

City of Sugar Hill  
Planning Staff Report  
RZ 22-007

DATE: February 27, 2023  
TO: Mayor & City Council  
FROM: Planning Director  
SUBJECT: Rezoning RZ 22-007, Medium Density Single-Family Residential District (RS-100) to General Business District (BG)  
5422 Sugar Ridge Drive

ISSUE The City of Sugar Hill has received an application, dated September 28, 2022, from Jason Nam Kim to change the zoning from RS-100 to BG for retail, restaurant and office uses.

**RECOMMENDED ACTION**

**Recommend approval of request to rezone the subject property to BG with the following conditions:**

1. A 35' enhanced buffer shall be required between the subject property and 5414 Sugar Ridge Dr. 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.
2. The following uses are prohibited: carwashes, convenience store with fuel pumps, adult novelty retail stores, pawn shops, hotels and motels.
3. Developer shall provide new 12' wide sidewalk on Cumming Highway in accordance with the Sugar Hill Trail Concept LCI Plan.
4. Provide on-site bike racks, dedicated bike lanes and signage on internal access.

**PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION**

*The Planning Commission held a scheduled public hearing on February 20, 2023. Applicant representative J. Ethan Underwood spoke on behalf of this request and gave a brief overview of the request. He indicated that the applicant and his team have spoken with neighboring property owners and discussed concerns which include (sewer not septic, access/ deceleration lane, buffer reductions/ landscaping, light intrusion & architectural design). The applicant wants to mitigate any impact to the neighbors, but the property does require commercial zoning. The applicant has no issues with the conditions as presented by staff. Applicants who spoke in opposition included Candice Kent, Angie Lamb, Clifton Prewitt, Gary Pirkle, and Perry Gaultney). There were many more public comments forms filled out and submitted. Issues raised included; traffic and access concerns, safety of children, restaurant/ drunk driving, smells, odors and trash from restaurant dumpsters and septic systems, light intrusion, doesn't compliment the greenway plan, design is car centric and not live/work/play friendly, noise nuisance from this type of General Business uses, more suitable for professional offices, should be a sewer project not septic, buffer should not be reduced, the square footages are not consistent in the letter of intent and site plan, concerns with signage (Chiropractor office sign is glaring and flashing) and 3 story buildings for this area are out of character. The public hearing was closed.*

*At the February 20<sup>th</sup>, 2023, planning commission meeting, Commission Member Phil Olsen motioned to recommend approval with conditions and the following changes/additions to the staff recommended conditions; (No restaurants allowed, 2 story cap on height of the building, no buffer reductions, and limited to 1 building to be serviced with septic system. Vice Chairman Julie Adams made the second. Motion approved 3-0.*

## DISCUSSION

- The proposed uses align loosely with the future land use categories identified in the Comprehensive Plan as well as the Highway 20 Corridor Study.
- This is a logical expansion of a future commercial node at the intersection of Sugar Ridge Drive and Georgia Highway 20.
- Proximity to the future Ridge Lake Park and connectivity to the Sugar Hill Trail system offer alternative mobility options for residents to access neighborhood services.
- Some elements of the site design need refinement to conform to the future development character area envisioned for commercial nodes.

The proposed uses align with the future land use category identified in the comprehensive plan. Designated as “commercial node”, the site has strong potential to provide commercial and service amenities for local residents as well as passing motorists due to its proximity to Hwy 20, having direct access to an existing median crossing via Sugar Ridge Dr and being surrounded by established neighborhoods.

While there is a need for more residential development at all price points and various housing types throughout our community, converting the existing residential use to commercial is a logical expansion of this planned commercial node. In contrast to other median crossings which serve only a single neighborhood, the intersection at Sugar Ridge Drive connects to the local network of streets providing convenient access to neighborhoods along Whitehead Road and in Downtown Sugar Hill.

Highway 20 is a heavily traveled regional transportation corridor and is dominated by automobile and truck traffic, carrying thousands of commuter vehicles and freight vehicles daily with origins and destinations from outside Sugar Hill, at times, creating undesirable congestion as it traverses the city. In recent years, more lanes have been added, which increased its capacity through our community, which contributes to more congestion.

Recognizing the development pressure that often coincides with increases in population, household income and traffic counts, the city conducted a special study of the Highway 20 corridor to plan for and guide its future development. The Aspire 20 plan anticipates a parkway-like setting with enhanced streetscapes and landscaping punctuating development at median crossings to promote a safe and inviting pedestrian experience as an alternative to the standard automobile-oriented development typical along Highway 20 as it passes through other communities to the east and west.

The site is located halfway between two major activity centers (Suwanee Dam Road and Downtown Sugar Hill) along a car-dominated corridor that carries tens of thousands of trips per day. However, there are hundreds of homes, other existing commercial development,

and a planned park within a ½ mile, or 15-minute walk of the subject property. While there are no homes proposed with this project, it will be possible for many nearby residents to access the development without having to get in their car. To promote mobility options, our recent Sugar Hill Trail Concept LCI plan proposes a 12’ shared use path along Highway 20, which could act as a bridge from one end of the corridor to the other and could encourage nearby residents to walk or bike to the future uses on-site, reducing the frequency of local trips by car.

Elements of the site design need refinement to fit the Aspire 20 vision. Particularly, the vehicle circulation could be redesigned to incorporate the recommendations of the Aspire 20 plan. Incorporating more pedestrian or bike friendly amenities could promote visibility and add value while increasing safety and accessibility.

**BACKGROUND**

Applicant/Owner: Jason Nam Kim

Existing Zoning: RS-100

Request(s): BG

Purpose: Retail/Restaurant/Office

Property Size: ± 2.6879 acres

Location: 5422 Sugar Ridge Drive  
Tax parcels; R7-321-031

Public Notice: Letters to adjoining owners via USPS regular mail on 11-2-22  
Sign posted at 5422 Sugar Ridge Drive on 11-2-22  
Ad in legal section of Gwinnett Daily Post on 11-2-22 & 11-23-22

Public Comments: General opposition from residents on Sugar Ridge Drive. Concerns include traffic congestion, traffic safety, building aesthetics, noise control & light trespass.

**FINDINGS OF FACT**

**Surrounding Land Use and Zoning**

<b>Direction</b>	<b>Existing Land Use</b>	<b>Existing Zoning</b>
North	Single-family residences in Gwinnett County across Cumming Highway	R100
South	Single-family residence in Gwinnett County on Sugar Ridge Drive	R75
East	Single-family residence zoned non-conforming HSB (Highway Service Business District) in Sugar Hill	HSB
West	Single-family residences in Gwinnett County across Sugar Ridge Drive	R75

*City of Sugar Hill: Highway Service Business (HSB), General Business (BG)  
Gwinnett County: Single Family Residential (R100) & (R75)*

The applicant requests a variance for a 35' undisturbed buffer, a reduction from 50', at the southern property boundary. This boundary abuts an unincorporated residential lot (zoned R75).

5414 Sugar Ridge Drive (7321 056) is unincorporated and zoned R75. A single family detached residence is located on the property. The standard buffer required for a BG zoned property adjacent to an unincorporated R75 zoned property (RS100 equivalent) is 50'. The applicant is requesting a reduction in buffers to 35'.

5442 Highway 20 (7321 018) is within the Sugar Hill city limits and is zoned non-conforming HSB. The property is currently developed with a single family detached residence.

## 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 located within a planned commercial node and is surrounded by established neighborhoods. With proper conditions the development has the potential to be aesthetically cohesive with surrounding developments. Having a spectrum of uses within this section may provide convenience to community services for nearby residences and the whole community.

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

No, Commercial development does pose the potential for odor, noise, and other disturbances; however, the proposed development is similar in character to common commercial development in the corridor and includes a buffer so as to lessen disturbances to adjacent residential 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. Schools will not be affected. Project access coordination with Georgia Department of Transportation will be required. Georgia Highway 20 is a heavily traveled thoroughfare; however, the entryway from Sugar Ridge Drive provides a lighter trafficked opportunity to access the proposed commercial development. Commercial development typically will generate more trips than any other residential use; however, these trips will primarily be those already travelling along Highway 20 to another destination. Trip generation through the adjacent neighborhood on Sugar Ridge Drive is anticipated to be concentrated at the highway intersection and not as additional through traffic.

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

The intersection of Sugar Ridge Drive and Georgia Highway 20 is designated as a commercial node in the City of Sugar Hill's Comprehensive Plan. Additionally, the Aspire 20 corridor study designates this area medium density mixed use. With a plan that incorporates the Aspire vision, there is a possibility of cohesion along Georgia Highway 20 between residential and nonresidential properties. The proposed use adheres loosely to this study and the city's future land use plan.

***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?***

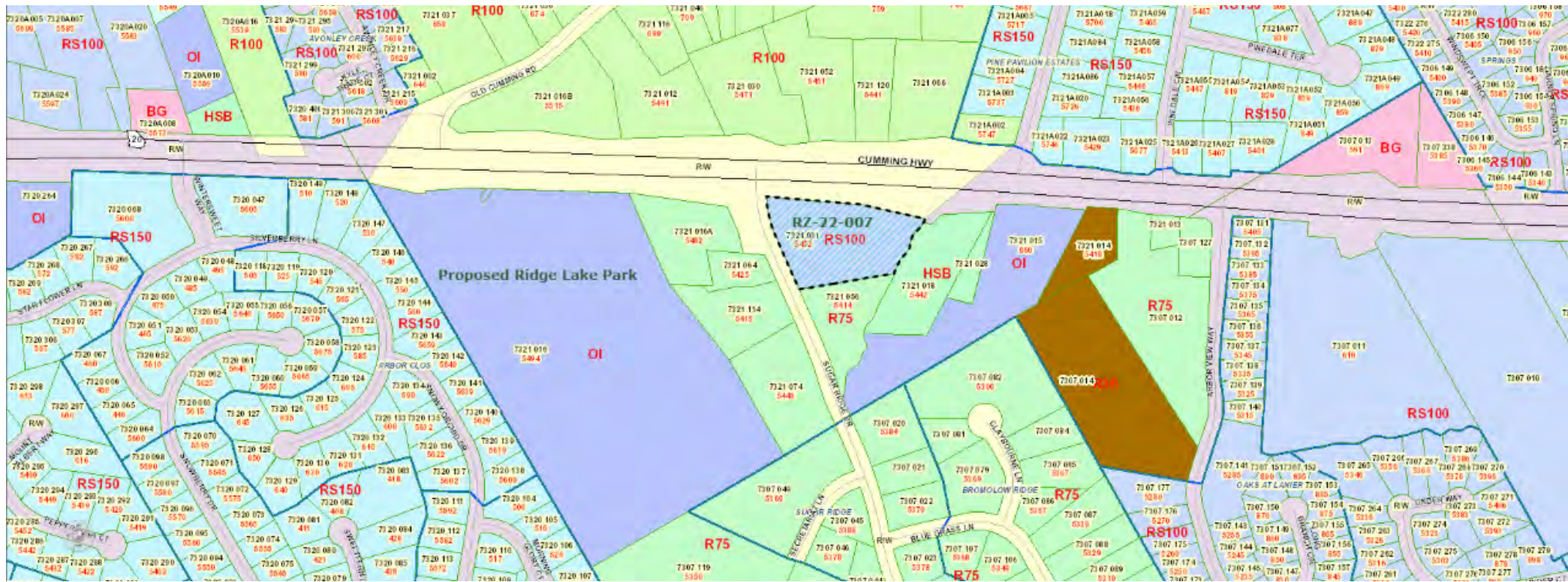
*Excerpts from the Comprehensive Plan (2019):*

Revitalize aging commercial and residential areas through redevelopment and infill strategies. Serves the needs of the residential communities located immediately adjacent to their boundaries which currently lack commercial options within a 10-minute walk.

*Excerpts from the Aspire 20 Plan (2018):*

“These areas are an increment more vibrant than the ‘starter’ low-density mixed-use node and should have more visitors and business as a result.” (Page 6)

RZ-22-007  
ADJACENT ZONING MAP  
Request to rezone from RS-100 to BG  
Retail/Restaurant/Office uses



**SITE NOTES:**

1. THE SITE CONTAINS: 117,085 FT<sup>2</sup> = 2.6879 ACRES
2. SITE ADDRESS: 5422 SUGAR RIDGE DRIVE, SUGAR HILL, GA 30093
3. SURVEY INFORMATION TAKEN FROM SURVEYS PERFORMED BY FRONTIER SURVEYING & MAPPING, LLC DATED 01-20-2022.
4. THIS SITE IS NOT LOCATED WITHIN A ZONE [A, AE, SHADED ZONE X] AS DEFINED BY F.I.R.M. COMMUNITY PANEL NUMBERS 13135C0123 F AND 13135C0013 G DATED MARCH 4, 2013 FOR UNINCORPORATED GWINNETT COUNTY, GEORGIA.
5. THERE ARE STATE WATER BUFFERS, STREAM BUFFERS OR FLOODPLAIN BUFFER THAT APPLY TO THIS PROPERTY.
6. TO THE BEST OF OUR KNOWLEDGE, THERE NO CEMETERIES, ARCHITECTURAL, OR ARCHEOLOGICAL LANDMARKS EXIST ON SITE. IN THE EVENT THAT THESE LANDMARKS ARE DISCOVERED DURING CONSTRUCTION, THE ENGINEER MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND AMENDING THE CONSTRUCTION PLANS.

Prepared By:  
**CRESCENT VIEW  
 ENGINEERING, LLC:**  
 211 Frazer Street  
 Marietta, GA 30060  
 678-324-8410  
 www.crescentvieweng.com

Prepared For:  
**NAM K. KIM**

**CONCEPT LANDSCAPE PLAN**

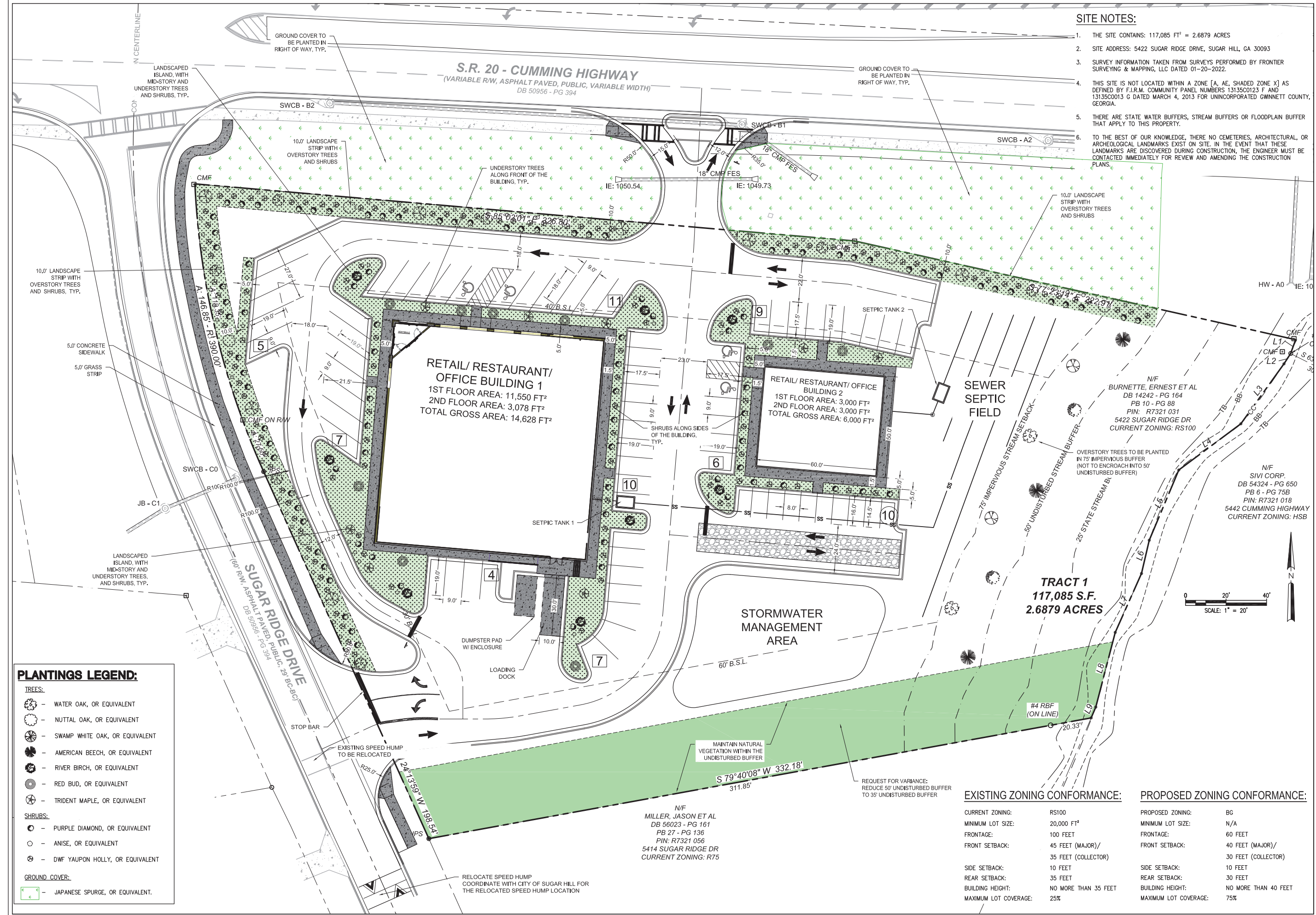
DATE	SCALE	AS SHOWN	AR	AE	PZ
10-20-22					
DRAWN					
CHECKED					



CONCEPTUAL SITE PLAN FOR:  
**5422 SUGAR RIDGE DRIVE**  
 LAND LOT 321, 7TH DISTRICT  
 SUGAR HILL, GWINNETT COUNTY, GEORGIA

CVE PI# 22-389

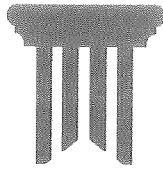
SHEET NO.  
**L-1**











J. Ethan Underwood  
[eunderwood@mhtlegal.com](mailto:eunderwood@mhtlegal.com)

**LETTER OF INTENT**

<b>Applicant:</b>	<b>Jason Nam Kim</b>
<b>Subject Property:</b>	<b>2.6879 Acres Designated as Gwinnett County Tax Parcel(s): R7321-031</b>
<b>Applications:</b>	<b>Rezoning</b>
<b>Current Zoning:</b>	<b>RS 100- Medium Density Single-Family Residential District</b>
<b>Proposed Zoning:</b>	<b>BG – General Business District</b>
<b>Proposed Use:</b>	<b>Retail/Restaurant/Office</b>
<b>ROW Access:</b>	<b>SR 20- Cumming Highway and Sugar Ridge Drive</b>
<b>Governing Jurisdiction:</b>	<b>City of Sugar Hill</b>

This Letter of Intent is intended to comply with application procedures established by the City of Sugar Hill, Georgia, and is intended to set forth a preliminary development plan for the Subject Property, to evaluate the proposed development and new zoning classification, special use and variances (if any), based upon factors set forth by the City of Sugar Hill. The Applicant has provided all required information and has submitted the appropriate application fees. The requested Application meets all judicial and statutory requirements for approval.

The Applicant intends to develop the Subject Property for the Proposed Use, as more fully described in the Application, incorporated herein by this reference. Any zoning request, special use permit, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The zoning request, special use permit, and variance applications, along with all supplemental plans and documents are collectively referred to as the "Applicant's Proposal."

**Specifically, the Applicant requests the following:**

- 1) Rezone the Subject Property from Single Family Residence District (RS-100) to General Business (BG)**
- 2) A variance to reduce the buffer from 50' to 35' along the southern property boundary abutting a residential district known as Gwinnett County Tax Parcel: R7321 056. (The 2000 Zoning Ordinance of the City of Sugar Hill § 1205).**

**PROPOSED USE**

The Subject Property consists of 2.6879 +/- acres and is designated as Gwinnett County Tax Parcel 7321-031 (zoned RS 100). The Subject Property is located at the intersection of Sugar Ridge Drive and owned by Jason Nam Kim.

A residence is currently located on the Subject Property. The Applicant proposes to demolish the residential buildings currently located on the property to develop two commercial buildings to facilitate Retail/Restaurant/Office uses.

The Western proposed Retail/Restaurant/Office building consists of a two-story building with 11,550 sq ft. on the first floor and 3,078 sq ft. on the second floor, totaling 14,628 sq ft. The Eastern proposed Retail/Restaurant/Office building consists of 4,000 sq ft. on the first floor and 4,000 sq ft. on the second floor, totaling 8,000 sq ft.

### **COMPREHENSIVE PLAN**

The Proposed Zoning and Proposed Use complies with the intent of the Sugar Hill Community Character Area map. The Subject Property is located within the Residential Mixed Use Community Character Area of the Sugar Hill Community Character Area map of September 2008. Additionally, the Subject Property is in the Commercial Node of the 2019 Character Areas Map. The Proposed Zoning is a recommended zoning category for Residential Mixed Use Community Character Area and the Commercial Node. Residential Mixed Use should contain a mix of neighborhood commercial uses to compliment the nearby residences. Lastly, the Proposed Zoning is an appropriate land use for the Commercial Node.

### **ZONING STANDARDS**

- a. Whether the proposed Rezoning or Special Use Permit will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Nearby properties are currently zoned HSB and R-75. The Proposed Use is compatible with the surrounding properties and land uses. The Proposed Zoning and Proposed Use complies with the intent of the Sugar Hill Community Character Area Map. The Subject Property is located within the Commercial Node Character Area of the Comprehensive Plan. The Proposed Zoning is a recommended zoning category within the Commercial Node. As such, the Proposed Use is in compliance with the Comprehensive Plan.

- b. Whether the proposed Rezoning or Special Use Permit will adversely affect the existing use or suitability of adjacent or nearby property.**

The Proposed Use will not adversely affect the existing use or usability of adjacent properties because the Proposed Use will allow for commercial uses that will complement and serve the nearby residential uses per the Sugar Hill Comprehensive Plan.

- c. Whether the property to be affected by a proposed Rezoning or Special Use Permit has reasonable economic use as currently zoned.**

There is no reasonable use of the Subject Property under any other zoning classification than as requested by the Applicant and no resulting benefit to the public from designation to any other classification would accrue. The current zoning is not appropriate adjacent to SR-20 and does not comply with the comprehensive plan.

- d. Whether the proposed Rezoning or Special Use Permit will result in a use which will or could cause an excessive burdensome use on existing streets, transportation facilities, utilities, or schools.**

The Proposed Use will not result in a use that will cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities. There will be no impact on schools and the impacts on utilities will be in keeping with projected growth. Any applicable impact fees from the development will fund infrastructure improvements. The number of car trips and need for transportation facilities will be comparable to surrounding uses, and the developer will make improvements to surrounding rights-of-way as required by applicable regulations for project improvements.

- e. Whether the proposed Rezoning or Special Use Permit is in conformity with the policy and interest of the land use plan.**

The Proposed Zoning and Proposed Use complies with the intent of the Sugar Hill Comprehensive Plan. The Proposed Use is compatible with the surrounding properties and land uses. The Proposed Zoning and Proposed Use complies with the intent of the Sugar Hill Community Character Area Map. The Subject Property is located within the Commercial Node Character Area of the Comprehensive Plan. The Proposed Zoning is a recommended zoning category within the Commercial Node. As such, the Proposed Use is in compliance with the Comprehensive Plan.

- f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the Proposed Rezoning or Special Use Permit.**

The existing conditions affecting the use of the Subject Property give strong support for approval of the Proposed Zoning and Proposed Use, as all developed properties in the immediate area are zoned similarly to the Proposed Zoning.

#### **VARIANCES**

**Variance #1 - A variance to reduce the buffer from 50' to 35' along the southern property boundary abutting a residential district known as Gwinnett County Tax Parcel: R7321 056. (The 2000 Zoning Ordinance of the City of Sugar Hill § 1205).**

- a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography.**

The subject property's shape, size, and topography substantially limit the buildable area of the subject property. The shape, size, and topography of the property necessitate the requested variance and placement of structures and improvements in the locations proposed by the Applicant in order to permit feasible development of the Subject Property.

**b. The application of the Ordinance to this particular piece of property would create an unnecessary hardship.**

The application of the Ordinance to this particular piece of property would create a practical difficulty and unnecessary hardship in that the shape of size, shape, and topography of the Subject Property creates an oddly-shaped building envelope, limiting the size and shape of the structures that may be constructed. Unless the requested variance is approved as requested by the Applicant, the Subject Property cannot be developed in an economically viable or physically practical manner.

**c. Such conditions are peculiar to the particular piece of property involved.**

The Subject Property's shape, size, and topography, as well as adjacency to a state highway substantially limit the buildable area of the subject property and necessitate the requested variance and placement of structures in the locations proposed by the Applicant in order to permit feasible development of the Subject Property. As such, the Subject Property's unique size, shape, and topography create extraordinary conditions not applicable generally to other land or buildings in the vicinity, creating a hardship that justifies the approval of the requested variance.

Specifically, in order to provide adequate stacking space for vehicles entering the property the property from Sugar Ridge Drive, the access drive from Sugar Ridge Drive to the Subject Property must be located far enough south of SR 20 that the access drive encroaches into the 50-foot buffer area along the southern boundary. In addition, the detention pond size necessary to serve the Subject Property requires encroachment into the same buffer area.

**d. Such conditions are not the result of any actions of the property owner.**

The condition from which relief or a variance is sought does not result from willful action by the Applicant, but rather as a result of the size, shape, and topography of the Subject Property, as well as access and right-of-way design requirements along a state highway.

**e. Relief, if granted would not cause substantial detriment to the public good nor impair the purposes or intent of this Ordinance.**

The proposed variance will not eliminate the Zoning Ordinance's intent of providing adequate buffers and landscaping between residential and non-residential zoning districts. Adequate landscaping and building separation will be provided to protect the privacy and safety of adjoining property owners. Approval of the proposed variance would not create a safety hazard or noxious condition.

**CONCLUSION**

The Applicant respectfully requests that the Application, as requested by the Applicant, be approved. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.