

**CITY OF SUWANEE
REZONING AND SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER(S): **RZ-2013-003
SUP-2013-002**

REQUEST: *REZONING:* R-140 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-100 (SINGLE FAMILY RESIDENTIAL DISTRICT)

SPECIAL USE PERMIT: RESIDENTIAL DEVELOPMENT IN EXCESS OF 7 LOTS

LOCATION: MOORE ROAD BETWEEN SETTLES BRIDGE ROAD AND MEADOWBROOK CIRCLE

TAX ID NUMBER 7-286-003, 7-277-020,021, 7-278-022, 023, 003 AND 7-285-292, 293

ACREAGE: 36.35 ACRES

PROPOSED DEVELOPMENT: 61 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION

APPLICANT/OWNER: SPARTAN INVESTORS 1, LLC
6650 SUGARLOAF PARKWAY
DULUTH, GA 30097

CONTACT: CARTER RICHARDSON

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RECOMMENDATION: **RZ-2013-003: APPROVAL WITH CONDITIONS
SUP-2013-002: APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a rezoning on multiple parcels totaling 36.35 acres from R-140 (Single Family Residential District) to R-100 (Single Family Residential District) to allow for a single family subdivision with 61 lots. The applicant also requests a special use permit to allow for a subdivision of more than 7 lots. A special use permit is required in the R-140 and R-100 zoning districts in order to create a subdivision of more than 7 lots. If only the SUP is approved and the current zoning is maintained, the applicant has provided an exhibit that indicates a total of 44 R-140 lots could be developed. The subject parcels currently contain two single family homes along with a few accessory structures located near the intersection of Moore Road and Short Street. Parts of the property are heavily wooded, nearest Settles Bridge Road and part is pasture along Moore Road near Short Street and Meadowbrook Circle.

The proposed single-family neighborhood would be located along the western side of Moore Road and off the northern side of Settles Bridge Road. The applicant proposes neighborhood access from Moore Road between Settles Bridge Road and Short Street. A 200-foot deceleration lane is shown on the preliminary plan.

The submitted site plan indicates standard 50-foot wide right-of-ways with 28-foot wide roadways (back of curb to back of curb). A total of 61 lots, between 0.42 and 0.83 acres, are proposed to access an estimated 3,800 linear feet of new road. The letter of intent indicates that the minimum size for the single-family homes would 2,400 square feet. The applicant is also proposing approximately 1.8 acres of open space which would include 2 detention facilities. The applicant does not indicate whether the site would be mass graded.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. The SUP process allows the Council to review certain proposals in the context of their use and take into consideration the surrounding area and other relevant factors. Large developments in residential areas, such as the proposed 61 lot subdivision, are required to obtain a special use permit. This process allows the City to review potential impacts of larger developments and mitigate those impacts. It is important to note that the SUP in this case is required whether the property is zoned R-140 or R-100. Therefore, even if the rezoning request is denied, the SUP still needs to be considered in order for the subdivision of more than 7 lots.

HISTORY:

In 2006, a previous property owner submitted development plans for review for a single family subdivision. The proposed subdivision consisted of 42 lots and was proposed to be served by septic. The subdivision would have been developed under the R-140 zoning district therefore no rezoning was necessary. However, the applicant did apply for stream buffer variances as well as a waiver to allow the neighborhood to have private streets.

The proposed neighborhood obtained several required approvals, but never completed the development review process. In 2008, the property was placed under contract by Notre Dame Academy. Concerned about potential conflict with the nearly completed 2030 Comprehensive Plan, the City imposed a 90 day moratorium on the acceptance of rezoning, special use permits, and development permits for large developments in residential areas. During that time the City amended the zoning ordinance to require developments in residential districts larger than 20,000 square feet, disturbing more than 5 acres and/or subdivisions greater than 7 lots to obtain a special use permit.

DEVELOPMENT COMMENTS:

The following comments are provided to make the developer aware of certain pertinent issues. This is not intended to serve as an all-inclusive list of comments. If approved, the City will formally review the project for compliance with applicable regulations during the normal development review process. These comments could result in changes to the proposed plan.

The plan submitted by the applicant does not show sidewalks within the subdivision. The City requires sidewalks on all interior subdivision streets.

The submitted letter of intent requests a reduction in the building setbacks for the lots although the site plan does not show reduced setbacks. The rezoning process is not the appropriate process for granting variances from zoning requirements. The Zoning Board of Appeals is charged with hearing variance requests. If the proposed subdivision is approved by the City Council then setbacks would be 35', 10' and 40' for the front, side and rear setback respectively. If the applicant wishes to pursue reduced setbacks then variances would need to be requested from the Zoning Board of Appeals.

The site plans submitted in 2006 for the proposed neighborhood identified streams on the properties and as previously stated, variances were obtained to encroach upon the stream buffers. The submitted rezoning and SUP site plan exhibits do not appear to show the streams. The applicant should be prepared to identify all streams, wetlands and state waters on the site and comply with applicable requirements. Variances obtained in 2006, may not apply due to the applicant proposing a different site layout.

The rezoning exhibit indicates a stormwater facility that appears to be located on two parcels. Stormwater facilities need to be located on their own lot with access provided to and around the facility.

If approved, neighborhood access will be reviewed by the City Engineer. Improvements to Moore Road, beyond those shown on the submitted rezoning exhibit, may be required in order to accommodate access for the neighborhood.

ANALYSIS:

The subject properties total approximately 36.35 acres located near the northwest corner of the intersection of Moore Road and Settles Bridge Road. The subject property has road frontage on Moore Road and Settles Bridge Road. The property is heavily wooded in some areas and pasture in other areas. The property does appear to contain some state waters. The parcels currently contain two homes and some accessory structures such as a barn and deck. The two homes have been vacant for a number of years and a small number of horses make use of the pasture. The property is large enough that it can adequately support a 61 lot subdivision if rezoned.

The subject property is surrounded by residential uses. To the north are single family homes in the Suwanee Farms neighborhood (zoned R-140). Across Moore Road, to the east, are single family homes zoned R-140. To the south of the subject property are R-140 zoned homes that access Moore Road, Short Street and Settles Bridge Road. To the west of the subject property are R-140 zoned homes that access Settles Bridge Road.

The 2030 Comprehensive Plan identifies character areas of the City. The subject property is in the Suwanee North Character Area which is characterized by single family homes on large residential lots. The vision for Suwanee North is to remain residential in nature. While the subject property is surrounded by R-140 zoned homes, the Suwanee North Character Area is characterized by a mixture of R-140 and R-100 zoned single family homes. This character area includes Barony, Settles Point, Rosemoore Lake, and Barrington subdivisions all of which are zoned R-100. While R-100 is a prevalent zoning district in the larger surrounding area, if the

requested zoning is approved; the fact that the subject property is surrounded by the R-140 zoning district should be taken into consideration.

The Comprehensive Plan states that vacant parcels in the Suwanee North Character Area as well as agricultural land should be developed into lower density, single family estate-style lots. The minimum lot size for the requested R-100 zoning district is the second largest of the residential districts. There are a number of neighborhoods in the Suwanee North area that are zoned R-100. Therefore, an R-100 neighborhood would not be out of place. The “Goals and Implementation Measures” table in the Suwanee North Character Area section of the Comprehensive Plan states that the economic development goal of the area should “focus development on infill opportunities that maintain Suwanee North as a low density, high-end residential area”. As such, with the appropriate conditions of approval, both requests could be appropriate.

One of the most obvious potential impacts a large development can have is on traffic. The Institute of Traffic Engineers produces the Trip Generation Manual which is the industry standard for estimating vehicle trips certain land uses create. According to the 8th edition of the Manual, a 61 lot subdivision would create 660 vehicle trips per day. During weekday morning peak time (7:00-9:00 am) it is estimated that this subdivision would create 53 vehicle trips. Those 53 trips break down to 40 trips exiting the subdivision and 13 entering. That means that a vehicle will be entering or leaving the subdivision roughly once every two minutes between 7 and 9 am. The current road network provides three options for exiting or entering this part of Suwanee North. Moore Road has two connections; one on Peachtree Industrial Boulevard and one on Suwanee Dam Road. And, Settles Bridge Road also provides a connection to Suwanee Dam Road. The current road network should be able to handle the traffic load this neighborhood would create.

In conclusion, the requested rezoning and special use permit for a single family subdivision is appropriate at this location. Maintaining the character of the Suwanee North character area of the City is important and conditions of approval should be included to protect the existing neighborhood. These conditions should recognize the large lot, low density feel of the immediate area. In addition, the infrastructure, mainly the existing road network can withstand the addition vehicular traffic that would be created by the proposed neighborhood. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of SUP-2013-002 and **APPROVAL WITH CONDITIONS** of RZ-2013-003.

Planning Department's Recommended Conditions
RZ-2013-003

Approval of the request to rezone from R-140 to R-100 subject to the following conditions:

1. All lots shall be subject to the requirements of the R-100 development regulations except that the minimum lot width for all lots shall be 120 feet.
2. All homes shall use brick and/or stone as the primary exterior building material on three sides, unless they are adjacent to an external street, in which case brick and/or stone shall be the primary exterior material on all sides.
3. Homes shall be a minimum of 2,400 square feet in size.
4. No access shall be allowed onto Moore Road or Settles Bridge Road for individual lots. Access onto the roads shall be limited to roads serving the entire neighborhood.
5. Sidewalks shall be provided on both sides of all interior streets.
6. A decorative fence with landscaping shall be provided along Moore Road and Settles Bridge Road. Fencing and landscaping shall be consistent with the treatment of other neighborhoods that back up to Moore Road and shall be subject to approval by the Planning and Inspections Director.
7. Street trees shall be provided on both sides of all interior streets. Street trees shall be located between the sidewalk and the back of curb. Street trees shall be a minimum of 3-inch caliper at the time of planting and shall be spaced on 40-foot centers. If additional right-of-way is needed (beyond the standard 50 feet) in order to avoid conflicts between the street trees and utilities, than additional area may be deducted from the minimum lot size for adjacent lots and interior front yard setback may be adjusted accordingly.
8. A 25-foot wide undisturbed construction buffer shall be provided. Intrusion into the construction buffer shall be limited to disturbance needed to construct access to the property, perpendicular utility crossings and storm water facilities. Along Moore Road, where the buffer is sparsely vegetated, a mix of native trees and shrubs shall be planted to supplement the buffer.
9. All utilities shall be located underground. Existing above ground utilities located on adjacent right-of-ways shall be allowed to remain.

Planning Department's Recommended Conditions
SUP-2013-002

Approval of the request to subdivide the property in excess of 7 lots subject to the following conditions:

1. All lots shall be subject to the requirements of the R-100 development regulations except that the minimum lot width for all lots shall be 120 feet.
2. All homes shall use brick and/or stone as the primary exterior building material on three sides, unless they are adjacent to an external street, in which case brick and/or stone shall be the primary exterior material on all sides.
3. Homes shall be a minimum of 2,400 square feet in size.
4. No access shall be allowed onto Moore Road or Settles Bridge Road for individual lots. Access onto the roads shall be limited to roads serving the entire neighborhood.
5. Sidewalks shall be provided on both sides of all interior streets.
6. A decorative fence with landscaping shall be provided along Moore Road and Settles Bridge Road. Fencing and landscaping shall be consistent with the treatment of other neighborhoods that back up to Moore Road and shall be subject to approval by the Planning and Inspections Director.
7. Street trees shall be provided on both sides of all interior streets. Street trees shall be located between the sidewalk and the back of curb. Street trees shall be a minimum of 3-inch caliper at the time of planting and shall be spaced on 40-foot centers. If additional right-of-way is needed (beyond the standard 50 feet) in order to avoid conflicts between the street trees and utilities, than additional area may be deducted from the minimum lot size for adjacent lots and interior front yard setback may be adjusted accordingly.
8. A 25-foot wide undisturbed construction buffer shall be provided. Intrusion into the construction buffer shall be limited to disturbance needed to construct access to the property, perpendicular utility crossings and storm water facilities. Along Moore Road, where the buffer is sparsely vegetated, a mix of native trees and shrubs shall be planted to supplement the buffer.
9. All utilities shall be located underground. Existing above ground utilities located on adjacent right-of-ways shall be allowed to remain.

Standards Governing Exercise of Zoning Power

Pursuant to Section 2006 of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the unrestricted use of property and shall govern the exercise of the zoning power therewith.

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The surrounding Suwanee North Character Area is comprised almost entirely of single family residential uses zoned a mixture of R-140 and R-100.

- B. Whether the zoning proposal will adversely affect the existing uses or usability of adjacent or nearby property;

With the recommended conditions, the proposed neighborhood would not be expected to negatively impact existing uses or usability of adjacent and nearby uses.

- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The subject property has a reasonable economic use as currently zoned.

- D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;

Approval of the request likely would not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The anticipated number of trips created by this subdivision would be roughly 660 trips per day. With three options to exit the area, the additional vehicular trips should not cause excessive use of the streets.

- E. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan;

The City's Future Land Use Plan recommends low density single family residential uses for this site. The proposed neighborhood is consistent with this designation. The surrounding area is a mix of R-140 and R-100. As such, it would be appropriate for the subject property to be a hybrid of the two districts.

- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

Plans for the development of a 42 lot subdivision were submitted on the subject property prior to the adoption of the large development SUP amendment.