

City of Sugar Hill  
Planning Staff Report  
AX 21-003

DATE: September 29, 2021  
TO: Mayor and City Council  
FROM: Planning Director  
SUBJECT: Annexation AX 21-003  
289, 310, and 313 Level Creek Road

RECOMMENDED ACTION

**Annex and rezone the subject property to RS-100 with the following conditions:**

1. An landscape strip shall be installed with new development against established neighborhood(s). Landscape strip shall consist of at least staggered groupings of evergreen and semi-evergreen trees and shrubs native or adapted to the area. Trees shall be 6' tall at time of planting. Each landscape strip 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. Developer shall install the landscaping prior to certificate of occupancy for each dwelling in the new subdivision.
2. The minimum 30' street frontage requirement shall be waived for proposed lots 2-6 as shown on the applicant's zoning plat drawn by DPE and dated 2/26/2021. These lots will be provided access to Level Creek Road by a recorded easement to accommodate the proposed common driveway.
3. Builder shall provide a minimum of three gas appliances in each home (on lots 2-6 as shown on the attached plat, drawn by DPE and dated 02/26/2021) prior to certificate of occupancy.

PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION:

*The Planning Commission held a scheduled public hearing on September 20, 2021. Applicant representative Tonya Woods and builder Tip Cape spoke on behalf of this request. There were no other public comments. The public hearing was closed.*

*Planning Commission Member Phil Olsen motioned to recommend approval of the annexation and rezone to RS-100 with conditions as recommended by staff. Commission Member Rosemary Walsh made the second. Chairman Jeremy White asked applicant representative to work with staff on Condition #1. Motion approved 5-0.*

ISSUE: Annexation of this 6.2 acre tract owned by Dennis Ritchie, was initiated by an application from Tonya Woods with Thomas and Hutton, dated August 6, 2021. The subject properties are currently zoned single-family residential (R-75) in unincorporated Gwinnett County. The requested zoning is medium density single family residential district (RS-100) for the future development of five (5) single-family detached homes.

## DISCUSSION:

- The proposed annexation meets state requirements under the 100% method and does not create an unincorporated island. Gwinnett County was notified of the application. The county's response to the notice did not include any objections.
- The proposed development is similar to the current neighborhood character.
- Future land use designation for the property in the county is Established Neighborhoods. The city has the same future land use character area and planning staff recommends the same designation.
- Each proposed lot substantially exceeds the minimum lot width of 70' as well as the minimum lot size of 10,000 square feet.

## BACKGROUND

Applicant / Owner:	Tonya Woods of Thomas and Hutton / Dennis Ritchie
Existing Zoning:	Single-family residential (R-75) in Gwinnett County
Request:	Annex and rezone to RS-100 with variance for waiver of 30' minimum street frontage requirement.
Purpose:	Development of five (5) single-family detached homes.
Property Size:	± 6.264 Acres
Location:	289, 310, and 313 Level Creek Road, Tax Parcels #7-288-006, 7-289-009, and 7-289-035
Public Notice:	Signs posted on 9-1-21. Ad to be run in Gwinnett Daily Post on 9/1/21, 9/8/21, 9/15/21, 9/22/21, 9/29/21 and 10/6/21.
Public Comment	None as of 9/29/2021.

## 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 requested zoning is similar to the surrounding developed properties.

**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.

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 number of homes possible on this tract will not substantially impact traffic on Level Creek.

Any new housing is likely to add new students to the school population. However, the few numbers of homes proposed will not have a notable impact on future school enrollment. The city's planning department coordinates with the school board's planning department on each new project. It should be noted that an addition is planned for North Gwinnett High School. At this time, there is no indication that student capacity in the other North Gwinnett 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 is Established Neighborhoods. The requested RS-100 zoning provides for an appropriate land use and recommended development patterns for that character area.

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.







## THOMAS &amp; HUTTON

5074 BRISTOL INDUSTRIAL WAY, SUITE A  
BUFORD, GA 30518 | 770.271.2868  
WWW.THOMASANDHUTTON.COM

August 5, 2021

City of Sugar Hill Planning  
5039 West Broad Street  
Sugar Hill, Georgia 30518

RE: Annexation and Rezoning Application for:  
310 Level Creek Road Parcel (7289 035)  
298 Level Creek Road Parcel (7288 006)  
313 Level Creek Road Parcel (7289 009)

To Whom it may Concern:

Please accept this letter of intent to request Annexation, Rezoning and Variances for the properties located at 310 Level Creek Road Parcel (7289 035), 298 Level Creek Road, Parcel (7288 006), and 313 Level Creek Road Parcel (7289 009). The property is currently zoned R 75 in unincorporated Gwinnett County and is approximately a cumulative total of 6.264 acres in size. All properties are under the ownership of Dennis Ritchie, and he currently resides in 313 Level Creek Road. 298 Level Creek Road and 313 Level Creek Road are remaining as existing single family homes. Lot 1 for 310 Level Creek Road is also remaining as currently constructed as a single-family home. Lots 2, 3, 4, 5, and 6 on the proposed zoning exhibit will be subdivided via the exemption plat process and built individually.

We are requesting a variance for the proposed lots on the zoning exhibit as enumerated per section:

Section 506. Street Frontage Requirement.

No building or structure shall hereafter be erected on a lot that does not abut for at least thirty (30) feet upon an open street which shall be a publicly dedicated and maintained street except that this restriction will not apply in the BG, General Business District.

- Lot 1 No variances are required lot has road frontage of 30 feet.
- Lot 2 30 feet of road frontage is provided
- Lot 3 one variance for road frontage reduction to 0 feet
- Lot 4 one variance for road frontage reduction to 0 feet
- Lot 5 one variance for road frontage reduction to 0 feet

Lot 6 one variance for road frontage reduction to 0 feet

The builder is proposing to build quality single family houses that will be an asset to the community. As part of this rezoning and annexation request, the builder is proposing the following conditions for the planned homes and lots:

1. The minimum square footage for is 3000 square feet.
2. Each home will have a minimum of a two-car garage and architectural treatments of brick, stone, shake or cement siding.
3. The paved shared driveway will be a minimum of 20 feet in width and shall be located within a shared access/utility easement. A mandatory HOA will be established for perpetual maintenance of the drive and shared access rights.
4. A RDP (Residential Drainage Plan) will be required for each lot prior to issuance of a building permit.

The builder will be tying into sewer via an existing sewer line located to the northwest of the property. The minimum lot square footage for RS100 required by the City of Sugar Hill Development Regulations is 10,000 square feet. The minimum lot size shown on the proposed exemption plat zoning exhibit is approximately 22,258 square feet, which is larger than the adjacent lots located in the Vanderbilt Subdivision. Since the proposed homes and lot size will exceed the minimum square footage that was required in the adjacent Vanderbilt subdivision to the west or the property to the east, the rezoning and annexation request will not be detrimental or injurious to the other properties in the neighborhood or surrounding area.

We appreciate your consideration of this rezoning and annexation request, and please do not hesitate to contact me with any questions.

Sincerely,

Tonya Woods  
Development Planning and Engineering dba  
Thomas and Hutton

PROPOSED USE TABLE

MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM DWELLING SIZE: 3,000 S.F.
BRICK WATER TABLE 24 INCHES IN HEIGHT
FRONT, SIDE AND REAR ELEVATIONS SHALL BE A COMBINATION OF CONCRETE SIDING, BOARD AND BATTEN, ROCK, STONE OR BRICK
ARCHITECTURAL SHINGLES
A MINIMUM OF A TWO CAR GARAGE

GENERAL NOTES

- 1. TOTAL PROPERTY ACREAGE = 4.368 AC.
2. PROPOSED USE: SINGLE FAMILY RESIDENTIAL DEVELOPMENT
3. CURRENT ZONING = R-75 PROPOSED ZONING = RS-100
4. MINIMUM LOT SIZE REQUIRED RS-100 = 10,000 S.F.
5. MINIMUM DWELLING SIZE REQUIRED RS-100 1600 S.F. ONE STORY 1800 S.F. TWO STORY
6. MAXIMUM BUILDING HEIGHT = 35'
7. REQUIRED SETBACKS:
8. FRONT YARD = 30' FROM R/W (50' MAJOR STREET)
9. REAR YARD = 30'
10. SIDE YARD = 10'
11. SANITARY SEWER SERVICE PROVIDED BY GWINNETT COUNTY.
12. WATER SERVICE PROVIDED BY GWINNETT COUNTY.
13. ALL IMPROVEMENTS TO CONFORM WITH THE CITY OF SUGAR HILL CONSTRUCTION STANDARDS AND SPECIFICATIONS, LATEST EDITION.
14. A 50' FOOT UNDISTURBED VEGETATIVE BUFFER ADJACENT TO ALL RUNNING STREAMS AND CREEKS WILL BE LEFT AND MAINTAINED.
15. THE CITY OF SUGAR HILL ASSUMES NO RESPONSIBILITY FOR THE OVERFLOW OR EROSION OF NATURAL DRAINAGE CHANNELS BEYOND THE EXTENT OF THE STREET RIGHT-OF-WAY, OR FOR THE EXTENSION OF CULVERTS BEYOND THE POINT ON THE APPROVED AND RECORDED SUBDIVISION PLAT.
16. THE CITY OF SUGAR HILL DOES NOT ASSUME THE RESPONSIBILITY FOR THE MAINTENANCE OF PIPES IN DRAINAGE EASEMENTS BEYOND THE COUNTY RIGHT-OF-WAY.
17. STREAM BUFFER EASEMENTS ARE TO REMAIN IN A NATURAL AND UNDISTURBED CONDITION.
18. STRUCTURES ARE NOT ALLOWED IN DRAINAGE EASEMENTS.
19. AN APPROVED RESIDENTIAL DRAINAGE PLAN (RDP) IS REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT ON THOSE LOTS LABELED "RDP"; AN APPROVED HOLD AND RELEASE AFFIDAVIT IS REQUIRED ON THOSE LOTS LABELED "RDP" OR RESIDENTIAL DRAINAGE STUDY (RDS).
20. RESIDENTIAL DRAINAGE PLAN (RDP) OR STUDY (RDS): ON ANY FINAL PLAT CONTAINING A LOT FOR WHICH A RESIDENTIAL DRAINAGE PLAN (RDP) OR RESIDENTIAL DRAINAGE STUDY (RDS) WILL FIRST BE REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT, THE FOLLOWING STATEMENT SHALL BE INCLUDED, AS APPLICABLE:
RDP-RESIDENTIAL DRAINAGE PLAN
RDS-RESIDENTIAL DRAINAGE STUDY
21. MAINTENANCE SHALL INCLUDE REPLACEMENT AND TRIMMING OF TREES BY THE PROPERTY OWNER.
22. UTILITIES SHALL BE LOCATED UNDERGROUND.

EXEMPTION PLAT APPROVAL

THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT CERTIFIES THAT THIS PLAT COMPLIES WITH TITLE 2 AND TITLE 3 OF THE SUGAR HILL DEVELOPMENT REGULATIONS AND THAT IT HAS BEEN APPROVED BY ALL OTHER OPERATIONAL COUNTY DEPARTMENTS, AS APPROPRIATE. THIS PLAT IS APPROVED.

DATED THIS DAY OF 2021.

DIRECTOR, DEPARTMENT OF PLANNING AND DEVELOPMENT

HLP-HOUSE LOCATION PLAN

A HOUSE LOCATION PLAN SHALL BE REQUIRED TO BE APPROVED BY THE DEPARTMENT PRIOR TO ISSUANCE OF A BUILDING PERMIT ON THOSE LOTS LABELED "HLP". A HOUSE LOCATION PLAN IS A SCALE DRAWING SUBMITTED BY THE BUILDER AT THE TIME OF PERMIT. IT IS NOT REQUIRED THAT THIS PLAN BE PREPARED BY A LAND SURVEYOR OR PROFESSIONAL ENGINEER. THE PURPOSE OF THIS PLAN IS TO ENSURE THAT THE HOUSE IS PROPERLY LOCATED ON THE LOT. PLEASE REFER TO THE GWINNETT COUNTY DEVELOPMENT REGULATIONS OR CONTACT THE GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT FOR FURTHER INFORMATION.

RDP - RESIDENTIAL DRAINAGE PLAN
RDS - RESIDENTIAL DRAINAGE STUDY

A RESIDENTIAL DRAINAGE PLAN OR RESIDENTIAL DRAINAGE STUDY SHALL BE REQUIRED TO BE APPROVED BY THE DEPARTMENT PRIOR TO ISSUANCE OF A BUILDING PERMIT ON THOSE LOTS LABELED "RDP" OR "RDS", RESPECTIVELY. PLEASE REFER TO THE GWINNETT COUNTY DEVELOPMENT REGULATIONS AND CONTACT THE GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT FOR FURTHER INFORMATION.

OWNER'S ACKNOWLEDGMENT AND DECLARATION

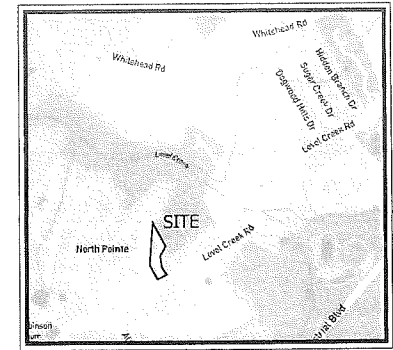
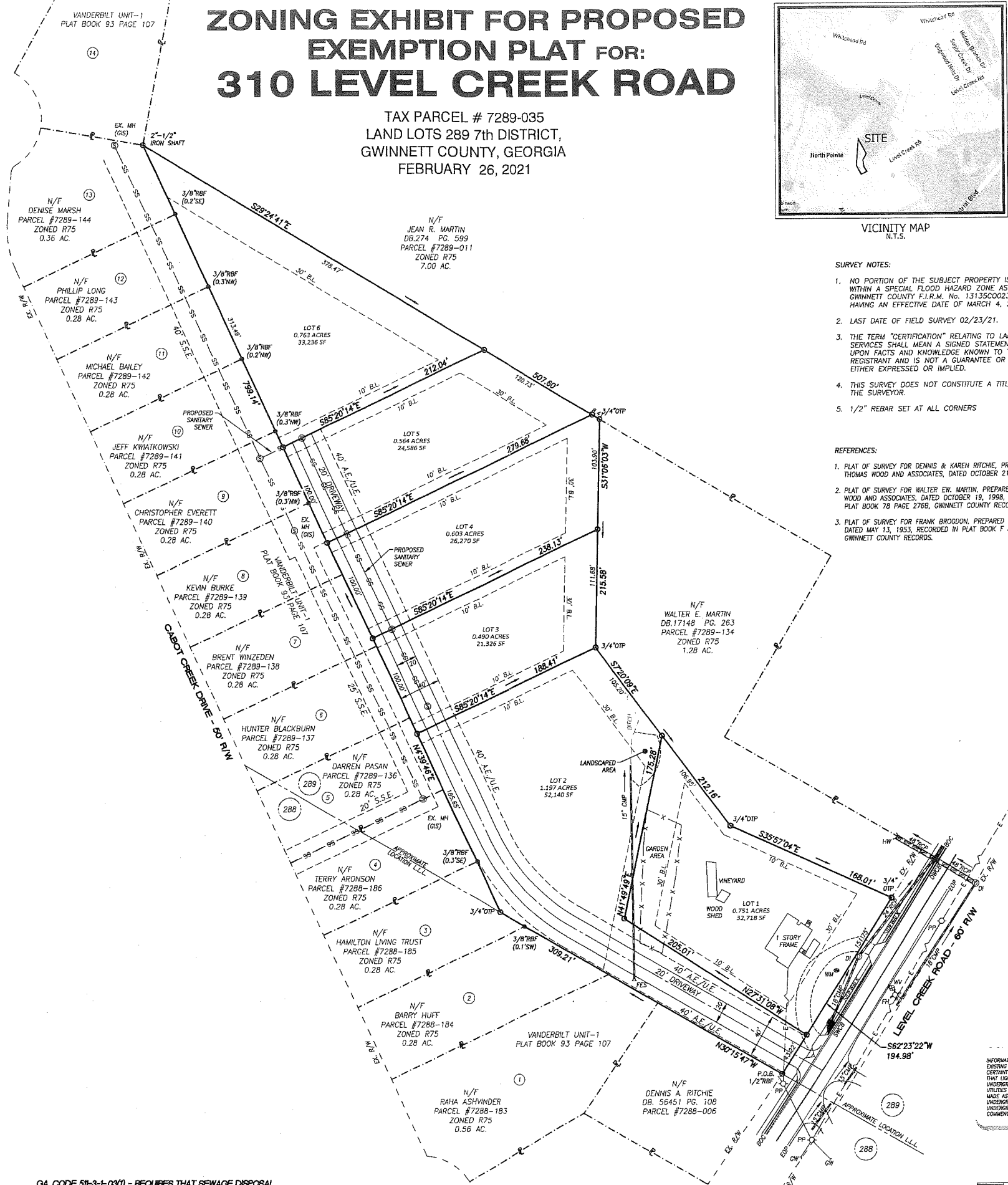
(STATE OF GEORGIA)
(COUNTY OF GWINNETT)
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND DEDICATES BY THIS ACKNOWLEDGMENT AND DECLARATION TO THE USE OF THE PUBLIC FOREVER ALL STREETS, SEWER COLLECTORS, LIFT STATIONS, DRAINS, EASEMENTS, AND OTHER PUBLIC FACILITIES AND APPURTENANCES THEREON SHOWN.

SIGNATURE OF SUBDIVIDER DATE SIGNED
PRINTED OR TYPED NAME OF SUBDIVIDER
SIGNATURE OF OWNER DATE SIGNED
PRINTED OR TYPED NAME OF OWNER

GA. CODE 511-3-1-03(1) - REQUIRES THAT SEWAGE DISPOSAL FACILITIES BE PROVIDED WITHIN 200 FEET OF A WORK SITE

ZONING EXHIBIT FOR PROPOSED EXEMPTION PLAT FOR: 310 LEVEL CREEK ROAD

TAX PARCEL # 7289-035
LAND LOTS 289 7TH DISTRICT, GWINNETT COUNTY, GEORGIA
FEBRUARY 26, 2021



VICINITY MAP N.T.S.

SURVEY NOTES:

- 1. NO PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE AS PER GWINNETT COUNTY F.I.R.M. No. 13135C00235, MAP HAVING AN EFFECTIVE DATE OF MARCH 4, 2013.
2. LAST DATE OF FIELD SURVEY 02/23/21.
3. THE TERM "CERTIFICATION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
4. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR.
5. 1/2" REBAR SET AT ALL CORNERS

REFERENCES:

- 1. PLAT OF SURVEY FOR DENNIS & KAREN RITCHE, PREPARED BY THOMAS WOOD AND ASSOCIATES, DATED OCTOBER 21, 2019.
2. PLAT OF SURVEY FOR WALTER E. MARTIN, PREPARED BY THOMAS WOOD AND ASSOCIATES, DATED OCTOBER 19, 1998, RECORDED IN PLAT BOOK 78 PAGE 276B, GWINNETT COUNTY RECORDS.
3. PLAT OF SURVEY FOR FRANK BROGDON, PREPARED BY HD DUNHAM, DATED MAY 13, 1953, RECORDED IN PLAT BOOK F PAGE 270A, GWINNETT COUNTY RECORDS.

LEGEND table with symbols for various features like lot lines, easements, and utilities.

OWNER/DEVELOPER: DENNIS A RITCHE
310 LEVEL CREEK RD
SUGAR HILL, GA 30518
770-841-8959

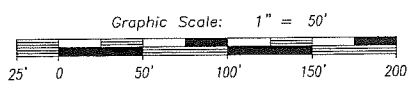
PREPARED BY: dpe DEVELOPMENT Planning & Engineering, Inc.

5074 BRISTOL INDUSTRIAL WAY - SUITE A
BUFORD, GEORGIA 30518
(770) 271-2868
(770) 271-0779 FAX
www.dpengr.com
CONTACT: CHRIS BALDWIN
L.S.F.#000757

ACREAGE CHART
TRACT 1 0.751 ACRES
TRACT 2 1.197 ACRES
TRACT 3 0.490 ACRES
TRACT 4 0.603 ACRES
TRACT 5 0.564 ACRES
TRACT 6 0.763 ACRES
TOTAL 4.368 ACRES



INFORMATION REGARDING THE REPORTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. NO CERTIFICATION IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE INFORMATION CONCERNING UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON. PER GEORGIA LAW, THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.



GWINNETT COUNTY CASE NO. XPL2021-000

dpe Development Planning & Engineering, Inc.
5074 BRISTOL INDUSTRIAL WAY SUITE A
BUFORD, GEORGIA 30518
(770) 271-2868
www.dpengr.com

PREPARED FOR:
CLBD REAL ESTATE HOLDINGS, LLC
3460 MOVE TRAIL
DULUTH, GEORGIA 30097
24 HR CONTACT
MR. CLIFF KENNEDY
770-231-0455

PROJECT NAME:
310 LEVEL CREEK ROAD TRACT

TASK:
ZONING EXHIBIT

PROJECT INFORMATION:
310 LEVEL CREEK ROAD
Project Name
20-048
Project Number
310 LEVEL CREEK ROAD
Project Address
289
Land Lot No.(s)
7TH
District
GWINNETT COUNTY, GEORGIA
County, State

Table with columns for DATE, REVISION, and grid numbers.

Table with columns for DESIGN, CCB DRAWN, JOB CHECKED, DATE, AS SHOWN SCALE, SHEET, PROJECT No.

SCANNED

AX-21-003 Rec 8/10/21