

**MINUTES
CITY OF SUWANEE, GEORGIA
PLANNING AND ZONING COMMISSION
SEPTEMBER 4, 2007**

PLANNING AND ZONING MEMBERS PRESENT: Pete Charpentier, Anthony Manners, Jodi Nevels and Earl Mitchell. Staff members present: Marty Allen, Josh Campbell, and MaryAnn Jackson. Absent: Joy Mitchell.

CALL TO ORDER

Chairman Pete Charpentier called the meeting to order at 6:38 pm.

ADOPTION OF THE AGENDA

*Anthony Manners moved to approve the agenda as presented, second by Jodi Nevels..
Motion carried 4-0.*

ADOPTION OF MINUTES: August 7, 2007

*Earl Mitchell moved to adopt the minutes as presented, second by Anthony Manners.
Motion carried 4-0.*

PROCEDURES FOR PUBLIC MEETING

Pete Charpentier read the procedures for the Public Meeting for the record.

NEW BUSINESS

RZ-2007-007 – Applicant/Owner: Sung Eun Park. Requests rezoning from C-1 (Neighborhood Commercial District) to R-100 (Residential Single Family District) to allow for use of an existing structure as a single family residence. Site is located in Land Lot 210 of the 7th District at 641 Buford Highway and contains approximately 0.71 acres.

Marty Allen indicated the applicant had not yet arrived to the meeting.

Jodi Nevels moved to table RZ-2007-007, second by Anthony Manners. Motion carries 4-0.

RZ-2007-008 – Applicant: Mahaffey Pickens Tucker, LLC. Owner: S & P Castellum Group, Inc. Requests a rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District) to allow for a restaurant with alcohol sales. Site is located in Land Lot 152 of the 7th District on Gwinco Boulevard near the intersection with Lawrenceville-Suwanee Road and contains approximately 3.88 acres.

Marty Allen presented the staff analysis as follows: The applicant requests rezoning on a 3.88 acre site from C-2 (General Commercial District) to C-2A (Special Commercial District-Alcohol Beverage Sales) to allow for a restaurant with alcohol sales. The subject property is located on Gwinco Boulevard, south of Lawrenceville-Suwanee Road. The

applicant proposes to develop an approximately 6,050 square foot restaurant that would cover approximately 1.1 acres of the overall site.

The City's Alcohol Beverage Regulations require distance separation from places that sell alcohol and certain other land uses. It appears that no uses currently exist near the subject property that would prohibit such sales.

It is worth noting that the applicant is proposing to provide a total 49 parking spaces (the minimum) for a 6,050 square foot restaurant. The applicant can alter the size of their facility and/or provide more parking spaces to address this concern.

The subject property is a 3.88 acre undeveloped tract, although the applicant is only proposing to impact 1.1 acres for the restaurant. The site is suitable for a restaurant with alcohol sales.

The subject property is located along the highly commercial Gwinco Boulevard in the I-85 Business District. To the north of the subject property, across Gwinco Boulevard, are two restaurants and two hotels, zoned C-2. Although none of the uses directly adjacent to the subject property include alcohol sales, the Gwinco Boulevard commercial corridor includes a number of uses that include alcohol sales including a gas station and two restaurants (Applebees and Outback) that sell alcohol. The site is well situated for commercial uses including restaurants with alcohol sales.

The City of Suwanee Future Land Use Plan indicates commercial uses are suitable for the subject property. The proposed C-2A zoning is consistent with this recommendation.

In conclusion, the requested C-2A zoning district would be appropriate at this location. Gwinco Boulevard is a developing commercial corridor with many uses that include alcohol sales. The proposed district is consistent with the future land use plan. There are no extraordinary conditions present that should prohibit such a use; however, it is important that if developed adequate parking be provided. Therefore, the Planning Department recommends approval with conditions of the request.

Pete Charpentier asked Marty Allen for clarification on the number of parking spaces. Mr. Allen indicated there will be 73 parking spaces.

Anthony Manners asked Marty Allen if Gwinnett County would do a traffic count to determine whether a traffic light would be needed. Marty Allen indicated that it would be unlikely that a traffic light would be at Gwinco because it is too close to the interchange. The McGinnis Ferry Road extension over I-85 will also impact Gwinco and how it connects into the road. Lawrenceville –Suwanee is a state controlled roadway.

Pete Charpentier called upon the applicant.

Beth Blalock, 1550 North Brown Road, Lawrenceville, GA. The applicant is requesting rezoning so the owner may develop a restaurant with alcohol sales. The owner is comfortable with the staff analysis and conditions.

Earl Mitchell asked about outdoor seating. Ms. Blalock indicated there are no plans for outdoor seating at this time.

Pete Charpentier called for opposition. There was no opposition.

Jodi Nevels moved to approve RZ-2007-008 with staff recommended condition, second by Earl Mitchell. Motion carried 4-0.

RZ-2007-009 – Applicant: Jolly Development Corporation, Inc. Owner: Three Bridges LLC. Requests a rezoning from PMUD (Planned Mixed Use Development District) to PMUD with a change of conditions (to allow for an additional 3,800 square feet of office/commercial uses). The site is located in Land Lot 252 of the 7th District along Peachtree Industrial Boulevard north of Suwanee Dam Road and contains approximately 61.54 acres.

Marty Allen presented the staff analysis as follows: The applicant seeks a change of zoning conditions on 3.68 acres of an approximately 61.54-acre planned mixed use project to allow for the development of an additional 3,800 square feet of commercial uses. The subject property is located north and east of the Suwanee Dam Road/Peachtree Industrial Boulevard intersection. The affected area of the project fronts directly onto Peachtree Industrial Boulevard.

The applicant is currently developing a planned mixed use project that includes 293 residential units (attached and detached) on Tract I and approximately 156,000 square feet of commercial and office uses spread over 4 tracts (Tract II, III, IV, and V). The applicant is seeking to increase the allowable non-residential development on “Tract III” from 40,000 square feet to 43,800 square feet.

The proposed parking is more than enough for the site. The subject property is suitable for the proposed additional 3,800 square feet of commercial or office uses.

The subject property is surrounded by a mixture of commercial, residential, and educational uses. To the north of the subject property are several lightly developed larger single-family residential parcels (R-100) fronting Suwanee Dam Road.

The proposed increase of 3,800 square feet of commercial/office uses should not adversely impact any of the surrounding or nearby uses.

The subject property is part of the Suwanee Junction Character Area which anticipates a mixture of low and medium level intensity of development with the most intensive development closest to Peachtree Industrial Boulevard. Medium intensity development permits 10,000 square feet of floor area per acre for office uses and 8,000 square feet of

floor area per acre commercial uses. The addition of 3,800 square feet to 40,000 of commercial/office uses along Peachtree Industrial Boulevard is still consistent with the intensity of development anticipated for this area in the comprehensive plan.

In conclusion, the location for the proposed increase in square footage is the appropriate location for the most intensive development and the additional 3,800 square feet of commercial/office uses would still be consistent with a medium level of intensity. The design of the subject area is slightly revised and should be reassessed through the development review process. The Planning Department recommends approval with conditions of RZ-2007-009.

Marty Allen stated when the applicant submitted their concept plans they limited the retail uses to 40,000 square feet. The approved conditions limited them to what they proposed at the time. They are now seeking to modify the plan and add an additional 3,800 square feet. Staff does not object to the additional square feet.

Pete Charpentier called upon the applicant.

Mike Smith, Jolly Development Corp, 3039 Lakefield Court, Suwanee, GA. Mr. Smith indicated office space is in great demand in Suwanee. He is planning to reduce the retail space and increase the office space.

Pete Charpentier called for opposition. There was no opposition.

Earl Mitchell moved to approve RZ-2007-009 with staff recommended conditions, second by Anthony Manners. Motion carries 4-0.

RZ-2007-010 – Applicant/Owner: Opus South Corp. Requests a rezoning from PMUD (Planned Mixed Use Development District) to PMUD with a change of conditions (to reduce the minimum allowed unit size for a multi-family unit from 800 square feet to 600 square feet and to amend access requirements for a required trail). The site is located in Land Lot 169 of the 7th District along Lawrenceville-Suwanee Road between Satellite Boulevard and Burnette Road and contains approximately 148.32 acres.

Marty Allen presented the staff analysis as follows: The applicant seeks a change in zoning conditions on an approximately 148 acre tract in order to change two of the conditions of zoning for a Planned Mixed-Use Development. The subject property was rezoned to the Planned Mixed Use Development District (PMUD) earlier this year per RZ-2006-013 with several conditions of approval.

The applicant seeks a change in zoning conditions to reduce the minimum unit size for multi-family units from 800 square feet to 600 square feet on Tract 8, and to remove the requirement for a grade separated crossing for a trail crossing a proposed parkway.

The comprehensive plan does not address the issue of residential unit size. However, it does encourage residential uses above commercial and office uses. The proposed 800

square foot minimum is more consistent with the minimum unit size for multi-building garden style apartments. The applicant proposes more in-town style building that generally appeal to young professionals. A reduced minimum unit size for the apartments would allow the applicant the flexibility to design units that are more likely to appeal to young professionals.

Regarding the trail, the Main Street/Lakeside character area, like the rest of the comprehensive plan encourages pedestrian friendly design. The proposed parkway has a design speed of 30 miles per hour, but is four lanes wide with a median.

In conclusion, neither of the proposed amendments will impact the overall design of the project or impact the intensity of development. The proposed reduced minimum unit size for is generally consistent with more in-town style apartments. However, the elimination of the grade-separated crossing is not consistent with encouraging pedestrian friendly design. It is also not consistent with the City's greenway. The Suwanee Creek Greenway extends under Lawrenceville-Suwanee Road and McGinnis Ferry Road. As such, the Planning Department recommends approval with conditions to allow for the reduction in the minimum unit size for multi-family units and denial of the request to eliminate the requirement for a grade separated crossing for a trail across the parkway.

Jodi Nevels asked Marty Allen what was the maximum number of units before the change of conditions. Marty Allen explained there is not a change in the number of units. The 800 square foot unit size is more consistent with a garden style multi-building apartment complex that is seen along McGinnis Ferry Road. This will be a small, more compact single building that is centered around a parking deck. There is no change in the number of overall units.

Josh Campbell stated most of the units will be either one or two bedroom. 5 percent or less will be three bedrooms. The bulk of the apartments will be one bedroom. The average size of the units will exceed 800 square feet.

Pete Charpentier called upon opposition. There was no opposition.

Anthony Manners moved to table RZ-2007-010 until the next October Planning Commission meeting, second by Jodi Nevels. Motion carries 4-0.

Jodi Nevels moved to remove RZ-2007-007 from the table, second by Anthony Manners. Motion carries 4-0.

RZ-2007-007 – Applicant/Owner: Sung Eun Park. Requests rezoning from C-1 (Neighborhood Commercial District) to R-100 (Residential Single Family District) to allow for use of an existing structure as a single family residence. Site is located in Land Lot 210 of the 7th District at 641 Buford Highway and contains approximately 0.71 acres.

Marty Allen presented the staff analysis as follows: The applicant requests rezoning from C-1 (Neighborhood Commercial District) to R-100 (Single Family Residential

District) to allow for the use of an existing structure on the property as a single-family residence. The parcel is approximately 0.71 acres and contains a 1,776 square foot building.

The property is zoned commercially. The current owner has run into numerous challenges regarding development of the site for commercial uses (sewer, access, zoning conditions, etc.). As such, the applicant seeks to rezone the property back to residential for use as a residence.

The subject property was originally zoned R-100. In 1989, the City Council rezoned the property to C-2 per RZ-89-012.

In 1998, the property owner wanted to sell the existing residence for single-family use. In order to do this, the bank required the owner to rezone the property back to R-100. In October of 1998, the City Council rezoned the property back to R-100 per RZ-98-019. In 1999, a new property owner obtained approval to rezone the tract back to C-2 with conditions per RZ-99-019. The new property owner continued to use the building as a single family dwelling.

The applicant proposes to resume residential uses in an existing approximately 1,776 square foot building originally designed as a single-family residence. The 0.71 acre tract is accessed via a single driveway onto Buford Highway. The site has been historically used as a single family residence. The site is suitable for single family residential uses.

A mixture of office, commercial, and residential uses and zoning districts surround the subject property. To the north of the subject property is a commercial parcel developed with a billboard. To the south and west of the subject parcel are several single-family residences zoned R-100 (Single-Family Residential District).

The City's Future Land Use Plan recommends office uses for this site. The proposed residential use is not consistent with this designation.

In light of the existing surrounding uses and the challenges for developing the site as commercial, the applicant's proposal is appropriate. If approved conditions should be included to ensure that the existing structure is used and made safe for residential occupancy. Therefore, the Planning Department recommends approval with conditions.

Marty Allen explained the applicant purchased the property hoping to use it as a church. It is currently on a septic tank. They would not be able to get approval for any type of assembly occupancy on a septic system. The sewer is on the other side of the railroad tracks. It is cost prohibitive to tie into the sewer system.

Pete Charpentier called for opposition.

Jack Baggett, P.O. Box 268, Lawrenceville, GA. Mr. Baggett owns the adjoining property on Highway 23. This property is presently zoned commercial. Mr. Baggett

stated he does not have a problem with the applicant using the property as a residence. He would like the buffer to remain as is. He would like to go on the record as saying he is concerned about the increase of the buffer. Rezoning this property would require Mr. Baggett to have a 50 foot buffer on his property. This would reduce his lot size.

Anthony Manners asked Mr. Baggett if the adjacent properties have had a change in zoning while he has owned his property. Mr. Baggett indicated he has owned the property since the 1960's. The adjacent properties have always been zoned R-100. Pete Charpentier asked Mr. Baggett the size of his lot. Mr. Baggett stated his site is just under an acre.

Earl Mitchell asked if a use variance could be approved. Marty Allen stated the City of Suwanee does not have that provision under the Zoning Code. Earl Mitchell asked if a time limit could be placed on the zoning. Marty Allen explained the court has not been kind to this type of stipulation. The only way to rezone the property and reduce the buffer would be to leave a border around the property that is zoned C-2. Marty Allen indicated this is technically feasible but he is not sure what unintended consequences this could have. This could be abused if not managed appropriately. This is a unique situation so the border could be suitable.

Anthony Manners asked if there are any other locations in the City of Suwanee that have a border which is zoned differently. Marty Allen indicated this would be the only location that he is aware of.

Earl Mitchell stated the applicant has a right to use his property that is zoned C-2. If he cannot use it to live in as C-2 and it is not suitable to use as anything else it is a very unfair situation. Every effort should be made to accommodate him. Also, Mr. Baggett should not be penalized because the applicant now wants to rezone the property. If it is feasible to leave a C-2 strip on the one side of the property that is what should be done.

Marty Allen explained the C-2 strip would only need to be on the one side of the property connecting Mr. Baggett's property with the applicant's.

Earl Mitchell moved to approve RZ-2007-007 with amended conditions, second by Anthony Manners. Motion carries 4-0 (Additions = bold italics).

- 1) Allowable uses include single-family residential uses with customary accessory uses.
- 2) The existing structure shall be maintained. Prior to use as a single family residence, the building shall obtain the necessary permits required to bring the structure into compliance with all applicable building codes, zoning regulations, fire safety codes, etc. for a single family residence.
- 3) The building shall not be occupied until a Certificate of Occupancy is issued by the City of Suwanee Public Works and Inspections Department.

4) *A 5 foot strip shall remain C-2 along the north side of the property.*

ANNOUNCEMENTS

Suwanee Day is September 15, 2007.

Marty Allen has been named Interim City Manager.

City Hall will go out to bid September 11, 2007.

City Hall groundbreaking is scheduled for October 24th @ 11:30 am.

ADJOURNMENT

Earl Mitchell moved to adjourn at 7:45 pm.