

## **STAFF APPLICATION ANALYSIS REPORT**

**ZONING CASE #:** V25-018

**LANDOWNERS:** Tuck Family Farm LLP, CSAT Enterprises LLC, Chad and Sandra Stephens

**APPLICANT:** Green Rivers Builders Inc. C/O Mahaffey Pickens LLP

**PROPERTY ADDRESS:** Acreage along Conyers Road, Tuck Road

**MAP/PARCEL #:** LG060010, LG060010A00, LG060010ADP, LG0600100DP, portion of 4580 Tuck Road (un-zoned parcel in Gwinnett County between Foxbury Commons and LG0600100DP), LG060009, LG060011

**PARCEL DESCRIPTION:** Mixture of residential, commercial, vacant properties

**AREA:** 198 +/- acres

**EXISTING ZONING:** PUV

**PROPOSED ZONING:** No Change

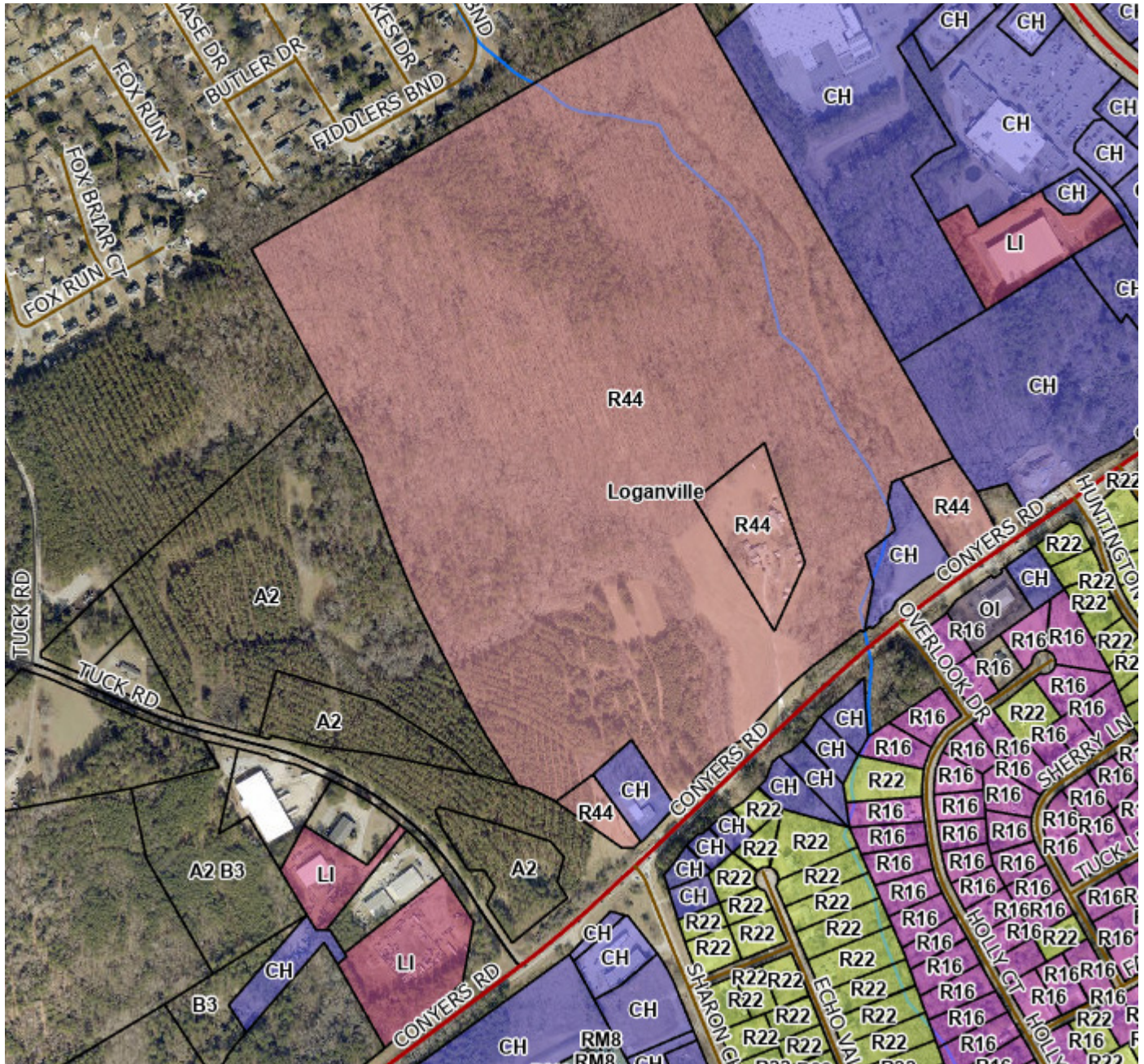
**FUTURE LAND USE MAP:** Neighborhood Residential (Walton) / Established Neighborhood (Gwinnett)

**REASON FOR REQUEST:** Seeking relief from Sec. 119-221(d)(2): Building permits in the PUV zoning classification will be issued in 25 percent increments of the total amount of proposed development of each of the three types of structures allowed in this classification (i.e., 25 percent of the total proposed commercial development; 25 percent of the total proposed single-family dwellings; and 25 percent of the total proposed townhomes). No additional building permits shall be issued until the previously permitted 25 percent of each type of structure has been fully completed and a certificate of occupancy has been issued for all of the structures subject to the previous permit.

**PLANNING COMMISSION HEARING:** Oct. 23, 2025

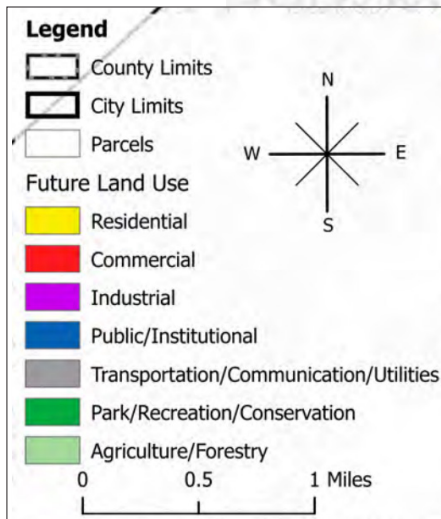
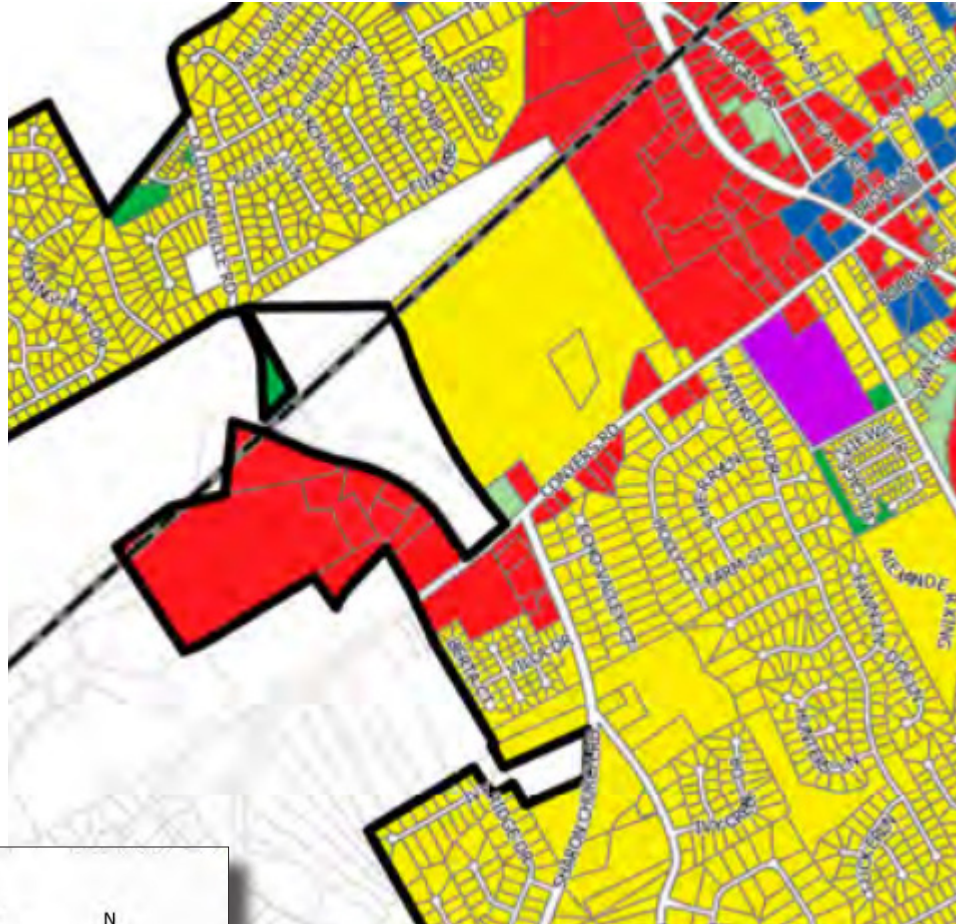
**CITY COUNCIL HEARING:** November 10 and 13, 2025

## ZONING MAP





## FUTURE LAND USE MAP



## Applicant's Request

The applicant is seeking a variance from the PUV requirement to develop each of the three categories – commercial, single-family home, multi-family residential – in 25 percent increments. More specifically, the developer wants relief from the requirement that each of the three classifications is completed before building permits are issued for the next 25 percent of the development. The applicant is requesting to move forward with building permits for 75 percent of the project in each category —and certificates of occupancy issued — before seeking permits for the final 25 percent.

## Existing Conditions

The parcels represent the remnants of an old family farm with most of the land having been placed in a conservation use. There is a house dating back to 1865 that has been expanded over the years and now encompasses 2,844 heated square feet of space. There are other structures as well on the property, but it is predominantly undeveloped / wooded space. There is a creek along the northeastern portion of the property. The applicant has stated another creek has been identified on the property but this has not been confirmed by City staff.

A few parcels were annexed into the City and then combined to form this large parcel, which was approved for the Planned Urban Village zoning on Oct. 10, 2024. The Planning Commission and City Council both voted to deny a similar variance that was applied for at the time of annexation.

The latest update on the proposed GDOT re-aligning Tuck Road with Sharon Church Road and the expanding of Highway 20 is that the project will be “shovel ready” but actual construction has been pushed to Fiscal Year 27, with the earliest possible date for construction being July 1, 2026.

## Impact Analysis / Recommendation

**What extraordinary or exceptional conditions due to size, shape or topography are present on the property in question that support the request for relief?** None.

**What other conditions are unique to the property and adversely affect its reasonable use or usability as currently zoned?** The planned GDOT improvements in the area, and the continually moving timeline for construction to begin, could potentially have an impact on the ability of the developer to build out some of its commercial space.

**How does the application of the requirements of the applicable ordinance to the property in question create an unnecessary hardship?** There is no refuting that the GDOT improvements will likely have an impact on this project and its ability to build each of the three categories in the phased in approach. But this has been an issue since before the project was proposed, contract put on the land and the rezoning / annexation process was initiated more than 18 months ago. The applicant argues that allowing timelines dictated by the free market would allow natural development but, as stated before, the building concurrencies were present before the property

## Impact Analysis / Recommendation

went under contract. The applicant has also not shown how the discovery of a second stream has any impact on the building concurrency regulations that they are seeking relief from.

Much of the language used in the application focuses on potential economic hardships and the difficulty in finding commercial tenants, which are not among the conditions for granting a major variance.

**Would the requested relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the applicable ordinance?** Granting relief would not have a substantial detriment to the public good but could be viewed as a way to get around a specific criterion established for this zoning: building concurrency.

**Recommended action:** The City re-iterates its stance last year that the lack of a definitive timeline for the GDOT project at the time that this application was filed does create a potential for hardship of the overall development of this project. As was the case when this variance was filed for last year, the applicant's concerns seem to correlate more with economic viability rather than true hardship. Staff believes that going to a 75/25 concurrency plan would not meet the intent of the ordinance as it was written. The staff recommendation is to deny this variance.

## Planning Commission Recommended Conditions

## City Council Conditions