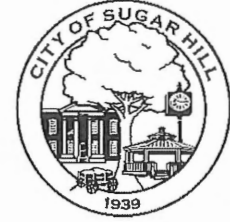


City of Sugar Hill
Planning Staff Report
RZ 16-005



DATE: March 27, 2017 (Updated from previous report to include modified requests by applicant.)
TO: Mayor and City Council
FROM: Planning Director *KA*
SUBJECT: Rezoning RZ 16-005, 1148 Old Atlanta Hwy
Change in Conditions.

RECOMMENDED ACTION

Existing conditions to be replaced and superseded by the following:

1. SUP approval includes Contractor's Office, Automotive Sales (new or used) allowed as a principal use and automotive repair allowed as an accessory use to automotive sales. A change in use shall require approval of a change in zoning conditions by the City Council.
2. No automotive body repair other than paintless or other minor touch-up repair.
3. Tire sales shall be prohibited.
4. Outdoor storage of accessories, parts, trailers, equipment and other materials is prohibited.
5. There shall be no more than five vehicles displayed for sale and no more than two vehicles under repair on the premises at any one time.
6. A ten feet wide landscape strip shall be installed along the frontage of Old Atlanta Road between the fence and the front property line.
7. Should the existing fence need to be removed to accommodate the landscape strip, it shall be replaced with a new fence which shall be six feet minimum height, opaque, and constructed out of wood.
8. Hours of operation, including dumpster service, shall be limited to the hours between 7:00 AM and 7:00 PM Monday through Saturday and 9:00 AM to 4:00 PM on Sunday.
9. If a dumpster is provided, it shall be screened to a height of eight feet with an opaque screen on all sides. Screening wall must be finished with brick and/or stone. It shall be located in the side or rear yard and enclosed with an opaque gate finished to complement the walls of the enclosure.

3/20/2017: Planning Commission considered the applicant's latest proposal and recommended approval of the change in conditions as noted above.

3/15/2017: *The applicant provided a revised letter of intent on March 14, 2017 stating that that the applicant is no longer requesting gravel parking. The applicant is only requesting the change in use to allow for a Contractor's office along with the previously approved auto sales and accessory auto repair usage.*

2/14/2017: *The applicant provided a revised letter of intent on January 31, 2017 stating that the applicant is no longer requesting a rezoning to HM-1, but is requesting a change in conditions only. The applicant is requesting to be allowed another 6,000 square feet of gravel parking (15-20 employee parking spaces) on top of the allowed 5,000 square feet of gravel parking. The applicant also indicates that she intends to repair the exterior fence.*

12/21/2016: The applicant submitted a revised site plan on 12/21/2016 and a revised letter of intent on 12/22/16. The applicant no longer requests outdoor storage. The requested use is still HM-1 for auto repair and auto sales. The staff recommendation for denial remains the same.

MAYOR AND CITY COUNCIL MEETING NOVEMBER 14, 2016

Tabled. As of November 30, 2016, no new materials submitted by applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a scheduled public hearing on October 17, 2016. One citizen appeared in opposition. Four citizens emailed comments expressing opposition to the rezoning. The applicant spoke in support of the rezoning.

Planning Commission recommended (10/17/2016) denial of the rezoning request as recommended by staff. (5-0)

ISSUE

The City of Sugar Hill has received an application dated September 12, 2016 from Athea Cain to rezone Tax parcel 7-272-111, containing \pm 2.0 acres, located at 1148 Old Atlanta Highway. The applicant proposes to ~~rezone the parcel from General Business (BG) to Heavy Manufacturing District (HM-1)~~change conditions for auto repair, auto sales, and storage contractor's office.

DISCUSSION

- The subject property is currently zoned BG with a Special Use Permit (SUP) to operate Automotive Sales new or used with conditions and with automotive repair allowed as an accessory use.
- Across the street from the subject property is an established residential neighborhood that is a mix of single-family and multi-family housing.
- The adjacent parcel is zoned as Light Manufacturing (LM), which was the previous zoning for this property. LM provides for manufacturing and warehousing uses that are able to meet comparatively rigid specifications for nuisance-free operation.
- A detached garage, gravel parking area, and some fencing are the only improvements on the property.
- Auto repair and outdoor storage are allowed uses in HM-1, but Auto Sales is only allowed in BG with a SUP.
- Previously approved zoning conditions specifically prohibit most auto repair activities and outdoor storage.
- Concrete and equipment trucks have been regularly on site in violation of the current use restrictions. Note that these types of equipment trucks being parked on-site overnight constitutes outdoor storage, which is a prohibited use under the base zoning classification as well as the approved zoning conditions.
- Applicant has proposed to construct an additional structure on site which will house the equipment trucks under cover to eliminate outdoor storage from their proposed operations.

- Apart from the existing building, all future improvements are subject to approved conditions and current zoning requirements including but not limited to use and architectural design.

Applicant / Owner: Athea Cain

Existing Zoning: General Business District (BG).

Request(s): ~~Heavy Manufacturing District (HM-1).~~ Change in Conditions.

Purpose: Auto repair, auto sales, and ~~storage~~ contractor's office.

Property Size: ± 2.0 Acres

Location: Tax Parcel Id Number: 7-272-111
Addresses: 1148 Old Atlanta Highway

Public Notice: Letters to adjoining owners via USPS regular mail on 9-29-16.
Sign posted on Highway 20 on 9-29-16.
Ad in legal section of Gwinnett Daily Post on 9-29-16 & 10-27-16.

Public Comments: Four letters have been received from residents opposing the rezoning request due to concerns regarding truck traffic on Old Suwanee Road and noise/visual pollution for the surrounding residential properties. Citizen Kim Hall at 880 Secret Cove Drive spoke at the Planning Commission Meeting on October 17, 2016 that she did not feel the zoning was suitable for the area. She stated that since the original rezoning to BG with a Special Use Permit the property has been out of compliance with the required conditions. She also indicated that she does not want the Owners to continue to violate the conditions of zoning and asks that the board recommend denial of this request.

FINDINGS OF FACT

The subject parcel is located across from Lois Drive, which is an older residential area. The neighborhoods across Old Atlanta Highway and the railroad tracks contain a mix of single-family and multi-family residential uses. The property currently contains a detached garage built around 1984. In 2004, a grading permit was obtained for some minor grading/landscaping and the installation of a gravel parking area. In 2014, the property was rezoned from LM to BG with a SUP to allow Automotive Sales with the following conditions:

1. *SUP approval includes Automotive Sales (new or used) allowed as a principal use and automotive repair allowed as an accessory use to automotive sales. A change in use shall require approval of a change in zoning conditions by the City Council.*
2. *No automotive body repair other than paintless or other minor touch-up repair.*
3. *Tire sales shall be prohibited.*
4. *Outdoor storage of accessories, parts, trailers, equipment and other materials is prohibited.*
5. *There shall be no more than five vehicles displayed for sale and no more than two vehicles under repair on the premises at any one time.*
6. *Vehicles for sale may be parked on a gravel surface. All other required parking and access improvements shall be in accordance with standard zoning and development requirements.*
7. *Gravel parking surface shall be:*
 - a. *maintained to a uniform depth of at least two (2) inches; and*
 - b. *kept free of debris, weeds and uneven holes or depressions; and*
 - c. *contained by a physical border such as a berm or landscape timbers; and*
 - d. *limited to 5,000 square feet in area,*
 - e. *dust control treatment on a minimum quarterly basis.*

8. *A ten feet wide landscape strip shall be installed along the frontage of Old Atlanta Road between the fence and the front property line.*
9. *Should the existing fence need to be removed to accommodate the landscape strip, it shall be replaced with a new fence which shall be six feet minimum height, opaque, and constructed out of wood.*
10. *Hours of operation, including dumpster service, shall be limited to the hours between 7:00 AM and 7:00 PM Monday through Saturday and 9:00 AM to 4:00 PM on Sunday.*
11. *If a dumpster is provided, it shall be screened to a height of eight feet with an opaque screen on all sides. Screening wall must be finished with brick and/or stone. It shall be located in the side or rear yard and enclosed with an opaque gate finished to complement the walls of the enclosure.*

The parcel has no other significant improvements.

The property is in the shape of a long, narrow triangle, is fairly level, open, with grass and a few larger trees. The property abuts land with the following zoning class/use:

- To the North Residential Multi-Family (RM).
- To the South LM, 4.5 acres undeveloped.
- To the East Medium Density Single Family (RS-100) & RM.
- To the West Norfolk Southern Railroad.

The current Zoning Ordinance requires a Special Use Permit to allow Automotive sales lots (new and used) and Automotive repair shops or tire stores under the BG zoning classification.

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. The rest of the immediate area is primarily residential in use with only a few properties in use for non-residential, light manufacturing uses.

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

Yes. Activities associated with the requested HM-1 zoning classification and proposed uses could produce noise and visual disturbance for the nearby residential neighbors and others that reside at either end of the Railroad Avenue / Old Atlanta Highway corridor.

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. The school systems will not be impacted. The development could cause additional truck and car traffic to the area but the proposed use and size of the property is not likely to overwhelm the street network. However, if the applicant's concrete business produces heavy truck traffic the streets could wear faster if the business were allowed to relocate here.

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

No. This area is shown as Suburban which is primarily a residential character area on the Sugar Hill Land Use Plan.

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.



March 10, 2017

Mayor and City Council
City of Sugar Hill
5036 W Broad St
Sugar Hill, GA 30518

RE: Application of Athea Cain ("Applicant") Change in Conditions; only to allow existing approved use to continue, and add Contractors Office and Proposed Building, of 2.0 acres on Old Atlanta Road, City of Sugar Hill, Gwinnett County, Georgia GB to the approved uses.

Dear Mayor and Councilpersons:

The Applicant hereby requests to following:

1. Concrete aprox 8500 sq ft. of area for 10-15 employee parking spaces and the entrance into proposed building
2. Repair Exterior Fence (remove/replace missing and crooked boards)
3. Proposed Business:
 - Auto Repair (no change in conditions)
 - Auto Sales (no change in conditions)
 - Contractors Office: 6 Employees
 - Proposed Building (1750 sq ft): Store Equipment and materials under cover 2 wall trucks (rarely parked on location) lumber, rebar, poly, straps
 - The hours of operation will stay the same

The Applicant and Owner respectfully request that the Mayor and City Council look at this Application and see that the use is suitable, and by adding conditions to this request the proposed Application would benefit the Applicant as well as the community.

Sincerely,

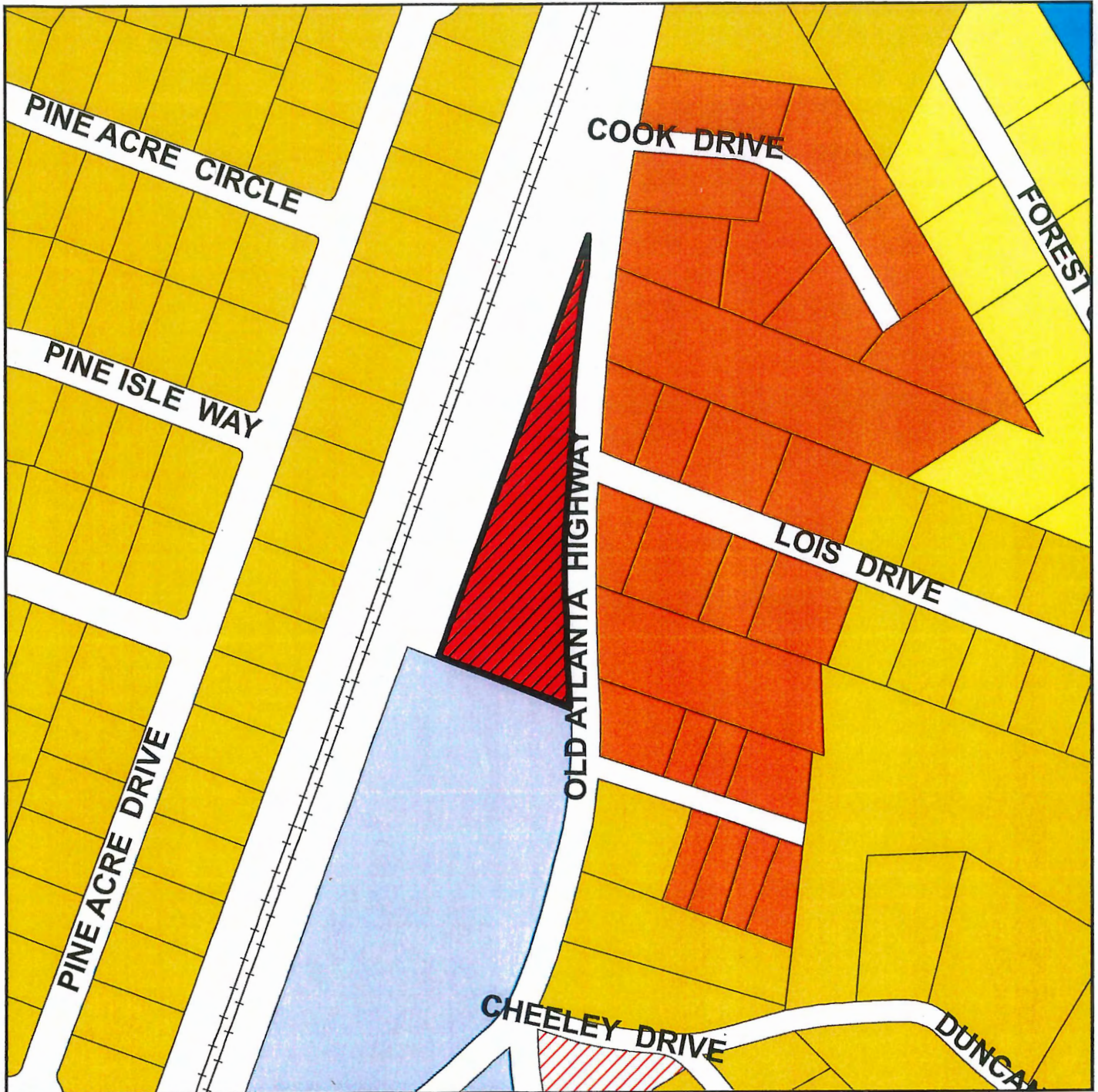
Athea Cain

Athea Cain, Owner
Apex Concrete LLC

8073 BELTON BRIDGE RD, LULA, GA 30554
678.699.0681 OFFICE
apexconcreteLLC@yahoo.com















REZONING RZ 16-005

Applicant: Athea Cain
 Zoning: General Business District (BG)
 Location: 1148 Old Atlanta Highway
 Request: Rezone from BG to HM-1



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 |

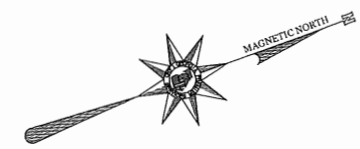


1 inch = 200 feet

- LEGEND**
- NTS = NOT TO SCALE
 - IPS = 1/2" REBAR PIN SET
 - LI = LAND LOT
 - LLI = LAND LOT LINE
 - P.L. = PROPERTY LINE
 - C.L. = CENTERLINE
 - IPF = IRON PIN FOUND
 - RFB = REBAR FOUND
 - CTP = CRIMP TOP PIPE
 - OTF = OPEN TOP PIPE
 - BSL = BUILDING SETBACK LINE
 - R/W = RIGHT-OF-WAY
 - SSE = SANITARY SEWER EASEMENT
 - DE = DRAINAGE EASEMENT
 - MH = MANHOLE
 - CB = CATCH BASIN
 - JB = JUNCTION BOX
 - H/W = HEADWALL
 - DI = DROP INLET
 - PP = POWER/UTILITY POLE
 - FH = FIRE HYDRANT
 - IE = INVERT ELEVATION
 - FPE = FIRST FLOOR ELEVATION
 - BFE = BASEMENT FLOOR ELEVATION
 - GFE = GARAGE FLOOR ELEVATION
 - UTP = UNDERGROUND TELE. PED.
 - S = SANITARY SEWER LINE/PIPE
 - SS = STORM SEWER LINE/PIPE
 - F = FENCE LINE
 - N/F = NOW OR FORMERLY
 - POB = POINT OF BEGINNING
 - POC = POINT OF COMMENCEMENT



- REFERENCES:**
- 1) EXECUTORS DEED RECORDED IN DEED BOOK 52419, PAGE 375, GWINNETT COUNTY RECORDS.
 - 2) AFFIDAVIT OF POSSESSION RECORDED IN DEED BOOK 47761, PAGE 799, AFORESAID RECORDS.
 - 3) SURVEY BY ADVANCE SURVEY, INC., DATED 2/10/2000.
 - 4) EDWIN C. HAYS PLANTATION RECORDED IN PLAT BOOK B, PAGE 106, AFORESAID RECORDS.
 - 5) TOPOGRAPHIC SURVEY FOR RICKY GRIFFETH PREPARED BY TIMOTHY J. SLATON, DATED 1/20/02.

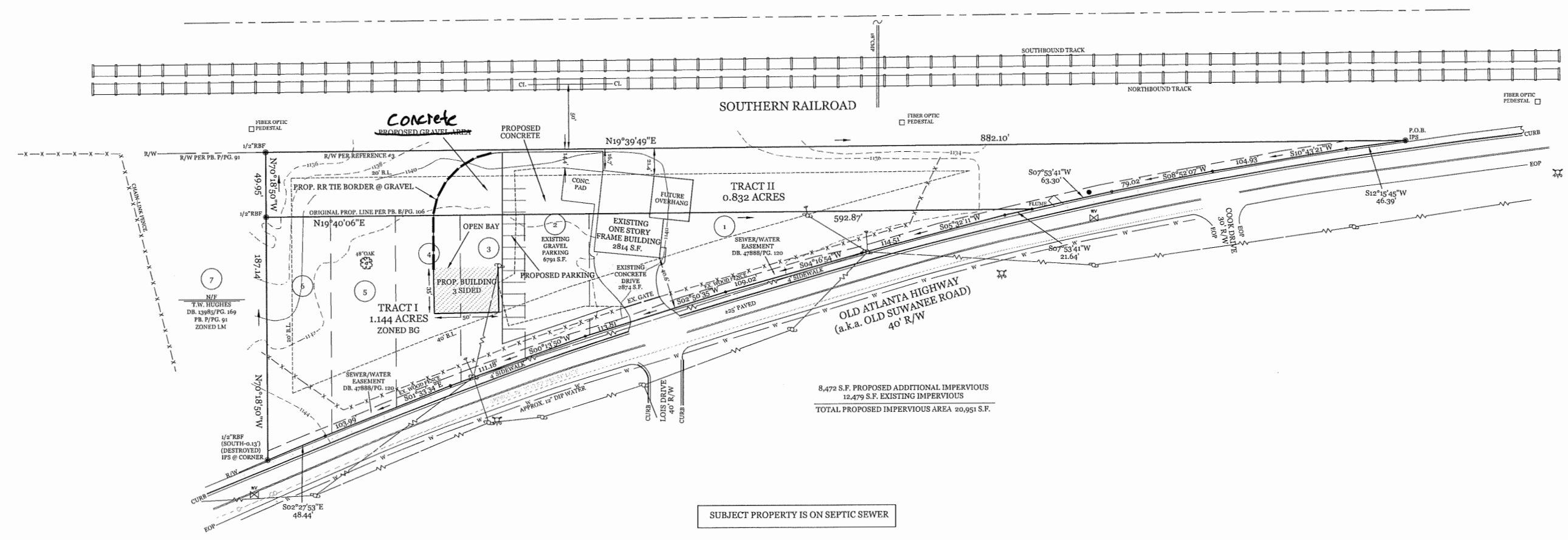


TRACT I 1.144 ACRES
 TRACT II 0.832 ACRES
 TOTAL AREA 1.976 ACRES

GEORGIA PREMIER LAND SERVICES, INC.
 PROFESSIONAL LAND SURVEYING
 3600 HAMILTON MILL ROAD
 BUFORD, GEORGIA 30619
 (770) 644-3004 FAX (770) 644-3956
 LAND SURVEYING COA #1177



REZONING PLAT FOR:
GREG and ATHEA CAIN
 1148 OLD ATLANTA HIGHWAY
 LOCATED IN LAND LOT 272 OF THE 7th LAND DISTRICT
 GWINNETT COUNTY, GEORGIA
 SCALE 1" = 40'



8,472 S.F. PROPOSED ADDITIONAL IMPERVIOUS
 12,479 S.F. EXISTING IMPERVIOUS
 TOTAL PROPOSED IMPERVIOUS AREA 20,951 S.F.

SUBJECT PROPERTY IS ON SEPTIC SEWER

PROPOSED ZONING HM-1

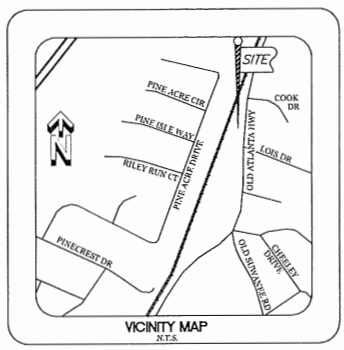
HM-1 LOT AND BUILDING DIMENSIONAL STANDARDS

- FRONT B.L. - 40'
- SIDE YARD - 20'
- REAR YARD - 20'
- MIN. LOT WIDTH - 100'
- MAX. BUILDING HEIGHT - 70'
- MAX % OF LOT COVERAGE - 75%

NO PORTION OF SUBJECT PROPERTY LIES WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA AS DEPICTED BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY PER F.I.R.M. PANEL NO.13135C0014G, DATED MARCH 4, 2013

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

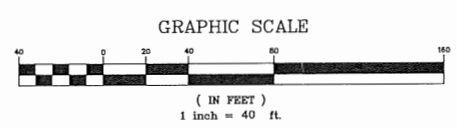
B.R. Sutherland
 BRIAN R. SUTHERLAND, R.L.S.



A TOPCON ES-105 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 17,849 FEET AND AN ANGULAR ERROR OF 01" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 314,895 FEET AND CONTAINS 1.976 ACRES.



INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.



DATE	NO	DESCRIPTION
2/16/17	1	REVISE LIMITS OF PROP. GRAVEL
3/8/17	2	ADDRESS OWNERS COMMENTS

11/29/16
 DATE

15422
 PROJ. NUMBER

BS
 DRAWN BY

1 of 1