

City of Sugar Hill
Planning Staff Report
VAR-24-001

DATE: March 27, 2024; *Updated 4/5/2024*
TO: Mayor and City Council
FROM: Planning Director
SUBJECT: Stream Buffer Variance Request, VAR-24-001.

REQUEST Applicant 30AIP Sugar Hill, LLC is seeking a stream buffer variance to allow disturbance and construction within the 50-foot undisturbed stream buffer and the 75-foot impervious surface setback.

RECOMMENDED ACTION:

Approval of the stream buffer variance with condition that on-site mitigation is accomplished in accordance with the procedures provided in the Gwinnett County Storm Water Design Manual prior to receiving a *certificate of occupancy*.

DISCUSSION

- Site is proposed for development to construct a 2,325 square foot restaurant with drive-thru lane (for mobile pick-up orders only) and inter-parcel access to the adjacent Zaxby's restaurant (west) and proposed bank facility (east).
- Improvements proposed within the 50' stream buffer include paving for a drive-thru pickup lane, parking, enclosed dumpsters, and a retaining wall.
- Improvements proposed within the 75' impervious setback include paving for driveways, the remainder of the enclosed dumpster area, the primary restaurant structure, and exterior sidewalk paving.
- Applicant has also applied for a variance from Georgia Environmental Protection Division for a portion of the state buffer. *US Army Corp of Engineers (USACE) nationwide permit is not applicable due to no proposed wetland disturbance.*
- A variable width zoning buffer in accordance with AX-07-010 along the southern property line adjacent to residential uses.

BACKGROUND

APPLICANT: 30AIP Sugar Hill, LLC c/o Robert McCann
OWNER: Bruce D. Duncan
EXISTING ZONING: General Business District (BG)
REQUEST: Stream buffer variance to disturb and construct improvements within the 50' stream buffer and 75' impervious surface setback.

PROPERTY SIZE: ± 0.738 acres

LOCATION: 5962 Cumming Highway

Parcel: R7-339-017

FINDINGS OF FACT

The subject property accesses Highway 20 via inter-parcel access through adjacent properties. The property is currently developed with an 840 square foot single family residence constructed in the 1980's. A stream with associated state and city buffers is currently located adjacent to the rear property line and encroaches approximately 93 feet into the property. Proposed storm water management improvements include an underground detention facility located beneath the proposed parking lot. A water quality outlet is proposed to feed into the existing stream, which is bounded by a modular block retaining wall. Storm water management facilities are exempt from the city's stream buffer requirements.

Additionally, under Section 4.2.2.5 of the Sugar Hill Stream Buffer Protection Ordinance, a variance may be considered if the buffer intrusion is mitigated using the procedure established in the Gwinnett County Storm Water Design Manual.

“The amount and type of on-site mitigation does not have to be determined at the time of the [Stream Buffer Protection Ordinance] application. The applicant can identify areas of mitigation if the applicant so desires. On-site mitigation can be determined after a [Stream Buffer Protection Ordinance] variance is granted. (*Gwinnett County Stormwater Design Manual*)”



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T. LUKE FERGUSON, P.E.

February 19, 2024

Mr. Kaipo Awana
Planning and Development Department Director
City of Sugar Hill
5039 West Broad Street
Sugar Hill, Georgia 30518

Re: Letter of Intent
Stream Buffer Protection Variance Application
5962 Cumming Highway, Parcel No. 7339 017
Sugar Hill, Georgia 30518

Dear Mr. Awana,

Please accept the attached Stream Buffer Protection Variance Application package for the proposed retail/restaurant project located at 5962 Cumming Highway (Parcel No. 7339-017) in Sugar Hill, Georgia. The proposed use of the project is a quick serve restaurant. The variance requested is to encroach into the 50 foot undisturbed buffer and the additional 25 foot impervious buffer per Section 4.1.1 and 4.1.2 of the City of Sugar Hill's Stream Buffer Protection Ordinance.

An aquatic resources and state waters delineation was performed on the parcel by Contour Environmental in October 2023. The project area was found to contain 0.001 acres of wetlands and 93.33 linear feet of intermittent stream. The proposed development will include the construction of a quick serve restaurant with drive thru, parking, and associated utilities. Due to the shape of the property and topography, the city's 50 foot undisturbed buffer and additional 25 foot impervious buffer would render the site undevelopable for the proposed retail/restaurant project and impossible to provide an inter-parcel access and connectivity from the proposed project to the adjacent parcels along Cumming Highway. The 50 foot undisturbed buffer comprises 34% of the entire parcel area. When the additional 25 foot impervious buffer is added to the undisturbed buffer, the total buffer area is 54% of the entire parcel area. Additionally, the existing topography on the site hinders development because the topography slopes steadily away from the Cumming Highway road frontage and includes a total elevation fall of more than 20 feet from the front to the rear of the property.

The proposed site and grading plans have been designed to minimize the impact on the stream buffers as much as possible. In fact, the proposed design includes a retaining wall along the rear of the site to eliminate any impact to the existing stream and wetlands areas. Unfortunately, the proposed development will encroach into the city's buffers. Accordingly, we have also submitted a variance application to the Georgia Environmental Protection Division to encroach into a portion of the state's 25 foot stream buffer. The project's stormwater management plan will be designed to comply with the Gwinnett County Stormwater Design Manual.

Mr. Kaipo Awana
February, 19, 2024
Page 2

Based on the fact that we have designed the proposed project to eliminate any impacts to the existing intermittent stream and wetlands areas, and the fact that the proposed project would be undevelopable without a variance to encroach into city's buffers, we respectfully request your consideration and approval of the attached Stream Buffer Protection Variance Application. Thank you for your time and attention to this request. If you have any questions, please contact me at (770) 491-7550 or bmccann@hainesgipson.com.

Very truly yours,

HAINES, GIPSON & ASSOCIATES, INC.



Robert A. McCann, P.E.
Principal

LEGEND

EXISTING FEATURES	---
EXISTING BUILDING	—
PROPOSED FEATURES	- - -
PROPOSED BUILDING	▭
PROPERTY LINES	---
CHAIN LINK FENCE	× × × × × × × × × ×
HEAVY DUTY ASPHALT PAVING	▨
REINFORCED CONC. PAVING OR SIDEWALK	▩

CONTRACTOR TO COORDINATE WITH GRADING PLAN THE AREAS IN WHICH REVERSE SLOPE GUTTER IS REQUIRED.

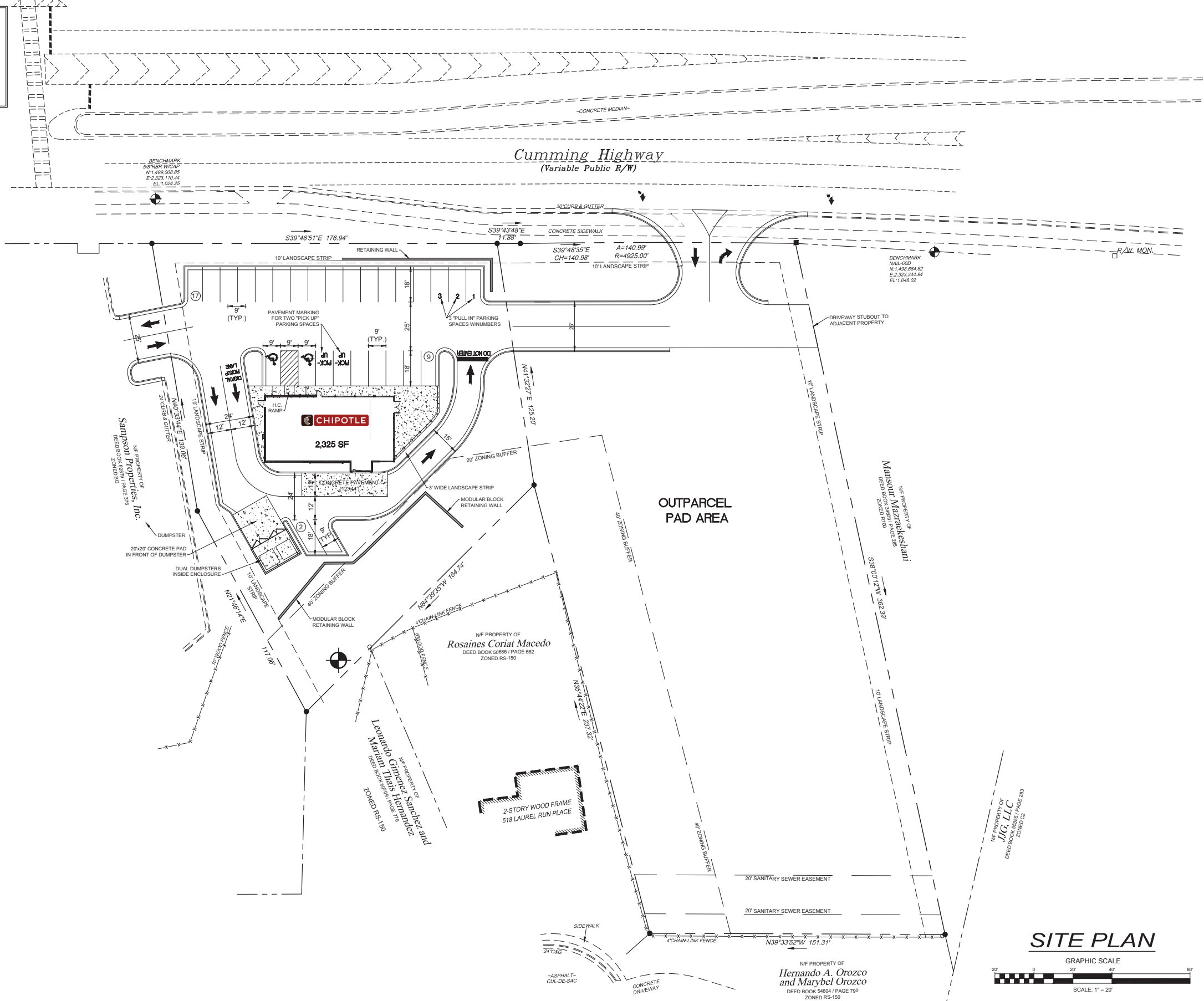
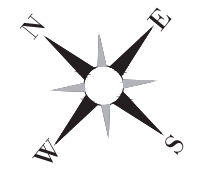
NOTE: SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND DETAILS. ANY BUILDING DIMENSIONS SHOWN ON THIS PLAN ARE FOR GENERAL COORDINATION PURPOSES ONLY AND SHOULD NOT BE USED TO LAYOUT THE BUILDING OR ITS APPURTENANCES (STAIRS, DOORS, ETC.)

- SITE PLAN NOTES:**
- TYPICAL PAVEMENT SECTIONS FOR THE PARKING LOT ARE INCLUDED IN THE CONSTRUCTION DETAIL SHEETS.
 - ALL DIMENSIONS ARE TO/FROM THE FACE OF CURB AND/OR THE OUTSIDE FACE OF THE BUILDING WALL UNLESS OTHERWISE STATED.
 - ALL PAVEMENT MARKINGS, STRIPING, AND SIGNAGE SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE LOCAL JURISDICTION, THE STATE TRANSPORTATION CABINET, AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
 - TRUNCATED DUMES ARE REQUIRED ON ALL HANDICAP RAMPS. SEE DETAILS FOR ACTUAL TRUNCATED DUMES PLACEMENT.
 - ALL PARKING SPACES NOTED AS "COMPACT" MUST HAVE THE WORD "COMPACT" PAINTED IN EACH INDIVIDUAL SPACE.

- CHIPTOLE SIGN VENDOR COORDINATION NOTES:**
- CONTRACTOR SHALL COORDINATE DIRECTLY WITH CHIPTOLE SIGN VENDOR FOR ALL SIGN LOCATIONS THAT ARE TO BE PROVIDED AND INSTALLED BY THE CHIPTOLE SIGN VENDOR.
 - CONDUIT FOR CLEARANCE BAR IS TO BE CENTERED BELOW FUTURE SIGNPOST LOCATION.
 - CONDUIT FOR PICK UP WINDOW LOOP DETECTOR IS TO BE CENTERED ON THE PICK UP WINDOW.
 - THE CLEARANCE BAR IS TO BE PROVIDED AND INSTALLED BY THE CHIPTOLE SIGN VENDOR.
 - THE PULL-IN PARKING SPACES SIGNS ARE TO BE PROVIDED AND INSTALLED BY THE CHIPTOLE SIGN VENDOR.
 - THE PICK UP PARKING SPACES SIGNS ARE TO BE PROVIDED AND INSTALLED BY THE CHIPTOLE SIGN VENDOR.
 - SEE CHIPTOLE SITE SPECIFIC DETAILS FOR PAVEMENT MARKING AND OTHER CHIPTOLE SPECIFIC DETAILS ON CONSTRUCTION DETAIL SHEETS. PAVEMENT MARKINGS VENDOR SHALL BE: PAVEMENT STENCIL COMPANY

SITE DATA

TENANT	BLDG. AREA (S.F.)	MIN. PARKING SPACES REQUIRED	MAX. PARKING SPACES ALLOWED	PARKING SPACES PROVIDED			SITE AREA
				STANDARD	HC	TOTAL	
CHIPTOLE	2,325	24	48	24	2	28	0.739 ACRES
OUTPARCEL							1.271 ACRES
TOTAL							2.01 ACRES

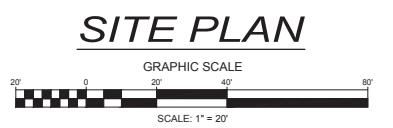


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THE LOCATION OF ALL UTILITIES (ABOVE OR BELOW GROUND) SHOWN ON THESE DRAWINGS ARE APPROXIMATE & WERE OBTAINED FROM OBSERVATIONS AT THE SITE AND/OR FROM THE UTILITY OWNERS. HAINES GIPSON & ASSOC., INC. DOES NOT GUARANTEE THAT LOCATIONS SHOWN ARE EXACT. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY OR HIS AGENT AND/OR THE CONTRACTOR TO DETERMINE EXACT LOCATIONS OF EXISTING UTILITIES (ABOVE OR BELOW GROUND) & TO NOTIFY UTILITY OWNERS BEFORE BEGINNING ANY CONSTRUCTION.

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IF PROPERTY OF
JIG, LLC
DEED BOOK 80885 / PAGE 283
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SITE PLAN



SUGAR HILL RETAIL SITE
5952 AND 5962 CUMMING HIGHWAY
LAND LOT 339, 7th DISTRICT
SUGAR HILL, GEORGIA

NO.	BY	DATE	DESCRIPTION

DRAWN BY	CHECKED BY
RAM	RCL
DATE	
2/1/2024	
SHEET TITLE	
SITE PLAN	
SHEET NUMBER	
C1.0	

LEGEND

EXISTING FEATURES	- - - - -
EXISTING BUILDING	▬▬▬▬▬▬
PROPOSED FEATURES	▬▬▬▬▬▬
PROPOSED BUILDING	▬▬▬▬▬▬
PROPERTY LINES	- - - - -
CHAIN LINK FENCE	x x x x x x x x
HEAVY DUTY ASPHALT PAVING	▬▬▬▬▬▬
REINFORCED CONC. PAVING OR SIDEWALK	▬▬▬▬▬▬

CONTRACTOR TO COORDINATE WITH GRADING PLAN THE AREAS IN WHICH REVERSE SLOPE GUTTER IS REQUIRED.

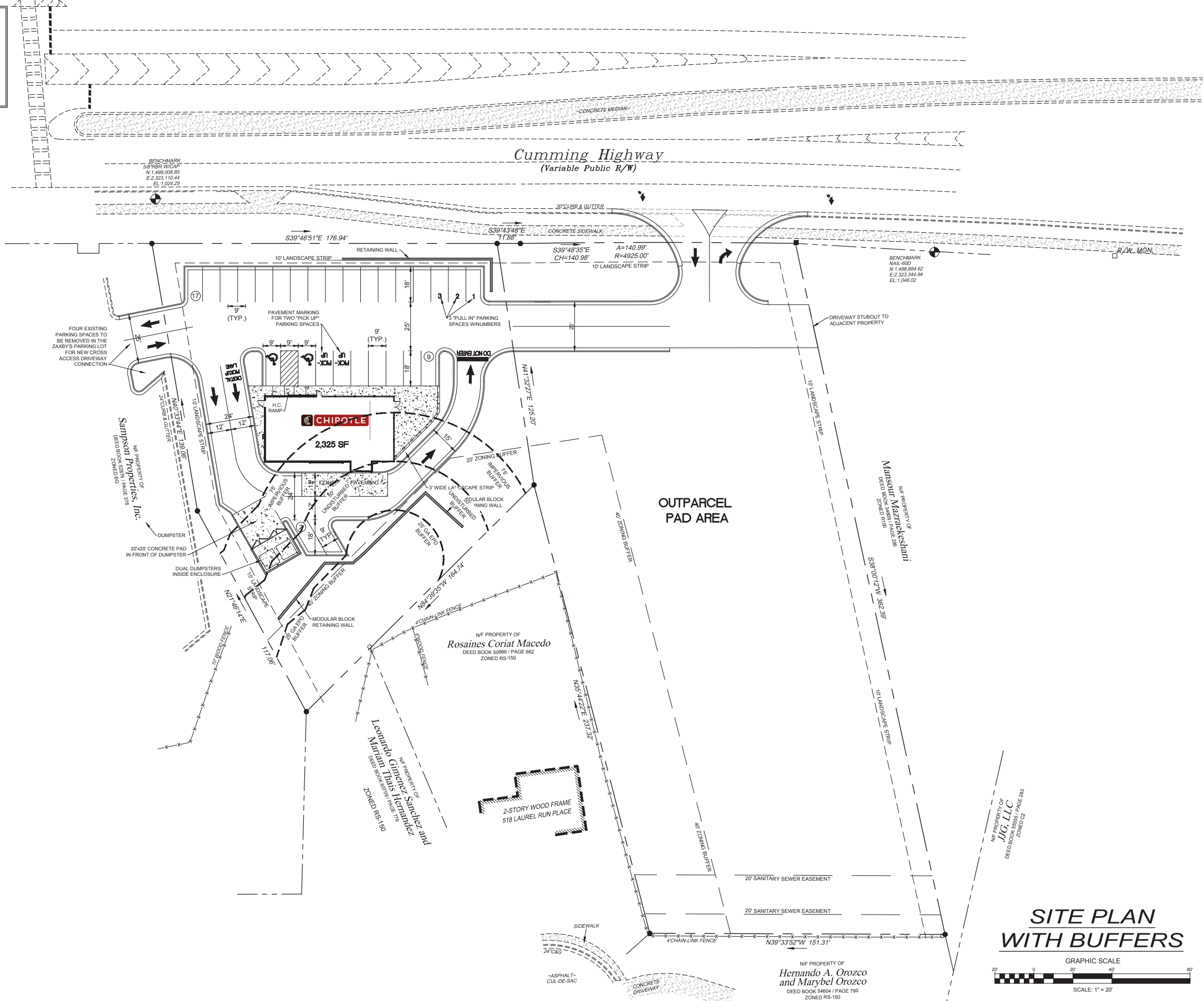
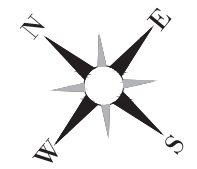
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IF PROPERTY OF JIG, LLC
DEED BOOK 80385 / PAGE 283
ZONED R-150

SITE PLAN WITH BUFFERS
GRAPHIC SCALE
SCALE: 1" = 20'



SUGAR HILL RETAIL SITE
5952 AND 5962 CUMMING HIGHWAY
LAND LOT 339, 7th DISTRICT
SUGAR HILL, GEORGIA

NO.	BY	DATE	DESCRIPTION

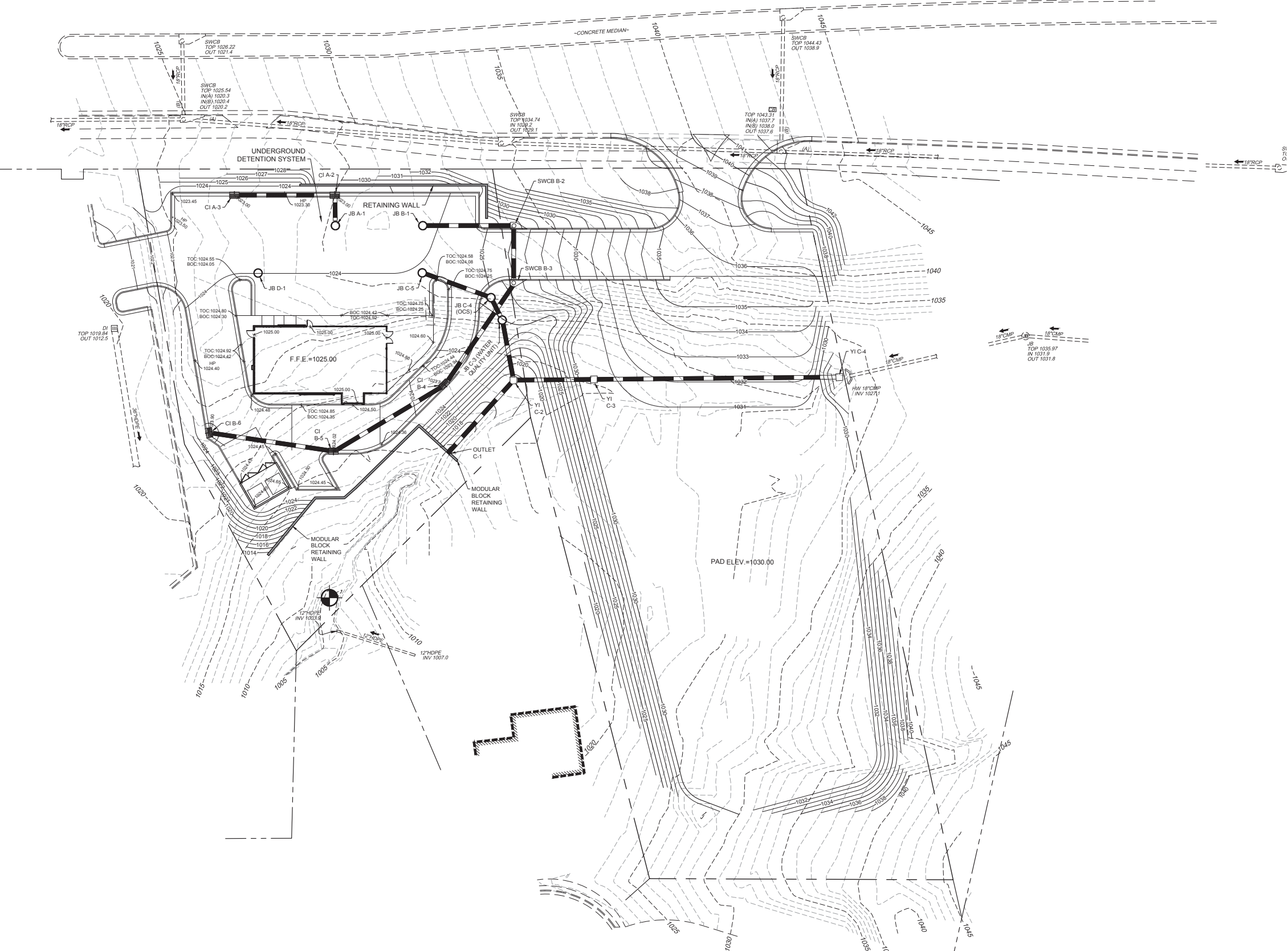
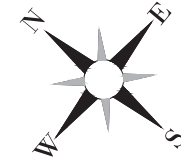
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DATE	
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SITE PLAN	
SHEET NUMBER	
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LEGEND	
PROPERTY LINES	---
EXISTING FEATURES	---
EXISTING CONTOUR ELEVATION	--- (1160)
EXISTING CONTOUR LINE	---
EXISTING STORM SEWER	---
PROPOSED FEATURES	---
PROPOSED BUILDING	---
PROPOSED CONTOUR ELEVATION	---
PROPOSED SPOT ELEVATION	+740.50
PROPOSED DIRECTION OF FLOW	↑
PROPOSED STORM SEWER	---
PROPOSED CURB INLET	⊠
PROPOSED DROP INLET	○
PROPOSED JUNCTION BOX	⊙
PROPOSED SINGLE WING CATCH BASIN	⊙

ALL CONSTRUCTION ON SITE MUST COMPLY WITH THE CONCLUSIONS AND RECOMMENDATIONS IN THE GEOTECHNICAL REPORT AND ADDITIONAL GEOTECHNICAL INVESTIGATION LETTERS PREPARED SPECIFICALLY FOR THIS SITE.

THE GRADES SHOWN ON THIS PLAN REPRESENT FINISHED GRADE. THE CONTRACTOR SHALL ALLOW FOR THE THICKNESS OF THE PAVEMENTS AND THE FLOOR SLABS WHEN FINISH GRADING THE SITE.

NOTE: CUT OR FILL SLOPES SHOULD NOT BE STEEPER THAN 2:04' : 1.0V.



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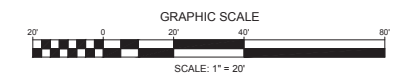
**SOUTHEASTERN
RETAIL DEVELOPMENT**

SUGAR HILL RETAIL SITE
5952 AND 5962 CUMMING HIGHWAY
LAND LOT 339, 7th DISTRICT
SUGAR HILL, GEORGIA

NO.	BY	DATE	DESCRIPTION

DRAWN BY	CHECKED BY
RAM	RCL
DATE 2/1/2024	
SHEET TITLE GRADING PLAN	
SHEET NUMBER C3.0	

GRADING PLAN

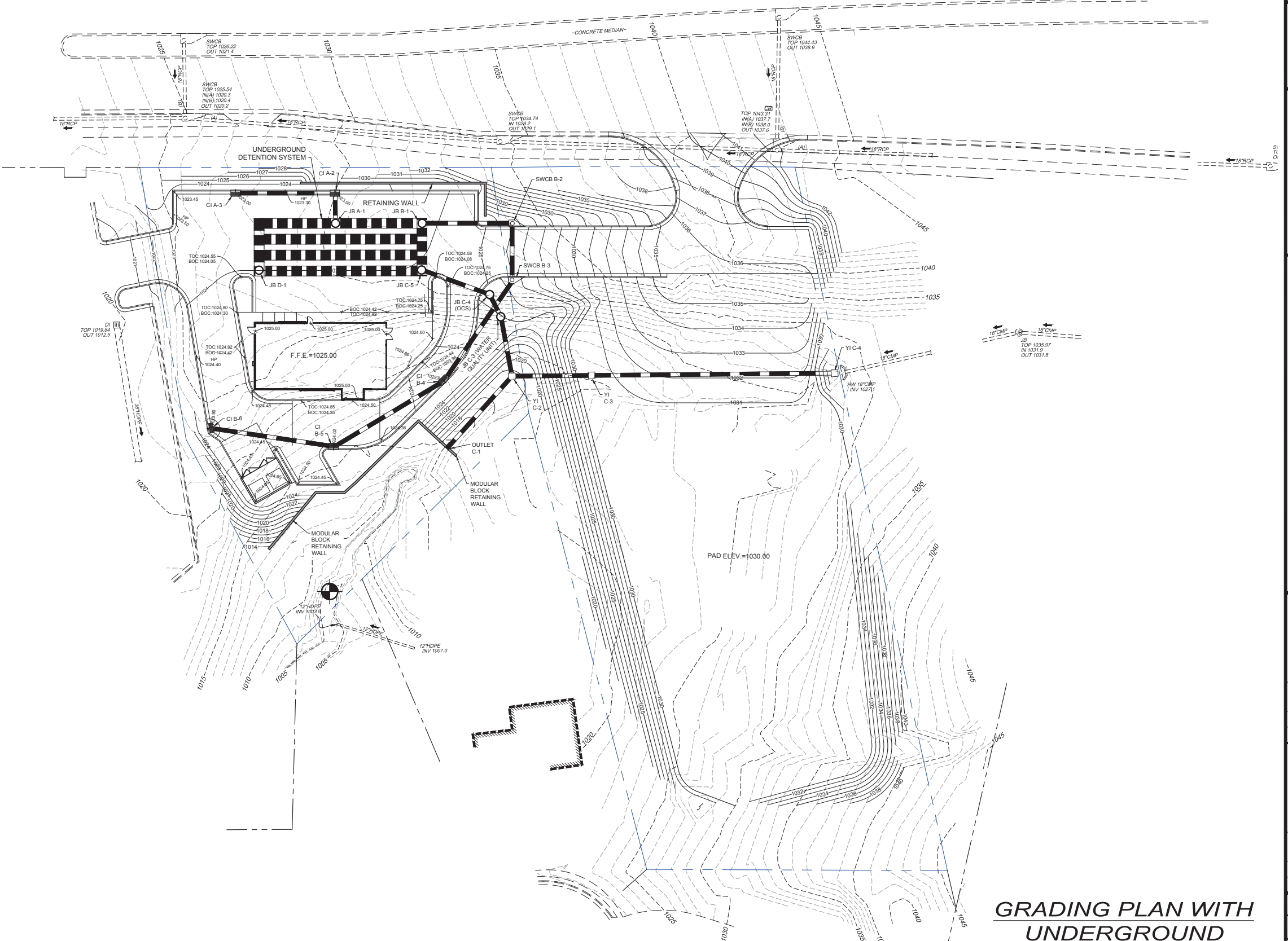
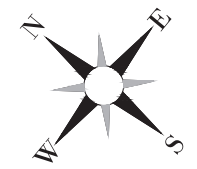


LEGEND	
PROPERTY LINES	---
EXISTING FEATURES	---
EXISTING CONTOUR ELEVATION	--- (1100)
EXISTING CONTOUR LINE	---
EXISTING STORM SEWER	---
PROPOSED FEATURES	---
PROPOSED BUILDING	---
PROPOSED CONTOUR ELEVATION	---
PROPOSED SPOT ELEVATION	+740.50
PROPOSED DIRECTION OF FLOW	↑
PROPOSED STORM SEWER	---
PROPOSED CURB INLET	⊠
PROPOSED DROP INLET	⊞
PROPOSED JUNCTION BOX	⊙

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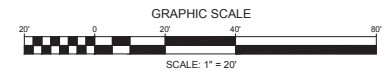


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**GRADING PLAN WITH
UNDERGROUND
STORHGE PIPE SYSTEM**



**SOUTHEASTERN
RETAIL DEVELOPMENT**

SUGAR HILL RETAIL SITE
5952 AND 5962 CUMMING HIGHWAY
LAND LOT 339, 7th DISTRICT
SUGAR HILL, GEORGIA

NO.	BY	DATE	DESCRIPTION

DRAWN BY	CHECKED BY
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DATE 2/1/2024	
SHEET TITLE GRADING PLAN W/UG PIPE SYSTEM	
SHEET NUMBER C3.1	

LEGEND	
PROPERTY LINES	---
EXISTING FEATURES	---
EXISTING CONTOUR ELEVATION	--- (100)
EXISTING CONTOUR LINE	---
EXISTING STORM SEWER	---
PROPOSED FEATURES	---
PROPOSED BUILDING	---
PROPOSED CONTOUR ELEVATION	--- 740
PROPOSED SPOT ELEVATION	--- +740.50
PROPOSED DIRECTION OF FLOW	---
PROPOSED STORM SEWER	---
PROPOSED CURB INLET	---
PROPOSED DROP INLET	---
PROPOSED JUNCTION BOX	---

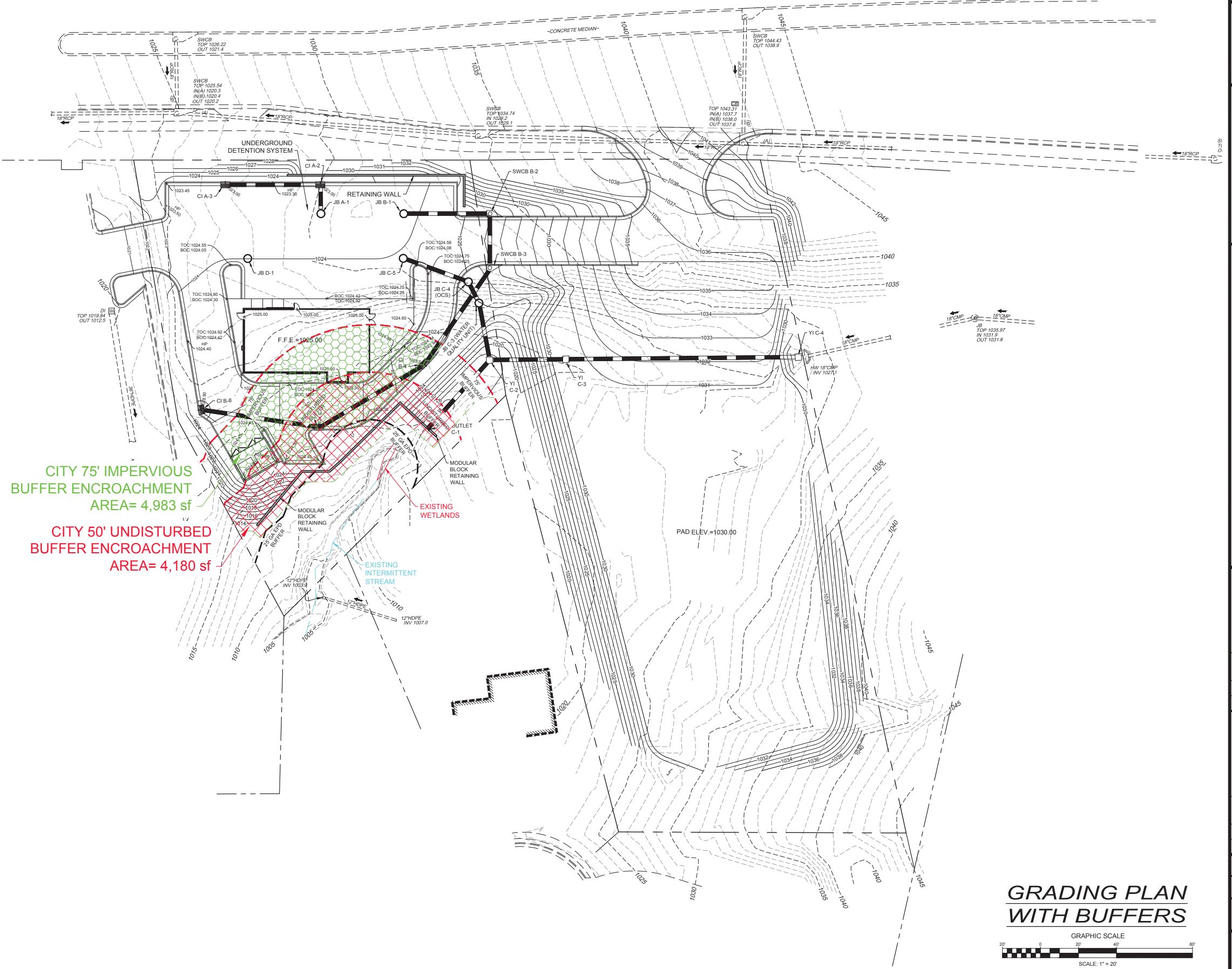
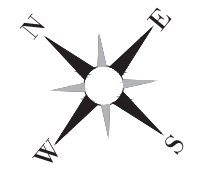
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CITY OF SUGAR HILL STREAM BUFFER IMPACTS:

WETLANDS IMPACTS: 0 sf
 INTERMITTENT STREAM IMPACTS: 0 sf
 50' UNDISTURBED BUFFER AREA ENCROACHMENT: 4,180 sf
 75' IMPERVIOUS BUFFER AREA ENCROACHMENT: 4,983 sf



CITY 75' IMPERVIOUS BUFFER ENCROACHMENT AREA= 4,983 sf

CITY 50' UNDISTURBED BUFFER ENCROACHMENT AREA= 4,180 sf



SOUTHEASTERN RETAIL DEVELOPMENT

SUGAR HILL RETAIL SITE
 5952 AND 5962 CUMMING HIGHWAY
 LAND LOT 339, 7th DISTRICT
 SUGAR HILL, GEORGIA

NO.	BY	DATE	DESCRIPTION

DRAWN BY	CHECKED BY	DATE
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SHEET TITLE		
GRADING PLAN		
W/BUFFERS		
SHEET NUMBER		
C3.2		



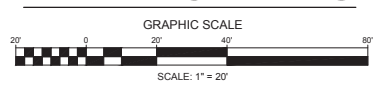
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THE LOCATION OF ALL UTILITIES (ABOVE OR BELOW GROUND) SHOWN ON THESE DRAWINGS ARE APPROXIMATE & WERE OBTAINED FROM OBSERVATIONS AT THE SITE AND/OR FROM THE UTILITY OWNERS. HANES GIPSON & ASSOC., INC. DOES NOT GUARANTEE THAT LOCATIONS SHOWN ARE EXACT. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY OR HIS AGENT AND/OR THE CONTRACTOR TO DETERMINE EXACT LOCATIONS OF EXISTING UTILITIES (ABOVE OR BELOW GROUND) & TO NOTIFY UTILITY OWNERS BEFORE BEGINNING ANY CONSTRUCTION.

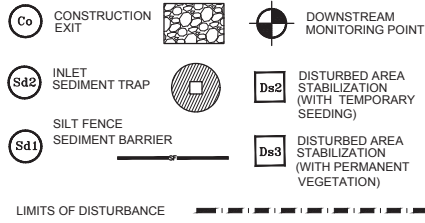
CAUTION-NOTE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. GA. LAW REQUIRES THE CONTRACTOR TO CALL THE UTILITY PROTECTION CENTER AT LEAST 48 HOURS (BUT NO MORE THAN 10 WORKING DAYS) BEFORE ANY EXCAVATION TO REQUEST FIELD LOCATION OF UTILITIES. LOCATE SERVICES SHALL INCLUDE TRAFFIC SIGNAL AND FIBER OPTIC EQUIPMENT. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE THE RELOCATION OF ALL THE UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

GRADING PLAN WITH BUFFERS



EROSION CONTROL LEGEND



EROSION & SEDIMENT CONTROL NOTES:

1. THE DESIGN PROFESSIONAL WHO PREPARED THE ES&PC PLAN IS TO INSPECT THE INSTALLATION OF THE INITIAL SEDIMENT STORAGE REQUIREMENTS AND PERIMETER CONTROL BMPs WITHIN 7 DAYS AFTER INSTALLATION.
2. NON-EXEMPT ACTIVITIES SHALL NOT BE CONDUCTED WITHIN THE 25 OR 50-FOOT UNDISTURBED STREAM BUFFERS AS MEASURED FROM THE POINT OF WRESTED VEGETATION WITHOUT FIRST ACQUIRING THE NECESSARY VARIANCES AND PERMITS.
3. AMENDMENTS/REVISIONS TO THE ES&PC PLAN WHICH HAVE A SIGNIFICANT EFFECT ON BMPs WITH A HYDRAULIC COMPONENT MUST BE CERTIFIED BY THE DESIGN PROFESSIONAL.
4. WASTE MATERIALS SHALL NOT BE DISCHARGED TO WATERS OF THE STATE, EXCEPT AS AUTHORIZED BY A SECTION 404 PERMIT.
5. THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES PRIOR TO LAND DISTURBING ACTIVITIES.
6. EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.
7. ANY DISTURBED AREA LEFT EXPOSED FOR A PERIOD GREATER THAN 14-DAYS SHALL BE STABILIZED WITH MULCH OR TEMPORARY SEEDING.

NOTE: ALL TEMPORARY EROSION CONTROL MEASURES (SILT FENCE, SKIMMER ON DETENTION POND, CONSTRUCTION EXIT, ETC.) SHALL BE REMOVED AT THE COMPLETION OF CONSTRUCTION.

APPLY GOOD APPROVED EROSION CONTROL MATTING OR BLANKETS OR BONDED FIBER MATRIX TO ALL SLOPES STEEPER THAN 3:1.

THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH, LAND DISTURBING ACTIVITIES.

EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.

ANY DISTURBED AREA LEFT EXPOSED FOR A PERIOD GREATER THAN 14 DAYS SHALL BE STABILIZED WITH MULCH OR TEMPORARY SEEDING.

NON-EXEMPT ACTIVITIES SHALL NOT BE CONDUCTED WITHIN THE 25 FT OR 50 FT UNDISTURBED BUFFERS AS MEASURED FROM THE POINT OF WRESTED VEGETATION WITHOUT FIRST ACQUIRING THE NECESSARY VARIANCES AND PERMITS.

ANY REVISIONS OR AMENDMENTS TO THE ES&PC PLAN WHICH HAVE A SIGNIFICANT EFFECT ON BMPs WITH A HYDRAULIC COMPONENT MUST BE CERTIFIED BY THE DESIGN PROFESSIONAL.

WASTE MATERIALS SHALL NOT BE DISCHARGED TO THE WATERS OF THE STATE, EXCEPT AS AUTHORIZED BY THE SECTION 404 PERMIT.

THE DESIGN PROFESSIONAL WHO PREPARED THE ES&PC PLAN IS TO INSPECT THE INSTALLATION OF THE INITIAL SEDIMENT STORAGE REQUIREMENTS AND PERIMETER CONTROL BMPs WITHIN 7 DAYS AFTER INSTALLATION.

AMENDMENTS/REVISIONS TO THE PLAN ES&PC WHICH HAVE A SIGNIFICANT EFFECT ON BMPs WITH A HYDRAULIC COMPONENT MUST BE CERTIFIED BY THE DESIGN PROFESSIONAL.

NON-EXEMPT ACTIVITIES SHALL NOT BE CONDUCTED WITHIN THE 25 OR 50 FOOT UNDISTURBED STREAM BUFFERS AS MEASURED FROM THE POINT OF WRESTED VEGETATION WITHOUT FIRST ACQUIRING THE NECESSARY VARIANCES AND PERMITS.

PETROLEUM STORAGE SHALL BE DONE IN ACCORDANCE WITH ONE OF THE FOLLOWING METHODS TO PREVENT STORMWATER DISCHARGES ON THE SITE:

A. ALL PETROLEUM STORAGE CONTAINERS SHALL BE COVERED WITH PLASTIC SHEETING OR BE LOCATED UNDER A TEMPORARY ROOF.
B. ALL PETROLEUM STORAGE CONTAINERS SHALL BE LOCATED IN A TEMPORARY CONTAINMENT AREA.

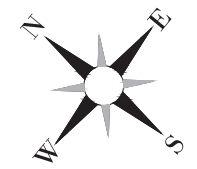
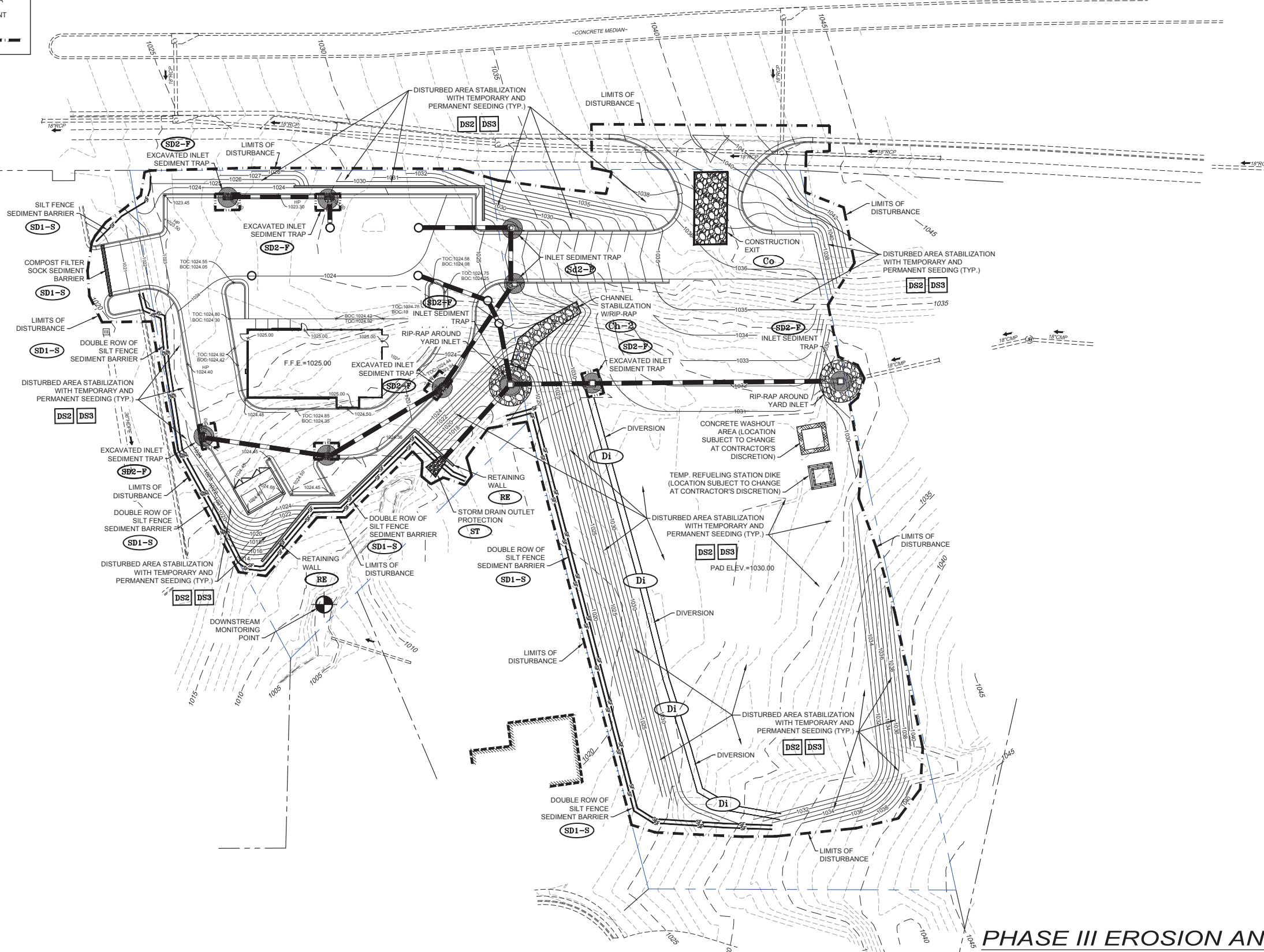


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EROSION, SEDIMENTATION & POLLUTION CONTROL PLAN CERTIFICATION
I, CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT CERTIFIED PERSONNEL, PROPERLY TRAINED AND EVALUATED, HAVE BEEN RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.
Robert A. McCann, P.E.
ROBERT A. MCCANN, P.E. - CONSOLE CERT #1331 DATE 2/1/24

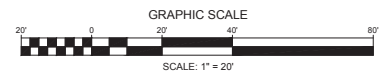


SUGAR HILL RETAIL SITE
5952 AND 5962 CUMMING HIGHWAY
LAND LOT 339, 7th DISTRICT
SUGAR HILL, GEORGIA

NO.	BY	DATE	DESCRIPTION

DRAWN BY	CHECKED BY
RAM	RCL
DATE	
2/1/2024	
SHEET TITLE	
PHASE III ES&PC PLAN	
SHEET NUMBER	
C4.2	

PHASE III EROSION AND SEDIMENT POLLUTION CONTROL PLAN



SITE PHOTOGRAPHS

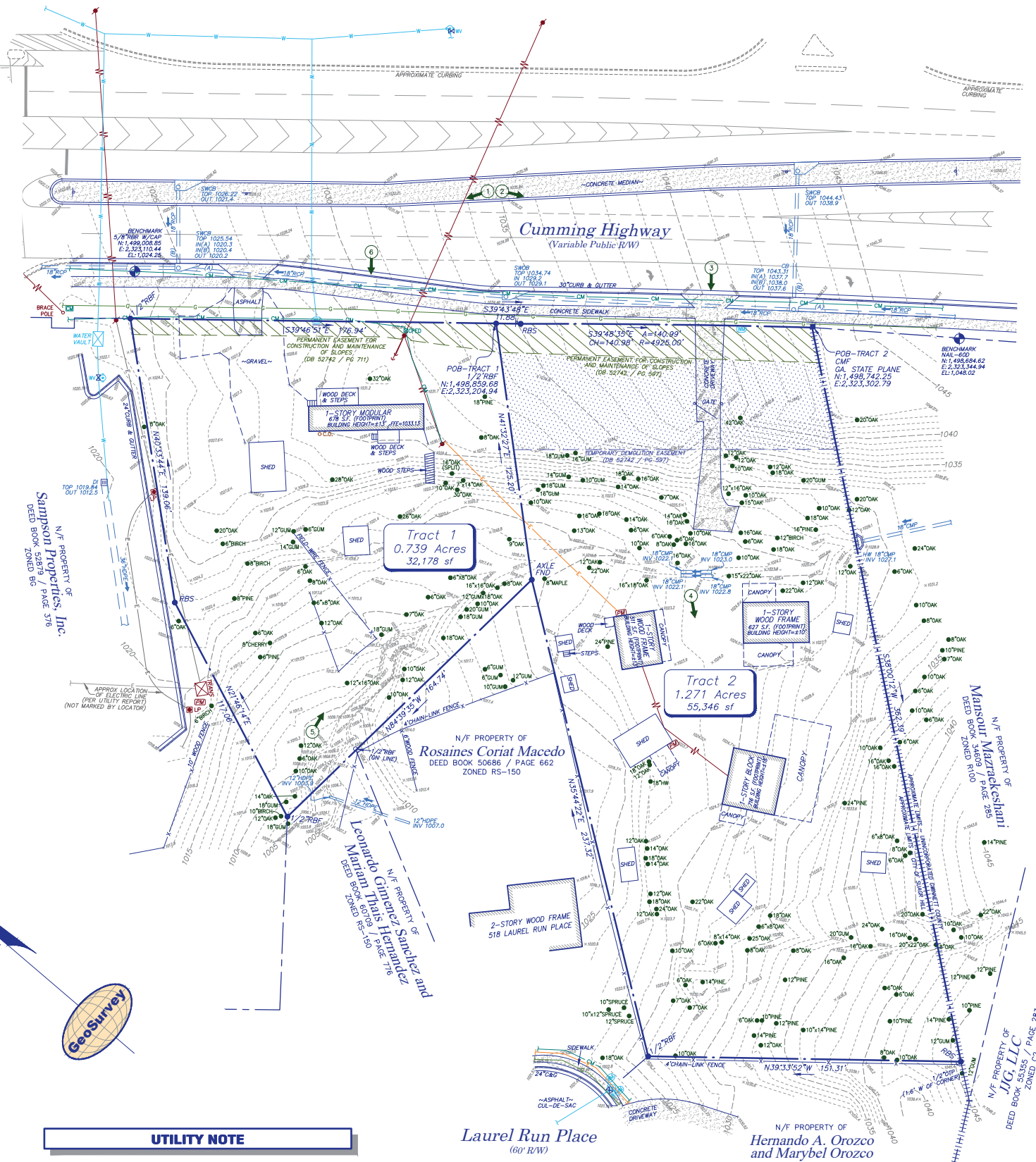


CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 14,511 AND WAS NOT ADJUSTED. A TRIMBLE TSC SERIES TOTAL STATION AND TRIMBLE TSC SERIES DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 143,717 FEET. ERP INT.

IF YOU DIG

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UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY:
UTILITY MARKING, LLC
3042 GALA TRAIL
SNELLVILLE, GA 30036
(678) 357-1946

UTILITY MARKING, LLC UTILIZED SEVERAL TECHNIQUES INCLUDING, BUT NOT LIMITED TO, ELECTROMAGNETIC, MAGNETIC LOCATION FOR FERROUS METALS, ACUSTIC AND PASSIVE FREQUENCIES TO DESIGNATE AND MARK BURIED UTILITIES ON THE SURFACE WITH PAINT AND FLAGS COVERING THE ENTIRE AREA OF THE PROJECT.

THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AC AIR CONDITIONER	POWER POLE
BH BORE HOLE	GUY WIRE
BSL BUILDING SETBACK LINE	POWER LINE
CI CURB INLET	LIGHT POLE
CMF CORRUGATED METAL PIPE	ELECTRIC TRANSFORMER
CO CONCRETE MONUMENT FOUND	WATER VAULT
CTP CRUMPED TOP PIPE	GAS VALVE
DI DROP INLET	GAS METER
DIP DUCTILE IRON PIPE	WATER VALVE
DWCB DOUBLE WING CATCH BASIN	GAS METER
FND FOUND	INVERT
GM GAS METER	
INV INVERT	
JB JUNCTION BOX	
MH MANHOLE	
NF NAIL FOUND	
NS NAIL SET	
OCS OUTLET CONTROL STRUCTURE	
OTIP OPEN TOP PIPE	
PM POWER METER	
POB POINT OF BEGINNING	
POC POINT OF COMMENCEMENT	
RCP REINFORCED CONCRETE PIPE	
RBR IRON REINFORCING BAR	
RES 5/8" REBAR SET CAPPED LSF 621	
SS SANITARY SEWER	
SWCB SINGLE WING CATCH BASIN	
TRANS TRANSFORMER	
	FIRE HYDRANT
	UNDERGROUND ELECTRIC LINE
	UNDERGROUND GAS LINE
	UNDERGROUND COMMUNICATION LINE
	UNDERGROUND WATER LINE
	PHOTO POSITION INDICATOR
	REGULAR PARKING SPACE COUNT
	HANDICAP PARKING SPACE
	TREE POSITION INDICATOR
	SIGN

TITLE EXCEPTIONS

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B, SECTION 2, OF A COMMITMENT FOR TITLE INSURANCE, PREPARED FOR FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 2-43060, EFFECTIVE DATE: OCTOBER 31, 2023.

(f) Right-of-Way Easement from George Sudderth and Andy Sudderth to Somwe Electric Membership Corporation, dated August 31, 2002, filed for record April 22, 1993 at 9:00 a.m., recorded in Deed Book 8646, Page 56, Records of Gwinnett County, Georgia. DOES NOT AFFECT SITE.

(g) Conveyance of access rights as contained in that certain Limited Warranty Deed from Donald E. Humphries to Georgia Highway 20 Associates, LLC, a Georgia limited liability company, dated August 31, 2002, filed for record September 3, 2009 at 2:15 p.m., recorded in Deed Book 49691, Page 797, aforesaid Records. AFFECTS SITE - NOTHING TO PLOT.

(h) Conveyance of access rights as contained in that certain Declaration of Taking - Gwinnett County, Georgia vs. Donald E. Humphries; David Treadwell, 0.053 acres of permanent easement for the construction and maintenance of slopes, et al, being Civil Action File No. 12A-04820-7, filed for record January 15, 2014 at 4:27 p.m., recorded in Deed Book 52742, Page 597, aforesaid Records, as affected by that certain Order & Judgment - Gwinnett County, Georgia vs. Donald E. Humphries; David Treadwell, 0.053 acres of permanent easement for the construction and maintenance of slopes, et al, being Civil Action File No. 12A-04820-7, filed for record January 15, 2014 at 4:27 p.m., recorded in Deed Book 52742, Page 608, aforesaid Records, as further affected by that certain Final Consent Order Gwinnett County, Georgia vs. Donald E. Humphries; David Treadwell, 0.053 acres of permanent easement for the construction and maintenance of slopes, et al, being Civil Action File No. 12A-04820-7, dated July 30, 2013, filed for record January 15, 2014 at 4:27 p.m., recorded in Deed Book 52742, Page 612, aforesaid Records. AFFECTS SITE - NOTHING TO PLOT.

(i) Easement rights as contained in that certain Declaration of Taking - Gwinnett County, Georgia vs. Donald E. Humphries; David Treadwell, 0.053 acres of permanent easement for the construction and maintenance of slopes, et al, being Civil Action File No. 12A-04820-7, dated May 2012, filed for record January 15, 2014 at 4:33 p.m., recorded in Deed Book 52742, Page 720, aforesaid Records, as affected by that certain Declaration of Taking - Gwinnett County, Georgia vs. Donald E. Humphries; David Treadwell, 0.053 acres of permanent easement for the construction and maintenance of slopes, et al, being Civil Action File No. 12A-04820-7, dated July 30, 2013, filed for record January 15, 2014 at 4:27 p.m., recorded in Deed Book 52742, Page 612, aforesaid Records. AFFECTS SITE AS PLOTTED.

(j) Easement rights as contained in that certain Petition - Gwinnett County, Georgia vs. Donald E. Humphries; and 0.033 acres of permanent easement for the construction and maintenance of slopes, being Civil Action File No. 12A-04066-4, dated May 2012, filed for record January 15, 2014 at 4:33 p.m., recorded in Deed Book 52742, Page 720, aforesaid Records, as affected by that certain Declaration of Taking - Gwinnett County, Georgia vs. Donald E. Humphries; David Treadwell, 0.053 acres of permanent easement for the construction and maintenance of slopes, et al, being Civil Action File No. 12A-04820-7, dated July 30, 2013, filed for record January 15, 2014 at 4:27 p.m., recorded in Deed Book 52742, Page 612, aforesaid Records. AFFECTS SITE AS PLOTTED.

(k) All those matters as disclosed by that certain plot recorded in Plat Book 2, Page 194-A, aforesaid Records.

(l) All those matters as disclosed by that certain plot recorded in Plat Book 1, Page 287-B, aforesaid Records.

(m) All matters on plot of survey for Donald E. Humphries by Diversified Technical Group, LLC, dated April 9, 2014. AFFECTS SITE AS PLOTTED.

PROPERTY DESCRIPTION

All that tract or parcel of land lying or being in Land Lot 338, 7th District, Gwinnett County, City of Sugar Hill, Georgia, and being more particularly described as follows:

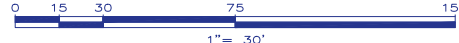
Tract 1
COMMENCING at the centerline intersection of Georgia Highway 20 and Sweeney Dam Road North 45 degrees 05 minutes 18 seconds West for a distance of 638.35 feet (record measurement) to a concrete monument; said monument having State Plane Coordinate Value Northing: 1,498,659.68; Easting: 2,323,204.94; Georgia West Zone; thence along a curve to the left, said curve having an arc length of 140.98 feet to a 5/8-inch rebar set, being subtended by a chord bearing of North 39 degrees 48 minutes 35 seconds West for a distance of 140.98 feet to a 5/8-inch rebar set; thence North 39 degrees 43 minutes 48 seconds West for a distance of 11.88 feet to a 1/2-inch rebar found and the POINT OF BEGINNING; thence South 41 degrees 32 minutes 27 seconds West for a distance of 125.20 feet to an oak; thence North 84 degrees 39 minutes 35 seconds West for a distance of 164.74 feet to a 1/2-inch rebar found; thence North 21 degrees 46 minutes 14 seconds East for a distance of 117.08 feet to a 5/8-inch rebar set; thence North 40 degrees 33 minutes 44 seconds East for a distance of 130.06 feet to a 1/2-inch rebar found; thence South 39 degrees 43 minutes 48 seconds East for a distance of 11.88 feet to a 5/8-inch rebar set; thence along a curve to the right, said curve having an arc length of 140.98 feet with a radius of 4925.00 feet, being subtended by a chord bearing of South 39 degrees 48 minutes 35 seconds East for a distance of 140.98 feet to a concrete monument and the POINT OF BEGINNING.

Said tract of land contains 0.739 acres.

Tract 2
COMMENCING at the centerline intersection of Georgia Highway 20 and Sweeney Dam Road North 45 degrees 05 minutes 18 seconds West for a distance of 638.35 feet (record measurement) to a concrete monument; said monument having State Plane Coordinate Value Northing: 1,498,742.25; Easting: 2,323,302.78; Georgia West Zone; and the POINT OF BEGINNING; thence South 38 degrees 00 minutes 12 seconds West for a distance of 362.39 feet to a 5/8-inch rebar set; thence North 39 degrees 33 minutes 52 seconds West for a distance of 151.31 feet to a 1/2-inch rebar found; thence North 35 degrees 44 minutes 22 seconds East for a distance of 237.32 feet to an oak; thence North 41 degrees 32 minutes 27 seconds East for a distance of 125.20 feet to a 1/2-inch rebar found; thence South 39 degrees 43 minutes 48 seconds East for a distance of 11.88 feet to a 5/8-inch rebar set; thence along a curve to the right, said curve having an arc length of 140.98 feet with a radius of 4925.00 feet, being subtended by a chord bearing of South 39 degrees 48 minutes 35 seconds East for a distance of 140.98 feet to a concrete monument and the POINT OF BEGINNING.

Said tract of land contains 1.271 acres.

GRAPHIC SCALE



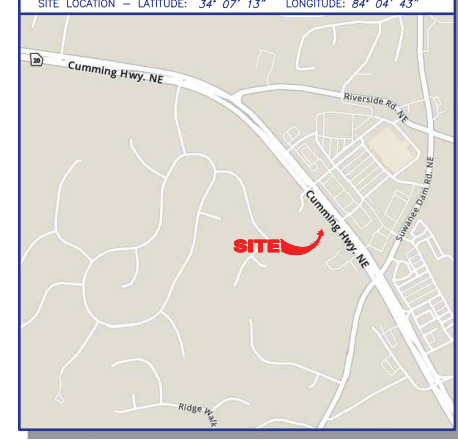
SURVEYOR CERTIFICATION (GEORGIA)

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Bradley D. Cash
Bradley D. Cash
Georgia Registered
Land Surveyor # 2840

GeoSurvey
Professional Land Surveying Services
1660 Barnes Mill Road
Marietta, Georgia 30062
Phone: (770) 795-9900
Fax: (770) 795-8880
www.geosurvey.com
EMAIL: info@geosurvey.com
Certificate of Authorization #LSF-000621

VICINITY MAP



GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

REVISIONS LISTED ON THIS SURVEY APPLY ONLY TO THE SPECIFIC CHANGES REFERENCED, AND DO NOT CONSTITUTE AN UPDATE OF OTHER DATA ON THIS SURVEY. THE "SURVEY DATE" SHOWN HEREON IS THE APPLICABLE DATE AS RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13135000136, AND THE DATE OF SAID MAP IS 3/4/2013. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

PLEASE NOTE: TREES 6-INCH DBH (DIAMETER AT BREAST HEIGHT) AND LARGER WERE LOCATED FOR THIS SURVEY.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY eGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (2011)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR. THE SITE IS ZONED "BG" (GENERAL BUSINESS DISTRICT) AS SHOWN ON THE ONLINE ZONING MAP FOR THE CITY OF SUGAR HILL, GEORGIA. THE VERTICAL ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

RIGHT-OF-WAY LINES SHOWN ON THIS SURVEY THAT ARE NOT ACTUAL BOUNDARIES OF THE SUBJECT TRACT(S) ARE DEPICTED GRAPHICALLY AND ARE SHOWN APPROXIMATELY FOR INFORMATIONAL PURPOSES ONLY. SAID RIGHT-OF-WAY LINES SHOULD NOT BE UTILIZED FOR DESIGN PURPOSES.

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SURVEY REFERENCES
1. PLAT OF PROPERTY PREPARED FOR WINTON SODDERTH, DATED 12-31-74, BY HUIZ BROTHERS, INC., RECORDED IN PLAT BOOK 2, AT PAGE 194A, GWINNETT COUNTY RECORDS.
2. SURVEY FOR LARRY YOUNGBLOOD, DATED 10-24-72, BY JAMES AKINS & ASSOCIATES, RECORDED IN PLAT BOOK 13, AT PAGE 287B, GWINNETT COUNTY RECORDS.
3. BOUNDARY SURVEY FOR DONALD E. HUMPHRIES, PREPARED BY DIVERSIFIED TECHNICAL GROUP, LLC, DATED APRIL 9, 2014, PROJECT NO. 14133.

SURVEYOR CERTIFICATION (ALTA/NSPS)

To: Southeastern Retail Development, LLC
Fidelity National Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6, 7(a), 7(b)-1, 9, 10, 11a, & 13 of Table A thereof. The field work was completed on December 15, 2023.

Date: December 15, 2023

GEORGIA REGISTERED
No. 2840
PROFESSIONAL
LAND SURVEYOR
BRADLEY D. CASH

Bradley D. Cash
Georgia Registered
Land Surveyor # 2840

ALTA/NSPS LAND TITLE SURVEY
5952 & 5962 Cumming Highway
FOR
Southeastern Retail Development, LLC
Fidelity National Title Insurance Company

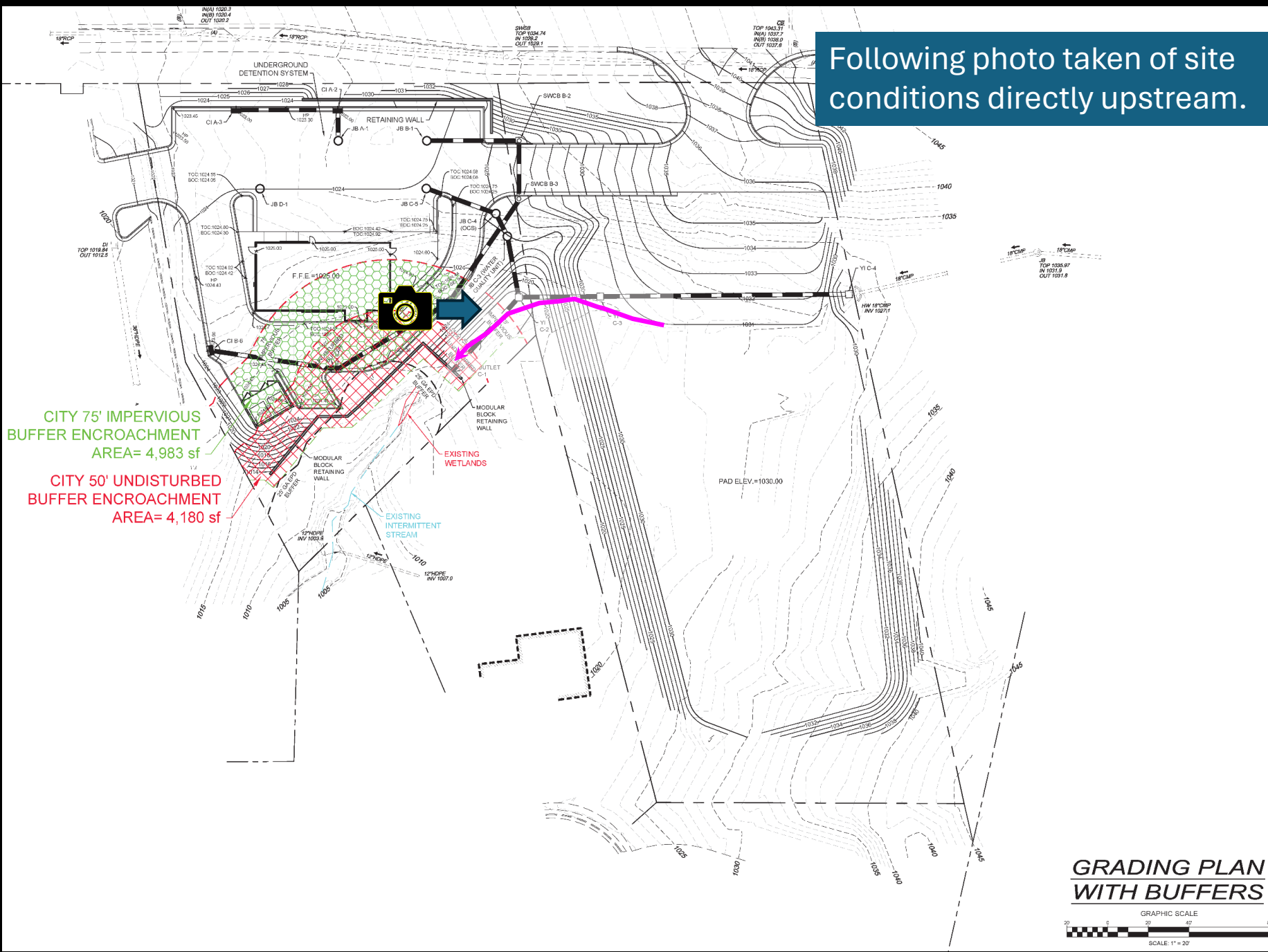
GS JOB NO:	20237800	DRAWING SCALE:	1"=30'	SURVEY DATE:	December 15, 2023
FIELD WORK:	JE	CITY:	SUGAR HILL	REVISIONS (SEE GENERAL NOTES)	
PROJ MGR:	ERP	COUNTY:	GWINNETT	STATE:	GA
REVIEWED:	BDC	LAND LOT:	339	DATE:	11/3/2024
DWG FILE:	20237800-1.dwg	DISTRICT:	7th	REVISIONS (SEE GENERAL NOTES)	

VAR 24-001

Photos of Site

By: City of Sugar Hill
Planning Director
Kaipo Awana
4/4/2024

Following photo taken of site conditions directly upstream.



**GRADING PLAN
WITH BUFFERS**
GRAPHIC SCALE
SCALE: 1" = 20'

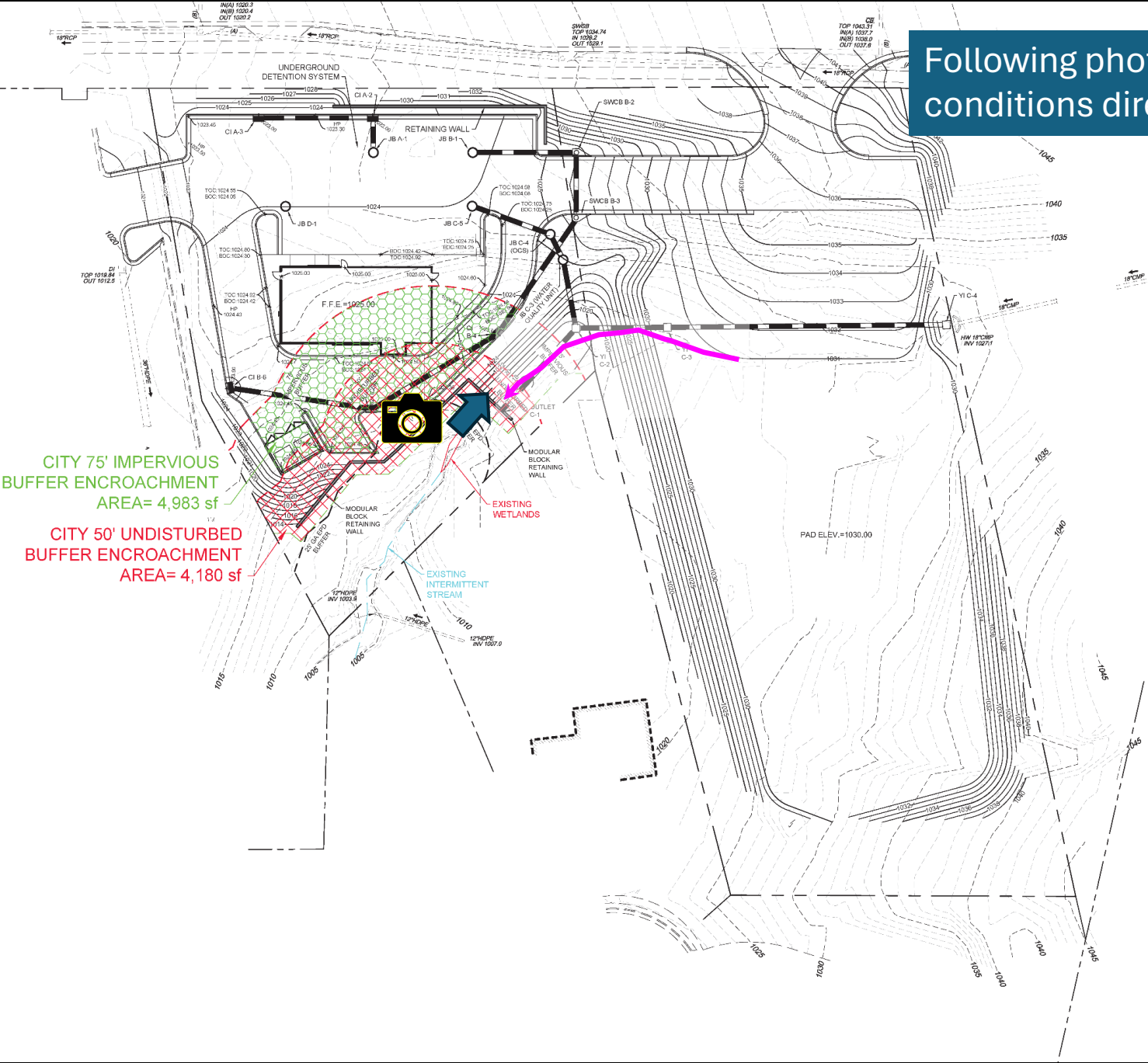
Photo taken of site conditions directly upstream.

Existing culvert under driveway.

Drainage ditch, before stream.



Following photo taken of site conditions directly upstream.



CITY 75' IMPERVIOUS
BUFFER ENCROACHMENT
AREA= 4,983 sf

CITY 50' UNDISTURBED
BUFFER ENCROACHMENT
AREA= 4,180 sf

**GRADING PLAN
WITH BUFFERS**

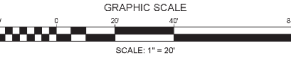
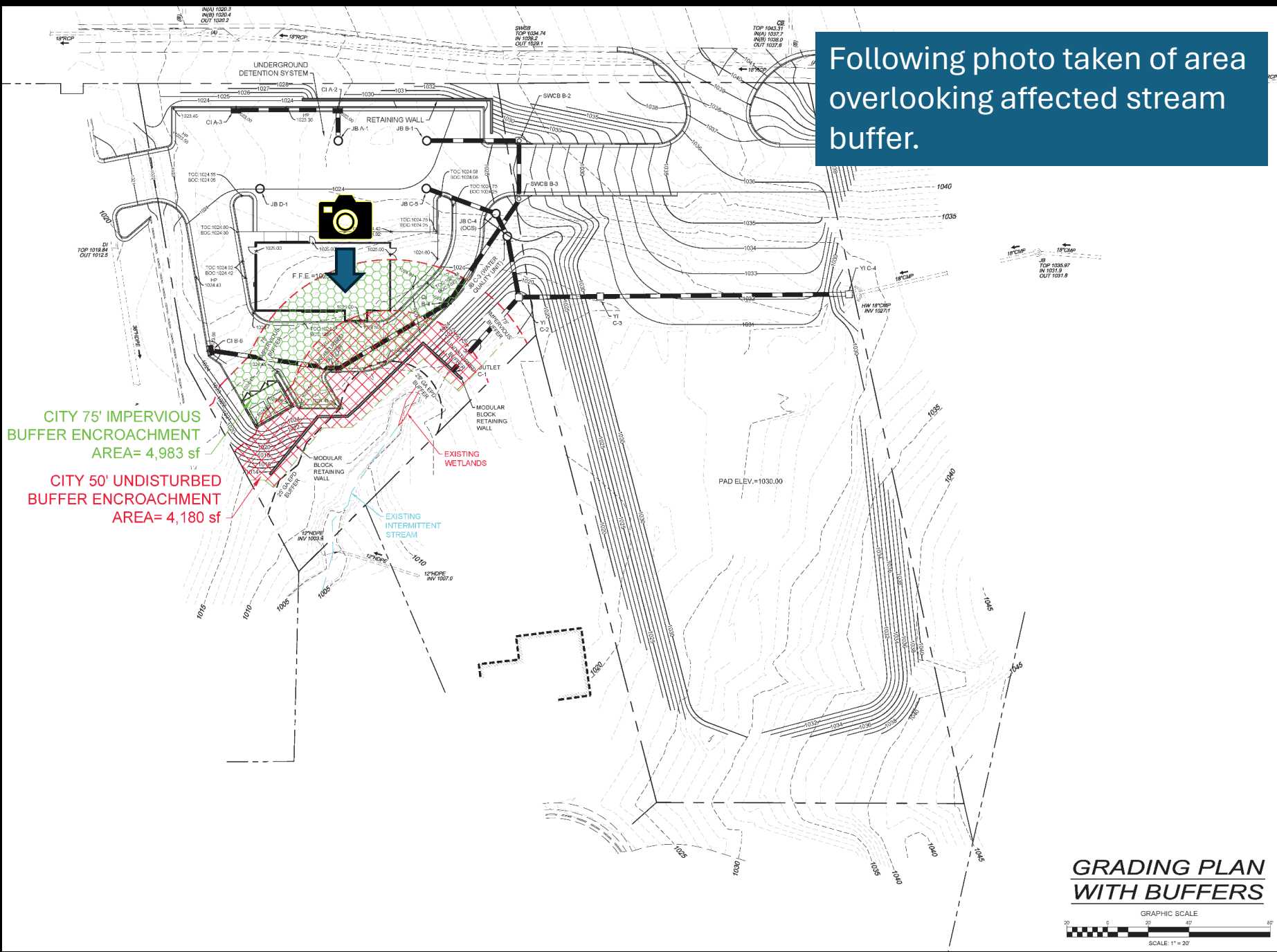


Photo taken of site conditions immediately upstream.

Drainage ditch,
before stream.



Following photo taken of area overlooking affected stream buffer.



CITY 75' IMPERVIOUS
BUFFER ENCROACHMENT
AREA= 4,983 sf

CITY 50' UNDISTURBED
BUFFER ENCROACHMENT
AREA= 4,180 sf

**GRADING PLAN
WITH BUFFERS**

GRAPHIC SCALE

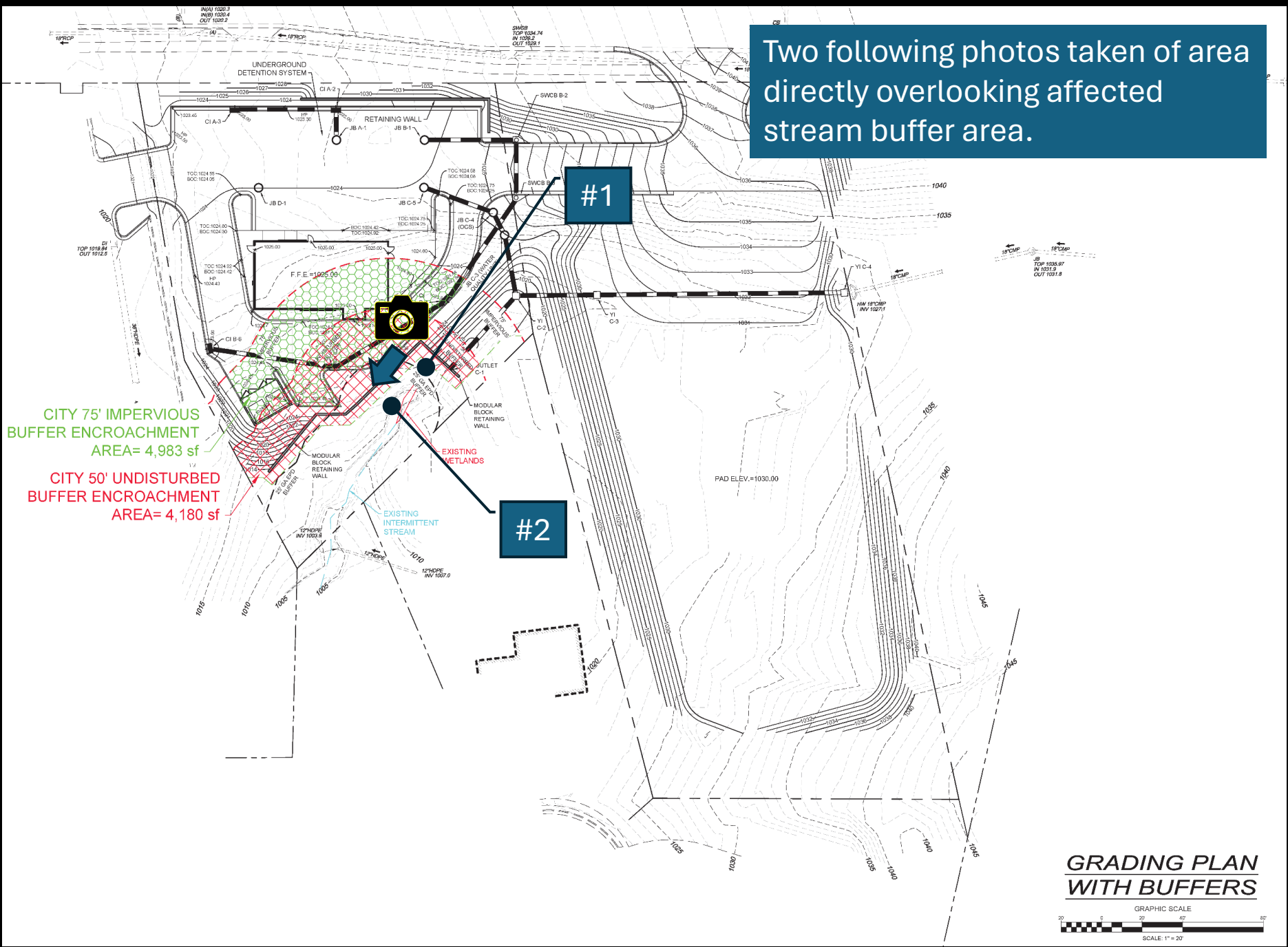
0 20 40 60

SCALE: 1" = 20'

Photo taken of area overlooking affected stream buffer area.



Two following photos taken of area directly overlooking affected stream buffer area.



CITY 75' IMPERVIOUS
BUFFER ENCROACHMENT
AREA= 4,983 sf

CITY 50' UNDISTURBED
BUFFER ENCROACHMENT
AREA= 4,180 sf

**GRADING PLAN
WITH BUFFERS**

GRAPHIC SCALE

SCALE: 1" = 20'

#1 of two photos taken of area directly overlooking affected stream buffer area.

Existing wetland

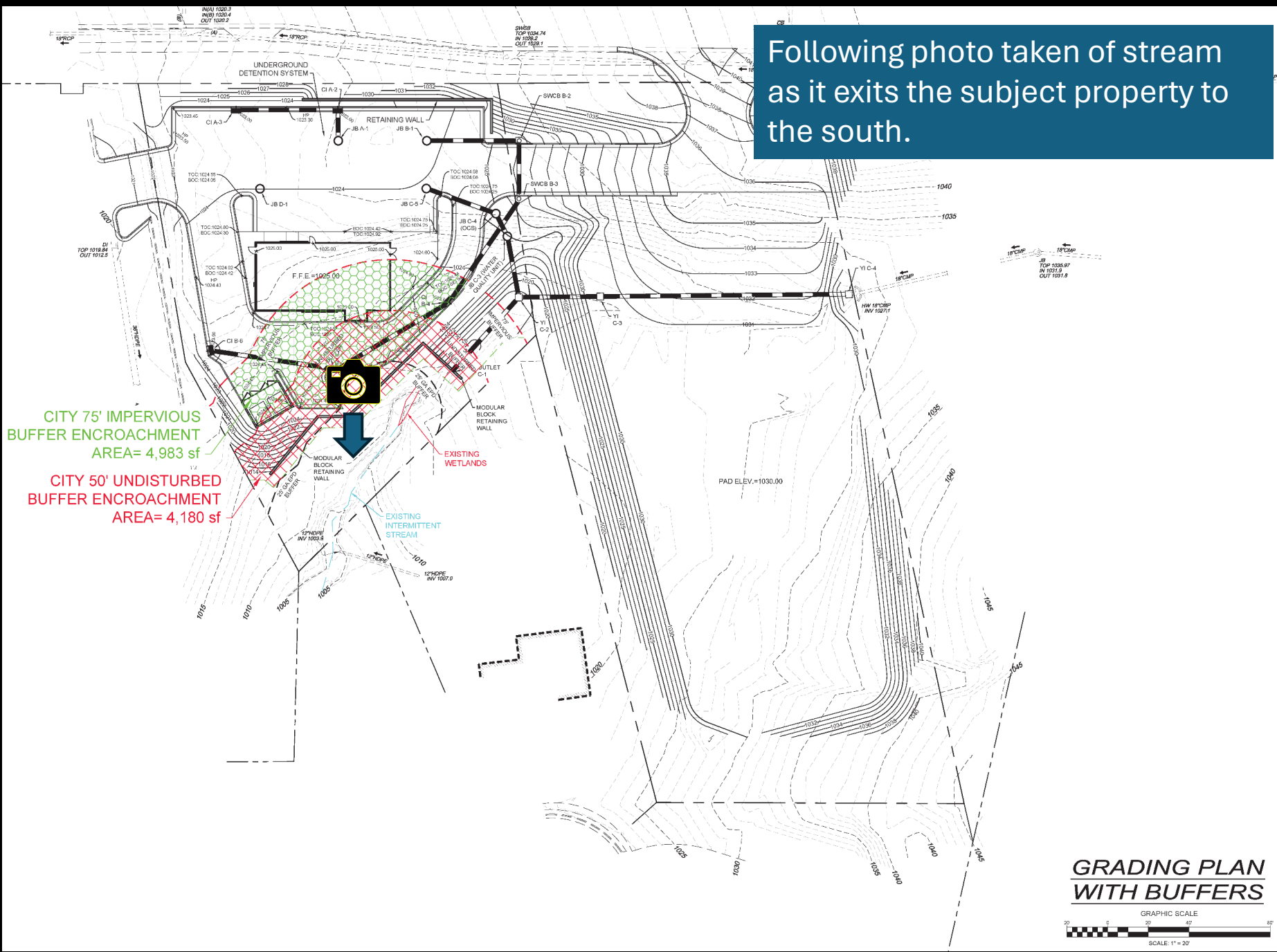


#2 of two photos taken of area directly overlooking affected stream buffer area.

A photograph of a stream in a wooded area. The stream is narrow and flows through a dense thicket of trees and undergrowth. The water is dark and appears to be flowing over rocks. The surrounding area is covered in fallen leaves and branches. A pink callout line points from a text box in the bottom right to the beginning of the stream.

Vicinity of stream beginning point

Following photo taken of stream as it exits the subject property to the south.



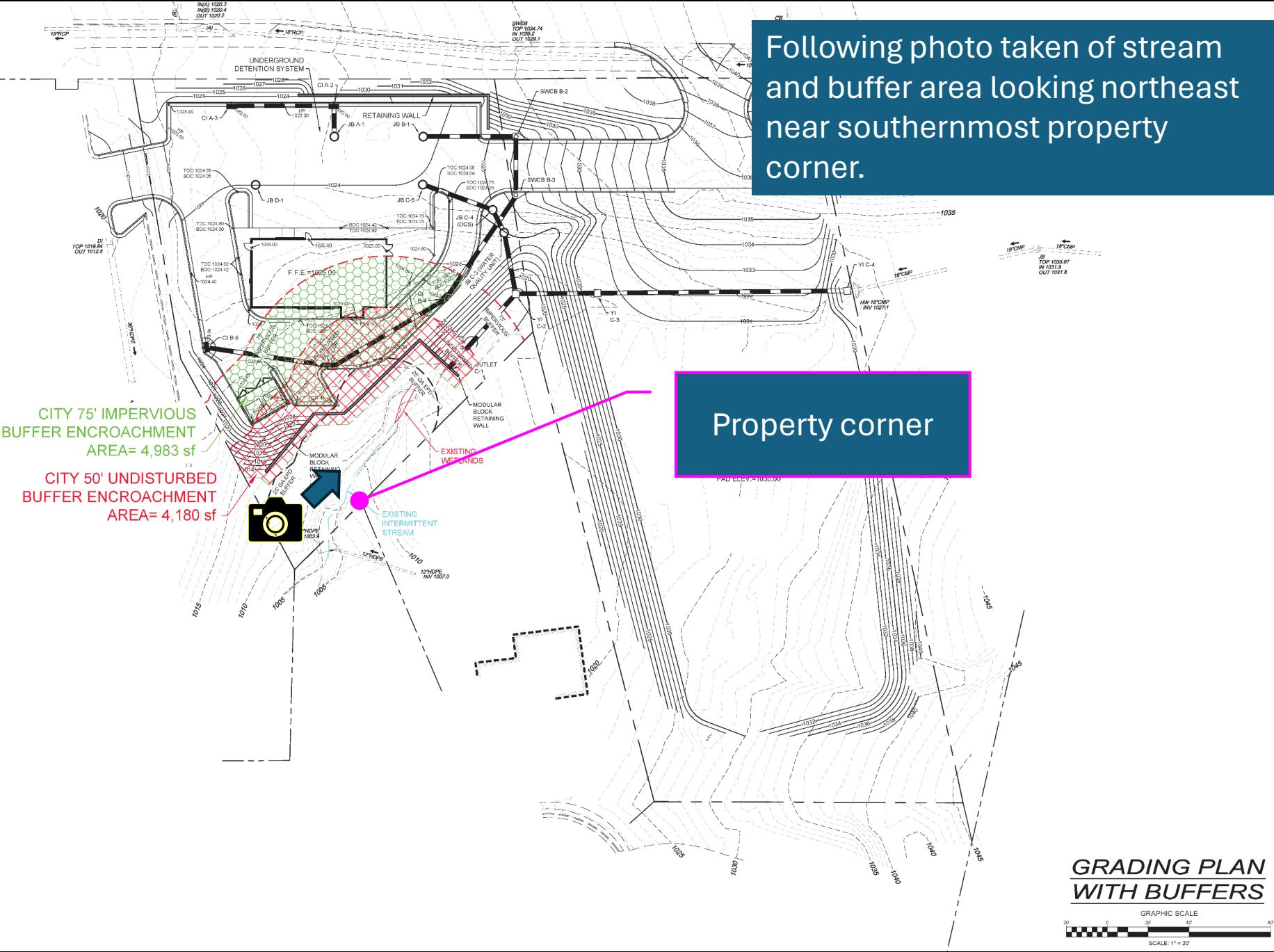


Following photo taken of stream and buffer area looking northeast near southernmost property corner.

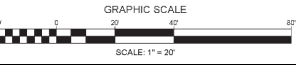
Property corner

CITY 75' IMPERVIOUS
BUFFER ENCROACHMENT
AREA= 4,983 sf

CITY 50' UNDISTURBED
BUFFER ENCROACHMENT
AREA= 4,180 sf




**GRADING PLAN
WITH BUFFERS**





Property corner



Pipe outfall from neighboring property

Recent storm damage.