

City of Sugar Hill  
Planning Staff Report  
RZ 18-004

DATE: May 24, 2018; **Updated 6/5/2018**  
TO: Mayor and City Council  
FROM: Planning Director  
SUBJECT: Rezoning RZ 18-004 Ansley Hillcrest LLC,  
Hillcrest Drive and Nelson Brogdon Boulevard



**RECOMMENDED ACTION**

**Approval of request for general business (BG) zoning and extension of the central business district (CBD) boundary with the following conditions:**

1. These conditions shall replace and supersede all prior stipulations and conditions, including all prior zoning actions, variances, and special use permits that are currently in place on the subject property.
2. Prior to obtaining a certificate of occupancy for residential building(s), the commercial parcel shall be graded to provide future inter-parcel access and connection to regional storm water management facility in accordance with site plan approved by design review board.
3. Commercial parcel shall be developed with a minimum 8,000 square feet gross floor area for retail use.
4. Developer must provide enhanced pedestrian crossings, protected left turn signals and **decorative mast arms** at Highway 20 (subject to coordination with City of Sugar Hill, Gwinnett Department of Transportation and Georgia Department of Transportation) and Hillcrest Drive. The developer may execute a performance agreement accompanied by sufficient surety to cover the cost of construction prior to receiving certificate of occupancy for residential building(s).
5. Developer must provide an enhanced pedestrian crossing on Hillcrest Drive near entrance drive to Sugar Hill Church prior to receiving a building permit for commercial building(s).
6. Maximum number of surface parking spaces (including tandem spaces) on the residential site shall not exceed 1.6 spaces per dwelling unit.
7. Developer shall provide written notification to the school board to include number of units, type of housing, number of bedrooms and phasing of the project.

**PLANNING COMMISSION RECOMMENDATION:**

*The Planning Commission held a scheduled public hearing on May 21, 2018. Applicant representative John Mansour spoke on behalf of this request. There were no other public comments.*

**Planning Commission recommends APPROVAL of the request for general business (BG) zoning and extension of the central business district (CBD) boundary with conditions as presented.**

**ISSUE** The City of Sugar Hill has received an application dated April 6, 2018, from Ansley Hillcrest, LLC requesting to rezone to General Business District (BG), change existing conditions and incorporate into the Central Business District Overlay (CBD) for the ± 11.69 acres at the northeast corner of Hillcrest Drive and Georgia Highway 20.

## DISCUSSION

- The subject property is within a five-minute walk of City Hall and the E Center as identified in the conceptual development framework plan as part of the current downtown master plan update.
- Downtown master plan project team has made preliminary recommendations to provide for medium to high density mixed use within the five-minute pedestrian shed.
- Site design appropriately sets tallest buildings at the front of the project and reduces the mass and scale of the buildings closest to the existing residential neighborhood behind the project.
- Arrangement of buildings hides surface parking from public view and presents a pedestrian oriented streetscape and architectural texture that is appropriately more urban in style fitting the goals of the downtown master plan.

## BACKGROUND

Applicant/Owner:	Ansley Hillcrest, L.L.C.
Existing Zoning:	General Business District (BG)
Request(s):	General Business District with Central Business District Overlay (BG/CBD)
Purpose:	Mixed use. Multi-family and commercial.
Property Size:	± 11.69 acres
Location:	Tax Parcel Id Number: 7-305-062 Hillcrest Drive and Nelson Brogdon Boulevard.
Public Notice:	Letters to adjoining owners via USPS regular mail on 5/2/18 Sign posted at 1113 Buford Highway 5/2/18 Ad in legal section of Gwinnett Daily Post on 5/2/18 & 5/23/18
Public Comments:	No comments as of 5/15/2018

## FINDINGS OF FACT

- North: Medium Density Single-Family Residential (RS100) Hillcrest Glen Drive
- South: BG across Nelson Brogdon Boulevard
- East: RS-100 and Agriculture-Forest (AF) Sugar Hill Church
- West: Light Industry District (HM-1)

The proposed site plan shows two commercial buildings totaling 11,000 square feet on 1.52 acres at the intersection of Nelson Brogdon Boulevard and Hillcrest Drive. Forty-three parking spaces are shown adjacent to the retail component. The city's zoning ordinance limits surface parking to a maximum of 36 spaces for the amount of commercial floor area proposed.

Multi-family residential is proposed for the remainder of the property. Two four-story buildings are shown adjacent to Highway 20 and seven two-story buildings are placed along the rear next to Hillcrest Glenn subdivision. 200 residential units are proposed.

## 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 subject property lies within a five minute walk of the downtown core. This request for a residential use adjacent to Hillcrest Glen and a commercial use at the intersection of Georgia Highway 20 and Hillcrest Drive provides for a transition from the commercial corridor to the medium density residential uses to the north.

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

No. The proposed development will not impose any additional restrictions and is a compatible mix of uses for neighboring areas.

**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. Recent capacity improvements to Highway 20 and intersection improvements should provide sufficient levels of service. Pedestrian safety improvements along Hillcrest Drive and Highway 20 will be necessary to meet goals of the downtown master plan. Developer or city should provide written notification to the school board to include number of units, type of housing, number of bedrooms and phasing of the project.

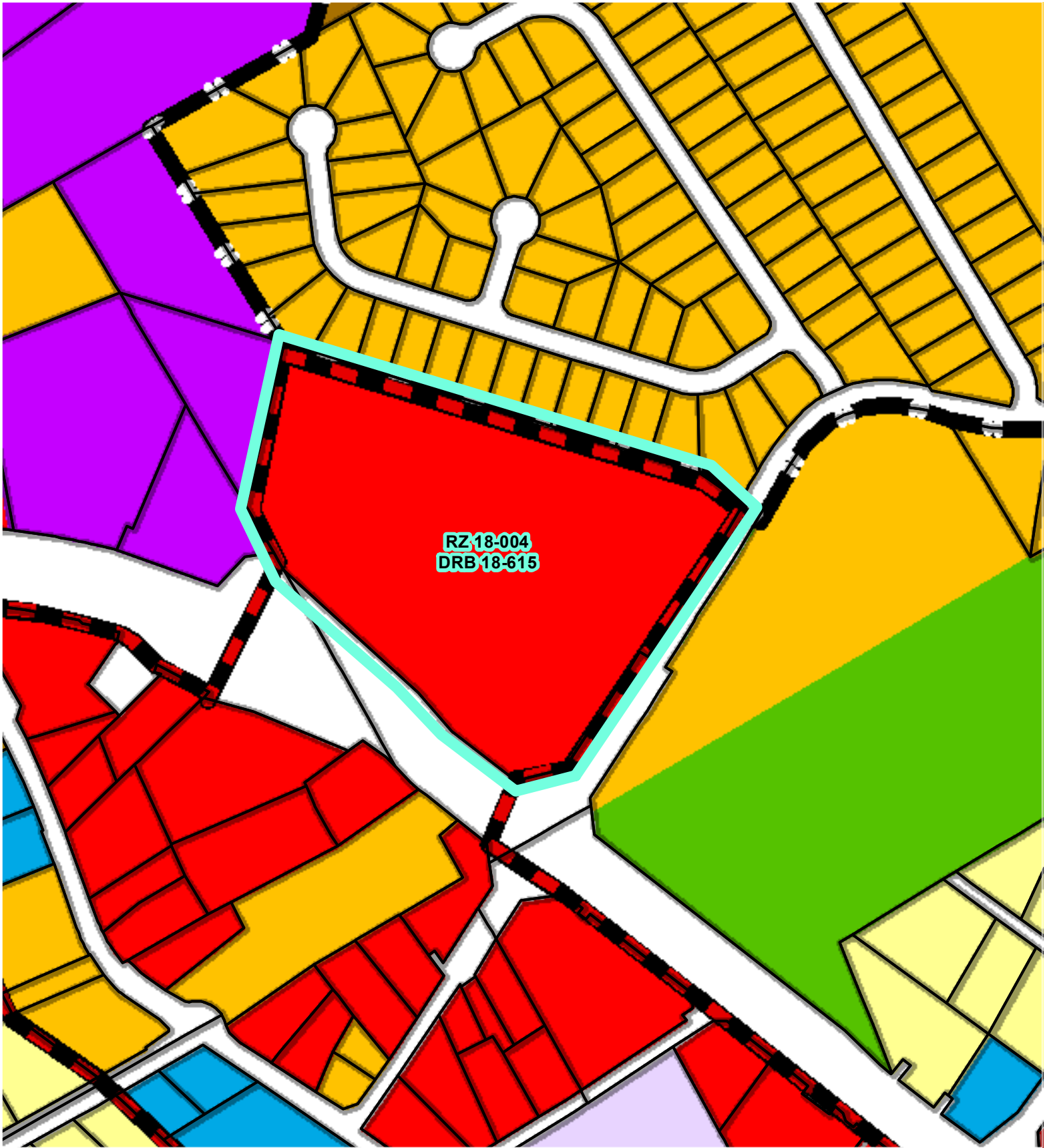
**5. Does the rezoning requested conform to the Sugar Hill Land Use Plan?**

Yes. The overall plan and concept conforms to the Sugar Hill Land Use Plan promoting desirable growth in the downtown and incorporating mix of pedestrian oriented land uses and development typology.

**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 City's Comprehensive Plan:

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



**Zoning Classification**

- Agricultural - Forest (AF)
- Low Density Single Family Residential (RS-150)
- Medium Density Single Family Residential (RS-100)
- Residential Multi-Family (RM)
- Mobile Home Park (MH)
- Office - Institutional (OI)
- General Business (BG)
- Light Manufacturing (LM)
- Heavy Manufacturing (HM1)

- CBD - Central Business District
- Highway Service Business (HSB)
- TCO - Town Center Overlay District



**STATEMENT OF INTENT**

and

Other Material Required by City of Sugar Hill Zoning Ordinance  
of

**ANSLEY HILLCREST LLC**

For

± 11.69 Acres of Land located in  
Gwinnett County  
Address: 0 Hwy 20, Sugar Hill, GA 30084

Submitted for Applicant by:

John Mansour  
Carolina Bryant  
Ayoub & Mansour, LLC  
675 Seminole Ave Suite  
301  
Atlanta, GA 30307  
404-892-2599

Revised 4/27/18

## **I. INTRODUCTION**

This Application seeks Central Business District (CBD) designation to allow for the construction of a mixed-use project with 200 residential apartment units and a commercial shopping district on an 11.69 acre site at the intersection of Hwy 20 and Hillcrest Road, City of Sugar Hill, NGwinnett County, Georgia (the "Subject Property"). Approximately 10.17 acres of the Subject Property will be used for the multi-family portion, with the remaining +1.62 acres being used for a commercial shopping center. The proposed residential units will be divided among three four-story structures, typical flats and townhome style apartments, with surface parking and attached garages, which will be concealed from the street. The residential units facing Highway 20 will be more typical apartment flats with surface parking, while units facing Hillcrest road and the adjacent residential neighborhoods will be townhome style apartments with attached garages. The central pool and amenities and all residential building entrances will be connected by an internal sidewalk system, which will connect to the public sidewalk.

The Subject Property is currently zoned BG, located in the City of Sugar Hill. The Subject Property is currently undeveloped. The Subject

Property is located in an area that has seen tremendous growth and redevelopment, including the recent expansion of Highway 20 into a major thoroughfare. The Subject Property, which is bounded by the west by industrial properties and to the east by Hillcrest Road, is surrounded by uses compatible to those proposed. Directly across Highway 20 from the Subject Property is the central business district of Sugar Hill which includes multiple planned high density mixed use developments.

The Applicant submits this document as a Statement of Intent with regard to its Application, a preservation of the Applicant's constitutional rights with respect to the Subject Property, and a written justification for the proposed expansion of the CBD designation to the Subject Property.

#### STANDARDS GOVERNING THE EXERCISE OF THE ZONING

##### POWER

#### **A. Whether the proposed Rezoning or Special Use Permit will permit a use that is suitable in view of the use and development of adjacent property.**

The proposed use is fully compatible with the adjacent properties and land uses as well as those in the larger surrounding area. The proposed multi-family units will add a much-needed housing option to the City of Sugar Hill Central Business District, and the commercial area will serve nearby residents and workers generated by existing and future projects within the

City of Sugar Hill Downtown CBD overlay district. The Subject Property will comply with all requirements of the CBD overlay district.

Additionally, adequate parking, landscaping, open space and sidewalks will be provided.

The Applicant's proposal represents a high-quality development concept which provides a less intensive use than the current zoning classification, that transitions from the adjacent CBD Downtown overlay district to the single family land uses to the north. The proposed use is designed specifically to take advantage of the existing pedestrian accessibility to the variety of uses and developments within the CBD overlay district, thus reducing automobile dependency and resultant traffic congestion.

**B. Whether the proposed Rezoning or Special Use Permit will adversely affect the existing use or usability of adjacent or nearby property.**

The proposed rezoning CBD exists across the street from the Subject Property, and merely extending the CBD overlay district from the south side of Highway 20 across the Subject Property will have no affect on the existing use or usability of adjacent properties.

**C. Whether the property to be affected by a proposed Rezoning or Special Use Permit has reasonable economic use as currently zoned.**



The property does not have a reasonable economic use as currently zoned. The current BG zoning on the entire 11.69 acre tract limits the economic use of the Subject Property due to changes in the retail/commercial market away from big box retailers and economic feasibility limits on the construction of neighborhood grocery type centers.

The Applicant, on behalf of the owners of the Subject Property, respectfully submits that the Zoning Ordinance of Sugar Hill, Georgia, as amended from time to time and known as the "Sugar Hill Zoning Ordinance," to the extent that it classifies the Subject Property in any zoning district which would preclude the development of this project, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Subject Property pursuant to the Sugar Hill Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Subject Property.

Additionally, all other zoning classifications, including ones intervening between the existing classification and the one requested herein, would deprive the current owner of any reasonable use and development of the Subject Property. Further, an attempt by the City

Revised 4/27/18

Council to impose greater restrictions upon the manner in which the Subject Property will be developed than presently exist, such as by way of approving the zoning district requested but limiting development to standards allowed under more stringent zoning classifications, would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Subject Property save for what has been requested by it as established in the Sugar Hill Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Subject Property owners. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Subject Property's owners. Further, the existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this

project would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

The Applicant respectfully submits that the City Council's failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owners and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States. The Applicant respectfully submits that the City Council cannot lawfully impose more restrictive standards upon the development of the Subject Property than presently exist as to do so not only would constitute a taking of the Subject Property as set forth above, but also would amount to an unlawful

delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

Finally, Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power, *Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977).

**D. Whether the proposed Rezoning or Special Use Permit will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools:**

The vast majority of the proposed multi-family units will range from studio units, one-bedroom units and two-bedroom units and the vast majority of anticipated residents will be young professionals without children and empty nesters. For those residents with school-aged children, the proposed development will be served by Sycamore Elementary School, Lanier Middle School and Lanier High School, all of which have capacity. The proposed Commercial shopping district should not unduly increase traffic or create congestion in the area. The Subject Property is located on the newly widened Highway 20 corridor, a limited access four lane road with median break.

While there may be some addition to the volume of traffic visiting the site, this increase should be minimal in light of the Subject Property's access to major thoroughfares. There are adequate public services, public facilities, and utilities to serve the proposed development.

**E. Whether the proposed Rezoning or Special Use Permit is in conformity with the policy and interest of the Land Use Plan:**

The Subject Property is designated as part of the City of Sugar Hill Livable Center Initiative and sits adjacent to the CBD overlay district, and downtown Sugar Hill area. The CBD overlay district and Livable Center Initiative area encourages commercial and higher-density residential uses such as those proposed. The proposed development is fully allowed within this character area, and promotes the goals and strategies of the City's Downtown Master Plan, of creating a vibrant walkable community in the Downtown Sugar Hill area, and the expansion of the downtown core, while providing housing needs.

In support of the Livable Center Initiative, the proposed development will:

- Provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobile travel;
- Promote a physically attractive, environmentally safe and economically sound mixed-use community;
- Permit and encourage mixed-use developments containing both commercial and residential uses to create a pedestrian oriented community in which people can live, work and play;

- Encourage mixed-use developments that meet the goals and objectives of the Atlanta Regional Commission's Smart Growth and Livable Centers Initiatives;
- Allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;
- Encourage the formation of a well-designed, pedestrian-friendly activity center with high-density commercial and residential development that increases vitality and choices in living environments for the citizens of the City of Sugar Hill and Gwinnett County;
- Protect established single-family residential areas surrounding the City of Sugar Hill District from encroachment of commercial, retail, office and industrial uses by expanding and providing for increased density of development within the boundaries of the City of Sugar Hill CBD overlay district.

**F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed Rezoning or Special Use Permit.**

The proposed development will be a high quality mixed use development that will contain attractive structures and open space. The goal of the applicant is to create an urban design. Key components to the design are reducing visible parking, moving buildings closer to the sidewalk to create an urban feel, preserving open space, providing attached garages to create a true townhome feel, preserving open space and providing living opportunities proximate to the extensive employment node. The concept proposed promotes pedestrian traffic in the

development and creates an urban aesthetic.

Ultimately, the benefit to the community is to increase the mix of uses along Highway 20, while eliminating surface parking, preserving open space, and promoting an urban theme. It is also important to note that the adjacent CBD district and Downtown Sugar Hill Plan already contemplate much higher and more use-intensive buildings.

This proposal will not negatively affect any adjacent residential areas because there will be a landscape strip, and because the residential character of the proposed development is a less intense use than currently allowed under the BG zoning classification.

## CONCLUSION

For the foregoing reasons, the Applicant respectfully asks that the proposed rezoning request be approved. The Applicant also invites and welcomes any comments from City staff, officials, and other interested parties so that such recommendations or input may be considered as conditions of approval of this Application.

This 5th day of April, 2018.

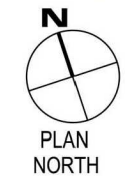
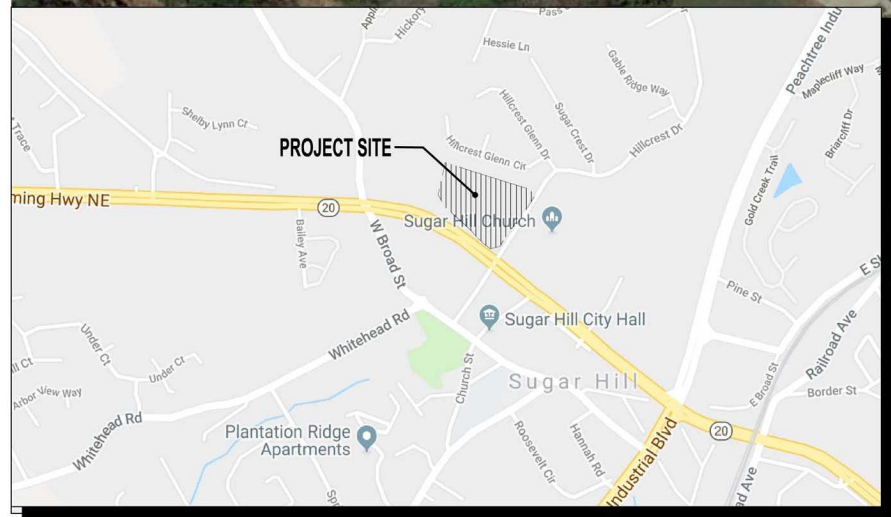
Respectfully submitted,

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404-892-2599







**HUMPHREYS & PARTNERS ARCHITECTS, LP**  
 HPA #2018125

**Project Summary**

**3/4 SPLIT - I (WITH GARAGES)**

UNIT DESIGNATION	UNIT TYPE	UNIT NET SF (PER UNIT)	UNIT BALCONY (PER UNIT)	UNIT COUNT	BDRM COUNT	UNIT GROSS SF	TOTAL NET SF	TOTAL GROSS SF	
<b>Residential</b>									
A1	1BR/1BA	627	39	16	16	666	10,032	10,656	
A2	1BR/1BA	759	100	8	8	859	6,072	6,872	42.1%
B1	2BR/2BA	1113	35	29	58	1148	32,277	33,292	
B2	2BR/2BA	0	0	0	0	0	-	-	50.9%
C1	3BR/2BA	1438	98	4	12	1536	5,752	6,144	7.0%
<b>UNIT TOTALS</b>				<b>57</b>	<b>94</b>		<b>54,133</b>	<b>56,964</b>	

**3/4 SPLIT - II (WITHOUT GARAGES)**

UNIT DESIGNATION	UNIT TYPE	UNIT NET SF (PER UNIT)	UNIT BALCONY (PER UNIT)	UNIT COUNT	BDRM COUNT	UNIT GROSS SF	TOTAL NET SF	TOTAL GROSS SF	
<b>Residential</b>									
A1	1BR/1BA	627	39	18	18	666	11,286	11,988	
A2	1BR/1BA	759	100	8	8	859	6,072	6,872	39.4%
B1	2BR/2BA	1113	35	36	72	1148	40,068	41,328	
B2	2BR/2BA	0	0	0	0	0	-	-	54.5%
C1	3BR/2BA	1438	98	4	12	1536	5,752	6,144	6.1%
<b>UNIT TOTALS</b>				<b>66</b>	<b>110</b>		<b>63,178</b>	<b>66,332</b>	

**BIG HOUSE - II (2/3 SPLIT WITH GARAGES) --- 10 TOTAL BUILDINGS**

UNIT DESIGNATION	UNIT TYPE	UNIT NET SF (PER UNIT)	UNIT BALCONY (PER UNIT)	UNIT COUNT	BDRM COUNT	UNIT GROSS SF	TOTAL NET SF	TOTAL GROSS SF	
<b>Residential</b>									
A1 LOWER	1BR/1BA	745	82	0	0	827	-	-	
A1 UPPER	1BR/1BA	803	82	10	10	885	8,030	8,850	
A2 LOWER	1BR/1BA	735	44	0	0	779	-	-	
A2 UPPER	1BR/1BA	860	33	0	0	893	-	-	20.0%
B1 LOWER	2BR/2BA	1028	79	0	0	1107	-	-	
B1 UPPER	2BR/2BA	1105	56	10	20	1161	11,050	11,610	
B2 LOWER	2BR/2BA	1207	126	20	40	1333	24,140	26,660	
B2 UPPER	2BR/2BA	1263	126	10	20	1389	12,630	13,890	80.0%
C1 LOWER	3BR/2BA	1438	1340	0	0	2778	-	-	
C1 UPPER	3BR/2BA	1438	1413	0	0	2851	-	-	0.0%
<b>UNIT TOTALS</b>				<b>50</b>	<b>90</b>		<b>55,850</b>	<b>61,010</b>	

**BIG HOUSE - III (2 STORY WITH GARAGES) --- 2 TOTAL BUILDINGS**

UNIT DESIGNATION	UNIT TYPE	UNIT NET SF (PER UNIT)	UNIT BALCONY (PER UNIT)	UNIT COUNT	BDRM COUNT	UNIT GROSS SF	TOTAL NET SF	TOTAL GROSS SF	
<b>Residential</b>									
A1 LOWER	1BR/1BA	745	82	0	0	827	-	-	
A1 UPPER	1BR/1BA	803	82	4	4	885	3,212	3,540	
A2 LOWER	1BR/1BA	735	44	2	2	779	1,470	1,558	
A2 UPPER	1BR/1BA	860	33	2	2	893	1,720	1,786	40.0%
B1 LOWER	2BR/2BA	1028	79	0	0	1107	-	-	
B1 UPPER	2BR/2BA	1105	56	4	8	1161	4,420	4,644	
B2 LOWER	2BR/2BA	1207	126	2	4	1333	2,414	2,666	
B2 UPPER	2BR/2BA	1263	126	2	4	1389	2,526	2,778	40.0%
C1 LOWER	3BR/2BA	1438	1340	2	6	2778	2,876	5,556	
C1 UPPER	3BR/2BA	1438	1413	2	6	2851	2,876	5,702	20.0%
<b>UNIT TOTALS</b>				<b>20</b>	<b>30</b>		<b>21,514</b>	<b>22,528</b>	

**SUMMARY**

RESIDENTIAL BLDG DESIGNATION	1BR UNITS	2BR UNITS	3BR UNITS	TOTAL UNIT COUNT	TOTAL BDRM COUNT	UNIT GROSS SF	UNITS TOTAL NET SF	UNITS TOTAL GROSS SF
3/4 SPLIT - I	24	29	4	57			54,133	56,964
3/4 SPLIT - II	31	36	4	71			63,178	66,332
BH-II	10	40	0	50			55,850	61,010
BH-III	8	8	4	20			2,876	5,702
CARRIAGE	2	0	0	2			1,608	1,608
<b>UNIT TOTALS</b>	<b>75</b>	<b>113</b>	<b>12</b>	<b>200</b>	<b>337</b>		<b>177,645</b>	<b>191,616</b>
	38%	57%	6%					

CLUBHOUSE (SF) TBD SF(AC)  
 CORRIDOR (SF) TBD SF  
 Unit Average Parking Required Ratio Required  
 TBD square feet  
 TBD spaces  
 TBD spaces/unit

TOTAL RESIDENTIAL GROSS RES. (SF) 191616 SF  
 NET RES. (SF) 177645 SF  
 EFFICIENCY TBD  
 TOTAL RESIDENTIAL GROSS AREA 191616 SF  
 TOTAL GROSS COMM'L AREA 1.52 Acres (Approx.)  
 TOTAL SITE AREA 10.17 Acres (Approx.)  
 Surface Parking Provided 214 spaces  
 Garage Parking Provided 81 spaces  
 Tandem Parking 77 spaces  
 Total Parking Provided 295 spaces  
 Ratio Provided 1.48 spaces/unit  
 Ratio Provided w/tandem 1.86 spaces/unit