


City of Sugar Hill
Planning Staff Report
VAR-21-002

DATE: January 31, 2022
TO: Mayor and City Council
FROM: Planning Director 
SUBJECT: Variance Request VAR-21-002
5000 & 5252 Nelson Brogdon Boulevard

REQUEST Rangewater Real Estate, LLC c/o Shane Lanham with Mchaffey Pickens Tucker, LLC is seeking a stream buffer variance to allow land disturbance within the 50-foot-wide undisturbed stream buffer and the construction of impervious surfaces within the 75-foot-wide impervious surface setback.

RECOMMENDED ACTION:

Approval of the stream buffer variance with condition that on-site mitigation is accomplished in accordance with the procedures provided in the Gwinnett County Storm Water Design Manual prior to receiving a land disturbance permit.

DISCUSSION

- In addition to the proposed development of residential and retail space, the developer has also proposed 2.5 acres of green space, and a walking trail to be added within the stream buffer.
- The development is consistent with the comprehensive plan to maximize development potential with a mix of uses to create critical mass within a 10-minute walk of downtown.
- Proposed encroachments into the 50' undisturbed stream buffer are allowed (without the need for variance approval) as permitted exemptions (Stream Buffer Protection Ordinance §3.2.7 and 3.2.8) and include landscaping, a paved multi-use trail and storm water detention facilities.
- Proposed encroachments into the 75' impervious setback stream protection area include street paving and curbing as well as two townhome units.

BACKGROUND

APPLICANT/OWNER: Rangewater Real Estate, LLC, c/o Shane Lanham with Mahaffey Pickens Tucker, LLP

EXISTING ZONING: General Business District/Town Center Overlay District/Central Business District (BG/TCO/CBD)

REQUEST: Mixed-Use Townhome Residential development

PROPERTY SIZE: ± 10.579 acres

LOCATION: Tax Parcel #'s R7-306-089 & R7-306-090
5000 & 5252 Nelson Brogdon Boulevard.

FINDINGS OF FACT

Stream Buffer Variance Criteria

- 4.2.4.1 The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property
- 4.2.4.2 The locations of all streams on the property, including along property boundaries as determined from field inspection
- 4.2.4.3 The location and extent of the proposed buffer or setback intrusion; and,
- 4.2.4.4 Whether alternative designs are possible which require less intrusion or no intrusion;
- 4.2.4.5 The long-term and construction water-quality impacts of the proposed variance;
- 4.2.4.6 Whether issuance of the variance is at least as protective of natural resources and the environment;
- 4.2.4.7 The value of mitigation activities as calculated in accordance with the Gwinnett County Storm Water Design Manual

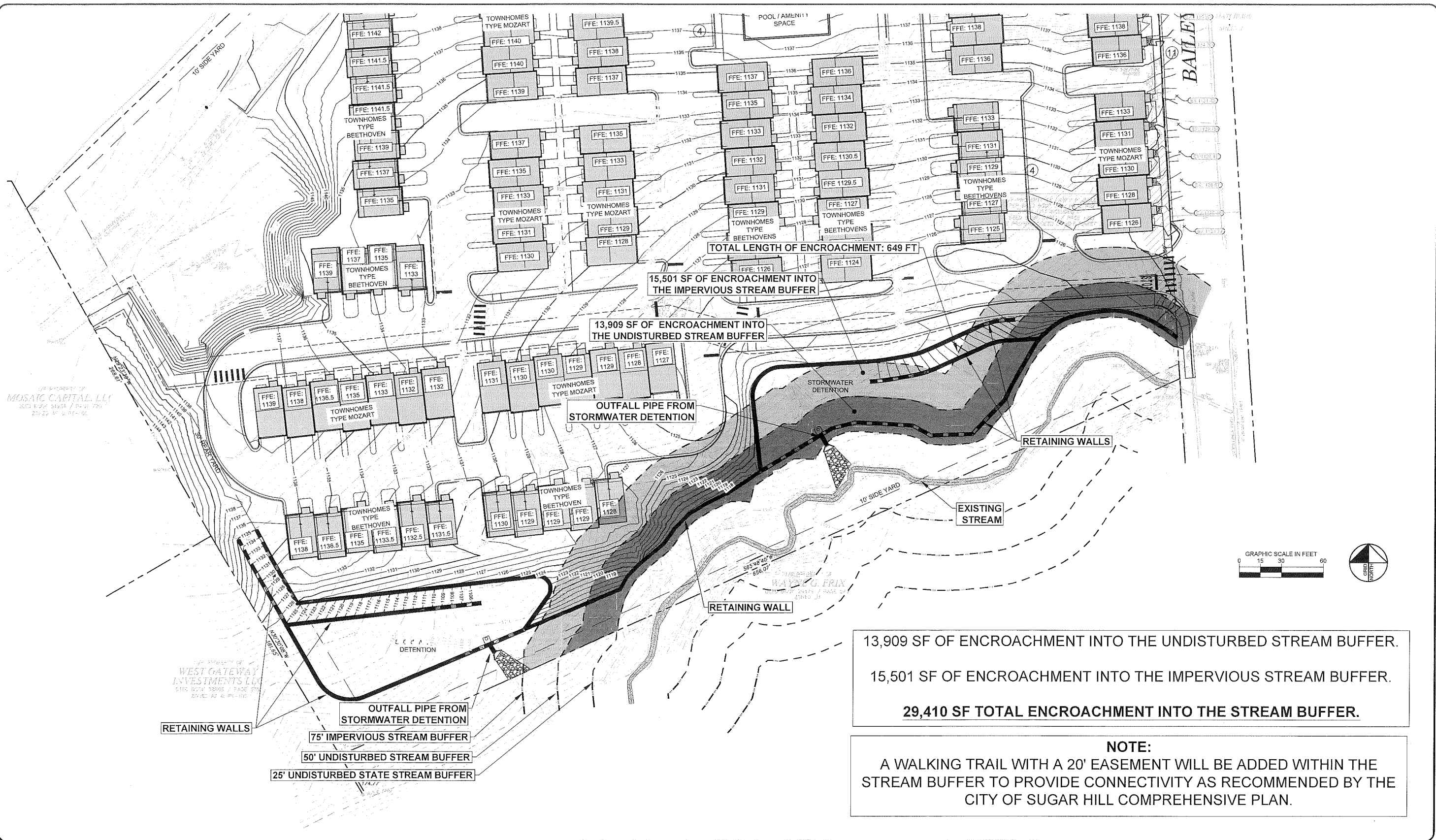
The subject property is within the city's urban core, adjoins a state highway and is in an area that was previously developed for light industrial, commercial and mobile home uses. It is mostly characterized by steep topography with mixed pine and hardwood forest but includes aging office and warehouse buildings in close proximity. Most of the development is pushed toward the northern half of the site but improvements required for access, storm water management and construction of a multi-use trail are proposed to the south. A single stream meanders along a portion of the southern boundary line and is impacted by the proposed site improvements in this corner of the property. Storm water management and trail improvements are exempt from the city's stream buffer requirements. As a result, the small portion of street and buildings proposed in the impervious setback are only proposed in an area that is allowed to be disturbed by the ordinance without a variance. Current storm water facility design requirements and mitigation requirements are intended to provide benefits related to water quality which are like benefits provided by stream buffers.

Additionally, under Section 4.2.2.5 of the Sugar Hill Stream Buffer Protection Ordinance, a variance may be considered if the buffer intrusion is mitigated using the procedure established in the Gwinnett County Storm Water Design Manual.

The on-site mitigation procedures are fairly involved but allow flexibility in the application of the ordinance provided sufficient mitigation credits can be obtained on the subject property. It should be noted that the mitigation procedures require a conservation easement to protect the property in perpetuity.

“The amount and type of on-site mitigation does not have to be determined at the time of the [Stream Buffer Protection Ordinance] application. The applicant can identify areas of mitigation if the applicant so desires. On-site mitigation can be determined after a [Stream Buffer Protection Ordinance] variance is granted. (Gwinnett County Stormwater Design Manual - Section 9.5.2)”

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13,909 SF OF ENCROACHMENT INTO THE UNDISTURBED STREAM BUFFER.
15,501 SF OF ENCROACHMENT INTO THE IMPERVIOUS STREAM BUFFER.
29,410 SF TOTAL ENCROACHMENT INTO THE STREAM BUFFER.

NOTE:
A WALKING TRAIL WITH A 20' EASEMENT WILL BE ADDED WITHIN THE STREAM BUFFER TO PROVIDE CONNECTIVITY AS RECOMMENDED BY THE CITY OF SUGAR HILL COMPREHENSIVE PLAN.

Kimley»Horn
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TITLE: **STREAM BUFFER ENCROACHMENT**

PROJECT: **RANGEWATER SUGAR HILL**

CLIENT: **RANGEWATER REAL ESTATE**

JOB NUMBER: 013678003
SCALE: 1" = 30'
DATE: 02/04/2022
SHEET: EXHIBIT A

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