

City of Sugar Hill
Planning Staff Report
RZ 18-007

DATE: September 26, 2018
TO: Mayor and City Council
FROM: Planning Director *KD*
SUBJECT: Rezoning RZ 18-007, 360 Residential LLC,
1091 Level Creek Road – Residential Tracts



RECOMMENDED ACTION

Table the public hearing at applicant's request.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a scheduled public hearing on September 17 2018. Public hearings for RZ-18-006 & RZ-18-007 were heard at the same time. Applicant representative Carl Westmoreland and Jeff Warshaw spoke on behalf of this request. Citizen Peggy Daniels spoke about affordable housing and the homeless in Gwinnett County, and citizen Susana Landers questioned where her house was in proximity to this development. There were no other public comments.

Planning Commission recommends rezoning the subject property (shown as Tract 2 and Tract 3 on the attached concept plan) to Residential Multi-Family District (RM) with the following conditions:

1. Maximum number of surface parking spaces on the multi-family residential tract shall not exceed 1.5 spaces per dwelling unit.
2. Prior to obtaining a subdivision plat or certificate(s) of occupancy, a minimum 10' wide sidewalk shall be constructed the entire length of frontage along Level Creek Road at least 2' from back of curb.
3. Prior to obtaining a subdivision plat or certificate(s) of occupancy, a minimum 10' wide sidewalk shall be constructed for the entire length of frontage along Peachtree Industrial Boulevard.
4. Installation of restricted crossing u-turn (RCUT) or J-Turn median crossover at project entrance on PIB shall be required prior to receiving certificate of occupancy (subject to coordination with City of Sugar Hill and the Gwinnett Department of Transportation).
5. One-family, two-family and attached dwellings shall have rear (alley) entry garages.
6. Interparcel access drive (maximum 24' width measured from back of curb) connecting the access improvements for all three tracts along the entire PIB frontage shall be provided prior to obtaining a subdivision plat or certificate(s) of occupancy.
7. Minimum dwelling unit size for multi-family dwelling units shall be 750 square feet (excludes attached or townhome dwelling units).
8. 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 prior to receiving any permits.

ISSUE The City of Sugar Hill has received an application dated August 6, 2018, from 360 Residential LLC requesting to rezone to Residential Multi-Family District (RM), Town Center Overlay (TCO) districts and expansion of the Central Business District (CBD) boundary for ± 26.62 acres at 1091 Level Creek Road.

DISCUSSION

- The subject property is within a ten-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.
- The downtown master plan includes recommendations to provide for medium to high density mixed use within the ten-minute pedestrian shed.
- The Sugar Hill Greenway is planned along the Level Creek Road frontage.
- Expansion of the CBD in accordance with the overlay regulations and master plan recommendations would insure consistency with existing and anticipated development in the CBD.
- However, the applicant's proposed site plan does not substantially conform to the overlay standards or the master plan recommendations.
- Staff recommends approval of the minimum dwelling unit size for the multi-family units but does not recommend approval for the elimination/reduction of the minimum rear yard requirement given the current site development concept.

BACKGROUND

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| Applicant/Owner: | 360 Residential LLC |
| Existing Zoning: | Residential Multi-Family District (RM), Highway Service Business District (HSB), Medium Density Single-Family Residential (RS-100) and Town Center Overlay District (TCO) |
| Request(s): | Residential Multi-Family with Town Center Overlay and Central Business District (BG/TCO/CBD) |
| Purpose: | Multifamily and townhomes. |
| Property Size: | ± 26.62 acres |
| Location: | Tax Parcel Id Number: A portion of 7-291-021 1091 Level Creek Road. |
| Public Notice: | Letters to adjoining owners via USPS regular mail on 8/29/18 Sign posted at 1113 Buford Highway 8/29/18, 10/24/18 Ad in legal section of Gwinnett Daily Post on 8/29/18 & 9/19/18, 10/24/18 |
| Public Comments: | Peggy Daniels spoke about affordable housing and the homeless in Gwinnett County, and Susana Landers questioned where her house was in proximity to this development. There were no other public comments. |

FINDINGS OF FACT

- North: City of Sugar Hill owned property, Office Institutional (OI) and Level Creek Hollow subdivision, RM.
- South: Across Peachtree Industrial Boulevard, Heavy Manufacturing (HM1).
- East: Along Roosevelt Circle, medium density single family residential (RS100).
- West: Sugar Hill Elementary School, RS-100.

The rezoning application includes a site plan proposing multifamily and townhome residential development on two tracts. Tract 2 is 12.04 acres and is proposed for 302 multifamily units in 8 buildings with 431 parking spaces and an amenity area. Tract 3 is 14.85 acres planned for 175 townhomes in 18 buildings. No amenity area is shown for the townhome tract.

The application also includes two variance requests:

Variance #1. Reduction in unit size (Zoning Ordinance, Article 9, Table 9.1.) Dwelling units under the RM zoning are required to have a minimum of 1,000 square feet for one-story units and 1,400 for two-story units. The request is for a minimum unit size of 750 square feet.

Variance #2. Reduction in rear yard setback (Zoning Ordinance, Article 9, Table 9.1) The minimum rear yard setback under the RM zoning is 20'.

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 close proximity to other multifamily and townhome developments.

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 current zoned?*

Yes.

4. *Will the rezoning requested create an overcrowding condition with respect to the existing streets, transportation facilities, or schools?*

No. The proposed zoning is substantially similar to the existing zoning. Additionally, the proposed street along the rear of the subject property will provide access between Peachtree Industrial Boulevard and Level Creek Road.

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

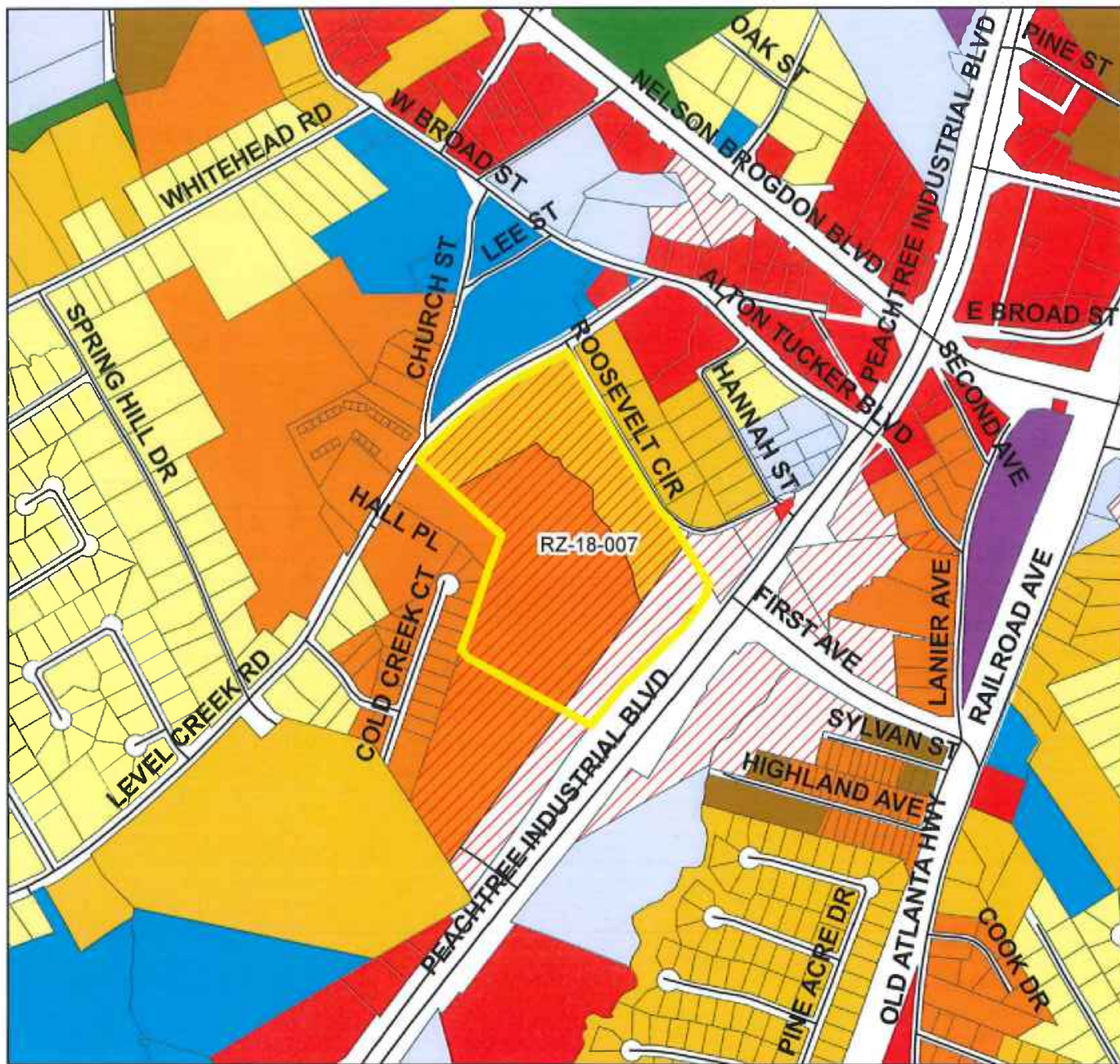
Yes. The overall plan and concept conforms to the Sugar Hill Land Use Plan.

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.

**Rezoning Case
RZ 18-007**

**Applicant: 360 Residential LLC
Zoning: HSB/RM/RS-100/TCO
Location: 1091 Level Creek Rd
Request: RM/TCO/CBD**



 Land Use Cases


Zoning Classification

 Agricultural - Forest (AF)

 Low Density Single Family Residential (RS-200)


 Low Density Single Family Residential (RS-175)

 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)

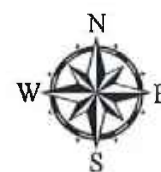
 Highway Service Business (HSB)

 General Business (BG)

 Light Manufacturing (LM)

 Heavy Manufacturing (HM1)

 Heavy Industry (HM2)



1 inch = 667 feet

Letter of Intent and Impact Analysis
Multifamily and Townhome Tracts

I. Letter of Intent

This application requests the rezoning of a 26.625 acre portion of a 37.026 acre property from RM/HSB/RS-100/Town Center Overlay to RM/Town Center Overlay/Central Business District Overlay. This application also requests the following variances:

1. Variance from Section 903, Table 9.1 to allow multifamily dwelling unit sizes of less than 1,000 square feet.
2. Variance from Section 903, Table 9.1 to allow a rear yard setback of less than 20 feet for the townhomes.

The rezoning and variances would enable the redevelopment of the property with approximately 302 multifamily units totaling 357,822 gross square feet on a 12.042 acre tract and 12 townhome units per acre on a 14.583 acre tract. This application is filed in conjunction with a companion rezoning application for the balance of the property, which requests a rezoning from the RM/HSB/Town Center Overlay to BG/Town Center Overlay to allow the development of 61,750 square feet of retail space.

The property fronts on Level Creek Road, Roosevelt Circle, Peachtree Industrial Boulevard and a new proposed right-of-way. The multifamily units are anticipated to range from approximately 750 square feet to 1,400 square feet with rent ranging from approximately \$1,275 to \$1,946. The townhome units are proposed to be no smaller than 1,400 square feet with price range of approximately \$200,000 to \$400,000. The maximum height is proposed to be 30 feet for the townhomes and 49.25 feet for the multifamily buildings. Parking will be provided on surface parking lots. Further, the applicant proposes to dedicate a public right-of-way along the entirety of the northwestern portion of the property.

II. Rezoning Impact Analysis

A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The extension of the Central Business District into the property will allow a development consistent with the evolution of the Town Center area. Adjacent to the northwest, across from the proposed new right-of-way, are single-family homes and a townhome development. Adjacent to the west is the portion of the property proposed to be redeveloped with retail per the above-mentioned companion rezoning application. To the north across Level Creek Road is property owned by the City of Sugar Hill, single-family homes and a townhome development. To the east across Roosevelt Circle are single-family homes. Also to the east are one-story commercial buildings. To the south across Peachtree Industrial Boulevard are two large undeveloped tracts. The proposed single-

family and multifamily development will complement the surrounding institutional and residential uses.

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;

The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. The proposed development will increase connectivity in the area by providing an additional right-of-way and will replace a currently predominately vacant and undeveloped lot with a vibrant, human-oriented use.

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned;

The property is currently subject to three different zoning classifications that preclude a cohesive development. The lack of significant development on the property indicates that the economic use of the current zoning has diminished.

D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The proposed rezoning will not result in a use which will have an excessive or burdensome use of streets, transportation facilities, utilities or schools. Although the proposed development will have an impact on transportation facilities and streets, the dedication of the right-of-way and additional internal road framework will improve connectivity in the area and mitigate impacts. The proposed development will also not cause an excessive or burdensome use of utilities or schools. All necessary utilities are accessible to the site and though there will be some impact on the schools due to the addition of residential units, such impact will not be overly burdensome.

E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan; and

The proposed development is in conformity with the policy and intent of the Land Use Plan. The property lies within the Sugar Hill Downtown Master Plan and is designated as the Medium Density Mixed-Use future land use category. The property is also within the Ten Minute Walking area. The Downtown Master Plan identifies properties within the Ten Minute Walking area as needing a mix of housing typologies, with a special emphasis on the "missing middle" typologies such as townhomes. The Downtown Master Plan also suggests 9 to 15 units per acre as an appropriate density and states increasing connectivity as a goal. The proposed development will provide a critical missing middle housing typology at a density contemplated by the plan. Further, the proposed new right-of way will advance the land use plan's goal of increasing connectivity in the area.

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 zoning.

The property is adjacent to the Central Business District and is depicted in the Downtown Vision Statement as having potential to be developed with multifamily, townhomes and mixed use at a density of 9 to 15 units per acre. The proposed rezoning will allow the development of a currently primarily vacant property with a human-oriented development that will further the Downtown Vision Statement.

III. Variance Impact Analysis

- a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography, or the application of the Ordinance to this particular piece of property would create an unnecessary hardship, or such conditions are peculiar to the particular piece of property involved;**

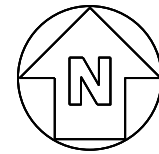
There are extraordinary and exceptional conditions pertaining to the property because of its shape and topography, the application of the Ordinance to this particular piece of property would create unnecessary hardship and such conditions are peculiar to the property. The site is L shaped and contains a stream which imposes a 150 foot wide stream buffer area through the center of the property. Such conditions limit the buildable area of the site. The proposed location of some of the townhomes within the rear yard setback minimizes impact on the adjacent stream buffer. Further, the proposed variance to allow smaller units will allow for a mix of unit sizes that will adhere to market demands. Requiring the full application of the Ordinance would cause an unnecessary hardship, as it would force encroachment within the stream buffer and production of residential units for which there is not adequate demand.

- b. Such conditions are not the result of any actions of the property owner, and**

The market demand, stream buffer and shape of the property are not the result of any actions of the property owner.

- c. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Ordinance.**

Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this ordinance. The proposed variances will allow the redevelopment of a currently undeveloped property with a mix of residential use, including the "missing middle" townhome typology, that will further the vision of the Central Business District Overlay.



SHEET
NUMBER