

City of Sugar Hill  
Planning Staff Report  
AX 21-002



**DATE:** June 30, 2021; **updated 7/8/2021**  
**TO:** Mayor and City Council  
**FROM:** Planning Director  
**SUBJECT:** Annexation AX-21-002  
5290 Arbor View Way and 5418 Cumming Highway

RECOMMENDED ACTION

**Approval of annexation and rezoning to R36 with the following conditions:**

1. Each townhome shall have a driveway no less than 20' in length as measured from edge of the sidewalk.
2. Adjacent to parcel 7307 082, the zoning buffer between dissimilar districts shall be modified to a 35' enhanced landscape buffer. **The rear building setback line shall be measured from the buffer line rather than the external boundary line of the subdivision.** 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. Plants shall be arranged to provide an effective visual screen of at least 20' in height at maturity. Buffer must not contain more than one-third of a single species and must be shown on a landscape plan to be approved by the city manager prior to receiving any permits. **A six-foot tall privacy fence shall be integrated into the enhanced buffer between the replacement trees and the rear of the buildings.** Developer shall install the landscaping and fencing prior to the first certificate of occupancy issued for a dwelling in the subdivision.
3. No buffer shall be required adjacent to parcel 7307 012.
4. Developer shall provide a minimum of three gas appliances in each unit.
5. Covenants shall stipulate that no more than 20% of the total number of units can be leased at any one time.
6. **Two inter-parcel access easements shall be provided for future vehicular access to parcels 7307 012, 7321 013 and 7307 127. Easements shall be recorded on the final plat and applicable agreements recorded with the deed records prior to receiving building permits.**

**PLANNING COMMISSION RECOMMENDATION:**

*The Planning Commission held a scheduled public hearing on June 21, 2021. Applicant representative John Slappey and owner Kim Landers spoke on behalf of this request. Citizens and guests who spoke in opposition were, Linda Charach, Ron Williams, Kim Weakland, Joe Clarino, and Tom Cirone. Concerns included request for no reduction in buffer, leaving trees in the buffer, stormwater impacts, no rentals, traffic, home values, future development, and stream impact. The public hearing was closed.*

***Planning Commission recommends approval of the annexation and rezone to R36 as recommended by staff with conditions along with the following changes: condition #2 be removed and read; "ALL buffers are to be 50' on the property," conditions # 6 added to state; "Before trees are removed on the property, developer is required to consult with an arborist to address environmental issues of impact for removal." Commission Member Jason Jones made the second. Motion approved 3 for, 1 abstained (Commission Member Phil Olsen).***

ISSUE: Annexation of this 4.603-acre tract owned by Kimberly B. Landers and the Estate of Deborah Denise Tribble Ryder, was initiated by an application from ArborView GA, LLC, dated May 6, 2021. These parcels are currently zoned single-family residential (R-75) in unincorporated Gwinnett County. The requested zoning classification is Medium Density Mixed Residential District (R36). The proposal includes 28 townhomes.

DISCUSSION:

- A portion of the property abuts the Oaks at Lanier subdivision, However, due to the shape of the property, there is effectively zero frontage and no street access along Arbor View Way. Additionally, a stream buffer provides significant separation between the site improvements and the nearest home in the Oaks at Lanier subdivision.
- The Oaks at Lanier subdivision was developed in phases from 1993 to 1998 and contains 216 homes. There is full access to the neighborhood from Highway 20 at a median crossing and full access at Whitehead Road.
- The adjacent office building and associated site improvements at 5422 Cumming Hwy were constructed in 2007 and purchased by Gravity Ventures LLC in 2012. A buffer reduction (10' side yard with enhanced landscaping from 50' undisturbed) adjacent to the subject property was granted to the original developer when it was annexed in 2006. An easement was subsequently granted allowing the placement of sewer lines through the subject property in order to provide sewer access to the office building.
- The developable portion of the site north of the stream abuts a single parcel at the end of Claybourne Lane. 5396 Claybourne Lane ("the Williams property", parcel 7307 082) is a 2.75-acre home site which includes a 2-story conventional single-family home. A portion of the Williams' property contains significant accessory improvements in a charming rustic style.
- Existing vegetation in the area of the Williams property appears to be primarily deciduous canopy trees which are likely to allow unobstructed views between the proposed development and the Williams residence year-round. Additionally, the Williams' home is situated near the rear boundary of their property (potentially due to the stream that crosses their property from east to west).
- The Gwinnett County standard undisturbed buffer for this type of development is 30'.
- Replanted buffers have been granted for similarly situated townhome projects in the city. Unless modified by zoning condition, the city's standard requirement includes side and rear setbacks within the buffer for a townhome (single-family attached) use abutting a single-family residential district.
- Future land use designation is Medium Density Mixed Use (Aspire Highway 20 Study final recommendations). The list of appropriate uses includes townhouses, duplex, triplex, courtyard apartment, cottage court, multi-plex, live-work, senior, retail and office primarily due to its proximity to a planned commercial node at Sugar Ridge Drive and Hwy 20 (Comp Plan).

- The proposed development is responsive to the city’s housing needs and the vision for future development along the Hwy 20 corridor.

## BACKGROUND

Applicant / Owner:	ArborView GA LLC / Kimberly B. Landers and the Estate of Deborah Denise Tribble Ryder
Existing Zoning:	Single-family residential (R-75) in Gwinnett County
Request:	Annex and rezone to R36 with two variances: <ol style="list-style-type: none"> <li>1. Modify 50’ undisturbed zoning buffer to 25’ enhanced (graded &amp; replanted) buffer along the rear boundary line.</li> <li>2. Modify 50’ undisturbed zoning buffer to 10’ enhanced (graded &amp; replanted) buffer along the side boundary line.</li> </ol>
Purpose:	Development for townhomes.
Property Size:	± 4.603 Acres
Location:	5290 Arbor View Way and 5418 Cumming Highway, Tax Parcels #7-307-014, & 7-321-014
Public Notice:	Sign Posted on 6/2/21, Ad in Gwinnett Daily Post on 6/2/21, 6/9/21, 6/16/21, 6/23/21, 6/30/21, & 7/7/21.
Public Comment	Sandy & Ronald Williams submitted comments in opposition to the zoning and buffer reduction (6/15/2021, letter in file). Comments from public hearing on 6/21 are summarized above with the planning commission’s recommendation.

## FINDINGS OF FACT

The proposed annexation meets state requirements under the 100% method and does not create an unincorporated island as proposed. Gwinnett County was notified of the application. The county’s response to the notice did not include any objections.

Mrs. Sandy Williams and Mr. Ronald Williams submitted a letter by email on Tuesday 6/15/2021 stating their opposition to the zoning, townhomes, and buffer reduction. Mrs. Williams email also expressed concerns with privacy, property value, and noise. While they requested denial, they listed conditions they would like to be considered if it were to be approved: 1) No reduction of the 50’ buffer. 2) Preserve mature trees in the 50’ buffer. 3) Proper grading to prevent flooding of their property. 4) Privacy fence. 5) No units be allowed to be leased.

Development of the site will require a Georgia Department of Transportation (GDOT) access permit.

The standard minimum dwelling size for townhomes in the R36 zoning category is 1,000 sq ft.

The proposed density of the development is 6.08 units to the acre, well below the allowable 8 units an acre.

The property is located adjacent to the intersection of Georgia Highway 20 and Arbor View Way but does not connect to the Oaks at Lanier Subdivision.

City of Sugar Hill development standards require 6' sidewalks within the subdivision and 5' wide sidewalks along Hwy 20.

While a portion of the property abuts the Oaks at Lanier subdivision, a 150' wide stream protection area including a 100' wide stream buffer provides significant separation between any improvements on the site and the nearest home in the Oaks at Lanier subdivision.

The side property line (eastern-most boundary) joins the Arbor View Way right-of-way at a point on the south side of the stream forming an acute angle such that there is no frontage along Arbor View Way. No street access to Arbor View Way is proposed. The Bailey property to the east contains the only frontage along Arbor View Way. The Gwinnett County geographic information systems data browser currently shows the parcel boundary lines incorrectly. A corrected survey was prepared by the applicant and is reflected on the concept plan submitted with the application.

## 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. Single family attached homes are generally compatible with detached single-family homes.

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

No. The proposed zoning does not impose any additional use restrictions or any unusual or undue hardship on adjoining or nearby properties. Neighboring commercial property has already been approved for a buffer reduction.

**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?**

No. The few numbers of homes possible on this tract and the right-in-right-out access dictated by GDOT will not substantially impact traffic counts on Highway 20.

New housing is likely to add new students to the school population. The city's planning department is coordinating with the school board's planner with each new project. At this time, there is no indication that capacity in the Lanier cluster schools is a concern.

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

Yes. The prevailing character area in the vicinity of the subject property calls for residential uses. The rezoning is in accordance with the intent of the Sugar Hill land use plan and subsequent studies which encourage housing diversity throughout the city.

**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.

## Kaipo Awana

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**From:** Kaipo Awana  
**Sent:** Monday, June 21, 2021 1:07 PM  
**To:** sandy williams  
**Cc:** Ronald Williams  
**Subject:** RE: Rezoning to R36/Annexation to City of Sugar Hill - R7-307-014 and R7-321-014  
**Attachments:** AX21002AgendaPacketPC20210621.pdf

Very good. I'll see you this afternoon. I may be in my personal vehicle. It's a black mid-sized pickup (honda ridgeline). Here is a copy of the agenda packet with our staff report so you can ask questions in preparation for tonight.

Kaipo

**From:** sandy williams <smwilliams8@yahoo.com>  
**Sent:** Friday, June 18, 2021 7:28 PM  
**To:** Kaipo Awana <KAwana@cityofsugarhill.com>  
**Cc:** Ronald Williams <rewilliams1017@gmail.com>  
**Subject:** Re: Rezoning to R36/Annexation to City of Sugar Hill - R7-307-014 and R7-321-014

Hello,  
Yes, 3:00 Monday afternoon would be perfect. Ron and I look forward to meeting you.

5396 Claybourne Lane  
It's at the end of the cul-de-sac, and our driveway is a gravel drive.

**Sandy Williams**  
**678-491-9168**  
**Ron Williams**  
**770-503-5793**

On Friday, June 18, 2021, 04:58:14 PM EDT, Kaipo Awana <[kawana@cityofsugarhill.com](mailto:kawana@cityofsugarhill.com)> wrote:

I'm sorry, I got tied up this afternoon. If its agreeable with you, I'd like to come see the back of the property first hand. You can show me your point of view and we can talk about the process for Monday night. Will 3pm on Monday work?

Kaipo

**From:** sandy williams <smwilliams8@yahoo.com>  
**Sent:** Friday, June 18, 2021 2:02 PM  
**To:** Kaipo Awana <KAwana@cityofsugarhill.com>  
**Subject:** Re: Rezoning to R36/Annexation to City of Sugar Hill - R7-307-014 and R7-321-014

Hello,

Yes I would like to speak with you. I'm available from now until 4:00 PM today. Monday I have to take my Mom for a morning doctor's appointment but I should be available around 1:30.

My cell # is 678-491-9168.

**Sandy Williams**

On Friday, June 18, 2021, 09:26:23 AM EDT, Kaipo Awana <[kawana@cityofsugarhill.com](mailto:kawana@cityofsugarhill.com)> wrote:

Good morning. Would you like to try and set aside some time later this afternoon or Monday to discuss the case status and what to expect in terms of process for Monday night?

Kaipo

**From:** sandy williams <[smwilliams8@yahoo.com](mailto:smwilliams8@yahoo.com)>  
**Sent:** Tuesday, June 15, 2021 10:25 AM  
**To:** Kaipo Awana <[KAwana@cityofsugarhill.com](mailto:KAwana@cityofsugarhill.com)>  
**Cc:** Ronald Williams <[rewilliams1017@gmail.com](mailto:rewilliams1017@gmail.com)>  
**Subject:** Rezoning to R36/Annexation to City of Sugar Hill - R7-307-014 and R7-321-014

Mr. Awana,

We recently received a Notice of Public Hearing for a request of Rezoning to R36/Annexation to City of Sugar Hill for Tax Parcel Id's R7-307-014 and R7-321-014.

The developer is requesting this be approved in order to build 28 townhomes. This is very distressing to us for several reasons and we respectfully request that you mindfully consider our concerns.

- Our property, R7-307-082, will take the brunt of this eyesore and congestion as the side of our **single** family home is only about 60 feet from the property line where the proposed townhomes would be built. We built our dream home ( a log home) in 1988 and have enjoyed our privacy for 31 years. It will become a nightmare home instead of a dream home.

- The developer is requesting a buffer reduction from 50 feet to 25 feet. This is totally unacceptable to us. With the proposed position of the townhomes, almost half of the townhomes would be able to stare directly into our bedroom window.
- The letter from the developer also states that the buffers are to be graded and replanted. This is also unacceptable. There are mature, extremely tall trees in the buffer that would make a better privacy barrier than anything he could possibly plant.
- With the proposed price of the townhomes (mid \$200s) and no amenities, the property will more than likely quickly become rental units and will lose their value.
- Our property value will devaluate substantially if these townhomes are built.
- We will have zero privacy and the noise will be unbearable.
- We are aware that according to the Tax Assessor's website a search shows that Parcel R7-307-014 is owned by LANDERS KIMBERLY B who is employed by the Planning and Development Department of City of Sugar Hill as a Planning Technician.

Our greatest hope is that the proposal from ArborViewGA, LLC will be denied. However, if the will of We the People is denied we request the following:

1. Absolutely no reduction of the 50' buffer.
2. The mature trees in the existing 50' buffer be left intact and any grading should not disturb the tree roots.
3. Proper grading must be done to eliminate any chance of flooding of our property.
4. A privacy fence to be built on the property side of the townhomes.
5. Stipulate that no units be allowed to become rental/lease units.

We plan to attend the public hearing for the Planning Commission on Monday, June 21, 2021 at 7:00 PM.

Regards,

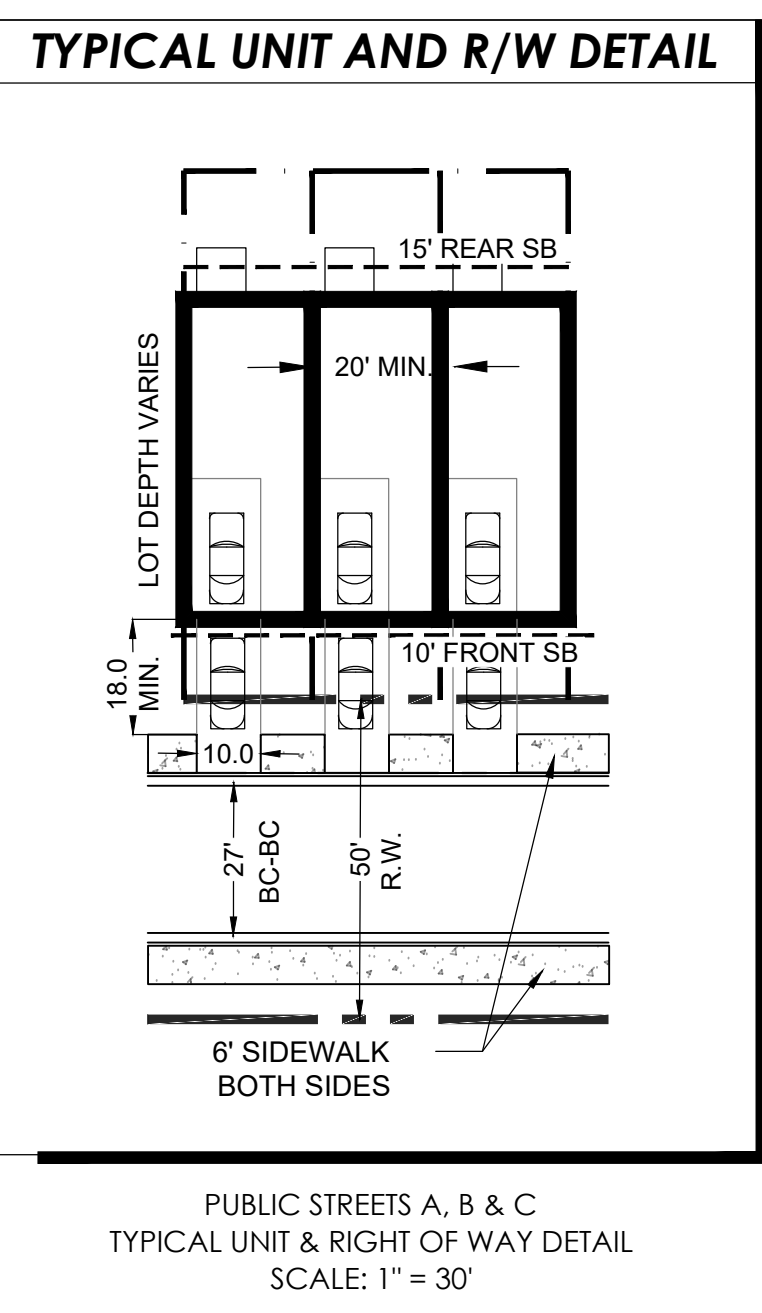
***Ron Williams***

***Cell 770-503-5793***

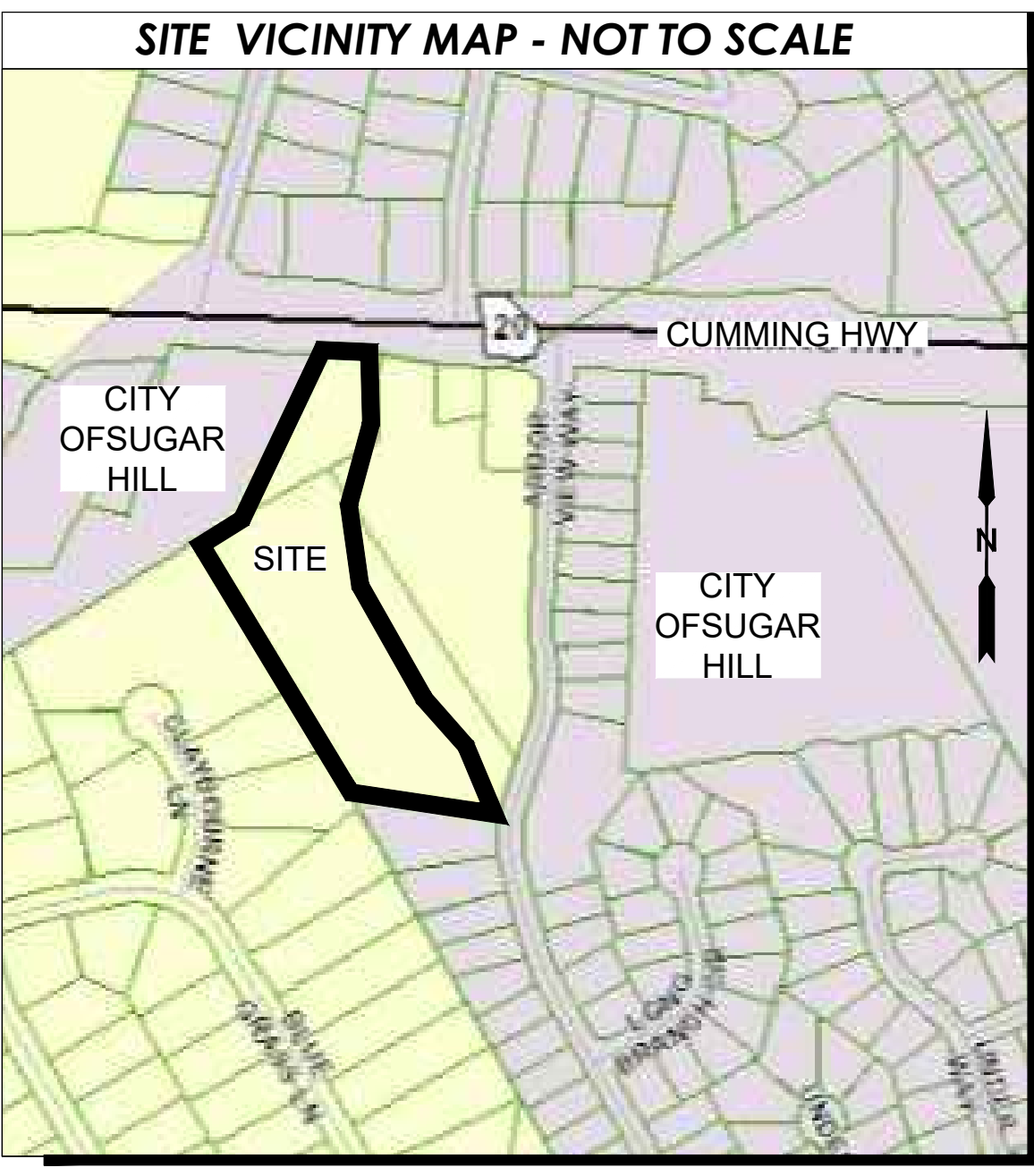
***Sandy Williams***

***Cell 678-491-9168***

SITE DATA	
<b>OVERALL DATA:</b> EXISTING ZONING PROPOSED ZONING GROSS LAND AREA PROPOSED UNITS PROPOSED DENSITY	ZONED 75-GWINNETT COUNTY R-36 (RM), CITY OF SUGAR HILL 4.948 ACRES 28 UNITS 5.66 UNITS PER ACRE (PROPOSED DENSITY EXCLUDES 50% OF THE LAND THAT IS WITHIN A FLOOD HAZARD AREA OR WITHIN A ELECTRICAL TRANSMISSION, NATURAL GAS OR PIPELINE EASEMENT.)
<b>TOWNHOMES:</b> PROPOSED TOWNHOMES 20' WIDE MINIMUM: MINIMUM LOT AREA: MINIMUM DWELLING UNIT SIZE: MINIMUM LOT WIDTH: MAXIMUM HEIGHT:	28 UNITS 1,000 SF MINIMUM PER CODE 1,000 SF MINIMUM PER CODE 20' 40' TO EAVE PER CODE
<b>SETBACKS:</b> FRONT (MAJOR): FRONT LOCAL: REAR: SIDE:	45' FRONT 10' (18' LONG DRIVEWAY MINIMUM) 15' 0' OR 20' BETWEEN BUILDINGS
<b>PARKING:</b> SPACES REQUIRED: SPACES PROVIDED:	1.5 SPACES PER UNIT 2 SPACES PER UNIT (1 DRIVEWAY + 1 GARAGE)
<b>TYPICAL STREETS/PARKING:</b> PUBLIC / PRIVATE STREETS: STREET WIDTH: RIGHT OF WAY WIDTH: SIDEWALKS: PARK/KIOSK PARKING:	BOTH ALLOWED ; PUBLIC STREETS SHOWN 27' B.C. - B.C. 50' MINIMUM 6' SIDEWALKS ON BOTH SIDES OF PUBLIC OR PRIVATE STREETS 10 SPACES PROVIDED
<b>OTHER:</b> EACH DWELLING UNIT SHALL PROVIDE AT LEAST 120 SQ. FT. OF USEABLE PRIVATE OUTDOOR SPACE	
<b>VARIANCES (*):</b>	
1. BUFFERS ARE TO BE GRADED AND REPLANTED 2. BUFFER REDUCTIONS AS SHOWN (50' BUFFER TO 25'); (50' BUFFER TO 10')	



SITE LEGEND	
(OS)	OPEN SPACE
(MK)	MAIL KIOSK
(SW)	POTENTIAL STORMWATER MANAGEMENT AREA
(75)	75' IMPERVIOUS SETBACK
(50)	50' STREAM BUFFER



**PROPERTY OWNERS:**  
 PARCEL NO. 7321 014 - N/F RYDER DEBRA DENESE  
 PROPERTY ADDRESS: 5418 CUMMING HIGHWAY, SUGAR HILL GA 30518  
 MAILING ADDRESS: 879 OLD CUMMING RD., SUGAR HILL GA 30518  
 PARCEL NO. 7307 082 - KIMBERLY B LANDERS  
 PROPERTY ADDRESS: 5290 ARBOR VIEW WAY, SUGAR HILL GA 30518  
 MAILING ADDRESS: 879 OLD CUMMING RD., SUGAR HILL GA 30518

**EXISTING CANOPY:**  
 EXISTING TREE CANOPY COVERS THE PROPERTY.

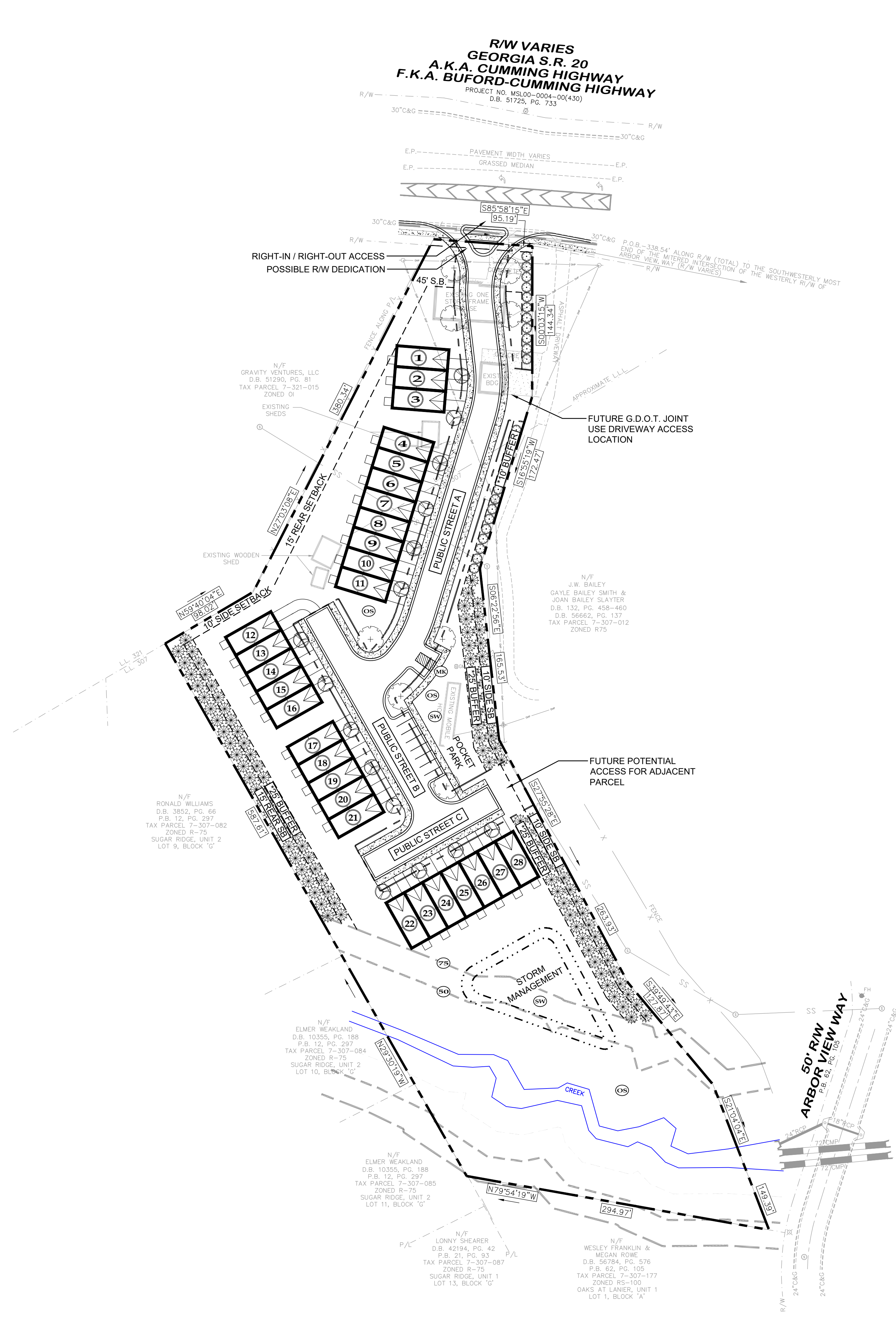
**PLAN NOTE:**  
 THIS PLAN IS CONCEPTUAL IN NATURE AND DOES NOT CONSTITUTE APPROVAL FOR CONSTRUCTION OR DEVELOPMENT. ADDITIONAL REGULATIONS SHALL APPLY PRIOR TO PERMIT ISSUANCE.

**UTILITIES:**  
 AS BUILT AND EXISTING UTILITY LOCATIONS HAVE NOT BEEN FIELD VERIFIED. THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY CONFLICTS WITH EXISTING UTILITIES.

**STATE WATERS:**  
 THERE ARE STATE WATERS ON THE SITE.

**FLOOD HAZARD NOTE:**  
 BY GRAPHICAL PLOTTING ONLY. NO PORTION OF THE SURVEYED AREA LIES WITHIN A 100 YEAR FLOOD HAZARD AREA PER FIRM PANEL 13135C0014G, MARCH 4 2013. THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.

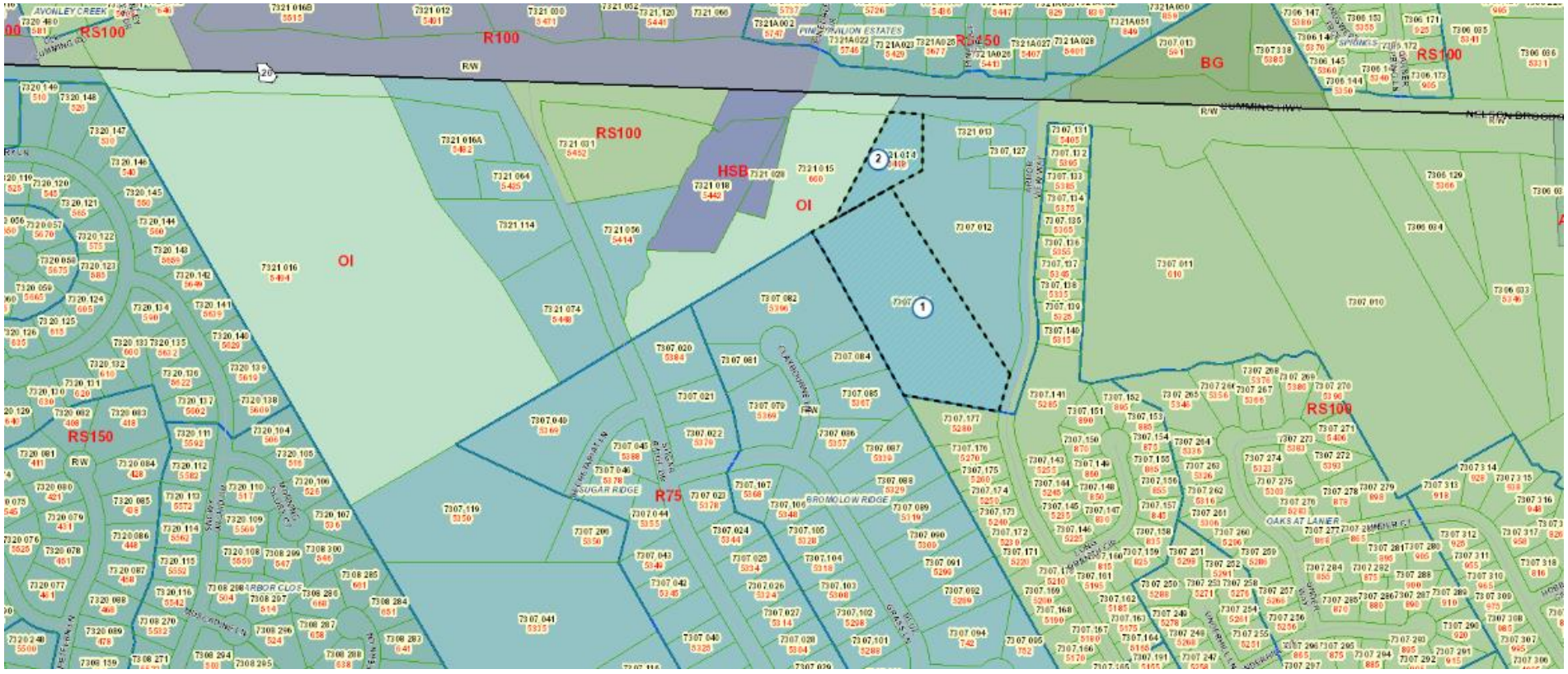
**WATER AND SEWER NOTE:**  
 THIS DEVELOPMENT IS TO BE SERVED BY PUBLIC WATER AND SEWER. SEWER IS AVAILABLE ON-SITE. WATER IS AVAILABLE WITHIN THE CUMMING HWY RIGHT OF WAY.







# AX-21-002 ADJACENT ZONINGS



# LOI

5/3/21

ArborViewGA, LLC  
2160 Morningside Drive

Suite 250

Buford, GA 30518

To Whom It May Concern,

We are asking for a rezoning to R36 and annexation into the city of Sugar Hill, GA for a 28 unit townhome project. The total acreage size of both parcels is 4.948 acres. The building sq ft to be a minimum of 1,000 sq ft. The price range should be in the mid \$200's. There will be 2 parking spaces per unit (1 garage + 1 driveway). The height of the units will be 40' to eave (per code). All homes will include gas heat & gas ranges.

We are asking for the following variances:

- a. Buffers are to be graded and replanted.
- b. Buffer reductions as shown on the site plan (50' buffer to 25'; 50' buffer to 10')

We are also willing to allow easements for possible greenway trail access along the stream and at the extension of ALL the streets.

Best Regards,



John Slappey

ArborViewGA, LLC