

City of Sugar Hill
Planning Staff Report
RZ 22-005

DATE: June 1, 2022
TO: Mayor and City Council
FROM: Planning Director
SUBJECT: Rezoning RZ 22-005, Highway Service Business District (HSB) to Medium Density Mixed Residential (R36) at 467 Buford Highway

ISSUE The City of Sugar Hill has received an application, dated April 4, 2022, from Can Wang to change the zoning from HSB to R36 for a proposed single-family attached residential subdivision with 37 townhomes. Request includes front setback reduction, garage configuration and façade articulation.

RECOMMENDED ACTION

Approval of R36 zoning with the following conditions:

1. All streets, alleys, sidewalks (except those in the Buford Highway right-of-way), common area landscaping and storm water infrastructure shall be privately owned and maintained by the homeowners' association (HOA). A copy of the deed dedicating said infrastructure to the HOA and recorded covenants specifying maintenance of the infrastructure shall be provided to the city prior to approval of the final plat. Developer shall establish a capital reserve fund with a minimum balance of \$40,000 for the HOA to use for the future maintenance thereof prior to certificate of occupancy for 50% of the homes.
2. Minimum front setback shall be reduced to 25' for units with rear/alley access garages and separate front main entry.
3. Each dwelling unit shall have a minimum two-car garage. For all units, the minimum driveway length shall be 20' as measured from edge of the sidewalk or alley.
4. Alley widths shall be minimum 16' and maximum 22'.
5. Striping for a total quantity of 14 on-street parking stalls shall be provided.
6. Except in designated on-street parking stalls, overnight on-street parking shall be prohibited. Notices shall be posted in the subdivision and recorded in the covenants. The HOA shall be solely responsible for enforcement.
7. At least three natural gas appliances shall be installed within each unit prior to certificate of occupancy.
8. Site plan & buildings shall substantially resemble the drawings attached as Exhibit 1-3.

PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION

The Planning Commission held a scheduled public hearing on May 16, 2022. Applicant representatives William Diehl spoke on behalf of this request. The public hearing was opened and closed there were no other public comments. The proposed unit count was a concern for some of the planning commissioners and following the public hearing there was much discussion over the density.

Chairman Jeremy White made a motion to approve this rezoning to R36 zoning with conditions as recommended by staff. Vice Chairman Julie Adams made the second. Motion carried 3 for, 2 against (Commission Members Rosemary Walsh, and Phil Olsen against).

Gerald and Tracy Rye, homeowners on Rosshandler Road in nearby Westbrook Village subdivision submitted opposition comments by email. They expressed displeasure with the proposed zoning and do not believe there is a need for more townhomes in the area. They also questioned the practicality of front doors facing Buford Highway and stated a preference for more commercial or single family detached homes instead of townhomes. If it is approved they requested varied rooflines.

DISCUSSION

- The city's comprehensive plan designates the area as established neighborhood and prioritizes the preservation of character and identity of existing single-family neighborhoods. The existing zoning contradicts this goal while the proposed land use aligns with the plan.
- Details on garage door mitigates visual impact associated with a single-door, two-car opening on the front side and is consistent with previously approved projects.

BACKGROUND

Applicant/Owner: Can Wang

Existing Zoning: HSB

Request(s): R36

Purpose: Single-family attached residential subdivision with 37 townhomes.

Property Size: ± 4.753 acres

Location: 467 Buford Highway, tax parcel: R7255-013

Public Notice: Letters to adjoining owners via USPS regular mail on 4-27-22
Sign posted at 467 Buford Highway 20 4-27-22
Ad in legal section of Gwinnett Daily Post on 4-27-22 & 5-25-22

Public Comments: None submitted at this time.

FINDINGS OF FACT

This property was annexed and rezoned to HSB with conditions in 2001 for a church (AX-01-006).

Surrounding Land Use and Zoning

Direction	Existing Land Use	Existing Zoning
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North	GDOT ROW and non-conforming single-family residences in Sugar Hill city limits	LM
South	Single-family residences in Sugar Hill and unincorporated Gwinnett County, undeveloped land	RM, R100
East	GDOT ROW, and single-family residences in unincorporated Gwinnett County	R75
West	Convenience store in Sugar Hill, and single-family residences in unincorporated Gwinnett County	HSB, R100

Georgia Department of Transportation (GDOT), Right-of-way (ROW)

City of Sugar Hill: Light Manufacturing (LM) Highway Service Business (HSB) Residential Multi-Family (RM retired), Medium Density Single Family Residential (RS-100)

Gwinnett County: Single Family Residence (R75), Single Family Residence (R100)

Subject property is near a planned signalized interchange at Buford Highway associated with the extension of Sugarloaf Parkway, a Gwinnett County long-range transportation project intended to provide improved mobility between the northern and eastern regions of the county. It has been in concept phase for nearly a decade and not yet programmed for construction.

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 proposed development is for a single-family attached housing product which is like nearby properties.

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

No. The single-family attached building types are less intense than a non-residential use and is a reasonable transitional use between the highway and residences to the south.

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. However, project access coordination with Georgia Department of Transportation will be required.

This project is within the North Gwinnett cluster (Roberts Elementary School zone) and is likely to contribute to an increase in new student enrollment. According to Gwinnett County Public Schools planning analysis, North Gwinnett High School is currently over capacity. North Gwinnett Middle and Roberts Elementary are projected to be under full capacity through 2022 and over capacity starting with the 2023-2024 school year. An addition at NGHS is planned in the district's current five-year capital plan authorized under the 2020 E SPLOST resolution passed by Gwinnett County voters in 2020. It is scheduled for completion in August 2023.

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

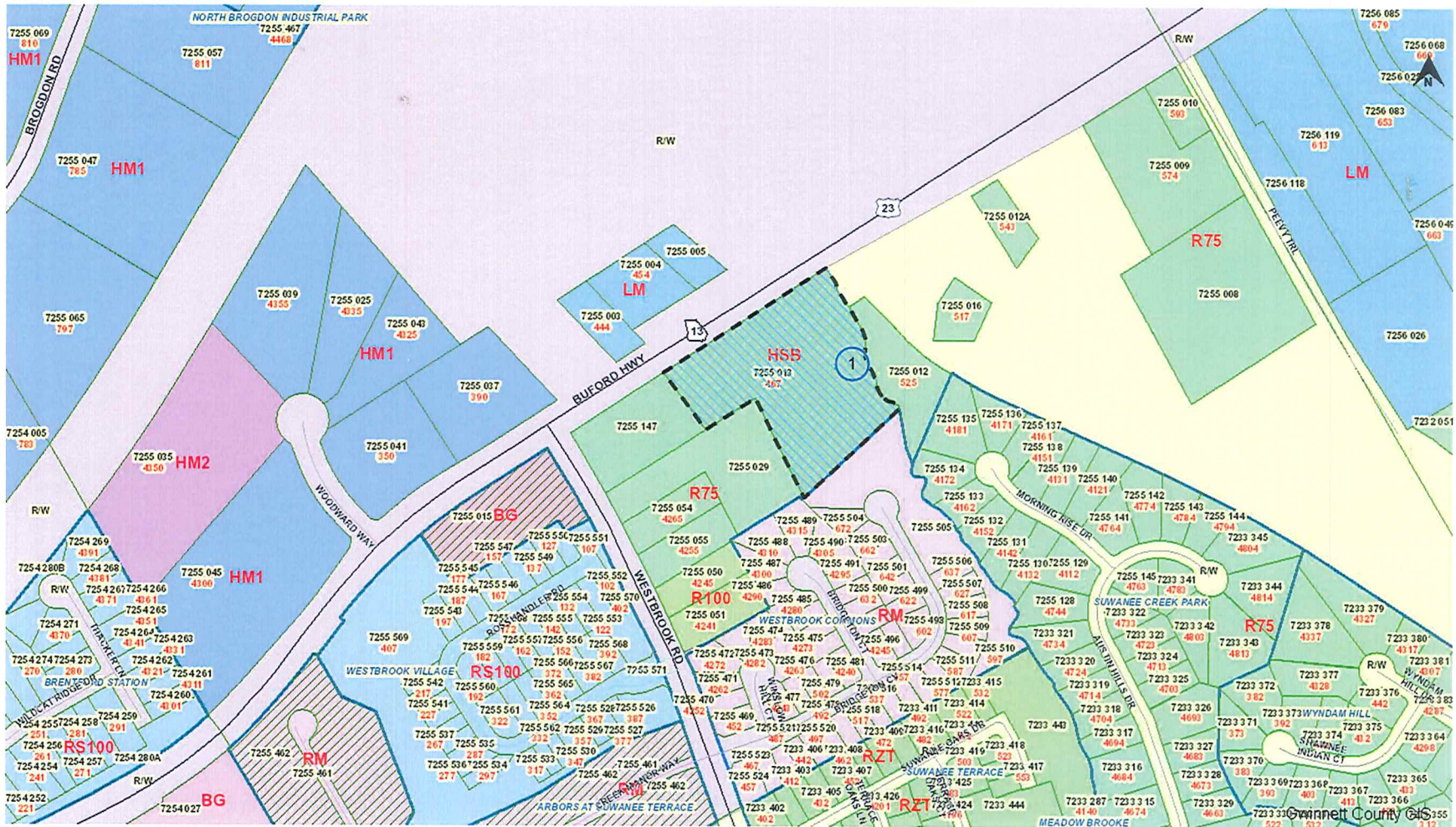
Yes. The proposed zoning and land use is compatible with the established neighborhood character area.

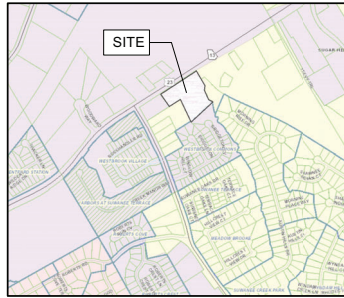
6. *Are there other existing or changing conditions affecting the use and development of the property which would give support to an approval or disapproval of the rezoning request?*

Excerpts from the Comprehensive Plan (2019):

Revitalize aging commercial and residential areas through redevelopment and infill strategies.

RZ-22-005
ADJACENT ZONING MAP
Request to rezone from HSB to R36
Single-Family attached townhome development





SITE LOCATION MAP
NTS

GROUP 1
8 HOMES
18' ALLEY WITH TURNAROUND

MINIMUM REQUIRED STREAM BUFFERS
75' DEEP

18' WIDE ALLEY WITH TURN
AROUNDS FOR VEHICLES

WE ARE REQUESTING A 25' FRONT SETBACK

GROUP 2- 16 HOMES
18' ALLEY WITH TURNAROUND

18' WIDE ALLEY WITH TURN
AROUNDS FOR VEHICLES

GROUP 3-13 HOMES

EXISTING ZONING R-75
GWINNETT COUNTY

LINE	BEARING	DISTANCE
1	S37°38'25"E	14.72
2	S70°37'50"E	20.55
3	S69°3'25"E	14.17
4	S69°21'05"E	24.18
5	S40°01'30"E	54.44
6	S18°57'03"E	5.65
7	N74°26'42"W	10.71

N/F
KABANI, SADRUDDIN H

PROPOSED UNDERGROUND STORM WATER
FACILITY

MAIL KIOSK

CONNECT ON-SITE SEWER
TO EXISTING 8" DIP

EXISTING ZONING RM
CITY OF SUGAR HILL

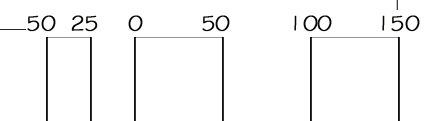
CENTRAL ROAD IS LAID OUT TO
MEET CITY STANDARDS
26' BC-BC - 6' SIDEWALKS

LP-1

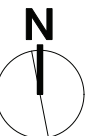
467 BUFORD HIGHWAY

CONCEPT ZONING PLAN

Scale: 1" = 50'-0"



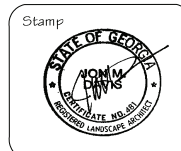
GRAPHIC SCALE 1" = 50'
PLAN DATE 2/28/2022



SITE NOTES

- 1- SITE AREA -----4.753 AC
- 2- EXISTING ZONING HSB (HIGHWAY SERVICE BUSINESS DISTRICT)
- 3- PROPOSED ZONING R36 (MEDIUM DENSITY MIXED RESIDENTIAL DISTRICT)
- 4- PROPOSED TOWNHOMES-----37
- 5- PROPOSED SITE DENSITY-----+/-7.8 DU/ACRE
- 6- STREAM BUFFER AREA----- 35,709 SF (.82 AC)
- 7- DEVELOPABLE AREA----- +/-3.1 AC
- 8- GUEST PARKING----- 14 SPACES
- 9- EACH HOME HAS A 2 CAR GARAGE

Sheet No.
LP-1
of 1



Date: 2/28/2022
Designed By: jmd
Checked By: jmd

Project:

CONCEPT ZONING PLAN
467 BUFORD HWY.
SUGAR HILL, GA

Client:

CAN WANG
PowerBuild Construction, LLC
5950 Live Oak Pkwy, Suite 320
Norcross, GA

Jon M. Davis, RLA
Landscape Architects/ Land Planners
2355 Muirfield Way
Duluth, GA 30096
phone: 678-427-8928
email: jonmdavisrla@comcast.net



TYPE B

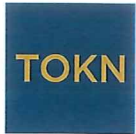


TYPE A - 24 X 45-TWO CAR GARAGE-3 LEVEL BASEMENT-3 BEDS - 2,233sf
REAR ENTRY BASEMENT UNITS



TYPE B - 24 X 45-TWO CAR GARAGE-3 LEVEL BASEMENT-4 BEDS - 2,243sf
FRONT ENTRY GARAGE UNITS





THOMPSON
O'BRIEN

Thompson, O'Brien, Kappler & Nasuti, P.C.
Attorneys at Law

William J. Diehl
WDiehl@tokn.com

March 28, 2022

VIA HAND DELIVERY

The City of Sugar Hill
5039 West Broad Street
Sugar Hill, GA 30518

Re: Letter of Intent for Rezoning Application for 467 Buford Highway seeking rezoning from HSB to R36

To Mayor, Council, the Planning Commission and Staff for the City of Sugar Hill, Georgia,

Please allow this letter to serve as a letter of intent for Power-Build Construction's application for rezoning. This request for rezoning involves a 4.753 acre property commonly known as 467 Buford Highway, NE Sugar Hill, Georgia (the "Property"). The Property is located within the jurisdiction of the City of Sugar Hill (the "City"). It is currently zoned HSB and this application requests that it be rezoned to R36 to allow for the development of a townhome residential community.

This letter will detail the development proposed and why we believe the project will provide a quality housing development within the City that is within the vision of the City's comprehensive plan. To provide a succinct response to requested information in the application guidelines, we answer those bullet points accordingly:

Statement as to use—The project will be a 37 unit residential townhome development

Acreage or size of tract—4.753 acres

Zoning Classification requested—R36

Number of lots or number of dwellings—37 units

House sizes proposed—Approximately 2,200 square feet

Price range of homes—between \$450,000 and \$550,000

Density—7.8 Units/acre

Number of parking spaces—4 per unit plus 14 guest parking spaces. The total parking spaces will be 148.

The height of buildings—the town homes will ^{conform to the standard} ~~be 2 stories~~ with some units also having basements

Any special conditions or variance requests—We are requesting a condition that would reduce the setback from Buford Highway from 45 feet to ²⁵~~30~~ feet. The development proposes rear-parking townhomes along Buford Highway. The design standards set forth in Appendix C of the Zoning ordinance allows for a reduction where parking is proposed in alley access.

To provide greater information in a narrative form, the proposed development intends to construct 37 townhomes along Buford Highway. The homes will be built with quality materials and with attractive architectural features. The homes along Buford Highway will face Buford Highway and have alley accessed garages. A copy of the elevations is enclosed with this application. The residential use is consistent with the surrounding uses and zoning districts. Immediately to the southwest of the Property is the Westbrook Commons neighborhood, which is zoned RM. Across Buford Highway is a large tract of land zoned Light and Heavy Manufacturing.

The Property is within the “Established Neighborhood” Character Area. That character area identifies appropriate uses that are “generally low- and medium-density residential” and the character area identifies residential multifamily, among other districts, as appropriate for development. Highway Service Business (“HSB”)—the Property’s current zoning—is not among those uses contemplated in the comprehensive plan. Indeed, the HSB district allows for uses such as uses for convenience stores, which are much less conducive to the residential uses contemplated in the character area.

The City’s R36 district identifies parcels, such as the Property here, as particularly well suited for R36 zoning. The City’s Zoning Ordinance provides that R36—a Medium Density Mixed Residential District—is intended for to provide for developments with “close proximity to activity or employment centers as well as regional transportation corridors such as Highway 20, Peachtree Industrial Boulevard and Buford Highway.”

The proposed development preserves, to the extent possible, the natural barriers between the adjoining parcels and respects perennial stream buffers. The development also incorporates landscaping to transition those developed areas of the lot to the natural and existing landscapes.

As demonstrated above, the development proposed in this application will make for a quality improvement to the City’s housing inventory. It would allow for a quality development within a zoning district that

Very truly yours,

THOMPSON, O’BRIEN, KEMP & NASUTI, P.C.



William J. Diehl