### City of Sugar Hill Planning Staff Report RZ 25-001

DATE: February 26, 2025
TO: Mayor and Council
FROM: Planning Department
SUBJECT: Rezone to R36 (TCO)

5243 Sycamore Road; R7305-017, 285, 287, R7306-064A, 064D, 065, 222

ISSUE The City of Sugar Hill has received an application, dated December 3, 2024, from

Kittle Homes to rezone the subject properties from RS-100 and HM1 to R36 for

attached single-family residences.

#### RECOMMENDED ACTION

### Approval of request to rezone with the following conditions:

- 1. The development shall substantially conform to the site plan (Exhibits 1-7) submitted with the application, particularly regarding its general features, placement, and alignments. However, alterations necessary to accommodate other conditions specified herein are permitted without additional Mayor and City Council approval, provided they align with the spirit and context of the approval as determined by the Planning Department.
- 2. All streets, alleys, sidewalks, common area landscaping and storm water infrastructure shall be privately owned and maintained by the homeowners' association (HOA). A copy of the deed dedicating said infrastructure to the HOA and recorded covenants specifying maintenance of the infrastructure shall be provided to the city prior to approval of the final plat. Developer shall establish a capital reserve fund with a minimum balance of \$50,000 for the HOA to use for the future maintenance thereof prior to certificate of occupancy for 50% of the homes.
- 3. Covenants shall stipulate that no individual owner may own more than two (2) units within the community at any one time given that no more than 20% of the total number of dwelling units are leased at one time.
- 4. At least three natural gas appliances shall be installed within each unit prior to a certificate of occupancy.
- 5. The vertical plane of each dwelling unit's primary front and rear façade shall modulate back and forth a minimum of 2' from the vertical plane of the dwelling units to either side.
- 6. Units shall be constructed in such a way to create unique character for each dwelling unit, with cohesive design elements to unify the dwellings into the overall development.
- 7. The building setback along Appling Road shall be a minimum of 10'.
- 8. The 50' undisturbed buffer along parcels R7-306-065A and R7-306-066 shall be reduced to a 25' undisturbed buffer and a 25' graded and replanted buffer, subject to review and approval by the Planning Department.
- 9. Front setbacks for front entry units shall be a minimum of 15' so as long as the driveway is a minimum of twenty (20) feet as measured from the edge of the sidewalk and for rear entry units shall be 0'.
- 10. Rear setbacks for front entry units shall be a minimum of 15' and for rear entry units shall be 5' so as long as the driveway is a minimum of twenty (20) feet as measured from the edge of the sidewalk.

# FEBRUARY 17, 2025, PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION

The Planning Commission held a scheduled public hearing on Monday February 17, 2025. The public hearing was opened. Applicant representative John Costantino, applicant Zac Kittle, and property owner Jaddie Dodd spoke in support of this request. Support included discussions of present heavy industrial zoning classification, townhomes as a more suitable use than an industrial use, walkability and connection to the future greenway bridge, that the proposed project would not negatively impact schools or traffic, support from the comprehensive plan, and explanations of requested variances. Andrew Schultz spoke in opposition to this request citing concerns about the advertising of the case and the sign placed on the property, that there are too many townhomes in the area, and that this project would negatively impact schools and traffic. Commission members discussed the sidewalk requirements along Sycamore Rd and Appling Rd. Planning Commission Member Brian Shebs made a motion to recommend denial of the requested rezoning. Planning Commission Member Mark Daniels made the second. Brian Shebs shared concern over the density of the project and concern over traffic and school capacity. Motion to recommend denial did not pass - 2-2-0 (Phil Olsen and Jason Jones opposed). No recommendation is forwarded from Planning Commission.

#### DISCUSSION

- The subject parcel is located at the corner of Sycamore Road and Appling Road. The subject parcels are between established-single family subdivisions along Sycamore Rd and Appling Rd and new developments located along Highway 20 and within the downtown core. The proposed development would be in close proximity to downtown Sugar Hill and would connect to an existing sidewalk network.
- The subject parcels total 14.913 acres. The proposed development consists of 73 single-family attached units. Total density of the project would be 4.89 units per acre. The maximum density for R36 is 8 units an acre.
- The subject parcels are located within the town center overlay. The town center overlay was created to enhance opportunities for pedestrian connectivity and to ensure cohesive aesthetic and architectural standards within the town center. The project would require design review board approval from City Council should the parcels be rezoned and the applicant move forward with the project.
- The proposed project would serve as a transition of uses between established neighborhoods off of Sycamore Rd and Appling Rd and the commercial and higher density residential projects in the downtown core.
- Homes are proposed to range from 1,700 square feet to 2,800 square feet, all featuring a 2-car garage. The interior streets include front entry units while the units facing Sycamore Rd and Appling Rd are rear entry with front facades facing towards the roads.
- A total of 6 on-street parking spaces are proposed situated alongside the mail kiosk.
- A stream runs along the rear (east) of the property with associated buffers.
- 6' sidewalks are proposed throughout the development. These sidewalks will also run along the exterior of the property and connect to the existing sidewalk network. Pedestrian infrastructure, existing and proposed, would connect future residents to downtown Sugar Hill amenities and the greenway.
- A 20' landscape strip is proposed along all other properties not requiring a zoning buffer (MH and HM1 zonings).
- The applicant has requested several variances in conjunction with this rezoning:
  - o The 30' required building setback along Appling Road to be reduced to 10'.

- o The 50' undisturbed buffer adjacent to parcels R7-306-065A and R7-306-066 to be reduced to a 25' undisturbed buffer and 25' graded and replanted buffer.
- o Front setbacks to be a minimum of 15' for front entry units and 0' for rear entry units.
- o Rear setbacks to be a minimum of 15' for front entry units and 5' for rear entry units.
- Additionally, the applicant requested a variance for stream buffer encroachment for the
  purpose of connecting to the existing sewer line in the Hillcrest Glann neighborhood. As a
  utility connection, this would be exempt from requiring a stream buffer variance. Any
  additional encroachment into the buffer would require a variance.
- The applicant has submitted sample renderings of the proposed residences.

#### BACKGROUND

Applicant/Owner: Kittle Homes c/o Zac Kittle / Whitehead Road Investments, LLC; Victoria

Capital Investments, LLC; Jaddie Dodd; Joyce Dodd

Existing Zoning: RS-100 and HM1 (TCO)

Request(s): Rezone to R36 (TCO)

Purpose: Attached single-family residences

Property Size:  $\pm$  14.913 acres

Location: 5243 Sycamore Road

Tax parcels: R7305-017, R7305-285, R7305-287, R7306-064A, R7306-064D, R-

7306-065, R7306-222

Public Notice: Letters to adjoining owners via USPS regular mail on 12-19-24 and 1-28-25

Sign posted at 5243 Sycamore Road on 12-20-24; updated 1-28-25 Ad in legal section of Gwinnett Daily Post on 12-15-24 and 1-28-25

\*Note: Readvertised due to inclement weather.

Public Comments: Staff received one email on 12-23-24 expressing concern about the traffic at the

intersection of Sycamore Rd and Highway 20. See Planning Commission

summary.

#### FINDINGS OF FACT

Surrounding Land Use and Zoning

Direction	Existing Land Use	Existing Zoning
North	Hickory Hills Subdivision; Undeveloped	MH; R36
South	Single-family residences; Undeveloped	RS100; HM1
East	Hillcrest Glenn Subdivision	RS100
West	Single-family residences; Sycamore Square Mixed-Use	RS100; BG

City of Sugar Hill: Medium Density Single Family Residential (RS100), General Business (BG), Mobile Home (MH), Heavy Manufacturing (HM1), Medium Density Mixed Residential (R36)

#### **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 residential area and is surrounded by established neighborhoods. The future Sycamore Square mixed-use development and future grocery store are located within walking distance as is the future Sugar Hill Greenway.

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

No, as a residential development, it would be the same use as many of the surrounding properties. The proposal would convert properties which are mostly zoned industrial to a residential development.

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?

The subject site is located in the Lanier cluster (Sycamore Elementary school). A minimal impact on schools is anticipated and will be coordinated with Gwinnett County Schools. Project access coordination with Georgia Department of Transportation will be required.

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

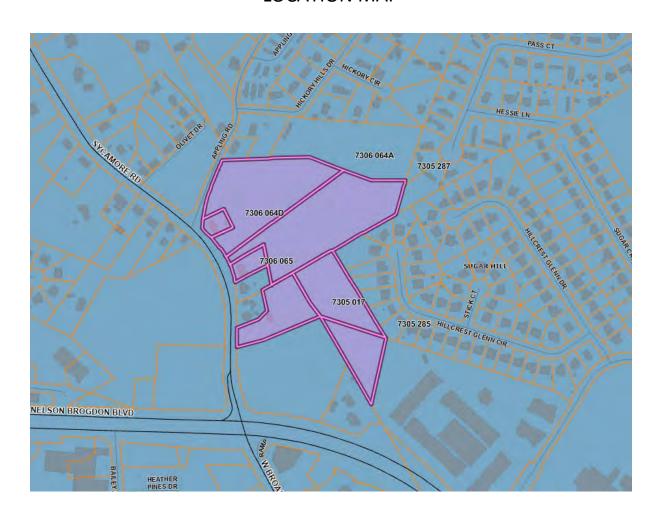
Yes, the property is currently located within an existing residential area, which transitions to the downtown core. The proposed use of attached residences is more intensive than detached residence; however, this creates a transition of density between established neighborhoods and uses located along Highway 20. With proximity to the downtown core and pedestrian access to the Sugar Hill greenway, this development may promote utilization of a variety of transportation options.

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.

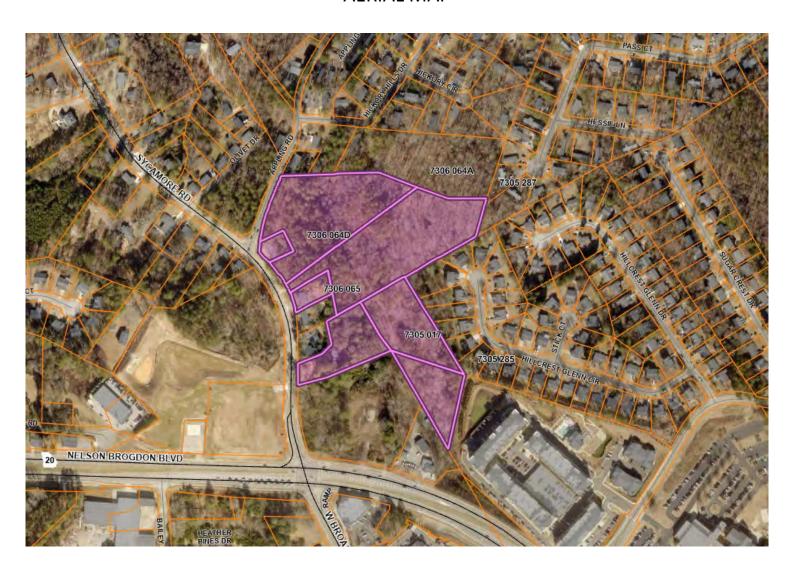
RZ-25-001 LOCATION MAP



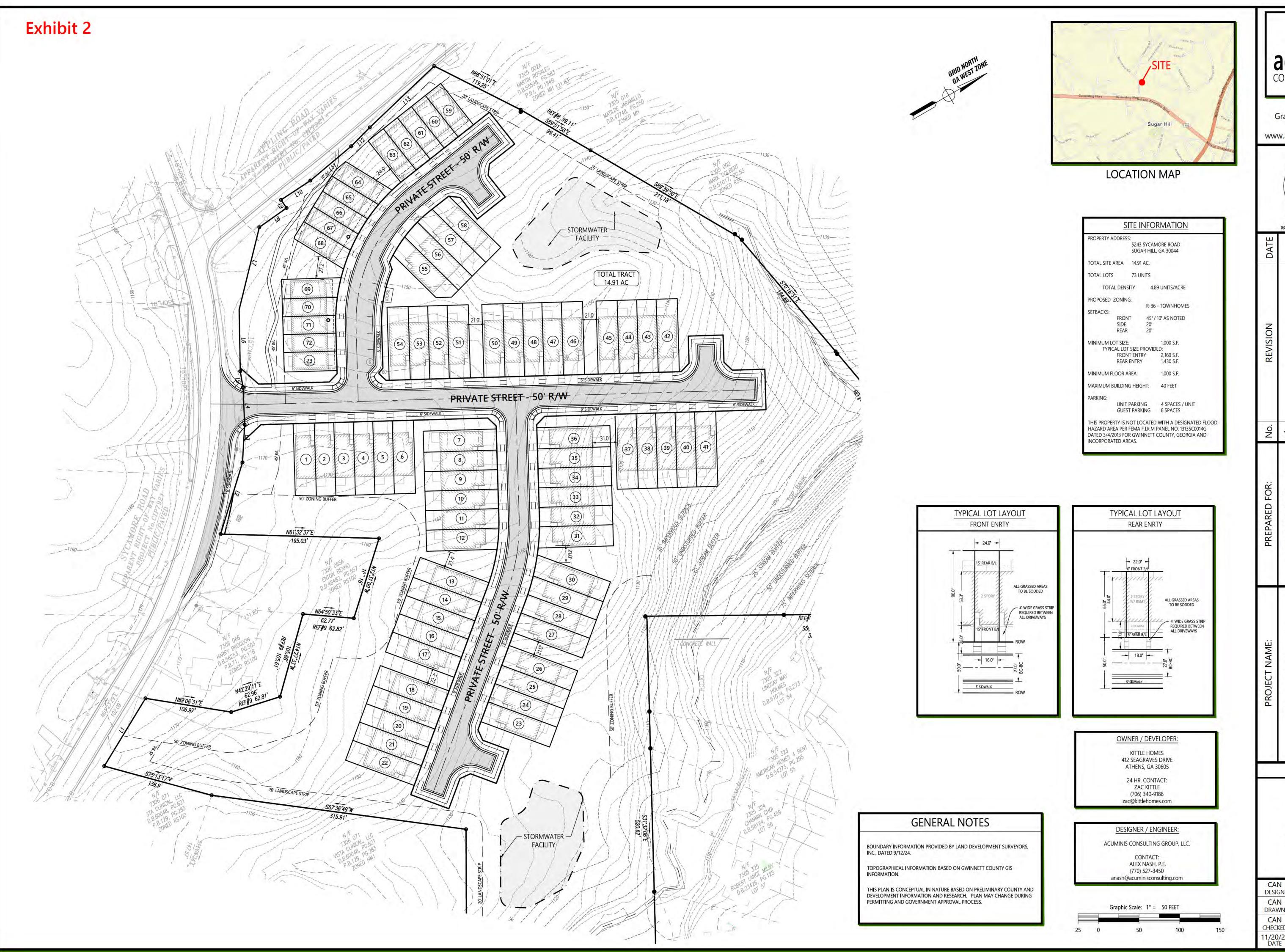
RZ-25-001 ADJACENT ZONING MAP



RZ-25-001 AERIAL MAP









PO Box 1074 Grayson, Georgia 30017 770.527.3450 www.acuminisconsulting.com



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ZAC KITTLE	7		
(706) 340-9186	8		

SYCAMORE PARK TOWNHOMES

TASK:

ZONING **PLAN** W/ TOPO

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Proposed Development: 13 UNIT			
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NOTE: Special Conditions, and Variance Request must also be explained in the Letter of Intent.



### **REZONING APPLICANT'S RESPONSE**

### STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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#### VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR APPLICATION

The undersigned below is authorized to make this application. The undersigned certifies that all City Taxes/Property taxes, billed to date for the parcel listed below have been paid in full to the Tax Commissioner of Gwinnett County, Georgia. In no case shall an application or reapplication for rezoning, special use permit, and/or change in conditions be processed without such property verification. A copy of the paid tax bill can also be provided.

\*NOTE: A separate verification for must be completed for each tax parcel included in the Variance request.

Tax Parcel Number: 7365 - 01	7/285/287	7306-064A/064R/065/22	2
7	1011 124	Zu Krotle	
SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME	



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Name: Whitches		retments, LLC	Address	s: 1075 Seminoliz Avr. S	
Phone: 404-801				1	
Fax:	MY 404	-806-7414		mensor O cyaybman	STANG. COM
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Name: John	MIGHSOF		Phor	ne: 404 4063	320
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	NOTE:	Special Conditions.	and Variance Request	must also be explained in the Lett	er of Intent.



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Phone: 404-806-7384		Atlanta, Gd 30307	
Fax: 404-806-7414		mensour ayoubmans	our. Conyn
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CON The undersigned below, making application In Zoning Actions, and has submitted or at Signature of Applicant/ Attorney Representative	n for rezoning, has com	plied with the Official Code of Georgia	
The undersigned below, making application n Zoning Actions, and has submitted or at	n for rezoning, has com tached the required info / Date	oplied with the Official Code of Georgia ormation on the forms provided.  Typed or Print Name and Title	a Section 36-67A-1, et seq., Conflict Africates  Date  Date
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	11 - 11	CONTACT IN	FORMATION		
Name: Jac	die Dodd	Pi	none:		
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* Include any person ha	aving a property interest and any person havir	ng a financial interest in an	y business entity having prope	orly interest (use additional sheets if necessary).	
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Request for Special	Conditions or Variance(s) (Set back, Par	king, Buffers, etc):			

NOTE: Special Conditions, and Variance Request must also be explained in the Letter of Intent.



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The undersigned below is authorized to make this land for which an application was denied during the unless waived by the City Council. In no case sha by the City Council.	application. The e last 12 months	shall be acted upon for 12 m	onths from the date of the	ne denial by the City Council
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NOTE: Special Conditions, and Variance Request must also be explained in the Letter of Intent.

Dpdwire 12/22/2021



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Signature of Owner	Date	Typed or Print Name and Title	Date RIVA CARD
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Sworn to and subscribed before me thisday of	OVERTIDER	, 20 29 . Signature of Notary Public	OTARL SI 4

#### Letter of Intent

Kittle Homes plans to rezone the parcels at 5243 Sycamore Rd parcel numbers (7305-017/285/287 and 7306-064a/064d/065/222) from HM1 to R36. Kittle Homes plans to build 73 three-story luxury townhomes. The parcels are approximately 14.91 acres. The Homes will range from 1700 sq ft to 2800 sq ft. The Homes will be 2-3 stories with a height below 40 ft, including the roof pitch. The density of the site is only 4.89 units per acre. The variances or setbacks requested would be a perimeter set back on Appling Rd. of 10 feet, a 50-foot zoning buffer to be graded and replanted as necessary, and townhome setbacks of front 0-15 feet and rear 5-10 feet. Kittle Homes is very excited about bringing more affordable townhomes to the downtown district of Sugar Hill. This neighborhood will allow residents to walk to the downtown area and all it offers.

Here is a list of variances we are asking for

#### Our variance request:

30' Perimeter Setback (Appling) to be reduced to 10' feet

50' Transitional Zoning Buffer to be 25' Undisturbed and 25' Graded and Replanted adjacent to the site.

Stream Buffer Variance for Sewer Utility Sewer Outfall

Individual Townhome Lots Setbacks:

Front Entry (15' Front / 15' Rear)

Rear Entry (5' from internal streets/perimeter setbacks (external))



### **PUBLIC HEARING CHECKLIST**

The following is a checklist of information required for submission of an application. The Planning and Development Department reserves the right not to accept any uncompleted applications.

Application completed with all information ne	eeded attached rezoning fees paid.	
Other information required to be submitted with	the application:	
3 Copies of the site Plan to scale	81/2" X 11" Reduced Copy w/topo (1)	81/2" X 11" Reduced Copy without topo (1) Above emailed to klanders@cityofsugarhill.com
11" X 17" with topo (1)	11" X 17" without topo (1)	Recorded PlatElectronic File
Legal Description – WORD FORMAT Above emailed to klanders@cityofsugarhill.	Letter of Intent (Including Variances)	Adjoining Property Owners Printed Labels Email Labels AVERY 5160 format to klanders@cityofsugarhill.com
Applicant/Owner Certification	Conflict of Interest/Campaign Contributions	Applicants Response
Availability of Water/Sewer Letter	Property Tax Paid Verification	Traffic Study
Development of Regional Impact (DRI)	within 2,000' of the Chattahoochee River	Site Plan with all items below
, Zu kom have	completed all of the above.	10,1,24
Print Name	Applicant Signatur	Date Date
Received Date:// Reviewed By		To be returned by://
CAS	BE NUMBER:	A Subscript of the second

MAKE SURE THIS CHECKLIST IS RETURNED WITH THE REZONING APPLICATION.

### LAND DESCRIPTION OVERALL

All that tract or parcel of land lying and being in Land Lots 305 and 306 of the 7<sup>th</sup> District, City of Sugar Hill, Gwinnett County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, begin at a point at the centerline intersection of Appling Road (apparent Right-of-Way Varies) and Sycamore Road (apparent Right-of-Way varies), said Point being the True Point of Beginning.

THENCE along said Right-of-Way for the next call, North 16 degrees 14 minutes 41 seconds West for a distance of 104.32 feet to a 1/2" Rebar Found with a Cap (E303 RLS 30361); THENCE leaving said Right-of-Way, North 24 degrees 44 minutes 00 seconds East for a distance of 41.06 feet to a 1/2" Rebar Found with a Cap (Prop. Cor.) along the Easterly Right-of-Way of Appling Road (apparent Right-of-Way varies); THENCE along said Right-of-Way for the next five (5) calls, North 64 degrees 04 minutes 45 seconds West for a distance of 11.95 feet to a 1/2" Rebar Found with a Cap (Prop. Cor.); THENCE North 26 degrees 33 minutes 53 seconds East for a distance of 43.14 feet to a 1/2" Rebar Found with a Cap (Prop. Cor.); THENCE North 19 degrees 54 minutes 10 seconds East for a distance of 65.60 feet to a 1/2" Rebar Found with a Cap (Prop. Cor.); THENCE North 14 degrees 42 minutes 59 seconds East for a distance of 32.76 feet to a 1/2" Rebar Found with a Cap (Prop. Cor.); THENCE North 16 degrees 25 minutes 13 seconds East for a distance of 109.51 feet to a 1/2" Rebar Found with a Cap (Prop. Cor.); THENCE North 86 degrees 51 minutes 01 seconds East for a distance of 119.25 feet to a 1/2" Open Top Pipe; THENCE South 89 degrees 51 minutes 58 seconds East for a distance of 99.41 feet to a 1/2" Rebar Found; THENCE South 89 degrees 39 minutes 50 seconds East for a distance of 211.18 feet to a Point; THENCE South 70 degrees 16 minutes 31 seconds East for a distance of 184.69 feet to a 3/4" Open Top Pipe; THENCE South 70 degrees 07 minutes 45 seconds East for a distance of 148.22 feet to an Axle; THENCE South 89 degrees 00 minutes 43 seconds East for a distance of 174.62 feet to an Axle; THENCE South 16 degrees 29 minutes 01 seconds West for a distance of 172.97 feet to an Iron Pin Found; THENCE South 59 degrees 25 minutes 37 seconds West for a distance of 352.22 feet to a Point; THENCE South 31 degrees 32 minutes 06 seconds East for a distance of 520.62 feet to a 1/2" Rebar Found; THENCE South 12 degrees 31 minutes 30 seconds West for a distance of 346.07 feet to a 1" Open Top Pipe; THENCE North 30 degrees 20 minutes 29 seconds West for a distance of 242.03 feet to a 1/2" Rebar Found; THENCE North 30 degrees 14 minutes 24 seconds West for a distance of 271.13 feet to an Axle; THENCE South 67 degrees 36 minutes 49 seconds West for a distance of 315.91 feet to a 1/2" Rod; THENCE South 75 degrees 13 minutes 17 seconds West for a distance of 136.94 feet to a 1/2" Rebar Found with a Cap along the Easterly Right-of-Way of Sycamore Road (apparent Right-of-Way varies); THENCE along said Right-of-Way for the next call, North 01 degrees 15 minutes 48 seconds East for a distance of 97.56 feet to a 1" Open Top Pipe; THENCE leaving said Right-of-Way, North 69 degrees 06 minutes 31 seconds East for a distance of 106.97 feet to an Iron Pin Found; THENCE North 42 degrees 29 minutes 11 seconds East for a distance of 62.96 feet to a 3/4" Open Top Pipe; THENCE North 14 degrees 27 minutes 33 seconds West for a distance of 105.68 feet to an Iron Pin Found; THENCE North 64 degrees 50 minutes 33 seconds East for a distance of 62.77 feet to an Axle; THENCE North 12 degrees 31 minutes 00 seconds West for a distance of 103.16 feet to a 1/2" Rebar Found with a Cap (LJA LBA 8416); THENCE South 61 degrees 32 minutes 37 seconds

West for a distance of 195.03 feet to a 1/2" Rebar Found with a Cap (J.S. Smith PLS 3014) along the Easterly Right-of-Way of Sycamore Road (apparent Right-of-Way varies); THENCE along said Right-of-Way for the next five (5) calls, North 13 degrees 02 minutes 12 seconds West for a distance of 92.17 feet to a 1/2" Open Top Pipe; THENCE North 26 degrees 43 minutes 33 seconds West for a distance of 46.72 feet to a 1/2" Rebar Found with a Cap (Prop. Cor.); THENCE North 32 degrees 32 minutes 56 seconds West for a distance of 45.74 feet to a 1/2" Rebar Found with a Cap (Prop. Cor.); THENCE North 39 degrees 38 minutes 28 seconds West for a distance of 20.25 feet to a 1/2" Rebar Found with a Cap (Prop. Cor.); THENCE North 31 degrees 00 minutes 48 seconds West for a distance of 75.96 feet to a Point, said Point being the True Point of Beginning.

Said property contains 14.913 acres. Including all easements within.