

**MINUTES**  
**CITY OF SUWANEE, GEORGIA**  
**PLANNING AND ZONING COMMISSION**  
**May 2, 2017**

**PLANNING AND ZONING MEMBERS:** Present: Anthony Manners, Pete Charpentier, Lila Kelley. Staff members present: Josh Campbell, Alyssa Durden, and MaryAnn Jackson.

**CALL TO ORDER**

Anthony Manners called the meeting to order at 6:30pm

**ADOPTION OF THE AGENDA**

*Pete Charpentier moved to approve the agenda as presented, second by Lila Kelley. Motion carried 3-0.*

**ADOPTION OF THE MINUTES: February 7, 2017**

*Lila Kelley moved to approve the February 7, 2017 minutes, second by Pete Charpentier. Motion carried 3-0.*

**OLD BUSINESS**

**NEW BUSINESS**

**RZ-2017-003** – Owner: Jim Harris. Applicant: R. James Halsema. The applicant request a rezoning from C-2A (Special Commercial District) to C-2A (Change of Conditions) to allow for a convenience store with gasoline pumps. The site is located in Land Lot 209 of the 7<sup>th</sup> District at the southeast corner of the intersection of Scales Road and McGinnis Ferry Road and contains approximately 2.3 acres.

Josh Campbell presented staff report as follows: The subject property consists of 2 tracts of land totaling approximately 2.2 acres at the southeast corner of Scales Road and McGinnis Ferry Road at one of the entrances to the Suwanee Station neighborhood. Both tracts are currently undeveloped and zoned C-2A.

The applicant requests a rezoning from C-2A (Special Commercial District) to C-2A (Change of Conditions) to allow for a 7,000 square foot building to include a 5,000 square foot convenience store with beer and wine sales, a 2,000 square foot restaurant, and gasoline pumps located between the building and McGinnis Ferry Road.

The proposed development would have vehicular access from Scales Road as well as a right-in/right-out curb cut on McGinnis Ferry Road. 37 parking spaces would be provided.

It should be noted that the proposed site plan does not include sidewalks along McGinnis Ferry Road or Scales Road as required per the City zoning ordinance or the landscape islands for trees as required by the Buffer, Landscape and Tree Preservation Ordinance. Additionally, a 50 foot setback from each road is required per the C-2A development regulations. The proposed site plan shows a 40 foot setback with the building located directly adjacent to the setback line. The proposed curb cut onto McGinnis Ferry Road would be subject to approved by the Gwinnett County DOT as well.

In 2003, the current property owner applied for a rezoning and special use permit on the subject property to allow for a landscape company including the associated outdoor storage of landscape materials. The special use permit and the request for C-2 zoning were denied (RZ-2003-001 and SUP-2003-002). In November of 2003, the subject property was rezoned from M-1 to C-2A in order to allow for a shopping center subject to several conditions. The conditions of approval included a general prohibition on vehicles sale and services and specific prohibition of gasoline sales. The conditions also included a requirement that the site be developed in a manner consistent with a particular rendering (See Exhibit D). At that time the applicant/owner was proposing approximately 31,000 square feet of commercial/retail uses.

The applicant requests a rezoning from C-2A (Special Commercial District) to C-2A (Change of Conditions) to allow for a convenience store with gasoline pumps and a small restaurant/retail space. The subject property can accommodate the proposed development, and a convenience store with gasoline pumps is a permitted use within the C-2A zoning district. However, the proposed use does not comply with the existing conditions of zoning, which specifically prohibit gasoline pumps on the subject property.

The subject property was rezoned to C-2A in 2003 with a specific condition of zoning that prohibits gasoline pumps. The purpose of this condition of zoning was to insure that a gas station could not be located on this site while allowing all the other uses of C2-A. The applicant requests an elimination of this condition to allow gasoline pumps on the property.

The subject property is a sliver of land on the south side of McGinnis Ferry Road wedged between Scales Road to the west and the Norfolk Southern Railroad to the east. It is located at the east entrance to the Suwanee Station PMUD (Planned Mixed-Use Development). Across McGinnis Ferry Road, to the north, is a multi-tenant shopping center, which is the commercial portion of the Old Suwanee PMUD. Across Scales Road, to the west, are 2 single family homes, which face the subject property, and 2 undeveloped single family lots zoned R-100.

The proposed gas station would not be appropriate at the requested location, as the existing condition of zoning suggests, because the gas pumps would be an aesthetic nuisance to the surrounding properties. Suwanee Station is a planned mixed-use development, which is intended to be pedestrian oriented with a high quality of design of both the pedestrian realm and architecture. The presence of an auto-oriented gas station at one of its main entrances would compromise the quality of the neighborhood.

Throughout the City, there are no neighborhoods with gas stations at their entrances. Furthermore, building a gas station on the subject property would limit the development potential of the single family and undeveloped land across Scales Road from the property because of the visual and olfactory externalities of a gas station.

The Future Land Use Plan in the 2030 Comprehensive Plan calls for a Mixed-Use Village on the subject property as well as the single family property across Scales Road. This would serve as a neighborhood commercial node for the Suwanee Station neighborhood and nearby apartments, which are all within walking distance. The Comprehensive Plan defines a Mixed-Use Village as predominantly residential in character, but may include low intensity neighborhood-scale shopping facilities in stand-alone buildings similar to what was proposed and illustrated in the concept plan for RZ-2003-017. (See Exhibit D).

The requested elimination of zoning conditions to allow for gasoline pumps and a conventional convenience store layout on the subject property is inappropriate because it is inconsistent with the Comprehensive Plan and the existing condition of zoning, which prescribe the prohibition of a gas station to insure that quality pedestrian friendly neighborhood commercial can be developed at the entrance to the Suwanee Station PMUD and existing development will not be compromised. The rendering approved as part of RZ-2003-017 allowed for a more neighborhood type retail that would act almost as an extension of the Suwanee Station project. The proposed gas station layout is a conventional automobile focused design. The proposed gas station would have a negative impact on the surrounding existing uses including Suwanee Station and Old Town Suwanee PMUD across McGinnis Ferry Road. Furthermore, removing this condition would compromise the vision of the Comprehensive Plan, which calls for a Mixed-Use Village at this node. For these reasons, the property was rezoned with a specific condition prohibiting a gas station at this location in 2003; therefore, the condition should not be removed. As such, the Planning Department recommends denial of RZ-2017-003.

Lila Kelley asked if there is an underground detention pond on the property. Josh Campbell stated that there is not an underground detention pond on the property.

Anthony Manners called upon the applicant.

James Halsema, 205 Malvern Place, Roswell, GA. Mr. Halsema asked that conditions from the 2003 rezoning request be removed. The property is very challenging and difficult to develop. Mr. Halsema stated that he intends to address staff comments in his presentation. The proposed site plan shows setbacks, sidewalks, buffers and landscaping adjacent to parking spaces. The applicant is also planning to add additional landscaping.

Mr. Halsema stated that staff described the property as a sliver of land on the south side of McGinnis Ferry wedged between Scales Road and Norfolk Southern Railroad at the entrance of Suwanee Station. Staff also stated that across McGinnis Ferry, to the north, is a multi-tenant shopping center which is the commercial portion of Old Suwanee PMUD. Mr. Halsema indicated that he visited the site looking for the PMUD and only saw the

back of the Tai Kwon Do studio, a partially vacant strip center and a mini storage building trying to look like a fake retail building. Mr. Halsema stated that he had driven up and down Scales Road looking for Suwanee Station Commercial Building but was unable to locate it. Staff considers this property an extension of the Suwanee Station project but the parcel is outside of the Suwanee Station concept plan area. Staff would also like this parcel to be used as a mixed-use village, but it will take more than that two acres available to create a mixed use village. Mr. Halsema referenced the acreages of several mixed-use developments, Town Center, Glenwood Park, Rosemary Beach, and Avalon.

Mr. Halsema explained to the Planning Commission that the owner has been trying to sell the property since 2003.

Mr. Halsema cited that the 2030 Comprehensive Plan states that Suwanee Station was instigated by the arrival of the train station. Today, there is still no train station.

Anthony Manners asked for anyone else in favor of the request to come forward. There was no one.

Anthony Manners called for opposition.

Barb Allen, 3981 Lake Pass Lane, Suwanee, GA. Ms. Allen stated that she is opposed to a gas station on the proposed parcel. Ms. Allen stated that there are 15 gas stations in a 3 mile radius of Suwanee Station. Ms. Allen is very concerned about entering and exiting the proposed gas station off of McGinnis Ferry Road.

Janet Thornton, 1124 Lake Pass Lane, Suwanee, GA. Ms. Thornton is concerned about the additional traffic caused by a gas station.

Scott Lenos, 4051 Lake Pass Lane, Suwanee, GA. Mr. Lenos stated that he does not want a gas station at the entrance of Suwanee Station subdivision. He is very concerned about brush fires near the rail road tracks and the close proximity of a gas station.

Mr. Rosser, 1173 Station Center Boulevard, Suwanee, GA. Mr. Rosser indicated that he is concerned with the tanks being higher than the railroad tracks.

Jim Harris, owner of the property. Mr. Harris stated that he bought the property in the early 2000's. He spoke with Marty Allen who explained to Mr. Harris what the City of Suwanee would like to see on the property. Mr. Harris stated that the tanks will be located on the north end of the property. Department of Transportation would handle traffic issues.

Mr. Halsema stated that a brush fire will not come across the pavement from the tracks to the gas station. The EPA regulates shut off valves. The site currently does not have sewer from Gwinnett County. Mr. Halsema indicated that Gwinnet County said septic system can be done with the proposed plan. Fuel storage would be paved and

underground. Mr. Halsema stated that the townhomes at the location would be just as dangerous and no one would want them.

Lila Kelley asked if anyone had considered a convenience store without gasoline. Mr. Halsema stated that a convenience store without gasoline pumps is not an option for his client.

Pete Charpentier asked about conditions if request is approved. Josh explained that if the request is approved condition 4 and condition 6 would be removed. Pete Charpentier also asked about Gwinnett County Sewer. Josh Campbell explained that several sites are not on Gwinnett County Sewer. Discussion ensued amongst Planning Commission and staff regarding septic and sewer.

Pete Charpentier asked the owner why he hasn't been able to sell the property. Mr. Harris explained that he could have sold the property if it did not have the current zoning. Pete Charpentier asked if the timing was just not right. Mr. Harris acknowledged that it may not have been the right time.

Lila Adams asked if there are private residences across the street. Josh Campbell stated that there are private residences across the street.

Lila Adams asked about the condition prohibiting gasoline sales. Josh Campbell explained that the purpose for the condition was to get something compatible with the mixed-use development neighborhood that people could walk to.

Anthony Manners asked if the prohibition of gasoline sales is on all McGinnis Ferry properties. Josh Campbell explained that the property across the street is also not allowed because it is also zoned to a mixed-use development with similar no vehicular sales or service conditions and is also zoned to a site plan like this property.

***Pete Charpentier moved to deny RZ-2017-003, second by Lila Kelley. Motion carried 3-0.***

## **OTHER BUSINESS**

## **ANNOUNCEMENTS**

Alyssa Durden announced 2040 Comprehensive Plan Update Open House on July 20<sup>th</sup>. There is a survey online at [Suwanee2040plan.com](http://Suwanee2040plan.com)

## **ADJOURNMENT**

Pete Charpentier moved to adjourn at 7:23PM