



**CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT
PUBLIC HEARING PACKET**

CASE #: _____ **PERMIT FILE #** _____ **DATE RECEIVED:** _____

APPLICATION

CHECK ONE: ☐ ANNEXATION/REZONING ☒ REZONING ☐ CHANGE IN CONDITIONS ☐ SPECIAL USE PERMIT

APPLICANT INFORMATION

Name: Dennis Jordan, c/o Mahaffey Pickens Tucker, LLP Address: 1550 North Brown Road,
Phone: 770 232 0000 Suite 125
Fax: 678 518 6880 Email: cluu@mptlawfirm.com
Signature: *Charlotte L. Luu* Date: 6/22/2021
Charlotte L. Luu, Attorney for Applicant

OWNER INFORMATION

IF MULTIPLE PROPERTY OWNERS FILL OUT MASTER APPLICATION AND ONE APPLICATION FOR EACH APPLICANT.

Name: Doris P. Bailey, Executor of Larry R Bailey Testamentary Trust Address: P.O. Box 3109
Phone: [REDACTED] Cleveland, Georgia 30528
Fax: N/A Email: mab21781@gmail.com
Signature: *Doris P. Bailey* Date: 6/22/2021

CONTACT INFORMATION

Name: N/A Phone: N/A
Fax: N/A Email: N/A

* Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

PROPERTY INFORMATION:

IF MULTIPLE PROPERTY OWNERS FILL OUT MASTER APPLICATION AND ONE APPLICATION FOR EACH APPLICANT.

Map Reference Number(s) (Tax Parcel Identification Number or PIN #) R7306 089; R7306 090 Acreage: 10.579 acres
Number of Existing Housing Units: N/A Number of Proposed Housing Units: 125 Current Population: N/A
Street Address: 5252 Nelson Brogdon Blvd, Sugar Hill, GA 30518 and 5000 Bailey Ave., Sugar Hill, GA 30518
PRESENT ZONING DISTRICT: LM - Light Manufacturing **REQUESTED ZONING DISTRICT:** BG and CBD Overlay District
Proposed Development: Mixed Use Townhome Residential Development
Adjacent Zonings: NORTH: BG; RS150 EAST: BG SOUTH: R-100 WEST: AF

Residential Development

of Lots/Dwelling Units: 126
Dwelling Unit Size (sq. ft.): Varies depending on unit. Please see site plan.
Net Density: 11.91 units/acre

Non-Residential Development

of Lots/Buildings: 1 retail/commercial building and 1 clubhouse
Total Gross Square Feet: Retail/commercial - 4,500 sq. ft.; Clubhouse: 1,500 sq. ft.
Density: N/A

PLEASE CHECK THE FOLLOWING IF APPLICABLE: ☐ DRI (Development of Regional Impact) ☐ Within 2,000 feet of the Chattahoochee River

Request for Special Conditions or Variance(s) (Set back, Parking, Buffers, etc): N/A

NOTE: Special Conditions, and Variance Request must also be explained in the Letter of Intent.



**CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT
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APPLICANT'S CERTIFICATION

The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication which affects the same land for which an application was denied during the last 12 months shall be acted upon for 12 months from the date of the denial by the City Council unless waived by the City Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of the denial by the City Council.

Dennis Jordan 5/20/21 Dennis Jordan, Authorized Signatory 5/20/21
Signature of Applicant Date Typed or Print Name and Title Date

Sworn to and subscribed before me this 20 day of May, 2021. Heather Peppers
Signature of Notary Public



PROPERTY OWNER'S CERTIFICATION

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Doris P Bailey 5/29/21 Doris A. Bailey / Executor of Larry R. Bailey Testamentary Trust
Owner Signature Date Typed or Print Name and Title

Sworn to and subscribed before me this 20 day of May, 2021. Heather Peppers
Signature of Notary Public



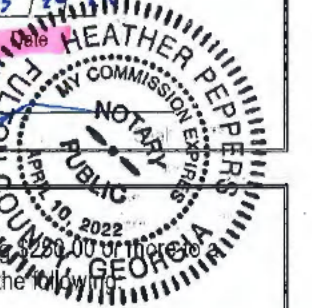
CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Dennis Jordan 5/20/21 Dennis Jordan, Authorized Signatory 5/20/21
Signature of Applicant/ Attorney Representative Date Typed or Print Name and Title Date

Doris P Bailey 5/29/21 Doris P. Bailey / Executor of Larry R. Bailey Testamentary Trust
Signature of Owner Date Typed or Print Name and Title Date

Sworn to and subscribed before me this 20 day of May, 2021. Heather Peppers
Signature of Notary Public



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

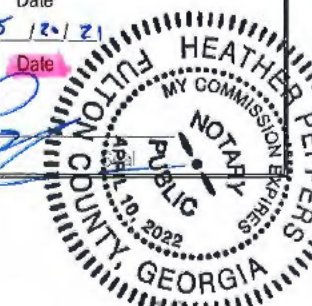
Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to member of the City of Sugar Hill City Council or the Planning Commission? No (yes/no). If yes, complete the following:

NAME & OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS made (within last two years)
---	---	--

Dennis Jordan 5/20/21 Dennis Jordan, Authorized Signatory 5/20/21
Signature of Applicant/ Attorney Representative Date Typed or Print Name and Title Date

Doris P Bailey 5/29/21 Doris P. Bailey / Executor of Larry R. Bailey Testamentary Trust
Signature of Owner Date Typed or Print Name and Title Date

Sworn to and subscribed before me this 20 day of May, 2021. Heather Peppers
Signature of Notary Public



VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR APPLICATION



CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT
PUBLIC HEARING PACKET

APPLICANT'S CERTIFICATION

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_____/_____/_____
Signature of Applicant Date Typed or Print Name and Title Date

Sworn to and subscribed before me this _____ day of _____, 20_____
Signature of Notary Public Seal

PROPERTY OWNER'S CERTIFICATION

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_____/_____/_____
Owner Signature Date Typed or Print Name and Title Date

Sworn to and subscribed before me this _____ day of _____, 20_____
signature of Notary Public Seal

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A, et seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.


Mahaffey Pickens Tucker, LLP

Charlotte L. Luu, Attorney for Applicant


Signature of Applicant/ Attorney Representative Date

Typed or Print Name and Title Date

Sworn to and subscribed before me this 29 day of June, 2021


Signature of Notary Public

_____/_____/_____
Signature of Owner Date Typed or Print Name and Title Date

Sworn to and subscribed before me this _____ day of _____, 20_____
Signature of Notary Public Seal

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Sugar Hill City Council or the Planning Commission? _____ (yes/no). If yes, complete the following:

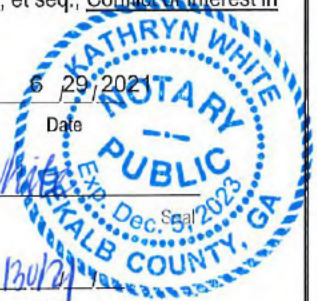
NAME & OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate aggregate to \$250 or more	DATE CONTRIBUTION WAS MADE (within last two years)
---	--	--

_____/_____/_____
Signature of Applicant/ Attorney Representative Date Typed or Print Name and Title Date

Sworn to and subscribed before me this _____ day of _____, 20_____
Signature of Notary Public Seal

_____/_____/_____
Signature of Owner Date Typed or Print Name and Title Date

Sworn to and subscribed before me this _____ day of _____, 20_____
Signature of Notary Public Seal





CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT
PUBLIC HEARING PACKET

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR APPLICATION

The undersigned below is authorized to make this application. The undersigned certifies that all City Taxes/Property taxes, billed to date for the parcel listed below have been paid in full to the Tax Commissioner of Gwinnett County, Georgia. In no case shall an application or reapplication for rezoning, special use permit, and/or change in conditions be processed without such property verification.

***NOTE:** A separate verification for must be completed for each tax parcel included in the Variance request.

Tax Parcel Number: R7306 090


SIGNATURE OF APPLICANT

6/30/21
DATE

Charlotte L. Luu, Attorney for Applicant
TYPE OR PRINT NAME




CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT
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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR APPLICATION

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*NOTE: A separate verification for must be completed for each tax parcel included in the Variance request.

Tax Parcel Number: R7306 089


SIGNATURE OF APPLICANT

6/30/21
DATE

Charlotte L. Luu, Attorney for Applicant
TYPE OR PRINT NAME

REZONING APPLICANT'S RESPONSE TO
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, approval of the proposed Rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is located at the intersection of Nelson Brogdon Boulevard and Bailey Avenue in Sugar Hill, Georgia. The Property is located nearby many other residential properties and commercial developments.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning is compatible with the properties to the north and east of the Property which are currently zoned BG as well. Additionally, the proposed mixed-use development is compatible with the nearby residential RS100 and RS150 districts surrounding the Property and the commercial uses along Nelson Brogdon Boulevard.
- (C) Due to the size, location, layout, and dimensions of the subject property, the Applicant submits that the Property does not have reasonable economic use as currently zoned.
- (D) No, the proposed Rezoning Application will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Nelson Brogdon Boulevard and Sycamore Road.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the City of Sugar Hill Comprehensive Plan (the "Comprehensive Plan") because the Property is within the Downtown Character Area of the Future Land Use Character Area Map of the City of Sugar Hill. The Downtown Character Area encourages a mix of uses, specifically medium density single family residential district and retail uses. In addition, according to the Comprehensive Plan, some of Sugar Hill's housing objectives are to support a mix of housing options in order to promote residential developments and accommodate the changing population and also to support mixed use development in appropriate areas, which are specifically identified by the BG zoning classification.
- (F) The Applicant submits that the subject Property's location adjacent to other residential developments and its proximity to major transportation corridors, notably Nelson Brogdon Boulevard, provide additional supporting ground for approval of the Application.



Matthew P. Benson
Gerald Davidson, Jr.*
Rebecca B. Gober
Brian T. Easley
Christopher D. Holbrook
Charlotte L. Lau
W. Brady Hughes

Samuel C. Kennon
Shane M. Lanham
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

LETTER OF INTENT FOR REZONING APPLICATION
OF DENNIS JORDAN

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning application (the "Application") on behalf of Dennis Jordan (the "Applicant"), for the purpose of requesting the rezoning of an approximately 10.579-acre tract (the "Property") located along Nelson Brogdon Boulevard. The surrounding area is characterized by a mix of land uses including commercial, office, manufacturing, and residential. The Property is currently zoned as LM (Light Manufacturing District).

The Applicant is requesting to simultaneously rezone the Property to the BG (General Business) district and also into the CBD (Central Business District) Overlay zoning classifications in order to develop an attractive mixed-use residential rental community. The residential community will consist of attached townhomes, a clubhouse facility, and retail/commercial building. The Applicant proposes to develop 126 dwelling units on the Property at an 11.91 units per acre density. Townhomes in the proposed community would be constructed with facades of brick and/or stone, as well as other attractive architectural elements as depicted on the building elevations submitted with the Application. In addition, in promotion of recreational activities and healthy outdoor lifestyles, the proposed residential community contains approximately 2.5 acres of open green space for its residents to enjoy a pocket park and community lawn. Also, in promotion of a stronger community, the proposed development contains a community club house and a retail/commercial building that will provide its residents convenient access to commercial opportunities. This proposed residential community will be a valuable addition to the area as the Applicant projects that these attractive homes will be priced at a rental rate of \$2,200.00 per unit.

The proposed residential community would be accessible by two entrances on Bailey Avenue. Located right along a major road and near a major intersection, the proposed community

would provide its residents immediate access to the commercial and restaurant opportunities at the intersection of Nelson Brogdon Boulevard and Peachtree Industrial Boulevard. Additionally, residents would be in close proximity to many shopping, dining, and entertainment opportunities as they travel east along Nelson Brogdon Boulevard towards Buford Drive and the Mall of Georgia. The proposed development in this area would provide an alternative residential living option for residents who want to remain in a residential area but also be located near the major intersection and commercial opportunities. In fact, it is compatible with surrounding land uses as it would provide an appropriate transition of land uses stepping down from the more intense commercial uses located at the Intersection of Nelson Brogdon Boulevard and Peachtree Industrial to the east of the Property to the less intense single-family residential detached uses to the west.

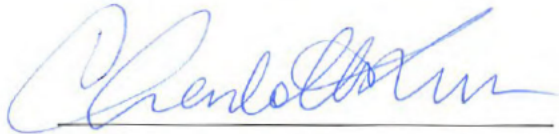
The proposed development is also in line with the policies of the City of Sugar Hill Comprehensive Plan (the "Comprehensive Plan"). The Comprehensive Plan provides that some of Sugar Hill's housing objectives are to support a mix of housing options in order to promote residential developments and accommodate the changing population and also to support mixed use development in the appropriate areas, which specifically include the BG zoning district. The Property is also located within the Town Center District Character Area of the Comprehensive Plan which also provides that general retail and higher density housing is encouraged and compatible with the BG district. The proposed community of townhomes, retail/commercial use, and clubhouse facility would also promote that "sense of place" community objective within this Character Area in accordance with the Comprehensive Plan. In addition, the Proposed Development is compatible with the future goals of Sugar Hill since it located within the Downtown Character Area of the Future Land Use Character Area Map. The Downtown Character Area specifically encourages medium density single family residential district and retail uses.

Concurrently rezoning the Property to BG and into the CBD Overlay located to the east of the Property is also compatible with the City of Sugar Hill Zoning Ordinance ("Zoning Ordinance"). The Proposed Development will further one of the purposes of the CBD Overlay which is to "foster development of the city center that contributes to the function and feel of traditional small-town business districts." In addition, the proposed mixed-use development will promote the goals of the CBD Overlay by promoting compact mixed-use growth within the region.

For all the of the above reasons, the Applicant respectfully requests that the Property be rezoned to BG and into the CBD Overlay in order to promote the goals of the City of Sugar Hill and to provide its residents an attractive mixed-use residential community in accordance with the Zoning Ordinance. The Applicant and its representatives welcome the opportunity to meet with staff of the City of Sugar Hill Planning and Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of these Applications.

Respectfully submitted this 30th day of June, 2021.

MAHAFFEY PICKENS TUCKER, LLP

A handwritten signature in blue ink, appearing to read "Charlotte L. Luu", is written over a horizontal line.

Charlotte L. Luu
Attorneys for Applicant



Gwinnett

GWINNETT COUNTY
DEPARTMENT OF WATER RESOURCES

684 Winder Highway | Lawrenceville, GA 30045-5012
678.376.6700
www.gwinnettcountry.com | www.gwinnetth2o.com

PROPOSED DEVELOPMENT UTILITY LETTER

5/25, 2021

Applicant: Jon Jones

Case No.: _____

Email: Jon.jones@kimley-horn.com

Development Name: _____

Location: 5252 Nelson Brogdon Blvd 5000 Bailey Ave

Sugar Hill, GA 30518 Sugar Hill, GA 30518

DISTRICT: 7 LANDLOT: 306 PARCEL: 089/090

WATER AVAILABILITY:

The available utility records show that the subject development is currently in the vicinity of a
8 inch water main located on the W right-of-way of Bailey Avenue

Demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development and will not be provided by this department. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments, including connections to existing mains. This department makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

SANITARY SEWER AVAILABILITY:

The available utility records show that the subject development is currently in the vicinity of a
8 inch sanitary sewer main located In the south r-o-w, directly in front of
Parcels 7306-089, 7306-090

Proposed Development Utility Letter

Sewer Availability continued

The subject development is located within the Level Creek Service area. This does not guarantee there is sewer capacity to serve this development. A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development.

Demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development and will not be provided by this department. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

Water and Sewer Requirements

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

Private Road Developments

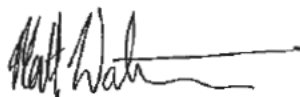
Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Master Water Meter

Master water meters are only allowed under certain conditions to be approved by Gwinnett County. If there are multiple owners within one property, master meters will not be allowed. Individual water meters must be placed off of county-maintained water mains.

NOTE: As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Respectfully,



Matthew Waterer
Program Analyst II
Gwinnett County Department of Water Resources
Asset Management and Infrastructure Support
678-376-6921

JUSTIFICATION FOR REZONING

The portions of the City of Sugar Hill Zoning Ordinance (the "Ordinance") which classify or may classify the property which is the subject of this Application (the "Property") into any less intensive zoning classification other than as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Ordinance as applied to the subject Property, which restricts its use to the present zoning classifications, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the BG (General Business) and CBD (Central Business District) Overlay classification as requested by the Applicant, and is not economically suitable for development under the present LM zoning classification of the City of Sugar Hill. A denial of this Application would constitute an arbitrary and capricious act by the City Council of the City of Sugar Hill ("City Council") without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City Council to rezone the Property to the BG and CBD Overlay classification with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary,

capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the BG classification, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Opponents to the request set forth in the Application, or in any amendments to the Application, have waived their rights to appeal any decision of the City Council because they lack standing, have failed to exhaust administrative remedies, and/or because they failed to assert any legal or constitutional objections.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

This 30 day of June, 2021.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Charlotte L. Luu

Attorneys for Applicant

1550 North Brown Road
Suite 125
Lawrenceville, Georgia 30043
(770) 232-0000