

City of Sugar Hill  
Planning Staff Report  
RZ 21-005

DATE: September 2, 2021  
TO: Mayor and City Council  
FROM: Planning Director *KA*  
SUBJECT: Rezoning RZ 21-005  
5000 & 5252 Nelson Brogdon Boulevard

**RECOMMENDED ACTION:**

**Rezone the property to BG and expand the CBD overlay to include the subject property with the following conditions:**

1. The total number of dwelling units shall not exceed 126.
2. A minimum of 4,500 square feet for destination retail or restaurant shall be constructed prior to 50% occupancy of the residential units.
3. A minimum of 40 on-street parking spaces shall be provided.
4. An amenity, and onsite leasing office, shall be provided for design approval by the city manager.
5. Developer shall provide a minimum 20' wide easement to accommodate a multi-use trail near the stream buffer. The location of the easement shall be determined during the design review process upon the applicant's submittal of the design review application.
6. Developer shall improve Bailey Ave to current city standards for local urban residential street prior to 50% occupancy of the residential units.
7. At least three natural gas appliances shall be installed into each dwelling unit prior to certificate of occupancy.

**REQUEST**

The City of Sugar Hill has received an application dated July 1, 2021, from Dennis Jordan c/o Mahaffey Pickens Tucker, LLP requesting to change the zoning from Light Manufacturing District (LM) to General Business (BG). The applicant is also requesting to remain in the Town Center Overlay District (TCO) and to expand the Central Business District (CBD) to include the subject property for the development of a mixed-use development with 126 townhome style rental dwellings.

**DISCUSSION**

- Existing development on the subject property consists of office and warehouse uses occupying a patchwork of older metal buildings. There also appears to be non-conforming outdoor storage on the property.
- The intersection of Bailey Avenue with Highway 20 is an important gateway marking the entrance to Downtown Sugar Hill from the west.
- Subject property is currently within a 10-minute walk of the downtown core. Redevelopment of this site will be a catalyst to provide direct pedestrian connection, via Whitehead Road, to the other downtown amenities.

- The proposed medium density attached residential and destination retail uses align with the downtown vision.
- The proposed missing middle housing concept provides a gentle increase in density as you approach downtown, along the Highway 20 corridor from the west. It also utilizes the land with high efficiency and supplies additional units to address what appears to be a growing long term housing shortage.
- The proposed project supports or satisfies all nine recommended development patterns as documented in the city’s current comprehensive plan.

**PLANNING COMMISSION PUBLIC HEARING:**

*The Planning Commission held a scheduled public hearing on August 16, 2021. Applicant representative Charlotte Lynn Luu spoke on behalf of this request: This is an attractive mixed-use townhome rental residential community. With 23% open greenspace to promote recreational opportunities and healthy lifestyles. A central community lawn and pocket park on NE corner is provided. Dennis Jordan added that in discussion with the city manager about the future development directly east that the four-story townhomes were an effort to match its scale and massing. Amber Chambers spoke in opposition: not really in disagreement about townhomes at this particular spot but prefers smaller modestly priced single family homes, the target rental rate might not be affordable for police, fire, paramedics, and teachers, rental housing is temporary housing and could become an eyesore and liability for the community, prefers a limit on the number of rental units, requested denial so the developer could bring something back geared more toward owner occupied housing. Ms. Luu addressed the planning commission with the remaining time: an advantage of these types of rental communities is they are corporately owned and maintained, there is major incentive to keep them well maintained to keep the tenants happy, long term it is a business, mutually beneficial both to corporate governance and tenants, many are choosing to rent for extra flexibility, after 2008 people are changing their attitudes and want more variety in their options, RangeWater real estate has done a great job maintaining their communities, those can be seen across the nation with their Storaia [single family rental product platform]. There were no other public comments, public hearing was closed.*

**PLANNING COMMISSION RECOMMENDATION:**

*Commission Member Rosemary Walsh made a motion for the Planning Commission to recommend approval of the rezoning to BG and CBD overlay as recommended by staff with conditions. Commission Member Phil Olsen made the second. Motion approved 5-0.*

**BACKGROUND**

Applicant/Owner:	Dennis Jordan, c/o Mahaffey Pickens, Tucker, LLP
Existing Zoning:	Light Manufacturing District/Town Center Overlay (LM/TCO)
Request(s):	General Business District/Town Center Overlay District/Central Business District (BG/TCO/CBD)
Purpose:	Mixed-Use Townhome Residential Development
Property Size:	± 10.579 acres

Location: Tax Parcel Id Number: 7-306-089 & 7-306-090  
5000 & 5252 Nelson Brogdon Boulevard

Public Notice: Letters to adjoining owners via USPS regular mail on 7-28-21  
Sign posted at 5000 & 5252 Nelson Brogdon Boulevard on 7-28-21  
Ad in legal section of Gwinnett Daily Post on 7/28/21 & 8-25-21

Public Comments: Other than those appearing at the Planning Commission's hearing,  
none submitted at this time.

## FINDINGS OF FACT

### Adjacent Zoning

North: General Business District (BG) and Low Density Single-Family Residential (RS-150)

South: Medium Density Single Family (RS 100)

East: General Business District (BG)

West: Agricultural-Forest District (AF)

- In terms of land area, the TCO is less than 9% of the total area encompassing the city limits. When you consider the city limits combined with surrounding unincorporated neighborhoods (Greater Sugar Hill) it's less than 5%.
- The boundary of the CBD currently encompasses around 2% of Sugar Hill's current city limits boundary. It's closer to 1% of Greater Sugar Hill.
- The Aspire, Highway 20 plan, identifies the proposed site in the future land use plan as medium density mixed use.
- Proposed development will require Design Review Board approval. The applicant has not requested any variances but should coordinate requests in conjunction with the design review application.
- A stream traverses the southern end of the site. Through the design review process, there will be an opportunity to provide access, along this stream corridor, to an off-street route for the SR20 West segment of the Sugar Hill trail network first identified in the mobility framework plan in the Downtown Master Plan and most recently in the 2020 Livable Center's Initiative (LCI) trail plan as a connection to downtown for existing and future neighborhoods to the west.
- Applicant representative provided the following links to other RangeWater Storia projects:  
<https://www.beaconlakelanier.com/beacon-lake-lanier-flowery-branch-ga/>  
<https://www.maverickatl.com/>

## 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 single-family attached residential products are consistent with proposed uses in the Comprehensive Plan, Downtown Master Plan, and Aspire 20 Plan.

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

No. Adjacent parcels are located within the same planning node, and future land use affords the same type of development.

**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. Highway 20 is a principal arterial road and currently operates at an acceptable level of service in the vicinity of Bailey Ave. The site is within the Lanier school cluster. School officials have not expressed concern with enrollment projections and forecasted capacity through the 2023 school year.

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

Yes. The node is identified in the Aspire 20 plan as mixed use, and is appropriate for the proposed type of residential use per the Comprehensive Plan and Downtown Master 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?**

From the city's current comprehensive plan (p. 30):

- The downtown district should include a vibrant core with a variety of dining and shopping options
- Maximize development potential with a mix of uses to create critical mass within a 10-minute walk
- Develop transitional areas of housing between higher densities in the urban core and suburban residential areas
- Revitalize aging commercial and residential areas through redevelopment and infill strategies
- Implement design controls to ensure quality and standards for new mixed-use and residential development
- Improve connectivity between the downtown core and future growth areas
- Extend pedestrian and bike infrastructure throughout downtown and beyond
- Incorporate a variety of open spaces such as urban plazas, neighborhood parks and pocket parks as a part of new development
- Support activities that will attract and engage citizens for all generations



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**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.

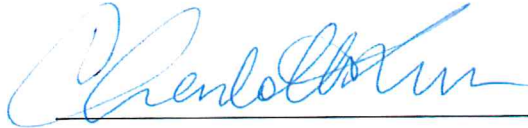
The proposed development is also in line with the policies of the City of Sugar Hill Comprehensive Plan (the "Comprehensive Plan"). The Comprehensive Plan provides that some of Sugar Hill's housing objectives are to support a mix of housing options in order to promote residential developments and accommodate 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.

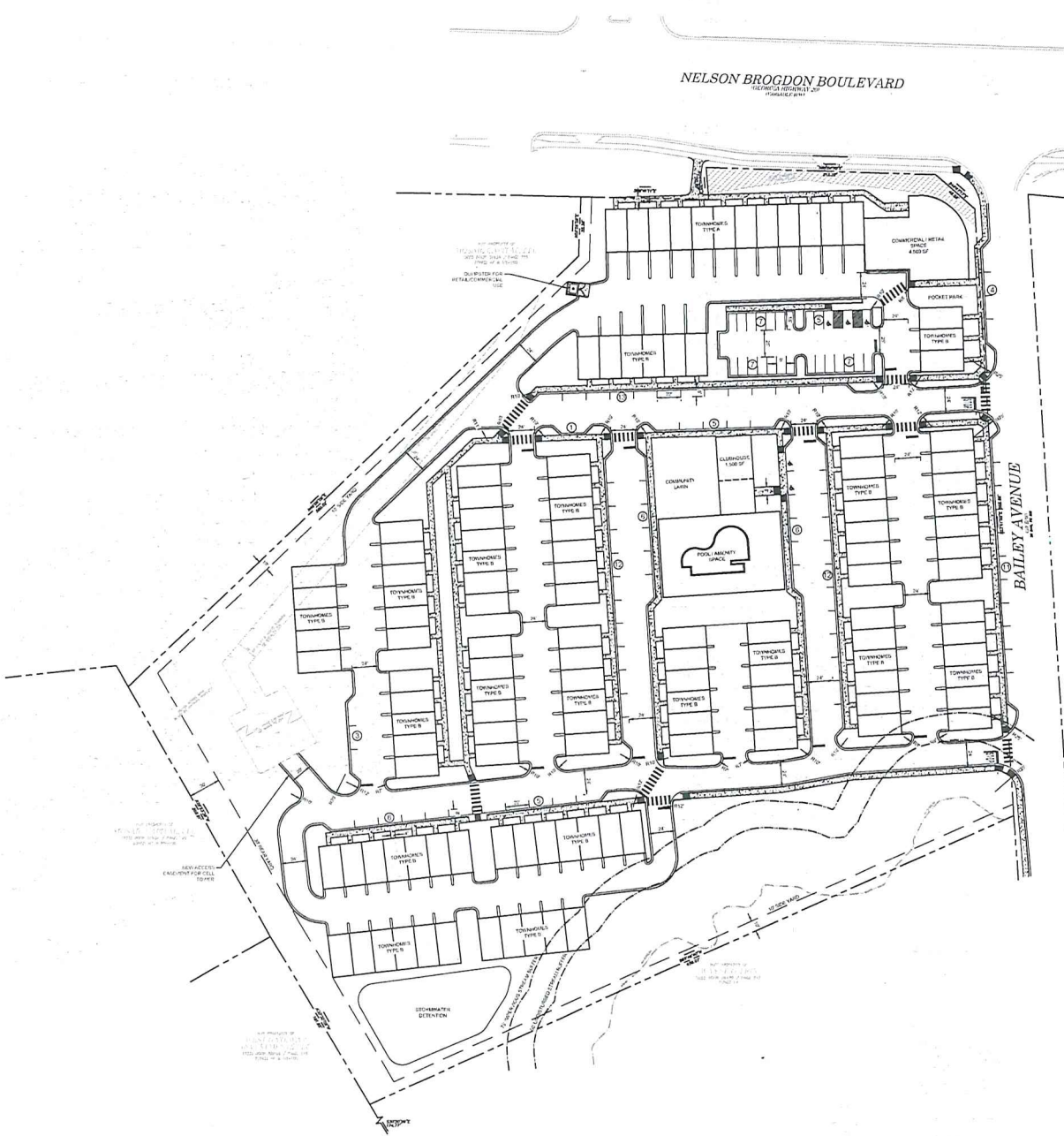
Respectfully submitted this 30<sup>th</sup> day of June, 2021.

MAHAFFEY PICKENS TUCKER, LLP

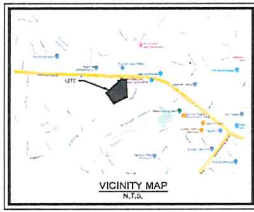


Charlotte L. Luu  
*Attorneys for Applicant*

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DEVELOPMENT SUMMARY:	
<b>SITE SUMMARY:</b>	
CURRENT ZONING:	LM
PROPOSED ZONING:	80 WITH CBD OVERLAY
SITE AREA:	10.579 ACRES
TAX PARCELS:	R7306 009 R7306 010
<b>SETBACK REQUIREMENTS:</b>	
REQUIRED:	45' FT
PROVIDED:	30' FT
REQUIRED:	10' FT
PROVIDED:	48' FT
REQUIRED:	50' FT
PROVIDED:	10' FT
<b>PROPOSED LAND USES &amp; DENSITIES:</b>	
PROPOSED USE:	TOWNHOMES AND RETAIL AND/OR COMMERCIAL
TOWNHOMES:	525 UNITS
TYPE A (ARTERY):	280 SP
TYPE B (ARTERY):	140 SP
CLUBHOUSE:	1,500 SF
RETAIL COMMERCIAL:	4,500 SF
MAXIMUM DENSITY ALLOWED:	12 UNITS/ACRE
PROPOSED:	11 UNITS/ACRE
MAXIMUM LOT COVERAGE:	NONE
MAXIMUM IMPERVIOUS:	NONE
MAXIMUM BUILDING HEIGHT ALLOWED:	75 FT
PROPOSED:	4 STORIES
GREENSPACE AREA PROPOSED:	~2.5 ACRES (23%)
<b>PARKING SUMMARY:</b>	
REQUIRED PARKING:	297 SPACES (TOTAL)
TYPE A (ARTERY) TOWNHOMES (100 UNITS):	20 SPACES (20%)
RETAIL COMMERCIAL (4,500 SF):	45 SPACES (15.00%)
PROPOSED PARKING:	382 SPACES (TOTAL)
TYPE A (ARTERY) TOWNHOMES:	232 SPACES
RETAIL COMMERCIAL:	45 SPACES
PUBLIC (ON-STREET AND/OFF-STREET):	45 SPACES
POCKET PARK:	6 SPACES



**SITE PLAN NOTE:**  
 THE BUILDING FOOTPRINTS, DRIVEWAY LOCATIONS, OPEN SPACE LOCATIONS, SIDEWALK DESIGN AND LOCATIONS, AND PARKING LOCATIONS ON THIS SITE PLAN ARE FOR ILLUSTRATIVE PURPOSES. THEIR SHAPES, LOCATIONS AND AMOUNTS MAY VARY AS ALLOWED FOR BY THE DATA TABLE, THE 80 REGULATIONS AND THE CBD OVERLAY REGULATIONS.

**SEWER NOTE:**  
 SUBJECT PROPERTY WILL TIE INTO THE EXISTING PUBLIC SEWER SYSTEM.

**SURVEY NOTE:**  
 SURVEY PROVIDED BY GEOSURVEY, LTD.

**Kimley-Horn**  
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PROJECT NO.	0000201907
DESIGNED BY:	SAC
DRAWN BY:	SAC
CHECKED BY:	JKH
DATE:	06/29/2021
PROJECT NO.:	012019023
TITLE:	REZONING SITE PLAN
PROJECT NO.:	C1-00





RZ-21-005

### ADJACENT ZONING MAP

Request to rezone from LM to BG and CBD Overlay  
Mixed Use Townhome Residential Development

