

City of Sugar Hill
Planning Staff Report
RZ 22-006

DATE: February 27, 2023
TO: Mayor & City Council
FROM: Planning Director
SUBJECT: Rezoning RZ 22-006, Medium Density Single-Family Residential District (RS-100) to Medium Density Mixed Residential (R36)
5583, 5585, 5597, 5605, and 5615 Cumming Highway and 5613 Henry Bailey Road

ISSUE The City of Sugar Hill has received an application, dated August 25, 2022, from Virtue Investments, LLC to change the zoning from RS-100 to R36 for a proposed residential subdivision with 12 detached single-family homes and 66 attached single-family homes (townhomes).

RECOMMENDED ACTION – Approval with the following conditions (Planning Commission recommends denial.):

1. All streets, alleys, sidewalks (except those in the Cumming Highway and Henry Bailey Road rights-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 \$50,000 for the HOA to use for the future maintenance thereof prior to certificate of occupancy for 50% of the homes.
2. Minimum front setback from major street shall be reduced to 30' for units located along Cumming Highway.
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 29 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. The developer shall conduct a signal warrant analysis at the intersection of Henry Bailey Connector Road and Cumming Highway prior to receiving a development permit. If signalization is warranted, the developer shall contribute costs related to the construction of necessary intersection improvements prior to the first certificate of occupancy, subject to review and coordination by GDOT and City of Sugar Hill.
8. Covenants shall stipulate that no more than 20% of the total number of dwelling units are allowed to be leased at any one time. Notice shall be recorded in the covenants.
9. At least three natural gas appliances shall be installed within each unit prior to a certificate of occupancy.

PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION

The Planning Commission held a scheduled public hearing on October 17, 2022. Applicant representative Patrick Bell spoke on behalf of this request. The public hearing was opened. Blake Williams and Clifton Prewitt spoke in support of the project citing support for mixed neighborhoods, lack of impact on traffic, and that the development would be a good fit. Opposition comments were made by Gary Pirkle, Rodney Benefield, Arthur Phalo, James January, Andrew Schulz, Safulan Jelaca, Wansley Sudderth, and Kitty Wong. Concerns highlighted were a need for more businesses, concern over the proposed density, future land use for the area, increased crime, safety at median crossings, traffic signal needed at median crossings, school bus safety and maneuverability, property values, and that detached houses would be a better fit. Applicant representative Patrick Bell added that the property was developed with less density than permissible, retail/office would increase more traffic than a residential use, the subject property will be a gated community to protect residents with no thru traffic, and that the applicant is palpable to the community, is aware of the concerns, and will continue working with the city. The public hearing was closed and there were no other public comments. Decision was tabled at the October Planning Commission meeting.

At the February 20th, 2023, Planning Commission meeting, Commission Member Phil Olsen motioned to recommend denial, seconded by Jason Jones. Motion carried for denial with a vote 0-2-1. Julie Adams abstained.

OTHER PUBLIC COMMENT

At the February 20th Planning Commission meeting, during general public comment, Gary Pirkle spoke in opposition to the request. Mr. Pirkle noted areas where townhomes were already located within the city and indicated that he does not think that townhomes are appropriate for the area at Henry Bailey Road. Pirkle stated that he supports workforce housing but does not believe that \$500,000 townhomes are workforce housing and suggested that small single-family houses are appropriate. Applicant representative Patrick Bell stated that the project [RZ-22-006] is not a multi-family product, it is a single-family neighborhood.

DISCUSSION

- The proposed development is characterized by its proposed single-family residential uses and aligns with the city's comprehensive plan which designates this area as established neighborhood and prioritizes the preservation of character and identity of the existing single-family neighborhoods.
- It also is aligned with the 2020 housing study which acknowledges the market for new single-family attached residences in the city's housing supply.
- Punctuates development in the vicinity of two median crossings alongside Highway 20, a busy regional transportation corridor.
- Rezoning to R36 would allow for a diverse mix of housing products, which can provide more attainable options to new and existing residents over time.
- Planning staff has requested the applicant consider revising their plan they have agreed to reconsider some of the design elements.
- ***Public hearing was conducted on October 17th.***
- ***Applicant has revised their proposed concept plan in an attempt to respond to zoning requirements and feasibility. The revised plan is composed of 12 SFD homes and 66 townhomes.***

The proposed assemblage is situated near a median crossing at Wintersweet Way across from Arbor Clos Subdivision (234 homes). Typically, properties at intersections along regional commercial corridors are marketed for commercial development. However, this assemblage is more suitable for residential development due to its mid-block location which doesn't have direct access to the median crossing and an oversupply of auto-oriented retail throughout the region.

Within a .5-mile radius of the emerging commercial node at the intersection of Highway 20 and Bellagio Drive/Henry Bailey Connector Road, each of the proposed homes would be within a 5 to 10-minute walk of future neighborhood commercial uses to the west. Additionally, the future residents would have access to that median crossing by car and are within a 5-minute bike ride (or just a couple of minutes on an e-bike) to the nearest retail center anchored by a Publix grocery store.

Being well outside of the town center overlay, pedestrian-oriented design is not a primary objective; nonetheless, encouraging variety in housing products in compact nodes near existing or emerging activity centers offers expanded transportation mobility options and is a smart way to encourage residents to make some trips without their vehicle and add value to surrounding neighborhoods. The Aspire 20 plan encourages a "compact mix of residential, retail, and office use." The proposed development is compatible with this plan, in contrast to the continually overused strip-like commercial model.

Sugar Hill is a desirable community to make a home for a variety of household types and lifestyles. As such, we have experienced a faster than average increase in population growth for decades. This trend will moderate, but a population increase is expected to continue through at least 2030, per the 2020 Home for Life study. With persistent growth and a limited housing supply, affordability has become a bigger challenge for many people and families looking to join the community. By creating options for housing types in strategic locations as an alternative to excessively large detached single-family homes in relatively low-density subdivisions, the city could begin to address this need.

East of the proposed development is an aging heavy commercial development and vacant buildings zoned as C-2, O-I, HSB, and BG. With Cumming Highway to the south, the proposed development acts a transition from the eastern commercial development and the residential developments to the north and west.

Adjacent detached residences range in size from approximately 3,000 square feet to 4,000 square feet of heated floor area. The proposed townhomes are a single-family attached housing product and are identical to adjacent and nearby residences in terms of use. However, the mass and scale of the proposed buildings is more intense than these detached counterparts. The proposed development concept attempts to address this by rotating the buildings perpendicular to the rear lot lines, but it could be beneficial to explore the possibility of constructing smaller lot single-family detached residences along the boundary line common with Warrenton subdivision. This would provide a more gradual transition to the larger building forms toward the center of the site and is still an efficient use of the land.

The proposed site design provides a cohesive feel and appearance and is an aesthetically pleasing and functional use of this space. A centrally located greenspace amenity adds to the community-oriented character. Planning staff has encouraged the developer to refine the proposed concept plan in several ways. Primarily, the street intersections should be more perpendicular for pedestrian and vehicular safety and some thought should be given to providing a more diverse mixture of housing products

within the proposed development. With these revisions, it could be possible to orient the proposed home along internal streets with access by alleys. This will provide a reasonable transition in residential density as well as provide diversity in housing typologies. Combined with incorporating the required on-street parking, the project could obtain the density bonus (up to 12 units per acre) associated with an authentic traditional neighborhood development (TND) format. As submitted, the proposed project does not identify on-street parking stalls on the site plan, which limits their yield to a maximum of 8 units per acre.

While planning staff has encouraged the applicant to reconsider some design elements, we find that the proposed R36 zoning is an appropriate classification.

The applicant has proposed a revised concept plan in an effort to address comments and zoning requirements.

BACKGROUND

Applicant/Owner: Virtue Investments, LLC

Existing Zoning: RS-100

Request(s): R36

Purpose: Residential subdivision with 12 single family detached homes and 66 townhomes.

Property Size: ± 10.46 acres

Location: 5583, 5585, 5597, 5605, and 5615 Cumming Highway (aka Old Cumming Road, and Henry Bailey Road), and 5613 Henry Bailey Road
 Tax parcels; R7-320A-004, R7-320A-005, R7-320A-007, R7-320A-028, R7-320A-029, R7-320A-020, & R7320A-024

Public Notice: Letters to adjoining owners via USPS regular mail on 9-28-22
 Sign posted at Old Cumming Road & Highway 20 on 9-28-22
 Ad in legal section of Gwinnett Daily Post on 9-28-22 & 10-19-22

Public Comments: ***In addition to the summary of public hearings above, 16 people reached out in opposition. The most common concerns highlighted were property values, traffic congestion, road safety, and overcrowded schools.***

FINDINGS OF FACT

Surrounding Land Use and Zoning

Direction	Existing Land Use	Existing Zoning
North	Warrenton subdivision – single-family residences in Sugar Hill	RS-100
South	GDOT ROW, Arbor Clos subdivision	O-I, RS-150
East	Payne Brothers Auto Parts—used auto parts wholesale merchant, vacant commercial buildings	C-2, O-I, HSB, BG
West	Single-family residences in Sugar Hill	R100

City of Sugar Hill: Medium Density Single Family Residential (RS-100), Low Density Single Family Residential (RS-150), Office Institutional (OI), Highway Service Business (HSB), General Business (BG)

Gwinnett County: General Business District (C-2)

5549 Highway 20 (7320 021A) is unincorporated and zoned C2. Payne Brothers Auto Parts, a used auto parts wholesaler operates from this location. The standard buffer in the county for new development under the C2 zoning next to R100/R75/R60/RTH zoning is 75’.

5559 Highway 20 (7320 010A) is within the Sugar Hill city limits and is zoned OI and HSB. This property was previously developed for heavy commercial use but appears to have remained vacant for some time. The current buffer against RS100 is 50’. As proposed the standard buffer would be reduced to 20’.

5573 Highway 20 (7320 008A) is within the Sugar Hill city limits and is zoned BG. This property was previously used for general business and office uses but the structures were removed in 2014 to make way for widening of the highway. Current buffer against RS100 is 75’. As proposed, the standard buffer would be reduced to 35’.

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 similar in use to the adjoining residential subdivision to the north. The single-family attached and detached buildings are more compatible with the adjacent established neighborhoods than the existing non-residential properties. The single-family attached and detached buildings are compatible with surrounding established neighborhoods.

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

No. The proposed development would impose a buffer requirement for future development of adjoining properties with non-residential zoning to the east; however, the buffer is less restrictive for R36 than it is for RS-100.

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 southbound approach of Bellagio Drive 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 (White Oak Elementary School zone) and is likely to contribute to an increase in new student enrollment. Updated analysis from the school system’s planning department was not yet available for this report. At last study, Lanier High School is slightly over capacity for the 2022-2023 school year and Lanier Middle and White Oak Elementary are projected to be under full capacity through 2024.

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. The site is located within a five-minute walk of emerging activity node at Bellagio Drive and Henry Bailey Road Connector, which affords the opportunity for potential residents to utilize neighborhood serving businesses. The proposed zoning coincides with the Aspire 20 plan designation for this property, which suggests high density residential, small lot single family detached, townhomes, and cottage court style units. By working in coordination with this plan, an opportunity for creating an accessible pedestrian environment with mixed uses along a major thoroughfare is possible.

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.

Excerpts from the Home for Life analysis (2020):

"As the supply of land becomes more scarce, Sugar Hill has the potential to expand its housing market to accommodate a wider variety of housing types" pg. 39; "The expansion of the townhome market points to the continually evolving nature of Sugar Hill's marketplace and the opportunity to introduce new housing types to match the market demand." pg. 45



Bailey Park Place

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CONCEPT SHEET # **C-1**

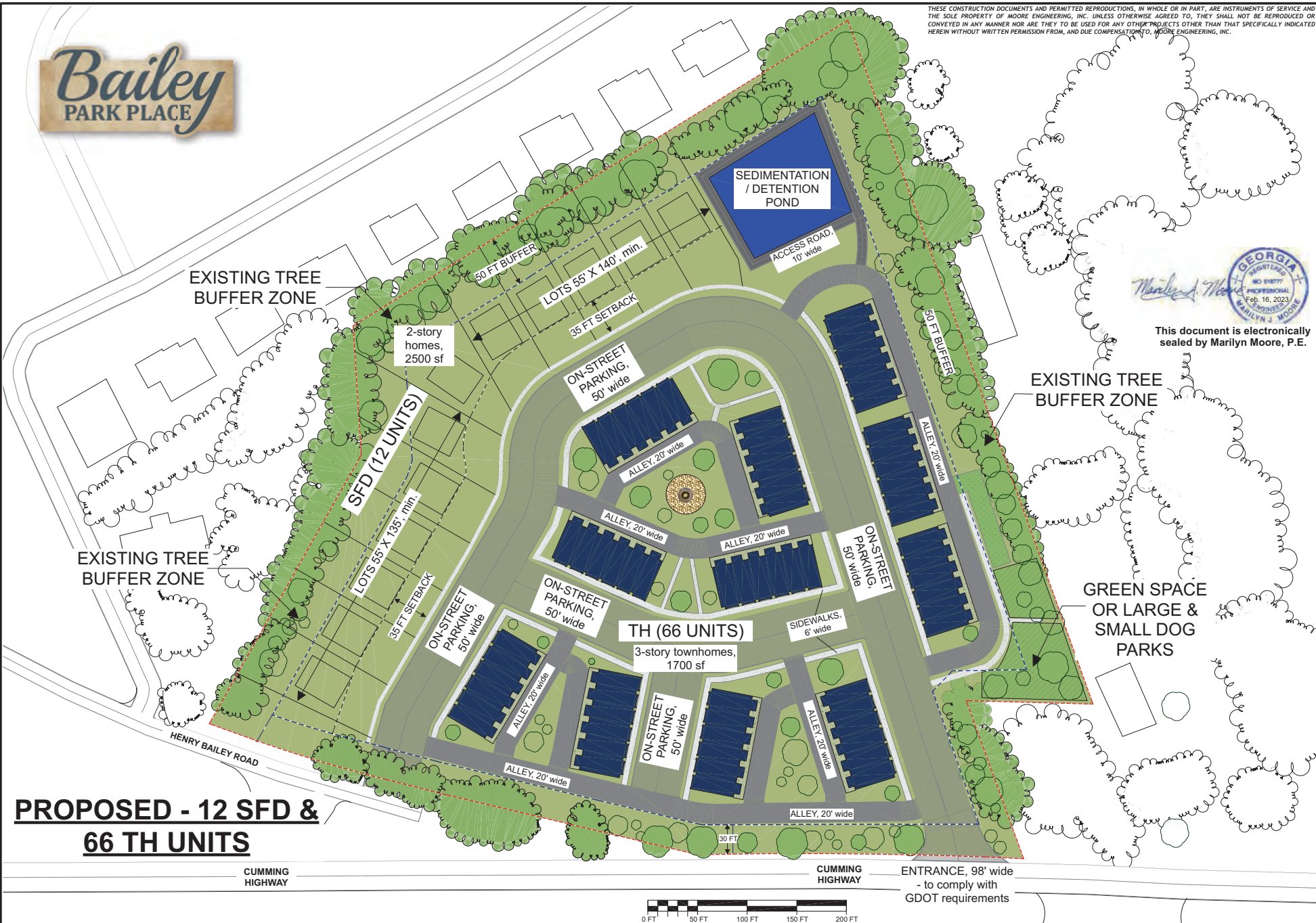
PROPOSED LAYOUT - SFD (11 UNITS) & TH (66 UNITS)

Bailey Park Place
SUGAR HILL, GA
VIRTUE INVESTMENTS LLC

2157 MOUNT VERNON ROAD
DUNWOODY, GA 30338
770-366-6258

MOORE ENGINEERING INCORPORATED
STRUCTURAL AND GEOTECHNICAL SERVICES
MarilynMooreEngineering@gmail.com

DESIGN: June 23, 2022
REV.: Feb. 16, 2023
BY: M. Moore, P.E.



Marilyn Moore

 This document is electronically sealed by Marilyn Moore, P.E.

PROPOSED - 12 SFD & 66 TH UNITS

CUMMING HIGHWAY

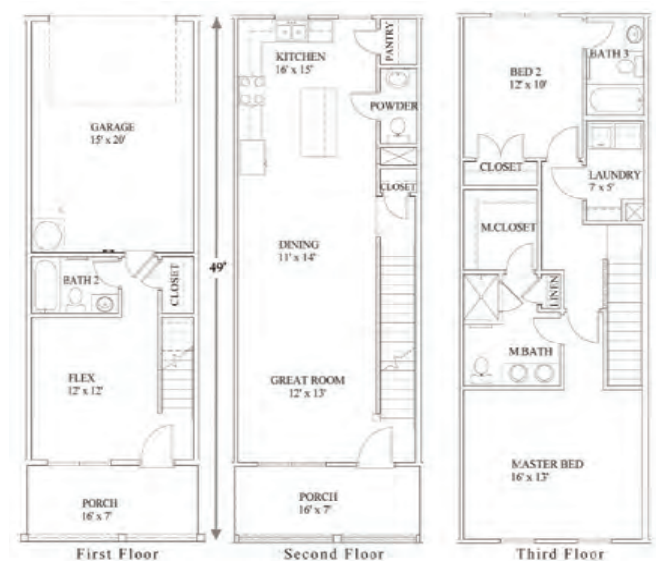
CUMMING HIGHWAY

ENTRANCE, 98' wide
- to comply with GDOT requirements





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CONCEPT TOWNHOME FLOOR PLANS



CONCEPT TOWNHOME ELEVATION

CONCEPT SHEET # C-2	
CONCEPT TOWNHOME ELEVATION	
BAILLEY PARK PLACE SUGAR HILL, GA	VIRTUE INVESTMENTS LLC
2157 MOUNT VERNON ROAD DUNWOODY, GA 30338 770-366-6258	
MOORE ENGINEERING INCORPORATED STRUCTURAL AND GEOTECHNICAL SERVICES MarilynMooreEngineering@gmail.com	
DESIGN: June 23, 2022 REV.: Feb. 16, 2023 BY: M. Moore, P.E.	

RZ-22-000

rcv'd 8/25/22

VIRTUE INVESTMENTS, LLC

8630 Merion Drive • Duluth, Georgia 30097

August 24, 2022

Virtue Investments LLC submits this Letter of Intent, and attached rezoning application, for the purpose of rezoning of an assemblage of approximately 10.46 acres, referred to as "Bailey Park Place", located along Cumming Highway (SR-20). The property is currently zoned RS-100 and is surrounded by a mix of land uses including residential, commercial, and office-institutional.

The proposed Bailey Park Place community has been conceived utilizing information found in various studies such as the *Sugar Hill SR20 Corridor Study*, the *Highway 20 Corridor Market Analysis*, the *Sugar Hill Future Land Use Map*, and the *Sugar Hill Character Area Map*. The applicant has also conducted an internal assessment of the desires of the community and city leadership, and the very real shortages in product to meet the needs and demands of the diverse residential home buyer market.

We are requesting to rezone the property to R-36, Medium Density Mixed Residential, for an attractive single-family townhome community in a park-like setting. The proposed community would consist of 96 homes with green space and community gathering space for the use and enjoyment of the residents. Homes in Bailey Park Place will be constructed with a variety of materials such as brick, stone, and cementitious siding/shake to create attractive elements. The proposed community will be visually appealing and attract a diverse buyer and will help fill the need for the "Missing Middle" housing, which according to the Sugar Hill SR20 Corridor Study, "...is described as a range of under-represented housing types that happen to be a key component to creating diverse neighborhoods...". It is intended the community will create a product to improve and stabilize the surrounding community, as well as redevelop property on the regional SR-20 transportation corridor which should support, and encourage, homeowners who in turn will help drive to the economic development initiatives of the City of Sugar Hill.

Access to the community will be from Cumming Highway (SR-20), as well as Henry Bailey. To eliminate the opportunity for "cut-through" traffic, access will be through gated entries and roads in the community will be privately owned by the homeowner's association. A variance to the 50' setback will be required only at the Cumming Highway entry area to accommodate the entry road.

We respectfully request approval of the application. Further, we welcome the opportunity to meet with City of Sugar Hill staff or officials to answer any questions or concerns related to the proposed rezoning and/or Bailey Park Place Community.

Sincerely,



Patrick B. Bell

Project Manager