

City of Sugar Hill  
Planning Staff Report  
RZ 16-001



**DATE:** April 26, 2016  
**TO:** Mayor and Council  
**FROM:** Planner, Susan Puri  
**SUBJECT:** Rezoning RZ 16-001 Rezoning with Variances OI, RS-100 & RS-150 & BG to RM – Home South Communities

RECOMMENDED ACTION

**Denial of Rezoning, Denial of Variance**

PLANNING COMMISSION RECOMMENDATION

*The Planning Commission held a scheduled public hearing on 3/21/16.*

*The applicant's representative, Mitch Peevy, and Dr. Terry Reece with Regency Church of God appeared in support of the proposal. Citizens and guests who spoke in opposition were Kelly Long and Kaipō Awana. Staff has received letters of opposition to the applicant's request from Krissy and Kaipō Awana, Robert and Virginia Saine, TJ Renna, and Barbara Womack.*

*In response to public comments, the applicant has submitted a revised site plan with the units directly adjacent to White Oak Drive eliminated from the plan.*

ISSUE

The City of Sugar Hill has received an application dated February 8, 2016 from Home South Communities c/o Mitch Peevy with Millcreek Consulting requesting to rezone five parcels on ± 11.131 acres, their current zoning is noted below:

- 1 - General Business District (BG),
- 1 - Office Institutional District (OI),
- 1 - Medium Density Single-Family Residential District (RS-100), and
- 2 - Low Density Single-Family Residential District (RS-150).



The applicant proposes to rezone the parcels to Residential Multi-Family District (RM) with a Variance to reduce the undisturbed buffer along the RS-100 property from 50' to 25' enhanced buffer for a townhome development.

DISCUSSION

- The rezoning is not consistent with the city's land use plan. Per the land use plan, this area is intended to develop as an office/institutional corridor, which is

consistent with existing commercial areas along Buford Highway from Woodward Mill until SR 20.

- The Sugar Hill land use plan includes mixed-use residential uses along Buford Highway south of Westbrook Road.
- Buford Highway is a busy and well-traveled thoroughfare, and the development would increase traffic to this street. Any development will need a permit from Georgia DOT, which may warrant a traffic study and/or required road improvements.
- The proposed rezoning is not appropriate in light of the zoning of adjacent properties (commercial and office/institutional). The rezoning would cause a 50' zoning buffer to be applied to future development on the Church of God property, as well as to future development on the property to the northeast, which is zoned General Business (BG).
- The proposed density of the project is 7.7 units per acre, whereas the adjacent single-family residential subdivision behind Buford Highway has a density of 2.3 units per acre.
- The high-density residential use proposed by the development would impact the local school systems.
- Insufficient documentation has been provided by the applicant to demonstrate the necessity for the variance regarding the zoning buffer.

#### BACKGROUND

Applicant / Owner:	Home South Communities
Existing Zoning:	General Business District (BG), Office Institutional District (OI), Medium Density Single-Family Residential District (RS-100), and Low Density Single-Family Residential District (RS-150).
Request(s):	Residential Multi-Family District (RM) with a Variance to reduce the undisturbed buffer along the Church of God and Jane Pugh properties from 50' to 25' enhanced buffer for a Townhome development.
Purpose:	79 Unit Townhome Community
Property Size:	± 11.131 Acres
Location:	Tax Parcel Id Numbers: 7257 010, 7257 011, 7257 231, 7257 086, and 7258 097 Addresses: 1162 Buford Highway and 4342 White Oak Drive
Public Notice:	Letters to adjoining owners via USPS regular mail on 3/3/16 Sign posted at 1162 Buford Highway and 4342 White Oak Drive on 3/1/2016 Ad in legal section of Gwinnett Daily Post on 3/3/16 & 3/24/16
Public Comments:	Dr. Reece (Church of God) has provided concerns in writing over the rezoning application. Dr. Reece has suggested some requirements regarding noise, lighting, and buffers (see attachment).

#### FINDINGS OF FACT

The property in question is compiled of five (5) vacant properties zoned General Business District

(BG), Office Institutional District (OI), Medium Density Single-Family Residential District (RS-100), and Low Density Single-Family Residential District (RS-150).

The parcel is surrounded by single-family, general business, and office/institutional properties:

- To the North: zoned Low Density Single-Family District (RS-150),
- To the South across Buford Highway 23, zoned General Business District (BG),
- To the East: General Business District (BG) and Low Density Single-Family District (RS-150), and
- To the West: Office Institutional District (OI).

**Parcel 7257 023 (BG)** was created as part of an estate in the prior Owner's last will and testament.

**Parcel 7257 086 (RS-15)** has insufficient information available from the tax assessor's office regarding the history.

**Parcel 7257 011 (RS-150)** was subdivided as part of an estate in the prior Owner's last will and testament.

**Parcel 7258 097 (RS-150)** previously included a house, located along White Oak Road, but it was damaged in a fire and demolished in 2006. This parcel was originally part of Frontier Forest, but was removed from the subdivision before the final plat.

**Parcel 7257 010 (OI)** had three houses located along the frontage, but they remained vacant for many years and eventually became dilapidated, at which point the city required them to be razed (2014). A church was previously proposed on the same parcel, but was never built. An Agricultural Conservation Easement was in place on the parcel from 6/17/2004 until 12/31/2013.

#### **AX-05-005**

Parcel 7257 010 (OI) was annexed into the city along with two adjacent parcels (7257 10A and 7257 009) through an island annexation in 2005 (AX-05-005). The property was zoned as RS-100 to match the current Gwinnett County zoning (R-75). The other two properties were zoned as RS-100 and OI.

#### **RZ-07-002**

Parcel 7257 010 was rezoned from RS-100 to OI in 2007 (RZ-07-002). The Property Owner stated in this application that the OI classification would allow for economic growth of the property and that the surrounding properties were already primarily commercial. The staff recommendation stated that the rezoning would be consistent with the land use plan for the surrounding properties and was consistent with the objectives listed in the Comprehensive Plan to "encourage commercial development which obtains compatible and complementary uses." This application was approved and rezoned to OI with the following conditions:

1. No access provided from White Oak Road;
2. A 25' (ft) width Enhanced Buffer shall be incorporated into the Standard buffer to screen noise and light from adjacent residential uses to the interior of the required 50' buffer;
3. Enhanced buffer is to consist of a staggered double row of evergreen and semi-evergreen trees and shrubs native or adapted to the area. Trees shall be 6' tall at time of planting. Plantings shall be arranged to provide an effective visual screen of at least 20' in height at maturity and shall be compatible with existing plantings;

4. The following uses shall not be permitted:
  - a. Accessory parking garages and parking lots;
  - b. Mortuaries, cemeteries, and mausoleums;
  - c. parking lots and parking garages;
  - d. utility structures.

### **Proposal**

The applicant proposes 79 Townhomes, with a minimum of 1,800 square feet of heated space. The anticipated pricing will start in the mid \$200's. All homes will have a minimum two car garage, and the front, rear, and side façades will be a mixture of brick or stone with accents of concrete (or the rear façade will be concrete). This will be a private gated community with a mandatory home owners association.

The applicant is requesting an undisturbed buffer reduction from 50' to a 25' enhanced buffer along the Jane Pugh property.

### **ZONING ANALYSIS**

1. *Will the rezoning requested permit a use that is suitable in view of the use and development of adjacent and nearby property?*

No.

2. *Will the rezoning requested adversely affect the existing use or usability of adjacent or nearby properties?*

Yes. The commercial properties that abut residentially zoned properties must comply with the required zoning buffer distances between dissimilar zoning districts.

3. *Does the property for which the rezoning is requested have a reasonable economic use as current zoned?*

Yes.

4. *Will the rezoning requested create an overcrowding condition with respect to the existing streets, transportation facilities, or schools?*

Written notification to the school board is required as a standard part of residential subdivision (number of units, type of housing, number of bedrooms, phasing of the project). Georgia County Department of Transportation will also need to review and approve of the proposed access on Buford Highway and may require a traffic study and/or roadway improvements. All requirements from Georgia DOT shall be paid by the Developer.

5. *Does the rezoning requested conform to the Sugar Hill Land Use Plan?*

No, these parcels are identified by the Sugar Hill Character Area Map to be Mixed Use Office.

6. *Are there other existing or changing conditions affecting the use and development of the property which would give support to an approval or disapproval of the rezoning request?*

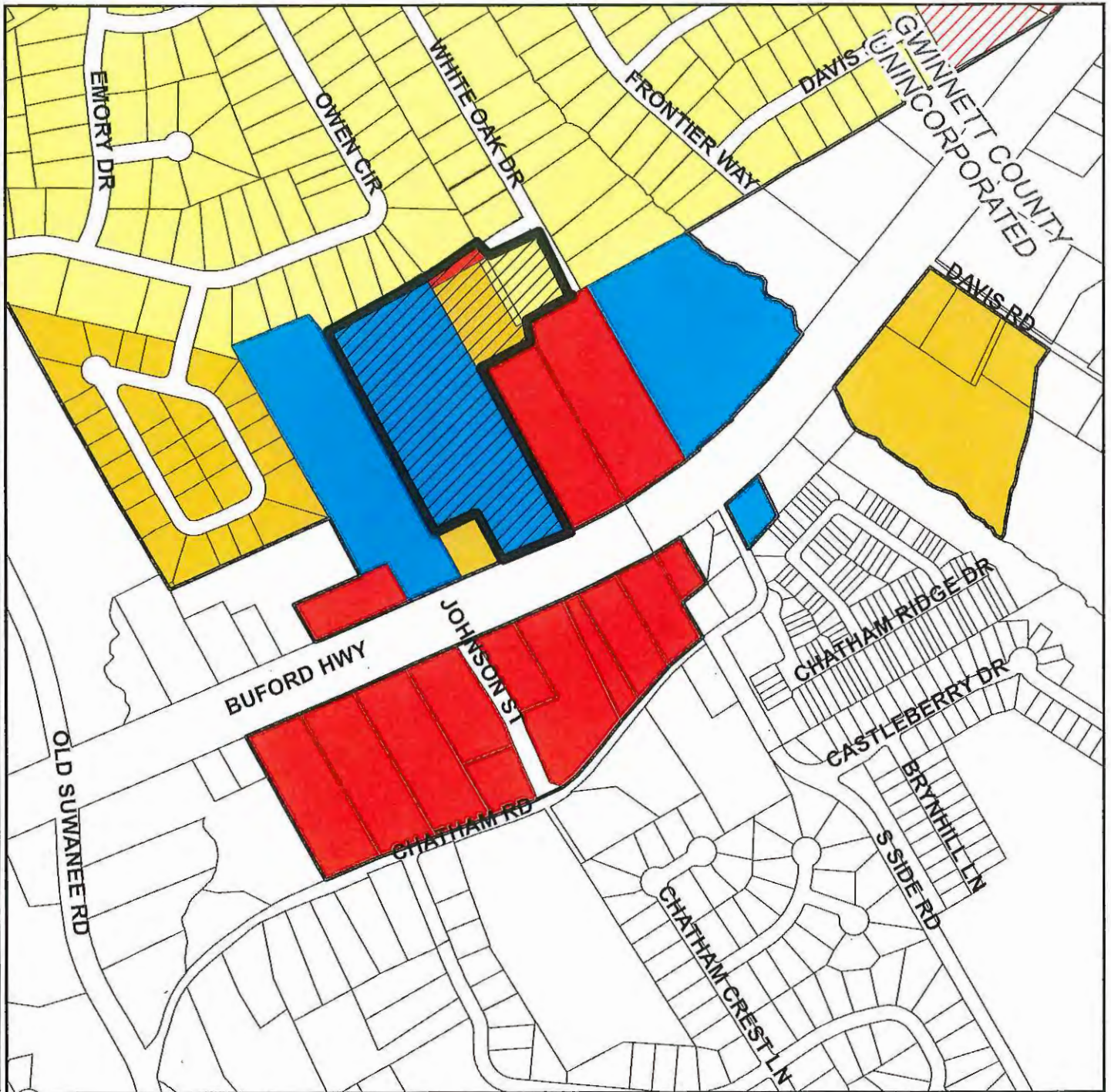
From the City's Comprehensive Plan:

"Encourage small-scale, retail and service-oriented commercial development in commercial nodes near residential neighborhoods." (4.2.1)

"Support the development of the commercial and industrial economic sectors." (4.2.5)

**Rezoning  
RZ 16-001**

Applicant: Home South Communities  
 Zoning: OI/BG/RS-100/RS-150  
 Location: 1162 Buford Hwy  
 Request: Rezone to RM w/ Buffer Reduction



**Legend**

CBD	RS150-Low Density Single Family Residential	HSB-Highway Service Business
TCO	RS100-Medium Density Single Family Residential	BG-General Business
<b>Zoning District</b>	RM-Residential Multi-Family Residential	LM-Light Manufacturing
AF-Agricultural - Forest	CSD-Conservation Subdivision Residential	HM-1-Light Industry
RS200-Low Density Single Family Residential	MH-Mobile Home Park	HM-2-Heavy Industry
RS175-Low Density Single Family Residential	OI-Office - Institutional	



1 inch = 500 feet



Single-Family Residential

Commercial (veterinary)

Over Circle

Wright Circle

Church

RZ 16-001

Church

Commercial

SFR

Barber Shop  
Auto

Commercial (Jewelry)

SFR

Commercial (landscaping)

Commercial (vacant)

BUFORD HWY

Commercial (automotive)

SFR

Church

Commercial (Vacant)

SFR

SFR

## REZONING APPLICANT'S LETTER OF INTENT

The Applicant, HomeSouth Communities, requests a rezoning from OI, RS-100 and RS-150 to RM for 11.131 acres on Buford Highway. The proposal is to build 79 Townhomes with a minimum of 1,800 square feet of heated space, it is anticipated that pricing will start in the mid \$200's. All of the homes will have at a minimum a two car garage and the building materials on the front and sides will be a mixture of brick or stone with accents of concrete siding and the rear will be the same or of concrete siding. The streets are proposed to be private with a gated entrance and will be maintained by the mandatory home owners association (HOA). The HOA will also maintain all the yards and common areas as well as the exterior of every building. This way there is no single unit or building that is not kept up to the highest standard at all times. The applicant is also requesting a buffer reduction adjacent to the property owned by Jane Pugh that is currently zoned RS-100. The proposal is to provide a 25 foot regraded and enhanced buffer instead of a 50 undisturbed buffer. All other required buffers are being provided and where they do not have enough screening HomeSouth will work with city staff to provide additional plantings as needed. There is no access proposed or requested to White Oak Way or to White Oak Drive. An amenity area with a cabana and pool is proposed to be located towards the front of the property.

The land use plan calls for the area to be Mixed Use Office and while the request is not totally in compliance with the plan, it does meet several of the goals of the plan. The immediate area is served by several struggling retail centers meaning that additional commercial is not needed. Magnolia office park is just up the street as well as other office and or office warehouse spaces in Sugar Hill and Buford that have vacancies. This type of development that caters to the "Millennial's" will be able to draw businesses to the area because of the added diversity of housing being provided. This buyer will also provide the local commercial properties with additional customers and make the entire area more viable while at the same time not really impacting the local schools.

Rec 4-14-16



5074 BRISTOL INDUSTRIAL WAY  
SUITE A  
BUFORD, GEORGIA 30518  
(770) 271-2868  
www.dpengr.com

PREPARED FOR:  
**HOMESOUTH COMMUNITIES**  
390 BROGDON ROAD  
SUWANEE, GA. 30024  
678-325-4571

PROJECT NAME:  
**HE ZEE CHURCH TRACT**

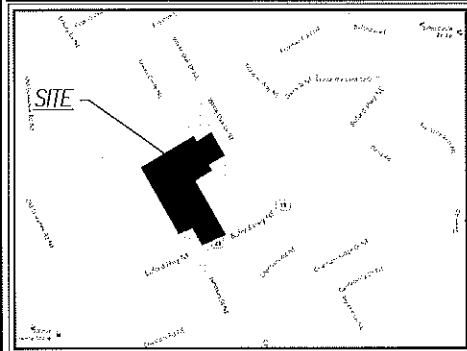
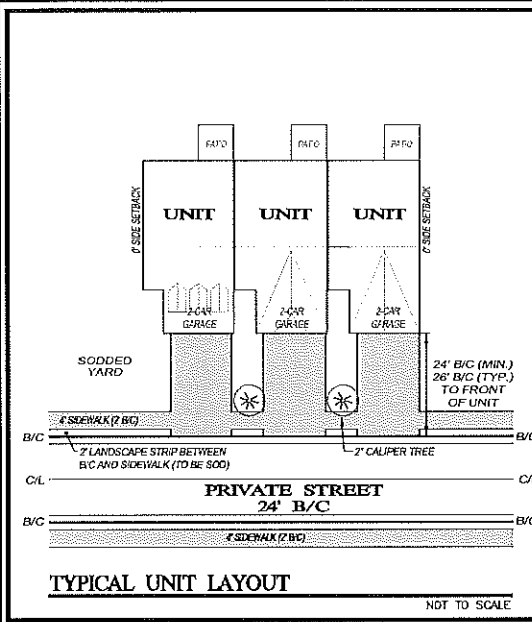
TASK:

**CONCEPTUAL RM ZONING SITE PLAN**

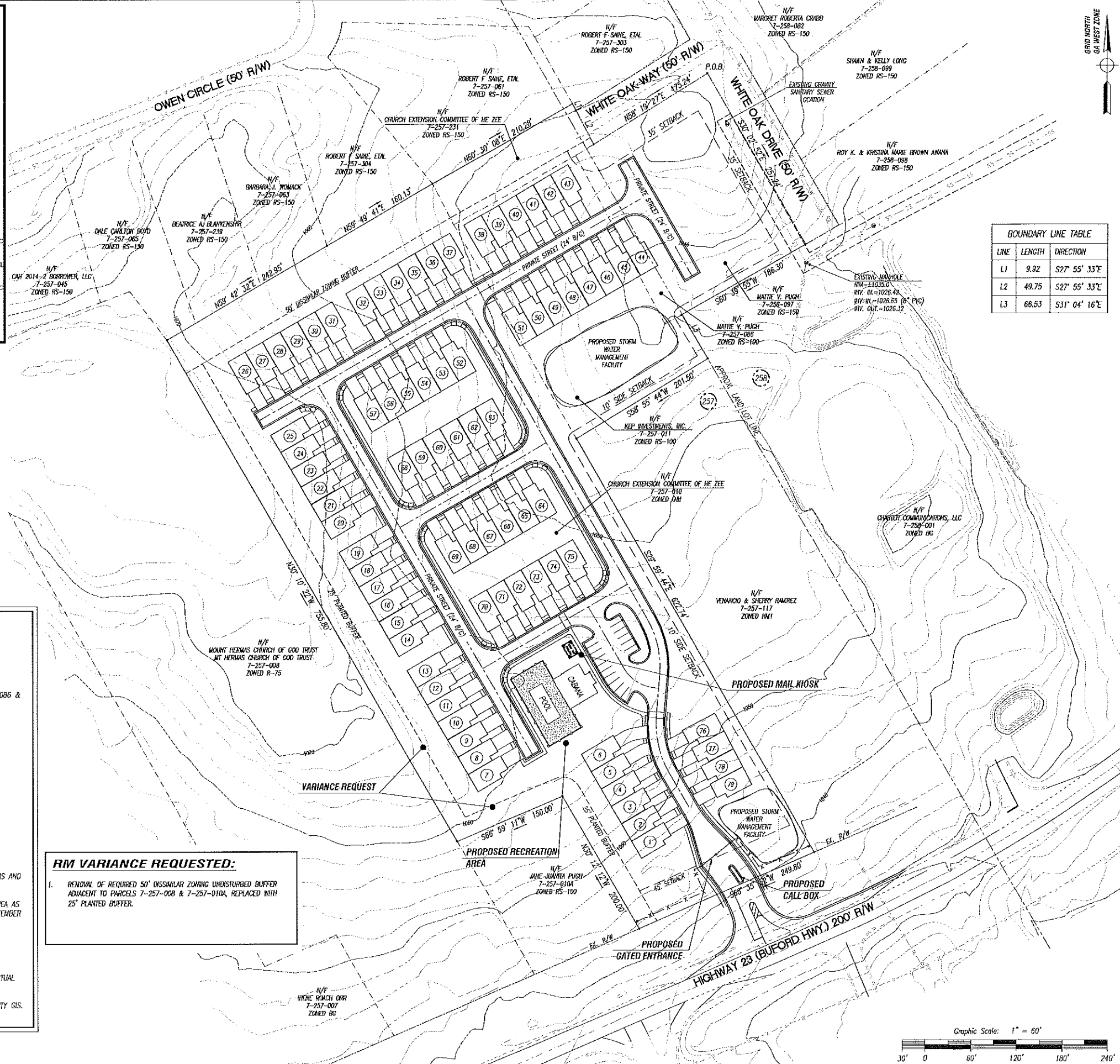
PROJECT INFORMATION:

HE ZEE CHURCH TRACT  
Project Name  
15-087  
Project Number  
1162 BUFORD HWY.  
Project Address  
257 & 258  
Land Lot No. (s)  
7/1  
District SUGAR HILL  
GWINNETT COUNTY, GA  
County, State

DATE	REVISION
03/27/16	REVISED UNITS ALONG WHITE OAK DRIVE
No.	1
DESIGN	AS SHOWN SCALE
KWB DRAWN	1 OF 1
CHECKED	SHEET
01/26/16	15-087
DATE	PROJECT No.

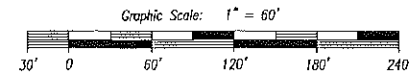


- DEVELOPMENT SUMMARY**
- TOTAL PROPERTY ACREAGE = ±11.131 AC.
  - TOTAL NUMBER OF UNITS = 79
  - CURRENT ZONING = OBI, RS-150 & RS-100
  - PROPOSED REZONING PARCELS : 7-257-010, 7-257-231, 7-257-011, 7-257-086 & 7-258-097
  - PROPOSED ZONING: RM PROPOSED USE: MULTI-FAMILY RESIDENTIAL
  - GROSS DENSITY FOR PROPERTY = 7.09 UNITS/AC.
  - FRONT ENTRY TOWNHOME WIDTH = 26 FEET
  - REQUIRED SETBACKS:  
FRONT YARD = 45' (ADJACENT TO R/W)  
REAR YARD = 30' OR 50' BUFFER ADJACENT TO RESIDENTIAL  
SIDE YARD = 10' OR 50' BUFFER ADJACENT TO RESIDENTIAL
  - ALL LOTS TO BE SERVED BY SANITARY SEWER.
  - WATER AND SEWER SERVICE PROVIDED BY GWINNETT COUNTY.
  - A 50' FOOT UNDISTURBED VEGETATIVE BUFFER ADJACENT TO ALL RUNNING STREAMS AND CREEKS WILL BE LEFT AND MAINTAINED.
  - NO PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA AS PER GWINNETT COUNTY F.L.R.M. COMMUNITY PANEL NO. 13135C0025F, DATED SEPTEMBER 29, 2006.
  - BOUNDARY INFORMATION FROM DEED RESEARCH AND GWINNETT COUNTY GIS.
  - TOPOGRAPHIC AND UTILITY INFORMATION BASED ON GWINNETT COUNTY GIS.
  - SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.
  - LOCATION OF EXISTING STREAMS AND BUFFERS SHOWN BASED ON GWINNETT COUNTY GIS. FIELD VERIFICATION RECOMMENDED.



**RM VARIANCE REQUESTED:**

- REMOVAL OF REQUIRED 50' DISSIMILAR ZONING UNDISTURBED BUFFER ADJACENT TO PARCELS 7-257-008 & 7-257-010A, REPLACED WITH 25' PLANTED BUFFER.



Rec 4-14-16





# Regency Church of God

DR. TERRY REECE, SENIOR PASTOR  
1132 BUFORD HIGHWAY  
P.O. BOX 1118 BUFORD, GA 30518  
770-271-5610 706-499-9311

March 4, 2016

The City of Sugar Hill

Re: Proposed Re-zoning for Adjacent Development

Thank you for the opportunity to voice our concerns on the proposed development adjacent our property on Buford Highway.

Our main concern is that the church will not be able to operate in the manner to which we have become accustomed.

Presently we have thirty-two worship services a month. We also host the Georgia campus of the oldest accredited Bible College in the United States; Holmes Bible College which was founded in 1898. We offer civil and community opportunities such as the Boy Scouts, the Girl Scouts, career counseling, and other types of services.

We hope that the city will understand our issues with noise, lighting and security. We will welcome the new development and we will be good neighbors as usual, however, the following requests would help us to maintain our services in a reasonable manner:

1. Developer to construct an 8-foot high masonry (brick or stone) wall along the entire length of the property line of Regency Church. Such wall needs to be built first, prior to construction, or it will be too noisy for people to enjoy the many services that we offer. This wall will not only cut down the noise, but will also cut down on the amount of dust and debris caused by the construction. It will also create a safer environment for our children.

2. Developer to provide a 50ft. wide undisturbed (or planted) buffer along the entire length of the property line of Regency Church.

3. Developer to provide outdoor lighting every 50 ft along the length of the church property line.

4. This development should not prohibit the church from building any new buildings due to setbacks and buffers that may be created by a new adjacent dissimilar zoning.

Respectively,

Dr. Terry Reece  
Senior Pastor

Rec  
3/7/16  
KBL

Dear Chairman Herion,

Our home, located at 4343 White Oak Drive, is directly across the street from the town home development proposed by Homesouth Communities (the developer) under rezoning application RZ-16-001. When we say directly across the street, we're talking about "our" street—the street that we drive, walk, bike and play on every day. This development project is right in our front yard and we will experience its impact multiple times daily as we come and go from our front door or look out our living room windows so we are passionately interested in the quality and character of any proposed development here.

In general, we support zoning and land use policies which accommodate, within our community, a wide range of housing options and price points in the appropriate context; however, we are opposed to RZ-16-001 as requested primarily because the mass and scale of the building which contains lots 44-50 (the building) is inconsistent with the pattern of existing development on White Oak Drive. The developer has turned their back to us. The building is too big and too close to the street. It effectively deactivates our streetscape (a streetscape which has been in place for over 40 years) and puts up a wall of a building that is twice as close to White Oak Drive as our home as well as many of our neighbors' homes.

We would ask that you recommend denial of the request and urge the developer to be more respectful of the existing neighbors on White Oak Drive and White Oak Way as they rethink their proposal.

However, should the Planning Commission find it necessary to recommend approval we would strongly urge your consideration of the following conditions:

1. A 35' enhanced buffer shall be required adjacent to White Oak Way and White Oak Drive, exclusive of building set-back. Enhanced buffer shall include berms and groupings of evergreen and semi-evergreen trees and shrubs to provide an effective visual screen at maturity and must not include more than 30% of a single species. All trees shall be six feet height at time of planting with a height of at least 20' at maturity. Acceptable tree species shall include Magnolia, Arborvitae, Cryptomeria, Cedar, Dogwood, Rosebud & Cherry.
2. Within the enhanced buffer, any existing hardwood trees over 12" diameter at breast height (DBH) are to be preserved, except any trees determined by the City to be dead or dying. Prior to receiving a land disturbance permit all hardwood trees over 12" DBH shall be identified and located on an approved tree protection plan.
3. A neighborhood association shall be required to maintain the enhanced buffer and associated tree protection areas in perpetuity.
4. Building elevations facing White Oak Drive and White Oak Way shall be designed with contextually appropriate articulation in each facade. Fenestration and other secondary architectural features facing White Oak Drive and White Oak Way shall mimic the proportions and patterns found on the front of those nearby homes. The overall width of any single building shall not exceed 80' and the distance between any two buildings shall be at least 20'.

Sincerely,

Krissy and Kaipo Awana  
4343 White Oak Drive

*Mr. & Mrs. Robert F. Saine  
4352 White Oak Drive  
Sugar Hill, Georgia 30518  
770-945-9651*

March 18, 2016

City of Sugar Hill  
Planning and Zoning  
5039 West Broad Street  
Sugar Hill, GA 30518

RE: RZ-16-001 File Reference: 16-00297

Dear Planning and Zoning Board:

We purchased our home in 1972 in Frontier Forest Subdivision. The quiet dead end street with homes on large wooded lots appealed to us. As adjoining property became available, we acquired the lots to further insure our privacy.

Market activity indicates this neighborhood is undergoing a period of revitalization, thanks to the efforts of the City of Sugar Hill. There are now second and third generations purchasing homes to attest to the quality of life we enjoy.

It is incomprehensible that seven townhomes could be built where there was previously one beautiful, single family brick ranch home. Please do not rezone the RS 150 lot to multi-family.

Sincerely,

*Robert F. Saine  
Virginia F. Saine*

Robert & Virginia Saine  
Parcels Owned: 7-257-303  
7-257-304  
7-257-061

March 21, 2014

I am authorizing my son, Ron Wornack, to relate to the Zoning Board my concerns on the rezoning. Due to my health, I cannot attend the meeting.

I do not agree to cut the buffer zone from 50' to 25'. It should stay at 50' at the back property line. I am also requesting that there be a STURDY privacy fence put on back property line. I purchased this property 19 years ago and have enjoyed the natural privacy of my back yard and would like that to remain.

Received  
3-21-14  
12:00 noon

Barbara J Wornack  
1181 Owen Circle  
Sugar Hill, GA  
30518

770-265-3013

RON WOMACK - 770-298-9373

## Kim Landers

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**From:** Kaipo Awana  
**Sent:** Monday, March 21, 2016 6:14 PM  
**To:** TJ Renna  
**Cc:** Susan Puri; Kim Landers  
**Subject:** RE: Sugar Hill Development  
**Attachments:** RZ-16-001 APP.pdf

I've attached pages from their application for you. if you'd like to enter comments in writing you are more than welcome. Susan Puri [spuri@cityofsugarhill.com](mailto:spuri@cityofsugarhill.com) is our planner and should be your point of contact. Feel free to call or email with any questions.

Kaipo

**From:** TJ Renna [<mailto:tjrenna@gmail.com>]  
**Sent:** Monday, March 21, 2016 6:00 PM  
**To:** Kaipo Awana  
**Subject:** Sugar Hill Development

Mr Awana,

I am a resident in sugar hill, at 4393 white oak dr. I have recently found out that there is a new development planned for Buford Highway ([http://www.gwinnettdaily.com/classifieds/community/announcements/legal/zoning/zoning/ad\\_b74325c5-5693-5b78-9193-f9c7068bd944.html](http://www.gwinnettdaily.com/classifieds/community/announcements/legal/zoning/zoning/ad_b74325c5-5693-5b78-9193-f9c7068bd944.html)).

Would you have any preliminary information as to what is planned for this? I have heard that this will be an 86 townhome development that butts up to the back of my quiet neighborhood. I do enjoy the woods currently found on this land and I personally do not feel townhomes are well suited for sugar hill, but it is not my land. However, I do feel that if the new neighborhood ties into Frontier Forest, that will drive much unwanted traffic through my quiet street.

I understand if you are able to provide me any preliminary information it will be just that. And I will insure that anyone i distribute the information to will know this preliminary and not the final order.

I had planned on attending tonight's zoning meeting; however, I have to stay home with my 6week old son. I do plan on attending the future City Council meetings that will take place to discuss this rezoning.

Thanks,  
TJ Renna  
404.308.1750





# Interior





# Interiors





Example of Entrance Monument