

City of Sugar Hill  
Planning Staff Report  
VAR-20-005



DATE: August 31, 2020; **Updated 9/10/20**  
TO: Mayor and City Council  
FROM: Planning Director  
SUBJECT: Variance Request VAR-20-005  
Lidl US – Northwest corner Nelson Brogdon Boulevard and Sycamore Road

RECOMMENDED ACTION:

Approval with conditions for variances #1 and #2. Denial of variances #3, #4 and #5.

Should the council find it necessary to approve all five variances, the following conditions are recommended:

1. Site development and buildings shall be constructed to substantially resemble the attached Exhibits 1 - 2 except where modified by these conditions.
2. Loading dock **and** service access shall be screened from public street and sidewalk view by a privacy fence or landscaping. Screening materials shall be arranged in such a way to avoid any public safety **conflicts** for traffic, nor shall it impede any pedestrian or automotive access.
3. ***Dumpster shall be housed in an enclosure constructed of materials to match the principal building.***
4. The same ornamental streetlights approved by GA Dept. of Transportation for Highway 20 shall be installed along the entire length of the Sycamore Road frontage.
5. Landscaping along Sycamore Road shall be arranged to screen the building panels in no less than 20' increments. Landscape strip shall consist of at least two staggered rows 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. Landscape strip 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.
6. ***The Sycamore Rd frontage including the corner plaza at Highway 20 shall incorporate a substantial gateway art feature(s). The final design shall incorporate a water feature and must be approved by the City Manager prior to releasing permits.***

REQUEST The City of Sugar Hill has received an application from Lidl US requesting design review approval and variances pertaining to setbacks, facade, and entry requirements for a Lidl grocery store to be located at the northwest corner of Nelson Brogdon Boulevard and Sycamore Road, within the central business district zoning overlay (CBD).

DISCUSSION

- The proposed grocery is part of a larger mixed-use development concept (including for-sale active adult residential, office and general retail uses) which was approved for inclusion into the CBD earlier this year.

- A grocery store is a critically important use within walking distance of the downtown core and is an important element of this village-style development typology.
- The application requests relief from the following design standards associated with the CBD overlay:
  - 1) A maximum building setback rather than a minimum setback to shift buildings toward the street and promote a pedestrian oriented streetscape which forces off street parking to the side or rear;
  - 2) A maximum dimension in the façade articulation to protect against the dulling effect of blank walls adjacent to the streetscape and other pedestrian areas surrounding the building;
  - 3) A minimum window and door coverage along street-facing facades to provide a visual connection from the building and its uses to the streetscape promoting a sense of welcome and security; and
  - 4) A second public entrance to provide adequate access from the street when off-street parking is situated to the side or rear.
- While the project team has made a good faith effort to adapt their standard prototype, the proposed site and building designs do not fully adhere to the CBD design standards pertaining to physical relationship with streetscape and pedestrian experience.
- The building's proximity and orientation to Highway 20 may be valid reasons to deviate from those standards. However, the applicant's choice of interior building layout and operations are driving the need to request variances related to the transparency and entrance requirements.
- As proposed, the concept plan and elevations do a nice job of enhancing the pedestrian feel of the building entry while maintaining a convenient connection to the off-street parking along-side the building and presenting an enhanced landscaping concept for the outer edges of the building. There is also a decent network of proposed internal pedestrian pathways among the other elements of the master site plan.
- There may be opportunities to mitigate the plan's inconsistencies with the design standards through additional placement of streetscape and public art elements.

## BACKGROUND

APPLICANT/OWNER: Lidl US c/o Sinh Bui

EXISTING ZONING: General Business District (BG) and Central Business District Overlay (CBD).

REQUEST: Multiple variances pertaining to setbacks, façade and entry requirements for Lidl grocery.

PROPERTY SIZE: ± 2.641 Acres

LOCATION: Northwest corner of Nelson Brogdon Boulevard and Sycamore Road

**Variance #1 (1002.E.1.iii):** Increase maximum setback from 12 feet to +/- 25.2 feet along Highway 20 to accommodate an existing high voltage transmission easement running along Highway 20 and additional landscaping along Sycamore Road.

**Variance #2 (1002.E.2.i):** Increase maximum building façade segment to 81 feet 5 inches from 20 feet.

**Variance #3 (1002.E.2.iv):** Reduce 50% minimum transparency requirement for street-facing building facades.

**Variance #4 (1002.E.3.vii):** Allow a single public entrance at the corner of the building nearest Highway 20 and the parking area.

**Variance #5 (1002.E.2.xiii):** Allow no screening on one side of the dumpster. The standard requires that dumpsters shall be screened on all sides by a minimum six-foot high brick or stone wall with access via an opaque metal gate (chain link gates are not permitted).

## VARIANCE CRITERIA

1. *Are there extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography?*

Yes. The property contains a utility easement which prevents the placement of the building closer to the road (variance #1). Its distance from the adjacent streets and proximity to regional transportation corridor may affect the interpretation of variance #2 pertaining to maximum horizontal length of building segment. No other physical conditions of the property affect the application of design standards related to façade, fenestration, entry requirements and dumpster screening. (variances #3, #4 & #5).

2. *Does application of the ordinance to this particular piece of property create an unnecessary hardship?*

Yes. Only for the maximum setback and maximum horizontal length of building segments though. Application of the other design standards does not prevent the proposed use from being developed. While they have made an effort to adapt their building prototype to our overlay standards, the applicant has chosen a site and building design which do not fully adhere to the requirements associated with pedestrian experience and physical relationship to the streetscape.

3. *Are there conditions peculiar to this particular piece of property involved?*

Yes. While the site is within the CBD, it is situated at the outer edge and contains frontage along Highway 20 where application of design standards intended for smaller streets, slower vehicle speeds, on-street parking and wider sidewalks is not always possible or desirable. Additionally,

because of the length and height ratio of the building, reducing the horizontal panel lengths to the prescribed 20 feet detracts from the appearance of the building. Instead of adding to the visual interest of the building design, it adds too much variety and texture which results in a composition that could read as being overly busy.

4. *Are these conditions the result of any actions of the property owner?*

No.

5. *Would relief, if granted, cause substantial detriment to the public good or impair the purpose or intent of this ordinance?*

For many years, automobile-oriented development patterns have resulted in many monotonous landscapes designed to subsidize this singular travel mode. The City of Sugar Hill has gone to great lengths to provide a framework of regulation that favors the pedestrian as much as the automobile and creates an environment where people can choose to walk safely and with enjoyment in the central business district.

However, some compromise in the prescribed urban design standards may be necessary for the economic success of this type of project in “consideration of the heavy volume and higher speeds of vehicular traffic along [the highway corridor where] adequate provisions should be granted to facilitate appropriate commercial development which addresses the needs of our traveling consumers while promoting pedestrian oriented development patterns within Downtown Sugar Hill (ZO 1002 D.7).”

Variances #1 and #2 dealing with the setback and building façade articulation are reconciled easily due to physical constraints of the site and commonly held design principles as explained above. However, Variances 3, 4 & 5 appear to be necessary only because of choices the grocery operator has made regarding their interior layout and operational preferences.



211 Perimeter Center Parkway NE, Suite 425  
Atlanta, GA 30346  
678.695.6800

July 27, 2020

City of Sugar Hill  
Mayor and City Council  
Planning and Development Department  
5039 West Broad Street  
Sugar Hill, GA 30518

RE: Letter of Intent – Variance Request  
Highway 20 & Sycamore Road  
Property ID #  
R730647  
R730648  
R730649  
R730650

Honorable Board Members,

Please accept this Letter of Intent for the Variance Application that includes the parcel location(s) above. Lidl US, LLC is proposing to develop a portion of the 10.79-acre parcel with a proposed grocery store at the northwest corner of Nelson Brogdon Blvd and Sycamore Rd. This entire 10.79-acre parcel (owned by Franklin Investment Group) has recently been rezoned to be included in the CBD (Central Business District) Overlay within the City of Sugar Hill under the project name 'Sycamore Square'. Lidl is under contract to purchase the +/-2.64-acre southeastern corner of the 10.79-acre parcel. The proposed grocery store use is permitted by-right but will require approval via Design Review Application and Variance Application processes.

This letter will provide justification for the modification approval of the proposed development. Each justification will be addressed in turn below, applying the criteria applicable to each modification as provided for in the 'Applicant Response' section of the Variance Application.

- **VARIANCE 1:** City of Sugar Hill Zoning Ordinance Section 1002.E.1.iii  
*The applicant is requesting a variance from Section 1002.E.1.iii to permit the proposed building outside of the 12' maximum building setback along both the Hwy 20 and Sycamore Road frontages.*

The applicant is requesting a variance to increase the maximum building setback from 12 feet to +/-18.1 feet along Sycamore Road and from 12 feet to +/-25.2 feet along Hwy 20. There is an existing high voltage transmission easement running along both frontages which governs the placement of the building. For the Hwy 20 frontage, the building line has been placed right on this easement. For the Sycamore Road frontage, the easement effectively reduces the available street tree planting area to meet the minimum density requirement, and therefore, the building has been placed to allow for enough space to meet this requirement. Since this an existing easement, the special

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conditions and circumstances do not result from the actions of the applicant. The building has been placed within the framework of the CBD vision and will not be injurious to the surrounding properties nor detrimental to the public welfare.

- **VARIANCE 2:** City of Sugar Hill Zoning Ordinance Section 1002.E.2.i  
*The applicant is requesting a variance from Section 1002.E.2.i to permit building façade segments to be greater than 20 feet.*

The proposed Lidl store façade design has visually divided segments of articulation that are longer than the requested 20' increments for a wall longer than 40' in length. The applicant is requesting the consideration of allowing longer than 20' segments be accepted. A grocery store design has a larger scale one-story footprint than a typical commercial building. Therefore, the proposed visually divided segments are in proportion to the façade lengths and heights. In addition, different materials are introduced within proportionate segments, along with awnings, storefront and windows, varied parapet heights, and landscaping that help achieve an aesthetically pleasing façade.

- **VARIANCE 3:** City of Sugar Hill Zoning Ordinance Section 1002.E.2.iv  
*The applicant is requesting a variance from Section 1002.E.2.iv to permit a street facing building façade with less than 50% transparency.*

The applicant is requesting that less than 50% transparency for the street facing façades be considered for this location. Due to the nature of the internal plan, the right façade, facing Highway 20, is just shy of the 50% and would require transparent windows in a restroom. This would cause a security and privacy concern. The back façade, facing Sycamore Road, has an internal layout of shelving and refrigerated cases along this façade. We have proposed some ribbon windows above the shelving and cases, as a concerted effort towards the transparency requirement and to help break up the façade, while also providing additional daylight into the sales floor. Another item of consideration is that this façade is heavily landscaped to achieve the density requirement and the façade will not be very visible from the street.

- **VARIANCE 4:** City of Sugar Hill Zoning Ordinance Section 1002.E.3.viii  
*The applicant is requesting a variance from Section 1002.E.3.viii to permit only a front building entrance for the public.*

The applicant is requesting that only a front building entrance be granted for this building. A grand plaza is provided near the front entrance, and having one entrance is beneficial to draw pedestrians to this area and help make it become an active, vibrant plaza. Pedestrian access from both streets are connected to this plaza and landscaping, benches, bike racks, and lights are provided at this proposed plaza. In addition, a rear entrance would be very disruptive to the internal layout of the store, as well as a security concern.

As described above, the applicant proposes a development that is in keeping with the public health, safety, morality and general welfare. Therefore, the applicant is pleased to submit this application for your review and respectfully request approval as proposed.

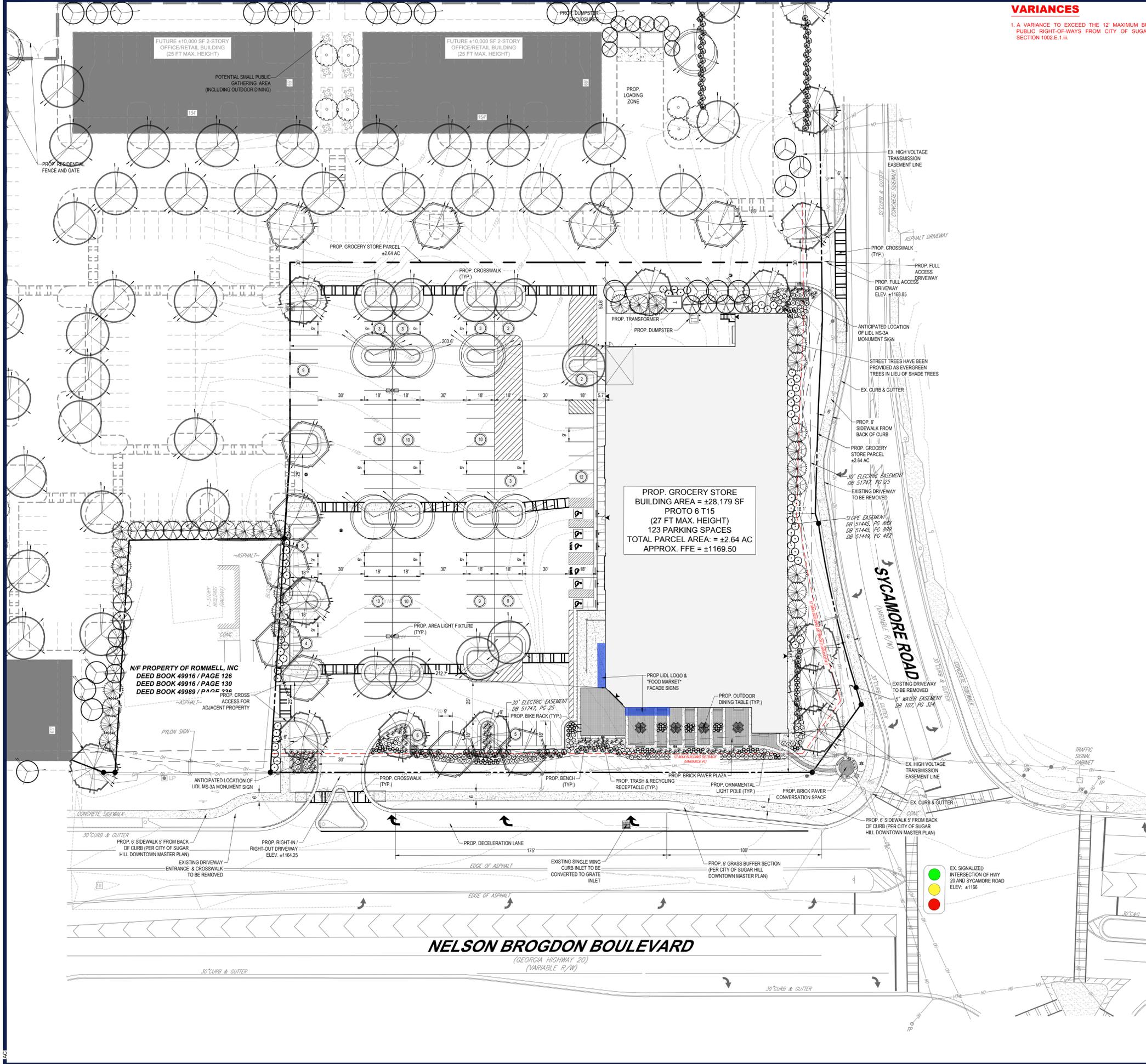
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If you have any questions or need additional information, please feel free to contact our office at (678) 695-6800.

Sincerely,  
**BOHLER ENGINEERING GA, LLC**



Joel R. Delliparpini, RLA  
Principal



**VARIANCES**  
 1. A VARIANCE TO EXCEED THE 12' MAXIMUM BUILDING SETBACK FROM ALL PUBLIC RIGHT-OF-WAYS FROM CITY OF SUGAR HILL ZONING ORDINANCE SECTION 1002.E.1.II.



**LOCATION MAP**  
 SCALE: N.T.S.  
 PLAN REFERENCE: GOOGLE MAPS

**GENERAL NOTES**

- EQUITABLE OWNER/APPLICANT:  
 LIDL US, LLC  
 400 INTERSTATE N. PKWY., SUITE 320  
 ATLANTA, GEORGIA, 30339
- ALL SIDEWALKS, STRIPING AND SIGNAGE TO BE ADA AND CODE COMPLIANT.
- ZONING DATA:  
 PARCEL ID NUMBERS: 7-306-47, 7-306-48, 7-306-51, 7-306-52, 7-306-50, AND 7-306-49  
 LAND LOT: 306  
 DISTRICT: 7TH  
 GROSS LOT AREA: ±10.79 ACRES  
 PROPOSED LOT AREA: 2.64 ACRES  
 EXISTING ZONING: BG (GENERAL BUSINESS)  
 EXISTING USE: VACANT  
 EXISTING ZONING: CBD (CENTRAL BUSINESS DISTRICT OVERLAY)
- THE IMPROVEMENTS FOR THIS PROJECT INCLUDE THE CONSTRUCTION OF A GROCERY STORE, ASSOCIATED PARKING FACILITIES, AND UNDERGROUND UTILITIES.
- THE PROPOSED SITE IS BASED ON INFORMATION OBTAINED FROM AN ALTNAPS LAND TITLE SURVEY PREPARED BY GEOSURVEY, LTD. DATED APRIL 10, 2020

	ALLOWED/REQUIRED	PROVIDED
MIN. LOT AREA	N/A	±2.64 AC ±114,998 SF
MIN. LOT WIDTH	60'	±350
MIN. BUILDING SETBACK		
FRONTAGE SETBACK ALONG NELSON BROGDON BLVD (SOUTH)	MIN. 0 FT MAX. 12 FT	25.2 FT (V)
FRONTAGE SETBACK ALONG SYCAMORE ROAD (EAST)	MIN. 0 FT MAX. 12 FT	18.1 FT (V)
SIDE SETBACK (NORTH)	10'	32.7 FT
SIDE SETBACK (WEST)	10'	203.6 FT
MIN. LANDSCAPE SETBACK/BUFFER		
FRONTAGE L/S STRIP ALONG SYCAMORE ROAD (EAST)	10'	≥10'
FRONTAGE L/S STRIP ALONG NELSON BROGDON BLVD(SOUTH)	10'	≥10'
PARKING REQUIREMENTS		
MIN. VEHICLE PARKING SPACES	1/300 SF = 94 SPACES	128 SPACES
MAX. VEHICLE PARKING SPACES	1.5/300 SF = 140 SPACES	128 SPACES
MIN. LOADING SPACES	1 SPACE	1 SPACE
MIN. LOADING SPACE SIZE	10' x 30'	>10' x 30'
MIN. PARKING SPACE DIMENSIONS (30% OF OVERALL PARKING MAY BE COMPACT SPACES MEASURING 8' x 16')	9' x 18'	9' x 18'
MIN. DRIVE AISLE	25'	≥25'
MAX. BUILDING HEIGHT	4 STORIES OR 50'	<4 STORIES OR 50'
MAX. LOT COVERAGE	(86,248 SF) 75%	(28,179 SF) 24%
(V) - VARIANCE REQUIRED		

**BOHLER**  
 SITE CIVIL AND CONSULTING ENGINEERING  
 PROGRAM MANAGEMENT  
 LANDSCAPE ARCHITECTURE  
 SUSTAINABLE DESIGN  
 PERMITTING SERVICES  
 TRANSPORTATION SERVICES

**REVISIONS**

REV	DATE	COMMENT	DRAWN BY

**811**  
 Know what's below.  
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ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVAL

PROJECT No.: GA181005  
 DRAWN BY: AJC  
 CHECKED BY: GL  
 DATE: 07/27/2020  
 CAD ID: SSP-0

**PROJ. SITE DEVELOPMENT PLANS**  
 FOR  
 LIDL US, LLC  
 PROPOSED DEVELOPMENT  
 NELSON BROGDON BLVD & SYCAMORE RD  
 SUGAR HILL, GA 30518  
 WINNETT COUNTY  
 CITY OF SUGAR HILL, GEORGIA

**BOHLER**  
 211 PERIMETER CENTER PKWY NE, SUITE 425  
 ATLANTA, GEORGIA 30346  
 Phone: (678) 695-6800  
 GA@BohlerEng.com

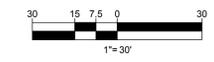
REGISTERED PROFESSIONAL ENGINEER  
**PRELIMINARY**  
 NOT TO BE RELEASED FOR CONSTRUCTION  
 GEORGE LEE  
 LICENSE NO. 10000

SHEET TITLE:  
**VARIANCE SITE PLAN**  
 SHEET NUMBER:  
**EX-2**  
 ORG. DATE - 07/27/2020

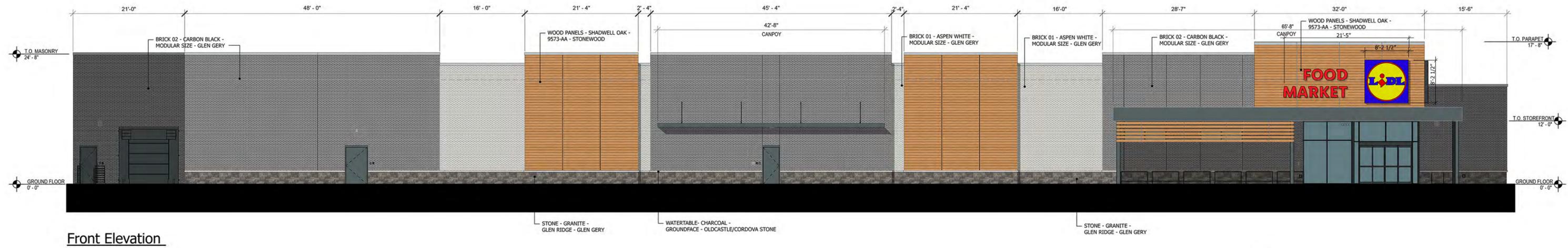
**SURVEYOR**  
 GEOSURVEY, LTD.  
 1860 BARNES MILL ROAD  
 MARIETTA, GA 30062  
 LS #003324  
 CONTACT: JOHN NEWMAN  
 PHONE: (770) 785-9900

**OWNER/DEVELOPER**  
 LIDL US, LLC  
 400 INTERSTATE N. PKWY., SUITE 320  
 ATLANTA, GEORGIA, 30339  
 CONTACT: JOHN RISHER  
 PHONE: 703-859-9459  
 EMAIL: john.risher@lidl.us

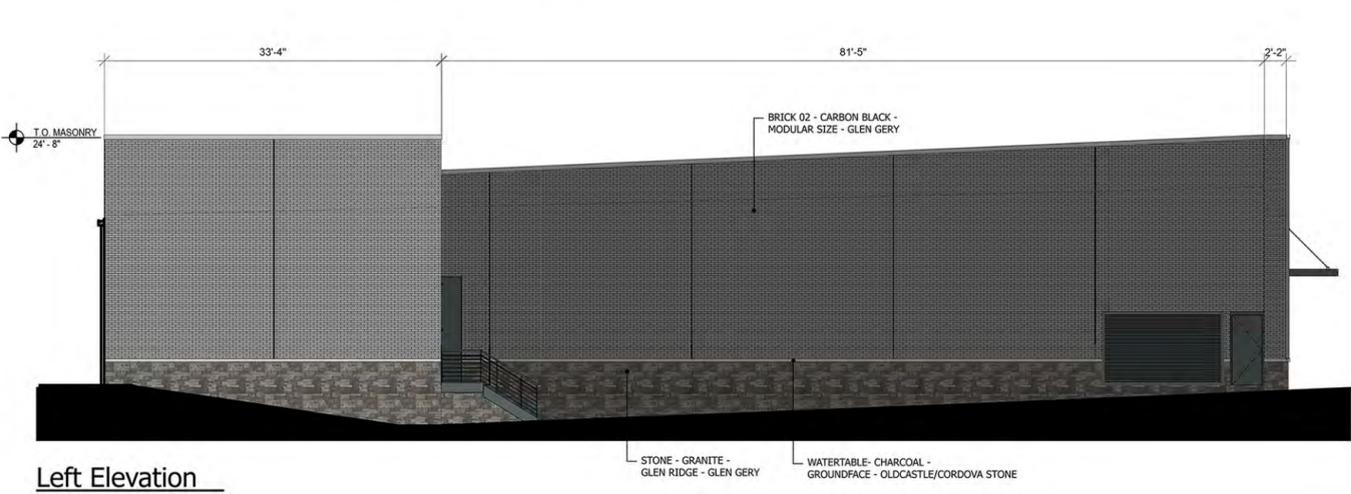
**Exhibit 1**



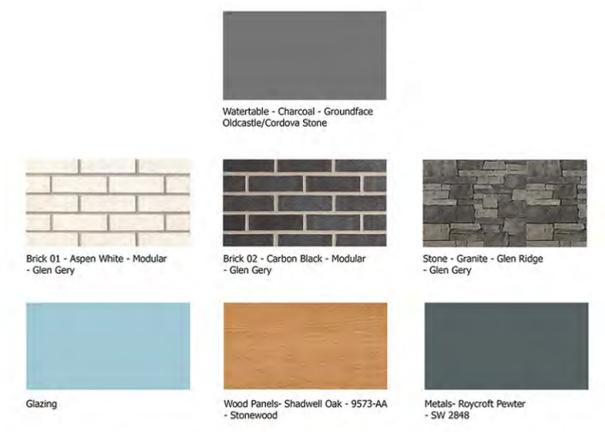
Aug 13, 2020  
 H:\01\181005\DRAWINGS\PLAN SETS\DRB SUBMISSIONS\GA181005\_SPP\_181005\181005\_VARIANCE SITE PLAN.dwg



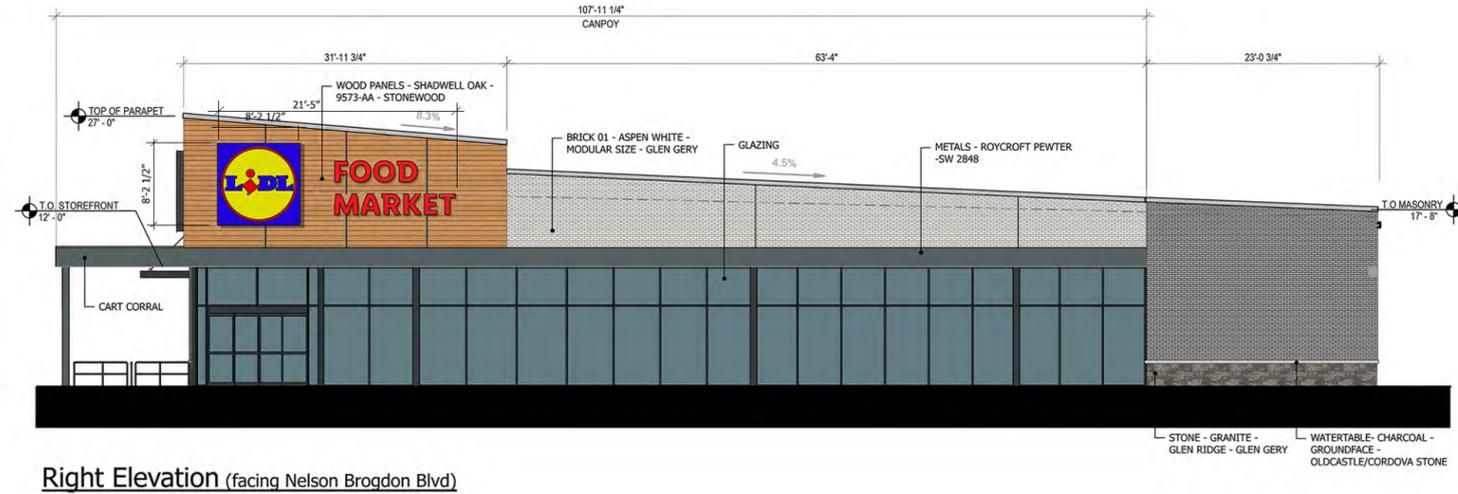
Front Elevation



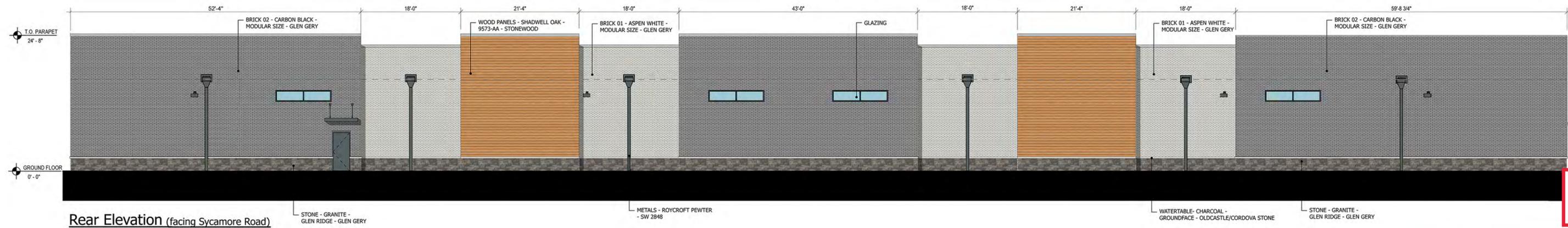
Left Elevation



Material Legend



Right Elevation (facing Nelson Brogdon Blvd)



Rear Elevation (facing Sycamore Road)

**Exhibit 2**

