

**MINUTES
CITY OF SUWANEE, GEORGIA
PLANNING AND ZONING COMMISSION
SEPTEMBER 2, 2008**

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

CALL TO ORDER

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

ADOPTION OF THE AGENDA

Jodi Nevels moved to adopt the agenda as presented, second by Earl Mitchell. Motion carried 4-0.

ADOPTION OF MINUTES: August 5, 2008

Earl Mitchell moved to adopt the minutes as presented, second by Jodi Nevels. Motion carried 3-0-1. Joy Mitchell abstained.

PROCEDURES FOR PUBLIC MEETING

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

OLD BUSINESS

NEW BUSINESS

SUP-2008-010 – Applicant: Georgia SPCA Owner: River Partners One. Requests a special use permit for a pet adoption center in the C-2 zoning district. The site is located in Land Lot 237 of the 7th district on Eva Kennedy approximately a half mile east of Peachtree Industrial Boulevard and contains approximately 2.8 acres.

Josh Campbell presented the staff analysis as follows: The applicant requests a Special Use Permit to open a pet adoption center in the C-2 Zoning District. The applicant proposes to construct an approximately 5,000 square foot building on the site. The site is a vacant lot on Eva Kennedy Road, approximately half a mile east of the intersection of Peachtree Industrial Boulevard and Eva Kennedy Road. The C-2 Zoning District permits some limited animal related uses such as veterinary clinics or dog grooming shops. Uses that require extended onsite care of animals, such as an animal hospital or a pet adoption center, are allowed only as a Special Use in the C-2 Zoning District.

The illicit discharge and illegal connection ordinance regulate the use of the City's stormwater system. The applicant should be prepared to meet these requirements.

The subject property is a 2.8 acre parcel located approximately half a mile east of the intersection of Peachtree Industrial Boulevard and Eva Kennedy Road. The site is

currently undeveloped and includes physical and environmental building constraints. These constraints include a 100' Georgia Power Easement, 50' Georgia Transmission Corporation Easement, a sewer force main and a stream. The stream requires 75' of stream buffers, which include a 25' Georgia EPD (Environmental Protection District) buffer, a local 25' no disturb buffer and a local 25' buffer prohibiting impervious surfaces. Development of this site will require variances for both local stream buffers. Due to these constraints, it does not appear that the site can support the proposed use.

The subject property is located in a residential area along Eva Kennedy Road.

The City's current Future Land Use Plan recommends single family residential uses for this site. The proposed pet adoption center conflicts with this designation. The 2030 Comprehensive Plan designates the area as the Historic Old Town Character Area. The proposed special use conflicts with the current Future Land Use plan for the city and the recommendations included in the 2030 Comprehensive Plan.

Because the proposed use will include extended kenneling of animals, the property will likely produce noise, odor and other negative impacts. As such, locating such uses in or near a residential area would not be appropriate. Additionally, the concentration of animal waste could impact the environmentally sensitive areas within or near the property. The zoning ordinance specifically states that the special use permit is designed to be used when, "the special use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood and would not be in conflict with the overall objective of the Comprehensive Plan."

In conclusion, the requested Special Use Permit for a pet adoption center is not appropriate at this location. While the proposed use is permitted as a special use within the current zoning, the single family residential designation indicated in the Future Land Use Plan does not accommodate the request. The site does not appear to support the proposed land use due to physical and environmental constraints. The requested special use is not compatible with the neighborhood and is in conflict with the overall objectives of the Comprehensive Plan. As such, the Planning Department recommends denial of the request.

Pete Charpentier called upon the applicant.

Joan Sammond, Georgia SPCA, 1175 Highway 23, Buford, GA. Ms. Sammond is the SPCA Executive Director. Ms. Sammond stated the SPCA has outgrown its current facility on Buford Highway. They need a larger place that is suitable for students to volunteer. The location on Eva Kennedy will fit their needs and the zoning is appropriate. There will be a suite inside the facility for a veterinarian clinic. The clinic will not serve the public.

The animals will be housed indoors. They will be allowed to go out into a fenced area. Parking will be limited to the back of the building. The current building is designed for retail businesses. The new building will have a noise buffer and proper waste receptacles

that will be emptied twice a week. The location on Eva Kennedy Road will be the adoption headquarters. There will be a free roaming area for cats and dogs. There will be a more relaxed atmosphere.

Earl Mitchell asked Ms. Sammond how many animals are kept at the SPCA Suwanee location. Ms. Sammond indicated there are approximately 80 animals. There is a high population of kittens. Mr. Mitchell asked how long the animals are kept at the shelter. Ms. Sammond stated they live at the shelter until they are adopted. Mr. Mitchell inquired about the size of the current location. Ms. Sammond stated the current location is 1700 square feet with no outdoor space. The Eva Kennedy location will have 3 acres of outdoor space. Earl Mitchell asked how old are the kids who volunteer at the SPCA. Ms. Sammond indicated the volunteers are in middle school. If they are under 13 years of age they must be accompanied by a parent. The SPCA is open 7 days a week until 7 pm.

Pete Charpentier called for opposition.

Jean Connolly, 792 Eva Kennedy, Suwanee, GA. Ms. Connolly stated she owns the property across the street from the proposed SPCA. Ms. Connolly stated she has been to the SPCA on Buford Highway. Ms. Connolly is concerned with the topography of the new location. Ms. Connolly is also concerned with the excessive noise from the barking dogs. The residential area is not the best place for the SPCA. Ms. Connolly asked if the special use permit is approved that the building be given a residential look.

Pete Noone, 701 Eva Kennedy, Suwanee, GA. Mr. Noone stated the SPCA is not appropriate on Eva Kennedy Road. The area is residential. There will be a lot of noise due to barking dogs. Mr. Noone indicated the SPCA will be better suited for a non residential area. He is concerned with aggressive animals.

LeAnn DeFrancisco, 703 Eva Kennedy, Suwanee, GA. Ms. DeFrancisco stated she is concerned about having the SPCA so close to her home. Ms. DeFrancisco has a terminally ill child who is sensitive to bacteria. She also has a child with Asperger's syndrome. The property for the proposed site is 25 feet away from Ms. DeFrancisco's bedroom window. She is concerned about the smell and the noise.

Ms. Sammond stated she wants to be a good neighbor. The exterior of the building will not be glass. The building will be brick and stone. There will be as much landscaping as allowed. All parking will be in the rear.

Pete Charpentier asked Josh Campbell if the 2030 Comprehensive Plan calls for the site to be commercial. Josh Campbell indicated the 2030 Comprehensive Plan shows the site as residential. Jodi Nevels asked Josh Campbell for the zoning on Ms. Connolly's property. Mr. Campbell stated Ms. Connolly's property is zoned R-75.

Earl Mitchell moved to deny SUP-2008-010, second by Joy Mitchell. Motion carried 4-0.

AMD-2008-003 - A proposed amendment to the City of Suwanee Zoning Ordinance to modify Article III Definitions and Article XVI Signs including but not limited to Section 1604 and Section 1611 to amend the regulations regarding electronic signs.

Matt Dickison presented the staff analysis as follows: Last month the Planning Commission had a presentation and discussion about electronic signs. This proposal will amend Article III Definitions and Article XVI Sign Ordinance. It will eliminate the current definition for variable message boards and will replace it with electronic signs. The ordinance will allow for an exemption for official government signs. Article XVI which is the sign section of the Zoning Ordinance, will also be amended.

Pete Charpentier called for support of the amendment. There was none.

Pete Charpentier called for opposition. There was none.

Jodi Nevels moved to approve AMD-2008-003, second by Earl Mitchell. Motion carried 4-0.

ARCHITECTURAL REVIEW OF SUWANEE STATION - Review of Architectural Plan Book for proposed Multi-Family Development in Suwanee Station.

Josh Campbell presented the staff analysis as follows: Suwanee Station is a PMUD (Planned Mixed Use Development) zoned, 141 acre, mixed use development located between McGinnis Ferry Road and Peachtree Industrial Boulevard. The plan was originally approved May 9, 2000 by the Suwanee City Council. A change in conditions for the development was approved on January 21, 2003.

The project is a mix of single family attached, single family detached, apartments, commercial and office. The project is divided into seven phases. The multifamily development, currently under consideration, is Phase V of the development. According to the conditions of approval, this phase shall be limited to no more than 400 multifamily residential and/or townhouse units. Currently 108 townhouse units have been constructed from this phase. The current plan includes 200 multifamily units on 8.32 acres. As part of the original zoning change application, the following condition of zoning was included:

Prior to issuance of a Development Permit for each phase of the project, the applicant shall submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the City of Suwanee Planning Commission. At a minimum, the "Plan Book" shall include allowed building elevations, exterior colors, materials, and other pertinent information.

Due to this condition, the applicant has prepared an architectural plan book to be considered by the Planning Commission. The Planning Commission must approve a plan book prior to the issuance of a Development Permit for the multi-family complex.

An additional condition of zoning states that this phase of development “shall be redesigned to reflect an integrated, non-gated Traditional Neighborhood Design.” The applicant, Tunnell Spangler Walsh (a land planning firm that specializes in new urbanist design), and the City have been working on the site plan to accomplish the goals of this condition. The architecture of the buildings makes a central contribution to the traditional neighborhood feel of the project. As such, the City obtained additional input from Tunnell Spangler Walsh regarding the architecture of the buildings. Attached is a copy of the “Plan Book” for the multi-family project and comments from Tunnell Spangler Walsh.

The Planning Commission can approve the proposed plan book, approve the plan book subject to additional changes, deny the plan book, or postpone the request.

Pete Charpentier called upon the applicant.

Brad Johnson, 3715 Northside Parkway, Atlanta, GA. Focus Development became involved in the project about 6 months ago. The original plan for the project consisted of 292 units. There are now 200 units planned. The site is only 8 acres. The architect, George Rees, can answer any questions about the architecture.

George Rees, 2955 S. Pharr Court, Atlanta, GA. The apartments will compliment the town homes and single family homes in the neighborhood. Mr. Rees presented exhibits of proposed architecture for the apartments.

Pete Charpentier asked if there would be an elevator in any of the buildings. Mr. Rees indicated there will not be an elevator. Earl Mitchell asked if all of the units will be flats. Mr. Rees stated all the units are flats.

Joy Mitchell asked why there is not stone on any of the buildings. Mr. Rees stated adding stone to the buildings would not be difficult.

Earl Mitchell asked how the berm relates to the parking on the upper level. Mr. Rees showed the parking areas on the exhibits to the Planning Commission members. The berm will obscure headlights from the cars.

Joy Mitchell moved to approve the architectural plan book for proposed multi-family development in Suwanee Station with the following condition, second by Earl Mitchell. Motion carried 4-0.

1. *Add stone accents to both buildings.*

OTHER BUSINESS

ANNOUNCEMENTS

ADJOURNMENT

Jodi Nevels moved to adjourn at 7:55 pm.