

City of Sugar Hill
Planning Staff Report
VAR 17-002



DATE: March 27, 2017
TO: Mayor and City Council
FROM: Planning Director *VA*
SUBJECT: Property Solutions Group, LLC, c/o ADE 725 LLC

RECOMMENDED ACTION

Denial.

ISSUE The City of Sugar Hill received an application dated March 10, 2017 from Property Solutions Group, LLC on behalf of ADE 725 LLC., requesting a variance to remove the rear buffer adjacent to tax parcel 7-254-248 which is proposed to be rezoned to RS-100/PRD for a residential development.

DISCUSSION

- The subject parcel contains an existing concrete plant located adjacent to a parcel under consideration for rezoning.
- If the adjacent parcel is rezoned as residential, a 100' undisturbed buffer will be imposed on this property along the common property line.
- Existing use and development of the subject property within this buffer area would, from the effective date of the adjacent rezoning, would be considered non-conforming use.
- As such any new development or change in use would be limited by the buffer requirement.
- It does not appear that the buffer requirement would entirely prohibit future development of the property.
A landscape screen (on the residential property side) and a requirement to disclose the nature of this existing industrial business to future buyers of the residential properties have been recommended by staff via RZ 16-008 (not yet approved).

BACKGROUND

Applicant / Owner: Property Solutions Group, Inc. c/o ADE 725 LLC
Existing Zoning: Heavy Manufacturing District (HM-1)
Request: Remove the 75' undisturbed buffer imposed on ADE 725 LLC property line common to the proposed Residential Single Family home development.
Purpose: Eliminate negative impact from proposed single-family residential development.
Property Size: ± 4.96 Acres
Location: 4300 Woodward Way, Tax Parcel #7-255-045

FINDINGS OF FACT

The property in question is the site of an existing landscaping business located at 4300 Woodward Way zoned Heavy Manufacturing District (HM-1) and containing 4.96 Acres. The property is already developed for industrial use.

The property is located in a predominantly industrial area, and the adjacent parcel is seeking a rezoning from a current industrial zoning to residential. This rezoning would impose a 75' undisturbed buffer along the common property line. The applicant (Developer of the proposed residential development) is seeking a variance to eliminate the 75' buffer that would be required as a result of this proposed rezoning. The applicant has agreed to the staff recommended zoning conditions to require a landscape screen between the proposed residential development and existing industrial use (on the residential property side), as well as disclose to future potential buyers the existing industrial businesses and potential associated undesirable views, smells, dust, vibrations, and excessive noise.

VARIANCE CRITERIA

a. Are there extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography?

No.

b. Does application of the Ordinance to this particular piece of property create an unnecessary hardship?

No. The property is already developed, and current operations would not be affected. Future redevelopment would be affected by the buffer (as is the case with all industrial properties located adjacent to residential properties).

c. Are there conditions peculiar to the particular piece of property involved?

No.

d. Are these conditions the result of any actions of the property owner?

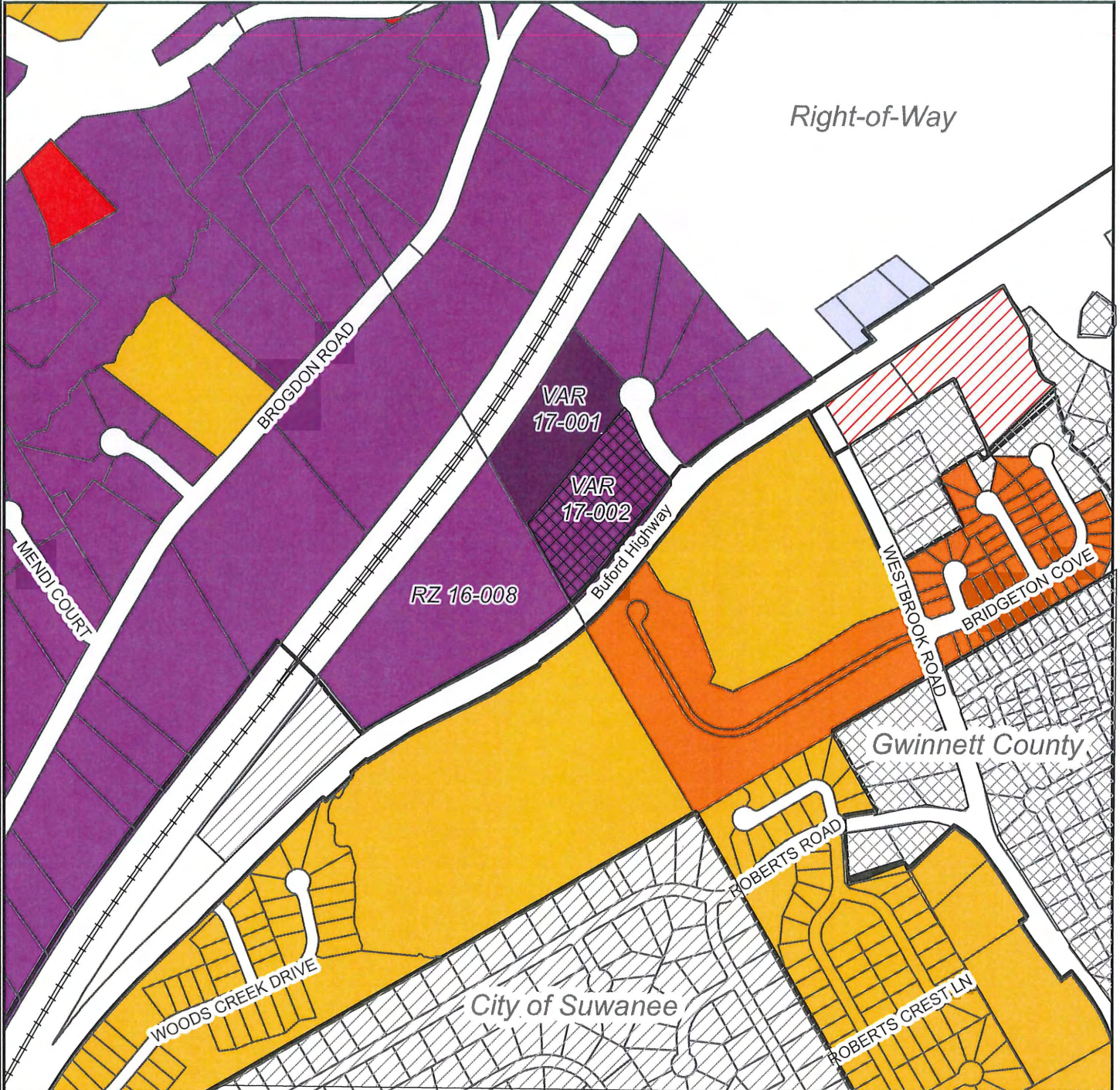
No.

e. Would relief, if granted, cause substantial detriment to the public good or impair the purposes or intent of this Ordinance?

Yes. Although the property is already developed, any redevelopment for a different industrial use could negatively impact the adjacent residential properties if a sufficient buffer is not in place.









**Variance Case
VAR 17-002**

Applicant: Property Solutions Group LLC c/o ADE 725 LLC
Zoning: HM-1 **Location:** 4300 Woodward Way
Request: Remove 75' undisturbed buffer

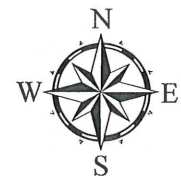


Legend

Zoning District

- | | |
|--|--|
|  VAR 17-002 |  LM-Light Manufacturing |
|  RS100-Medium Density Single Family Residential |  HM-1-Light Industry |
|  RM-Residential Multi-Family Residential |  HM-2-Heavy Industry |
|  HSB-Highway Service Business |  BG-General Business |

1 inch = 600 feet



LETTER OF INTENT
VARIANCE APPLICATION OF
PROPERTY SOLUTIONS GROUP, LLC

March 10, 2017

City of Sugar Hill
Planning & Development Department
5039 West Broad Street
Sugar Hill, GA 30518

Re: Variance Application of Property Solutions Group, LLC, concerning
Tax Parcel No. 7-255-045 located at 4300 Woodward Way in
Sugar Hill, GA

Dear Planning Department:

I am writing to you on behalf of Property Solutions Group, LLC, who is the Applicant in this case. Property Solutions Group, LLC, is also the Applicant in an associated rezoning case in the City of Sugar Hill, RZ 16-008. As part of the rezoning process, Property Solutions Group, LLC has agreed with ADE 725, LLC, this property owner, to file a Variance Application to remove the buffer that arises in connection with the rezoning of the property which is the subject of RZ 16-008. In doing so, Property Solutions Group is excited to bring to the City of Sugar Hill another quality neighborhood, with the agreement of adjacent property owners.

The Buford Highway Corridor Study, contracted by The City of Sugar Hill, calls for residential development as well as industrial development along this portion of Buford Highway. To promote these uses, the Planning Staff of the City of Sugar Hill have recommended the following conditions of rezoning, in Case No. RZ 16-008:

- 1. A landscape screen will be required between the subject property and the adjacent properties to the east, which are zoned industrial. The landscape screen must consist of at least a staggered double row of evergreen and semi-evergreen trees and shrubs native or adapted to the area. Trees shall be at least 6' tall at time of planting. Plantings shall be arranged to provide an effective visual screen of at least 20' in height at maturity. The landscape screen must not contain more than 30% of a single species and must be shown on a landscape plan to be approved by Planning and Development prior to receiving any permits. Within enhanced buffer, any existing tree over 12" diameter at breast height (DBH) is to be preserved (except those identified by 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.

2. The developer shall disclose to all future owners the following statement by recording on the final plat and deed records: Neighboring or adjacent properties are zoned or developed for heavy industrial and manufacturing uses (HM-1 and HM-2), which include a railroad, concrete plant, and contractor offices with outdoor storage. These existing uses and other permitted uses in HM-1 and HM-2 may produce undesirable views, smells, dust, vibration, as well as excessive noise daily at all hours.

This Applicant has a tradition over decades of developing quality neighborhoods in and around Gwinnett County and is committed to continuing that tradition with another successful community here. We therefore, respectfully request your approval of this proposed variance, in order to rezone the adjacent property pursuant to RZ 16-008, and we are available to meet at your convenience with you to discuss any questions or concerns that you may have.

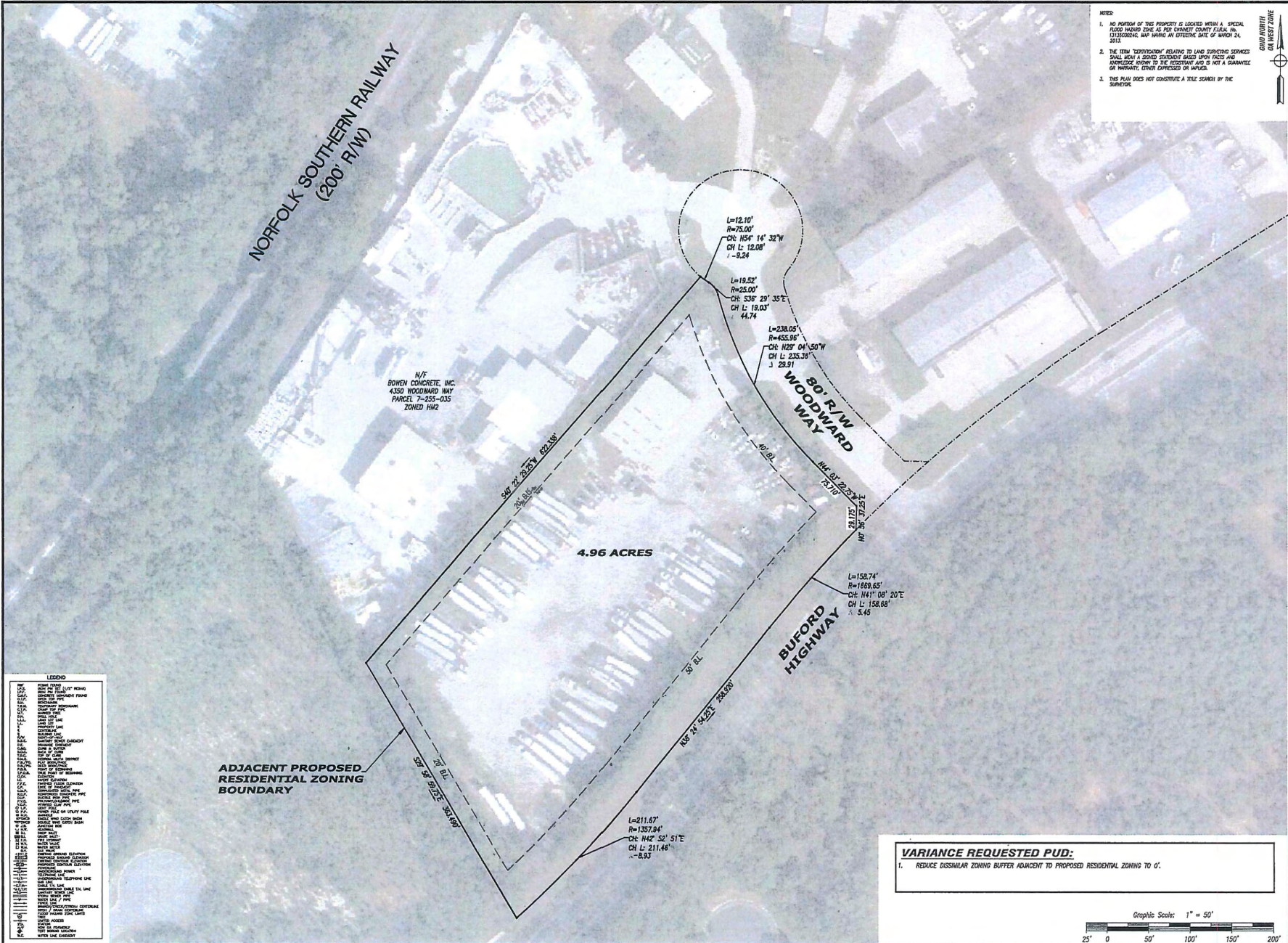
Respectfully submitted,

TRACEY D. MASON, LLC



Tracey Mason
Attorney for Property Solutions Group, LLC, the
Applicant

cc: Property Solutions Group, LLC



NOTES:

- NO PORTION OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE AS PER CHIMNEY COUNTY FLOOD MAP, 12/13/2006, MAP HAVING AN EFFECTIVE DATE OF MARCH 24, 2011.
- THE ITEM REPRESENTED RELATING TO LAND SURVEYING SERVICES SHALL BE A SOURCE OF INFORMATION BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE SURVEYOR AND IS NOT A GUARANTEE OF ACCURACY, OTHER THAN EXPRESSED BY WORDS.
- THIS PLAN DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR.



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

PREPARED FOR:
ADE 725 LLC
3235 ROSWELL ROAD
SUITE 63
MARIETTA, GA. 30062

PROJECT NAME:
ZONING
EXHIBIT

TASK:
PROJECT SITE PLAN

PROJECT INFORMATION:

ADE 725 LLC
Project Name
16-064
Project Number
4300 WOODWARD WAY
Project Address
258, PARCEL 47-258-046
LOTS 121-140
7TH DISTRICT
District
GWINNETT COUNTY, GEORGIA
County, State

DATE	REVISION	NO.	1	2	3	4	5	6	7	8	9	10

DESIGN AS SHOWN
SCALE

JOB DRAWN
JOB CHECKED
DATE

1 of 1
SHEET

16-064
PROJECT NO.

VARIANCE REQUESTED PUD:

- REDUCE DISSIMILAR ZONING BUFFER ADJACENT TO PROPOSED RESIDENTIAL ZONING TO 0'.

