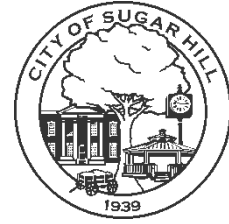


City of Sugar Hill
Planning Staff Report
RZ 17-003



DATE: November 27, 2017
TO: Mayor and City Council
FROM: Planning Director, Kaipo Awana
SUBJECT: Rezoning RZ 17-003 as a change in conditions to allow a contractors office

RECOMMENDED ACTION

Approval of the request for a change in conditions such that the subject property shall continue to be zoned to the general business district and the current conditions of zoning are to be amended as follows:

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 following uses shall not be permitted:
 - a. Garden supply centers and green houses
 - b. Hardware stores
 - c. Mobile buildings (except temporary during construction)
 - d. Hotels and motels
 - e. Nurseries providing lawn and garden supplies and plants
 - f. Research and testing facilities
 - g. Small appliance repair shop
 - h. Theaters and other places of entertainment and amusement enclosed in a building
 - i. Utility offices
 - j. Moving van and truck rentals
 - k. Grocery / food store
3. Remove existing shutters, if replaced, shutters shall be sized exactly half the size of the window. Shutters must be mounted directly to the casing with proper shutter hardware.
4. Building shall be painted within 6 months of approval.
5. Reinstall front landscaping strip. Design to be approved by City Manager prior to installation.
6. Replace all dilapidated fencing with minimum 6' height opaque privacy fence. All fencing shall be of the same type.
7. Operating hours shall be limited to Monday through Friday 7:00 AM to 6:00 PM and Saturday 9:00 AM to 6:00 PM

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a scheduled public hearing on November 20, 2017. Citizens and guests who spoke in opposition were: Danitza and Mike Nagy and Richard C. Hewatt II. Comments included concerns with cutting trees/removing buffers, noise pollution from heavy machinery, and possible contamination to the stream that runs through the neighborhood.

Planning Commission recommends APPROVAL to change the conditions of zoning as recommended by staff (4-0).

ISSUE The City of Sugar Hill has received an application dated October 6, 2017 from Marcos Fernandes, requesting to change the conditions of zoning to allow a contractors office at 5385 Cumming Highway.

DISCUSSION

- The subject property is located within the Georgia Highway 20 corridor study area which is critically important to the visual identity of the city.
- As such, enhanced design standards related to landscaping and architecture are recommended.
- Many of the uses listed in the conditions of zoning are not permitted by the base zoning restrictions. Staff has recommended a shorter list of relevant prohibited uses.
- A contractor's office is prohibited by the current conditions; however the prior use was substantially similar to a contractor's office and the proposed use. Underlying zoning restrictions prohibit outdoor storage.
- General basis for staff recommendation is to align with standard zoning (buffers, uses, lighting, etc.).

BACKGROUND

Applicant / Owner: Marcos Fernandes
Existing Zoning: General Business District (BG) with conditions.
Request(s): Change the conditions of zoning to allow for a contractors office.
Purpose: Contractors office
Property Size: ± 1.08 Acres
Location: Tax Parcel Id Numbers: 7-307-338
 Address: 5385 Cumming Highway

Public Notice: Letters to adjoining owners via USPS regular mail on 11/1/17
 Sign posted at 5385 Cumming Highway 11/1/17
 Ad in legal section of Gwinnett Daily Post on 11/1/17 & 11/22/17

FINDING OF FACT

The applicant is requesting to change the conditions of zoning to allow for use of the subject property as a contractors office.

The property was rezoned July 12, 2004 to general business district with the following conditions under RZ-04-005:

1. The following uses shall not be permitted:
 - a. Auto repair shops
 - b. Tire/Oil Change Outlets
 - c. Funeral Homes and mausoleums
 - d. Garden Supply Centers and green houses
 - e. Car Washes
 - f. Group and congregate personal care homes
 - g. Hardware Stores
 - h. Lodges, fraternal, and social organizations
 - i. Mobile Buildings (except temporary during construction)
 - j. Mortuaries and cemeteries
 - k. Hotels and Motels
 - l. Music Stores
 - m. Nurseries Providing lawn and garden supplies and plants
 - n. Parking lots and parking garages
 - o. Public buildings and land uses
 - p. Research and testing facilities
 - q. Small appliance repair shop
 - r. Theaters and other places of entertainment and amusement enclosed in a building
 - s. Video game stores
 - t. Utility Offices
 - u. Mini-warehouse storage facilities
 - v. Contractor's offices
 - w. Moving van and truck rentals
 - x. Grocery / Food store
2. The outdoor lighting shall be cut-off luminary type. The lighting shall be placed/installed away/inward from the streets and so as avoid glare on the neighboring properties and streets. Plans for lighting must be submitted to the Director, Planning and Development prior to obtaining any permits for approval.
3. The security lighting in the rear and sides shall be of the minimum permitted wattage and installed on the minimum required heights on the wall. Plans for lighting must be submitted to the Director, Planning and Development prior to obtaining any permits for approval.
3. No clear cutting shall be permitted. Tree preservation plans must show saving of existing trees to the maximum possible extend. Any disturbance to the buffer area or during the construction shall be replaced with the vegetation of species similar type or locally suitable conditions and complementary species. Tree replacement and Protection Plan / Tree Preservation and Landscaping Plans must be submitted to the Director, Planning and Development prior to issuance of any permits for review and approval.
4. Curb cut designs must have approval of State DOT and copy of the same must be submitted with the Department of Planning and Development prior to obtaining a Certificate of Occupancy.

5. A variance for a reduced buffer to 61 feet from the side abutting with residential with the condition that the existing building shall be used for the proposed business only (pest control and associated businesses). If in future a change to the exterior of the building e.g. expansion or new building is proposed then the applicant must comply with the buffer requirements.
6. All approved conditions must be deed and recorded on the final plat.

The property contains a house that has been converted for office purposes.

The proposed development is surrounded by single-family and general business zoning:

- To the north: zoned medium density single-family residential (RS-100) and low density single-family district (RS-150), developed.
- To the south across Nelson Brogdon Boulevard / Cumming Highway, is vacant medium density single-family residential (RS-100), undeveloped.
- To the east: medium density single-family residential (RS-100), developed.
- To the west: general business district (BG), undeveloped.

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?*

Yes, the proposed office use is similar to the prior use.

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

No. The recommended conditions and standard land use policies, provide adequate protection.

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?*

No.

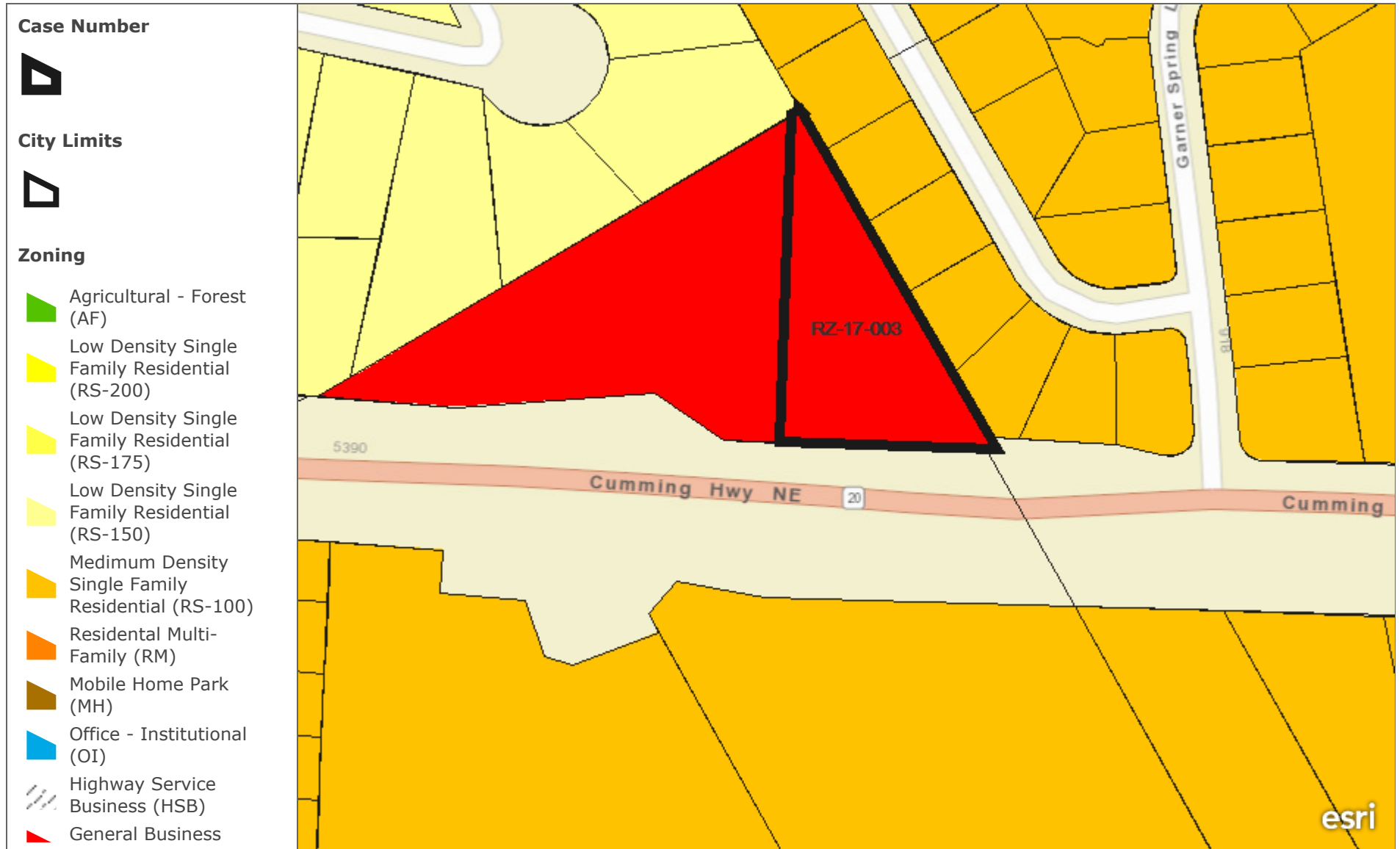
5. *Does the rezoning requested conform to the Sugar Hill Land Use Plan?*

Yes.

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.

RZ-17-003



Upcoming Zoning Cases within the City of Sugar Hill.

Esri, HERE, Garmin, INCREMENT P, NGA, USGS

RZ 17-003 Rec. 10/6/17



To Whom It May Concern:

My name is Marcos Fernandes, and I am the primary owner of Fermar Properties LLC and Peachtree Pavers Inc. I have been interested in 5385 Cumming Hwy, Sugar Hill, GA, 30518, since I saw it for sale in the Spring. We have lived and worked out of Sugar Hill since 2001, and we would like to keep it that way. We want to grow our family businesses, but help our community grow as well. This is why we would like to use the property as an office for our paver installation business. We intend to operate the office from 7:00am-5:00pm on Monday-Friday, and 8:00am-2:00pm on Saturday. We would like to specify that we are not going to run an aggregate or landscape supply business. We will have either heavy duty pick-ups or machinery pulling in occasionally to store leftover materials in the storage units. We have other arrangements for now, but depending on the future growth of the business, we may decide to store the trucks and machinery at the office location. We hope you see the potential, not only for us, but the community as a whole. We are courteous neighbors, so if you have any questions or comments feel free to call us (770)616-4387 or (770)757-0783.

Thank You,

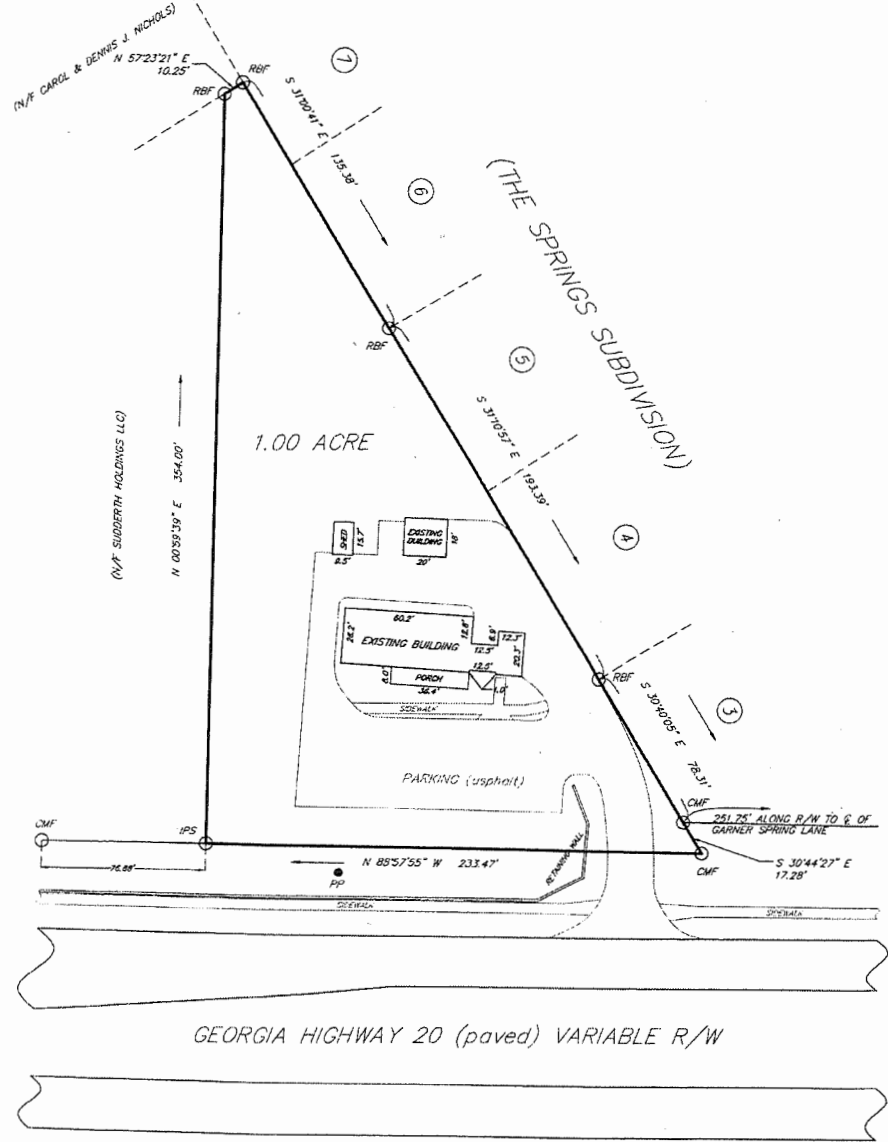
A handwritten signature in black ink, appearing to read "MFernandes", is written over a horizontal line.

Marcos Fernandes
Owner and Chief Executive Officer
Fermar Properties LLC.
Peachtree Pavers Inc.
5700 Saltcreek Pl
Sugar Hill, GA, 30518
Phone: (770)-616-4387

10/04/2017

Date

THIS BLOCK IS RESERVED FOR THE CLERK OF SUPERIOR COURT



SURVEYORS CERTIFICATION: (1)
 As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements in person. Such approvals or affirmations should be confirmed with appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

W.T. Dunahoo
 W.T. Dunahoo (GA RES #1577)
 S/2/17
 Date

GEORGIA REGISTERED No. 1577 PROFESSIONAL SURVEYOR W. T. DUNAHOO

A TOPCON GTS-2B TOTAL STATION was used to obtain the linear and angular measurements used in the preparation of this plat.

The field data upon which this plat is based has a closure precision of one foot in 32,000 feet and an angular error of 2" per angle point and was adjusted using the compass rule.

This survey has been calculated for closure and is found to be accurate within one foot in 2100,000 feet.

~ LEGEND ~
 R/W = RIGHT OF WAY
 IPS = IRON PIN SET (1/2" OPEN TOP)
 IPF = IRON PIN FOUND (1/2" REBAR)
 RBF = 3/8" REBAR FOUND
 CMF = CONCRETE MONUMENT FOUND
 PP = POWER POLE



- REFERENCE:**
- STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR PROJECT MSL00-0004-00 (430) BY PRECISION PLANNING INC. DATED 2/9/2010
 - FINAL RECORDING PLAT FOR THE SPRINGS SUBDIVISION (UNIT 1) BY SOUTHEAST CONSULTANTS INC. DATED 11/13/1991

SURVEY FOR		STATE OF GEORGIA	
MARCOS FERNANDES			
LAND LOT & DISTRICT	COUNTY	SCALE	DATE
LAND LOT 308 - 7th DISTRICT	GWINNETT	1"=40'	8/25/2017
W. T. DUNAHOO AND ASSOCIATES, L.L.C.			
P.O. BOX 193 352 W. HAY ST.		WINSTON-SALEM, NC 27157	