

City of Sugar Hill
Planning Staff Report
RZ 22-002

DATE: May 31, 2022; *Updated 6/30/2022*
TO: Mayor & City Council
FROM: Planning Director
SUBJECT: Rezoning RZ 22-002, single-family attached townhome development
995 and 1009 Old Cumming Rd, 5311, 5323, 5331, and 5341 Nelson Brogdon Blvd.

ISSUE The City of Sugar Hill has received an application dated February 28, 2022, from SDH Atlanta, LLC c/o Mahaffey Pickens Tucker, LLP requesting to change the zoning for a 10.1-acre assemblage within the Town Center Overlay District (TCO) from Office Institutional (OI), Low Density Single-Family Residential (RS150), Medium Density Single-Family Residential (RS100) to Medium Density Mixed Residential (R36) for 81 single-family attached homes.

RECOMMENDED ACTION

Approval of R36 zoning with the following conditions:

1. All streets, alleys, sidewalks (except those in the Old Cumming Road and Highway 20 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 \$75,000 for the HOA to use for the future maintenance thereof prior to certificate of occupancy for 50% of the homes.
2. Each dwelling unit shall have a minimum two-car garage. The minimum driveway length shall be 20' as measured from edge of the sidewalk.
3. Striping for a total quantity of 27 on-street parking stalls shall be provided.
4. 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.
5. The zoning buffer between dissimilar districts shall be modified to a 35' enhanced landscape buffer. The rear building setback line shall be 10' as measured from the buffer line rather than the external boundary line of the subdivision. Buffer shall consist of at least a staggered row of evergreen and semi-evergreen trees and shrubs native or adapted to the area. Trees shall be 6' tall at time of planting. Plants shall be arranged to provide an effective visual screen of at least 20' in height at maturity. Buffer 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. A six-foot tall privacy fence shall be integrated into the enhanced buffer between the replacement trees and the rear of the buildings. Developer shall install the landscaping and fencing prior to the first certificate of occupancy issued for a dwelling in the subdivision. Enhanced landscape buffer and rear setback shall allow the construction or conversion of rear patios to covered porches as shown on the attached concept plan.
6. Developer shall provide a minimum of three gas appliances in each unit.

PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION

The Planning Commission held a scheduled public hearing on April 18, 2022. Applicant representatives Brian Easley and Joe Padilla spoke on behalf of this request. Lee Grisko and Sherrie Gray both adjacent homeowners on Garner Springs Lane spoke in opposition. Mr. Grisko stated that the request reads like an apartment building, while everything behind it is single-family residential, the land could be used for better things, just seems like too many homes in too small a spot. He also stated his biggest concerns were the loss of privacy, buffer reduction and traffic. Sherrie Gray agreed with Mr. Grisko and added that she would rather look at woods from her back porch instead of concrete. There were no other comments from opposition. Mr. Padilla used a portion of his remaining time and stated that they wanted to be a good neighbor and will work to provide as much buffer as they can while still providing useable rear yards. The public hearing was closed and there were no other public comments. Chairman Jeremy White made a motion to approve as recommended by staff with conditions. Commission Member Jason Jones made the second. Motion was approved 3-1 (Commission Member Rosemary Walsh against).

OTHER PUBLIC COMMENT

At the May 16th planning commission meeting, during general public comment, though the case was not on the agenda that evening, Andrew Schulz a homeowner on Windswept Trace, spoke in opposition to the request. Mr. Schulz expressed concern over transparency, placement of signs, & notification. He read an excerpt from the city's comprehensive plan which was a description of the Established Neighborhood character area [the site has been within the downtown character area since 2009]. He complimented the city on a job well done for working to provide public and private recreation opportunities. He then expressed opposition to more concrete, road pressure, increase in taxes, and [the more vertical development patterns in the downtown core]. In response, Clifton Prewit, a resident on Sugar Ridge Drive, spoke suggesting the buffer guided by the landscaper and ought to be enhanced with 12' trees instead of 6' trees at time of planting.

On May 31st, planning director KaiPo Awana discussed the status of the project with two of the applicant-owners (Ms. Mary Anne Wood and Mr. Earl Roberts) and their realtor (Mr. Josh Mendoza). Both talked about their storied family history on the properties, their fondness for the community in general and their need to find new homes with less maintenance as they age. Ms. Wood provided a letter of support from Dr. Hamryka adding that he was in favor of "personally owned residences rather than additional rental units".

On June 30th, two residents from the Springs visited the planning office and expressed continued opposition to the development, in general, and specifically requested an undisturbed buffer rather than the replanted buffer recommended by staff.

DISCUSSION

- The subject property is within the town center overlay district and the Highway 20 corridor. It is also situated with convenient access to the median crossing at Highway 20 via Old Cumming Road.
- Attached single-family residential is a desirable use in the downtown area and provides a reasonable transition from the more intense commercial, multifamily, and mixed-use development to the east and established single-family residential neighborhoods to the north and west.
- The Springs subdivision was developed in 1992 with 84 lots under the RS100 zoning classification.

- *Applicant is working on an updated site plan but it was unavailable before the staff report had to be finalized.*

BACKGROUND

Applicant/Owner: SDH Atlanta, LLC c/o Mahaffey Pickens Tucker, LLP

Existing Zoning: OI/RS-150/RS-100/TCO

Request(s): R36/TCO

Purpose: Single-family attached residential subdivision for 81 townhomes.

Property Size: ± 10.1 acres

Location: 995 and 1009 Old Cumming Road, 5311, 5323, 5331, and 5341 Nelson Brogdon Boulevard Tax Parcel Id Numbers: R7306-121, R7306-220, R7306-263, R7306-279, R7306-038, R7306-037, R7306-036, and R7306-035

Public Notice: Letters to adjoining owners via USPS regular mail on 3-30-22
Sign posted at 995 and 1009 Old Cumming Road, 5311, 5323, 5331, and 5341 Nelson Brogdon Boulevard on 3-30-22
Ad in legal section of Gwinnett Daily Post on 3-30-22 & 4-20-22

Public Comments: Lee Grisko, Sherry Gray, & Andrew Schulz, homeowners in The Springs subdivision, submitted comments in opposition. Clifton Prewit submitted neutral comments. Mary Anne Wood and **Earl Roberts** submitted comments in support.

FINDINGS OF FACT

Surrounding Land Use and Zoning

Direction	Existing Land Use	Existing Zoning
North	single-family residences	RS-150
South	Highway 20, undeveloped land	AF, OI, RS-100
East	Sugar Hill Animal Hospital	LM
West	single-family residences, Springs subdivision	RS-100

Agriculture Forest (AF), Office Institutional (OI), Medium Density Single Family Residential (RS-100), Low Density Single Family Residential (RS-150), Light Manufacturing (LM)

- *A colony of Pink Lady Slipper Orchids *Cypripedium acaule* has been observed in an area outside of the zoning buffer in the western-most corner of the subject property.*
- *According to the Georgia Department of Natural Resources Wildlife Resources Division Georgia Biodiversity Portal, *Cypripedium acaule* is listed as “unusual” (deserving of special consideration). This is likely to due to commercial exploitation of the species.*

- a. *Cypripedium acaule*, according to the species conservation status listed on the portal, has a State Rarity Rank of S4 which means that it is: “Apparently Secure—Uncommon but not rare; some cause for long-term concern due to declines or other factors”.
 - b. Its Global Rarity Rank is listed as G5: “Secure—Common; widespread and abundant”.
- Information found on the US Forest Service website states it is illegal to dig or pick Lady’s Slipper Orchids (*Cypripedium spp.*) on federal lands. However, no *Cypripedium* species including the Pink Lady’s Slipper Orchids appear to be listed as an endangered or threatened species under the Endangered Species Act.

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 generally compatible with single-family detached residential uses.

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

No.

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, the southbound approach of Old Cumming Road at Highway 20 can be difficult to navigate for eastbound turning movements during certain times of the day. The project is likely to contribute an effect on the future operating conditions at this intersection, but additional study would be necessary to determine the significance of its impact.

This project is within the Lanier Cluster (Sycamore Elementary School zone) and is likely to contribute to an increase in new student enrollment. According to analysis provided by Gwinnett County using state board of education metrics, through the 2023-2024 school year, there is substantial capacity at Sycamore Elementary and Lanier Middle. Lanier High is at or slightly over capacity.

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

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

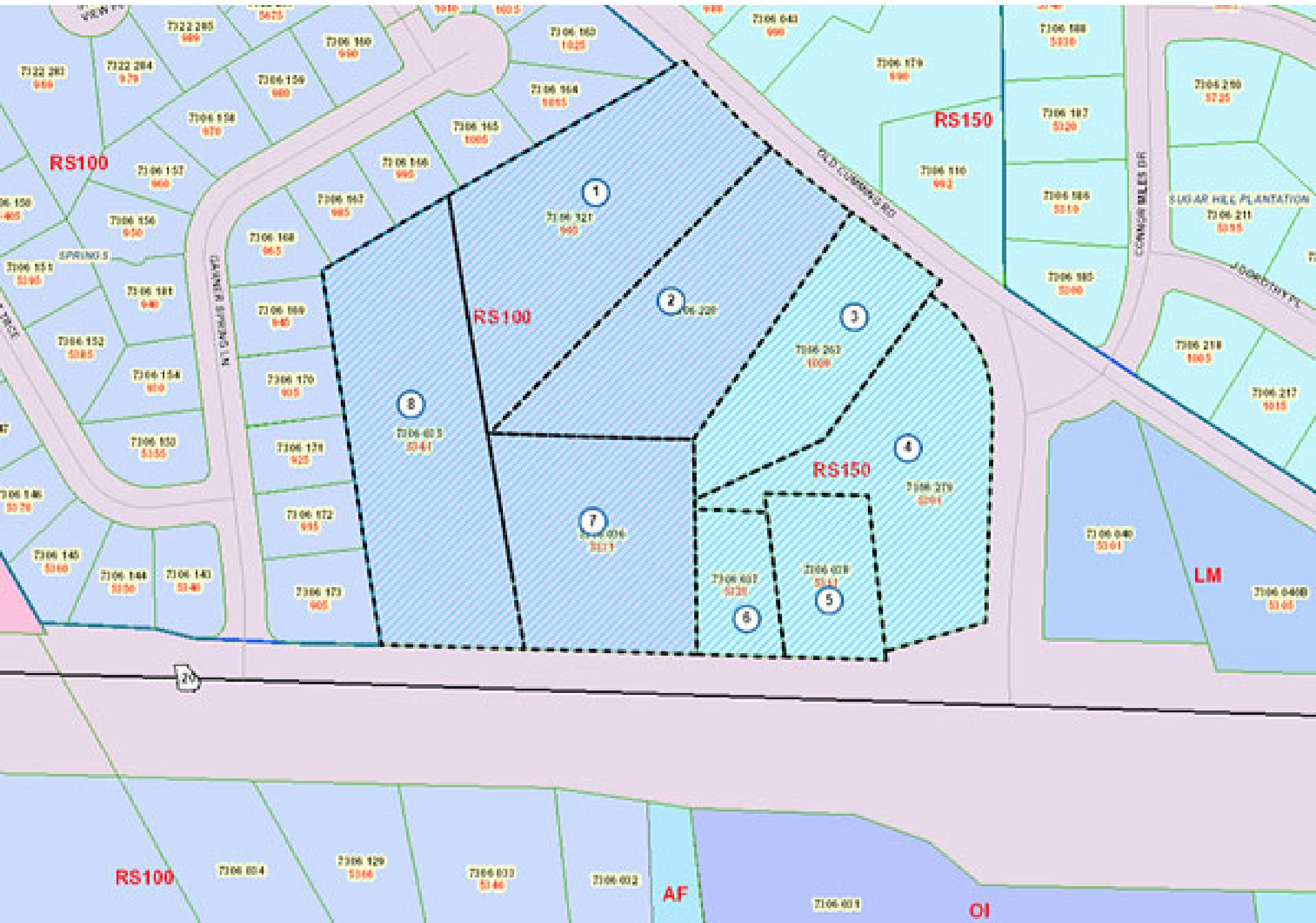
6. *Are there other existing or changing conditions affecting the use and development of the property which would give support to an approval or disapproval of the rezoning request?*

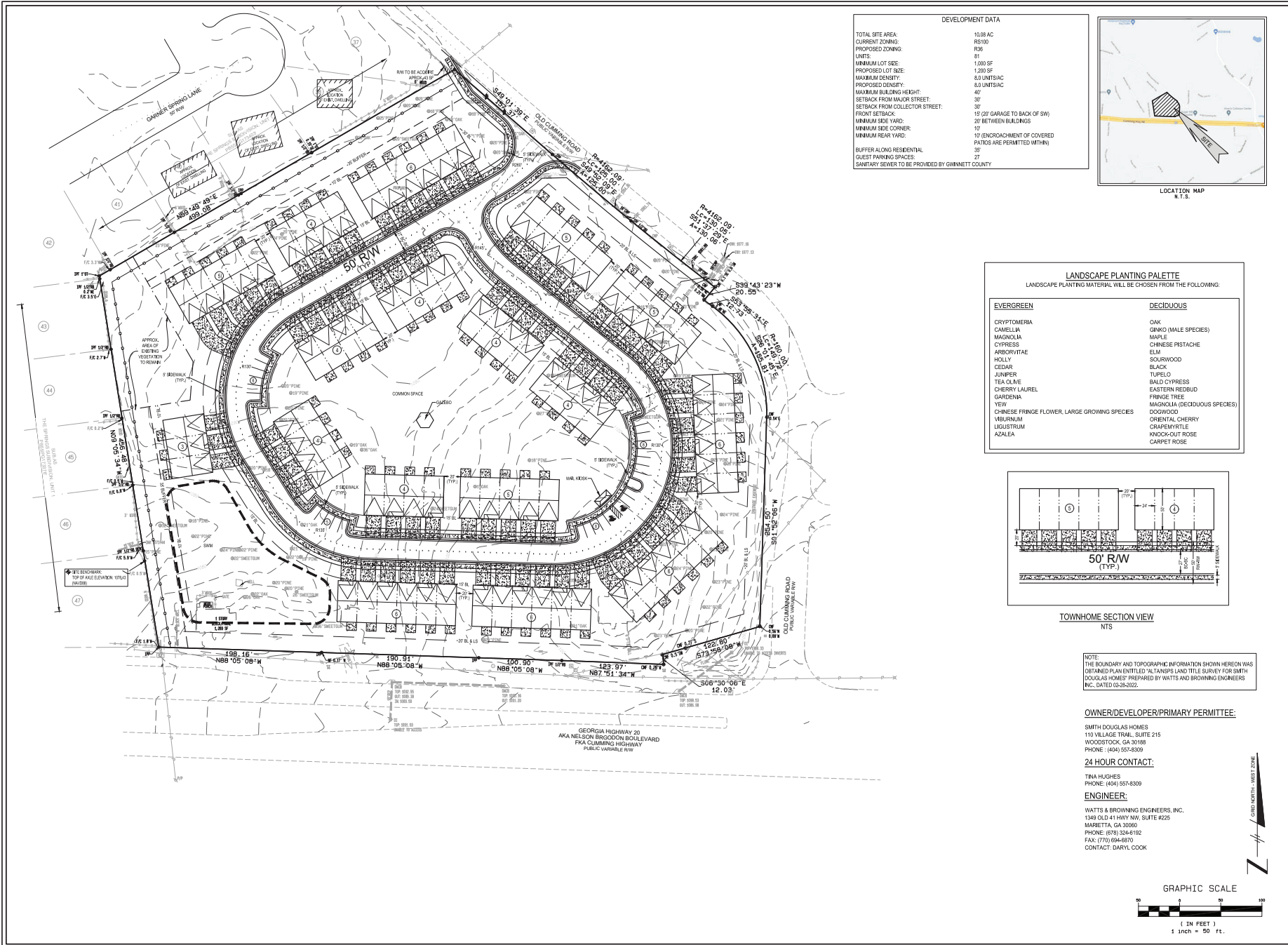
Excerpts from the Comprehensive Plan (2019):

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.

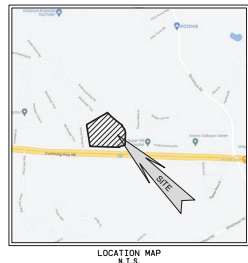
Improve connectivity between the downtown core and future growth areas.





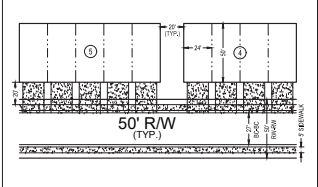
DEVELOPMENT DATA

TOTAL SITE AREA:	10.88 AC
CURRENT ZONING:	RS100
PROPOSED ZONING:	RSB
UNITS:	81
MINIMUM LOT SIZE:	1,680 SF
PROPOSED LOT SIZE:	1,200 SF
MAXIMUM DENSITY:	8.0 UNITS/AC
PROPOSED DENSITY:	8.0 UNITS/AC
MAXIMUM BUILDING HEIGHT:	40'
SETBACK FROM MAJOR STREET:	30'
SETBACK FROM COLLECTOR STREET:	30'
FRONT SETBACK:	15' (20' GARAGE TO BACK OF SW)
MINIMUM SIDE YARD:	20' BETWEEN BUILDINGS
MINIMUM SIDE CORNER:	10'
MINIMUM REAR YARD:	10' (ENCROACHMENT OF COVERED PATIOS ARE PERMITTED WITHIN)
BUFFER ALONG RESIDENTIAL:	35'
QUEST PARKING SPACES:	27
SANITARY SEWER TO BE PROVIDED BY:	GWINNETT COUNTY



LANDSCAPE PLANTING PALETTE
LANDSCAPE PLANTING MATERIAL WILL BE CHOSEN FROM THE FOLLOWING:

EVERGREEN	DECIDUOUS
CRYPTOMERIA	DAK
CAMELLIA	GINKO (MALE SPECIES)
MAGNOLIA	MAPLE
CYPRESS	CHINESE PISTACHE
ARDOVITAE	ELM
HOLLY	SOURWOOD
CEDAR	BLACK
JUNIPER	TURPELO
TEA OLIVE	BALD CYPRESS
CHERRY LAUREL	EASTERN REDBUD
GARDENIA	FRINGE TREE
YEW	MAGNOLIA (DECIDUOUS SPECIES)
CHINESE FRINGE FLOWER, LARGE GROWING SPECIES	DOGWOOD
YERBURNUM	ORIENTAL CHERRY
LIGUSTRUM	CRAPEMYRTLE
AZALEA	KNOCK-OUT ROSE
	CARPET ROSE



TOWNHOME SECTION VIEW
NTS

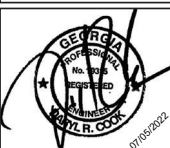
NOTE: THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON WAS OBTAINED FROM PLAN ENTITLED "ALTAIR'S LAND TITLE SURVEY FOR SMITH DOUGLAS HOMES" PREPARED BY WATTS AND BROWNING ENGINEERS, INC., DATED 02-28-2022.

OWNER/DEVELOPER/PRIMARY PERMITTEE:
SMITH DOUGLAS HOMES
110 VILLAGE TRAIL, SUITE 215
WOODSTOCK, GA 30188
PHONE: (404) 557-8309

24 HOUR CONTACT:
TINA HUGHES
PHONE: (404) 557-8309

ENGINEER:
WATTS & BROWNING ENGINEERS, INC.
1349 OLD 41 HWY NW, SUITE #225
MARIETTA, GA 30066
PHONE: (770) 324-6192
FAX: (770) 694-6870
CONTACT: DARYL COOK

REZONING PLAN
FOR
DISTRICT SQUARE
LAND LOT 76 ~ 6TH DISTRICT
CITY OF SUGAR HILL,
GWINNETT COUNTY, GEORGIA

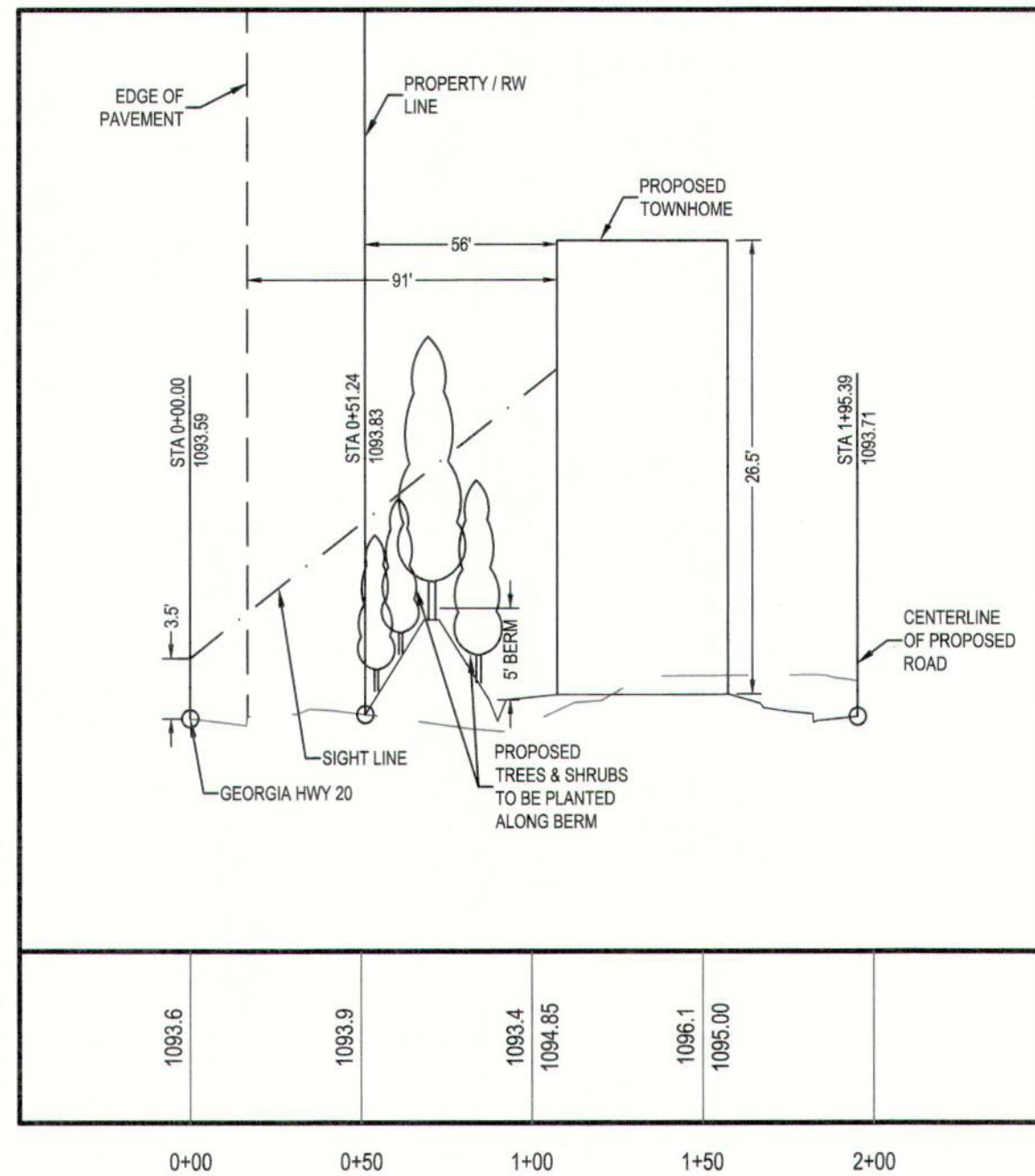


GSWCC LEVEL II CERTIFICATION NO. 31908
EXPIRES: 01/12/2025

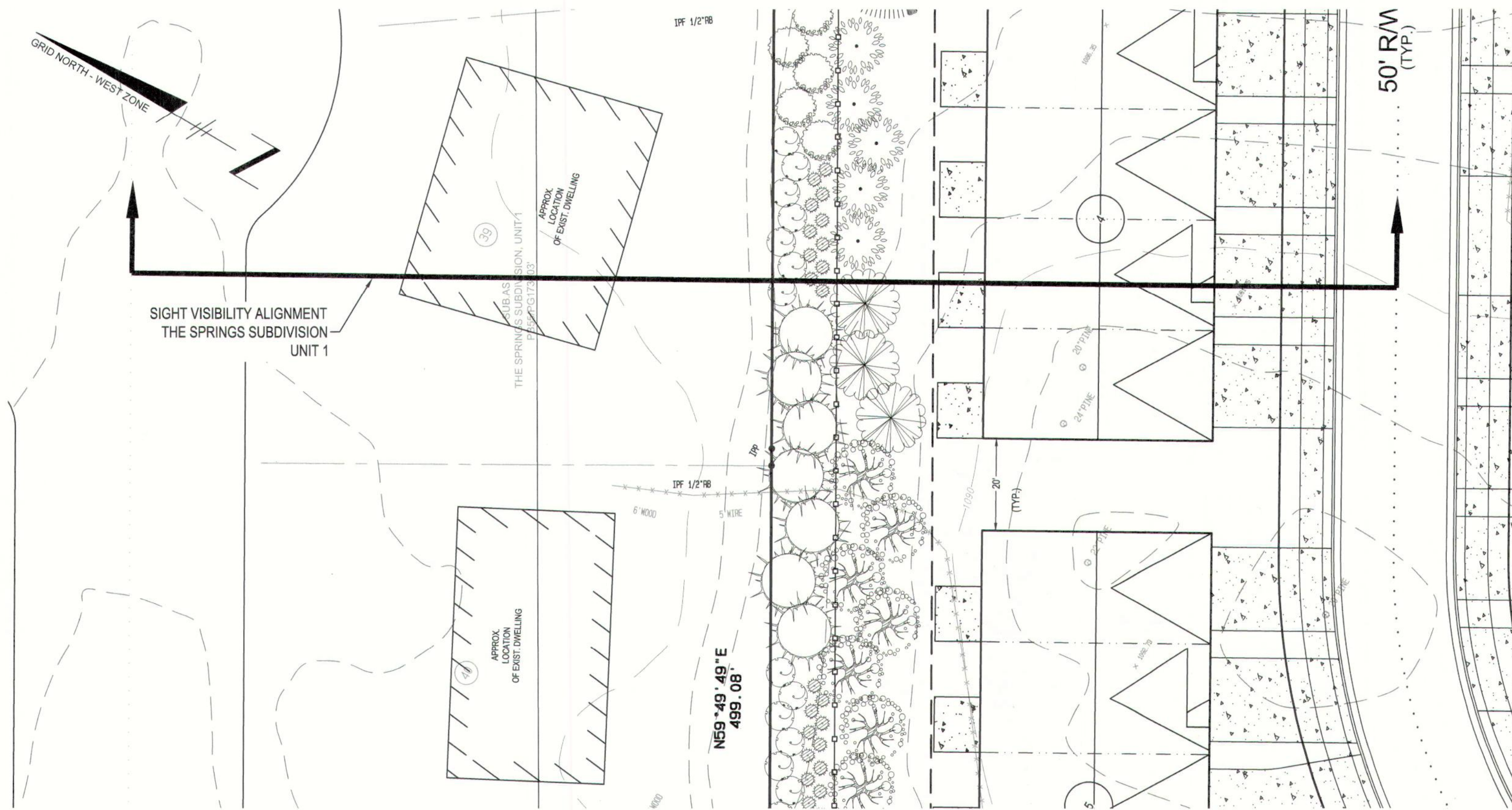
NO.	DATE	BY	DESCRIPTION
1	10/24/2022	JJT	INITIAL SUBMITTAL
2	10/24/2022	RP	REVISED LAYOUT
3	10/24/2022	RP	ADDED FENCING SHEET
4	10/24/2022	RP	REVISED LAYOUT & PROFILE
5	10/24/2022	RP	REVISED LAYOUT
6	10/24/2022	RP	REVISED TO SHOW UNDISTURBED AREA
7	07/20/2023	RP	REVISED LAYOUT PER CLIENT



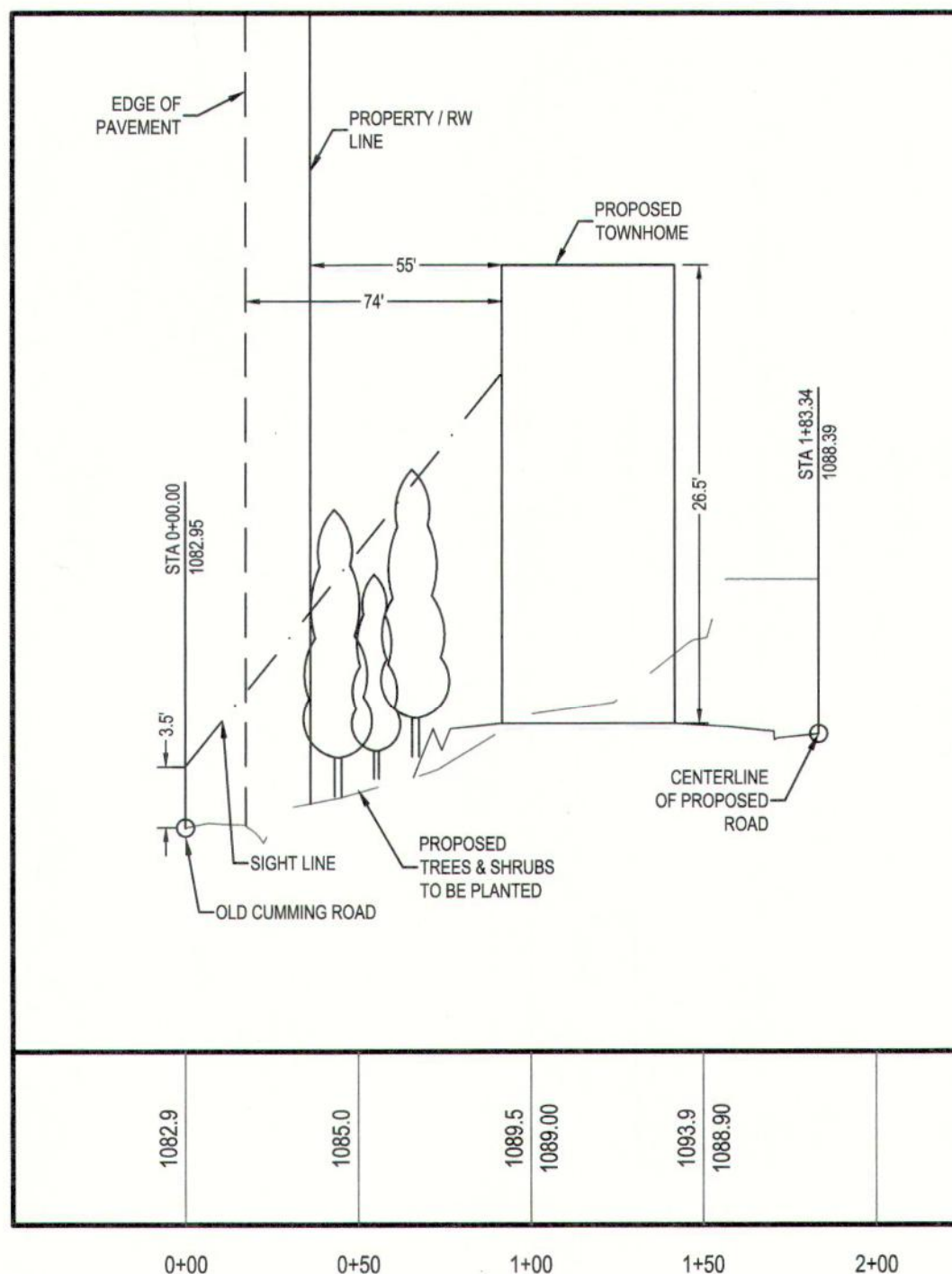
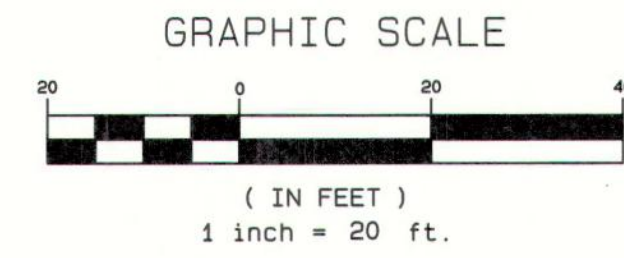
SCALE:	1:50
DESIGNED BY:	RP
DRAWN BY:	JJT
CHECKED BY:	ERC
INITIAL ISSUE DATE:	02/24/2022
JOB NUMBER:	210706
SHEET NUMBER:	1 OF 4



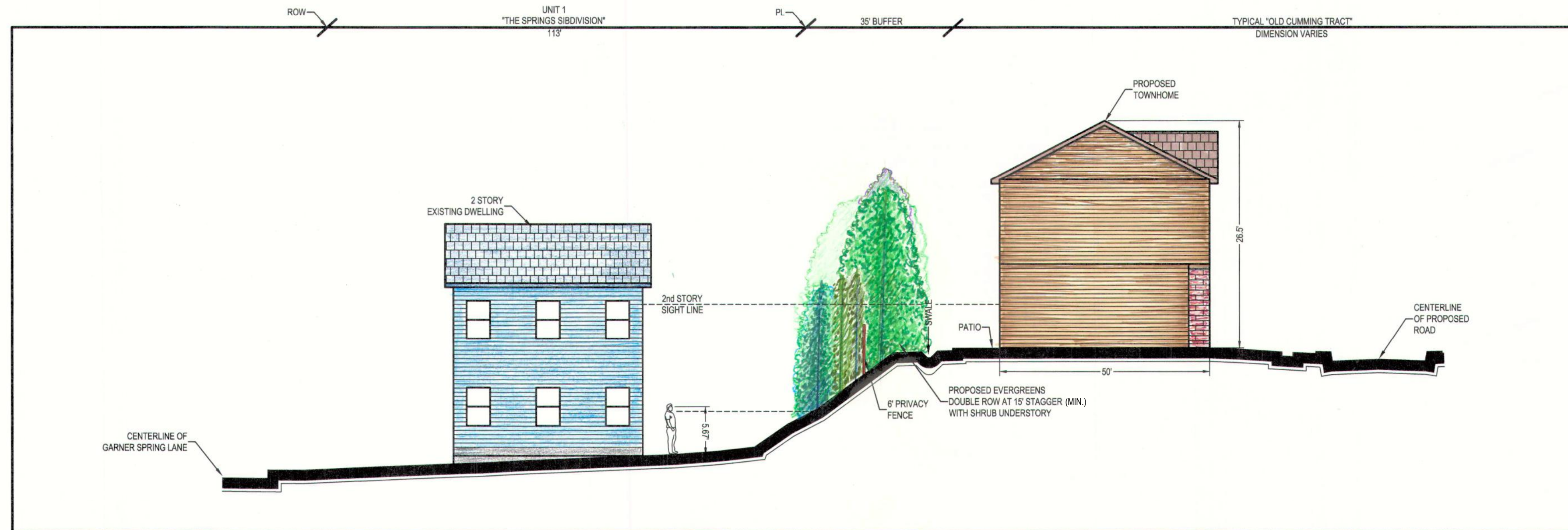
ROAD VISIBILITY GA HWY 20
 SCALES:
 HORZ: 1"=50' ~ VERT: 1"=10'



SIGHT VISIBILITY ALIGNMENT THE SPRINGS SUBDIVISION UNIT 1
 SCALE: 1"=20'

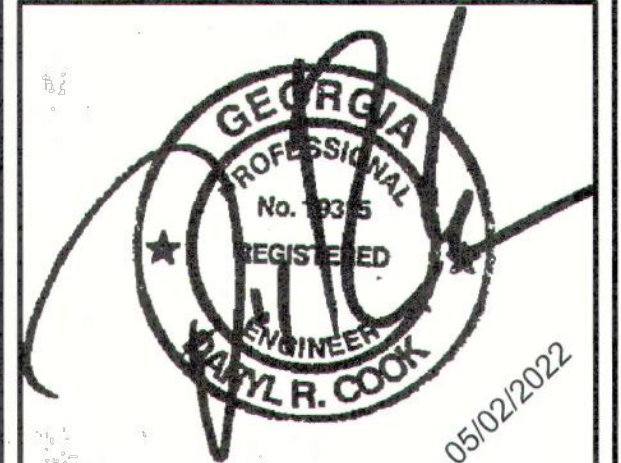


ROAD VISIBILITY OLD CUMMING RD
 SCALES:
 HORZ: 1"=50' ~ VERT: 1"=10'



VISIBILITY: THE SPRINGS SUBDIVISION UNIT 1
 SCALES:
 HORZ: 1"=20' ~ VERT: 1"=10'

REZONING PLAN
 FOR
DISTRICT SQUARE
 LAND LOT 76 ~ 6TH DISTRICT
 CITY OF SUGAR HILL,
 GWINNETT COUNTY, GEORGIA



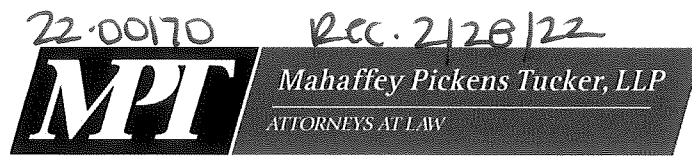
GSWCC LEVEL II CERTIFICATION NO. 31908
 EXPIRES: 01/12/2025

NO.	DATE	BY	DESCRIPTION
1	02/24/2022	JJT	INITIAL SUBMITTAL
2	04/02/2022	RP	REVISED LAYOUT
3	04/22/2022	RP	ADDED RENDERING SHEET
4	05/02/2022	RP	REVISED LAYOUT & PROFILES

WATTS & BROWNING ENGINEERS, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 1349 OLD 41 HWY NW, SUITE #225
 MARIETTA, GEORGIA 30060
 PHONE: (678) 324-6192
 FAX: (770) 854-6670
 WWW.WBENG.COM
 LSF000429 - PEF000714

SCALE:	AS SHOWN
DESIGNED BY:	RP
DRAWN BY:	JJT
CHECKED BY:	DRC
INITIAL ISSUE DATE:	02/24/2022
JOB NUMBER:	210706

R2-22-002



Matthew P. Benson
G. Tyler Boyd
Catherine W. Davidson
Gerald Davidson, Jr.*
Rebecca B. Gober
Brian T. Easley
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Shane M. Lanham
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*Of Counsel

LETTER OF INTENT FOR REZONING APPLICATION
OF SDH ATLANTA, LLC

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning application (the “Application”) on behalf of SDH Atlanta, LLC (the “Applicant”), for the purpose of requesting the rezoning of an approximately 10.1-acre tract (the “Property”) located along Nelson Brogdon Boulevard (State Route 20) at its intersection with Old Cumming Road. The Property is currently zoned RS-150, RS-100, and O-I, is located within the Town Center Overlay District, and is located within the Downtown Character Area as set forth on the City of Sugar Hill Comprehensive Plan Character Area Map. The surrounding area is characterized by a mix of land uses including commercial, office, manufacturing, and residential.

The Applicant is requesting to rezone the Property to the R-36 (Medium Density Mixed Residential District) zoning classification in order to develop an attractive single-family attached townhome community. The proposed community would include a total of 81 homes with a centrally-located green space and amenity area for the use and enjoyment of residents. The proposed central green would include a mail kiosk and gazebo which would function as a community gathering space. The proposed community would also include 30 guest parking spaces to reduce on-street parking. Homes in the proposed community would be constructed with facades of brick, stone, and/or fiber cement shake or siding with attractive architectural elements and

varying façade designs. The proposed residential community would be accessible by a single entrance on Old Cumming Road. Residents of the proposed community would have convenient access to downtown Sugar Hill as well as multiple major transportation corridors including Nelson Brogdon Boulevard (State Route 20), Peachtree Industrial Boulevard, Buford Highway (US Route 23), Suwanee Dam Road, and Interstate 985.

The proposed development is compatible with surrounding land uses, is consistent with the policy and intent of the City of Sugar Hill Comprehensive Plan (the “Comp Plan”), and would provide an appropriate transition of land uses from more intense commercial and mixed-use development along Nelson Brogdon Boulevard towards less intense single-family detached residential uses to the north and west. The surrounding area includes a mix of intense land uses including commercial and industrial uses which transition to less-intense single-family detached residential uses to the north and west. The proposed development provides an appropriate transition of uses moving west away from the core downtown area. Moving west, land uses would step down from relatively intense commercial and industrial uses located along Nelson Brogdon Boulevard to the proposed single-family attached residential community, and then would step down again to single-family detached uses. Similarly, the Comp Plan, which designates the Property as within the Downtown Character Area, encourages the development of “transitional areas of housing between higher densities in the urban core and suburban residential areas.” Moreover, the Comp Plan specifically encourages “Residential Multi-family (RM)” and “Medium Density Single-Family Residential District” as “Appropriate Land Uses.”

The proposed development is also compatible with the findings and recommendations of the Aspire Hwy 20 Sugar Hill SR20 Corridor Study (the “Aspire 20 Plan”). The Aspire 20 Plan designates the Property as within Node 4, which it characterizes as the “gateway area around

downtown.” The Aspire 20 Plan provides that future development “should feature an emphasis on higher density and walkability in order to support downtown’s viability and to create more vibrant uses along its edges.” Further, the Aspire 20 Land Use Map identifies the Property as within a Medium Density Residential Proposed Land Use area. The Aspire 20 Plan also discusses, at length, the need for “Missing Middle” housing types, which includes townhomes. According to the Aspire 20 Plan, Missing Middle housing “is described as a range of under-represented housing types that happen to be a key component to creating diverse neighborhoods and meeting the growing demand for walkable, urban living.”

Accordingly, the Applicant respectfully requests approval of the Applications. 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.

Respectfully submitted this 24th day of February, 2022.

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Shane M. Lanham
Attorneys for Applicant