

City of Sugar Hill
Planning Staff Report
RZ 22-007

DATE: November 21, 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 27, 2023, from Jason Nam Kim to change the zoning from RS-100 to BG for retail and office uses.

ACTION & RECOMMENDATION

Approval of request to rezone the subject property to BG with the following conditions:

1. The following uses are prohibited: carwashes, convenience store with fuel pumps, adult novelty retail stores, pawn shops, hotels and motels, and restaurants.
2. Developer shall provide new 12' wide sidewalk on Cumming Highway in accordance with the Sugar Hill Trail Concept LCI Plan. Trail shall be located as far from the edge of the road as practical, but not less than five feet as shown in the plan.
3. Provide on-site bike racks, dedicated bike lanes and signage on internal access.
4. Except where noted herein, site plan and building shall be constructed to substantially resemble the examples attached as Exhibits 1 and 2.
5. Developer shall prepare a warrant analysis for the installation of a center turn-lane (left-turn) from Sugar Ridge Drive on to SR 20. This warrant analysis shall be subject to approval by Gwinnett County, City of Sugar Hill, and the Georgia Department of Transportation. If warranted, developer shall install the access improvements prior to receiving a certificate of occupancy.
6. No more than one building, not including accessory structures, shall be located on the property.
7. No building shall exceed two (2) stories in height.
8. Ground monument signs shall not exceed 12 feet in height or a maximum of 100 square feet per side in sign face area per sign structure.
9. Sign lights shall be focused, directed, and arranged so as to avoid the creation of a traffic or safety hazard, or a nuisance to adjacent property owners. No sign shall operate at brightness level of more than 0.20 foot candles above ambient light levels as measured at a distance of 125 feet perpendicular to the sign face.

PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION

The Planning Commission held a scheduled public hearing on November 20, 2023. Applicant representative Bryceson Mercer 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 had come up with a plan that was agreeable. Applicants who spoke in opposition included Clifton Prewitt, concerning the driveway in front of the building as well as the maximum

height of the sign. Chairman Jeremy White motioned to recommend approval with staff recommended conditions. Commission Member Phil Olsen 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 Ridge Lake Park and connectivity to the Sugar Hill Trail system offer alternative mobility options for residents to access neighborhood services.
- Site plan includes the improvement of Sugar Ridge Drive to an asymmetrical three-lane street with right hand turn lane onto S.R. 20 – Cumming Highway.
- Site plan includes a 12 foot concrete sidewalk in accordance with the Sugar Hill Trail Concept LCI.

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 motorist 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 developments,

and a park within a 1/2 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.

BACKGROUND

Applicant/Owner:	Jason Nam Kim
Existing Zoning:	RS-100
Request(s):	BG
Purpose:	Retail/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 11-3-23 Sign posted at 5422 Sugar Ridge Drive on 11-3-23 Ad in legal section of Gwinnett Daily Post on 10-18-23 & 11-8-23
Public Comments:	

FINDINGS OF FACT

Surrounding Land Use and Zoning

Direction	Existing Land Use	Existing Zoning
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)*

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'.

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?*

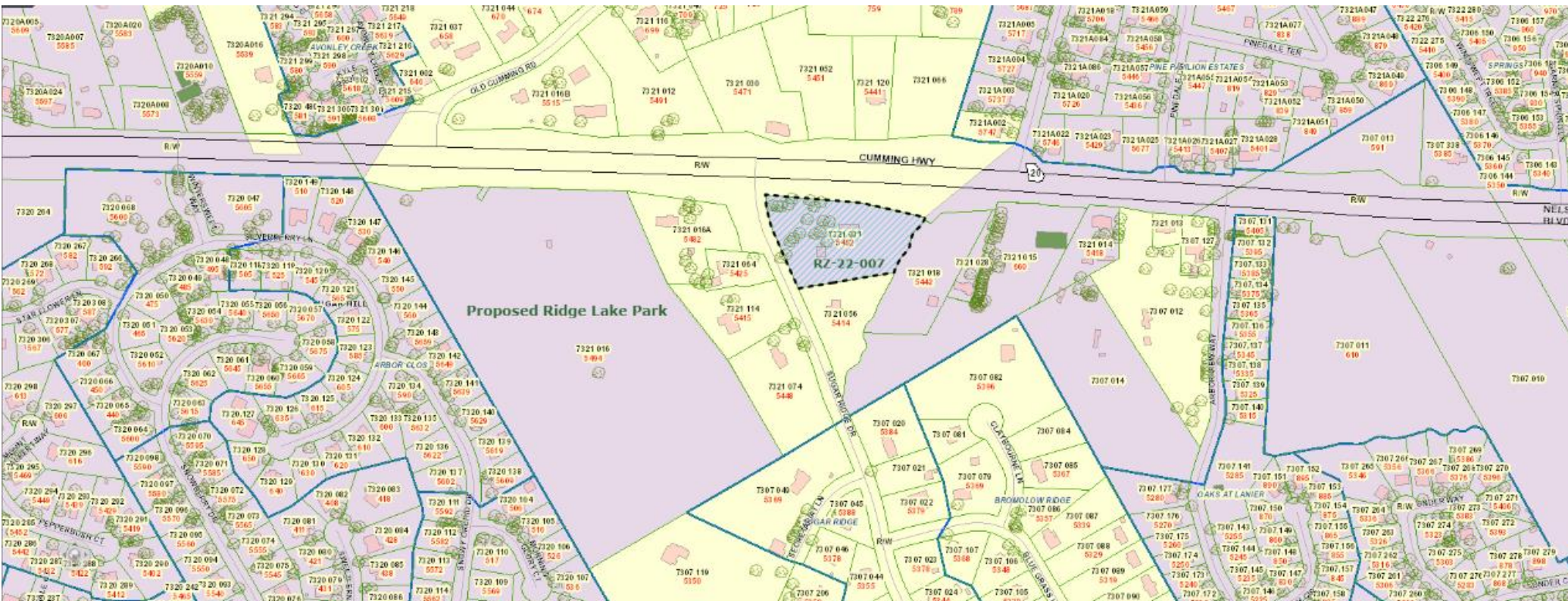
Excerpts from the Comprehensive Plan (2019):

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
LOCATION MAP
Request to rezone from RS-100 to BG
Retail/Office uses





Miles Hansford, LLC

ATTORNEYS AT LAW

202 Tribble Gap Road · Suite 200 · Cumming, GA 30040
178 S Main Street · Suite 310 · Alpharetta, GA 30009
Phone 770.781.4100

MilesHansford.com

J. Ethan Underwood
eunderwood@MilesHansford.com

LETTER OF INTENT

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

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)**

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/Office uses.

The Applicant is proposing Retail/Office building consisting of a two-story building with 15,000 sq ft. on the first floor and 8,500 sq ft. on the second floor, totaling 23,500 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.

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.