE
	PROPERTY LINE		ADA RAMP		HEAVY DUTY ASPHALT
	PROPOSED CURB & GUTTER		CONCRETE WHEEL STOP		HEAVY DUTY CONCRETE
	PARKING SPACE NUMBER		TRANSFORMER PAD		STANDARD DUTY ASPHALT
	DIRECTIONAL ARROWS				
	STOP BAR				
	ACCESSIBLE SPACES				

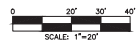


CONTRACTOR PLEASE NOTE THERE ARE NUMEROUS UNDERGROUND UTILITIES. ALL SHALL BE FIELD LOCATED PRIOR TO CONSTRUCTION OF DRIVEWAY AND PROPOSED UTILITY AND STORM DRAIN CROSSINGS. IMMEDIATELY BRING TO THE ATTENTION OF THE OWNER / ENGINEER AND / OR UTILITY PROVIDER OF EXPOSED CONFLICTS

AS APPLICANT FOR THE SUBMITTAL FOR A "CHANGE OF USE" IT IS OUR UNDERSTANDING THAT THIS IS PERMITTED UNDER THE RIGHTS OF PURCHASER

**PROJECT NOTE**

- THE EXISTING BUILDING SHALL BE REMODELED. THERE WILL BE NO ADDITIONS TO THE BUILDING FOOT PRINT.
- THE OVERALL BUILDING IS 15,157 SF. PER CODE 220-20.3.E.4, PARKING AND ACCESSORY STRUCTURES FROM THIS SECTION DEVELOPMENTS EXCEEDING 7,500 SQUARE FEET. PRIMARY BUILDING ENTRANCES AND ENTRANCES SHALL BE LOCATED NO MORE THAN 70 FEET FROM THE PUBLIC RIGHTS-OF-WAY. THE EXISTING ENTRANCE IS 128'40" FROM SUGARLOAF PARKWAY AND 83'22" FROM MEADOW CHURCH ROAD. A VARIANCE WILL BE APPLIED FOR TO ALLOW ENTRANCES TO BE MORE THAN 70 FEET FROM RIGHT OF WAY.
- THE BUILDING'S ARCHITECTURAL STANDARDS WILL COMPLY WITH GWINNETT COUNTY UDO.
- THE BUILDING, SIDEWALK, PARKING AND INFRASTRUCTURE ARE EXISTING PER CODE 8.10.L. BUILDINGS SHALL INCORPORATE LANDSCAPE AREAS IMMEDIATELY IN FRONT OF THE BUILDING. DUE TO THIS BEING ANY EXISTING DEVELOPMENT AND BUILT TO THE EXISTING LANDSCAPE STRIPS THERE IS NOT SUFFICIENT AREA TO SUPPORT LANDSCAPE IMMEDIATELY IN FRONT OF THE BUILDING. A WAIVER WILL BE REQUESTED TO ELIMINATE THE REQUIREMENT FOR LANDSCAPING FRONTING THE BUILDING.



**Civil Consulting Engineers, Inc.**  
 211 EAST MAIN STREET  
 CANTON, GA 30114  
 678-662-4072  
 ccinc@ccinfea.com  
 ALABAMA, CALIFORNIA

STAMP  
  
 11/17/21  
 ENGINEER OF RECORD  
 TERRY S. BOOHER, P.E.

PROPOSED RETAIL  
 DULUTH, GA 30017  
 PROJECT ADDRESS:  
 6590 SUGARLOAF PARKWAY  
 CLIENT NAME:  
 6590 SUGARLOAF INVESTMENTS, LLC.  
 CLIENT ADDRESS:  
 1550 N. BROWN RD STE 130  
 LAWRENCEVILLE, GA 30043

NO.	REV.	DATE	DESCRIPTION

OTHER PROJ. #:  
 CLIENT PROJ. #:  
 DATE PROJ. #:  
 2021-060  
 ISSUE DATE:  
 10/12/21  
 SHEET NAME:  
 CONCEPTUAL SITE PLAN  
 SHEET NO:  
 C1



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**EXHIBIT A  
TO LIMITED WARRANTY DEED**

**Legal Description of Real Estate**

**ALL THAT TRACT OR PARCEL OF LAND** lying and being in Land Lot 122, 7th District, Gwinnett County, Georgia and being more particularly described as follows:

**BEGINNING** at a point lying at a 1/2-inch rebar found at the southeasterly mitered corner of the southwesterly right of way intersection of Meadow Church Road (100' r/w) and Sugarloaf Parkway (r/w varies); thence proceed along said Sugarloaf Parkway, South 25 degrees 26 minutes 51 seconds East a distance of 235.89 feet to a 1/2-inch rebar found; thence leaving said right of way proceed South 64 degrees 33 minutes 54 seconds West a distance of 293.07 feet to a 1/2-inch rebar found; thence proceed North 25 degrees 24 minutes 53 seconds West, a distance of 238.46 feet to a 1/2" rebar lying on the southerly right of way of said Meadow Church Road; thence proceed along said right of way North 63 degrees 07 minutes 19 seconds East, a distance of 283.10 feet to an iron pin set; thence proceed South 71 degrees 04 minutes 26 seconds East, a distance of 13.88 feet to a 1 1/2" rebar found, said 1/2" rebar found being the TRUE POINT OF BEGINNING; shown as containing 1.63 acres on that certain plat of survey entitled "ALTA/ACSM Land Title Survey for Meadow Church Properties LLC; 6590 Sugarloaf Parkway, L.L.C.; KeyBank National Association; Walgreens Co.; and Lawyers Title Insurance Corporation", prepared by Landair Surveying, Inc., bearing the seal and certification of Jon G. Adams, Georgia Registered Land Surveyor Number 2768, dated September 14, 2001, last revised April 16, 2003.

**TOGETHER WITH** the easement created in that certain Declarations of Easements, Covenants, Conditions and Restrictions by Sugarloaf Meadowchurch, LLC, dated July 25, 2001, filed and recorded July 26, 2001 in Deed Book 23964, Page 60, Gwinnett County, Georgia records; as amended by Amendment, dated December 12, 2001, filed and recorded June 7, 2002 in Deed Book 27639, Page 159, aforesaid records.

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November 12, 2021

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

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

**Applicant:**

6590 Sugarloaf Investments, LLC

**Property:**

Tax Parcel ID R7122 185

±1.6277 Acres of Land

Located at 6590 Sugarloaf Parkway, Duluth, Georgia 30097

**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](mailto:mglouton@atclawfirm.com)

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## **I. INTRODUCTION**

This Application for Change in Conditions is submitted for a 1.6277-acre parcel of land located in Land Lot 122 of the 7<sup>th</sup> District of Gwinnett County, Georgia, Duluth, and known as 6590 Sugarloaf Parkway (hereinafter the “Property”). The Property is currently zoned C-2 pursuant to RZ-99-132 and is designated within the “Regional Activity Center” character area on the Gwinnett County 2040 Unified Plan Future Development Map. The Property is shown on the survey prepared by Grant Shepherd & Associates, Inc. dated February 5 and 6, 2013, and filed with this Application. The Property that is the subject of this change in conditions application is owned by Blue Panther Development, LLC and further identified below from the Gwinnett County GIS:



The Applicant, 6590 Sugarloaf Investments, LLC (the “Applicant”) now seeks approval to renovate the interior of the existing building to create tenant units for retail, restaurant and convenience store, and to reconfigure the parking lot to incorporate five (5) fuel pumps. In order to do so, the Applicant is requesting to amend Condition 1.B. of Zoning Resolution RZ-99-132 (attached as Exhibit A) as follows:

1. To restrict the use of the property as follows:

A. Retail and service commercial and accessory uses.

~~B. Outparcel development fronting Sugarloaf Parkway shall be limited to restaurants (excluding drive through restaurants), financial institutions, office professional and accessory uses.~~

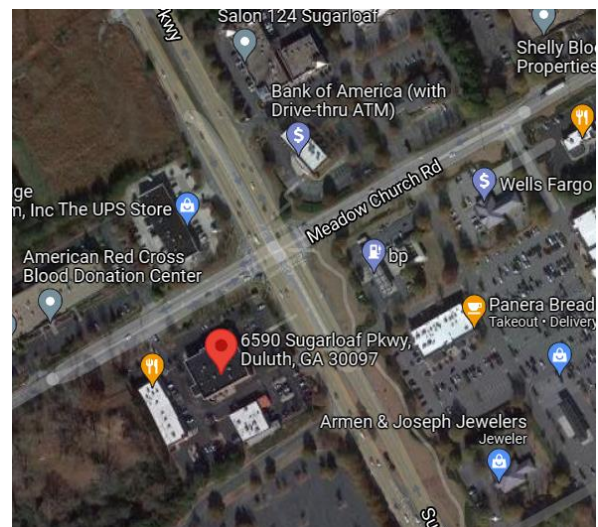
This document is submitted as the Letter of Intent, Response to Standard Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

## II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a square tract at the intersection of Sugarloaf Parkway and Meadow Church Road in Duluth, Georgia. The Property is an outparcel of a larger C-2 development with existing restaurant and retail uses and is adjacent to the Gas South District on the southern and eastern property boundaries. All corners of the intersection are zoned C-2 with additional commercial uses extending in all direction off of the intersection. Uses include retail, restaurant, gas stations, grocery stores, and restaurants with drive-thru windows.

The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Regional Activity Center” Character Area, of the Gwinnett County Future Development Map. The Regional Activity Center Character Area is intended for areas that have intense commercial and office activity. Potential development types include retail, shopping plazas, and large-scale mixed-use developments incorporating such uses.

As referenced above, the surrounding properties in this corridor are zoned commercial. Below are maps of the surrounding uses and the zoning classifications by parcel:



## III. PROJECT SUMMARY

As shown on the conceptual site plan prepared by Civil Consulting Engineers, Inc. dated October 12, 2021, and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes to redevelop the existing Walgreens building into a multi-tenant building that would include an approximately 4,249sf convenience store, 3,000sf restaurant, and four 1,977sf retail spaces totaling 7,908sf. The Applicant would utilize the existing building

footprint which totals 15,157sf. Further, the Applicant proposes to reconfigure the parking lot to include five (5) fuel pumps under a single canopy. The proposed retail spaces will be a permitted use within the C-2 zoning district. The existing parking lot will be reconfigured to incorporate five (5) fuel pumps and a canopy fronting Sugarloaf Parkway. The existing utilities will be used based on the electrician, plumber, and licensed contractor's direction. There will be an addition of two (2) grease traps to support the restaurant and convenience store. The pavement will be replaced as such that the drainage basin and drainage path will be unaltered. The Property will utilize the existing access points on Meadow Church Road and Sugarloaf Parkway. As shown on the site plan, the building, sidewalk, parking and infrastructure are existing. As such, with regard to the requirement set forth in the UDO that buildings shall incorporate landscape areas immediately in front of the building, the Applicant will seek a waiver from said request due to the fact that this is an existing development and there is not sufficient landscape area immediately in front of the existing structure to incorporate new space.

#### **IV. SITE IMPACT ANALYSIS**

Pursuant to UDO § 270-20.6, entitled "Impact Analysis," the Applicant submits its written impact analysis which shows that rezoning to C-2, satisfies UDO § 270-20.5, entitled "Standards Governing Exercise of the Zoning Power," as follows:

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

Yes, approval of the proposed Change in Conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is located at the intersection of Sugarloaf Parkway and Meadow Church Rd. The Property is adjacent to intense, large-scale commercial developments and across the street from existing commercial uses that are consistent with the Applicant's proposal.

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

No, the proposed Change in Conditions Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed change in conditions would allow for a redevelopment that is compatible with existing intense commercial uses on adjacent and nearby properties. Rather the proposed development would complement existing commercial uses and provide a convenient neighborhood serving commercial use for the surrounding community and existing traffic volume on Sugarloaf Parkway.

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

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The Applicant submits that due to the size, location, layout, topography, and natural features of the Property, it does not have reasonable economic use as currently zoned. The Applicant's proposal would allow for the Property to be redeveloped for a use that is consistent with surrounding properties and those on the other corners of the intersection. Further, maintaining the restriction on the Property that the Applicant is seeking to delete would place an undue burden on the Property by putting it at an economic disadvantage to other properties located at the same intersection.

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

No, the proposed change in conditions application will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Sugarloaf Parkway as well as Meadow Church Road. The proposed redevelopment would complement the existing commercial uses in the area by providing a neighborhood serving use that is absent on the east bound side of Sugarloaf Parkway.

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

The proposed change in conditions application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The Property is located within the Regional Activity Center Character Area of the 2040 Future Development Map. Encouraged land uses for the Regional Activity Character Area specifically include intense commercial and retail uses. The proposed development would be compatible with and successfully co-exist with the surrounding 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 PROPOSED CHANGE IN CONDITIONS:

The Applicant submits that the character of the surrounding development and the existing mix of the same or similar intense commercial uses in the area provide supporting reasons for approval of the change in conditions request. The Applicant submits that the Property's location, size, and dimensions, as well as its location at the intersection of Sugarloaf Parkway and Meadow Church Road and intense commercial corridor provide further support for approval of the proposed change in conditions application.

**V. 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, or conditions the Property, in such a way that would

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preclude development of a convenience store with fuel pumps and other retail uses 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 or conditions 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 would deprive the Applicant and Property owner of any reasonable use and redevelopment 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 redeveloped 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 and changes to conditions different than 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 conditions on the Property constitutes 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 change in conditions application 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 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.

This Application 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).

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**VI. CONCLUSION**

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

Respectfully submitted this 4th day of November, 2021.

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

*Melody A. Glouton*

Melody A. Glouton, Esq.

Enclosures  
MAG/ag



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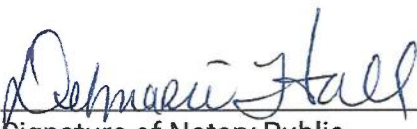
Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 10/2021

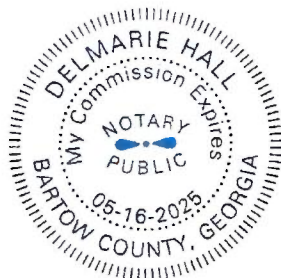
**CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION**

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

Terry Boomer  10/28/21  
\_\_\_\_\_  
Signature of Applicant Date

Terry Boomer / President  
\_\_\_\_\_  
Type or Print Name and Title

 10/28/21  
\_\_\_\_\_  
Signature of Notary Public Date Notary Seal




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Change in Conditions Application  
Last Updated 5/2021


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

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

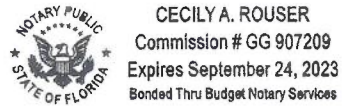
  
Signature of Property Owner

10/29/21  
Date

Geoffrey L. Singer, Manager  
Type or Print Name and Title

  
Signature of Notary Public

10-29-21  
Date

  
Notary Seal

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Change in Conditions Application  
Last Updated 5/2021

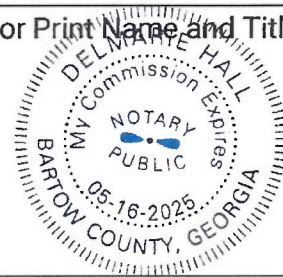
**CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS**

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.

Terry Boomer                      10/28/21                      Terry Boomer / President  
Signature of Applicant                      Date                      Type of Print Name and Title

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

Delmarie Hall                      10/28/21  
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    Terry Boomer  
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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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.

Signature of Applicant	Date	Type of Print Name and Title
<i>Melody A. Glouton</i>	11/4/21	Melody A. Glouton, Attorney for Applicant
Signature of Applicant's Attorney or Representative	Date	Type or Print Name and Title

<i>Angela Gratz</i>	11-4-21	Notary Seal
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    Andersen, Tate & Carr, P.C.  
Your Name

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

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Nicole Love Hendrickson, Commissioner	\$1,000	9/30/2020

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

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Taxes are current

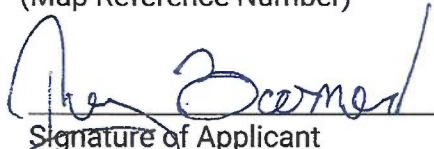
Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 5/2021

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

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

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

**PARCEL I.D. NUMBER:**                      7                      -                      122                      -                      185  
(Map Reference Number)                      District                      Land Lot                      Parcel

  
Signature of Applicant

10/28/21  
Date

Terry Boomer / 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)

  
NAME

Tax Services Assoc. II  
TITLE

11-2-2021  
DATE

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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GWINNETT COUNTY  
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