

City of Sugar Hill
Planning Staff Report
RZ-20-001

DATE: February 26, 2020
TO: Mayor and City Council
FROM: Planning Director *KA*
SUBJECT: Rezoning RZ-20-001, City of Sugar Hill
Primrose Creek Subdivision



ISSUE The City of Sugar Hill has filed an application dated January 13, 2020 requesting to change the conditions of zoning for the Primrose Creek Subdivision. The property was previously approved with conditions on July 14, 2004 for 168.1 acres.

DISCUSSION

- Certain requirements placed on the property when it was originally approved in 2004 may not be desirable to the current residents in Primrose Creek or current residents along the Hillcrest Drive corridor.
- Responses from the public have been supportive of not extending Hillcrest Drive to South Richland Creek Road.
- Original conditions are listed in the following section. Deletions shown in ~~stricken text~~. Additions shown in bold double underline text.
- Planning commission conducted extensive discussion related to condition #21 and approved a motion to recommend approval as presented and substitute “city right-of-way” for “Hillcrest Drive”: The trail shall connect ~~Hillcrest Drive~~ city right-of-way to the most logical termini along South Richland Creek Road due west and the total trail length shall not exceed 3,900 feet.
- Since presenting to the planning commission on February 17, 2020, planning staff recommends three additional changes to the conditions shown in *bold italics text* on the MARK-UP OF ORIGINAL CONDITIONS shown below the Planning Commission Recommendation on page 5 of 9 (original condition #7, #30 and #33).

RECOMMENDED ACTION

Approval of the request to replace the zoning conditions approved pursuant to zoning action RZ-04-002 on July 14, 2004 with the following:

1. The subdivision signs shall be masonry monumental style for development.
2. Provide elevations for the entrance design with details regarding size, color, material and landscaping plan to the Director, Planning and Development for approval prior to submittal of Final Plats.
3. Each unit shall be constructed so that the front shall contain at least forty (40%) percent brick, stone or stucco for the exterior structure. Architectural and other style shingles, or hardy planks siding (no vinyl siding) to the maximum possible extent shall be provided on each dwelling unit.

4. 4' wide sidewalks are allowed throughout the entire development.
5. Provide 5' wide sidewalk along Hillcrest Road.
6. No overnight on-street parking shall be permitted.
7. A mandatory Home Owners Association shall be established to maintain the open spaces, common areas, any private streets, sign, and entry areas. The proposed streets in the development shall be public roads.
8. Must provide a tree preservation plan showing preserving trees to the maximum possible extent prior to obtaining permits for grading and clearing. The Tree Preservation plan showing preserving trees to the maximum possible extent, prepared by a registered landscape architect must be submitted to the Director for approval.
9. Provide a Landscaping Plan and Tree Protection Plan prepared by a registered landscape architect to the Director, Planning and Development for approval prior to obtaining any permits.
10. Front yard, side yard and rear yard of all residential units shall be sodded.
11. Provide a detailed "Traffic Impact Study" conducted by a professional engineering firm for the proposed project. The RFP for selection and scope of the study must be reviewed and approved by the Director, Planning and Development prior to the release. The study shall include but not limited to traffic impact on Appling Road, Sycamore Road, Hwy. 20/Nelson Brogdon Road, Hillcrest Road, South Richland Creek Road, bringing Appling Road, Hillcrest Road, Creekland Road, Sycamore Road up to the City Standards and two entrances on Appling Road and close to each other.
12. The entrance areas to the proposed development, from Appling Road shall be designed with landscaped medians (Boulevard type) with broken islands. The HOA shall be responsible for maintenance of the landscaped islands.
13. Provide at least 15 feet distance between the property lines and lot lines.
14. Provide maximum possible densely landscaped buffer between property abutting with City's landfill property. The planting material must be six feet in height at the time of planting and have capacity to grow at least fifteen feet at the time of maturity.
15. Provide maximum possible densely landscaped buffer along the property lines where vegetation is missing to provide a visual screen.
16. Voluntarily donate properties east of Hillcrest Drive and north of Richland Creek to the City of a public passive/active park. Provide infrastructure (water, sewer,

electric, telephone, cable, etc.) along proposed streets with access to the property line of the donated properties.

17. Provide Right turn Lane and Left turn Lane on Appling Road connecting with Sycamore Road.
18. Improve Hillcrest Road throughout the proposed development portions as per DOT standards.
19. Provide at least eight foot wide multiuse trail through out the proposed development. Design should provide for weather shelter rest spots, benches, and pocket parks. Plans must be submitted to the Director, Planning and Development for approval. The trail shall connect city right-of-way to the most logical termini along South Richland Creek Road due west and the total trail length shall not exceed 3,900 feet. This work shall be subject to a performance surety, in an amount not to exceed \$500,000, submitted to the city concurrent with the issuance of the development permit for the next phase of development. In lieu of providing this performance surety and completing the work, the developer may elect to make a one time in lieu fee payment to the city, in an amount equal to the aforementioned performance surety. This payment would be made upon recording the record plat for the next phase of Primrose Creek. Concurrently, the city would release existing bond #s CMS0324511 and CMS0330519 and new bonds would be provided for the last phase of Primrose Creek in accordance with city bonding requirements. Contingent upon approval of this request, the city shall also release existing bond #s CMS0330520 and CMS0330521 which would be no longer applicable.
20. The plans must break continuity of row houses by creating innovative designs such as stagger location of the structures. The plans must show pocket parks throughout the development. Such designs must be incorporated during the submittal of preliminary plans for approval.
21. Provide engineering design entrance/exit for at least three lanes, minimum two lanes for exit from the subdivision, for the development section along Appling Road.
22. Provide decorative street lighting throughout the development. Plans showing various lighting designs, type and locations must be submitted to the Director, Planning and Development for approval prior to obtaining any permits.
23. The detention pond facility design shall provide safety and aesthetics considerations such as, but not limited to, six-foot high vinyl (chain link type) fence, a berm around the detention pond, and landscaping around the detention pond. The detention pond facility design plans shall be submitted to the Director, Planning and Development for approval prior to obtaining any permits.
24. Provide design for the recreational area, prepared by a registered landscape architect, to the Director, Planning and Development for approval prior to approval of final plat. The recreational area must be completed/built and obtained

a Certificate of Occupancy by the time 50% of the residential development is complete/built in each phase.

25. The open space/green space surrounding the creek (runs north-south, next to the City property – tax parcel number 7-323-003) except for the drainage area must be deeded to the City.
26. The final recorded plat shall contain the following note:

Note: This property is located adjacent to a closed landfill that has been listed on the State of Georgia Hazardous Site Inventory and is located in close proximity to an active landfill and may be subject to the sights, sounds, smells, and environmental effects which may result from such past or present landfill activities.

The same note as placed on the final recorded plat shall also be provided to the purchasers of all lots within the development either on the deed conveying the property or on a separate document provided to the purchaser at or before the time of closing.

27. A letter from a consultant, of the City's choice, that identifies any risk with the chromium, barium, and arsenic levels found at the site. If the letter is not satisfactory, then no building permits for the site shall be issued.
28. These conditions shall replace and supersede all prior stipulations and conditions that are currently in place on the subject property as a result of zoning action approved by the Mayor and City Council on July 14, 2004 under rezoning case RZ-04-002 .

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a scheduled public hearing on February 17, 2020. Citizens and guests who spoke were Gilberto Canino, Dina Rodriguez, James Danser, Edward McGrail, Juan Maisonet, Jennifer Somers, Jeffrey Frankish, Todd Morillo, Jay Petillo, Junior Maloney, Kathryn Furgeson, and citizens and guest that registered comments but did not speak included; Min Trinh and Ann Bui, Oscar Murillo, and Ana Rios. Comments included not wanting the third street access through the subdivision to connect to South Richland Creek Road. There were also concerns with the location and maintenance of the proposed trail. There was support and opposition for the building of the greenway. Since Hillcrest Drive was opened by the Developer in the new phases, there has been more through-traffic, strange people on foot cutting through the ROW area from South Richland Creek Road, more crime and home invasions, suspicious activity, excessive speeding which raises safety issues, through-traffic not stopping at the three-way stop at Hillcrest Drive and Primrose Park Road and damage to the streets.

Planning Commission recommends approval of the change in conditions as recommended by staff with one change to condition #21, fourth (4th) sentence, which shall read: "The trail shall connect the city right-of-way to the most logical termini along South Richland Creek Road due west and the total trail length shall not exceed 3,900 feet." Motion approved 4 for, 1 against (Chairman Jeremy White).

MARK-UP OF ORIGINAL ZONING CONDITIONS *(Includes amendments recommended by planning commission on 2/17/2020 and additional amendments subsequently recommended by staff which are shown in bold italics text):*

1. The subdivision signs shall be masonry monumental style for development.
2. Provide elevations for the entrance design with details regarding size, color, material and landscaping plan to the Director, Planning and Development for approval prior to submittal of Final Plats.
3. Each unit shall be constructed so that the front shall contain at least forty (40%) percent brick, stone or stucco for the exterior structure. Architectural and other style shingles, or hardy planks siding (no vinyl siding) to the maximum possible extent shall be provided on each dwelling unit.
4. ~~Provide 4' wide sidewalks on both sides of the streets~~ are allowed throughout the entire development.
5. Provide 5' wide sidewalk along ~~Appling Road and Hillcrest Road.~~
6. No overnight on-street parking shall be permitted.
7. A mandatory Home Owners Association shall be established to maintain the open spaces, common areas, any private streets, sign, and entry areas. The proposed streets in the development shall be public roads ***and as presented in the Conceptual Plan.***
8. Must provide a tree preservation plan showing preserving trees to the maximum possible extent prior to obtaining permits for grading and clearing. The Tree Preservation plan showing preserving trees to the maximum possible extent, prepared by a registered landscape architect must be submitted to the Director for approval.
9. Provide a Landscaping Plan and Tree Protection Plan prepared by a registered landscape architect to the Director, Planning and Development for approval prior to obtaining any permits.
10. Front yard, side yard and rear yard of all residential units shall be sodded.
11. Provide a detailed "Traffic Impact Study" conducted by a professional engineering firm for the proposed project. The RFP for selection and scope of the study must be reviewed and approved by the Director, Planning and Development prior to the release. The study shall include but not limited to traffic impact on Appling Road, Sycamore Road, Hwy. 20/Nelson Brogdon Road, Hillcrest Road, South Richland Creek Road, bringing Appling Road, Hillcrest Road, Creekland Road, Sycamore Road up to the City Standards and two entrances on Appling Road and close to each other.
12. The entrance areas to the proposed development, from Appling Road ~~and Hillcrest Road~~ shall be designed with landscaped medians (Boulevard type) with

broken islands. The HOA shall be responsible for maintenance of the landscaped islands.

13. Provide at least 15 feet distance between the property lines and lot lines.
14. Provide maximum possible densely landscaped buffer between property abutting with City's landfill property. The planting material must be six feet in height at the time of planting and have capacity to grow at least fifteen feet at the time of maturity.
15. Provide maximum possible densely landscaped buffer along the property lines where vegetation is missing to provide a visual screen.
16. Voluntarily donate properties east of Hillcrest Drive and north of Richland Creek to the City of a public passive/active park. Provide infrastructure (water, sewer, electric, telephone, cable, etc.) along proposed streets with access to the property line of the donated properties.
17. ~~Provide at least six (6) shelters for school children throughout the development. The plans must be showing locations must be coordinated with the Gwinnett School System and Director, Planning and Development. If Gwinnett School System, for any reason, does not participate, then the applicant shall coordinate with the Director, Planning and Development.~~
18. Provide Right turn Lane and Left turn Lane on Appling Road connecting with Sycamore Road.
19. Improve Hillcrest Road throughout the proposed development portions as per DOT standards.
20. ~~Provide engineered approved signage/signaling on Richland Creek Road to caution and slow down truck traffic coming from BFI landfill.~~
21. Provide ~~design for~~ at least eight foot wide multiuse trail through out the proposed development. Design should provide for weather shelter rest spots, benches, and pocket parks. Plans must be submitted to the Director, Planning and Development for approval. The trail shall connect city right-of-way to the most logical termini along South Richland Creek Road due west and the total trail length shall not exceed 3,900 feet. This work shall be subject to a performance surety, in an amount not to exceed \$500,000, submitted to the city concurrent with the issuance of the development permit for the next phase of development. In lieu of providing this performance surety and completing the work, the developer may elect to make a one time in lieu fee payment to the city, in an amount equal to the aforementioned performance surety. This payment would be made upon recording the record plat for the next phase of Primrose Creek. Concurrently, the city would release existing bond #s CMS0324511 and CMS0330519 and new bonds would be provided for the last phase of Primrose Creek in accordance with city bonding requirements. Contingent upon approval of this request, the city

shall also release existing bond #s CMS0330520 and CMS0330521 which would be no longer applicable.

22. The plans must break continuity of row houses by creating innovative designs such as stagger location of the structures. The plans must show pocket parks throughout the development. Such designs must be incorporated during the submittal of preliminary plans for approval.
23. ~~Provide fifty (50') foot wide landscaped buffer along property lines abutting with MH zoning.~~
24. Provide engineering design entrance/exit for at least three lanes, minimum two lanes for exit from the subdivision, for the development section along Appling Road and Hillcrest Road.
25. Provide decorative street lighting throughout the development. Plans showing various lighting designs, type and locations must be submitted to the Director, Planning and Development for approval prior to obtaining any permits.
26. The detention pond facility design shall provide safety and aesthetics considerations such as, but not limited to, six-foot high vinyl (chain link type) fence, a berm around the detention pond, and landscaping around the detention pond. The detention pond facility design plans shall be submitted to the Director, Planning and Development for approval prior to obtaining any permits.
27. Provide design for the recreational area, prepared by a registered landscape architect, to the Director, Planning and Development for approval prior to approval of final plat. The recreational area must be completed/built and obtained a Certificate of Occupancy by the time 50% of the residential development is complete/built in each phase.
28. ~~Provide at least five foot wide sidewalks along the bridge on Richland Creek on both sides of the road.~~
29. The open space/green space surrounding the creek (runs north-south, next to the City property – tax parcel number 7-323-003) except for the drainage area must be deeded to the City.
30. ~~***The developer must provide a revised plat that meets the zoning conditions (including lot sizes and buffers).***~~
31. The final recorded plat shall contain the following note:

Note: This property is located adjacent to a closed landfill that has been listed on the State of Georgia Hazardous Site Inventory and is located in close proximity to an active landfill and may be subject to the sights, sounds, smells, and environmental effects which may result from such past or present landfill activities.

The same note as placed on the final recorded plat shall also be provided to the purchasers of all lots within the development either on the deed conveying the property or on a separate document provided to the purchaser at or before the time of closing.

32. A letter from a consultant, of the City's choice, that identifies any risk with the chromium, barium, and arsenic levels found at the site. If the letter is not satisfactory, then no building permits for the site shall be issued.
33. *All approved conditions decided and recorded on the final plat. These conditions shall replace and supersede all prior stipulations and conditions that are currently in place on the subject property as a result of zoning action approved by the Mayor and City Council on July 14, 2004 under rezoning case RZ-04-002.*

BACKGROUND

Applicant/Owner: City of Sugar Hill/Grand Communities LLC.

Existing Zoning: Conservation Subdivision District/Medium Density Single Family Residential District (CSD/RS-100).

Request(s): Change in Conditions Only.

Purpose: Change the conditions of zoning for previously approved case number RZ-04-002.

Property Size: ± 168.1 acres

Location: Tax Parcel Id Numbers: 7-304-004, 7-305-013, 7-323-026, 7-324-005, and 7-324-015 containing ± 168.1 acres. Recorded final plat references include: Primrose Creek Unit 1A, plat book 115, pages 256-259 recorded 7-25-06, Primrose Creek Unit 1B, plat book 117, pages 79-80 recorded 10-16-06, Primrose Creek Unit 2, plat book 135, pages 57-60 recorded 12-17-15, Primrose Creek Unit 2B, plat book 138, pages 219-222 recorded 2-21-17, Primrose Creek Unit 2C plat book 139, pages 261-263 recorded 6-20-17, Primrose Creek Unit 3 plat book 143, pages 00002-00004 recorded 8-14-18, and Primrose Creek Unit 4, plat book 143, pages 000092-00095 recorded 9-24-18, Gwinnett County Records.

Public Notice: Letters to adjoining owners via USPS regular mail on 1/29/20
Signs posted on property 1/29/20
Ad in legal section of Gwinnett Daily Post on 1/29/20 & 2/19/20

Public Comments: Summarized above.

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, change in conditions only.

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

No, change in conditions only.

3. *Does the property for which the rezoning is requested have a reasonable economic use as currently zoned?*

No, change in conditions only.

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

No, change in conditions only.

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

Yes, change in conditions only.

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, change in conditions only.



January 13, 2020

RE: Primrose Creek Subdivision Conditions of Zoning

To Whom it May Concern:

The City of Sugar Hill approved a resolution to initiate an amendment to the Zoning Map of the City of Sugar Hill and to amend the zoning conditions approved under Case RZ-04-002.

The City of Sugar Hill finds that the zoning conditions associated with rezoning case number RZ-04-002 approved by the City Council on July 14, 2004 should be reviewed in consideration of current neighborhood conditions and public opinion, and desires to gather feedback from the area residents regarding the current development context in consideration of amending the original zoning conditions to provide improved safety, convenience, peace, security and good order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul D. Radford", is written over a light blue rectangular background.

Paul D. Radford
City Manager
CITY OF SUGAR HILL

PDR:kl

