

CITY COUNCIL

RECOMMENDED CONDITIONS_08132024

RZM2024-00016

Approval of a CMU (Community Mixed-Use District), subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Multifamily and townhouse rental residential dwellings, dwelling units, and accessory structures not to exceed thirteen units per acre (13 UPA). Townhouse units shall abut Tax Parcel 7010A038A (Smith Charitable UniTrust) to ensure transition from high density residential to medium density use as indicated on the site plan presented at the August 19, 2024, Council Meeting.
 - B. The development shall be in general accordance with the site plan presented at the August 19, 2024 Council meeting, with changes necessary to meet zoning and development regulations. Any changes shall be subject to review and approval by the Director of Planning and Development. Architectural renderings shall maintain a minimum of fifty percent (50%) masonry for all sides of all structures.
 - C. Final site plans, landscape plans and building elevations shall be subject to review and approval of the Director of Planning and Development prior to the issuance of development or building permits.
 - D. The development shall be a gated community, with automated card access gates at all entrances/exits. The access gate system is required to always be maintained and functional, with any required repairs to be made within one week.
 - E. The development shall include the following amenities:
 - i. Dog park
 - ii. Pool
 - iii. Fitness area
 - iv. Club/Community Room
 - v. Co-working spaces
 - vi. The trail area and creek area to be landscaped and picnic tables

and tables provided. Outdoor ping pong and corn hole, etc. provided.

- vii. Playground
- viii. EV charging stations
- ix. Bike racks

F. Garages shall be provided for a minimum of fifteen percent (15%) of the multifamily units. Garage units shall be limited to the interior of the development and the architectural renderings shall match the multifamily buildings.

G. In the event of residential tenant eviction, any belongings of the tenant shall be placed on a portion of the subject property that is not visible from a public right-of-way unless otherwise required by Law.

H. Multifamily and Townhome Units shall meet the following standards:

- a. Four (4) bedroom dwelling units shall be prohibited
- b. All units shall include granite counter tops and stainless-steel appliances.
- c. Dwelling unit rates shall be market rent except that five percent (5%) of the overall units shall meet eighty to one hundred percent (80%-100%) of the current Atlanta Region AMI and the development shall provide an annual certification to the Planning and Development Department indicating that this standard is being met.

2. To satisfy the following site development considerations:

- A. Provide a thirty-foot-wide (30 ft.) building setback adjacent to all right-of-way, including SR 316.
- B. Natural vegetation shall remain on the property until the issuance of a development permit.
- C. New billboards or oversized signs shall be prohibited.
- D. Outdoor storage shall be prohibited.
- E. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.

- F. Compactor/dumpsters shall be screened by a one hundred percent (100%) opaque brick or stacked stone wall with an opaque metal gate enclosure. Compactor/dumpster enclosure shall be a minimum of ten feet (10 ft) in width and thirty feet (30 ft) in length. Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
- G. No tents, canopies, temporary banners, streamers, or roping decorated with flags, tinsel, or other similar material shall be displayed, hung or strung on the site. Yard signs or bandit signs, sign-walkers or sign-twirlers shall be prohibited.
- H. Peddlers and/or parking lot sales shall be prohibited.
- I. The owner shall repaint or repair any graffiti or vandalism within seventy-two (72) hours of notice from the City.
- J. Maximum multifamily building height shall be seventy feet (70 ft).
- K. The required parking ratio for the multifamily section of development shall be 1.55 spaces per unit.
- L. The required parking ratio for the townhouse section of development shall be 4 spaces per unit.
- M. Building setbacks off internal streets or driveways shall be in general accordance with the submitted site plans and architectural renderings, and otherwise subject to review and approval of the Director of Planning and Development
- N. Provide a minimum the foot (10 ft) wide multiuse trail through the development connecting Dogwood Lane to the “future” city multiuse trail at the eastern part of the site. Pedestrian access across the stream on the property may be provided by utilizing the same stream crossing developed in association with the internal road.
- O. Vehicular access to Dogwood Lane is prohibited except for emergency vehicle access only. Construction access to Dogwood Lane is also prohibited. The Emergency Lane Access shall be a “non-paved” surface based on approval from Gwinnett County Fire Department.

3. The following variances are requested:

- A. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow an increase of the maximum percentage of Residential Uses from seventy-five percent (75 %) to one hundred percent (100 %).
- B. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Civic/Institutional Uses from fifteen percent (15 %) to zero.
- C. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Commercial/Retail, Light Industrial or Office Uses from fifteen percent (15%) to zero.
- D. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 1., Residential Uses – Maximum Percentage of Gross Land Area – Residential Uses to allow the elimination of the minimum percentage of Commercial/Retail, Light Industrial or Office Uses from fifteen percent (15%) to zero.
- E. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on large lots (at least 9,500 sq. feet).
- F. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on mid-size lots (7,500-9,499 sq. feet).

- G. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection B. Land Use Mix, Table 2., Housing Options to allow the elimination of a. Single-family detached dwellings on large lots (4,500-7,499 sq. feet).
- H. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection C. Lot Development Standards, Table 1., Project Area Standards – Minimum Front Setback to allow the elimination of minimum front yard setback (adjacent to Hillcrest Green Drive from five to fifteen feet (5-15 ft.) to zero.
- I. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsection C. Lot Development Standards, Table 1., Project Area Standards – Minimum Front Setback to allow the elimination of minimum front yard setback (adjacent to S.R. 316, U.S. Hwy 20) from five to fifteen feet (5-15 ft.) to thirty feet (30 ft.).
- J. A variance from the Subdivision Regulations, Section 2. Required Improvements, Subsection 2.14 Street Design Standards, Table C. Minimum Pavement Width (Ft.), Local Street *** to allow a reduction in the minimum pavement width from twenty-four feet (24 ft.) to twenty feet (20 ft.). A two-foot (2 ft.) curb and gutter shall be required (dimensions are measured back of curb-to-back of curb).
- K. A variance from the Subdivision Regulations, Section 2. Required Improvements, Subsection 2.20 Private Access Drives to allow a reduction in the minimum width of a right-of-way (Private Access Drive) from fifty feet (50 ft.) to forty feet (40 ft.).
- L. A variance from the Zoning Ordinance, Article 1 – Districts, Section 102.9 – CMU Community Mixed-Use District, Subsections D&E. Mandatory Homeowners Association, Protective Covenants – Neither a homeowner’s association nor protective covenants shall be required. However, the entire property (multi-family and townhouse areas) shall be managed and maintained by a professional property management company.