

City of Sugar Hill  
Planning Staff Report  
RZ 16-007



**DATE:** December 27, 2016  
**TO:** Mayor and City Council  
**FROM:** Planning Director  
**SUBJECT:** Rezoning and Change in Conditions RZ 16-007,  
Bellagio II, Cumming Highway and Henry Bailey Road

---

SUGGESTED ACTION

**Remove Planned Unit Development Overlay Zoning such that all parcels are zoned General Business (BG). Remove all existing conditions to be replaced and superseded by the following:**

1. Deliveries and dumpster service shall be restricted to the hours between 8 A.M. and 8 P.M.
2. The following uses shall be prohibited:
  - a. Group and congregate personal care homes
  - b. Lodges, fraternal, and social organizations
  - c. Mobile buildings (except temporary during construction)
  - d. Hotels and motels
  - e. Nurseries providing lawn and garden supplies and plants
  - f. Research and testing facilities
  - g. Video games stores exclusive (exception of up to two video games where principal business is other than video games)
  - h. Utility offices
  - i. Contractor's offices
  - j. Transportation terminal for passengers
  - k. Convenience store
  - l. No loud speaker type broadcast systems, two-way intercom devices for drive-through businesses only
  - m. No fast food restaurants

PLANNING COMMISSION RECOMMENDATION

*The Planning Commission held a scheduled public hearing on December 19, 2016. There were no public comments.*

***Planning Commission recommends APPROVAL of the rezoning as recommended by staff (5-0).***

ISSUE

The City of Sugar Hill initiated an application dated October 17, 2016 to consider removing the PUD overlay zoning and associated conditions for the subject parcels, which were approved in 2005 as part of a larger common plan of development. The development associated with these conditions was never constructed, and compliance with current zoning conditions is no longer possible due to recent zoning actions and development of several of the parcels.

## DISCUSSION

- The subject properties were annexed and rezoned as BG/Planned Unit Development in 2005 via AX-04-029.
- Construction of the overall planned development never occurred. The zoning conditions currently placed on the subject parcels were written to apply to the specific overall planned development in 2005. The existing conditions are not directly applicable to smaller residential development of these parcels.

Applicant / Owner: City of Sugar Hill

Existing Zoning: General Business District (BG).

Request(s): General Business District (BG).

Purpose: Existing use.

Property Size: ± 9.15 Acres

Location: Tax Parcel Id Numbers: 7-339-068, 7-339-071, 7-339-069, 7-320-015, 7-320-015A, 7-320-015B, 7-320-016, 7-320-024, 7-320-017, 7-320-018A, and 7-320-018  
Addresses: Cumming Highway, and Henry Bailey Road

Public Notice: Letters to adjoining owners via USPS regular mail on 12-1-16.  
Sign posted on Highway 20 on 12-1-16.  
Ad in legal section of Gwinnett Daily Post on 12-1-16, 12/22/16.

Public Comments: Adjacent resident, Brent Mileur, is supportive of reverting to standard zoning and conditions, cleaning up the buffer language, locating dumpsters off to the side and the building tucked in rear corner, and keeping a fence along the rear perimeter (12/6/2016).

## FINDINGS OF FACT

The subject parcels are located at Cumming Highway and Henry Bailey Road and contain some existing single family residential homes. Land, on which a newly developed neighbor sits to the east, Warrenton Subdivision, was originally part of the Planned Unit Development.

The properties have no other significant improvements.

Due to development of the GDOT road widening project along Highway 20, portions of the properties have been obtained as a part of the widening project, which has made the original site plan-specific conditions not practical.

- To the North and East: Medium and Low Density Single Family (RS-100 & RS-150).
- To the South: General Business District (BG) undeveloped.
- To the West: Single Family (R-100).

The following conditions are currently placed on these parcels per RZ04-007:

1. Reduce required 75 foot buffer between the proposed BG, RS-100/PRD zoning tracts and abutting residential properties to (60' total) 40' feet with a 20' planted opaque with interior black coated 8' high chain link security fence in the middle of the opaque buffer a 5' no structure and a 22' wide driveway as it relates to the side yards at the end of Emerald Lake Path. A 20' undisturbed and 10' opaque planted rear buffer on the property line abutting properties on Emerald Falls Way with a

- chain link security fence and 5' no structure zone and the 22' driveway. The plans prepared by a registered landscape architect must be submitted to the Director of Planning and Development for approval with the preliminary plans. \*citizen-developer agreement
2. With the Preliminary Plat, the Developer will provide a traffic study to determine transportation and traffic impact on Hwy. 20 and the proposed development. The traffic study must incorporate coordination and installation of traffic lights proposed and approved for GA 20 Venture/Bellagio Estate I. Any and all recommended improvements must be implemented by the Developer. The study must be conducted and signed by a registered Traffic Engineer and submitted to the Director of Planning and Development for approval.
  3. In off-street parking lots, landscaped islands consisting of a minimum area of 75 square feet per island shall be provided per every 15 double row parking spaces. Landscape islands shall be planted with at least one tree not less than six (6) feet in height at the time of planting and shall be suitable to the region.
  4. All trash dumpsters shall be screened by an enclosure using the same exterior building material and color scheme as the adjacent principal buildings. Pickup shall be limited between the hours of 8:00 AM to 8:00 PM.
  5. No outdoor storage of any materials associated with the commercial use shall be permitted on site.
  6. Outdoor lighting shall be of a sodium type, contained in cut-off type luminaries and shall be directed in towards the property so as not to reflect into adjacent residential properties. Security lights on the walls must be installed at the lowest possible height. The plans showing location and type must be submitted to the Director of Planning and Development for approval with the preliminary plans.
  7. Following uses shall be prohibited:
    - a. Auto repair shops;
    - b. Funeral homes and mausoleums;
    - c. Equipment rental;
    - d. Car washes;
    - e. Group and congregate personal care homes;
    - f. Lodges, fraternal, and social organizations;
    - g. Mobile buildings (except temporary during construction);
    - h. Mortuaries and cemeteries;
    - i. Hotels and motels;
    - j. Nurseries providing lawn and garden supplies and plants;
    - k. Parking lots and parking garages;
    - l. Public buildings and land use;
    - m. Research and testing facilities;
    - n. Video game stores exclusive (except of up to two video games where principal business is other than video games);
    - o. Utility office;
    - p. Mini-warehouse storage facilities;
    - q. Contractors' offices;
    - r. Moving van and truck rentals;
    - s. Transportation terminal for passengers;
    - t. Mobile home or mobile building leasing or sales lots (new or used);
    - u. Convenience store;
    - v. Automobile service station, gas station, and oil change establishments;
    - w. No loud speaker type broadcast systems, two-way/intercom devices for drive-through businesses only;
    - x. No fast-food restaurants.
  8. A monument sign design plan compatible with the commercial architectural facades is required. The intent is to reduce the number of signs, clutter of signs, and discourage different (non-complimentary) designs for signs at the development. Ground signs shall be built with stucco, stone, and/or brick. Submit a sign plan for the whole development showing locations, sign type/design, color schemes, etc to the Director of Planning and Development for approval prior to obtaining building permits.
  9. The applicant shall obtain an approval letter from Gwinnett/State DOT for the project and submit

- with the preliminary plans.
10. The applicant shall obtain abandonment clearance from Gwinnett County for Benefield Road and Old Cumming Road/Henry Bailey Road prior to approval of Preliminary Plans.
  11. The parking plan should use as much as much landscaping as possible. The intent is to reduce impervious surface/number of parking spaces with a design to complement the adjoining parking lots for the various projected businesses. Such plans must show more open/green space with landscaping. Plans showing wider landscaped open spaces between paved road surface and sidewalks shall be encouraged. Plans must be submitted with preliminary plans for approval to the Director of Planning and Development.
  12. Must provide a tree preservation plan showing preserving trees to the maximum possible extent prior to obtaining permits for grading and clearing. Existing trees along the property lines must be preserved to the maximum possible extent. In the event, if vegetation is not sufficient or providing a visual screen, then those areas must be vegetated with similar or complementary tree species. The tree preservation plan and landscape plans prepared by a registered landscape architect must be submitted to the Director of Planning and Development for approval.
  13. No clearing, grubbing, and/or grading permits shall be issued prior to approval of preliminary plans.
  14. The preliminary plat and final plat shall be based upon the approved zoning plat approved by the Mayor and City Council.
  15. The main entrance from Hwy. 20 shall be completed prior to recording of the residential final plat or commercial final plat, whichever comes first.
  16. Install eight feet high vinyl coated chain link fence or other approved material with vegetation along the proposed detention pond(s). Plans showing location and material must be submitted to the Director of Planning and Development for approval with the preliminary plans.
  17. Provide a landscaped island extended beyond the first entrance/turn to the commercial section west of the main entrance.
  18. The entrances between commercial parcels 1 and 2, 5 and 6, and 7 and 8 must be right-in/right-out.
  19. Storm water runoff shall be self-contained so that no storm water flow above and beyond the existing flow will be allowed to run off onto Emerald Lake property in accordance with state law and city soil erosion requirements.
  20. West most building 1 story.
  21. All approved conditions must be deeded and recorded on the final plat.

## 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?*

Yes.

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

No. Parcels will remain zoned General Business (BG) and will not impact existing residential properties.

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

Yes.

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

No. Removing some of the conditions will not impact the school systems or traffic.

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

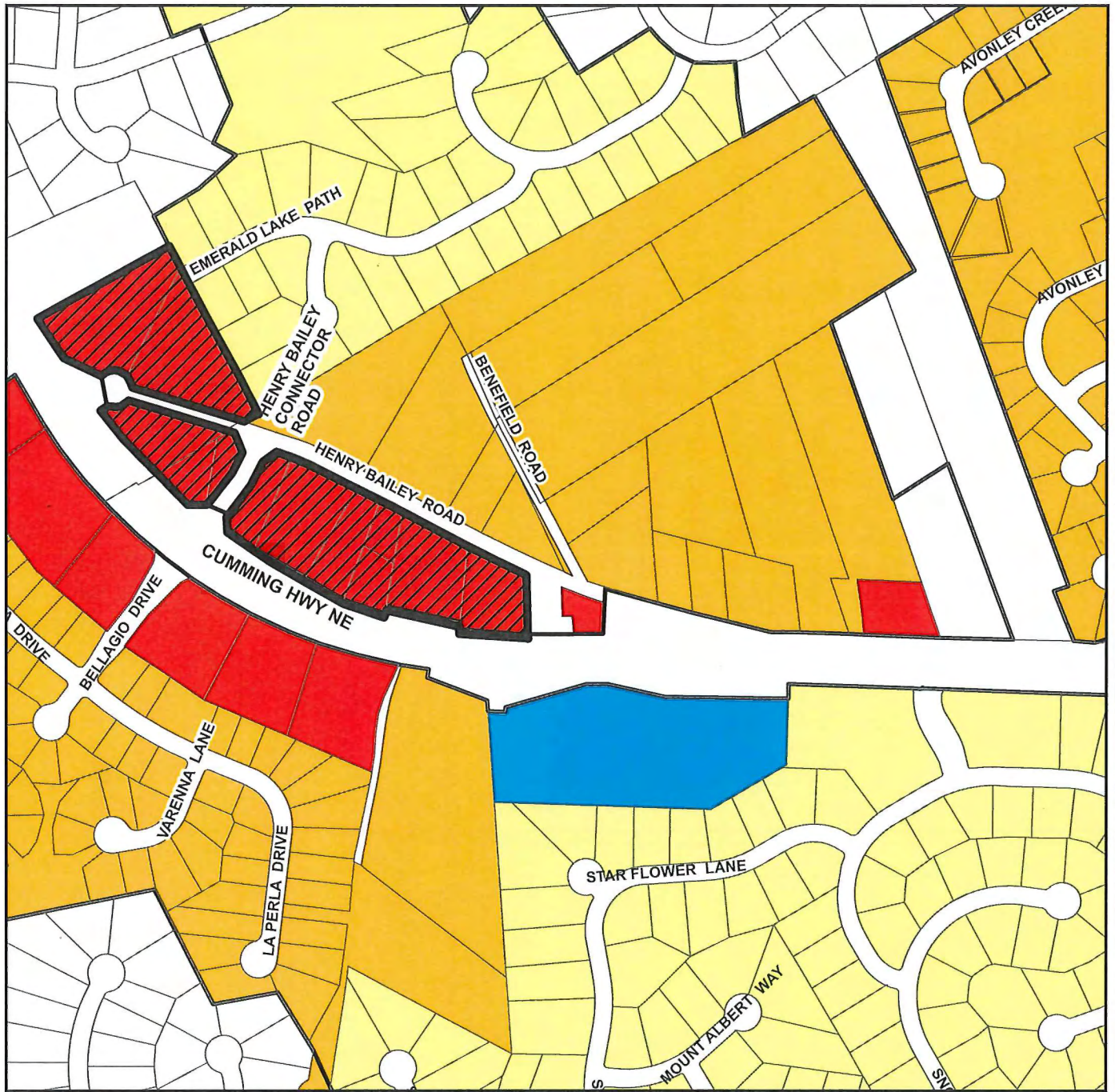
Yes.

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?*

No.

# REZONING RZ 16-007

Applicant: City of Sugar Hill  
 Zoning: BG/PUD  
 Location: Henry Bailey Road and Benefield Road  
 Request: Change Conditions



### Legend

#### Zoning District

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



1 inch = 400 feet