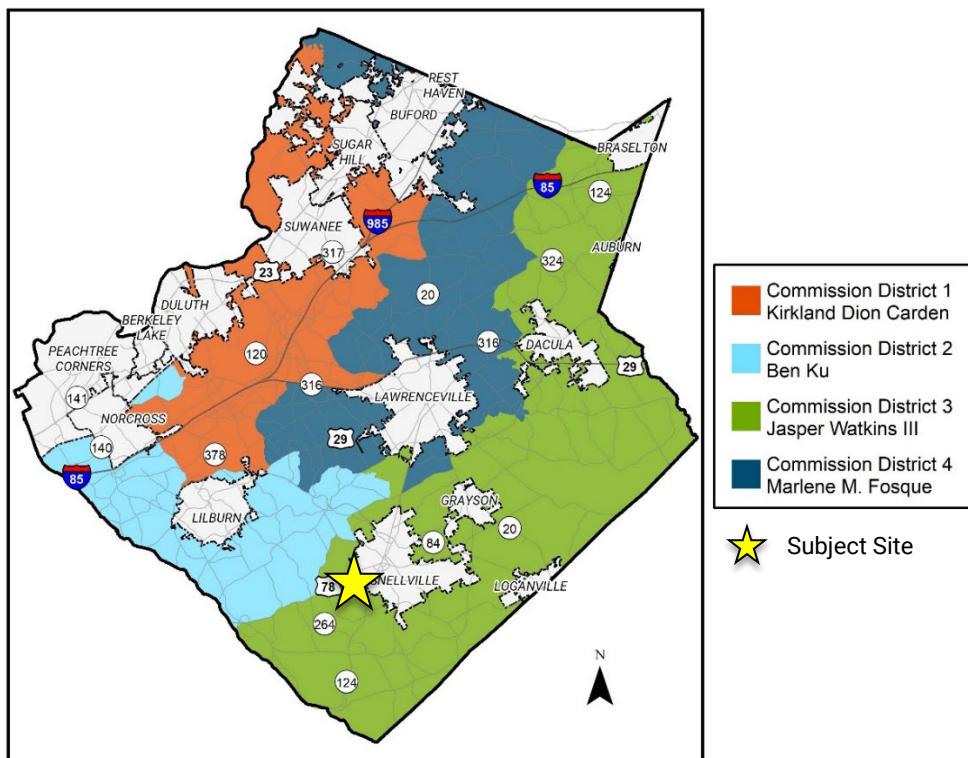




## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

|                              |  |
|------------------------------|--|
| <b>Case Number:</b>          | RZM2022-00019  |
| <b>Current Zoning:</b>       | O-I (Office-Institutional District)                                  |
| <b>Overlay District:</b>     | Centerville /Highway 124 Corridor Overlay District                   |
| <b>Request:</b>              | Rezoning to <b>R-TH</b> (Single-Family Residence Townhouse District) |
| <b>Additional Request:</b>   | Buffer Reduction and Variance  |
| <b>Address:</b>              | 2520, 2530, 2540 Highpoint Road                                      |
| <b>Map Number:</b>           | R6050 353, 354, 355  |
| <b>Site Area:</b>            | 3.35 acres   |
| <b>Units:</b>                | 30   |
| <b>Proposed Development:</b> | Townhouses   |
| <b>Commission District:</b>  | District 3 - Commissioner Watkins                                    |
| <b>Character Area:</b>       | Established Neighborhoods  |

**Staff Recommendation:** APPROVAL WITH CONDITIONS



Planning Commission Advertised Public Hearing Date: 6/7/2022  
Board of Commissioners Advertised Public Hearing Date: 6/28/2022

**Applicant:** Anthony L. Duncan  
6555 Sugarloaf Parkway,  
Suite 307-255  
Duluth, GA 30097

**Owner:** Thurgood Construction, Inc.  
6555 Sugarloaf Parkway,  
Suite 307-255  
Duluth, GA 30097

**Contact:** Anthony L. Duncan

**Contact Phone:** 678.618.8890

## Zoning History

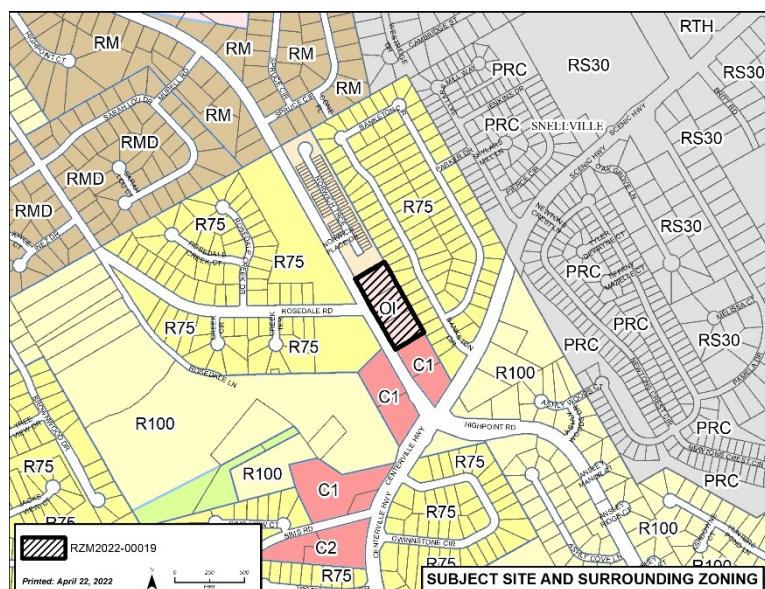
The subject property is zoned O-I (Office-Institutional District) and is an assemblage of three parcels. A 1987 zoning case, REZ1987-00185 rezoned all three parcels from R-100 to O-I for a commercial subdivision. In 1993, a special use permit for personal care home was approved for two parcels (6050 354 and 6050 355), pursuant to SUP1993-00034. In 2004, a special use permit for a daycare center was approved for the southern parcel (6050 353), pursuant to SUP2004-00064.

## Existing Site Condition

The subject site is a 3.35-acre assemblage of three parcels located along the east side of Highpoint Road, north of its intersection with Scenic Highway. The property is wooded and undeveloped. The site slopes upward from Highpoint Road towards the east by approximately 20 feet. There are no sidewalks along Highpoint Road. Currently, there is no vehicular access to the property. The nearest Gwinnett County Transit stop is approximately 6.5 miles from the site.

## Surrounding Use and Zoning

The subject site is surrounded by single-family homes and townhouses on three sides and commercially zoned property on the south side. The adjacent commercial property on the south is wooded and undeveloped. There are commercial uses on the west side of Highpoint Road at its intersection with Scenic Highway, such as convenience store with fuel pumps, restaurants, and a hair salon. The following is a summary of surrounding uses and zoning:



| Location | Land Use                  | Zoning | Density             |
|----------|---------------------------|--------|---------------------|
| Proposed | Townhouses                | R-TH   | 8.95 units per acre |
| North    | Townhouses                | R-TH   | 7.94 units per acre |
| East     | Single-Family Residential | R-75   | 2.67 units per acre |
| South    | Undeveloped               | C-1    | N/A                 |
| West     | Undeveloped               | R-75   | N/A                 |

## Project Summary

The applicant requests rezoning of a 3.35-acre site from O-I to R-TH to construct a townhouse development, including:

- Thirty single-family attached townhouse units with a minimum heated floor area of 1,800 square feet and a maximum building height of 35 feet, yielding a net density of 8.95 units per acre.
- One full access entrance from Highpoint Road.
- Double car garages and driveways for each unit.
- Eight guest parking spaces located at the cul-de-sac.
- 4-foot-wide sidewalks located on both sides of internal street.
- A 20-foot-wide landscaped setback along the frontage of Highpoint Road.
- A 25-foot-wide landscaped buffer adjacent to R-75 zoned property to the east.
- A stormwater management facility located on the northern end of the site.
- Front facades consisting of brick, stacked stone, cedar shake, fiber cement siding, and/or board and batten.
- Sides of the townhouses consisting of brick and fiber cement.
- The rear of the townhouses consisting of fiber cement.

## Zoning and Development Standards

The applicant is requesting a rezoning to R-TH, Single-Family Residence Townhouse District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

| Standard                               | Required  | Proposed            | Meets Standard? |
|--|---|---------------------|-----------------|
| Building Height                        | Maximum 35'   | 35'                 | YES             |
| External Front Yard Landscaped Setback | Minimum 30'   | 20'                 | NO*             |
| External Side Setback                  | Minimum 20'   | 20'                 | YES             |
| External Rear Setback                  | Minimum 20'   | >20'                | YES             |
| Off-Street Parking                     | Minimum 90 spaces<br>Maximum 180 spaces   | 120 spaces          | YES             |
| Guest Parking                          | Minimum 8 spaces  | 8                   | YES             |
| Density                                | Maximum 10 units per acre   | 8.95 units per acre | YES             |
| Common Area                            | Minimum 15% or 0.50 acres   | 1.33 acres          | YES             |
| Heated Floor Area                      | Minimum 1,000 square feet (2-Bedroom)<br>Minimum 1,200 square feet (3-Bedroom)<br>Minimum 1,400 square feet (4-Bedroom) | 1,800 square feet   | YES             |
| Zoning Buffer                          | 30 feet adjacent to R-75  | 0                   | NO**            |

\* The applicant requests to reduce the required 30-foot wide landscaped setback along the exterior street frontage to a 20-foot wide landscaped setback. 30-foot wide landscaped setback is required when the rear of buildings face external public streets.

\*\* The applicant requests to reduce the required undisturbed zoning buffer along the eastern property line from 30 feet to 0 feet. The applicant proposes a 25-foot-wide landscaped buffer along the eastern property line adjacent to R-75.

## **Waiver Request**

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

1. Section 610-20.5. Minimum Buffer Requirements:

A. Required buffers shall be provided in conformity [with] Table 610.0 "Table of Minimum Buffer Requirements".

*I. A 30-foot undisturbed zoning buffer adjacent to R-75 zoned property.*

The applicant requests a reduction of the required 30-foot-wide undisturbed zoning buffer on the eastern property line to 0 feet. The applicant proposes a 25-foot-wide landscape buffer along the eastern property line adjacent to R-75 zoned properties.

## **Variance Request**

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

210-100.6 Site and Architectural Design Standards:

**A. When the rear of buildings face external public streets, a 30-foot wide landscaped setback shall be provided along the exterior street frontage.**

The applicant proposes to reduce the required 30-foot wide landscaped setback along the exterior street frontage to 20-foot wide landscaped setback.

## **Internal and External Agency Review**

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

## Staff Analysis

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

**A. Whether a proposed zoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The area is characterized by single-family residential and commercial retail uses. Directly adjacent to the north is Norwich Place subdivision, zoned R-TH with townhouses and a density of 7.94 units per acre. Adjacent to the east is the Bankston Woods subdivision, a single-family detached subdivision zoned R-75 with a density of 2.82 units per acre. To the West, across Highpoint Road, is an undeveloped 9.09-acre parcel zoned R-75 that adjoins the Rosedale Creek subdivision, zoned R-75 developed at a density of 2.5 units per acre. With conditions of approval, the rezoning request would be suitable in view of the use and development of adjacent and nearby properties.

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

The proposed rezoning would not adversely affect adjacent or nearby properties existing use or usability. The townhouse subdivision would be consistent with the adjoining townhouse subdivision and compatible with surrounding single-family detached subdivisions. The recommended conditions of approval would mitigate potential adverse aesthetic, property maintenance, and stormwater impacts.

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

The property has reasonable economic use as currently zoned.

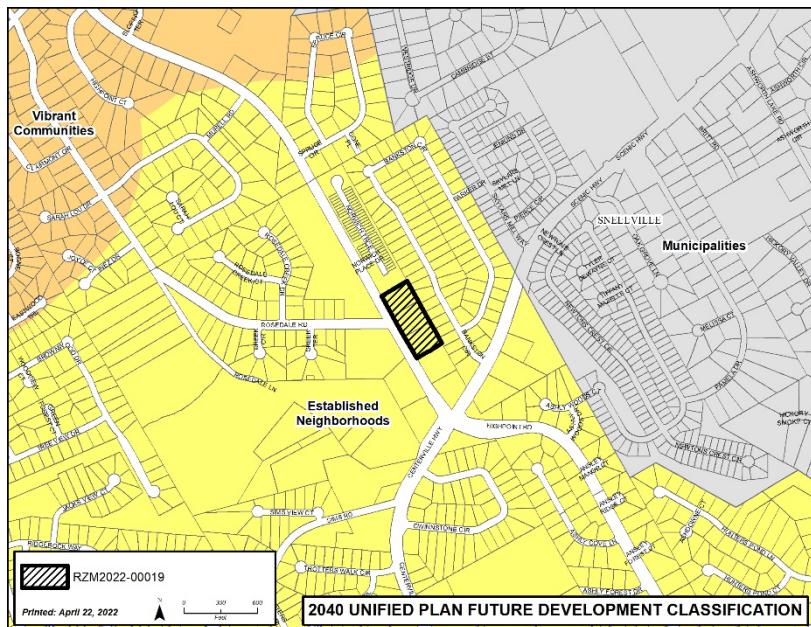
**D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

Impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. An impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning request is attached (Exhibit E).

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

The 2040 Unified Plan and Future Development Map indicate the subject property is within the Established Neighborhoods Character Area. This designation includes residential areas that are not anticipated to experience significant changes and encourage residential infill developments that are consistent in scale with nearby properties. Townhouses are expressly stated as a

potential development type in this Character Area. Likewise, the Unified Plan promotes pedestrian connectivity. The adjacent townhouse development contains a sidewalk along Highpoint Road; the applicant intends to extend the existing sidewalk to the proposed development. Therefore, the requested rezoning would be consistent with the policy and intent of the Unified Plan and Future Development Map.



**F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.**

The site is surrounded by residential and commercial uses. The townhouse development to the north was approved in 2018 and is substantially similar in terms of use, site design, and density. To the west, the property is developed with single-family residential development. Also, along Highpoint Road are other properties zoned RM and developed with duplexes and quadruplexes; these include the Murrell Corners, Murrell Estates, Highpoint Landing, and Overlook Terrace subdivisions. If designed with conditions that protect the single-family developments and creates a visually appealing frontage along Highpoint Road, the proposed townhouses may be compatible with the surrounding area.

**Waiver Request Analysis:** When considering waivers from Title III of the UDO, staff is required to review whether an undue hardship may result from strict compliance with the regulations and that approval would not adversely affect the general public welfare or nullify the intent of the Development Regulations. In addition, there must be a determination that there are unusual topographical or other exceptional conditions. Staff makes the following findings related to the waiver request:

The applicant requests a reduction of the required 30-foot wide undisturbed zoning buffer to 0 feet adjacent to the R-75 zoned property. The applicant proposes a 25-foot wide landscaped buffer in lieu of a 30-foot wide undisturbed zoning buffer. The R-75 zoned property currently contains single-family detached residences within a subdivision. The reduced buffer would be landscaped and it would be appropriate adjacent to a similar use at a lower density. Therefore,

reducing the buffer would likely not adversely affect the general public welfare or nullify the intent of the Development Regulations.

**Variance Request Analysis:** The standards for granting variances are outlined in Section 270-100.7 of the Unified Development Ordinance. The staff makes the following findings related to the variance request:

The requested variance is to reduce the required 30-foot wide landscaped setback along the exterior street frontage to a 20-foot wide landscaped setback. The adjacent townhouse development has a 20-foot-wide landscape setback from Highpoint Road. Approving this variance request would create a cohesive street frontage by matching the existing setback of the adjacent development. The subject property is relatively narrow width which creates a hardship for development. The condition is a natural hardship and is not created due to the action of the property owner. Therefore, the requested variance meets the criteria outlined in Section 270-100.7 of the Unified Development Ordinance.

## **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 **APPROVAL WITH CONDITIONS** of the rezoning request.

In addition, staff recommends **APPROVAL** of the following waiver request:

1. To replace the required 30-foot-wide zoning buffer adjacent to the R-75 zoning district with a 25-foot-wide landscape buffer.

In addition, staff recommends **APPROVAL** of the following variance request:

1. To provide a 20-foot-wide landscape setback along Highpoint Road in lieu of the required 30-foot-wide landscape setback.

## **Staff Recommended Conditions**

Approval as R-TH (Single Family Residence Townhouse District) for townhouses, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with the Exhibit B: Site Plan dated received May 12, 2022, and Exhibit C: Building Elevations dated received April 17, 2022, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. Uses shall be limited to single-family attached townhouses and accessory uses, not to exceed 30 units.
3. The minimum heated floor area per unit shall be 1,800 square feet.

4. All townhouses shall comply with Architectural Design Category 3. Façades oriented towards the external right of way, shall also comply with Architecture Design Standard for category 3, per section 6.5.0 - Attached Residential Buildings.
5. The road frontage and subdivision entrance shall be landscaped by the developer and maintained by homeowners association or property management company. Frontage plan shall include a wrought iron style fence with brick or stone columns spaced 30 feet on center and landscaping extending along the Highpoint Road frontage. Entrances shall include a decorative masonry entrance feature. Landscape and entrance feature plans shall be subject to review and approval by the Planning and Development Department.
6. A six-foot high stained wooden privacy fence shall be provided along the entire length of the rear property line adjoining Bankston Woods subdivision.
7. All dwellings shall have at least a double-car garage.
8. Natural vegetation shall remain on the property until the issuance of a development permit
9. All grassed areas shall be sodded.
10. Stormwater BMP facilities shall be screened from view of adjoining properties and rights of way by landscaping and/or decorative fencing that is similar in appearance to fencing around pond in adjoining Norwich Place subdivision and that is in compliance with the Gwinnett County Stormwater Management Manual, subject to review and approval by the Planning and Development Department.
11. An onsite property management office shall be provided with regularly scheduled business hours for the convenience of residents if rental units are provided.
12. Development entrance shall align with the intersection of Highpoint Road and Rosedale Road.
13. A right-of-way at the proposed entrance to the development shall be dedicated for a future roundabout and shall be subject to review and approval by the Gwinnett County Department of Transportation (GCDOT).

**Exhibits:**

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

**Exhibit A: Site Visit Photos**

**[attached]**



View of the site from Highpoint Road



View of the site from Highpoint Road



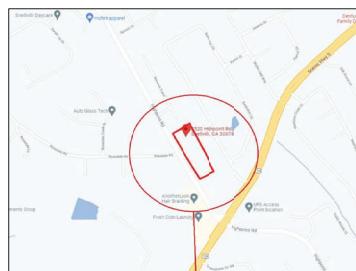
View of the adjacent R-TH property



View of the adjacent R-TH property

**Exhibit B: Site Plan**

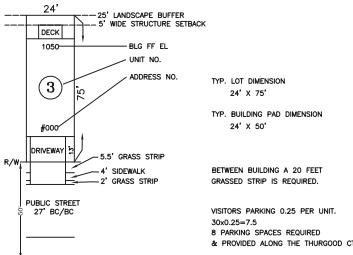
**[attached]**



VICINITY MAP  
N.T.S.

TYPICAL UNIT LAYOUT  
LOT 1800 SF

EXTERIOR BOUNDARY LINE



## DEVELOPMENT SUMMARY

1. TOTAL PROPERTY ACREAGE - 335 AC  
2. TOTAL NUMBER OF UNITS - 100  
3. MINIMUM UNIT SIZE - 1,000 SF / 160 SF PER UNIT  
4. THREE STORY UNITS - 24 UNITS / 100% PERMIT  
5. CURRENT ZONING (S) OF OFFICE/INSTITUTIONAL  
6. PROPOSED REZONING PARCELS # 8000 353 01600 354 / # 8000 355  
7. PROPOSED ZONING / RTH - I USED PROPOSED USE / 100% MUNICIPALLY RESIDENTIAL  
8. PROPOSED NUMBER OF UNITS / UNITS / MAX ALLOWED  
9. NET DENSITY PER PROPERTY / UNITS / ACRES  
10. COMMON AREA SPACE / 1.00 ACRES  
11. FRONT ENTRY TOWNSHOME WIDTH 24 FEET / MAXIMUM HEIGHTS 35 FEET / 2 CAR GARAGES WITH DRIVEWAYS FOR 2 CARS. ALL UNITS  
12. REQUIRED SETBACKS -  
a. FRONT YARD 10' (ADJACENT TO HIGH POINT ROW)  
b. SIDE YARD 10' (ADJACENT TO HIGH POINT ROW)  
c. REAR YARD 10' (ADJACENT TO HIGH POINT ROW)  
d. 30' LANDSCAPE SETBACK ALONG EXTERIOR ROADWAYS  
13. ALL LOTS TO BE SERVED BY SANITARY SEWER  
14. ALL LOTS TO BE SERVED BY POTABLE WATER FROM GWINNETT COUNTY  
15. NO PORTION OF THE PROPERTY LOCATED UPON A FLOOD HAZARD AREA AS PER GWINNETT COUNTY FIRM COMMUNITY  
PANEL NO. 113130213071 DATED 02/05/2005  
16. NO PORTION OF THE PROPERTY LOCATED UPON THE RECORDED DEEDS 88-10014, 88-10116, 88-10207, 88-10609, PS 19,  
17. TOPOGRAPHIC AND UTILITIES INFORMATION BASED ON GWINNETT COUNTY GBL  
18. SEI PLANS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE BASED ON ACTUAL ZONING CONDITIONS  
19. NO PORTION OF THE PROPERTY LOCATED UPON THE RECORDED DEEDS 88-10014, 88-10116, 88-10207, 88-10609, PS 19,  
20. APPLICANT NOTICED REZONING CONDITIONS SET FORTH AT R0201640001 AND AS A CONDITION TO REZONING THE ADDED-REFRENCED  
21. APPLICANT ACCEPTS THE CONDITIONS OF THE APPLICANT R0201640001 REZONING CONDITIONS AS SECTIONS 1, A-2, AND 2, AS ADVISED  
22. SIDEWALKS AND CURB AND GUTTER TO BE INSTALLED ALONG HIGHPOINT, SIDEWALKS WILL BE INSTALLED ON BOTH SIDES ON  
23. 8' GUEST PARKING SPACE PROVIDED ALONG UNTIL STREET

**VARIANCES REQUIRED**

REVISION 05/12/2022

## REZONING PLAN

|   |   |              |
|---|---|--------------|
| REZONING PLAT   |   | SHEET 1 OF 1 |
| PLAT PREPARED FOR: ANTHONY DUNCAN   |   |              |
| 0   | PROPERTY ADDRESS:<br>2520, 2530, 2540 HIGHPOINT ROAD<br>SNELLVILLE GA 30078 |              |
|  <p>2007 ELECTIONS, RECORD AND A FUGITIVE FROM JUSTICE WAS LOCATED<br/>ON THIS PROPERTY.</p> |   |              |
| <p>24 LEND POINTS<br/>FAX 404-232-5741<br/>INFO@PLATCOM.COM</p> <p>ANTHONY DUNCAN<br/>S, INC</p>  |   |              |



PROPERTY  
TOTAL LAND AREA  
146,158.86 SF = 3.35 AC  
  
OPEN SPACE  
58,061.89 SF = 1.33 AC  
  
RIGHT OF WAY (PUBLIC)  
THURGOOD COURT  
33,683.47 SF = 0.77 AC  
  
TOTAL AREA FOR 32 LOTS  
64,445.18 SF = 1.56 AC

54,413.50 SF=1.25 AC

A horizontal scale with numerical markings at 0 and 30. A vertical line is drawn at the 15 mark.

SCALE 1" = 30'

## GWINNETT COUNTY PLANNING AND DEVELOPMENT

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5/12/2022

**\* L E G E N D**

#### SURVEY NOTES:

1. SURVEY, DEMINING, SANITARY SEWER AND OTHER BURIED UTILITIES, MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREIN ARE BASED ON ABOVE GROUND STRUCTURES AND MAY NOT BE PRECISE. THE LOCATION OF BURIED UTILITIES UNDERGROUND MAY VARY FROM LOCATION SHOWN HEREIN. ADDITIONAL SURVEYING AND EXCAVATION MAY BE REQUIRED TO LOCATE UTILITIES DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. THE SURVEYOR, CONTRACTOR, ENGINEER, SURVEY COMPANY, AND GAS, WATER, AND SEWER COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF LOCATED UTILITIES.

2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE PROPERTY OWNED BY THE INDIVIDUAL OR ENTITY OWNERSHIP OF THE LOCATED UTILITIES DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE, OWNERSHIP, AND OTHER RIGHTS OF WAY, WHETHER PUBLIC OR PRIVATE, ARE NOT SHOWN ON THIS PLAT.

3. THIS PLAT WAS PREPARED FOR THE PURPOSE OF AN INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIONS, AND OTHER INFORMATION OF RECORD. IT IS THE RESPONSIBILITY OF THE OWNER OR PERSON ORDERING THE SURVEY TO RESPOND TO ANY QUESTIONS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

4. THIS PLAT WAS PREPARED FOR THE PURPOSE OF AN INDEPENDENT COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OTHER OWNERSHIP INTERESTS. IT IS THE RESPONSIBILITY OF THE OWNER OR PERSON ORDERING THE SURVEY TO RESPONSIBLY CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT, EASEMENTS AND ENCUMBRANCES.

5. SURVEY LAND EXPRESS, INC. IS NOT RESPONSIBLE FOR AND DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION CONTAINED ON THIS PLAT. CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE OWNER OR PERSON ORDERING THIS PLAT VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.

6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY ORDERING THIS PLAT. IT IS THE RESPONSIBILITY OF ANY UNNAMED PERSON, PERSONS, OR ENTITY TO USE THIS EXPRESSION OF SURVEY INFORMATION FOR THE BENEFIT OF THE NAMED PERSON, PERSONS, OR ENTITY.

7. THIS INFORMATION PROVIDED IS AS REFERENCED DEEDS WITHOUT ACTUAL FIELD WORK. TROP IS TAKEN FROM GS MAPS.

**Exhibit C: Building Elevations**

**[attached]**

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4/17/2022



Design Evolutions Inc., GA  
RESIDENTIAL DESIGN SERVICES

REAR ELEVATION

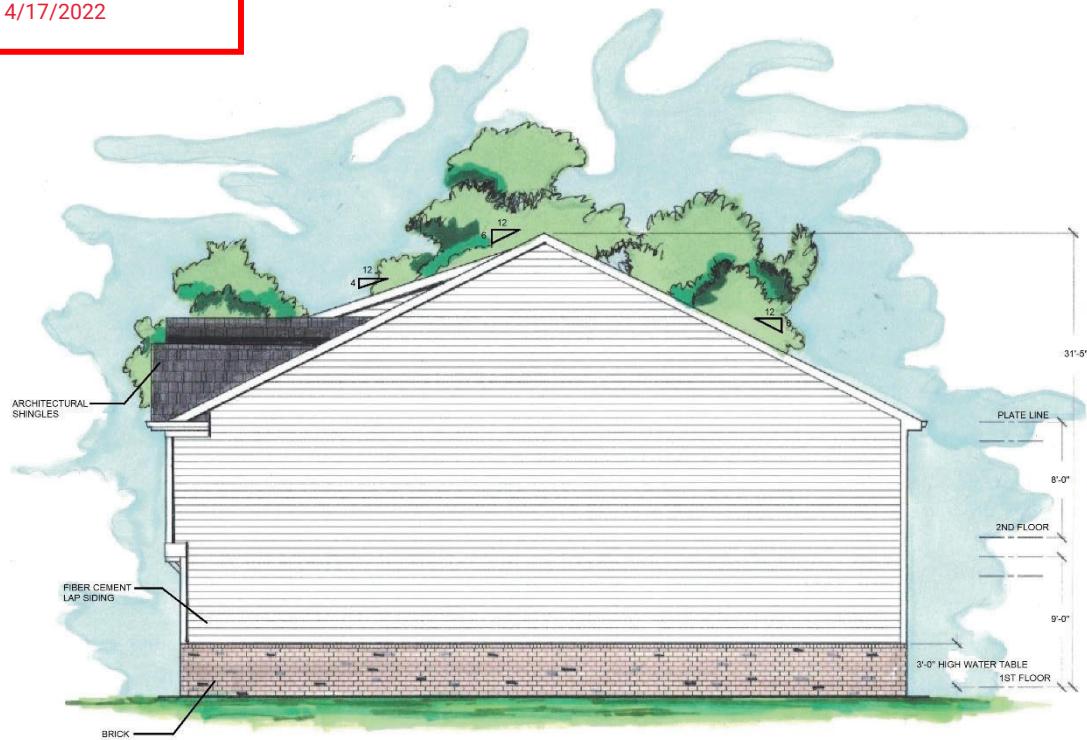
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4/17/2022



RECEIVED

4/17/2022



 Design Evolutions Inc., GA  
2015 ORIGINATOR DESIGNER GROUP LTD.

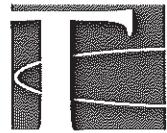
RIGHT ELEVATION

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

**[attached]**

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4/17/2022



**THURGOOD**  
CONSTRUCTION  
GENERAL CONTRACTORS

6555 Sugarloaf Pkwy  
Suite 307-255  
Duluth, Ga. 30097  
Cell: 678.618.8890  
[anthony@thurgoodconstructioninc.com](mailto:anthony@thurgoodconstructioninc.com)

March 28, 2022

**LETTER OF INTENT FOR REZONING APPLICATION**

Proposed Rezoning - Parcels R6050 353 / R6050 354 / R6050 355

Thurgood Construction, Inc. submits this Letter of Intent and attached Rezoning Application for the purpose of rezoning to the R-TH zoning classification an approximately 3.35 - acre tract (the “Property”) situated along Highpoint Road, Snellville, Ga. The Property is currently zoned O-I (Office-Institutional District).

The Applicant proposes to develop a single-family residential community, consisting of 30 attached residential townhomes. The proposed development will have a net density of approximately 8.95 units per acre, which is less than the maximum (10 units per acre) allowed density prescribed for in the R-TH zoning classification set forth in the Gwinnett County Unified Development Ordinance (the “UDO”). The proposed single-family community would consist of homes at a size, quality and price-point commensurate with or exceeding homes in the surrounding area. The proposed townhomes will include attractive architectural elements which are compatible with the surrounding area. The front facades of the homes will be constructed primarily of brick, stacked stone, cedar shake, fiber-cement siding, and/or board and batten as depicted in the building elevations submitted with the Application. In addition, the rear of the townhomes will be fiber cement and the sides of the townhome that face the front entrance drive will be brick and the remaining townhome sides will include a three-foot brick water table and fiber cement.

The proposed townhomes are front-entry units with two-car garages on the front elevation and will be accessed by internal streets and driveways. Currently, the proposed units will be a minimum of 24 feet wide with a minimum of 1,800 square feet of heated floor area and a building height of approximately 32 feet. The proposed community will also feature approximately 1.33 acres of common open space on the Property.

The Applicant proposes to develop the Property with a single entrance located off Highpoint Road. The entrance will include attractive landscaping, a decorative wrought iron fence with

**GWINNETT COUNTY  
PLANNING AND DEVELOPMENT**  
brick/stone columns and landscaping extending along Highpoint Road frontage, and an entrance monument creating an attractive streetscape.

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The Applicant is also proposing a reduction to the 30' feet dissimilar zoning buffer adjacent to the property zoned R-75 to a 25' buffer as depicted on the Concept Site Plan submitted herewith. Additionally, Applicant is proposing: 1). a reduction of the required 50' front exterior setback to 20'; and 2.) a reduction of the required 30' feet landscaped setback along exterior roadways to 20'.

Applicant notes rezoning conditions set forth at **RZM2018-00001** and as a condition to rezoning the above-referenced parcels, Applicant accepts the application of **RZM2018-0001** conditions at Sections 1. A.-F.; and 2. A.-G., as applicable. In addition, the Applicant proposes a five-foot-wide sidewalk and curb and gutter installed along Highpoint Road with streetscape trees, landscaping and sidewalks installed on both sides on new internal streets.

Although the Property is currently zoned O-I, the surrounding area is largely residential with sparse commercial properties at intersections and along major travel corridors such as Scenic Highway just to the east. The Property is adjacent to land zoned R-TH and R-75. A rezoning to R-TH would provide a transitional use from the more intense multifamily residential uses allowed in the existing O-I zoning classifications including several duplex and quadplex units which are present just west of the Property along Highpoint Road and Spruce Circle in the Avalon Circle subdivision. Thus, an approval of the Application will bring the property's zoning classification in line with adjacent properties and reduce the intensity of development allowed on the Property.

The Applicant welcomes the opportunity to meet with the staff of the Gwinnett County Planning & Development Department to answer any questions or to address any concerns relating to the Rezoning Applications filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 28th day of March, 2022. If you have any questions, please contact me at 678.618.8890.

Sincerely,

Thurgood Construction, Inc.

  
Anthony L. Duncan  
President

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4/17/2022

**REZONING APPLICANT'S RESPONSE**  
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

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

Please SEE Attached

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

Please SEE Attached

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

Please See Attached

- (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:

Please SEE Attached

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

Please See Attached

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

Please See Attached

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4/17/2022

**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

- A. Yes, the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Property is located on Highpoint Road just west of Scenic Highway (aka Georgia State Route 124). The Property is currently zoned O-I. The Property is also adjacent to land zoned R-TH and R-75 residential zoning classifications. Rezoning this Property to R-TH is compatible with substantially all zoning classifications along Highpoint Road - which primarily have residential zoning classifications.
- B. No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classification is compatible with existing multifamily and townhouse zoning classifications of adjacent properties. In fact, an adjacent property was recently rezoned to R-TH. See [RZM 2018-00001](#).
- C. Due to the size, location, layout and dimensions of the subject property, the Applicant submits that the property does not have reasonable economic use as currently zoned. See property subject to [RZM 2018-00001](#). We note the Property subject to the proposed Rezoning Application is substantially similar but much smaller in size which far limits its economic use as currently zoned.
- D. No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Scenic Highway (State Route 124) and Stone Mountain Highway (US 78).
- E. Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County Land Use Plan.
- F. The Applicant submits that the subject Property's proximity to Scenic Highway to the east and Stone Mountain Highway to the west provides additional support of this Application. Additionally, the Property is currently zoned O-I and the proposed R-TH zoning would result in a downzoning of the Property. Lastly, the adjacent property was allowed to downzone to R-TH from O-I in [RZM 2018-00001](#).

**Exhibit E: Internal and External Agency Review Comments**

**[attached]**



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

|                                       |  |  |                                    |
|---------------------------------------|--|--|------------------------------------|
| <b>TRC Meeting Date:</b>              |  | 5.18.22  |                                    |
| Department/Agency Name:               |  | Transportation   |                                    |
| Reviewer Name:                        |  | Brent Hodges   |                                    |
| Reviewer Title:                       |  | Construction Manager 1   |                                    |
| Reviewer Email Address:               |  | <a href="mailto:Brent.Hodges@gwinnettcounty.com">Brent.Hodges@gwinnettcounty.com</a> |                                    |
| Case Number:                          |  | RZM2022-00019  |                                    |
| Case Address:                         |  | 2530, 2540, and 2550 Highpoint Road  |                                    |
| <b>Comments:</b>                      |  | <input checked="" type="checkbox"/> <b>YES</b>                                       | <input type="checkbox"/> <b>NO</b> |
| 1                                     | Highpoint Road is a major collector. ADT = 6,289.  |  |                                    |
| 2                                     | 6.5 miles to nearest transit facility (#2335042) located at Sugarloaf Parkway and Johnson Landing Plaza.   |  |                                    |
| 3                                     | Prior to the issuance of a Development Permit, a sight distance certification shall be provided.   |  |                                    |
| 4                                     | Standard deceleration lanes with appropriate taper and adequate right-of-way will be required.   |  |                                    |
| 5                                     | A 5' sidewalk will be required along the property frontage.  |  |                                    |
| 6                                     |  |  |                                    |
| 7                                     |  |  |                                    |
| <b>Recommended Zoning Conditions:</b> |  | <input checked="" type="checkbox"/> <b>YES</b>                                       | <input type="checkbox"/> <b>NO</b> |
| 1                                     | Development entrance shall align with the intersection of Highpoint Road and Rosedale Road.  |  |                                    |
| 2                                     | Coordinate with the Gwinnett County Department of Transportation (GCDOT) to dedicate right-of-way at the proposed entrance to the development for a future roundabout. |  |                                    |
| 3                                     |  |  |                                    |
| 4                                     |  |  |                                    |
| 5                                     |  |  |                                    |
| 6                                     |  |  |                                    |
| 7                                     |  |  |                                    |

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

*Revised 7/26/2021*



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

|                                       |   |  |            |                                     |           |
|---------------------------------------|---|--|------------|-------------------------------------|-----------|
| <b>TRC Meeting Date:</b>              |   | Wednesday, May 18, 2022  |            |                                     |           |
| Department/Agency Name:               |   | DWR  |            |                                     |           |
| Reviewer Name:                        |   | Mike Pappas  |            |                                     |           |
| Reviewer Title:                       |   | GIS Planning Manager   |            |                                     |           |
| Reviewer Email Address:               |   | <a href="mailto:Michael.Pappas@gwinnettcounty.com">Michael.Pappas@gwinnettcounty.com</a> |            |                                     |           |
| Case Number:                          |   | RZM2022-00019  |            |                                     |           |
| Case Address:                         |   | 2520, 2530, 2540 Highpoint Road  |            |                                     |           |
| <b>Comments:</b>                      |   | <input checked="" type="checkbox"/>  | <b>YES</b> | <input type="checkbox"/>            | <b>NO</b> |
| 1                                     | Water: The development may connect to an 8-inch water main located on the east right-of-way of Highpoint Road.  |  |            |                                     |           |
| 2                                     | Water: The existing 36-inch water main on Highpoint Road must be avoided during all phases of construction including the installation of acceleration and deceleration lanes. |  |            |                                     |           |
| 3                                     | Sewer: A Sewer Capacity Certification is required to confirm capacity.  |  |            |                                     |           |
| 4                                     | Sewer: Pending available sewer capacity, the development may be able to connect to an existing 8-inch sanitary sewer main located on the west right-of-way of Highpoint Road. |  |            |                                     |           |
| 5                                     | Sewer: As shown in the submitted site plan, the gravity sewer main and associated easement may be in conflict with the proposed stormwater pond.                              |  |            |                                     |           |
| 6                                     | Sewer: Sanitary sewer shall not be installed under existing or proposed ponds or lakes.   |  |            |                                     |           |
| 7                                     |   |  |            |                                     |           |
| <b>Recommended Zoning Conditions:</b> |   | <input type="checkbox"/>   | <b>YES</b> | <input checked="" type="checkbox"/> | <b>NO</b> |
| 1                                     |   |  |            |                                     |           |
| 2                                     |   |  |            |                                     |           |
| 3                                     |   |  |            |                                     |           |
| 4                                     |   |  |            |                                     |           |
| 5                                     |   |  |            |                                     |           |
| 6                                     |   |  |            |                                     |           |
| 7                                     |   |  |            |                                     |           |

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

Revised 7/26/2021



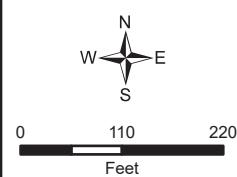
## LEGEND

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

RZM2022-00019

O-I to R-TH

## Water & Sewer Utility Map



## LOCATION



**Water Comments:** The development may connect to an 8-inch water main located on the east right-of-way of Highpoint Road. The existing 36-inch water main on Highpoint Road must be avoided during all phases of construction including the installation of acceleration and deceleration lanes.

**Sewer Comments:** A Sewer Capacity Certification is required to confirm capacity. Pending available sewer capacity, the development may be able to connect to an existing 8-inch sanitary sewer main located on the west right-of-way of Highpoint Road. As shown in the submitted site plan, the gravity sewer main and associated easement may be in conflict with the proposed stormwater pond. Sanitary sewer shall not be installed under existing or proposed ponds or lakes.

**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. ZM-12-024, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance by the applicable utilities, service would then become available under the applicable utility permit rate schedules.

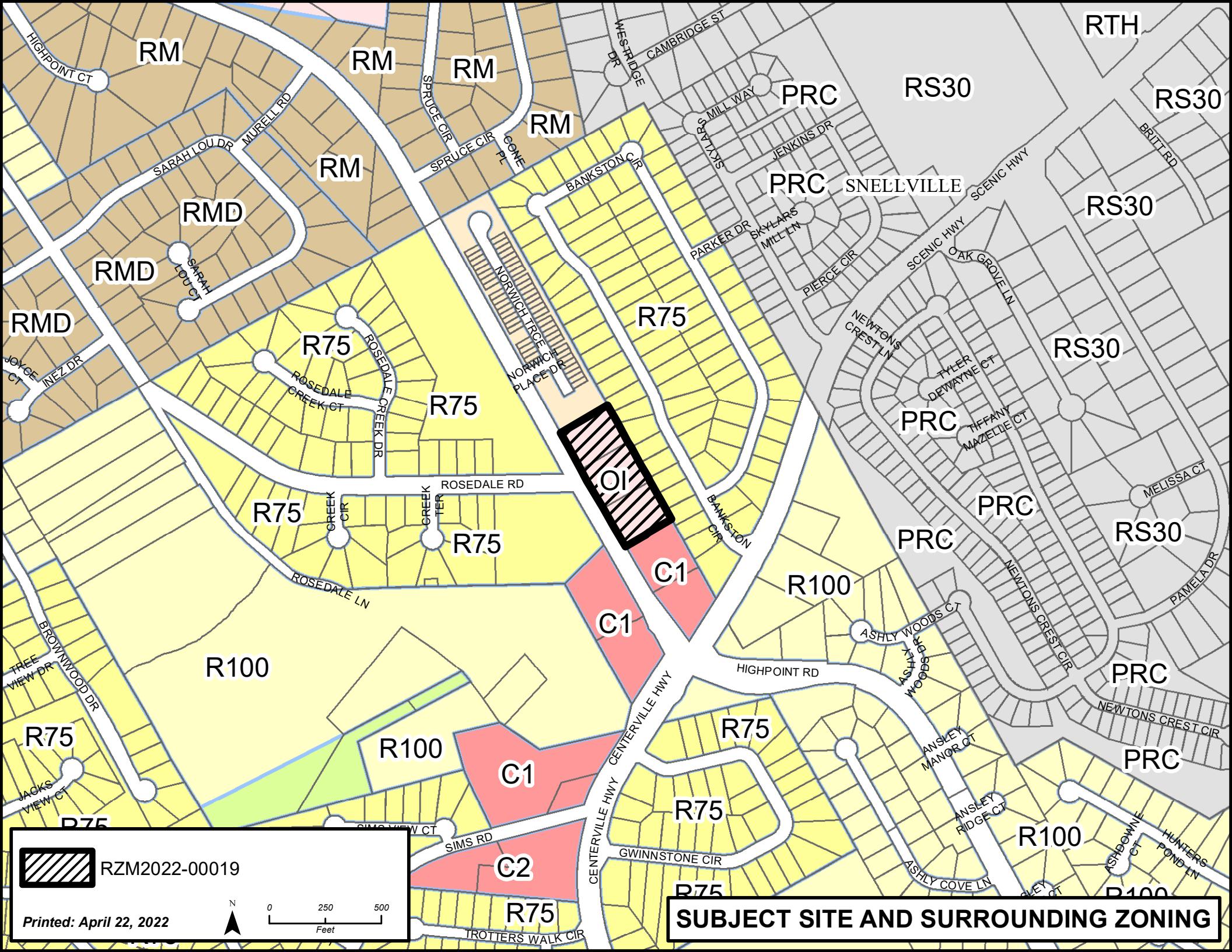
**Private Road Developments:** Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among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

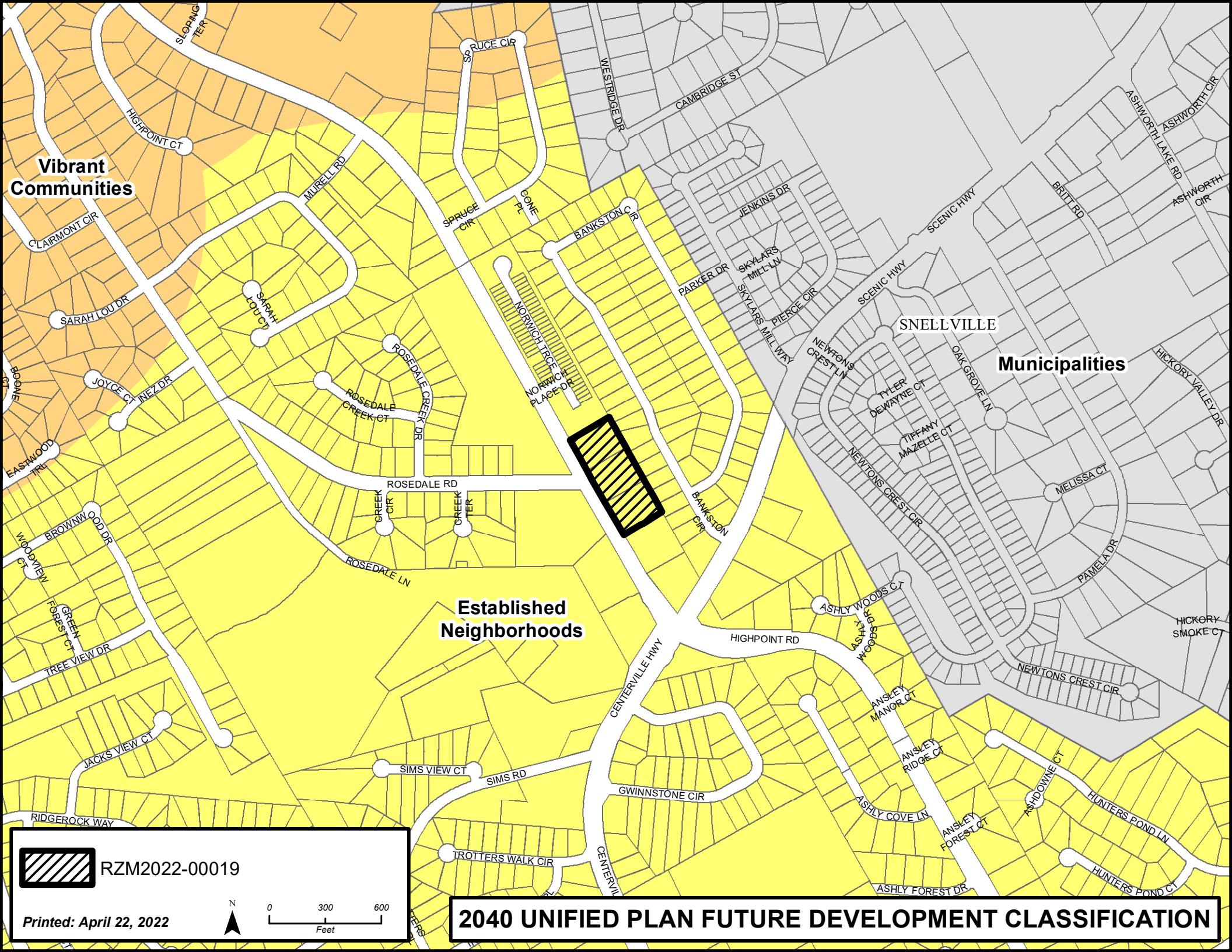
| Residential Rezoning Impact on Local Schools<br>Prepared for Gwinnett County BOC, June, 2022 |                           |          |                  |          |          |                  |          |          |                  |          |  | Proposed Zoning |
|--|---------------------------|----------|------------------|----------|----------|------------------|----------|----------|------------------|----------|--|-----------------|
|  | School                    | Forecast | 2022-23 Capacity | +/- Cap. | Forecast | 2023-24 Capacity | +/- Cap. | Forecast | 2024-25 Capacity | +/- Cap. | Approximate Student Projections from Proposed Developments |                 |
| CIC2022-00016  | <b>Parkview HS</b>        | 3,208    | 2,900            | 308      | 3,240    | 2,900            | 340      | 3,224    | 2,900            | 324      | 25   |                 |
|  | <b>Trickum MS</b>         | 2,160    | 1,775            | 385      | 2,182    | 1,775            | 407      | 2,170    | 1,775            | 395      | 18   |                 |
|  | Mountain Park ES          | 618      | 450              | 168      | 609      | 450              | 159      | 621      | 450              | 171      | 32   |                 |
| RZM2022-00019  | <b>South Gwinnett HS</b>  | 2,735    | 2,750            | -15      | 2,790    | 2,750            | 40       | 2,832    | 2,750            | 82       | 5  |                 |
|  | <b>Snellville MS</b>      | 913      | 1,625            | -712     | 922      | 1,625            | -703     | 931      | 1,625            | -694     | 4  |                 |
|  | <b>Norton ES</b>          | 946      | 1,300            | -354     | 955      | 1,300            | -345     | 965      | 1,300            | -335     | 6  |                 |
| RZM2022-00021  | <b>Collins Hill HS</b>    | 2,730    | 2,625            | 105      | 2,773    | 2,625            | 148      | 2,800    | 2,625            | 175      | 29   |                 |
|  | <b>Creekland MS</b>       | 1,911    | 2,100            | -189     | 1,892    | 2,100            | -208     | 1,915    | 2,100            | -185     | 21   |                 |
|  | Walnut Grove ES           | 789      | 1,200            | -411     | 801      | 1,200            | -399     | 813      | 1,200            | -387     | 38   |                 |
| RZM2022-00022<br>& RZM2022-00023   | <b>Peachtree Ridge HS</b> | 3,262    | 3,050            | 212      | 3,295    | 3,050            | 245      | 3,271    | 3,050            | 221      | 16   |                 |
|  | <b>Northbrook MS</b>      | 882      | 1,025            | -143     | 870      | 1,025            | -155     | 879      | 1,025            | -146     | 12   |                 |
|  | Jackson ES                | 1,426    | 1,475            | -49      | 1,440    | 1,475            | -35      | 1,455    | 1,475            | -20      | 21   |                 |
| RZR2022-00011  | <b>Mill Creek HS</b>      | 2,915    | 2,800            | 115      | 2,633    | 2,800            | -167     | 2,596    | 2,800            | -204     | 2  |                 |
|  | <b>Osborne MS</b>         | 1,658    | 1,575            | 83       | 1,646    | 1,575            | 71       | 1,671    | 1,575            | 96       | 1  |                 |
|  | Duncan Creek ES           | 1,319    | 1,300            | 19       | 1,345    | 1,300            | 45       | 1,372    | 1,300            | 72       | 2  |                 |
| RZR2022-00014  | <b>South Gwinnett HS</b>  | 2,735    | 2,750            | -15      | 2,790    | 2,750            | 40       | 2,832    | 2,750            | 82       | 20   |                 |
|  | <b>Grace Snell MS</b>     | 1,262    | 1,200            | 62       | 1,281    | 1,200            | 81       | 1,300    | 1,200            | 100      | 14   |                 |
|  | Rosebud ES                | 959      | 1,200            | -241     | 968      | 1,200            | -232     | 983      | 1,200            | -217     | 26   |                 |
| RZR2022-00016  | <b>Berkmar HS</b>         | 3,034    | 2,925            | 109      | 3,140    | 2,925            | 215      | 3,234    | 2,925            | 309      | 5  |                 |
|  | <b>Berkmar MS</b>         | 1,135    | 1,100            | 35       | 1,122    | 1,100            | 22       | 1,097    | 1,100            | -3       | 4  |                 |
|  | Hopkins ES                | 1,064    | 1,500            | -436     | 1,047    | 1,500            | -453     | 1,035    | 1,500            | -465     | 7  |                 |
| RZR2022-00017  | <b>Dacula HS</b>          | 2,565    | 2,550            | 15       | 2,670    | 2,550            | 120      | 2,748    | 2,550            | 198      | 21   |                 |
|  | <b>Dacula MS</b>          | 1,852    | 1,900            | -48      | 1,906    | 1,900            | 6        | 1,962    | 1,900            | 62       | 15   |                 |
|  | Mulberry ES               | 750      | 975              | -225     | 773      | 975              | -202     | 796      | 975              | -179     | 27   |                 |
| RZR2022-00018  | <b>South Gwinnett HS</b>  | 2,735    | 2,750            | -15      | 2,790    | 2,750            | 40       | 2,832    | 2,750            | 82       | 13   |                 |
|  | <b>Snellville MS</b>      | 913      | 1,625            | -712     | 922      | 1,625            | -703     | 931      | 1,625            | -694     | 10   |                 |
|  | Norton ES                 | 946      | 1,300            | -354     | 955      | 1,300            | -345     | 965      | 1,300            | -335     | 18   |                 |

**Exhibit F: Maps**

**[attached]**







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4/17/2022

# Gwinnett

GWINNETT COUNTY  
DEPARTMENT OF PLANNING AND DEVELOPMENT

446 West Crogan Street, Suite 300 | Lawrenceville, GA 30046-2440

678.518.6000

GwinnettCounty.com

## PRE-APPLICATION INFORMATION FORM

**NOTE:** Once the Pre-Application Meeting is complete, staff will provide the applicant with a signed copy of this form. This signed copy must be submitted with your official zoning/variance application.

### Applicant Information:

Name: Anthony L. Duncan

Company: Thurgood Construction, INC.

Mailing Address: 6555 Sugarloaf Pkwy Suite 307-255

City, State, Zip Code: Duluth, GA 30097

Phone Number: 678 618 8890

ANTHONY@THURGOODCONSTRUCTIONINC.COM

Email Address: ANTHONYDUNCAN150@GMAIL.COM

**Project Summary:** R6050355 / R6050354 / R6050 353

Address of Project: 2520 / 2530 / 2540 Highpoint Road Snellville, GA

Name of Project: Thurgood COURT

Application Type (Rezoning, Change in Conditions, Special Use Permit, Buffer Reduction, Variance, Other):

Rezoning From O/I to R-TH

Total Project Acreage: 3.35 Total Square Footage: 146,159 Total Number of Lots/Units: 26

Detailed Description (Include Proposed Use(s) and Square Footage of Floor Area for each use):

SEE ATTACHED TOWN HOME CONCEPT PLAN.

### Pre-Application Information Form Submittal Checklist:

- Completed Pre-Application Information Form
- One PDF digital version of Concept Plan

### For Internal Use Only:

Pre-Application Meeting Date: 1/19/2022

Staff Printed Name: SUSHMITA ARJYAL

Signed: Sushmita Arjyal

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

**REZONING APPLICATION**

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

4/17/2022

**APPLICANT INFORMATION**

**PROPERTY OWNER INFORMATION\***

NAME: Anthony L. Duncan

ADDRESS: 6555 Sugarloaf Pkwy  
Suite 307-255

CITY: Duluth

STATE: GA ZIP: 30097

PHONE: 678 618 8890  
EMAIL: anthonyDUNCAN150@gmail.com

NAME: Thurgood Construction, Inc

ADDRESS: 6555 Sugarloaf Pkwy  
Suite 307-255

CITY: Duluth

STATE: GA ZIP: 30097

PHONE: 678 618 8890  
EMAIL: ANTHONYDUNCAN150@gmail.com

CONTACT PERSON: Anthony L. Duncan PHONE: 678 618 8890

CONTACT'S E-MAIL: ANTHONYDUNCAN150@gmail.com

**APPLICANT IS THE:**

OWNER'S AGENT

PROPERTY OWNER

CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): O1 REQUESTED ZONING DISTRICT: R -TH

PARCEL NUMBER(S): R 6050 - 353 / 354 / 355 ACREAGE: 3.35 Acres

ADDRESS OF PROPERTY: 2520 / 2530 / 2540 Highpoint Road  
Snellville

PROPOSED DEVELOPMENT: Townhomes

**RESIDENTIAL DEVELOPMENT**

No. of Lots/Dwelling Units 30

Dwelling Unit Size (Sq. Ft.): 1,800

Gross Density: 10

Net Density: 8.95

**NON-RESIDENTIAL DEVELOPMENT**

No. of Buildings/Lots: \_\_\_\_\_

Total Building Sq. Ft. \_\_\_\_\_

Density: \_\_\_\_\_

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

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

**RECEIVED**

4/17/2022

After Recording Return To:

McMichael & Gray, P.C.  
2055 North Brown Road, Suite 250  
Lawrenceville, GA 30043

Order No.: GWT-220239-COM

Property Appraiser's Parcel I.D. Number:  
R6050 355

**LIMITED WARRANTY DEED**

STATE OF GEORGIA

COUNTY OF GWINNETT

THIS INDENTURE, made this 25th day of March, 2022, between

John Ulmer

as party or parties of the first part, hereinafter called Grantor, and

Thurgood Construction, Inc.,  
a Georgia corporation

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

**LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"**

SUBJECT to all zoning ordinances, easements and restrictions of record affecting said premises.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEES SIMPLE**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

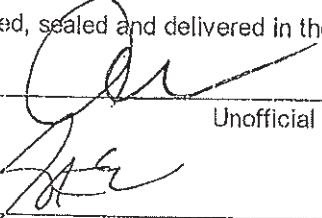
GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

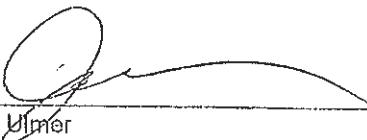
**RECEIVED**

4/17/2022

IN WITNESS WHEREOF the Grantor has signed and sealed this deed, the day and year above written.

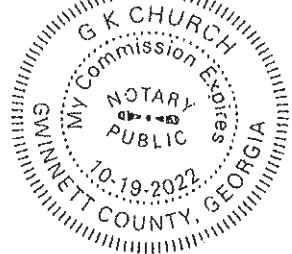
Signed, sealed and delivered in the presence of:

  
\_\_\_\_\_  
Unofficial Witness

  
\_\_\_\_\_  
John Ulmer (Seal)

Notary Public

My Commission Expires: 10-19-22  
[Notary Seal]



GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

**RECEIVED**

4/17/2022

**EXHIBIT A**

All that tract or parcel of land lying and being in Land Lot 50 of the 6th Land District, Gwinnett County, Georgia, and more particularly described as follows: Beginning at a point marked by an iron pin set on the northeasterly right of way line of Highpoint Road (80-foot right of way) located 911.40 feet northwest as measured along said right of way line from its point of intersection with the northwesterly right of way line of Ga. Hwy. No. 124 (100-foot right of way); run thence along the northeasterly right of way line of Highpoint Road North 30 degrees 04 minutes 00 seconds West 200.00 feet to a point marked by an iron pin set; thence leaving said right of way, run North 58 degrees 32 minutes 31 seconds East 244.74 feet to a point marked by an iron pin set; run thence South 30 degrees 05 minutes 02 seconds East 200.00 feet to a point marked by an iron pin set; run thence South 58 degrees 32 minutes 32 seconds West 244.80 feet to a point marked by an iron pin set on the northeasterly right of way line of Highpoint Road, which is the true place or point of beginning. Said tract containing 1.1235 acres according to a survey for Jimmy Britt and Barry Britt by Hannon, Meeks and Bagwell, Surveyors and Engineers, Inc. dated April 30, 1993.



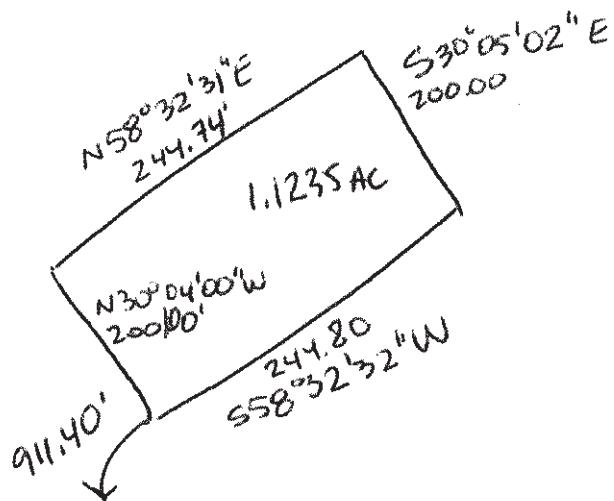
RECEIVED

EXHIBIT "A"

2520 Highpoint

ALL THAT TRACT or parcel of land lying and being in Land Lot 50 of the 6th Land District, Gwinnett County, Georgia, and more particularly described as follows:

BEGINNING at a point marked by an iron pin set on the northeasterly right of way line of Highpoint Road (80-foot right of way) located 911.40 feet northwest as measured along said right of way line from its point of intersection with the northwesterly right of way line of Ga. Hwy. No. 124 (100-foot right of way); run thence along the northeasterly right of way line of Highpoint Road North 30 degrees 04 minutes 00 seconds West 200.00 feet to a point marked by an iron pin set; thence leaving said right of way, run North 58 degrees 32 minutes 31 seconds East 244.74 feet to a point marked by an iron pin set; run thence South 30 degrees 05 minutes 02 seconds East 200.00 feet to a point marked by an iron pin set; run thence South 58 degrees 32 minutes 32 seconds West 244.80 feet to a point marked by an iron pin set on the northeasterly right of way line of Highpoint Road, which is the true place or point of beginning. Said tract containing 1.1235 acres according to a survey for Jimmy Britt & Barry Britt by Hannon, Meeks & Bagwell, Surveyors & Engineers, Inc. dated April 30, 1993.



GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

**RECEIVED**

4/17/2022

After Recording Return To:  
McMichael & Gray, P.C.  
2055 North Brown Road, Suite 250  
Lawrenceville, GA 30043

Order No.: GWT-220241-COM

Property Appraiser's Parcel I.D. Number:  
R6050 354

**LIMITED WARRANTY DEED**

STATE OF GEORGIA

COUNTY OF GWINNETT

THIS INDENTURE, made this 25th day of March, 2022, between

Mary B. Garrett

as party or parties of the first part, hereinafter called Grantor, and

Thurgood Construction, Inc., a Georgia corporation

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

**LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"**

SUBJECT to all zoning ordinances, easements and restrictions of record affecting said premises.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

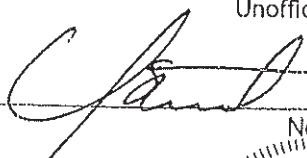
GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

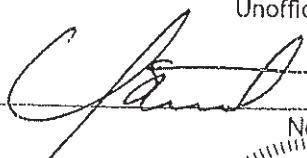
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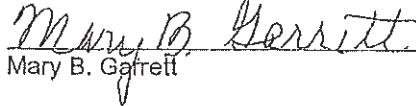
4/17/2022

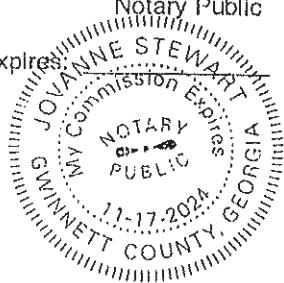
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

  
Unofficial Witness

  
Notary Public  
My Commission Expires:  
[Notary Seal]

  
Mary B. Gaffett (Seal)



GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

**RECEIVED**

4/17/2022

## EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 50 of the 6th Land District, Gwinnett County, Georgia, and more particularly described as follows: Beginning at a point marked by an iron, pin set on the northeasterly right of way line of Highpoint Road (80-foot right of way) located 711.40 feet northwest as measured along said right of way line from its point of intersection with the northwesterly right of way line of Ga. Hwy. No. 124 (100-foot R/W); run thence northwesterly along the northeasterly right of way line of Highpoint Road, and following the curvature thereof, having a radius of 4629.53 feet, and a chord bearing and distance of North 30 degrees 32 minutes 50 seconds West 77.66 feet, an arc distance of 77.66 feet to a point of tangency; continue thence along the said right of way line North 30 degrees 04 minutes 00 seconds West 122.34 feet to a point marked by an iron pin set; thence leaving said right of way, run North 58 degrees 32 minutes 32 seconds East 244.80 feet to a point marked by an iron pin set; run thence South 30 degrees 05 minutes 02 seconds East 200.00 feet to a point marked by an iron pin set; run thence South 58 degrees 32 minutes 22 seconds West 244.21 feet to a point marked by an iron pin set on the northeasterly right of way line of Highpoint Road, which is the true point of beginning. Said tract containing 1.1234 acres according to a survey far Grady Green by Hannon, Meeks and Bagwell, Surveyors and Engineers, Inc. dated April 30, 1993.

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

RECEIVED BK 14227 PG 0156  
Mary B. Garrett  
954 ~~Highpoint~~ Road  
Grayson, GA 30221

2530

**WARRANTY DEED**

This INDENTURE, Made this 21 day of July, 1997, In the Year of Our Lord One Thousand Nine Hundred and Ninety Seven, between WILLIAM W. GARRETT, of the first part, and MARY B. GARRETT, of the second part,

WITNESSETH: That the party of the first part, for and in consideration of the sum of TEN (\$10.00) Dollars, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, her heirs and assigns,

A one-half (1/2) undivided interest in all that tract or parcel of land lying and being in Land Lot 50 of the 6th Land District, Gwinnett County, Georgia, and more particularly described as follows:

BEGINNING at a point marked by an iron pin set on the northeasterly right of way line of Highpoint Road (80-foot R/W) located 711.40 feet Northwest as measured along said right of way line from its point of intersection with the northwesterly right of way line of Ga. Hwy. No. 124 (100-foot R/W); run thence Northwesterly along the northeasterly right of way line of Highpoint Road, and following the curvature thereof, having a radius of 4629.53 feet, and a chord bearing and distance of North 30° 32' 50" West 77.66 feet, an arc distance of 77.66 feet to a point of tangency; continue thence along the said right of way line North 30° 04' 00" West 122.34 feet to a point marked by an iron pin set; thence leaving said right of way, run North 58° 32' 32" East 244.80 feet to a point marked by an iron pin set; run thence South 30° 05' 02" East 200.00 feet to a point marked by an iron pin set; run thence South 58° 32' 22" West 244.21 feet to a point marked by an iron pin set on the northeasterly right of way line of Highpoint Road, which is the TRUE POINT OF BEGINNING. Said tract containing 1.1234 acres according to a survey for Grady Green by Hannon, Meeks & Bagwell, Surveyors & Engineers, Inc. dated April 30, 1993.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said party of the second part, her heirs and assigns, forever, in Fee Simple.

AND THE SAID party of the first part, for his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, her heirs and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day of the year above written.

Signed, Sealed and Delivered in Presence of:

W. Mrozinski  
Witness

Debra C. Blasberg  
Notary Public  
My commission expires  
Notary Public, Gwinnett County, Georgia  
My Commission Expires April 13, 1999

William W. Garrett (SEAL)  
WILLIAM W. GARRETT

TOM LAWLER, CLE

FILED & RECORDED  
CLERK, SUPERIOR COURT  
GWINNETT COUNTY  
1997 MAY 28 PM 2:

GWINNETT CO. GEORGIA  
REAL ESTATE TRANSFER TAX  
\$ 100.00

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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4/17/2022

After Recording Return To:  
McMichael & Gray, P.C.  
2055 North Brown Road, Suite 250  
Lawrenceville, GA 30043

Order No.: GWT-220396-COM

Property Appraiser's Parcel I.D. Number:  
R6050 353

**TRUSTEE'S DEED**

STATE OF GEORGIA  
COUNTY OF GWINNETT

THIS INDENTURE made this 25th day of March, 2022, between

Martha June Britt, Trustee of the Martha June Britt Revocable Living Trust

as party or parties of the first part, hereinafter called Grantor, and

Thurgood Construction, Inc., a Georgia corporation

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH:** That the said Grantor (acting under and by virtue of the power and authority contained in that certain Trust Agreement known as **MARTHA JUNE BRITT LIVING TRUST** (hereinafter referred to the "Trust"), a copy of which is filed in Gwinnett County, Georgia Records for and in consideration of the sum of **TEN AND NO/100 (\$10.00) DOLLARS** in hand paid, at and before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, all that tract or parcel of land lying and being described as follows:

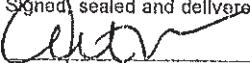
See Exhibit A attached hereto and by this reference incorporated herein and made a part hereof.

**TO HAVE AND TO HOLD** the said tract of parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee in as full and ample a manner as the same was held, possessed and enjoyed, or might have held, possessed and enjoyed, by the said Grantors as Trustees.

**THIS CONVEYANCE** is executed by Grantors solely as Trustee and not personally. No warranties of title or otherwise are made under this indenture. No personal liability shall be asserted or be enforceable against Grantor by reason of any statements or representations contained in this indenture.

IN WITNESS WHEREOF, each Grantor herein has hereunto set hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of:

  
Unofficial Witness

  
Notary Public

My Commission Expires: 10-19-22



  
By: **Martha June Britt** (SEAL)  
Martha June Britt as Trustee of the Martha June Britt Revocable Living Trust, dated  
May 14, 2018

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

**RECEIVED**

4/17/2022

**EXHIBIT A**

All that tract or parcel of land lying and being in Land Lot 50 of the 6th Land District, Gwinnett County, Georgia, and more particularly described as follows: Beginning at a point marked by an iron pin set on the northeasterly right of way line of Highpoint Road (80-foot right of way) located 511.40 feet northwest as measured along said right of way line from its point of intersection with the northwesterly right of way line of Ga. Hwy. No. 124; (100-foot right of way); run thence northwesterly along the northeasterly right of way line of Highpoint Road, and following the curvature thereof, having a radius of 8290.671 feet, and a chord bearing and distance of North 31 degrees 42 minutes 25 seconds West 67.93 feet, an arc distance of 67.93 feet to a point of tangency; continue thence along the said right of way line North 31 degrees 56 minutes 30 seconds West 58.23 feet to a point marked by an iron pin set; continue thence northwesterly along said right of way line, and following the curvature thereof, having a radius of 4629.530 feet and a chord bearing and distance of North 31 degrees 29 minutes 05 seconds West 73.84 feet, an arc distance of 73.84 feet to a point marked by an iron pin set; thence leaving said right of way, run North 58 degrees 32 minutes 22 seconds East 244.21 feet to a point marked by an iron pin set; run thence South 30 degrees 05 minutes 02 seconds East 200.00 feet to a point marked by an iron pin set; run thence South 58 degrees 31 minutes 40 seconds West 238.59 feet to a point marked by an iron pin set on the northeasterly right of way line of Highpoint Road, which is the true place or point of beginning. Said tract containing 1.1087 acres according to a survey for Michael L. Britt by Hannon, Meeks and Bagwell, Surveyors and Engineers, Inc. dated April 30, 1993.

M Q B

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4/17/2022

BK56089 PG 0190

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Exhibit A

ALL THAT TRACT or parcel of land lying and being in Land Lot 50 of the 6th Land District, Gwinnett County, Georgia, and more particularly described as follows:

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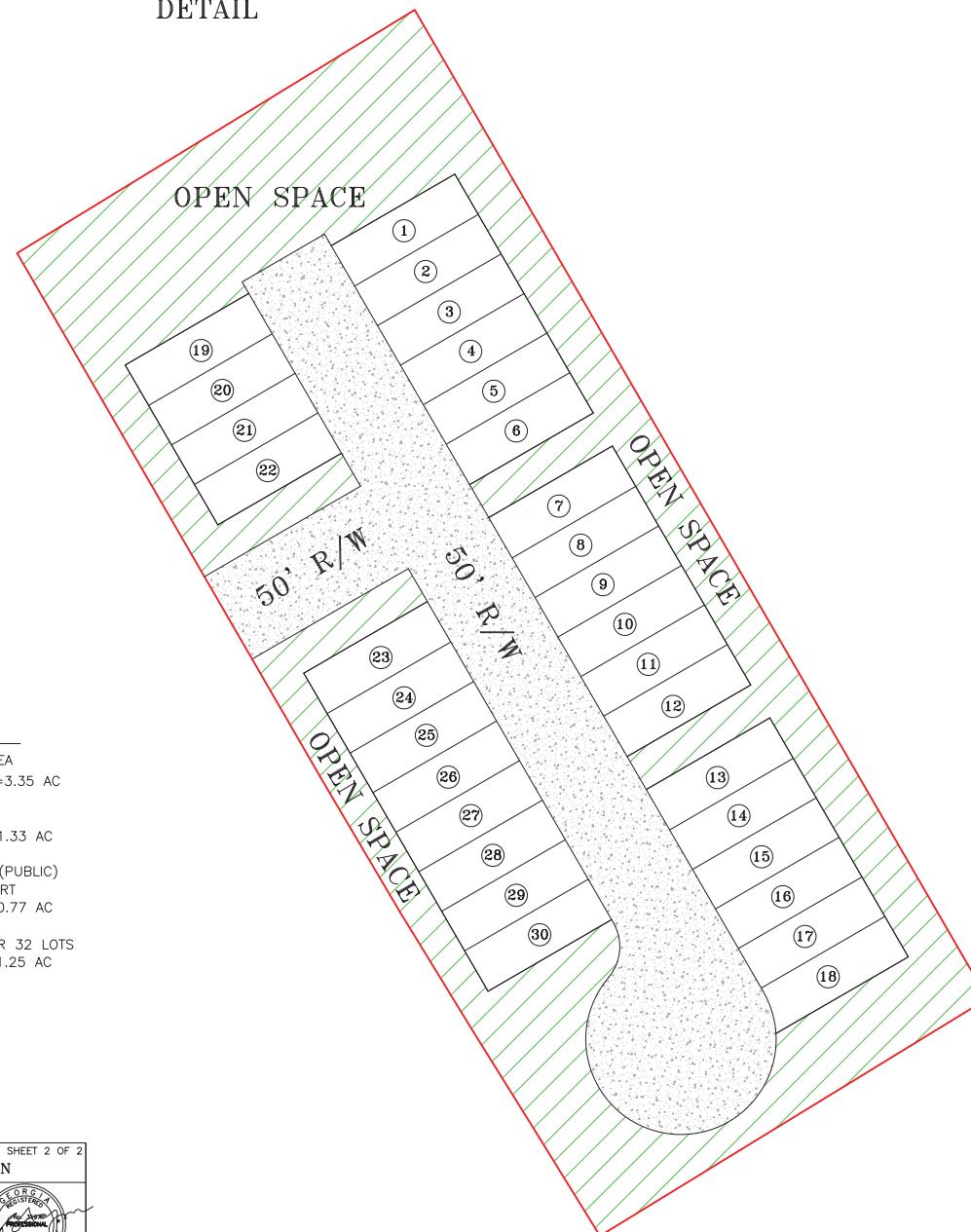


## GWINNETT COUNTY PLANNING AND DEVELOPMENT

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4/17/2022

## DETAIL



REVISION 04/18/202

## REZONING PLAT

FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000 FEET, AN ANGULAR ERROR OF 6 DEGREES PER ANGLED SIDE, AND A POSITIONAL ERROR OF 10 FEET IN THE X AND Y DIRECTIONS. THIS PLAT WAS PREPARED BY SURVEY LAND EXPRESS, INC. FOR THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLATE COORDINATES WERE FOUND WITHIN 5000 FEET OF THIS PLAT.

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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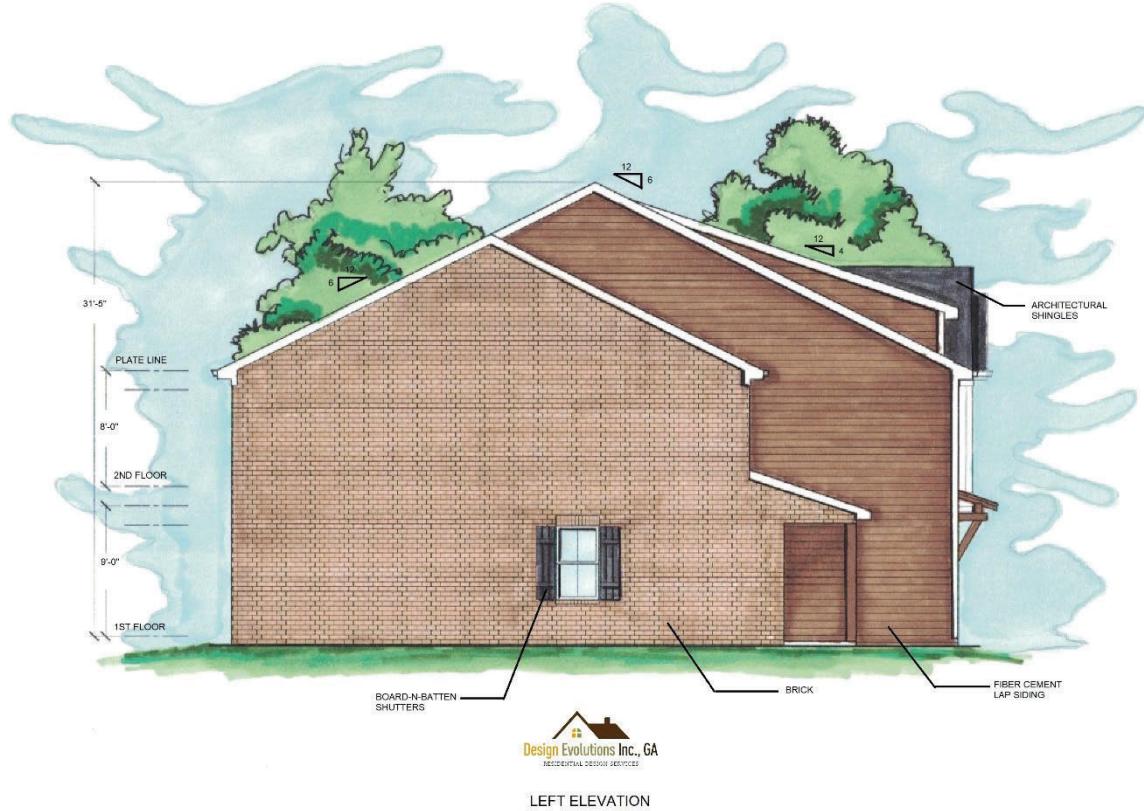
Design Evolutions Inc., GA  
RESIDENTIAL DESIGN SERVICES

REAR ELEVATION

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

RECEIVED

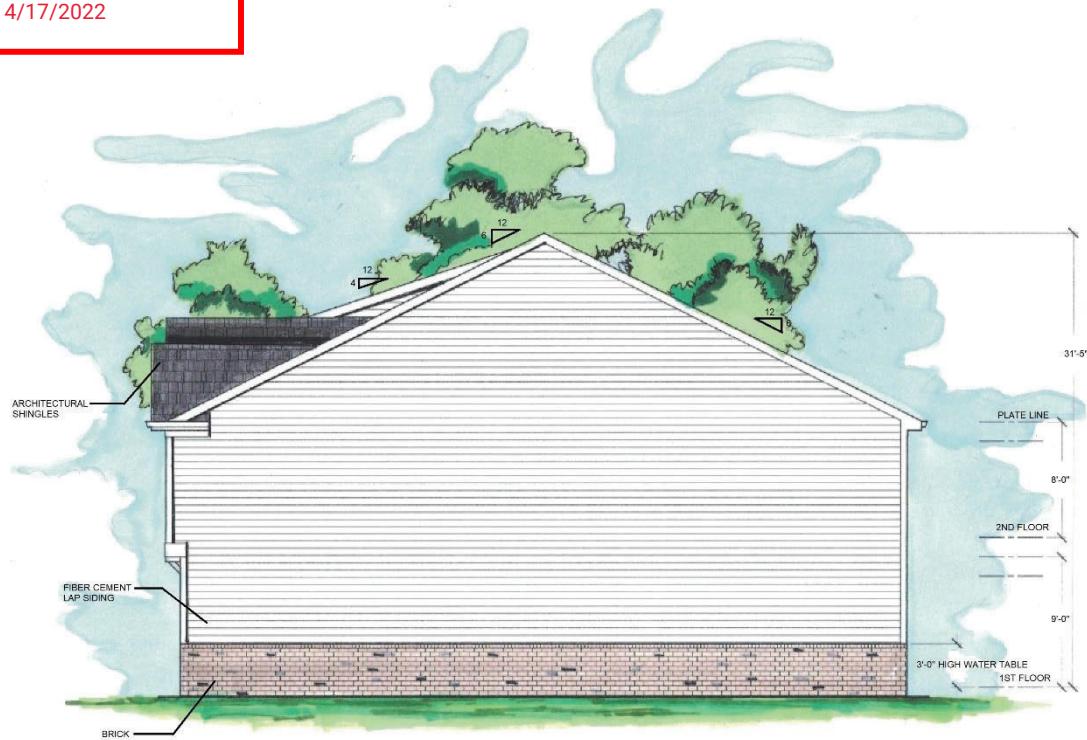
4/17/2022



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PLANNING AND DEVELOPMENT

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Design Evolutions Inc., GA  
2050 Peachtree Street, Suite 1000

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**REZONING APPLICANT'S RESPONSE**  
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

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

Please SEE Attached

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

Please SEE Attached

---

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

Please See Attached

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- (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:

Please SEE Attached

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

Please See Attached

---

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

Please See Attached

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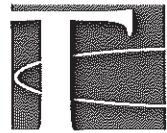
4/17/2022

**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

- A. Yes, the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Property is located on Highpoint Road just west of Scenic Highway (aka Georgia State Route 124). The Property is currently zoned O-I. The Property is also adjacent to land zoned R-TH and R-75 residential zoning classifications. Rezoning this Property to R-TH is compatible with substantially all zoning classifications along Highpoint Road - which primarily have residential zoning classifications.
- B. No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classification is compatible with existing multifamily and townhouse zoning classifications of adjacent properties. In fact, an adjacent property was recently rezoned to R-TH. See [RZM 2018-00001](#).
- C. Due to the size, location, layout and dimensions of the subject property, the Applicant submits that the property does not have reasonable economic use as currently zoned. See property subject to [RZM 2018-00001](#). We note the Property subject to the proposed Rezoning Application is substantially similar but much smaller in size which far limits its economic use as currently zoned.
- D. No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Scenic Highway (State Route 124) and Stone Mountain Highway (US 78).
- E. Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County Land Use Plan.
- F. The Applicant submits that the subject Property's proximity to Scenic Highway to the east and Stone Mountain Highway to the west provides additional support of this Application. Additionally, the Property is currently zoned O-I and the proposed R-TH zoning would result in a downzoning of the Property. Lastly, the adjacent property was allowed to downzone to R-TH from O-I in [RZM 2018-00001](#).

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4/17/2022



**THURGOOD**  
CONSTRUCTION  
GENERAL CONTRACTORS

6555 Sugarloaf Pkwy  
Suite 307-255  
Duluth, Ga. 30097  
Cell: 678.618.8890  
[anthony@thurgoodconstructioninc.com](mailto:anthony@thurgoodconstructioninc.com)

March 28, 2022

**LETTER OF INTENT FOR REZONING APPLICATION**

Proposed Rezoning - Parcels R6050 353 / R6050 354 / R6050 355

Thurgood Construction, Inc. submits this Letter of Intent and attached Rezoning Application for the purpose of rezoning to the R-TH zoning classification an approximately 3.35 - acre tract (the “Property”) situated along Highpoint Road, Snellville, Ga. The Property is currently zoned O-I (Office-Institutional District).

The Applicant proposes to develop a single-family residential community, consisting of 30 attached residential townhomes. The proposed development will have a net density of approximately 8.95 units per acre, which is less than the maximum (10 units per acre) allowed density prescribed for in the R-TH zoning classification set forth in the Gwinnett County Unified Development Ordinance (the “UDO”). The proposed single-family community would consist of homes at a size, quality and price-point commensurate with or exceeding homes in the surrounding area. The proposed townhomes will include attractive architectural elements which are compatible with the surrounding area. The front facades of the homes will be constructed primarily of brick, stacked stone, cedar shake, fiber-cement siding, and/or board and batten as depicted in the building elevations submitted with the Application. In addition, the rear of the townhomes will be fiber cement and the sides of the townhome that face the front entrance drive will be brick and the remaining townhome sides will include a three-foot brick water table and fiber cement.

The proposed townhomes are front-entry units with two-car garages on the front elevation and will be accessed by internal streets and driveways. Currently, the proposed units will be a minimum of 24 feet wide with a minimum of 1,800 square feet of heated floor area and a building height of approximately 32 feet. The proposed community will also feature approximately 1.33 acres of common open space on the Property.

The Applicant proposes to develop the Property with a single entrance located off Highpoint Road. The entrance will include attractive landscaping, a decorative wrought iron fence with

**GWINNETT COUNTY  
PLANNING AND DEVELOPMENT**  
brick/stone columns and landscaping extending along Highpoint Road frontage, and an entrance monument creating an attractive streetscape.

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The Applicant is also proposing a reduction to the 30' feet dissimilar zoning buffer adjacent to the property zoned R-75 to a 25' buffer as depicted on the Concept Site Plan submitted herewith. Additionally, Applicant is proposing: 1). a reduction of the required 50' front exterior setback to 20'; and 2.) a reduction of the required 30' feet landscaped setback along exterior roadways to 20'.

Applicant notes rezoning conditions set forth at **RZM2018-00001** and as a condition to rezoning the above-referenced parcels, Applicant accepts the application of **RZM2018-0001** conditions at Sections 1. A.-F.; and 2. A.-G., as applicable. In addition, the Applicant proposes a five-foot-wide sidewalk and curb and gutter installed along Highpoint Road with streetscape trees, landscaping and sidewalks installed on both sides on new internal streets.

Although the Property is currently zoned O-I, the surrounding area is largely residential with sparse commercial properties at intersections and along major travel corridors such as Scenic Highway just to the east. The Property is adjacent to land zoned R-TH and R-75. A rezoning to R-TH would provide a transitional use from the more intense multifamily residential uses allowed in the existing O-I zoning classifications including several duplex and quadplex units which are present just west of the Property along Highpoint Road and Spruce Circle in the Avalon Circle subdivision. Thus, an approval of the Application will bring the property's zoning classification in line with adjacent properties and reduce the intensity of development allowed on the Property.

The Applicant welcomes the opportunity to meet with the staff of the Gwinnett County Planning & Development Department to answer any questions or to address any concerns relating to the Rezoning Applications filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 28th day of March, 2022. If you have any questions, please contact me at 678.618.8890.

Sincerely,

Thurgood Construction, Inc.

  
Anthony L. Duncan  
President

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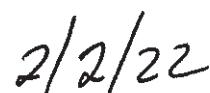
4/17/2022

**REZONING APPLICANT'S CERTIFICATION**

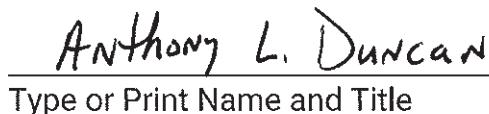
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL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



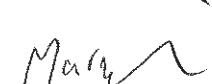
Signature of Applicant



Date

  
Anthony L. Duncan

Type or Print Name and Title



Signature of Notary Public



Date



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4/17/2022

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.

Parcel R 6050 353

Thurgood Construction, Inc  
Anthony L. Duncan, Pres. Lt

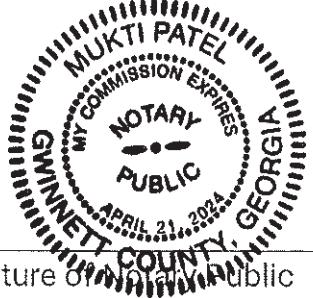
Signature of Property Owner

3/25/2022

Date

Anthony L. Duncan

Type or Print Name and Title



Signature of Notary Public

Mukti Patel

3/25/2022

Date

Notary Seal

RECEIVED

4/17/2022

REZONING PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY  
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ACTION BY THE BOARD OF COMMISSIONERS.

Parcel R6050 354

ThaRgood Construction, Inc.

*Anthony L. Duncan*, Pres. & dt

Signature of Property Owner

3/25/2022

Date

*Anthony L. Duncan, President*

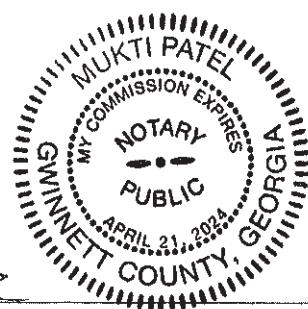
Type or Print Name and Title

*M. Patel*

Signature of Notary Public

3/25/2022

Date



Notary Seal

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4/17/2022

REZONING PROPERTY OWNER'S CERTIFICATION

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ACTION BY THE BOARD OF COMMISSIONERS.

Parcel R6050 355

Thargood Construction, Inc  
Anthony L. Duncan, President

Signature of Property Owner

3/25/2022

Date

Anthony L. Duncan, President

Type or Print Name and Title

Reilly

3/25/2022

Date



Notary Seal

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4/17/2022

**CONFFLICT 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.

 2/2/2022 Anthony L. Duncan  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Andy L. Duncan 2/2/2022 Anthony L. Duncan  
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE  
ATTORNEY OR REPRESENTATIVE

Andy L. Duncan 2/2/2022   
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 Anthony L. Duncan  
YOUR NAME

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

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

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

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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: 6 50 R 6050 354  
(Map Reference Number) District Land Lot Parcel

Thurgood Construction, Inc.

Anthony Duncan

Signature of Applicant

2/2/2022

Date

Anthony L. Duncan, 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)

Chris Nelson

NAME

Senior Tax Services Associate

TITLE

February 2, 2022

DATE

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4/17/2022

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PARCEL I.D. NUMBER: 6 - 50 - R 6050 355  
(Map Reference Number) District Land Lot Parcel

Thurgood Construction, Inc.

Anthony L. Duncan

Signature of Applicant

2/2/2022

Date

Anthony L. Duncan, President

Type or Print Name and Title

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Chris Nelson

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Senior Tax Services Associate

TITLE

February 2, 2022

DATE

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PARCEL I.D. NUMBER: 6 50 R 6050 353  
(Map Reference Number) District Land Lot Parcel

Thurgood Construction, Inc  
Anthony Duncan, President  
Signature of Applicant

2/2/2022  
Date

Type or Print Name and Title

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Vikie Schobey  
NAME

TSA II  
TITLE

3/25/2022  
DATE

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Subdivisions 1 x

| Maps               | Searches |
|--------------------|----------|
| Subdivision Search |          |

Active Layer: Zoning

Floodplain

Street Layers

Roads

Parcel Layers

Land Parcels

Parcel Annotation

Tax Neighborhoods

Active Zoning Cases

Historical Zoning Cases

Zoning

&lt; All other values &gt;

AF

AG

AR

BG

BGC

BGSUP

BL

BLT





## VARIANCE APPLICATION

See the Variance Application Submittal Instructions for general information and directions related to submitting this application.

**Property Information:**

Property Address: 2520, 2530, 2540 Highpoint Road Snellville

Property Parcel ID: R6050355, R6050354, R6050353

Variance(s) Requested: **See attached Exhibit 1**

Unified Development Ordinance (UDO) Code Section(s): **See attached Exhibit 1**

Sign Ordinance Code Section(s):

**Applicant Information:**

Name: **Thurgood Construction, Inc.**

Contact Person: **Anthony L. Duncan**

Mailing Address: **6555 Sugarloaf Pkwy Suite 307-255**

City, State, Zip Code: **Duluth Ga 30097**

Phone Number: **678.618.8890** Email Address: **anthonyduncan150@gmail.com**

Applicant is (check, if applicable):  Property Owner  Owner's Agent

**Property Owner Information** (if property owner is not the applicant):

Name: **Thurgood Construction, Inc.**

Telephone Number: **678.618.8890** Email Address: **Anthony L. Duncan**

**Signatures:**

Applicant Signature:

Property Owner Signature:

Name of Applicant: **Thurgood Construction, Inc.**

Name of Property Owner: **Thurgood Construction, Inc.**

Date: **3.28.2022**

Date:

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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**EXHIBIT 1**

**VARIANCES REQUESTED**

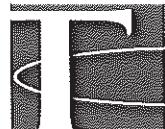
1. Reduce required 30' dissimilar zoning buffer adjacent to R-75 zoning to 25' graded and replanted evergreen buffer.
2. Reduce required 50' front exterior setback to 20'.
3. Reduce required 30' landscaped setback along exterior roadways to 20'.

**UDO CODE SECTION**

1. Table 610.1
2. Section 210-100.6 A.6.
3. Section 210-100.6 A.16

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**THURGOOD**  
CONSTRUCTION  
GENERAL CONTRACTORS

6555 Sugarloaf Pkwy  
Suite 307-255  
Duluth, Ga. 30097  
Cell: 678.618.8890  
[anthony@thurgoodconstructioninc.com](mailto:anthony@thurgoodconstructioninc.com)

March 28, 2022

**LETTER OF INTENT FOR REZONING APPLICATION**

Proposed Rezoning - Parcels R6050 353 / R6050 354 / R6050 355

Thurgood Construction, Inc. submits this Letter of Intent and attached Rezoning Application for the purpose of rezoning to the R-TH zoning classification an approximately 3.35 - acre tract (the "Property") situated along Highpoint Road, Snellville, Ga. The Property is currently zoned O-I (Office-Institutional District).

The Applicant proposes to develop a single-family residential community, consisting of 30 attached residential townhomes. The proposed development will have a net density of approximately 8.95 units per acre, which is less than the maximum (10 units per acre) allowed density prescribed for in the R-TH zoning classification set forth in the Gwinnett County Unified Development Ordinance (the "UDO"). The proposed single-family community would consist of homes at a size, quality and price-point commensurate with or exceeding homes in the surrounding area. The proposed townhomes will include attractive architectural elements which are compatible with the surrounding area. The front facades of the homes will be constructed primarily of brick, stacked stone, cedar shake, fiber-cement siding, and/or board and batten as depicted in the building elevations submitted with the Application. In addition, the rear of the townhomes will be fiber cement and the sides of the townhome that face the front entrance drive will be brick and the remaining townhome sides will include a three-foot brick water table and fiber cement.

The proposed townhomes are front-entry units with two-car garages on the front elevation and will be accessed by internal streets and driveways. Currently, the proposed units will be a minimum of 24 feet wide with a minimum of 1,800 square feet of heated floor area and a building height of approximately 32 feet. The proposed community will also feature approximately 1.33 acres of common open space on the Property.

The Applicant proposes to develop the Property with a single entrance located off Highpoint Road. The entrance will include attractive landscaping, a decorative wrought iron fence with

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4/17/2022 brick/stone columns and landscaping extending along Highpoint Road frontage, and an entrance monument creating an attractive streetscape.

The Applicant is also proposing a reduction to the 30' feet dissimilar zoning buffer adjacent to the property zoned R-75 to a 25' buffer as depicted on the Concept Site Plan submitted herewith. Additionally, Applicant is proposing: 1). a reduction of the required 50' front exterior setback to 20'; and 2.) a reduction of the required 30' feet landscaped setback along exterior roadways to 20'.

Applicant notes rezoning conditions set forth at RZM2018-00001 and as a condition to rezoning the above-referenced parcels, Applicant accepts the application of RZM2018-0001 conditions at Sections 1. A.-F.; and 2. A.-G., as applicable. In addition, the Applicant proposes a five-foot-wide sidewalk and curb and gutter installed along Highpoint Road with streetscape trees, landscaping and sidewalks installed on both sides on new internal streets.

Although the Property is currently zoned O-I, the surrounding area is largely residential with sparse commercial properties at intersections and along major travel corridors such as Scenic Highway just to the east. The Property is adjacent to land zoned R-TH and R-75. A rezoning to R-TH would provide a transitional use from the more intense multifamily residential uses allowed in the existing O-I zoning classifications including several duplex and quadplex units which are present just west of the Property along Highpoint Road and Spruce Circle in the Avalon Circle subdivision. Thus, an approval of the Application will bring the property's zoning classification in line with adjacent properties and reduce the intensity of development allowed on the Property.

The Applicant welcomes the opportunity to meet with the staff of the Gwinnett County Planning & Development Department to answer any questions or to address any concerns relating to the Rezoning Applications filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 28th day of March, 2022. If you have any questions, please contact me at 678.618.8890.

Sincerely,

Thurgood Construction, Inc.



Anthony Z. Duncan  
President

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**Standards for Granting Variances:**

Responses to the following criteria must be submitted for each variance requested (attach additional sheets as needed). According to the Unified Development Ordinance (UDO), a variance shall not be granted unless evidence is presented supporting conclusions that the variance meets each of the following criteria:

- a. Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain: See Attached  
\_\_\_\_\_  
\_\_\_\_\_
- b. Is the request necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved result in an unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced? Please explain: See Attached  
\_\_\_\_\_  
\_\_\_\_\_
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: See Attached  
\_\_\_\_\_  
\_\_\_\_\_
- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain: See Attached  
\_\_\_\_\_  
\_\_\_\_\_
- e. Would granting the variance impair or injure other property or improvements in the neighborhood in which the subject property is located, or impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety, or substantially diminish or impair property values within the neighborhood? Please explain: See Attached  
\_\_\_\_\_  
\_\_\_\_\_
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: See Attached  
\_\_\_\_\_  
\_\_\_\_\_
- g. Does the variance desired meet the general spirit and intent of Title 2 of the UDO and/or the purpose and intent of the Gwinnett County Unified Plan? Please explain: See Attached  
\_\_\_\_\_  
\_\_\_\_\_

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**APPLICANT'S RESPONSE**  
**STANDARDS FOR GRANTING VARIANCES:**

- A. Yes, due to the size, location, layout and dimensions of the subject property, the Applicant submits that the property does not have reasonable economic use as currently zoned and the variance is required to give reasonable economic use for the property. See property subject to RZM 2018-00001. We note the Property subject to the proposed Rezoning Application and this variance is substantially similar but much smaller in size which far limits its economic use as currently zoned. The proposed Variance Application will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Property is located on Highpoint Road just west of Scenic Highway (aka Georgia State Route 124). The Property is currently zoned O-I. The Property is also adjacent to land zoned R-TH and R-75 residential zoning classifications. Rezoning this Property to R-TH and granting this variance is compatible with substantially all zoning classifications along Highpoint Road - which primarily have residential zoning classifications.
- B. Yes, the request is necessary because the size, particular location, layout and dimensions of the subject property does not have reasonable economic use without the granting of the requested variance. Yes, an unnecessary hardship is created by the small size, dimensions and the current O/I zoning of the subject project.
- C. Due to the size, location, layout and dimensions of the subject property, the Applicant submits that the property does not have reasonable economic use as currently zoned. See property subject to RZM 2018-00001. We note the Property subject to the proposed Rezoning Application is substantially similar but much smaller in size which far limits its economic use as currently zoned.
- D. Yes, the request is a result of the conditions created by the regulations of the UDO. The Property is currently zoned O-I and simply too small for any of the permitted uses in the O/I zoning classification. The proposed R-TH zoning would result in a downzoning of the Property and result in a zoning classification similar to all adjacent properties. See RZM 2018-00001.
- E. No, the granting of the variance will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classification and granting of the variance request is compatible with existing multifamily and townhouse zoning classifications of adjacent properties. In fact, an adjacent property was recently rezoned to R-TH. See RZM 2018-00001. The proposed variance will not result in an

excessive or burdensome use of the infrastructure systems. The Property has convenient access to Scenic Highway (State Route 124) and Stone Mountain Highway (US 78).

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4/17/2022 (US 78).

- F. Yes, the variance requested is the minimum variance that will make possible the reasonable use of the land. In fact, given the small size of the property and dimensions, the variance is necessary for the property to have any reasonable economic use.
- G. Yes, the proposed variance is in conformity with the policy and intent of the Gwinnett County Unified Plan.



## **Public Notification Guidelines for Public Hearings and Deposit Refund Policy**

### **Public Hearing Sign Posting Instructions:**

The Unified Development Ordinance (UDO) requires the applicant to place a sign on the subject property, which shall contain information as to the variance applied for and the time and place of the public hearing. The sign shall be erected at least **15 days** prior to the date of the public hearing. Under these procedures, the applicant is required to:

1. Obtain the sign from the Department of Planning and Development (P&D) at 446 West Crogan Street, Suite 300, Lawrenceville GA. The sign may be obtained from the Planning and Development Department office on the sign pick-up-date date shown on the "ZBA Public Hearing Schedule" located here: [Forms | Gwinnett County](#).
2. Post the sign by the deadline shown on the "ZBA Public Hearing Schedule." Mount the sign on a hard surface to prevent curling or bending. Place the sign at or near the right-of-way line of the subject property so that it is visible from the roadway but not interfering with sight distance of any intersection or driveway.
3. Take a photo with a date and time stamp of the posted sign and email to [P&D-PlanningZoning@gwinnettcounty.com](mailto:P&D-PlanningZoning@gwinnettcounty.com)
4. Failure to maintain the sign continuously throughout the variance application process may prohibit consideration of the application.

**Sign Deposit Refund:** Return the sign no later than 7 calendar days after the ZBA action to receive refund of \$100.00 for the sign deposit. Failure to return the sign within the 7-day period deposit will result in sign deposit forfeiture.

### **Applicant's Acknowledgement of Sign Posting Instructions**

I, the undersigned have read and understand the above Sign Posting Instructions. I further understand that I must obtain the sign from the Planning and Development Department and post it on the subject site on or before \_\_\_\_\_ (15 days before hearing).

To receive the \$100 sign deposit, I understand that I must return the sign no later than 7 days after the final ZBA public hearing where action is taken.

Printed Name: Anthony L. Duncan

Date: 3.28.2022

Address: 6555 Sugarloaf Pkwy #307-255 Duluth Ga 30097

Telephone: 678.618.8890

Applicant Signature: 