City of Sugar Hill Planning Staff Report AX 17-002



DATE:	December 18, 2017; <i>Updated 3/1/2018</i>
TO:	Mayor and City Council
FROM:	Planning Director
SUBJECT:	Annexation AX 17-002
	770 Buford Highway, Tax Parcels # 7-256-009, 011,126 & 127
	918 Buford Highway Tax Parcel # 7-256-154

RECOMMENDED ACTION (3/1/2018)

Annex and rezone tax parcel 7-256-154 to O-I (Office-Institutional) with no conditions.

Annex and rezone tax parcels 7-256-009, 011, 126 & 127 to residential multi-family (RM) with the following conditions:

- 1. The minimum lot size for single family detached homes shall be 6,250 square feet and have a minimum lot width of 50'.
- 2. Maximum lot coverage shall be 100% for fee-simple townhome lots. The maximum number of townhomes shall be 88 units with no single building containing more than 8 units.
- 3. All streets, alleys, sidewalks, common area landscaping and storm water infrastructure shall be privately owned and maintained by the homeowners' association (HOA). A copy of the deed dedicating said infrastructure to the HOA and recorded covenants specifying maintenance of the infrastructure shall be provided to the city prior to approval of the final plat.
- 4. Project access improvements shall be provided on North Price Road and Buford Highway at the developer's expense.
- 5. Each dwelling unit shall have a minimum two-car garage. Detached single family dwellings shall have a driveway no less than 20' in length as measured from the back of sidewalk to the face of the garage. Each townhome dwelling unit shall have a driveway no less than 20' in length as measured from edge of the pavement of the minimum 17' / maximum 22' wide alley to the face of the garage subject to approval by Gwinnett County Fire Marshal. No townhome shall be permitted a driveway along any street.
- 6. Striping for a total quantity of 32 on-street (9' x 22' minimum dimension) parking stalls shall be provided. The minimum travel lane width adjacent to on-street parking stalls shall be 12'. Traffic calming measures as shown on the attached Exhibit 1 shall be incorporated into the street design at both ends of Street A serving detached single-family dwellings. Street design shall be subject to approval by the city manager.

RECOMMENDED ACTION (Continued on pg. 2)

- 7. Except in designated on-street parking stalls, overnight on-street parking shall be prohibited. Notice shall be posted in the subdivision and recorded in the covenants. The HOA shall be solely responsible for enforcement.
- 8. Zoning buffer shall be reduced to a 35' enhanced landscape buffer. Said buffer shall consist of at least a staggered 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. Buffer must not contain more than 1/3 of a single species and must be shown on a landscape plan to be approved by the city manager prior to receiving any permits. Developer shall install the landscaping prior to the first certificate of occupancy issued for a dwelling in the subdivision.
- 9. Covenants shall stipulate that no more than 10% of the total number of dwelling units are allowed to be leased at any one time. Notice shall be recorded in the covenants.
- 10. Developer shall provide a left turn lane and right turn deceleration lane into the subdivision from Buford Highway subject to approval by the Georgia Department of Transportation.
- 11. Developer shall install a masonry entrance feature and a minimum 20' wide landscaped berm a minimum of 3' high at its apex along the project's Buford Highway frontage and contained within an easement to be maintained by the HOA, as recorded in the covenants. Landscape plan and masonry entrance feature to be approved by the city manager prior to issuance of any permits.
- 12. Developer shall construct at a minimum, a 5' wide concrete sidewalk between the project limits to the existing southwesterly driveway to Lanier High School along Buford Highway, subject to approval by the Georgia Department of Transportation. At the developer's option, an internal connection may be constructed directly to the high school subject to Gwinnett Board of Education approval.
- 13. An amenity area shall be provided with pool, pavilion, mail kiosk and dedicated parking and dedicated to the HOA. Amenity area shall provide a continuous sidewalk from the street.
- 14. Exterior materials and architectural detail of each attached/detached dwelling shall resemble the elevations attached as Exhibit 2. The minimum size for each detached dwelling unit shall be 2,400 heated square feet. Each attached dwelling unit shall be a minimum of 1,750 heated square feet and 24' wide.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a scheduled public hearing on 1-16-18 for the RM rezoning. Citizens and guest who spoke on behalf of this request were: Chris McCrary and Darr Smith. There were no other public comments.

Planning Commission recommends APPROVAL of this annexation request and rezoning to residential multi-family (RM) zoning district with the 15 conditions as suggested by staff with the addition of a 16th condition for additional signage related to parking hours that are permissible (5-0).

On February 1, 2018, Gwinnett County responded to the annexation notice expressing concern that the annexation would create an unincorporated island with tax parcel 7-256-154 owned by the Development Authority of Gwinnett County. Upon receiving the property application from the owner, the Planning Commission held a scheduled public hearing on 2-19-18 for the .4-acre tax parcel 7-256-154. There were no public comments.

Planning Commission recommends APPROVAL of this annexation request and rezoning to office institutional (OI) district for the 0.4-acre parcel to continue to be part of the Lanier High School grounds.

ISSUE Annexation of this 32.06-acre tract owned by Gretchen Payne Hall, Hilda Payne Hayes and Inex Development LLC was initiated by an application dated December 4, 2017. *The application was amended on February 19, 2018 to include the .4acre parcel owned by the Development Authority of Gwinnett County.* The subject parcels are currently zoned single-family residential (R-100) and General Business District (C-2) in unincorporated Gwinnett County. The requested zoning classification is Residential Multi-Family District (RM) for the 32.06-acre tract and Office Institutional (OI) for the .4-acre parcel. The proposal is for fifty-seven detached single-family homes and eighty-eight townhomes.

DISCUSSION

- The current land use plan (2009) shows this area as Mixed-Use Office. However, recent market analysis of the Buford Highway corridor indicates only moderate demand for office and low demand for retail. It is anticipated that most of the office and retail demand will be filled by upcoming projects in Downtown Sugar Hill. The same study also indicates that the market is moderate middle-income townhomes.
- The study identified that senior housing and other residential housing would be attractive land uses for this corridor.
- An additional entrance on North Price Road should be provided for the subdivision due to the potential for traffic congestion during peak hours on Buford Highway at Woodward Mill Road.
- The proposed use is compatible with the neighboring school as well as other residential uses in this area.

BACKGROUND

Applicant / Owner:	Embry Development LLC. / Gretchen Payne Hall, Hilda Payne Hayes, Inex Development LLC and <i>Development Authority of Gwinnett</i> .
Existing Zoning:	Single-family residential (R-100) and general business district (C-2) in Gwinnett County
Request:	Annex and rezone to RM - 32.06 Acres
	Annex and rezone OI – 0.4 Acres.
Purpose:	Development of a single-family residential subdivision.

Property Size:	± 32.06 Acres & 0.4 Acres
Location:	770 Buford Highway, tax parcel #7-256-009, 011, 126,127, and 918 Buford Highway tax parcel # 7-256-154 .
Public Notice:	Sign Posted on 12/27/17. Ad in Gwinnett Daily Post on 12/27/17, 1/3/18, 1/10/18, 1/24/18, 1/31/18, and 2/7/18, 2/21/18, 2/28/18 & 3/7/18.
Public Comment:	The City has received no public comments.

FINDINGS OF FACT

Embry Development, LLC. has four parcels under contract for future development of a residential single family detached and attached subdivision containing 145 housing units (57 single family lots and 88 townhomes).

The subject annexation does not create any unincorporated islands. As required by Georgia law, Gwinnett County was notified of the application. The county has not returned any objections to this annexation, however, they noted in a 2/1/2018 response that tax parcel 7-256-154 would be an unincorporated island. Tax parcel 7-257-154 is part of Lanier High School and was inadvertently left out when the school was annexed due to a mapping error. This parcel has since been included in the annexation request and will not create an island. Follow up notices were sent to the county on 2/20/2018. No objections have been received as of 3/2/2018.

Adjacent properties are zoned as follows:

- To the North: Heavy Manufacturing District (HM-1) and Medium Density Single Family Residential District (RS-100) in the City of Sugar Hill, and Single Family Residential District (R-100) in unincorporated Gwinnett County.
- To the East: Office Institutional District (OI) Lanier High School in Sugar Hill.
- To the West: Light Manufacturing District (LM) in Sugar Hill.
- To the South across Buford Highway 23, General Business District (C-2) and Single Family Residential District (R-75) in unincorporated Gwinnett County.

Buford Highway corridor study indicates that there is a moderate demand along Buford Highway for single-family homes.

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, Lanier High School is adjacent to the subject parcel and recent market analysis indicates a demand for single family residential along Buford Highway.

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

No.

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?

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 Department of Transportation will also review and approve of the proposed access on Buford Highway and may require studies and road improvements. All requirements from the GDOT shall be paid by the developer.

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

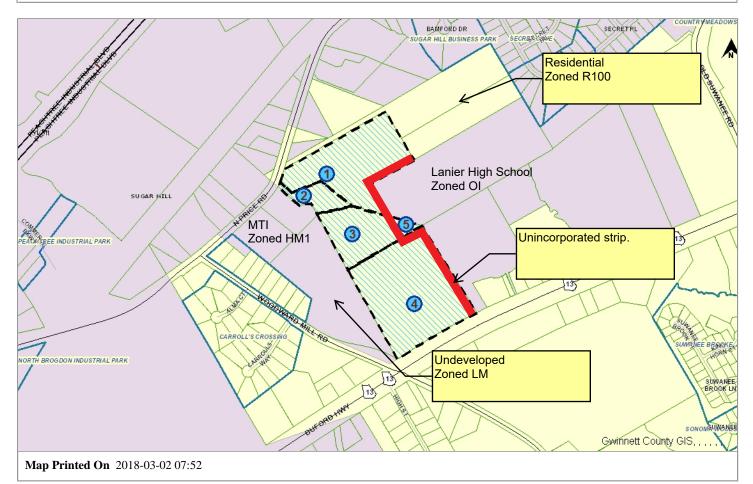
No, the future land use plan shows this area as office mixed use. However, there is very limited long term development potential for the office and retail real estate categories. As such, the city has made recent planning and policy decisions to steer those types of development to its downtown area. Moreover, the proposed residential use is compatible with surrounding suburban uses and fits the evolving character of the corridor which is more in line with traditional neighborhood development patterns. The City of Suwanee has also made recent planning and policy decisions that support this type of development rather than the outdated strip commercial / office development that was initially envisioned for this corridor 10-15 years ago.

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?

The Buford Highway Corridor Study indicates there is an on-going demand for mid-range single family residential housing along Buford Highway and this project appropriately fills that need.

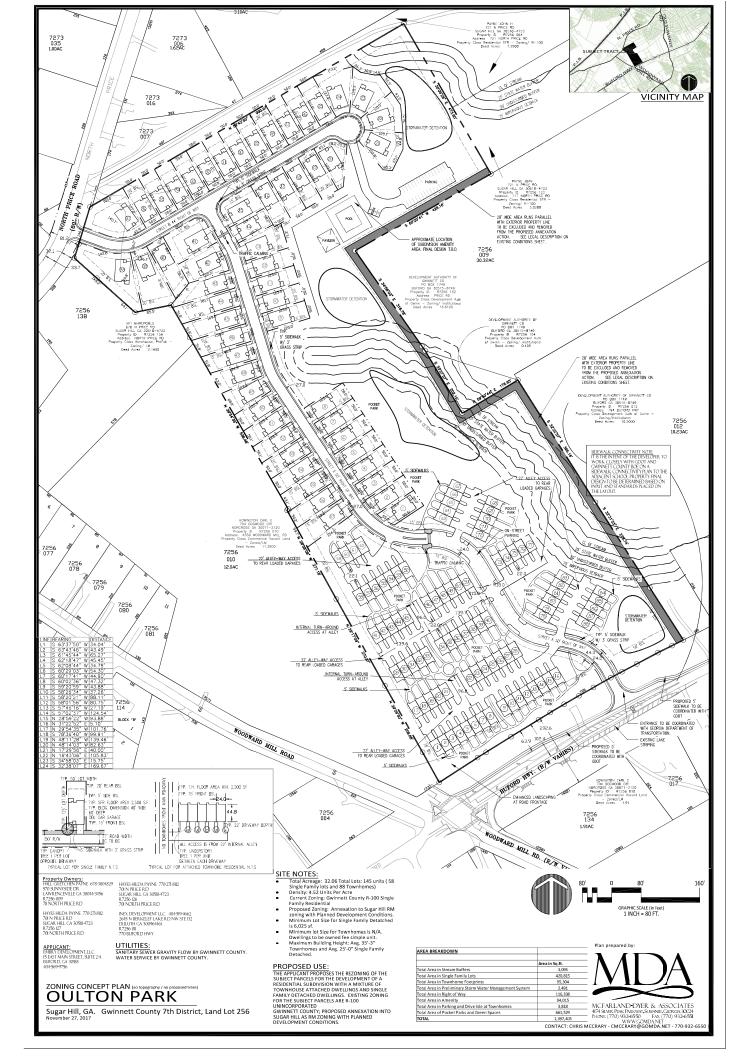
CURRENT PARCEL SELECTION

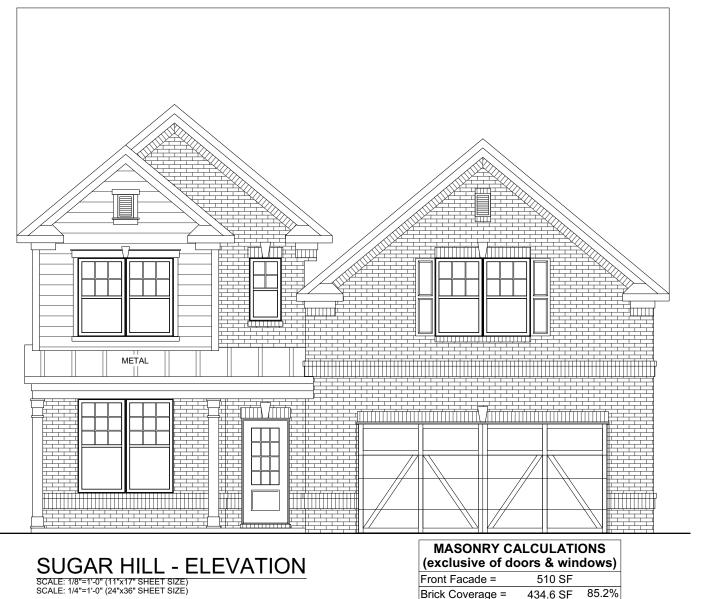
AX 17-002



RES	SULTS			
1	7256 009			
2	7256 127			
3	7256 126			
4	7256 011			
5	7256 154			

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(exclusive of do		
Front Facade =	510 SF	
Brick Coverage =	434.6 SF	85.2%
Stone Coverage =	0 SF	0%

REV. DATE

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BEAZER HOMES

Elevation Plans

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S P E

< drawn by: BZH checked by: ^{date:} 02-22-18 sheet number: A-3.0

date:

TRL

Front Elevation

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DOGWOOD RIGHT ELEVATION - SUGAR HILL SCALE INFO (INFO STREET SIZE)







SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE) SCALE: 1/4"=1'-0" (24"x34" SHEET SIZE)

MASONRY CALCULATIONS (exclusive of doors & windows) Front Facade = 503 SF Brick Covera

Shake Coverage = 137 SF 27.2%	Brick Coverage =	130 SF	25.8%
	Shake Coverage =	137 SF	27.2%





SUGAR HILL LEFT ELEVATION - SPRINGDALE SCALE INFO (2004) SHEET SEE()



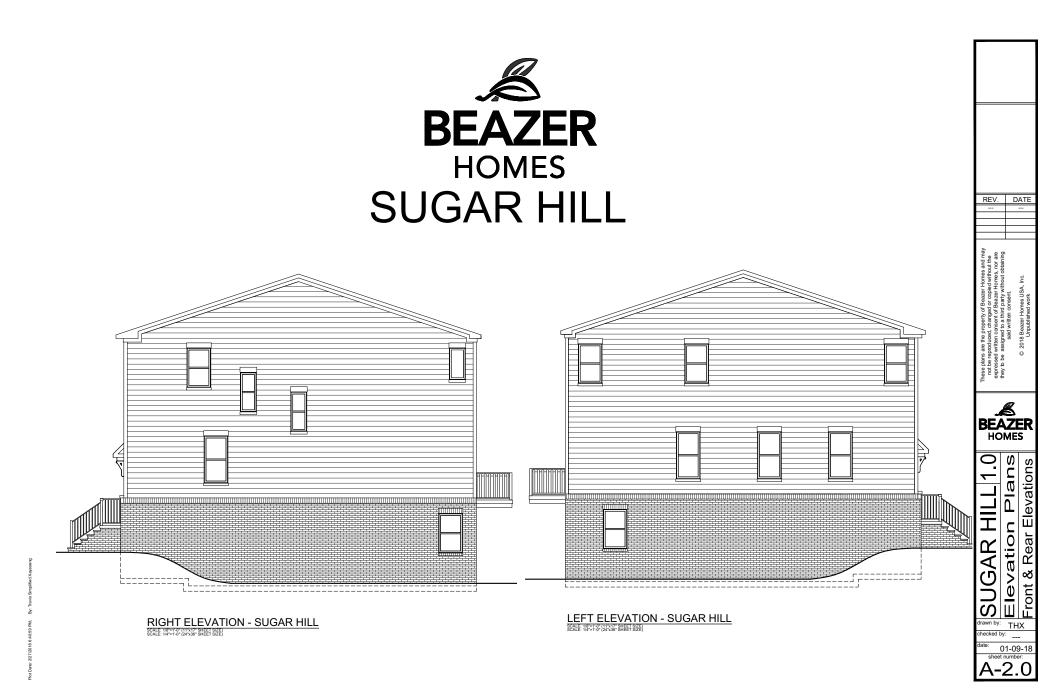
SUGAR HILL RIGHT ELEVATION - SPRINGDALE SCALE HARVING (BALAG SALE) SCALE HARVING (BALAG SALE)



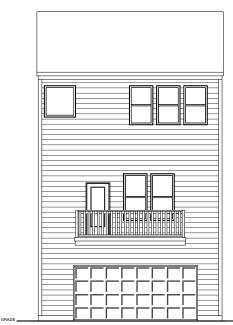


24' Townhomes

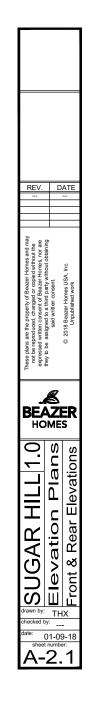








REAR ELEVATION SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE) SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



AX: 17.002 Rec. 12/1/17

ATTACHMENT TO APPLICATION FOR REZONING

Application number:

Hearing dates:

BEFORE THE SUGAR HILL CITY COUNCIL AND PLANNING COMMISSION

CONSTITUTIONAL CHALLENGE ATTACHMENT TO APPLICATION

Come now, Applicant, Embry Development, LLC (herein referred to as "Applicant") and the Property Owners, INEX Development, LLC, Gretchen Payne Hall & Hilda Payne Hall, properties being 711 North Price Road (Parcel # R7256-009), 701 North Price Road (Parcel # R7256-126,127,154) and 770 Buford Highway (Parcel # R7256-011). Applicant and Property Owner assert the following:

- By Application of Rezoning filed on November 3rd, 2017, Applicant and Property Owner applied for rezoning on certain real property being 31.41 acres more or less lying and being in Gwinnett County, Georgia. A more particular and delineation of the subject property set forth in said Application (referred to as "Property" or "Subject Property").
- The Application for Rezoning or the Property seeks rezoning from the existing zoning category R-100 & C2 to PMUD conditional (or other comparable classification) as established by the governing authority of City of Sugar Hill, Ga., under and pursuant to the applicable City, State and Georgia laws.
- 3. With respect to the zoning on the Subject Property, Applicant and Property Owner contend the Zoning and Planning Ordinance of Gwinnett County and or the City of Sugar Hill, Ga. may be unconstitutional as applied to the Subject Property in that said Ordinance does not permit the Applicant and Property Owner to utilize the Property to the use set forth within the Application for Rezoning without the necessity of rezoning. However, the Applicant and Property Owner do not contend the current zoning category of R-100/C2 is unconstitutional per se, only as applied. Thus, the Zoning and Planning Ordinance of Gwinnett County/Sugar Hill, Ga. Deprives Applicant and Property Owner of their Property under and pursuant to Article I & II of the Georgia

AX. N. 002 Per. 12/4/17

Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of Property without due process violates the constitutional prohibition against the taking of private property without due compensation. Also violated are the Applicant's Property Owner's rights to unfettered use of their Property, as stated above, in that said zoning classifications do not bear a substantial relation to public health, safety, morality or general welfare and are, therefore, confiscatory and void. Further, said Ordinance is unconstitutional in that it is arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss on the Applicant and Property Owner.

- 4. The Zoning and Planning Ordinance of Gwinnett County/Sugar Hill, Ga. may be unconstitutional as applied to the to the Subject Property currently under it's zoning classification only in that said Ordinance deprives Applicant and Property Owner of their Property under Articles I & II of the Georgia Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. The deprivation of Property without due process violates the constitutional prohibition against the taking of private property without just compensation. The current zoning classification, as it presently exist, together with any intervening zoning categories between the existing zoning and the requested PMUD category, violates the Applicant and Property Owner's rights to unfettered use of their property in that said zoning classifications do not bear a substantial relation to public health, safety, morality or general welfare and are therefore confiscatory and void. Further, said Ordinance may be unconstitutional in that it is arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss to Applicant and Property Owner.
- 5. To the extent the Zoning and Planning Ordinance of Sugar Hill, Ga., allows the City Council to rezone Subject Property to any other category as requested, said Ordinance may be unconstitutional in that same violates the Applicant and Property Owner's constitutionally guaranteed rights to due process, both substantive and procedural. Furthermore, any such action by the City Council, or as allowed by the Zoning and Planning Ordinance of Sugar Hill, Ga., is an unconstitutional use of zoning power and would constitute an abuse of discretion with no justification or benefit flowing to the public welfare. Accordingly, said Ordinance or action would likewise represent a taking or private property rights with the payment of just and adequate compensation in violation of the Constitution of the United States of America.
- 6. The Zoning and Planning Ordinance may further be unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with the Zoning

AX. n.002 Rec. 12/4/17

Application also violate Articles I, II and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront a witness, contain the lack of procedural and evidentiary safe guards, do not restrict evidence received to the issue at hand and are controlled solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process of the requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

Respectfully filed on November 3rd, 2017 by Applicant:

Ma

J. Michael Embry, Manager

Embry Development, LLC