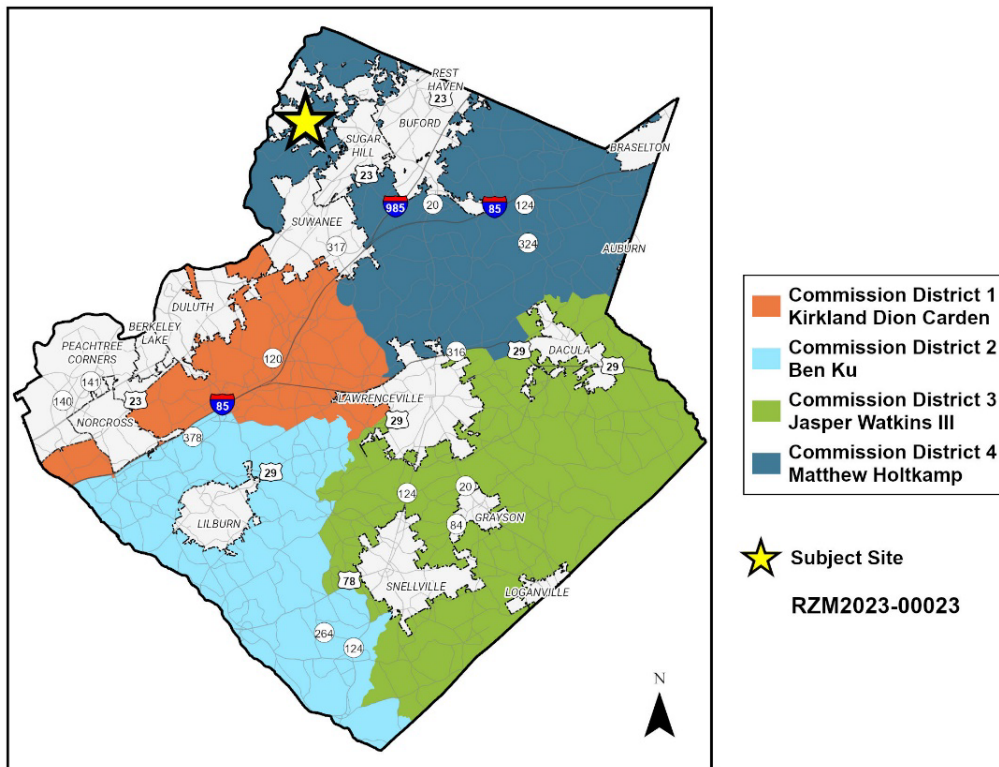


## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** RZM2023-00023  
**Current Zoning:** R-100 (Single-Family Residence District)  
**Request:** Rezoning to R-TH (Single-Family Residence Townhouse District)  
**Address:** 5738, 5754, 5774, and 5784 Cumming Highway  
**Map Numbers:** R7339 001, 002, 003, and 073  
**Site Area:** 13.87 acres  
**Units:** 96  
**Proposed Development:** Townhouses  
**Commission District:** District 4 – Commissioner Holtkamp  
**Character Area:** Chattahoochee River

**Staff Recommendation:** DENIAL

**Planning Commission Recommendation:** DENIAL



**Planning Commission Advertised Public Hearing Date: 12/5/2023**  
**Board of Commissioners Advertised Public Hearing Date: 12/12/2023**

**Applicant:** Gaskins & LeCraw  
3475 Corporate Way  
Duluth, GA 30096

**Owners:** Ronnie and Jerry Sudderth  
6111 Cumming Highway  
Sugar Hill, GA 30518

**Contact:** Dani Blumenthal

**Contact Phone:** 215.816.9336

## Zoning History

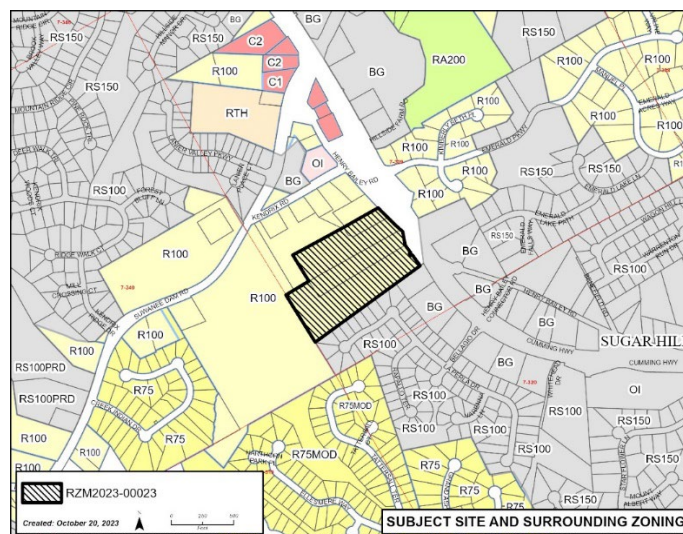
The subject properties are zoned R-100 (Single Family Residence District). In June 2022, the Board of Commissioners denied a request to rezone this and adjacent properties to RM-24 for apartments, pursuant to RZM2022-00016.

## Existing Site Condition

The subject site is a 13.87-acre assemblage of four parcels located on the west side of Cumming Highway, south of its intersection with Henry Bailey Road. The site is developed with a 1,477 square foot single-family residence, detached 3-car garage, and storage building. The site is wooded and is encumbered by a stream running through the eastern half of the site. The terrain drops nearly 30 feet from Cumming Highway to the stream and rises nearly 70 feet from the stream to the western property line. Sidewalks are present along both sides of Cumming Highway, a principal arterial that provides regional mobility with a striped crosswalk across Henry Bailey Road. The nearest Gwinnett Transit stop is approximately 5.5 miles from the site.

## Surrounding Use and Zoning

The subject site is surrounded by primarily single-family residential uses with small-scale commercial space along Cumming Highway. To the east and south are single-family residences within the Sugar Hill city limits. A multi-tenant retail center to the south, located within the City of Sugar Hill, contains an animal hospital and other service uses. To the north, across Cumming Highway are single-family residences on large lots. Further north is the heavily commercialized intersection of Suwanee Dam Road and Cumming Highway where two large multi-tenant shopping centers are located. The properties to the west contain a small farm and accessory buildings. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Townhouses	R-TH	6.92 units per acre
North	Single-Family Residential	R-100	0.97 units per acre
East	Single-Family Residential Undeveloped	R-100 BG (Sugar Hill)	1.22 units per acre N/A
South	Single-Family Residential Commercial	RS-100 (Sugar Hill) BG (Sugar Hill)	3.3 units per acre N/A
West	Single-Family Residential	R-100	0.05 units per acre

## Project Summary

The applicant requests rezoning of a 13.87-acre property from R-100 to R-TH for townhouses, including:

- 96 front-entry, two-car garage townhouses with a minimum heated floor area of 1,800 square feet, yielding a net density of 6.92 units per acre.
- A 27-foot-wide internal street within a 50-foot-wide right-of-way that stubs to properties to the north and west for future development. The site plan does not demonstrate compliance with the UDO requirement to provide a temporary turnaround for dead-end streets serving three or more lots.
- Five-foot-wide sidewalks along Cumming Highway, and 4-foot-wide sidewalks on both sides of the proposed internal streets.
- 24 parallel on-street parking spaces for guests throughout the development.
- Common area totaling 4.05 acres including a passive park, child's play area, and areas within the stream buffers.
- A mail kiosk with three on-street parking spaces in the front of the development.
- A 35-foot-wide undisturbed buffer and 5-foot-wide structure setback along all the external property lines line adjacent to residentially-zoned properties.
- A stormwater management facility for detention and runoff reduction on the east side of the creek. There is no stormwater management facility identified on the west side of the creek.
- A 30-foot-wide landscape setback along the property frontage on Cumming Highway.
- A deceleration lane from Cumming Highway leading to the limited-access entrance.
- Exterior building materials constructed primarily of brick or stone on the front facades and fiber-cement siding on the sides and the rear.

## Zoning and Development Standards

The applicant is requesting a rezoning to R-TH (Single-Family Residence Townhouse District), for townhouses. 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 Setback	Minimum 10'	>10'	YES
External Side Yard Setback	Minimum 20'	>20'	YES
External Rear Yard Setback	Minimum 20'	>20'	YES
Building Separation	Minimum 20'	20'	YES
Parking (Townhouse)	Minimum 3 per dwelling Maximum 6 per dwelling	3 spaces	YES

Standard	Required	Proposed	Meets Standard?
Guest Parking	Minimum 24 spaces	29 spaces	YES
Landscape Setback	N/A	30'	YES
Zoning Buffer	Minimum 35 feet	35 feet	YES
Density	Maximum 10 units per acre	6.92 units per acre	YES
Minimum Heated Floor Area (3 Bedroom Units)	Minimum 1,200 square feet	1,800 square feet	YES
Common Area	Minimum 15% or 2.08 acres	29% or 4.05 acres	YES

## 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 H). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

## Staff Analysis

**Rezoning 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, staff makes the following findings based on the standards from the UDO:

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

The site is primarily surrounded by single-family detached homes within subdivisions or on large lots, with a small-scale retail center to the south of the property along Cumming Highway. Higher density residential uses, such as townhouses and apartments are not located within close proximity to the subject property. A higher density townhouse development is not suitable in view of the surrounding single-family detached uses.

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

The proposed townhouses would introduce a greater density and traffic generation to an area that has a predominately single-family detached residential character. The proximity of the development to the Hendrix Road intersection allows only a right-in/right-out access to Cumming Highway. As a result, vehicles would have to travel past the property and make a u-turn at the intersection to the south, creating additional congestion at this intersection. The existing use and usability of adjacent or nearby properties would be adversely impacted by the density approved with the zoning change.

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

The property has a reasonable economic use as currently zoned.



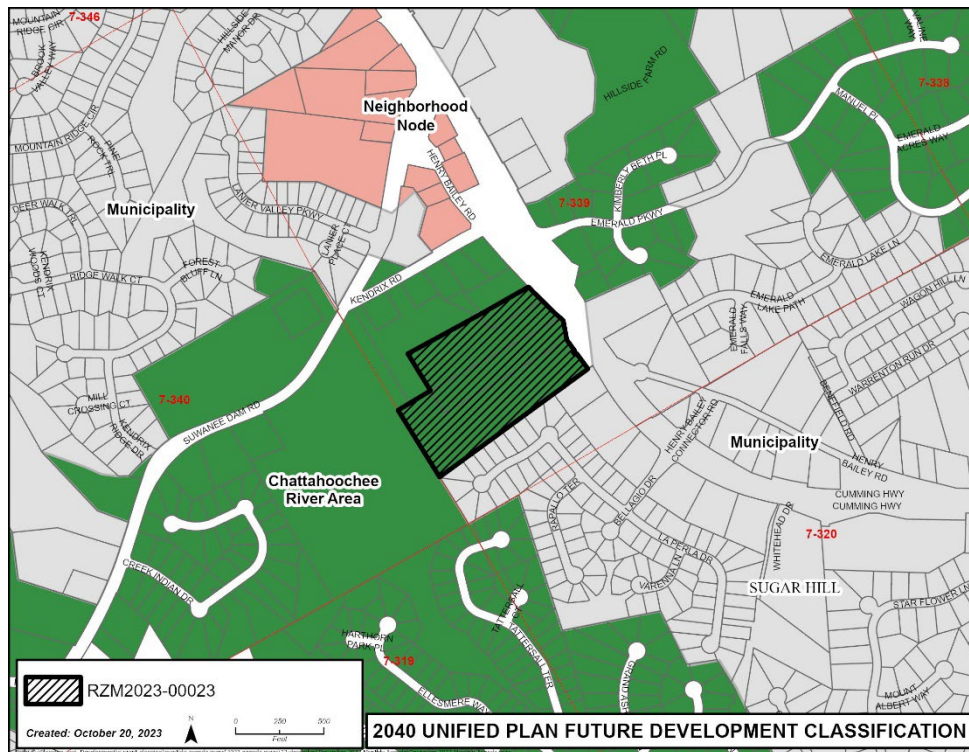
**D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

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

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

The 2040 Unified Plan Future Development Map indicates that the subject property is within the Chattahoochee River Area Character Area. The Chattahoochee River Area is the designation used for unincorporated areas along the Chattahoochee River and Lake Lanier. Due to its location along the river and its natural landscape, development in this area should remain as low density residential to protect the water quality and environmental character of the Chattahoochee River and Lake Lanier.

The proposed townhouse development would be located on a property with significant topographic and stream features that would be better preserved with low density residential development, furthering the vision of the Chattahoochee River Area Character Area. The proposed housing type (townhouses) and zoning district (R-TH) are not considered low density residential as intended by the Character Area. The proposed rezoning is not in conformity with the policy and intent of the Unified Plan or 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 property lies within the Chattahoochee River Character Area which recommends low density residential development. In addition, the density of the surrounding single-family detached homes is significantly less than the proposed townhouse density. Therefore, townhouses are not an appropriate development for this property.

**Staff Recommendation**

Based on the staff’s evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the rezoning request.

**Staff Recommended Conditions**

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

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

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received October 10, 2023 and Exhibit C: Elevations dated received October 10, 2023, with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.
2. The property shall be limited to single-family attached townhouses and accessory uses and structures, not to exceed 96 units.
3. A mandatory homeowners association shall be established and shall be responsible for maintenance of all common areas/facilities and street frontage landscaping.
4. All dwellings shall have a minimum two-car garage.
5. The buildings shall comply with Category 3, Attached Residential Buildings of the Gwinnett County Architectural Standards.
6. A mandatory homeowners association shall be established and shall be responsible for maintenance of all common areas/facilities and street frontage landscaping.
7. The developer shall stub paved streets and right-of-way to connect to the abutting parcels to the north and west for connection for future development, and provide temporary turnarounds where required by the UDO.
8. Natural vegetation shall remain on the property until the issuance of a development permit.
9. All grassed areas shall be sodded.

10. Building lots shall not be located within any required stream buffer and associated impervious setbacks.

### **Planning Commission Recommendation**

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **DENIAL** of the rezoning request.

**Exhibits:**

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. DWR Sewer Capacity Certification Letter
- G. Traffic Impact Study
- H. Internal and External Agency Review Comments
- I. Maps
- J. Documents Presented at the December 5, 2023 Planning Commission Public Hearing



**Exhibit A: Site Visit Photos**



View of existing house on subject property



View of existing garage on subject property





View of sloping terrain of subject property



View of adjacent retail center to the south along Cumming Highway





View of Cumming Highway, subject property on left



View of Cumming Highway, subject property on right

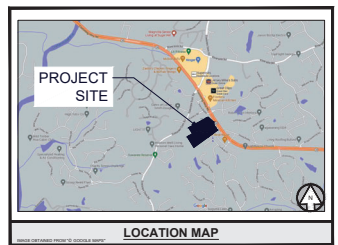
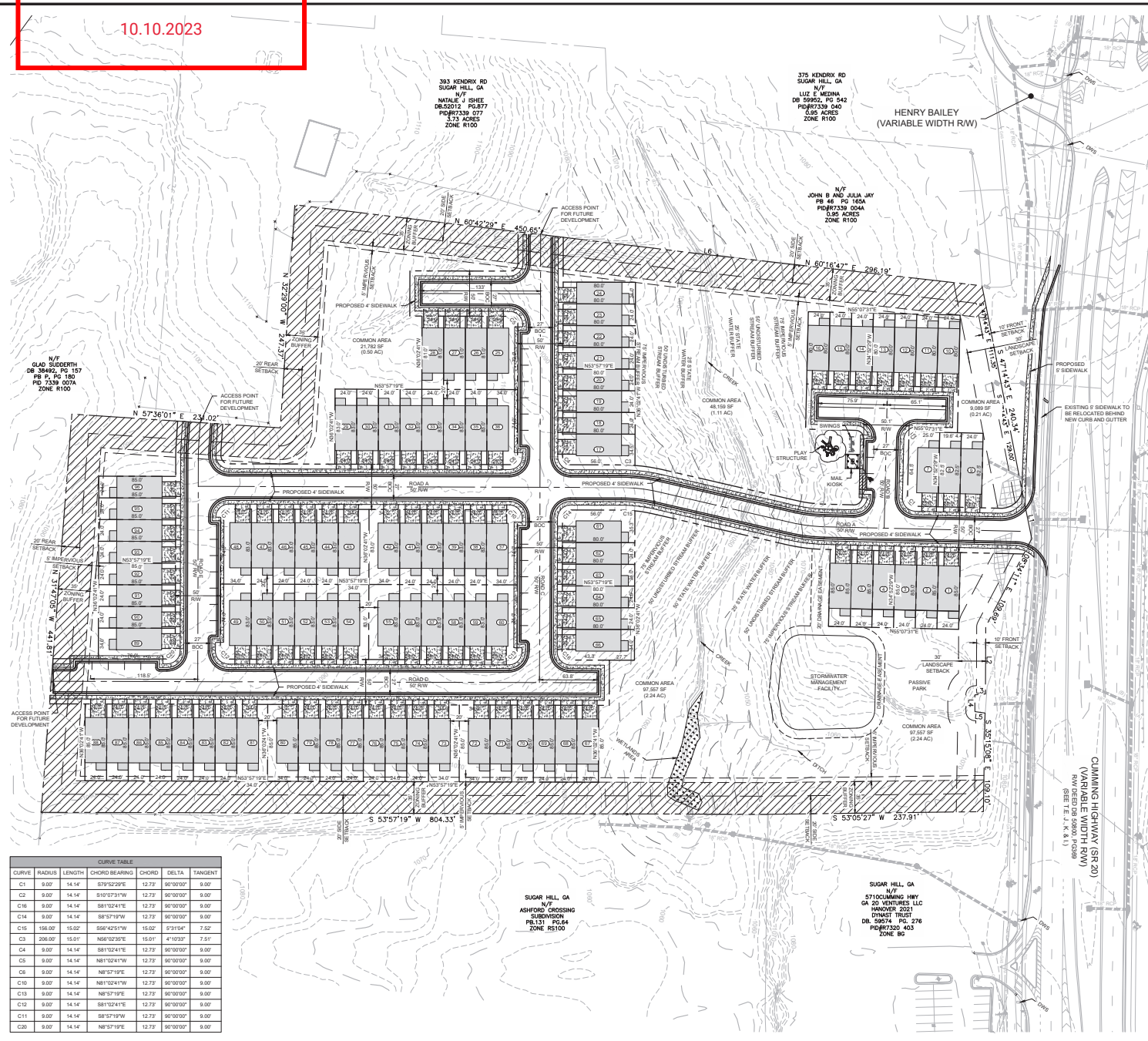
**Exhibit B: Site Plan**

**[attached]**



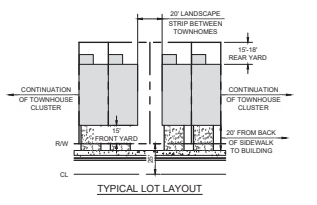
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### SITE SUMMARY

SITE INFORMATION	
SITE AREA:	13.97 ACRES
TOTAL NUMBER OF UNITS:	96
MAX DENSITY (GROSS + NET):	10 DU/AC (PROP. 8.92 DU/AC)
OPEN SPACE REQUIRED:	15%
OPEN SPACE PROVIDED:	176,987 SF / 4.05 AC (20%)
ZONING CLASSIFICATION	
JURISDICTION:	GWINNETT COUNTY
ZONING:	CURRENT R-100 - PROPOSED R-TH
SETBACKS	
FRONT (EXTERNAL):	15'
SIDE (EXTERNAL):	25'
REAR (EXTERNAL):	20'
INTERIOR:	20' LANDSCAPE STRIP BETWEEN LOTS
LOT INFORMATION	
MINIMUM AREA:	NO MINIMUM (1,000 SF SHOWN)
MINIMUM WIDTH:	NO MINIMUM (24' SHOWN)
MINIMUM FRONTAGE:	NO MINIMUM (24' SHOWN)
BUILDING SUMMARY	
PROPOSED FOOTPRINT:	24' X 90' D TOWNHOME
MINIMUM BUILDING HEIGHT:	10'
MINIMUM HEATED FLOOR AREA:	1,400 SF (3-BEDROOM)
PROPOSED HEATED FLOOR AREA:	MINIMUM 1,800 SF
PARKING SUMMARY	
GUEST SPACES REQUIRED:	0.25 SPACES / UNIT
TOTAL GUEST SPACES REQUIRED:	0.25 X 96 UNITS = 24
TOTAL GUEST SPACES PROVIDED:	29 (9 x 18' STALLS)



### CONCEPT PLAN DISCLAIMER

- THE CONCEPT REPRESENTED HEREIN IDENTIFIES A SCHEMATIC DESIGN RESULTING FROM LAYOUT PREFERENCES IDENTIFIED BY THE CLIENT COUPLED WITH A PRELIMINARY REVIEW OF ZONING AND LAND DEVELOPMENT REQUIREMENTS. THE FEASIBILITY OF THIS PLAN WITH RESPECT TO GWINNETT COUNTY, STATE AND OTHER APPLICABLE REGULATIONS IS NOT WARRANTED AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION OF THE SITE AND VERIFICATION OF THE ZONING ORDINANCES AND DEVELOPMENT REGULATIONS ALONG WITH PROCUREMENT OF APPROPRIATE JURISDICTIONAL APPROVALS.
- THIS CONCEPT PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES ONLY AND IS NOT INTENDED FOR UTILIZATION AS A ZONING AND/OR CONSTRUCTION DOCUMENT. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON AVAILABLE INFORMATION THAT WAS SUPPLIED AT THE TIME OF PLAN PREPARATION AND MAY BE SUBJECT TO CHANGE UPON THE AVAILABILITY OF ADDITIONAL INFORMATION.
- THIS CONCEPT PLAN WAS PREPARED WITHOUT BENEFIT OF A CURRENT SURVEY, GEOTECHNICAL AND/OR ENVIRONMENTAL INVESTIGATION, JURISDICTIONAL Delineation OR AIRBORNE REPORT. THE LOCATION OF ANY JURISDICTIONAL WATERS, INCLUDING UNDERGROUND UTILITIES AND/OR SPECIFIC TREES HAS NOT BEEN TAKEN INTO ACCOUNT.

### GENERAL SITE NOTES

- ALL DIMENSIONS ARE TO THE BACK OF CURB UNLESS SPECIFIED OTHERWISE.
- ALL TREES SHALL HAVE PROPER PROTECTION DURING CONSTRUCTION UNLESS APPROVED PLANS INDICATE OTHERWISE.
- FLOOD PLAN IS NOT PRESENT ON THIS SITE AS SHOWN ON THE FEMA FIRM MAP NUMBER 13130C0130, DATED MARCH 4, 2013.
- 1 HANDICAP SPACE IS REQUIRED TO BE VAN ACCESSIBLE WITH A MINIMUM 96" WIDE ACCESS AREA.
- ACCESSIBLE PARKING AREAS, INCLUDING AISLES, SHALL SLOPE NO MORE THAN 2% IN ANY DIRECTION.
- THE OWNER IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AGREEMENTS FROM ADJACENT PROPERTY OWNERS IN ORDER TO PERFORM THE REQUIRED OFF-SITE WORK, INCLUDING STORM DRAINAGE, CURB AND GUTTER AND PAVEMENT TIE-INS AND GRADING.
- REFERENCE ARCH PLANS FOR DIRECTIONAL SIGNAGE, SITE SIGNAGE, BUILDING DIMENSIONS, ETC.

PREPARED IN THE OFFICE OF

GASKINS + LECRAW  
© 2023 GASKINS + LECRAW, INC.  
3475 CORPORATE WAY  
SUITE A  
DULUTH, GA 30096  
PHONE: 478.568.8100  
FAX: 770.441.0295  
www.gaskinslecrow.com  
PER098127

REVISIONS:			
NO.	DATE	BY	DESCRIPTION

CLIENT: D.R. HORTON  
8800 ROSWELL ROAD BUILDING B, SUITE 100  
SANDY SPRINGS, GEORGIA 30350

PROJECT: 5738-5784 CUMMING HIGHWAY  
LOCATED IN LAND LOT 339, 7TH DISTRICT  
PARCELS 7338-001, 7338-002, AND 7338-003  
GWINNETT COUNTY, GA

SEAL:

CALL BEFORE YOU DIG

Know what below.  
Call before you dig.

SCALE & NORTH ARROW:

DESIGN INFO:  
DRAWN BY: ER  
DESIGNED BY: ER  
REVIEWED BY: RS  
JOB #: 103365  
DATE: 10/10/2023

CONCEPT PLAN  
SP-1.0

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	9.00'	14.14'	S79°52'09"E	12.73'	90°00'00"	9.00'
C2	9.00'	14.14'	S10°07'31"W	12.73'	90°00'00"	9.00'
C3	9.00'	14.14'	S81°02'41"E	12.73'	90°00'00"	9.00'
C4	9.00'	14.14'	S8°57'19"W	12.73'	90°00'00"	9.00'
C5	156.00'	15.00'	S56°42'51"W	15.00'	93°31'14"	7.50'
C6	206.00'	15.00'	N60°02'09"E	15.00'	4°10'00"	7.51'
C7	9.00'	14.14'	S81°02'41"E	12.73'	90°00'00"	9.00'
C8	9.00'	14.14'	N81°02'41"W	12.73'	90°00'00"	9.00'
C9	9.00'	14.14'	N8°57'19"E	12.73'	90°00'00"	9.00'
C10	9.00'	14.14'	N81°02'41"W	12.73'	90°00'00"	9.00'
C11	9.00'	14.14'	N8°57'19"E	12.73'	90°00'00"	9.00'
C12	9.00'	14.14'	S81°02'41"E	12.73'	90°00'00"	9.00'
C13	9.00'	14.14'	S8°57'19"W	12.73'	90°00'00"	9.00'
C14	9.00'	14.14'	S81°02'41"E	12.73'	90°00'00"	9.00'
C15	9.00'	14.14'	N8°57'19"E	12.73'	90°00'00"	9.00'

This document, together with the concepts and designs presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Please of and imprinter reliance on this document without written authorization and adaptation by Gaskins + LeCraw, Inc. shall be without liability to Gaskins + LeCraw, Inc. Copyright Gaskins + LeCraw, Inc. 2023

**Exhibit C: Building Elevations**

**[attached]**



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## Henry Bailey Elevation proposal DR Horton

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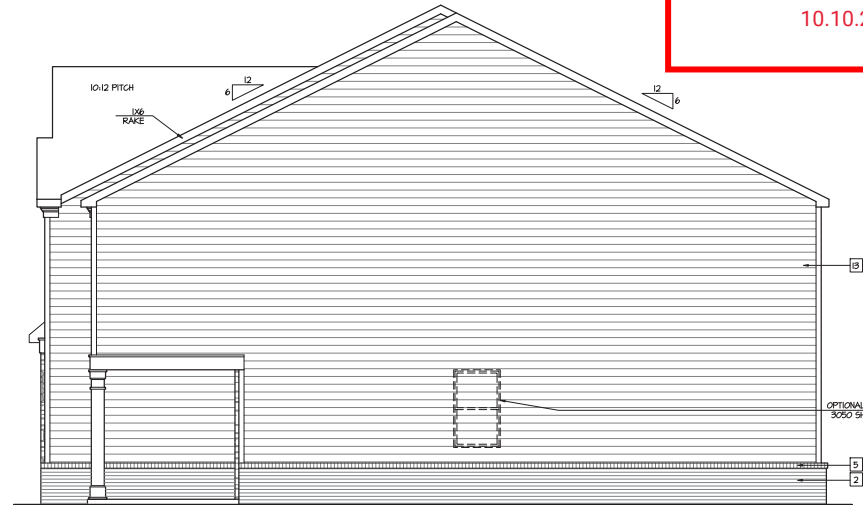
10.10.2023

NOTES:

- GRADE CONDITIONS MAY VARY FOR INDIVIDUAL SITE FROM THAT SHOWN. BUILDER SHALL VERIFY AND COORDINATE PER ACTUAL SITE CONDITIONS.
- HINDON HEAD HEIGHTS:  
1ST FLOOR = 8'-0" UNLQ. ON ELEVATIONS.  
2ND FLOOR = 7'-0" UNLQ. ON ELEVATIONS.
- ROOFING- PITCHED SHINGLES PER DEVELOPER.
- HINDONS- MANUFACTURER PER DEVELOPER, DIVIDED LITES AS SHOWN ON THE EXTERIOR ELEVATIONS
- ENTRY DOOR: AS SELECTED BY DEVELOPER.
- GARAGE DOORS: AS SELECTED BY DEVELOPER, RAISED PANEL AS SHOWN.
- ALL EXTERIOR MATERIALS TO BE INSTALLED PER MANUFACTURER'S WRITTEN INSTRUCTIONS.
- PROTECTION AGAINST DECAY:  
(CALL PORTIONS OF A PORCH SCREEN PORCH OR DECK FROM THE BOTTOM OF THE HEADER DOWN, INCLUDING POST, RAILS, PICKETS, STEPS AND FLOOR STRUCTURE.)

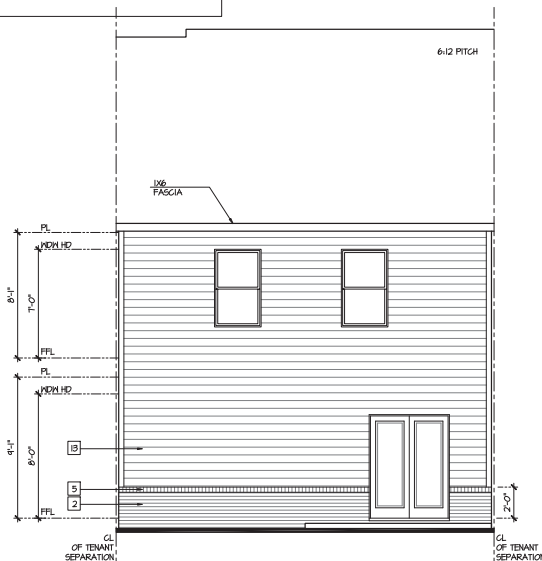
KEY NOTES:

- MASONRY:
- 1 ADHERED STONE VENEER AS SELECTED BY DEVELOPER. HEIGHT AS NOTED.
  - 2 MASONRY FULL BRICK AS SELECTED BY DEVELOPER. HEIGHT AS NOTED.
  - 3 MASONRY FULL STONE AS SELECTED BY DEVELOPER. HEIGHT AS NOTED.
  - 4 8" SOLDIER COURSE.
  - 5 ROWLOCK COURSE.
  - 6 N/A.
- TYPICALS:
- 1 DECORATIVE COVERED VENTS, SIZE AS NOTED.
  - 2 CODE APPROVED TERMINATION CHIMNEY CAP.
  - 3 CORROSION RESISTANT ROOF TO WALL FLASHING, CODE COMPLIANT. FLASHING MUST BE INSTALLED AT ALL ROOF/WALL INTERSECTIONS.
  - 4 STANDING SEAM METAL ROOF, INSTALL PER MANUFACTURER'S WRITTEN INSTRUCTIONS.
  - 5 DECORATIVE WROUGHT IRON. SEE DETAILS.
- SIDING:
- 1 FIBER CEMENT SHAKE SIDING PER DEVELOPER. W/ 1/4" CORNER TRIM BOARD.
  - 2 FIBER CEMENT LAP SIDING PER DEVELOPER. W/ 1/4" CORNER TRIM BOARD.
  - 3 FIBER CEMENT WAVY SIDING PER DEVELOPER. W/ 1/4" CORNER TRIM BOARD.
  - 4 FIBER CEMENT PANEL SIDING W/ 1/3" BATTS AT 12" O.C. PER DEVELOPER. W/ 1/4" CORNER TRIM BOARD.
  - 5 1X FIBER CEMENT 1" IRM OR EQUAL, UNLQ. SIZE AS NOTED.
  - 6 PYPON SHUTTERS, TYPE AS SHOWN. SIZE AS NOTED.



Enhanced Right Elevation 'A' at End Unit Condition - R

SCALE: 1/4"=1'-0" AT 22'X34" LAYOUT 1/8"=1'-0" AT 11'X17" LAYOUT



Enhanced Rear Elevation 'A'

SCALE: 1/4"=1'-0" AT 22'X34" LAYOUT 1/8"=1'-0" AT 11'X17" LAYOUT



Enhanced Left Elevation 'A' at End Unit Condition - L

SCALE: 1/4"=1'-0" AT 22'X34" LAYOUT 1/8"=1'-0" AT 11'X17" LAYOUT

NO.	DATE	REVISION
1	09.23	

PROFESSIONAL SEAL:

PROJECT TITLE:

24' TH Series

FOR CONSTRUCTION

CLIENTS NAME:



PROJECT NO: GMD-6A22039.2

SHEET TITLE:  
SUDBURY  
EXTERIOR  
ELEVATIONS 'A'

PRINT DATE:  
Jan. 27, 2023

SHEET NO:  
A1.5.2

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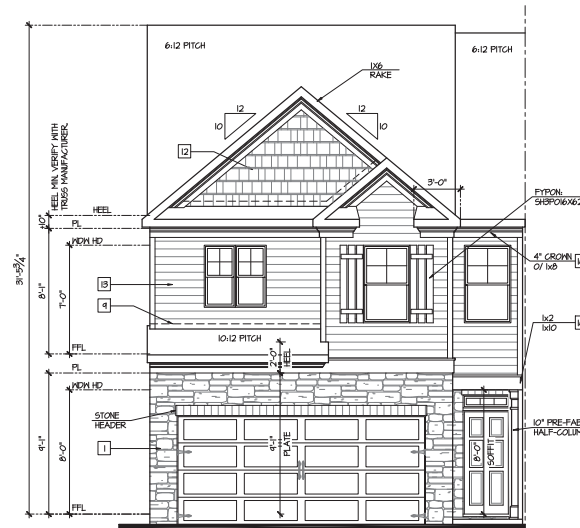
10.10.2023

NOTES:

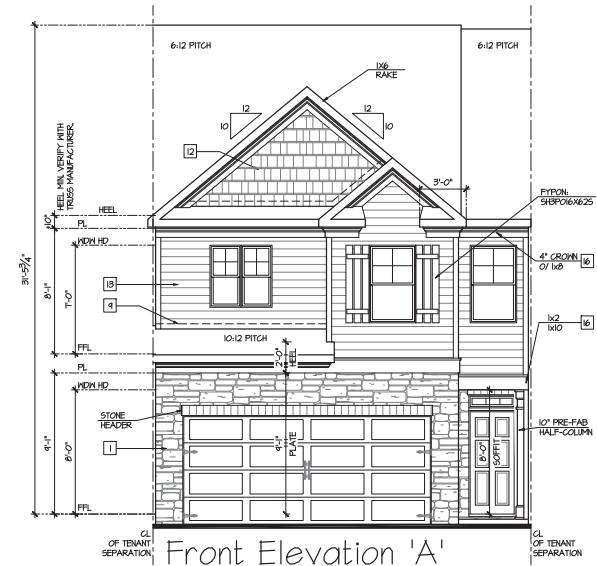
- GRADE CONDITIONS MAY VARY FOR INDIVIDUAL SITE FROM THAT SHOWN. BUILDER SHALL VERIFY AND COORDINATE PER ACTUAL SITE CONDITIONS.
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- WINDOWS: MANUFACTURER PER DEVELOPER. DIVIDED LITES AS SHOWN ON THE EXTERIOR ELEVATIONS
- ENTRY DOOR: AS SELECTED BY DEVELOPER.
- GARAGE DOORS: AS SELECTED BY DEVELOPER, RAISED PANEL AS SHOWN.
- ALL EXTERIOR MATERIALS TO BE INSTALLED PER MANUFACTURER'S WRITTEN INSTRUCTIONS.
- \* PROTECTION AGAINST DECAY:  
(ALL PORTIONS OF A PORCH SCREEN PORCH OR DECK FROM THE BOTTOM OF THE HEADER DOWN, INCLUDING POST, RAILS, PICKETS, STEPS AND FLOOR STRUCTURE.)

KEY NOTES:

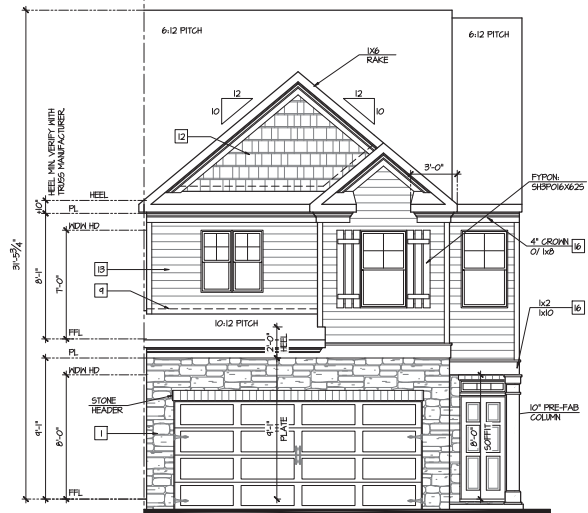
- MASONRY:
- [1] ADHERED STONE VENEER AS SELECTED BY DEVELOPER. HEIGHT AS NOTED.
  - [2] MASONRY FULL BRICK AS SELECTED BY DEVELOPER. HEIGHT AS NOTED.
  - [3] MASONRY FULL STONE AS SELECTED BY DEVELOPER. HEIGHT AS NOTED.
  - [4] SOLDER COURSE.
  - [5] ROWLOCK COURSE.
  - [6] N/A.
- TYPICALS:
- [7] DECORATIVE LOUVERED VENTS, SIZE AS NOTED.
  - [8] CODE APPROVED TERMINATION CHIMNEY CAP.
  - [9] CORROSION RESISTANT ROOF TO HALL FLASHING, CODE COMPLIANT FLASHING MUST BE INSTALLED AT ALL ROOF/WALL INTERSECTIONS.
  - [10] STANDING SEAM METAL ROOF, INSTALL PER MANUFACTURER'S WRITTEN INSTRUCTIONS.
  - [11] DECORATIVE WROUGHT IRON. SEE DETAILS.
- SIDING:
- [12] VINYL SHAKE SIDING PER DEVELOPER WITH VINYL CORNER TRIM PER DEVELOPER.  
(AT SPECIFIED LOCATIONS; FIBER CEMENT SHAKE SIDING PER DEVELOPER W/ 1/4" CORNER TRIM BOARD.)
  - [13] VINYL LAP SIDING PER DEVELOPER WITH VINYL CORNER TRIM PER DEVELOPER.  
(AT SPECIFIED LOCATIONS; FIBER CEMENT LAP SIDING PER DEVELOPER W/ 1/4" CORNER TRIM BOARD.)
  - [14] VINYL WAVY SIDING PER DEVELOPER WITH VINYL CORNER TRIM PER DEVELOPER.  
(AT SPECIFIED LOCATIONS; FIBER CEMENT WAVY SIDING PER DEVELOPER W/ 1/4" CORNER TRIM BOARD.)
  - [15] VINYL BOARD AND BATT SIDING PER DEVELOPER WITH VINYL CORNER TRIM PER DEVELOPER.  
(AT SPECIFIED LOCATIONS; FIBER CEMENT PANEL SIDING W/ US BATT S/ 12" O.C. PER DEVELOPER W/ 1/4" CORNER TRIM BOARD.)
  - [16] VINYL TRIM SIZE AS NOTED.  
(AT SPECIFIC LOCATIONS.)
  - [17] FIBER CEMENT TRIM OR EQUAL UNO. SIZE AS NOTED.  
(AT SPECIFIC LOCATIONS; TYPE AS SHOWN. SIZE AS NOTED.)
  - [18] FALSE VINYL SHUTTERS, TYPE AS SHOWN. SIZE AS NOTED.  
(AT SPECIFIC LOCATIONS; TYPE AS SHOWN. SIZE AS NOTED.)



Front Elevation 'A'  
At End Unit Condition - L  
SCALE: 1/4\"/>



Front Elevation 'A'  
At Interior Unit Condition  
SCALE: 1/4\"/>



Front Elevation 'A'  
At End Unit Condition - R  
SCALE: 1/4\"/>

NO.	DATE	REVISION
1	09.21.23	



PROJECT TITLE:  
**24' TH Series  
Greytown Springs**

**FOR CONSTRUCTION**



PROJECT NO: GMD-6A22039.2

SHEET TITLE:  
**SUDBURY  
EXTERIOR  
ELEVATIONS 'A'**

PRINT DATE:  
Jan. 27, 2023

SHEET NO:  
**A1.5**

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

**[attached]**



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10.10.2023



GASKINS + LECRAW

October 10, 2023

Department of Planning and Development  
Gwinnett County  
446 West Crogan Street, Suite 300  
Lawrenceville, GA 30046

**Rezoning Request for 5738, 5754, 5774, and 5784 Cumming Highway, Gwinnett County**

Gwinnett County Department of Planning and Development Staff.

Please accept this amended letter of intent to rezone 13.87 acres, Tax Parcels 7739 001, 7739 002, 7739 003, and 7739 073 ("Subject Property") for the development of a single-family attached residential community. The Subject Property is currently undeveloped and zoned R-100. The Applicant is seeking to rezone the Subject Property from R-100 to R-TH to allow for a 96-unit townhouse community.

On 10/06/2023, Gaskins + LeCraw received an Incomplete Letter from Gwinnett County Staff. This package addresses all comments included in the letter. All required materials, included but not limited to an amended application form, a TIS, amended survey, amended legal description, amended building elevations, Nelson Environmental Report, and amended Concept Zoning Plan, are included in this modified rezoning application package for your review.

Thank you for your consideration of this application.

Sincerely,

*Michelle Macauley*

Michelle Macauley  
Entitlements Director



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10.10.2023

**NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF  
CONSTITUTIONAL RIGHTS**

The portions of Gwinnett County Unified Development Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitutional of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the Gwinnett County Unified Development Ordinance to the Subject Property which restricts its use to any classification other than proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitutional of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment of the Constitution of the United Staes denying the Applicant and economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal by the Gwinnett County Board of Commissioners to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant to the extent such different conditions would

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10.10.2023

have the effect of further restricting Applicant's utilization of the property, would also constitute and arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would like wise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Gwinnett County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of Gwinnett County so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 27th day of September 2023.

Respectfully submitted,

*Michelle Macauley*

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10.10.2023

## Standards Governing the Exercise of the Zoning Power

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.  
The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. Surrounding the Subject Property is a mix of residential and commercial uses, both in Sugar Hill and Unincorporated Gwinnett County. The proposed residential community, with access from Covington Highway, is consistent with surrounding development.
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.  
To the knowledge of the Applicant, the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
- C. Whether the property to be affected by a proposed rezoning has reasonable economic use as currently zoned.  
The economic value of the Subject Property is negatively impacted by its current R-100 zoning.
- 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.  
To the knowledge of the Applicant, the proposed rezoning will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- E. Whether the proposed rezoning is in conformity with the policy and intent of the land use plan.  
The proposed rezoning is in general conformity with the residential use suggested in the Comprehensive Plan.
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.  
To the knowledge of the Applicant, there are not other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposed rezoning.

**Exhibit E: Application and Disclosure of Campaign Contributions**

**[attached]**

**RECEIVED**

10.10.2023

**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Gaskins + LeCraw</u>	NAME: <u>Ronnie Sudderth and Jerry Sudderth</u>
ADDRESS: <u>3475 Corporate Way</u>	ADDRESS: <u>6111 Cumming Highway</u>
CITY: <u>Duluth</u>	CITY: <u>Sugar Hill</u>
STATE: <u>GA</u> ZIP: <u>30096</u>	STATE: <u>GA</u> ZIP: <u>30518</u>
PHONE: <u>678.546.8100</u>	PHONE: _____
EMAIL: <u>dblumenthal@gaskinslecraw.com</u>	EMAIL: _____
CONTACT PERSON: <u>Dani Blumenthal</u> PHONE: <u>215.816.9336</u>	
CONTACT'S E-MAIL: <u>dblumenthal@gaskinslecraw.com</u>	
<b>APPLICANT IS THE:</b>	
<input checked="" type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>R100</u> REQUESTED ZONING DISTRICT: <u>R-TH</u>	
PARCEL NUMBER(S): <u>PIN 7339 001, 002, 003, 073</u> ACREAGE: <u>13.87</u>	
ADDRESS OF PROPERTY: <u>5738, 5754, 5774 and 5784 Cumming Highway</u>	
PROPOSED DEVELOPMENT: <u>Townhouse community</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>96</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>1800 sq. ft. minimum</u>	Total Building Sq. Ft. _____
Gross Density: <u>6.92 units/acre</u>	Density: _____
Net Density: <u>6.92 units/acre</u>	

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



**RECEIVED**

10.10.2023

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 7/2023

**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.

*Dani Blumenthal*

Signature of Applicant

9/7/2023

Date

Dani Blumenthal, Entitlements Specialist

Type or Print Name and Title

*Elizabeth Rickwood*

Signature of Notary Public

9/7/23

Date

Elizabeth Rickwood  
NOTARY PUBLIC  
Gwinnett County  
State of Georgia  
My Comm. Expires September 10, 2025

Notary Seal

**RECEIVED**

10.10.2023

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 7/2023

**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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

Dani Blumenthal 9/7/2023 Dani Blumenthal, Entitlements Specialist  
SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

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

Elizabeth Rickwood 9/7/23  
SIGNATURE OF NOTARY PUBLIC                      DATE

Elizabeth Rickwood  
NOTARY PUBLIC  
Gwinnett County  
State of Georgia  
NOTARY SEAL. Expires September 10, 2025

**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    Dani Blumenthal  
YOUR NAME

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

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

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

**RECEIVED**

10.10.2023

**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.

*Jerry Sudderth*

Signature of Property Owner

9/14/2023

Date

Jerry Sudderth, Co-Executor, Estate of Bonnie Sudderth

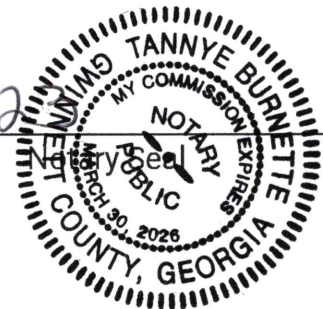
Type or Print Name and Title

*Tannye Burnette*

Signature of Notary Public

9-14-2023

Date



**WINNETT COUNTY  
PLANNING AND DEVELOPMENT**

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10.10.2023

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 7/2023

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*Ronnie Sudderth Co. Executor - 26 - 2023*

---

Signature of Property Owner

*ESTATE of* \_\_\_\_\_ *Date*  
*Bonnie Sudderth*

Ronnie Sudderth, Co-Executor, Estate of Bonnie Sudderth

Type or Print Name and Title

*Courtney Marie Allison 9/26/2023*

---

Signature of Notary Public

Date

Notary Seal



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10.10.2023

**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:                    7                    -                    339                    -                    001  
(Map Reference Number)                    District                    Land Lot                    Parcel

**Christian  
Olteanu**

Digitally signed by Christian Olteanu  
DN: cn=Christian Olteanu, c=US, o=  
Gaskins + LeCraw, Inc, ou=Entitlements  
, email=colteanu@gaskinslecrew.com  
Date: 2023.09.05 17:02:49 -04'00'

September 5, 2023

Signature of Applicant

Date

CHRISTIAN OLTEANU - ENTITLEMENTS MANAGER

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)

Kathy Lyles  
NAME

TSA  
TITLE

9/6/2023  
DATE

2023 Taxes Due  
10/15/2023



**RECEIVED**

10.10.2023

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

**PARCEL I.D. NUMBER:**                            7       -       339       -       002        
(Map Reference Number)                      District                      Land Lot                      Parcel

**Christian  
Olteanu**

Digitally signed by Christian Olteanu  
DN: cn=Christian Olteanu, c=US, o=  
Gaskins + LeCraw, Inc, ou=Entitlements  
, email=colteanu@gaskinslecrew.com  
Date: 2023.09.05 17:06:09 -04'00'

September 5, 2023

Signature of Applicant

Date

CHRISTIAN OLTEANU - ENTITLEMENTS MANAGER

Type or Print Name and Title

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**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)

Kathy Lyles  
NAME

TSA  
TITLE

9/6/2023  
DATE

2023 Taxes Due  
By 10/15/2023

**RECEIVED**

10.10.2023

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

PARCEL I.D. NUMBER:                          7       -       339       -       003        
(Map Reference Number)                District                    Land Lot                    Parcel

**Christian  
Olteanu**

Digitally signed by Christian Olteanu  
DN: cn=Christian Olteanu, c=US, o=  
Gaskins + LeCraw, Inc, ou=Entitlements  
, email=colteanu@gaskinslecraw.com  
Date: 2023.09.05 17:08:15 -04'00'

September 5, 2023

Signature of Applicant

Date

CHRISTIAN OLTEANU - ENTITLEMENTS MANAGER

Type or Print Name and Title

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**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)

Kathy Hyles  
NAME

TSA  
TITLE

9/6/2023  
DATE

2023 Taxes Due  
By 10/15/2023

RECEIVED

10.10.2023

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

PARCEL I.D. NUMBER:                            7       -       339       -       073        
(Map Reference Number)                      District                      Land Lot                      Parcel

**Christian  
Olteanu**

Digitally signed by Christian Olteanu  
DN: cn=Christian Olteanu, c=US, o=  
Gaskins + LeCraw, Inc, ou=Entitlements  
, email=colteanu@gaskinslecrew.com  
Date: 2023.09.05 17:09:52 -04'00'

September 5, 2023

Signature of Applicant

Date

CHRISTIAN OLTEANU

Type or Print Name and Title

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**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)

Kaethy Lyles  
NAME

TSA  
TITLE

9/6/2023  
DATE

2023 Taxes Due  
By 10/15/2023

**Exhibit F: DWR Sewer Capacity Certification Letter**

**[attached]**



June 7, 2023

Joe Hiott  
DR Horton  
8800 Roswell Rd. Bldg. B, Suite 100  
Sandy Springs, Ga. 30350

<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Denied
<input type="checkbox"/>	Conditionally Approved
<b>Sewer Capacity Request #C2023-133-06</b>	
<b>Expiration Date: 06/07/2024</b>	
<b>Tie-In Manhole FID: 1185425</b>	

RE: Sewer Availability for Proposed Development – Henry Bailey Road  
Parcel ID District 7 Land Lot 339, Parcel(s) 001, 002, 003, 073

Dear Mr. Hiott:

This letter supersedes the earlier Sewer Capacity Certification C2022-323-11 dated November 04, 2022 addressed to Lorri-Belle Anderson

Gwinnett County Department of Water Resources (GCDWR) has reviewed the impact of the proposed development consisting of 100 townhomes on the above parcel(s) and determined:

Gwinnett County has adequate sewer capacity to serve the proposed development. This confirmation is based on your anticipated annual average daily flow of 17.36 gpm discharging to the sewer tie-in manhole at Facility ID 1185425.

**Capacity Allocation:** Sewer capacities are allocated only upon the issuance of a Development Permit, by Gwinnett County Planning & Development and after all applicable conditions established in this Sewer Capacity Certification, if any, are met.

**Certification Expiration:** The Sewer Capacity Certification is valid for 12 months from the date of this letter. If rezoning is approved, GCDWR will issue a revised Sewer Capacity Certification based on the approved units, as needed. The capacity request can be renewed for an additional 12 months. If a Development Permit has not been obtained by the expiration date above, the developer may apply for renewal by providing evidence of active rezoning, plan review, or permitting efforts.

Once the Sewer Capacity Certification expires, the capacity is no longer allocated, and a new Sewer Capacity Certification request must be submitted for re-evaluation with no guarantee of available capacity. The evaluation will be based on the updated conditions of the sewer system.

**Certification Invalidation:** This certification is not valid if there are proposed changes to your development that could impact downstream sewer capacity (e.g. land use density, sewer tie-in manhole, parcel changes, and/or rezoning). In this case the development must resubmit for a new Sewer Capacity Request with updated information prior to the expiration of the previous one.







# Gwinnett

WINNETT COUNTY  
DEPARTMENT OF WATER RESOURCES

684 Winder Highway | Lawrenceville, GA 30045-5012

678.376.6700

www.gwinnettcounty.com | www.gwinnetth2o.com

Please contact us at 678-376-7026 if you have any questions.

Sincerely,

WINNETT COUNTY DEPARTMENT OF WATER RESOURCES

Tai Yi Su, PE  
Division Director, Infrastructure Support  
678.376.2104

C: Gwinnett County DWR – Lorraine Campagne, Section Manager; Raghu Vemuru, Engineer V; Mikala Weston, Engineer III  
Gwinnett County P&D – Charli Young, Planning Manager; Geniva Sylvain, Engineer I; Christina Dejarnette, Engineer I

**Exhibit G: Traffic Impact Study**

**[attached]**

TRAFFIC IMPACT STUDY FOR

---

# HENRY BAILEY ROAD RESIDENTIAL DEVELOPMENT

**DATE:**  
August 30, 2023

**LOCATION:**  
Gwinnett County, Georgia

**PREPARED FOR:**  
Gaskins LeCraw

**PREPARED BY:**  
NV5 Engineers and Consultants, Inc.  
10745 Westside Way, Suite 300  
Alpharetta, GA 30009  
678.795.3600

RZM2023-00023

## Executive Summary

A new residential development is proposed for construction along SR 20 in Gwinnett County, Georgia. The proposed development will consist of 100 townhomes. The development will utilize one (1) new right-in/right-out (RIRO) driveway along SR 20. The development has a projected build-out date of 2026.

When complete, the development is expected to generate a total of 712 new daily trips, 46 trips during the AM peak hour (14 entering and 32 exiting), and 56 during the PM peak hour (32 entering and 24 exiting).

The side street approaches at both study intersections operate at undesirable levels of service (LOS) and worsen slightly in the No-Build conditions with expected background growth in the area. The eastbound and westbound approaches at both existing study intersections operate at LOS F during both the AM and PM peak hours. This is somewhat expected as the east/west approaches at these intersections are stop-controlled and there is a high volume of through traffic at the northbound and southbound approaches which are the mainline, SR 20.

The addition of project traffic is expected to have minimal impact on the Levels of Service (LOS) and delays at the study intersections with each approach expected to operate with a nominal increase in delay to the No-Build conditions. However, no site traffic is expected on the side street approaches, only left- and U-turning traffic from the SR 20 mainline. The proposed driveway is expected to have minimal impact on traffic operations along SR 20.

The site driveway along SR 20 warrants a right-turn deceleration lane.

Based on the analysis prepared for the proposed development, improvements at the study intersections are not required to mitigate the impact of the proposed development.

## F. Conclusions

A new residential development is proposed for construction along SR 20 in Gwinnett County, Georgia. The proposed development will consist of 100 townhomes. The development will utilize one (1) new right-in/right-out (RIRO) driveway along SR 20. The development has a projected build-out date of 2026.

When complete, the development is expected to generate a total of 712 new daily trips, 46 trips during the AM peak hour (14 entering and 32 exiting), and 56 during the PM peak hour (32 entering and 24 exiting).

The side street approaches at both study intersections operate at undesirable levels of service (LOS) and worsen slightly in the No-Build conditions with expected background growth in the area. The eastbound and westbound approaches at both existing study intersections operate at LOS F during both the AM and PM peak hours. This is somewhat expected as the east/west approaches at these intersections are stop-controlled and there is a high volume of through traffic at the northbound and southbound approaches which are the mainline, SR 20.

The addition of project traffic is expected to have minimal impact on the Levels of Service (LOS) and delays at the study intersections with each approach expected to operate with a nominal increase in delay to the No-Build conditions. However, no site traffic is expected on the side street approaches, only left- and U-turning traffic from the SR 20 mainline. The southbound shared left/U-turn movement on SR 20 at Henry Bailey Connector/Bellagio Drive is expected to worsen from LOS E to LOS F. This is to be somewhat expected with the very heavy traffic heading northbound on SR 20 during the AM peak hour. The proposed driveway is expected to have minimal impact on traffic operations along SR 20.

The site driveway along SR 20 warrants a right-turn deceleration lane.

Based on the analysis prepared for the proposed development, improvements at the study intersections are not required to mitigate the impact of the proposed development.

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

**RECEIVED**

10.10.2023



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

**[attached]**



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

<b>TRC Meeting Date:</b>		11.08.23	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		<a href="mailto:Brent.Hodges@gwinnettcountry.com">Brent.Hodges@gwinnettcountry.com</a>	
Case Number:		RZM2023-00023	
Case Address:		5738, 5784 Cumming Highway, Sugar Hill, 30518	
<b>Comments:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1	Cumming Highway (SR 20) is a principal arterial. ADT = 38,700.		
2	5.3 miles to the nearest transit facility (#2334754) Buford/SR 20 Park and Ride.		
3	The developer shall coordinate with the Georgia Department of Transportation on obtaining a driveway permit and possible entrance improvements.		
4	Traffic Calming shall be provided for any internal street exceeding 500' in length.		
5			
6			
7			
<b>Recommended Zoning Conditions:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1			
2			
3			
4			
5			
6			
7			

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

Revised 7/26/2021

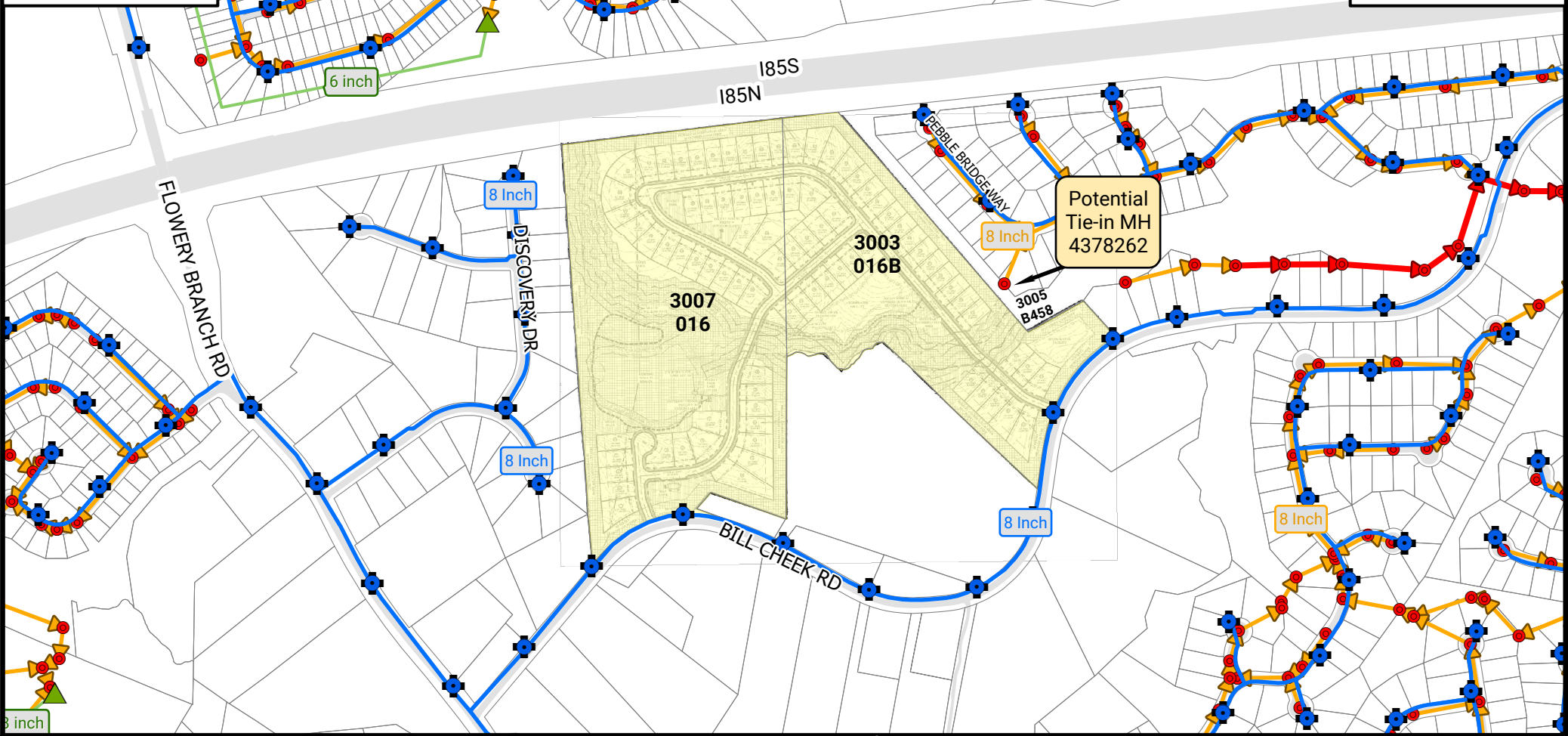


**Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b>				
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		<a href="mailto:Michael.pappas@gwinnettcountry.com">Michael.pappas@gwinnettcountry.com</a>		
Case Number:		RZM2023-00023		
Case Address:		5738, 5754, 5774 and 5784 Cumming Hwy		
<b>Comments:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The proposed development shall extend the 12-inch water main across the frontage of the property along Cumming Highway to connect to the existing 12-inch water main at parcel 7320 403.			
2	Sewer: A Sewer Capacity Certification (C2023-133-06) has been approved for 96 townhomes. The proposed development plans to connect to an 8-inch gravity sewer located to the south on parcel 7339 257. An easement may be required.			
3				
4				
5				
6				
7				
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1				
2				
3				
4				
5				
6				
7				

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

*Revised 7/26/2021*



**LEGEND**

- Water Main
- Manhole
- Sewer Collector
- Hydrant
- Sewer Force Main

4900 Block of Bill Cheek Rd  
 & 4780 Bill Cheek Rd  
 RA-200 to OSC

## Water & Sewer Utility Map

**LOCATION**



**Water Comments:** The proposed development may connect to an existing 8-inch water main along the northern right-of-way of Bill Cheek Road. A connection at both proposed entrances is required.

**Sewer Comments:** A Sewer Capacity Certification (C2023-228-10) has been approved for 83 single-family residential units. The proposed development plans to connect to an 8-inch gravity sewer located on the west side of parcel 3005B458. As-builts for the Wheeler Creek Subdivision development indicate an easement exists for tie-in to manhole FID 4378262.

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

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

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

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

**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County BOC, December, 2023**

											Proposed Zoning
	School	2023-24			2024-25			2025-26			Approximate Student Projections from Proposed Developments
		Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	
RZR2023-00003	<b>Grayson HS</b>	3,420	3,000	420	3,506	3,000	506	3,576	3,000	576	35
	<b>Bay Creek MS</b>	1,361	1,150	211	1,380	1,150	230	1,433	1,150	283	26
	Grayson ES	1,049	950	99	1,070	950	120	1,091	950	141	45
RZR2023-00024	<b>Archer HS</b>	3,202	2,575	627	3,250	2,575	675	3,283	2,575	708	6
	<b>McConnell MS</b>	2,111	1,775	336	2,153	1,775	378	2,196	1,775	421	4
	Harbins ES	1,443	1,225	218	1,486	1,225	261	1,531	1,225	306	9
RZR2023-00025	<b>Mill Creek HS</b>	2,685	2,800	-115	2,644	2,800	-156	2,697	2,800	-103	26
	<b>Osborne MS</b>	1,737	1,575	162	1,770	1,575	195	1,833	1,575	258	21
	Duncan Creek ES	1,468	1,300	168	1,500	1,300	200	1,556	1,300	256	36
RZM2023-00021	<b>South Gwinnett HS</b>	2,651	2,750	-99	2,704	2,750	-46	2,758	2,750	8	16
RZM2023-00022	<b>Snellville MS</b>	881	1,625	-744	864	1,625	-761	857	1,625	-768	11
(combined)	Norton ES	944	1,300	-356	953	1,300	-347	968	1,300	-332	21
RZM2023-00023	<b>Lanier HS</b>	1,903	1,900	3	1,920	1,900	20	1,938	1,900	38	17
	<b>Lanier MS</b>	1,334	1,700	-366	1,361	1,700	-339	1,388	1,700	-312	14
	Sugar Hill ES	1,126	1,075	51	1,149	1,075	74	1,171	1,075	96	26

**Exhibit I: Maps**

**[attached]**





LANIER PLACE CT

KENDRIX RD

HENRY BAILEY RD

KIMBERLY BETH PL

SUNANEE DAM RD


HENRY BAILEY RD

CUMMING HWY  
CUMMING HWY

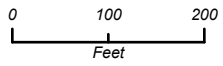
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RAPALLO TER

BELLAGIO DR

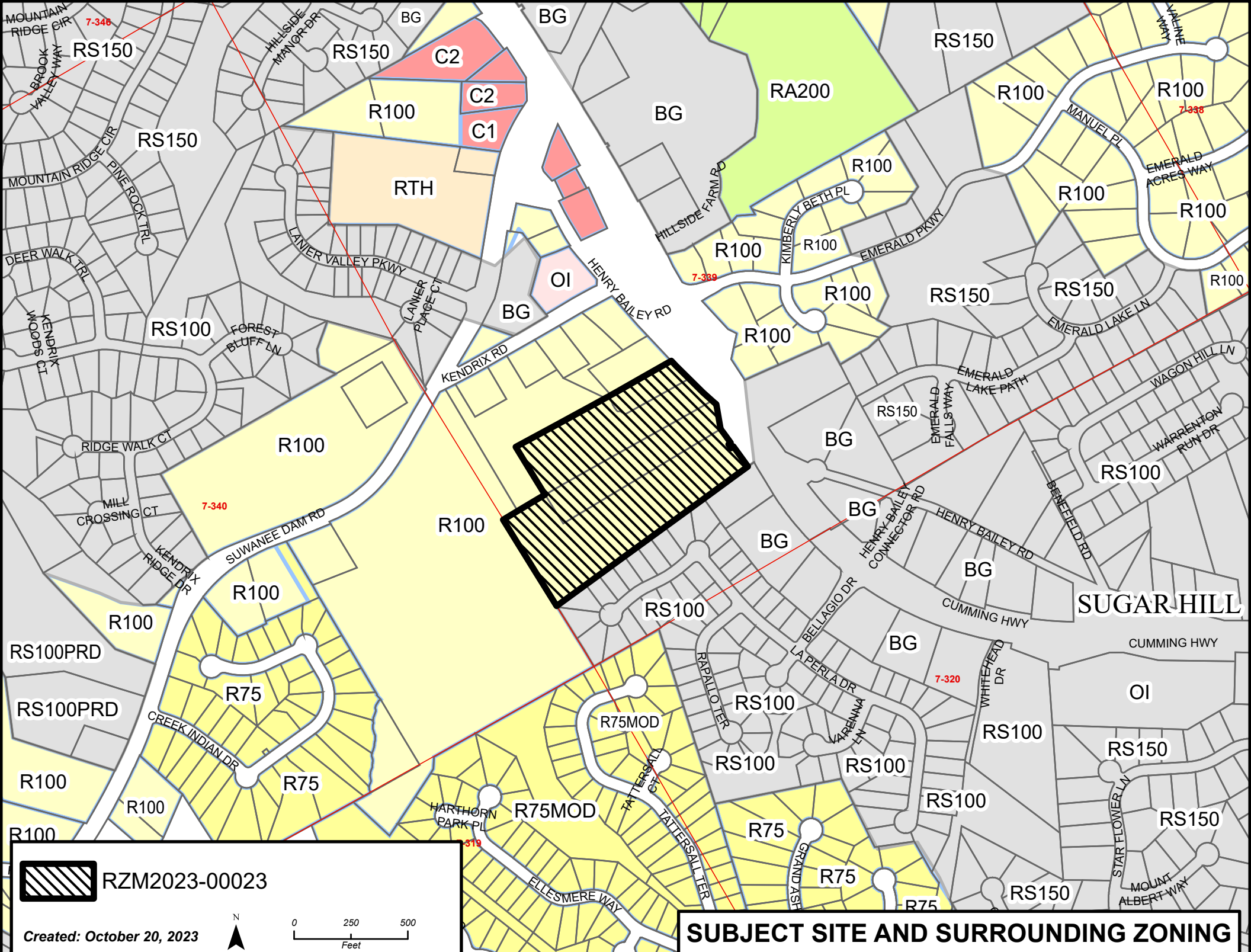
 RZM2023-00023

Created: October 20, 2023



Gwinnett County GIS



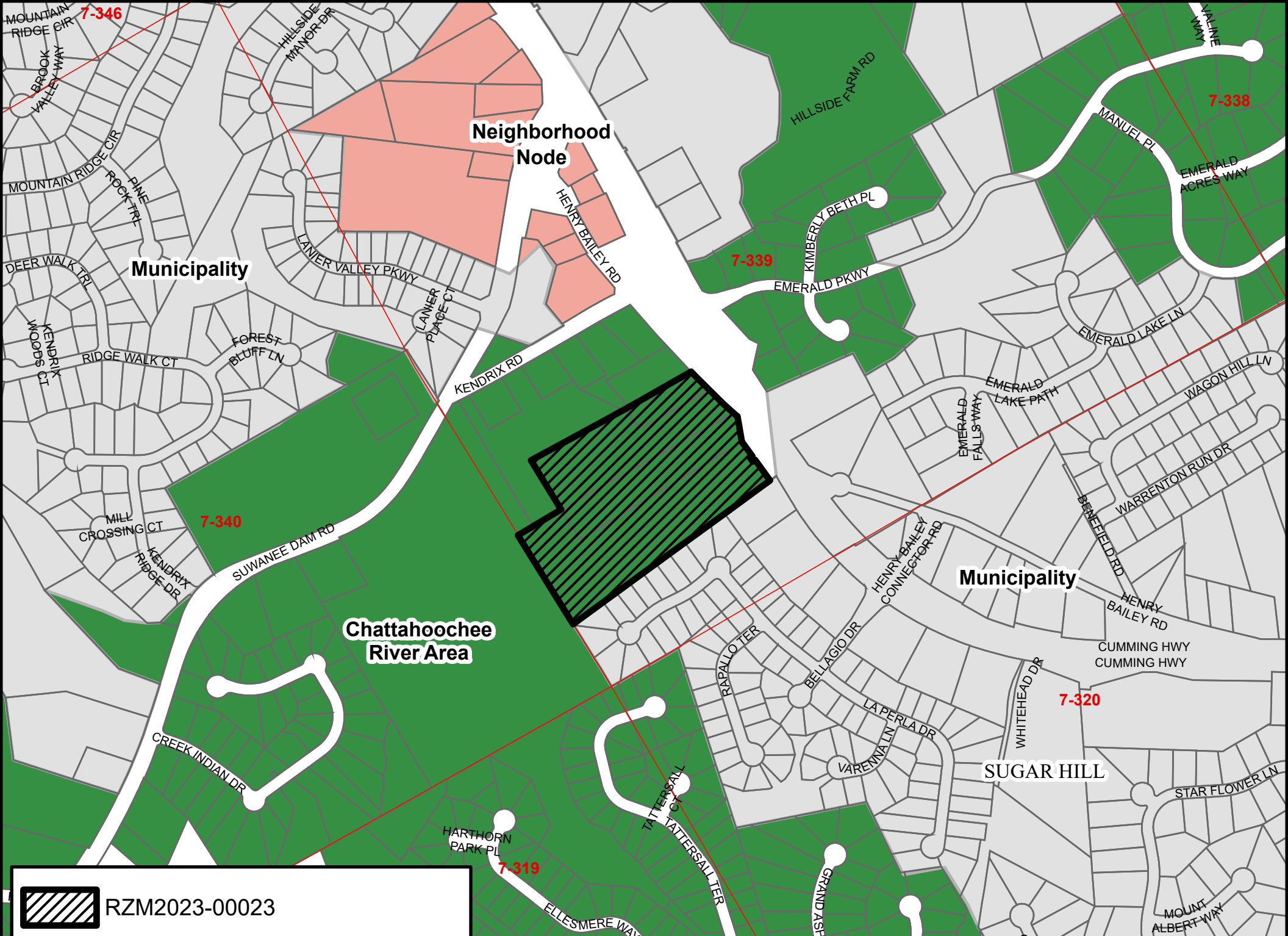



 RZM2023-00023

Created: October 20, 2023

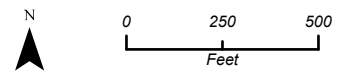
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Feet

**SUBJECT SITE AND SURROUNDING ZONING**



 RZM2023-00023

Created: October 20, 2023



**2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION**

**Exhibit J: Documents Presented at the December 5, 2023  
Planning Commission Public Hearing**

**[attached]**





**GASKIN + LECRA**  
© 2023 GASKIN + LECRA  
3475 CORPORATE W  
SUITE A  
DULUTH, GA 30096  
PHONE - 478-548-8111  
FAX - 770-441-0288  
www.gaskinlecracorp.com  
P56048127

REVISIONS:

NO.	DATE	DESCRIPTION

CLIENT  
**D.R. HORTON**  
8800 ROSWELL LANE, SUITE 100  
SANDBY SPRINGS, GEORGIA 30086  
PROJECT  
**5738-5784 CUMMING HIGHWAY**

SEAL:

CALL BEFORE YOU



Know what's below  
Call before you dig

SCALE & NORTH ARROW



SCALE: 1" = 50'

DESIGN INFO:

DRAWN BY:  
DESIGNED BY:  
REVIEWED BY:  
JOB #:  
DATE:

SITE SUMMARY	
<b>SITE INFORMATION</b>	
SITE AREA:	13.87 ACRES
TOTAL NUMBER OF UNITS:	96
MAX DENSITY (GROSS = NET):	10 DU/AC (PROP. 6.82 DU/AC)
OPEN SPACE REQUIRED:	15%
OPEN SPACE PROVIDED:	178,587 SF / 4.05 AC (28%)
<b>ZONING CLASSIFICATION</b>	
JURISDICTION:	GWINNETT COUNTY
ZONING:	CURRENT: R-100 - PROPOSED: R-TH
<b>SETBACKS</b>	
FRONT (EXTERNAL):	10'
SIDE (EXTERNAL):	20'
REAR (EXTERNAL):	20'
INTERIOR:	20' LANDSCAPE STRIP BETWEEN UNITS
<b>LOT INFORMATION</b>	
MINIMUM AREA:	NO MINIMUM (-1,200 SF SHOWN)
MINIMUM WIDTH:	NO MINIMUM (24' SHOWN)
MINIMUM FRONTAGE:	NO MINIMUM (24' SHOWN)
<b>BUILDING SUMMARY</b>	
PROPOSED FOOTPRINT:	24' W x 50' D TOWNHOME
MAXIMUM BUILDING HEIGHT:	35'
MINIMUM HEATED FLOOR AREA:	1,400 SF (3-BEDROOM)
PROPOSED HEATED FLOOR AREA:	MINIMUM 1,800 SF
<b>PARKING SUMMARY</b>	
GUEST SPACES REQUIRED:	0.25 SPACES / UNIT
TOTAL GUEST SPACES REQUIRED:	0.25 X 96 UNITS = 24
TOTAL GUEST SPACES PROVIDED:	29 (7 x 18' STALLS)

