

City of Sugar Hill  
Planning Staff Report  
RZ 24-001

DATE: March 1, 2024  
TO: Mayor and City Council  
FROM: Planning Director  
SUBJECT: Change in Conditions of Zoning RZ 24-001,  
General Business District (BG)  
5952 Cumming Highway 7-339-016

ISSUE The City of Sugar Hill has received an application, dated January 23, 2024, from NWF Acquisitions, LLC, to change the conditions of zoning for 5952 Cumming Highway.

RECOMMENDED ACTION

**Recommend approval of request to change the conditions of zoning:**

**To modify the conditions of zoning for AX-07-010, retaining previously established conditions with a modification to condition 6s to read as follows:**

No intercoms or speakers except for bank branch with a drive-thru and/or a drive-up ATM using an interactive teller machine.

PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION

*The Planning Commission held a scheduled public hearing on February 19, 2024. Applicant representative Alec Lesley spoke on behalf of this request. The public hearing was closed and there were no other public comments. Commissioner Phil Olsen made a motion to approve the change in conditions as recommended by staff. Commissioner Rosemary Walsh made the second. Motion approved 4-0.*

DISCUSSION

- The subject site is part of an assemblage of parcels that was rezoned and annexed into city limits in 2007, pursuant to AX-07-010. A retail strip center was proposed for the site, but never realized. Within recent years, other parcels affected by the subject annexation were developed with a self-storage facility and drive-thru restaurant.
- The retail developments proposed by the applicant are uses permitted by right within the current General Business zoning.
- A condition was placed on the property to disallow loudspeakers on the site. An adjacent property successfully sought to remove this condition for the development of a fast-food restaurant.
- The applicant seeks to modify this condition to allow for a loudspeaker only as it relates to the function and operation of a banking facility.

## BACKGROUND

Applicant/Owner: NWF Acquisitions, LLC / Bruce D. Duncan

Existing Zoning: BG

Request(s): Change in Conditions Only.

Purpose: Retail

Property Size: ± 1.29 acres

Location: 5952 Cumming Highway

Tax parcel: 7-339-016

Public Notice: Letters to adjoining owners via USPS regular mail on 1/31/24

Sign posted at 5952 Cumming Highway on 2/2/24

Ad in legal section of Gwinnett Daily Post on 2/4/24

Public Comments: None as of 2/21/2024

## FINDINGS OF FACT

### Surrounding Land Use and Zoning

Direction	Existing Land Use	Existing Zoning
North	Restaurant in Sugar Hill city limits	BG
South	Vacant property in unincorporated Gwinnett County	R100 (Gwinnett)
East	GDOT ROW, Retail Commercial Center in Sugar Hill city limits	BG
West	Single Family Detached Residences in Sugar Hill city limits	RS150

*City of Sugar Hill: Low Density Single Family Residential (RS150), General Business (BG)*

*Gwinnett County: Single Family Residential (R100)*

Conditions of zoning AX-07-010:

1. Provide a 30' inter-parcel access easement interconnecting the subject parcels.
2. All detention facilities except underground detention shall have a chain link fence (dark green or black vinyl coated) and enhanced buffer installed around the perimeter. *Refer to Development Regulations 8.2.7.*
3. Reduced standard zoning buffer to a 40' enhanced buffer except as shown on the attached map drawn by the Planning Director.
4. Enhanced buffer is to consist of at least a staggered double row of evergreen and semi-evergreen trees and shrubs native or adapted to the area. Trees shall be 6' tall at time of planting. Plantings shall be arranged to provide an effective visual screen of at least 20' in height at maturity. Buffer must not contain more than 30% of a single species and must be shown on a landscape plan to be approved by Planning and Development prior to receiving any permits.
5. Lighting shall be designed and maintained to prevent light trespass in excess of .2 foot candles (fc) as measured at a 6' height perpendicular to the ground. Lamps shall have a color

temperature rating between 75 and 100 CRI. All lamps must be shielded to prevent glare from any point along the property line so that no direct light source is visible from a sight line established at a distance between four feet (4') and six feet (6') perpendicular from the ground. The lighting plan must be approved by the City's Planning Director prior to receiving any land disturbance and/or building permit.

6. The following uses shall not be permitted:

- |  |  |
|--|--|
| a. automobile repair shops or tire stores including lubrication or tune up centers   | j. mini-warehouse/personal storage facilities  |
| b. service stations defined as a business with fuel pumps and garage stalls for vehicle maintenance                                | k. moving van or truck rental  |
| c. refueling stations except those businesses that retail alternative fuels such as those defined by the Energy Policy Act of 1992 | l. taxi/limousine service  |
| d. convenience stores defined as a retail establishment selling fuel and sundries for the traveling consumer                       | m. boarding and rooming houses   |
| e. funeral homes and mausoleums  | n. contractors offices   |
| f. mortuaries and crematories  | o. transportation terminals for passengers   |
| g. motels, hotels  | p. facilities engaging in the business, trade, or profession of psychic reading, fortune telling, astrology, phrenology, palmistry, clairvoyance, or related practices |
| h. automotive sales lots and associated service facilities   | q. pawn shops  |
| i. equipment rental  | r. businesses that primarily offer check cashing services for a fee to those who don't have traditional bank accounts  |
|  | s. <del>No intercoms or speakers.</del>  |

7. Dumpster hours are limited to the hours between 7:00 AM and 7:00 PM. Delivery hours are limited to the hours between 7:00 AM and 9:00 PM.

8. Structure located on parcel 7-339-046 shall be removed within 180 days.

9. Any new construction shall match the attached schematic in architectural elevation and design with knee walls and metal roofing.

## 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 an existing commercial node and is surrounded by established neighborhoods and commercial developments. The property, along with several other adjacent properties was previously annexed and rezoned in 2007 for a retail strip center, which was never developed. In the following years, a drive-thru restaurant and self-storage facility was developed on a neighboring site. With proper conditions the development has the potential to be aesthetically cohesive with surrounding developments.

**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 nearby and adjacent commercial development in the node and includes a buffer 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. 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.

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

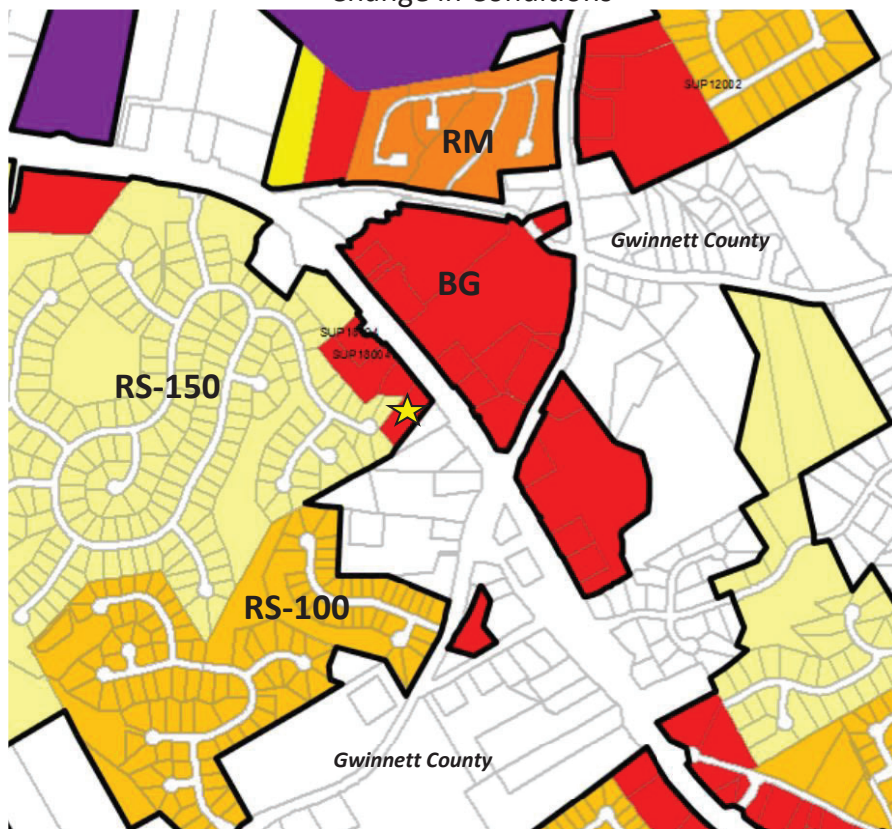
Yes, the property is currently located within an existing commercial node, bounded by established neighborhoods. Conditions were previously placed on the property that further reinforce its appropriateness within this node.

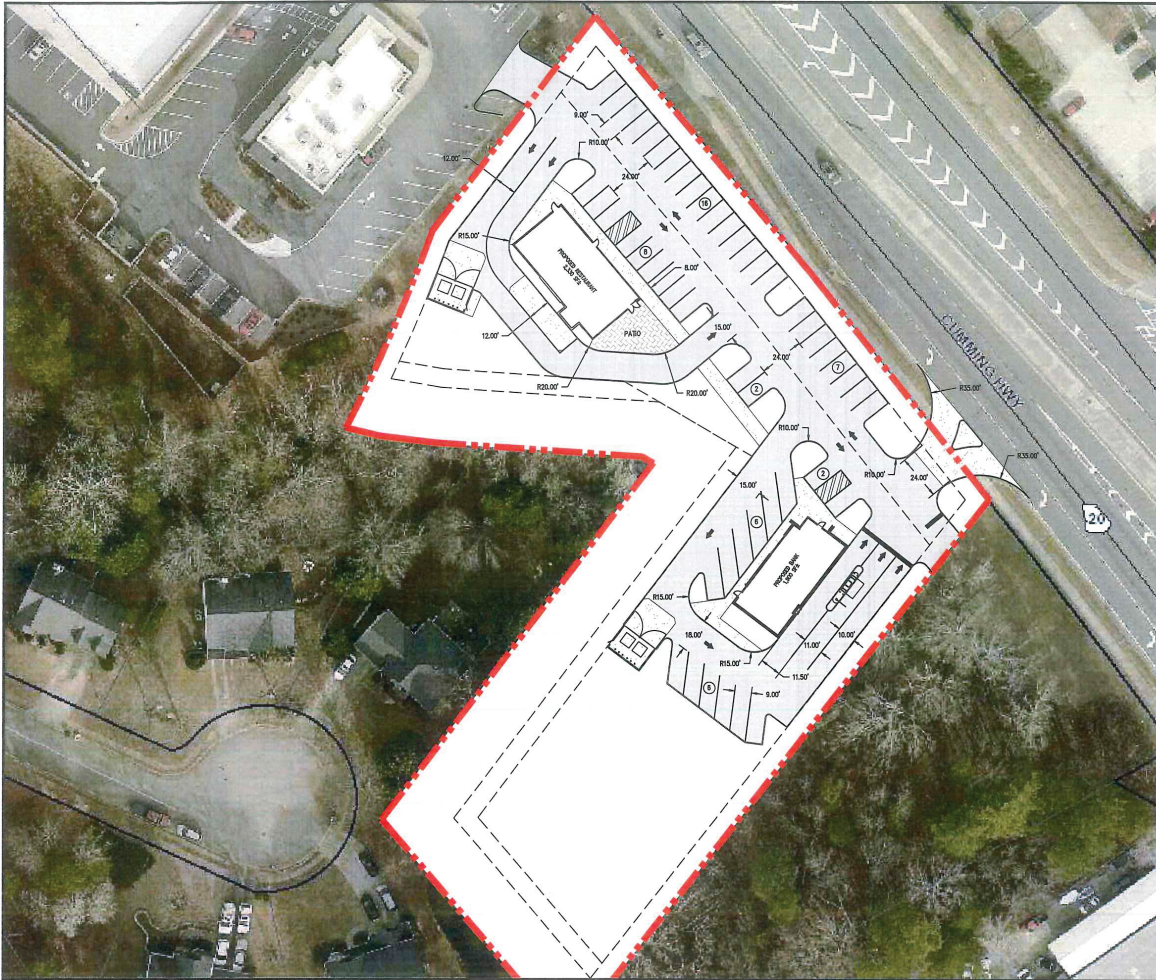
**6. Are there other existing or changing conditions affecting the use and development of the property which would give support to an approval or disapproval of the rezoning request?**

*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.

RZ-24-001  
ADJACENT ZONING MAP  
Change in Conditions





**SITE NOTES:**

1. PROPOSED COMMERCIAL ENTRANCE LOCATIONS ARE SUBJECT TO COUNTY AND NOT APPROVAL AND MAY REQUIRE A 5A TO BE PREPARED BY A TRAFFIC ENGINEER. FURTHER INVESTIGATION INTO THE PROPOSED ENTRANCE LOCATIONS IS RECOMMENDED PRIOR TO PROCEEDING WITH THE DESIGN DRAWINGS.
2. THIS PLAN ASSUMES THAT THE PROPOSED STORMWATER MITIGATION REQUIREMENTS WILL BE ADOPTED ON-SITE AND THAT AN ASSOCIATE OUTFALL IS LOCATED IMMEDIATELY ADJACENT TO THE PARCEL BOUNDARY.
3. PER THE COUNTY ZONING ORDINANCE, THE PROPOSED USE IS A PERMITTED USE WITHIN THE CURRENT ZONING DISTRICT.
4. THIS PLAN ASSUMES THAT THE REQUIRED 75' LANDSCAPE BUFFER ALONG THE REAR PROPERTY LINES CAN BE REDUCED.

**SITE SUMMARY**

TOTAL PARCEL AREA = 5.05 AC.  
 EXISTING ZONING = B-C  
 PARKING CALCULATIONS  
 REQUIRED = 43 SPACES (1/7000)  
 PROPOSED = 47 SPACES  
 BUILDING SETBACKS  
 FRONT = 40'  
 SIDE = 10'  
 REAR = 30'  
 LANDSCAPE BUFFERS  
 FRONT = 10'  
 SIDE = 10'  
 REAR = 70'

NO.	DESCRIPTION	DATE

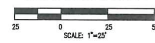
DEVELOPMENT SERVICES GROUP  
 1110 PROGRESSIVE DR.  
 CHESTERFIELD, VA 23130  
 PH: 757-475-1719  
 EMAIL: SP@FRANKROSSVA.COM



PROJECT NAME/LOCATION IS  
**CUMMINGS HWY COMMERCIAL**  
 SHEET TITLE  
**CONCEPTUAL SITE PLAN**  
 PROJECT NUMBER  
 3048 CUMMINGS HWY  
 SUGAR HILL, VA



DRAWING SCALE



3

CONCEPT PLAN

## LETTER OF INTENT

Proposed Use: Bank branch

Acreage: 1.29

Zoning shall remain the same

1 dwelling, 1,900 sq ft

Parking spaces: 17

Height: 18 feet

Special Conditions: Request to delete in its entirety Paragraph 6(s) as defined in Exhibit B of Gwinnett County Case # AX-07-010 Ordinance for Annexation dated January 14, 2008, and replace with the following:

s. No intercoms or speakers except for bank branch with a drive-thru and/or a drive-up ATM using an interactive teller machine.