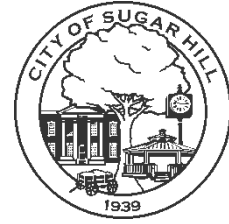


City of Sugar Hill  
Planning Staff Report  
**RZ 17-001**



**DATE:** June 20, 2017: Updated 7/10/17  
**TO:** Mayor and City Council  
**FROM:** Tim Schick, Administrative Staff  
**SUBJECT:** Rezoning RZ 17-001 Rezoning with Variances OI, RS-100 & RS-150 & BG to RM – Home South Communities

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RECOMMENDED ACTION

**Recommend approval of the Variances identified and Rezone to Residential Multi-Family (RM) District with following conditions:**

1. These conditions shall replace and supersede all prior stipulations and conditions, including any and all prior zoning actions, variances, and special use permits that are currently in place on the subject property.
2. The project layout shall be substantially similar to the concept plan (Exhibit “B”), as determined by City Manager. Substantial changes or modifications will require approval from the City Council. Unless specifically addressed within these Conditions and/or Variances, this development shall follow the standards and requirements of the Zoning Ordinance and Development Regulations.
3. Each unit shall have a two-car garage, with a minimum driveway length of 24-ft, measured from the front of the garage to the Back-of-Curb (BOC) or back-of-sidewalk, whichever is closer.
4. Covenants shall indicate that no more than 10% of the units may be rented.
5. All streets, sidewalks and stormwater infrastructure shall be privately owned and maintained by the HOA, and clearly stated in the covenants. The City of Sugar Hill will not accept any improvements for maintenance.
6. All streets shall be 27-ft in width, from Back-of-Curb (BOC) to Back-of-Curb (BOC).
7. A 5-ft sidewalk is required on only 1-side of each street, may abut the Back-of-Curb (BOC), and shall run the entire length of the street frontage.
8. A 25 ft. enhanced landscaped buffer shall be provided between the development and (1) the Mount Hermas Church of God property – parcel #R7257-008 and (2) Ms. Jane Juanita Pugh’s property – parcel #R7257-010A, inclusive of any Zoning Buffer. The landscape buffer shall provide an opaque screening. If existing plantings are insufficient to provide an opaque landscape screen, then any additional plantings shall 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 buffer must not contain more than 30% of a single species and must be shown on a landscape plan to be approved by the City Manager prior to receiving any permits. Within landscaped 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. The Covenants shall reflect that all buffers, greenspace area and landscape strips shall be maintained by the HOA.
9. The portion of site bounded by White Oak Drive, White Oak Way, parcel #R7257-117 (Ramirez), and the proposed hammerhead street shall be preserved as an undisturbed greenspace. A “No Access Easement” shall be provided along White Oak Drive and White Oak Way where they abut the property. In order to install and maintain the required Street and No Access Easement landscaping that abuts White Oak Drive and White Oak Way, limited disturbance may occur within the first 40-ft from these streets.
10. Install and maintain a 6-ft tall wooden privacy fence (opaque) along the property lines of #R7257 010A (Jane Juanita Pugh), along the property line of parcel #R7257 008 (Mt. Hermas Church of God), and along the property line abutting Frontier Forest subdivision and continuing behind the ‘Hammerhead’ turn-around to parcel #R7258-001, as shown on Exhibit “B”. The covenants shall reflect that this fence is to be maintained by the HOA.
11. Amenity area consisting of a swimming pool and cabana must be completed before 50% of the units receive certificate of occupancy.

12. Front and side facades must be brick or stone with no more than 15% fiber cement siding accent.
13. Design & architectural elements shall substantially resemble those presented in Exhibit "C".

**Variances:** Staff recommends Approval:

1. Reduce heated square footage of each unit from 2,400 sf (standard) to 1,800 sf. (minimum).
2. Reduce the Rear setback along the Frontier Forest property line from 20-ft to 5-ft.
3. Reduce the undisturbed Zoning Buffer along parcel #R7257-010A from 50-ft to 5-ft.

#### PLANNING COMMISSION RECOMMENDATION

*The Planning Commission held a scheduled public hearing on June 19, 2017. Public Comments included; Barbara Womack of 1181 Owen Circle requesting a privacy fence along her property line. Kelly Long of 4353 White Oak Drive, indicating these types of development are noisy, and have lots of through traffic especially since they are talking about not putting up fences. He feels a senior community would be more suitable development. This request was denied a year ago, and nothing has changed and he does not see a need for this development. Virginia Saine of 4352 White Oak Drive stated this development does not fit with the homes being so close together with the surrounding properties.*

***Planning Commission recommends APPROVAL of the rezoning as recommended by staff with the exception of Condition # 10 (4-1 {Rosemary Walsh against}). See old condition #10 below:***

~~10. All units abutting properties on Owen Circle shall be rear loaded with 16' alley access.~~

#### ISSUE

The City of Sugar Hill has received an application dated May 3<sup>rd</sup>, 2017 from Home South Communities (c/o Mitch Peevy with Millcreek Consulting) requesting to rezone five parcels totaling ± 11.131 acres to Residential Multi-Family (RM). The five parcels are currently zoned as follows:

- 1 - General Business District (BG),
- 1 - Office Institutional District (OI),
- 1 - Medium Density Single Family Residential District (RS-100), and
- 2 - Low Density Single Family Residential District (RS-150).

Additionally, the applicant is requesting a variance to reduce the undisturbed buffer along the RS-100 property from 50' to 25' enhanced buffer for a townhome development.

## DISCUSSION

- The rezoning is not consistent with the city's current land use plan. Per the land use plan, this area is intended to develop as an office/institutional corridor, which is consistent with existing commercial areas along Buford Highway from Woodward Mill to SR 20.
- The Sugar Hill land use plan includes mixed-use residential uses along Buford Highway south of Westbrook Road.
- However, the recent Buford Highway Market Study identified a moderate market demand for middle-income townhomes in this area. The same study also indicated that the market is moderate for office space and low for retail, but that the majority of office and retail demand in the City for the next 10 years will likely be filled by the upcoming projects in the Central Business District.
- The study identified that light industrial/flex, senior housing, and other residential housing would be the most attractive land uses for the corridor. Light industrial is not likely to develop on this parcel due to its proximity to residential areas and the high school.
- The rezoning would cause a 50' zoning buffer to be applied to future development on the Church of God property (O/I), as well as to future development on the properties to the east, a 75' zoning buffer to properties zoned General Business (BG).
- The proposed density of the project is 7.7 units per acre, whereas the adjacent single-family residential subdivision behind Buford Highway has a density of 2.3 units per acre.
- The high-density residential use proposed by the development would impact the local school systems.
- Insufficient documentation has been provided by the applicant to demonstrate the necessity for the variance regarding the zoning buffer.

## BACKGROUND

Applicant / Owner:	Home South Communities
Existing Zoning:	General Business District (BG), Office Institutional District (OI), Medium Density Single-Family Residential District (RS-100), and Low Density Single-Family Residential District (RS-150).
Request(s):	Residential Multi-Family District (RM) with a Variance to reduce the undisturbed buffer along Jane Pugh's property from 50' to 25' enhanced buffer for a Townhome development.
Purpose:	81 Unit Townhome Community
Property Size:	± 11.131 Acres
Location:	Tax Parcel Id Numbers: 7257 010, 7257 011, 7257 231, 7257 086, and 7258 097 Addresses: 1162 Buford Highway and 4342 White Oak Drive
Public Notice:	Letters to adjoining owners via USPS regular mail on 5/31/17 Sign posted at 1162 Buford Highway 5/31/17 Ad in legal section of Gwinnett Daily Post on 5/31/17 & 6/21/17

Public Comments: Ms. Virginia Saine has expressed opposition to the rezoning.  
Krissy & Kaipo Awana, letter, supportive with conditions.  
Pastor Terry Reece, verbal, generally supportive.

## FINDINGS OF FACT

In 2016, the same applicant proposed rezoning these same 5 properties for a townhome development under rezoning case RZ16-001. At their July 11, 2016 meeting, the City Council denied the rezoning and variance request: 5-0. However, since that time, the City has completed a market study of Buford Highway, which included an updated study of the various land uses and development types anticipated to succeed in the area. The study indicates that residential uses (single-family, senior housing, townhouses) are likely to have a greater market demand than retail or office uses for the next ten years. Shortly after, the applicant, Home South Communities, requested to waive the 12 month reapplication waiting period after denial of RZ#16-001 for reconsideration. On May 8<sup>th</sup>, 2017, the City Council waived the 12-month reapplication waiting period. No significant changes appear to have been made from last year's request.

The property in question is comprised of five (5) vacant properties zoned General Business District (BG), Office Institutional District (OI), Medium Density Single-Family Residential District (RS-100), and Low Density Single-Family Residential District (RS-150).

The proposed development is surrounded by single-family, general business, and office/institutional properties:

- To the North: zoned Low Density Single-Family District (RS-150), developed.
- To the South across Buford Highway, zoned General Business District (BG), developed.
- To the East: General Business District (BG) and Low Density Single-Family District (RS-150), developed; and
- To the West: Office Institutional District (OI), developed (Regency Church).

**Parcel 7257 023 (BG)** was created as part of an estate in the prior Owner's last will and testament.

**Parcel 7257 086 (RS-15)** has insufficient information available from the tax assessor's office regarding the history.

**Parcel 7257 011 (RS-150)** was subdivided as part of an estate in the prior Owner's last will and testament.

**Parcel 7258 097 (RS-150)** previously included a house, located along White Oak Road, but it was damaged in a fire and demolished in 2006. This parcel was originally part of Frontier Forest, but was removed from the subdivision before the final plat.

**Parcel 7257 010 (OI)** had three houses located along the frontage, but they remained vacant for many years and eventually became dilapidated, at which point the city required them to be razed (2014). A church was previously proposed on the same parcel, but was never built. An Agricultural Conservation Easement was in place on the parcel from 6/17/2004 until 12/31/2013.

**AX-05-005**



Parcel 7257 010 (OI) was annexed into the city along with two adjacent parcels (7257 10A and 7257 009) through an island annexation in 2005 (AX-05-005). The property was zoned as RS-100 to match the current Gwinnett County zoning (R-75). The other two properties were zoned as RS-100 and OI.

### **RZ-07-002**

Parcel 7257 010 was rezoned from RS-100 to OI in 2007 (RZ-07-002). The Property Owner stated in this application, in the pre-recession economy, that the OI classification would allow for economic growth of the property and that the surrounding properties were already primarily commercial. The staff recommendation stated that the rezoning would be consistent with the land use plan for the surrounding properties and was consistent with the objectives listed in the Comprehensive Plan to “encourage commercial development which obtains compatible and complementary uses.” This application was approved and rezoned to OI with the following conditions:

1. No access provided from White Oak Road;
2. A 25’ (ft) width Enhanced Buffer shall be incorporated into the Standard buffer to screen noise and light from adjacent residential uses to the interior of the required 50’ buffer;
3. Enhanced buffer is to consist of a staggered double row of evergreen and semi-evergreen trees and shrubs native or adapted to the area. Trees shall be 6’ tall at time of planting. Plantings shall be arranged to provide an effective visual screen of at least 20’ in height at maturity and shall be compatible with existing plantings;
4. The following uses shall not be permitted:
  - a. Accessory parking garages and parking lots;
  - b. Mortuaries, cemeteries, and mausoleums;
  - c. parking lots and parking garages;
  - d. utility structures.

### **Proposal**

The applicant proposes 81 townhomes, with a minimum of 1,800 square feet of heated space. The anticipated pricing will start in the high \$200s. All homes will have a minimum two car garage, and the front, rear, and side façades will be a mixture of brick or stone with accents of fiber-cement siding (rear façade is intended to be fiber-cement siding). This will be a privately-maintained, gated community with a mandatory home owners association.

### **Variance Request:**

The applicant is requesting an undisturbed buffer reduction from 50’ to a 25’ enhanced buffer along the Jane Pugh property.

### **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.

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

Yes. The commercial properties that abut residentially zoned properties must comply with the required zoning buffer distances between dissimilar zoning districts.

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?***

Written notification to the school board is required as a standard part of residential subdivision (number of units, type of housing, number of bedrooms, phasing of the project). Georgia County Department of Transportation will also need to review and approve of the proposed access on Buford Highway and may require a traffic study and/or roadway improvements. All requirements from Georgia DOT shall be paid by the Developer.

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

No, these parcels are identified by the Sugar Hill Character Area Map to be Mixed Use Office.

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?***

From the City's Comprehensive Plan:

"Encourage small-scale, retail and service-oriented commercial development in commercial nodes near residential neighborhoods." (4.2.1)

"Support the development of the commercial and industrial economic sectors." (4.2.5)

From the Buford Highway Market Study:

"Residential fundamentals have recovered from the Great Recession and population growth will continue...there is opportunity in the corridor to address the demand for middle-income housing in the area."

"Broader trends towards providing office space that is walkable...accessibility and visibility is low [along Buford Highway]. There is a lack of other services/restaurants in the immediate area for employees along much of the corridor."





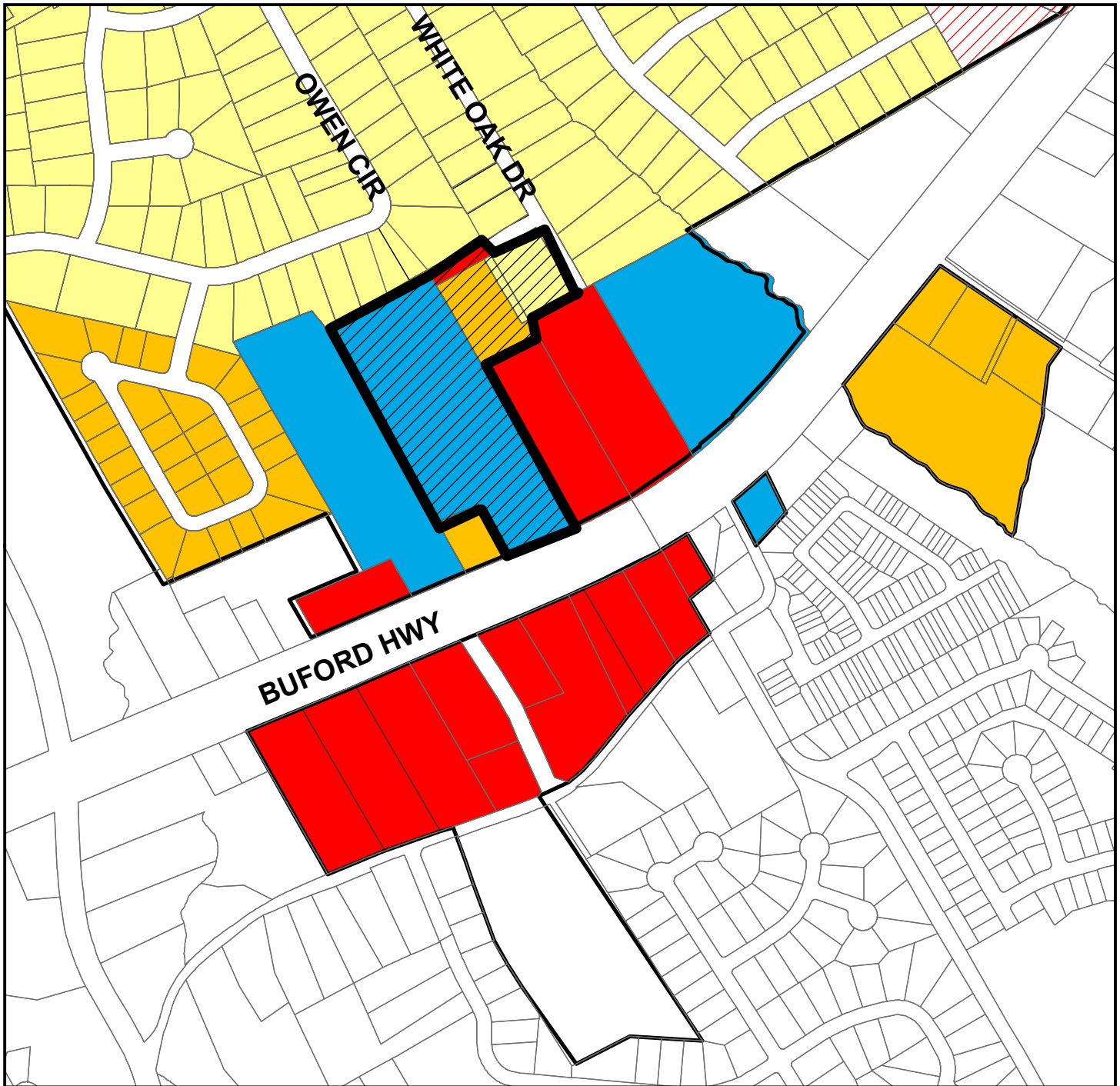


EXHIBIT 'C'



# Rezoning RZ 17-001

Applicant: Home South Communities  
Zoning: OI/BG/RS-100/RS-150  
Location: 1162 Buford Hwy  
Request: Rezone to RM w/ Buffer Reduction



## Zoning District

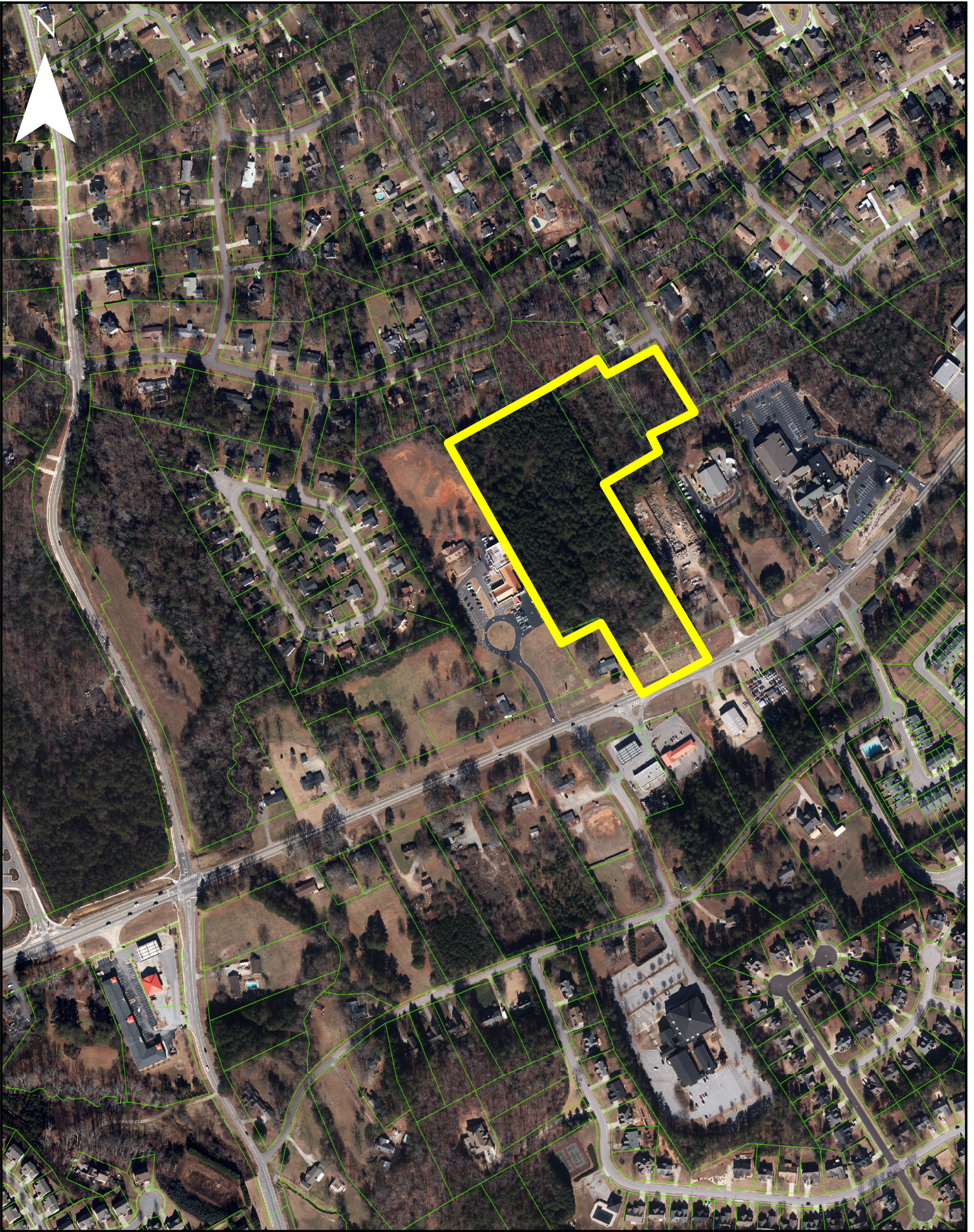
- RS150-Low Density Single Family Residential
- RS100-Medium Density Single Family Residential

- OI-Office - Institutional
- HSB-Highway Service Business
- BG-General Business



1 inch = 500 feet



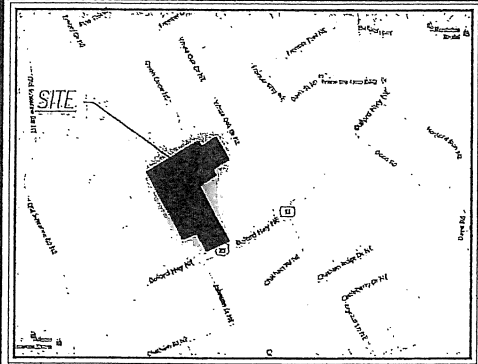
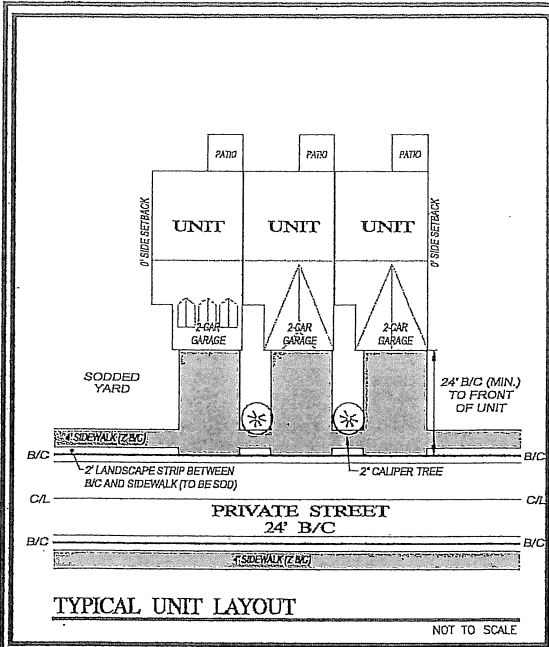




## REZONING APPLICANT'S LETTER OF INTENT

The Applicant, HomeSouth Communities, requests a rezoning from OI, BG, RS-100 and RS-150 to RM for 11.131 acres on Buford Highway. The proposal is to build 81 Townhomes with a minimum of 1,800 square feet of heated space that will be priced from the high \$200's and up. All of the homes will have at a minimum a two car garage and the building materials on the front and sides will be a mixture of brick, stone and accents of concrete siding with the rear the same or all concrete siding. The same materials used to construct these units inside and out are the same that HomeSouth is using in their 2 detached subdivisions in Sugar Hill that are selling in the high \$300's and up. The streets may be private but the applicant would like to have the opportunity to discuss that with a possible buyer focus group before that final determination is made. The HOA will also maintain all the yards and common areas as well as the exterior of every building. This way there is no single unit or building that is not kept up to the highest standard at all times. The applicant is also requesting a buffer reduction adjacent to the Pugh property located to the West at the entrance to the proposed community. The proposal is to provide a 25 foot regraded and enhanced buffer instead of a 50 undisturbed buffer. All other required buffers are being provided and where they do not provide enough screening HomeSouth will work with city staff to provide additional screening as needed. There is no access proposed or requested to White Oak Way or to White Oak Drive. An amenity area with a cabana and pool is proposed to be located towards the front of the property.

The recently completed land use study for the corridor points out that due to a lack of accessibility to other services and restaurants in the immediate area it is going to be a hard sell to get any office type development to locate in the area. The study does point out that there might be a need for some Flex Light Industrial space but as this property abuts part of Frontier Forest the applicant does not think that having a truck court in that area would be acceptable to the residents. Finally, the study states that there appears to be a pent-up demand for middle-income housing options and this proposed project and price point meets that need.

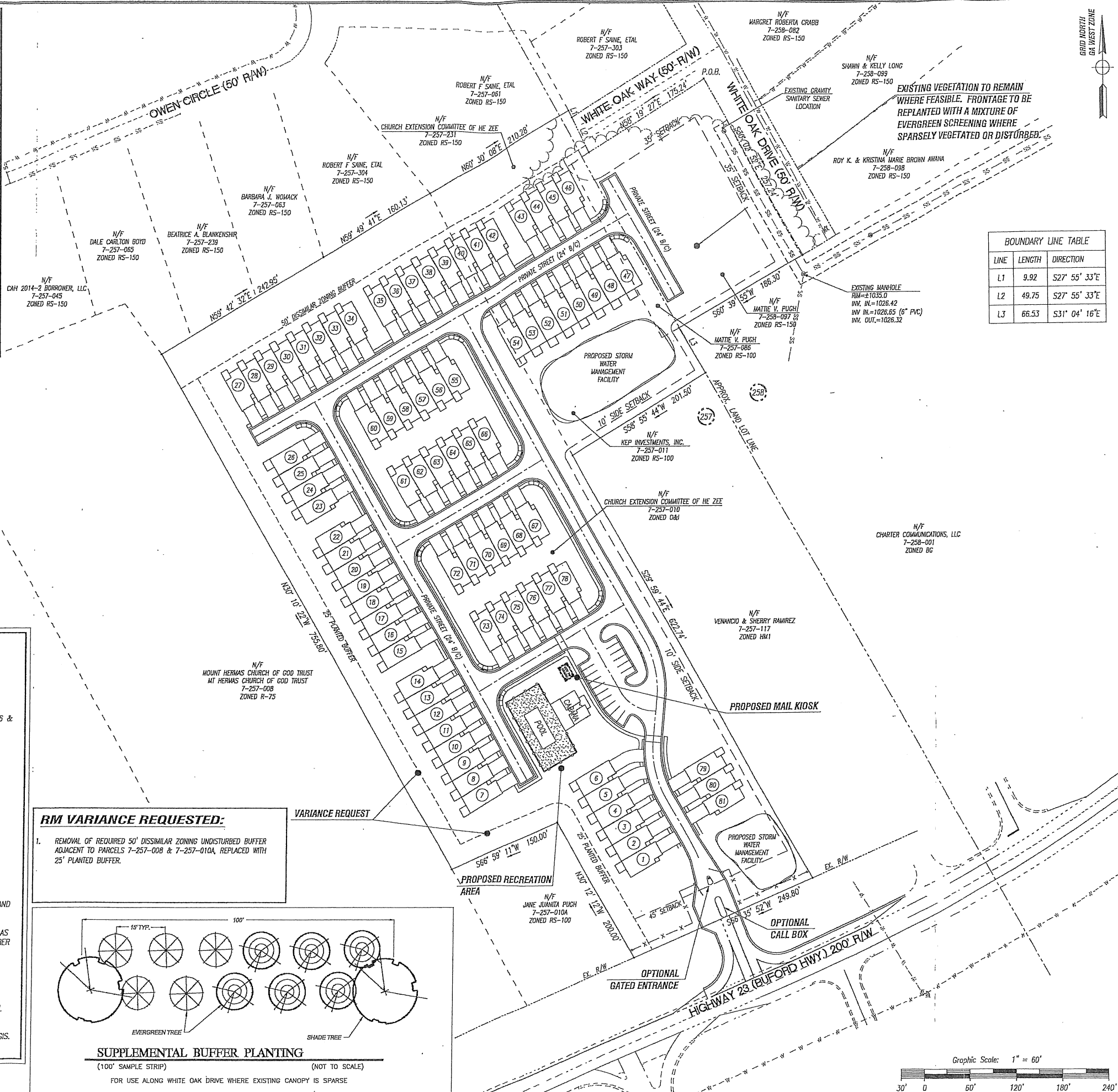
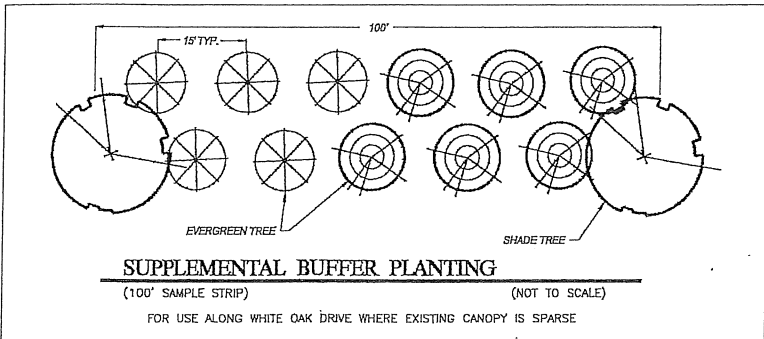


### DEVELOPMENT SUMMARY

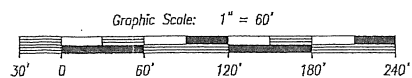
- TOTAL PROPERTY ACREAGE = ±11.131 AC.
- TOTAL NUMBER OF UNITS = 81
- CURRENT ZONING = O&A, RS-150 & RS-100
- PROPOSED REZONING PARCELS: 7-257-010, 7-257-231, 7-257-011, 7-257-086 & 7-258-087
- PROPOSED ZONING: RM PROPOSED USE: MULTI-FAMILY RESIDENTIAL
- GROSS DENSITY FOR PROPERTY = 7.28 UNITS/AC.
- FRONT ENTRY TOWNHOME WIDTH = 24 FEET
- REQUIRED SETBACKS:
  - FRONT YARD = 45' (ADJACENT TO R/W)
  - REAR YARD = 30' OR 50' BUFFER ADJACENT TO RESIDENTIAL
  - SIDE YARD = 10' OR 50' BUFFER ADJACENT TO RESIDENTIAL
- ALL LOTS TO BE SERVED BY SANITARY SEWER.
- WATER AND SEWER SERVICE PROVIDED BY GWINNETT COUNTY.
- A 50' FOOT UNDISTURBED VEGETATIVE BUFFER ADJACENT TO ALL RUNNING STREAMS AND CREEKS WILL BE LEFT AND MAINTAINED.
- NO PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA AS PER GWINNETT COUNTY F.L.R.M. COMMUNITY PANEL NO. 13135C0025F, DATED SEPTEMBER 29, 2006.
- BOUNDARY INFORMATION FROM DEED RESEARCH AND GWINNETT COUNTY GIS.
- TOPOGRAPHIC AND UTILITY INFORMATION BASED ON GWINNETT COUNTY GIS.
- SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.
- LOCATION OF EXISTING STREAMS AND BUFFERS SHOWN BASED ON GWINNETT COUNTY GIS. FIELD VERIFICATION RECOMMENDED.

### RM VARIANCE REQUESTED:

- REMOVAL OF REQUIRED 50' DISSIMILAR ZONING UNDISTURBED BUFFER ADJACENT TO PARCELS 7-257-008 & 7-257-010A, REPLACED WITH 25' PLANTED BUFFER.



LINE	LENGTH	DIRECTION
L1	9.92	S27° 55' 33"E
L2	49.75	S27° 55' 33"E
L3	66.53	S31° 04' 16"E



**dpe**  
Development Planning & Engineering, Inc.  
civil - sanitary - transportation survey

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

PREPARED FOR:  
**HOMESOUTH COMMUNITIES**  
390 BROGDON ROAD  
SUWANEE, GA. 30024  
678-325-4571

PROJECT NAME:  
**HE ZEE CHURCH TRACT**

TASK:  
**CONCEPTUAL RM ZONING SITE PLAN**

PROJECT INFORMATION:

**HE ZEE CHURCH TRACT**  
Project Name  
15-087  
Project Number  
1162 BUFORD HWY.  
Project Address  
257 & 258  
Land Lot No.(s)  
7th  
District  
SUGAR HILL  
GWINNETT COUNTY, GA  
County, State

NO.	1	2	3	4	5	6	7	8	9
DESIGN	AS SHOWN SCALE								
KWB DRAWN	1 of 1								
CHECKED	SHEET								
4/27/17 DATE	15-087 PROJECT No.								

Rec 5/3/17



