

ORDINANCE

RZ-04-007

TAX PARCEL ID: 7-339-068, 69, 71, 79, & 142

7.207 Acres

The Council of the City of Sugar Hill, Georgia hereby ordains:

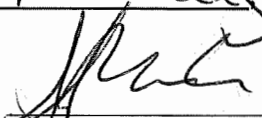
That "The Zoning Ordinance of the City of Sugar Hill" is hereby amended by amending the official zoning map adopted by that ordinance to classify the area described on Exhibit A which is attached hereto and incorporated herein by reference as General Business District (BG) on said official zoning map.

BE IT FURTHER ORDAINED THAT the following conditions are hereby amended on the property as conditions of zoning:

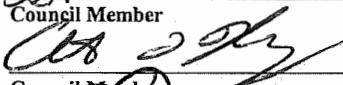
- SEE EXHIBIT "B"

IT IS SO ORDAINED, this 14 day of February, 2005.

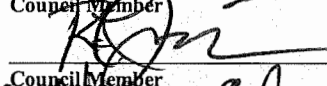
Those Council members voting in favor:



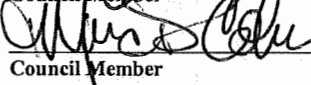
 Council Member



 Council Member



 Council Member



 Council Member

 Council Member

Those Council members voting in opposition:

 Council Member

 Council Member

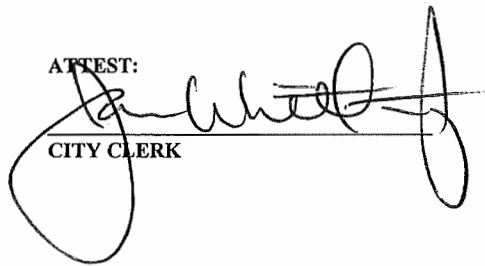
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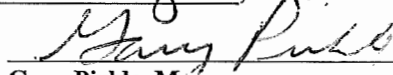
ATTEST:



 CITY CLERK

Submitted to Mayor: February 16, 2005

Approved by Mayor, this 24 day of February, 2005.



 Gary Pirkle, Mayor

RZ-04-007
Exhibit "B"
Conditions of Zoning

Approval of Rezoning to BG (General Business) with the following conditions:

1. Reduced required 75 foot buffer between the proposed BG, RS-100 / PRD zoning tracts, and abutting residential properties to (60' feet 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, 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. 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 this 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 a.m. to 8:00 p.m.
5. No outdoor storage of any materials associated with the commercial use shall be permitted on site.
6. Outdoor lighting should 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, 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 uses
 - m. Research and testing facilities
 - n. Video game stores Exclusive (exception of up to two video games where principal business is other than video games)
 - o. Utility offices
 - 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 use)
 - 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 to each other) 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, 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 landscaping as possible. The intent is to reduce impervious surface / number of parking spaces with a design to compliment 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, 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 complimentary tree species. The Tree Preservation Plan and Landscape Plans prepared by a registered landscape architect must be submitted to the Director, 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, material must be submitted to the Director, 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 & 2, 5 & 6, and 7 & 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 runoff 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.

TO: The Mayor and City Council
DATE: February 14, 2005
FROM: Bob Hail, City Manager
SUBJECT: Application for Annexation and Rezoning
Case: RX 04 007

FINDINGS OF FACT:

Mr. Michael Sullivan c/o GA 20 Ventures North, LLC has applied for Rezoning. The subject property is located along Highway 20. The subject parcel tract is ±7.21 acres and is zoned O-I (Office Institution District) in the City of Sugar Hill. Tax Parcels are 7-339-068, 069, 071, 079, and 142. The subject parcel is connected to the parcel(s) in the east for the same rezoning request. The properties south of the subject property were annexed and rezoned in 2003 and modified in January, 2005 as RS-100/PRD in the rear and BG (General Business) in the front along Hwy. 20.

THE REQUEST:

The request is to Rezone the property to BG (General Business District) from O-I (Office Institution District).

ZONING ANALYSIS:

The total acreage is ±7.21 acres. The proposed uses are compatible with the surrounding uses.

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

The properties east and south of the subject property are zoned commercial.

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

The proposed BG (General Business) zoning is not inconsistent with the surrounding areas, except in the rear, which is residential use. However, the City Council may consider buffers between the proposed zonings and existing zonings of the subject property and surrounding properties.

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?*

N/A.

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

No, according to the 1998 Future Land Use Plan, the area is designated as Industrial. According to the December 9, 2002, Resolution the area/region is designated as Commercial. However, it is consistent with the proposed draft Future Land Use Plan, in coordination.

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?*

The properties across from the subject properties were approved for the BG zoning.

STAFF RECOMMENDATION:

Approval of Rezoning to BG (General Business) with the following conditions:

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PLANNING COMMISSION RECOMMENDATION:

Approval of Rezoning to BG (General Business) as presented by the Staff with the addition of "allow two way intercom devices for drive through." – staff agrees and added.

