

City of Sugar Hill  
Planning Staff Report  
RZ 16-005



**DATE:** November 2, 2016  
**TO:** Mayor and City Council  
**FROM:** Planning Director KA  
**SUBJECT:** Rezoning RZ 16-005, 1148 Old Atlanta Hwy, BG to HM-1

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RECOMMENDED ACTION

**Denial**

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 recommends 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) for auto repair, auto sales, and storage.

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.

Applicant / Owner: Athea Cain

Existing Zoning: General Business District (BG).

Request(s): Heavy Manufacturing District (HM-1).

Purpose: Auto repair, auto sales, and storage.

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.



September 12, 2016

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

RE: Application of Greg Cain ("Applicant") Rezoning of 2.0 acres on Old Atlanta Road,  
City of Sugar Hill, Gwinnett County, Georgia GB to HM1.

Dear Mayor and Councilpersons:

The Applicant hereby requests to following:

- 1. Add aprox. 30,000 square feet of gravel area for parking and turn around
- 2. Apply strong barrier (landscape timbers)
- 3. Repair Exterior Fence and Improve Entrance
- 4. Up to 30 Vehicles on premises during business hours (includes Employees vehicles)
- 5. Auto Repair, Auto Sales, Storage

While the request is a higher zoning than previous owner. 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.

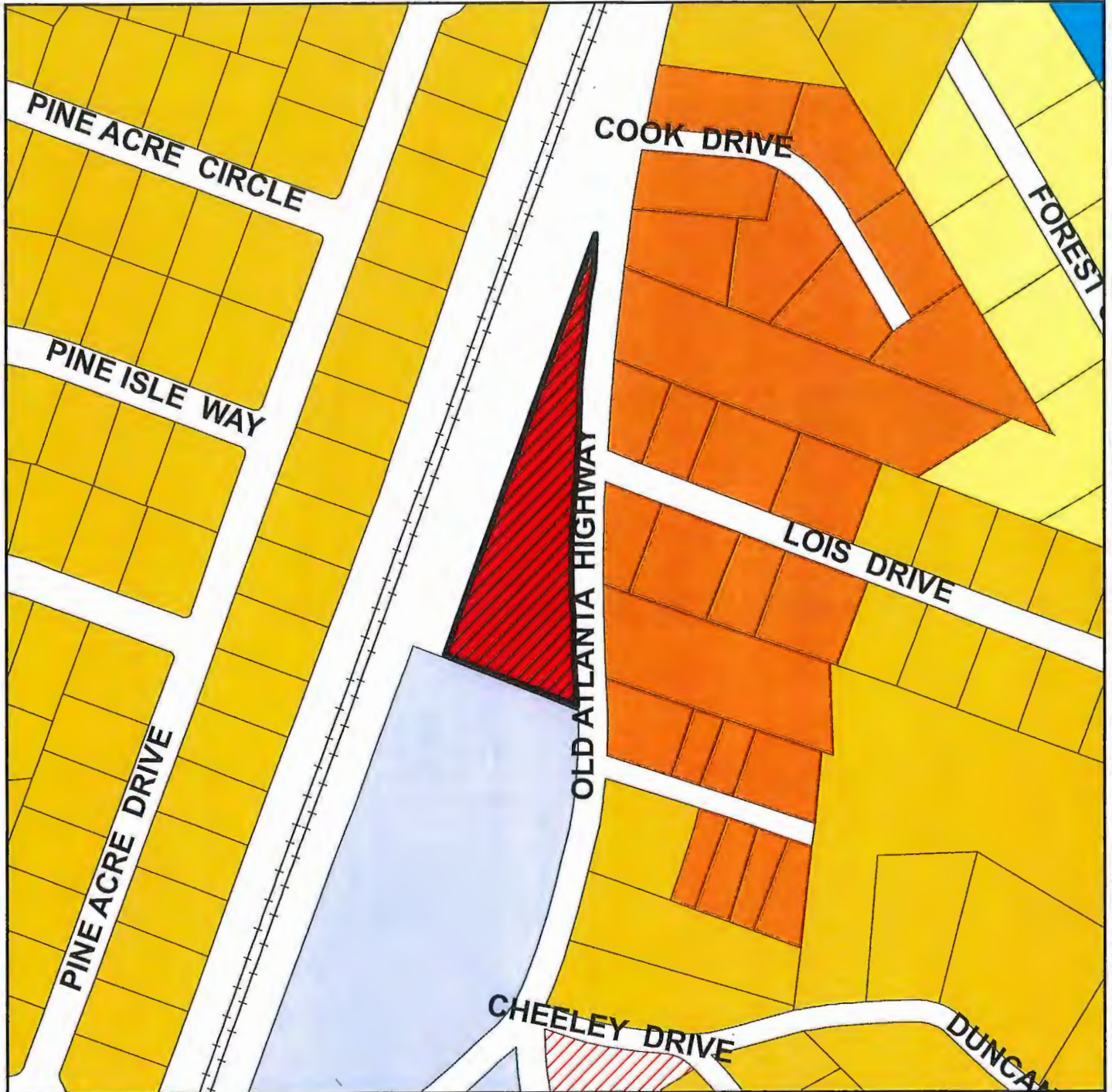
Sincerely,

Athena Cain  
Apex Concrete LLC

8073 BELTON BRIDGE RD, LULA, GA 30554  
678.699.0681 OFFICE  
[apexconcreteLLC@yahoo.com](mailto: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

PLAT NORTH

LOTS 1-6  
EDWIN C. HAYES PLANTATION  
PB B PG 106  
DB 6151 PG 3

REFERENCE  
DB 13985 PG 169  
PB P PG 91  
SURVEY FOR HUMPHRIES READY MIX  
BY GRESHAM PLANNING & DEVELOPMENT  
DATED MARCH 11, 1997

LINE	BEARING	DISTANCE
L 1	S 07° 53' 53" W	21.64'
L 2	S 02° 33' 36" E	48.37'
L 3	N 70° 20' 00" W	50.00'
L 4	S 12° 15' 57" W	46.45'
L 5	S 07° 53' 53" W	63.30'



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 LAW.

*E. McDANIEL, JR.*

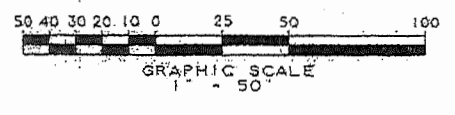
THERE IS NO SPECIAL FLOOD HAZARD PANEL PRINTED FOR THE CITY OF SUGAR HILL.

EQUIPMENT USED:  
THEODOLITE READING DIRECTLY TO 03 SECONDS.  
ELECTRONIC DISTANCE METER READINGS DIRECTLY TO .005 FEET.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A HORIZONTAL CLOSURE OF 1 FOOT IN 10,000 FEET. THIS SURVEY HAS BEEN CALCULATED FOR CLOSURE BY LATITUDE AND DEPARTURE AND IS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 20,000 FEET.

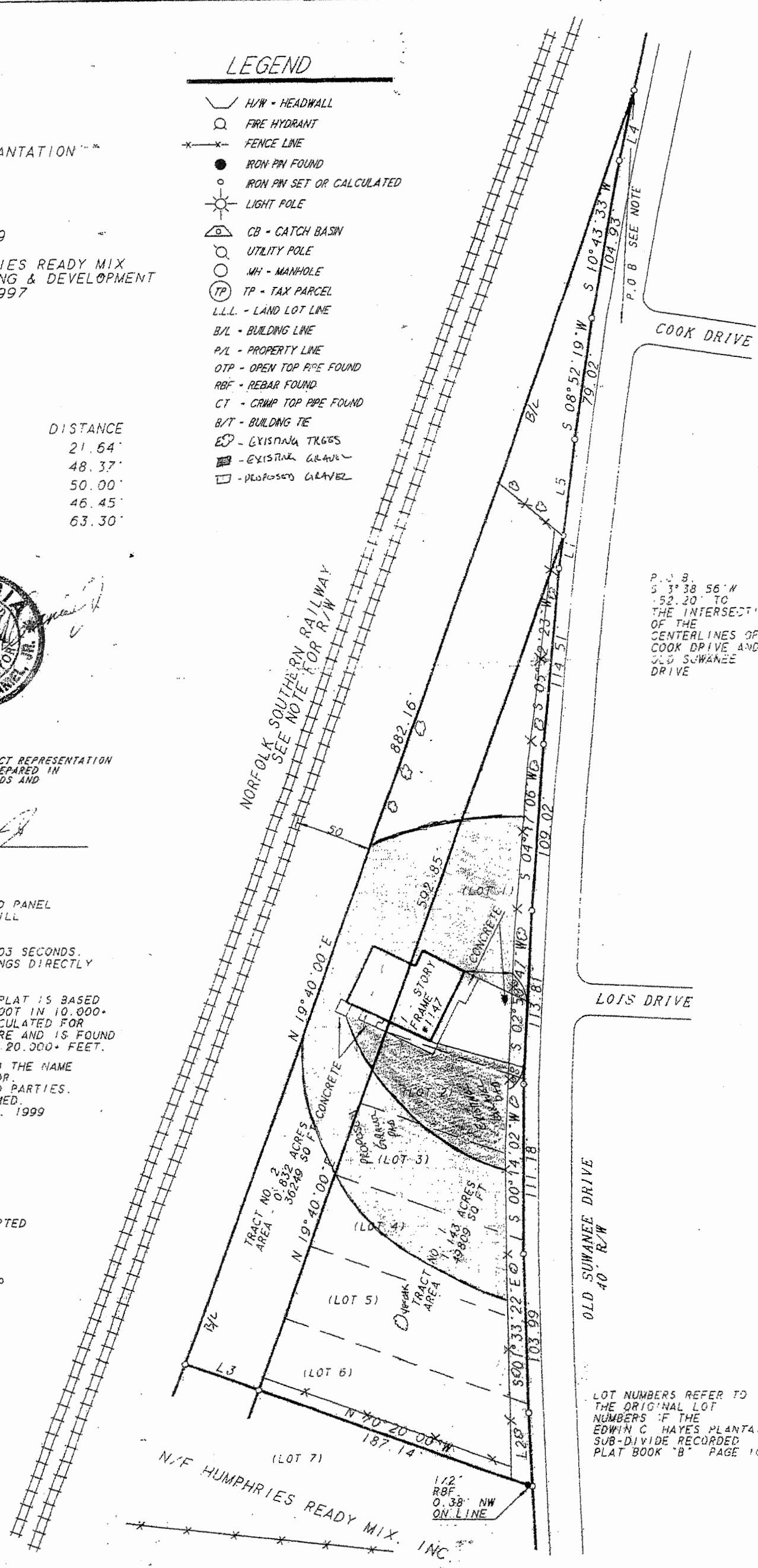
THIS MAP OR PLAT IS CERTIFIED TO THE NAME BELOW AND/OR INSURER OR MORTGAGOR. NO LIABILITY IS ASSUMED TO THIRD PARTIES. NO ABSTRACT OF TITLE WAS PERFORMED.  
© COPYRIGHT ADVANCE SURVEY, INC. 1999

NOT FOR RECORDING  
MATTERS OF TITLE ARE EXCEPTED



LEGEND

- H/W - HEADWALL
- FIRE HYDRANT
- FENCE LINE
- IRON PIN FOUND
- IRON PIN SET OR CALCULATED
- LIGHT POLE
- CB - CATCH BASIN
- UTILITY POLE
- MH - MANHOLE
- TP - TAX PARCEL
- LLL - LAND LOT LINE
- B/L - BUILDING LINE
- P/L - PROPERTY LINE
- OTP - OPEN TOP PIPE FOUND
- RBF - REBAR FOUND
- CT - CRIMP TOP PIPE FOUND
- B/T - BUILDING TIE
- ES - EXISTING TRIGES
- EX - EXISTING GRAVEL
- PR - PROPOSED GRAVEL



GREG & ATHLET CAN  
JOB ADDRESS: 1148 OLD ARAMA HWY  
SUGAR HILL GA 30518  
MAILING ADDRESS: 8075 BELTON BLVD #20  
11114 GA 30554

JOB NUMBER: 0 991187	LAND LOT: 272
SCALE: 1" = 50'	DISTRICT: 7
DATE: FEB. 10, 2000	SECTION: . . . . .
DRAWN BY: REM	COUNTY: GWINNETT
CHECKED BY: REM	STATE: GEORGIA
PC: RG	IM IP

**Advance Survey, Inc.**  
634 N. CLAYTON STREET  
LAWRENCEVILLE, GA 30045  
OFFICE: (770) 995-0938  
FAX: (770) 995-8421

LOT NUMBERS REFER TO THE ORIGINAL LOT NUMBERS OF THE EDWIN C. HAYES PLANTATION SUB-DIVIDE RECORDED PLAT BOOK "B" PAGE 106

NOTE:  
SUBDIVISION PLAT OF EDWIN C. HAYES PLANTATION SHOWS SOUTHERN RAILROAD HAVING A 100' R/W FROM THE CENTERLINE OF THE SOUTHERN RAILROAD TRACT.  
RIGHT-OF-WAY PLANS OF SOUTHERN RAILROAD MADE IN 1927 SHOW THE R/W TO BE 50' FROM CENTERLINE.  
VALUATION RECORD # A-11291 PORTION OF WHICH IS DESCRIBED IN DEED BOOK 26 PAGE 43-44 FILED 12-8-1911