

**MINUTES  
CITY OF SUWANEE, GEORGIA  
PLANNING AND ZONING COMMISSION  
FEBRUARY 5, 2008**

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

**CALL TO ORDER**

Chairman Pete Charpentier called the meeting to order at 6:32 pm.

**ADOPTION OF THE AGENDA**

*Anthony Manners moved to approve the agenda as presented, second by Jodi Nevels. Motion carried 5-0.*

**ADOPTION OF MINUTES: January 8, 2008**

*Joy Mitchell moved to adopt the minutes as presented, second by Earl Mitchell. Motion carried 5-0.*

**PROCEDURES FOR PUBLIC MEETING**

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

**OLD BUSINESS**

**NEW BUSINESS**

**SUP-2008-001** – Applicant: KOA Hotels, LLC. Owner: Sang Y. So. Requests a special use permit to allow a building height increase for a hotel in the C-2A Zoning District. The site is located in Land Lot 152 of the 7<sup>th</sup> District along Gwinco Boulevard and contains approximately 3.88 acres.

Josh Campbell presented the staff analysis as follows: The applicant seeks a special use permit on an approximately 3.88-acre tract for a building height increase to allow for a 4 story approximately 60 foot tall hotel. The proposed site plans indicates an approximately 58,000 square foot 84 room hotel with a total of 109 parking spaces. The hotel and its associated development would cover 2 acres of the 3.88 acres site. Access is proposed via a single driveway onto Gwinco Boulevard.

The subject property is zoned C-2. The property owner is currently seeking to rezone the entire tract to C-2A for a restaurant with alcohol sales on the remaining 1.88 acres. Both the C-2 and C-2A zoning districts have a maximum height of 35 feet. The proposed 4 story building would be slightly over 60 feet tall. As such, a special use permit would be required in order to allow the 4 story hotel.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses.

The site is an undeveloped parcel vegetated with mostly young pines and a few mature trees along Gwinco Boulevard. The topography of the site slopes from the rear of the site downwards towards the road. There is a stream located in the northwest end of the parcel along Gwinco Boulevard. The topography of the site is relatively mild compared with Suwanee in general. In order to access Gwinco Boulevard, the applicant will likely need to cross the small stream located in front of the site. The zoning ordinance requires hotels to be at least 2 acres. The subject property is 2 acres. The site should be suitable for use as a hotel.

The site is located on Gwinco Boulevard southwest of Lawrenceville-Suwanee Road in the I-85 business district. This area is surrounded by commercial uses and zoning districts. The surrounding area is suitable for a building height increase.

The building height increase proposes a fourth story for a hotel (approximately 60 feet tall). This increase would be 25 feet higher than typically allowed in the C-2 or C-2A zoning districts. The proposed building is located in the heart of a highly developed area with commercial office, and industrial uses. Residential uses are not located near the subject property. A 60 foot tall hotel should not negatively impact the area.

The future land use plan recommends commercial uses for the location. The proposed use of the property as a hotel is consistent with this designation. The City has historically targeted the I-85 Business District as one of the appropriate locations for special uses in commercial zoning districts. The subject property is located in the heart of this area close to I-85. As such, the subject property is an appropriate location for additional building height. It is also worth noting that a similar request (SUP-2007-004) for a building height increase for a proposed hotel on Gwinco Boulevard was approved earlier this year.

In conclusion, approval of the request with conditions would be appropriate. The proposal is consistent with the Future Land Use Plan's commercial designation and the tract is located in the heart of a commercial area, with no residential uses in the immediate area. The subject property is well located for a hospitality use with a building height increase. Therefore, the Planning Department recommends approval with conditions of SUP-2008-001.

Earl Mitchell asked Josh Campbell if there is a limit to the number of stories. Josh Campbell stated that staff did not limit the number of stories. The ordinance specifically deals with height.

Pete Charpentier asked if the intent of the 3.8 acres is for the hotel and restaurant. Josh Campbell stated that is the intent.

Pete Charpentier called upon the applicant. The applicant did not wish to speak.

Pete Charpentier called for opposition. There was no opposition.

***Anthony Manners moved to approve SUP-2008-001 with staff conditions, second by Joy Mitchell. Motion carried 4-0-1 (Earl Mitchell recused himself).***

**SUP-2008-002** – Applicant: North Gwinnett Church of Christ. Owner: Phijo II Investments, LLC. Requests a special use permit to allow for a church in M-1 (Light Industrial) Zoning District. The site is located in Land Lot 209 of the 7th District along Swiftwater Park Drive and contains approximately 7.37 acres.

Josh Campbell presented the staff analysis as follows: The applicant requests a Special Use Permit on an approximately 7.49-acre site to allow for a church in the M-1 (Light Industrial) zoning district. The proposed special use would be located at 3665 Swiftwater Park Drive, the intersection of Swiftwater Park Drive and Buford Highway in the Swiftwater Business Park. The subject property is developed with an approximately 33,000 square foot retail / office / warehouse facility facing Buford Highway (Building 2) and an approximately 23,000 square foot office / warehouse facing Swiftwater Park Drive (Building 3). A third building (Building 1) is permitted for the site, but has not been constructed yet. The property is zoned a combination of C-2 and M-1, with about 5 acres zoned C-2 including all of Building 2 and about 2.5 acres zoned M-1 including most of Building 3. The applicant is proposing to finish 2,300 square feet in the M-1 portion of Building 3 as a place of worship for their 12-15-person congregation.

The site includes approximately 176 parking spaces with access available via three drives onto Swiftwater Park Drive. Detention for the site is located on the southeastern portion of the site.

Churches are allowed in the M-1 zoning district with the approval of a Special Use Permit.

A shell certificate of occupancy has been issued for Building 3, but a tenant finish Certificate of Occupancy has not been issued yet. Before the unit can be used as a church, the City of Suwanee and the Gwinnett County Fire Marshall will each require a Certificate of Occupancy (C.O.) for assembly occupancy. The applicant should be prepared to meet the requirements for assembly occupancy.

The subject property contains an approximately 23,000 square foot office / warehouse facility and approximately 33,000 retail/office/warehouse facility. Access exists via three drives off Swiftwater Park Drive. The proposed use is located on a site that contains some commercial uses and ample parking. The subject site is partially developed for C-2 uses. As such, non-industrial uses will be using a portion of the site. The site is suitable for a church.

The surrounding area is predominantly light industrial including the Swiftwater, McGinnis and Windsor Business Parks. To the east of the subject property are light industrial uses in the McGinnis Business Park. To the south of the subject property and

west of the subject property, across Swiftwater Park Drive, are light industrial uses in the Swiftwater Business Park. To the north of the subject property, across Buford Highway, are light industrial uses in the Windsor Business Park. Although the property is surrounded by industrial uses it is important to note that a portion of the subject property is zoned for commercial uses (C-2).

The City's Future Land Use Plan recommends light industrial uses for the property. The existing zoning on the site is consistent with this designation. The proposed use of the property is not entirely consistent with this designation. Industrial parks are generally inconsistent with assembly uses and introducing non-industrial uses into industrial areas can create conflicts. However, provided the assembly will occur primarily on weekends or off normal business hours, the use could be appropriate. The applicant states that the church would hold services on Wednesday evenings and Sundays.

In conclusion, the requested special use permit could be appropriate at this location. The subject property is partially zoned C-2 which means that site will be accommodating non-industrial users. The interior finish for the proposed church has not been completed yet, so the City Inspections Department and Gwinnett County Fire Marshall will have ample opportunity to ensure that the facilities tenant finish meets assembly occupancy requirements. Provided that the tenant space is finished to meet assembly requirements and the assembly use will occur primarily on weekends the use should be appropriate at this location. Therefore, staff recommends approval with conditions of the Special Use Permit request.

Pete Charpentier called upon the applicant.

Mickey Jones, 1144 Bend Creek Trail, Suwanee, GA. Miles Grubaker, 4154 Brogdon Ridge Court, Buford, GA. Mr. Jones is the owner of the building. The congregation consists of only 30-35 people. This includes children.

Pete Charpentier asked Mr. Grubaker about the services at the location. Mr. Grubaker stated the services will only be on Wednesdays and Sundays only. Mr. Grubaker stated he is aware of staff conditions.

Pete Charpentier called for opposition. There was none.

***Anthony Manners moved to approve SUP-2008-002 with staff conditions, second by Jodi Nevels. Motion carried 5-0.***

**SUP-2008-003** – Applicant: Kum Do, Inc. Owner: Phijo II Investments, LLC. Requests a special use permit to allow for a martial arts studio in the M-1 (Light Industrial) Zoning District. The site is located in Land Lot 209 of the 7<sup>th</sup> District along Swiftwater Park Drive and contains approximately 7.37 acres.

Josh Campbell presented the staff analysis as follows: The applicant requests a Special Use Permit on an approximately 7.49-acre site to allow for a martial arts school in the M-

1 (Light Industrial) zoning district. The proposed special use would be located at 3665 Swiftwater Park Drive, the intersection of Swiftwater Park Drive and Buford Highway in the Swiftwater Business Park. The subject property is developed with an approximately 33,000 square foot retail / office / warehouse facility facing Buford Highway (Building 2) and an approximately 23,000 square foot office / warehouse facing Swiftwater Park Drive (Building 3). A third building (Building 1) is permitted for the site, but has not been constructed yet. The property is zoned a combination of C-2 and M-1, with about 5 acres zoned C-2 including all of Building 2 and about 2.5 acres zoned M-1 including most of Building 3. The applicant is proposing to finish 1,600 square feet in the M-1 portion of Building 3 for a martial arts school with 10-15 students in each class and associated office. The applicant stated that the martial arts school would have classes daily from 4:00 – 8:00 P.M. The applicant also stated that the location of the school will be temporary until Building 1 can be built.

The applicant seeks to establish a martial arts school in an existing office / warehouse building on Swiftwater Park Drive. Schools are allowed in the M-1 zoning district with the approval of a Special Use Permit.

The Special Use Permit process allows the City to review whether an existing facility is appropriate for a martial arts studio and what improvements might be needed to make the facility usable for the proposed occupancy. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use.

The owner states that the location of the school is temporary until the final building of the site is constructed. The final building is proposed to be located closest to the intersection of Swiftwater Park Drive and Buford Highway and is zoned C-2.

The surrounding area is predominantly light industrial including the Swiftwater, McGinnis and Windsor Business Parks. To the east of the subject property are light industrial uses in the McGinnis Business Park. To the south of the subject property and west of the subject property, across Swiftwater Park Drive, are light industrial uses in the Swiftwater Business Park. To the north of the subject property, across Buford Highway, are light industrial uses in the Windsor Business Park. Although the property is surrounded by industrial uses it is important to note that a portion of the subject property is zoned for commercial uses (C-2).

The City's Future Land Use Plan recommends light industrial uses for the property. The existing zoning on the site is consistent with this designation. The proposed use of the property is not entirely consistent with this designation. Industrial parks are generally inconsistent with assembly uses such as schools or churches and introducing non-industrial areas can create conflicts. The martial arts school will operate in the early evening hours on normal business days.

In conclusion, the requested special use permit could be appropriate at this location. The subject property is partially zoned C-2 which means that non-industrial users will be

using a large portion of the site. Therefore, staff recommends approval with conditions of the Special Use Permit request.

Pete Charpentier called upon applicant.

Mickey Jones, 1144 Bend Creek Trail, Suwanee, GA. Mr. Jones stated toward Buford Highway there is 6600 square feet that is a sign company. There will also be a pest control company, granite installers and a carpet installer. There will not be a lot of heavy manufacturing. There will not be a lot of traffic. The martial arts school intends to move to building 3 when it is completed.

Jodi Nevels asked Mr. Jones when building 3 will be constructed. Mr. Jones is unsure when the building will be ready. Jodi Nevels asked Mr. Jones if the martial arts school is aware of the time stipulation in the staff conditions. Mr. Jones indicated they are not aware of the conditions. The martial arts school would like to start classes at 4pm. Most of the other business are closed by 4pm.

Pete Charpentier asked about parking. Mr. Jones indicated there is adequate parking. Josh Campbell stated there are 176 parking spaces.

Pete Charpentier asked Josh Campbell about the time frame set by staff. Josh Campbell stated the time frame is generally based on how other similar uses have been treated. It would be challenging to enforce the time stipulation.

***Earl Mitchell moved to approve V-2008-003 with the staff conditions as follows, second by Anthony Manners. Motion carries 5-0 (additions = bold, deletions = ~~bold strikethrough~~).***

1. All zoning, building and fire code issues shall be addressed through issuances of appropriate Certificates of Occupancy prior to use of the facility as a martial arts school.
2. Said approval shall be limited to use within the existing unit totaling no more than ~~1,600~~ **2400** square feet. No additions shall be made to increase the size of the martial arts school beyond ~~1,600~~ **2,400** square feet.
3. The martial arts school shall not create a school or daycare facility that operates beyond times associated with formal classes.
4. ~~Classes shall be limited to weekends (Saturday and Sunday) and after 5:00 pm during the work week (Monday through Friday).~~

## **OTHER BUSINESS**

## **ANNOUNCEMENTS**

February 15<sup>th</sup> is Arbor Day. The City of Suwanee will be planting trees by the pedestrian bridge.

Tour de Georgia will have the start of stage 5 at Town Center on April 25<sup>th</sup>.

**ADJOURNMENT**

*Jodi Nevels moved to adjourn at 7:05 pm. Motion carried 5-0.*