

REZONING(S):

RZ-2017-003

**CITY OF SUWANEE
REZONING ANALYSIS**

CASE NUMBER: RZ-2017-003

REQUEST: C-2A (SPECIAL COMMERCIAL DISTRICT)
TO C-2A (CHANGE OF CONDITIONS)

LOCATION: SOUTHEAST CORNER OF INTERSECTION OF
SCALES ROAD AND MCGINNIS FERRY ROAD

TAX ID NUMBERS: 7-209-002 & 7-209-118

ACREAGE: APPROXIMATELY 2.2 ACRES

PROPOSED DEVELOPMENT: CONVENIENCE STORE
WITH GASOLINE PUMPS

APPLICANT: R. JAMES HALSEMA
205 MALVERN PLACE
ROSWELL, GA 30076

OWNER: JIM HARRIS
101 HUDDLESTON ROAD
PEACHTREE CITY, GA 30269

CONTACT: JIM HALSEMA
PHONE: 770-316-9345

RECOMMENDATION: DENIAL

PROJECT DATA:

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.

DEVELOPMENT COMMENTS:

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.

ZONING HISTORY:

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.

ANALYSIS:

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**.

Recommended Conditions
RZ-2017-003

Planning Department recommends denial of the request. However, if the City Council chooses to approve the request, the Planning Department recommends the following conditions for the subject property:

1. All of the conditions of RZ-2003-017 shall remain in effect except Conditions 4 and 6 shall be eliminated.

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 proposed gas station use is not suitable in view of adjacent and nearby residential property. The subject property is located at the entrance to the Suwanee Station 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 gas stations located at neighborhood entrances or across the street from existing single family homes.

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

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 externalities of a gas station.

- 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.

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

The proposed development is inconsistent with the 2030 Comprehensive Plan and Future Land Use Plan that 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 X). A gas station is not conducive to a Mixed-Use Village.

- 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;

The subject property was rezoned to C-2A in 2003 with a specific condition of zoning that prohibits gasoline pumps. The applicant requests a change of conditions to allow gasoline pumps in order to develop a gas station and convenience store on the property. 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.



ARCHITECTURAL
advocates

A Professional Corporation
R. James Halsema, Architect

March 28, 2017

City of Suwanee
Planning and Zoning Commission
330 Town Center Avenue
Suwanee, GA 30024

RE: McGinnis Ferry
Letter of Intent

Gentleman:

This is a change in a Zoning Conditions application for parcels 7-209-2 and 7-209-118 at the intersection of McGinnis Ferry and Scales Road. This property comprising of 2.3 acres is boarded by McGinnis Ferry Road, Scales Road, and the Norfolk Southern Railroad, and was rezoned in 2003 to C2-A. This rezoning application Number 2003-017 was approved with conditions and condition number (4) did not allow gasoline sales.

This application is to remove the condition number (4) and allow construction of a 7000 square foot single story building containing a convenience store with beer and wine sales, and gasoline dispensers, along with a restaurant tenant space. Please review the application and the proposed site plan, and if you should have any other questions or comments please feel free to contact us at your convenience. Thank you.

Have a good day.

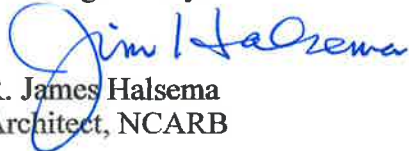

R. James Halsema
Architect, NCARB



Exhibit A

RZ-2017-003

Legend

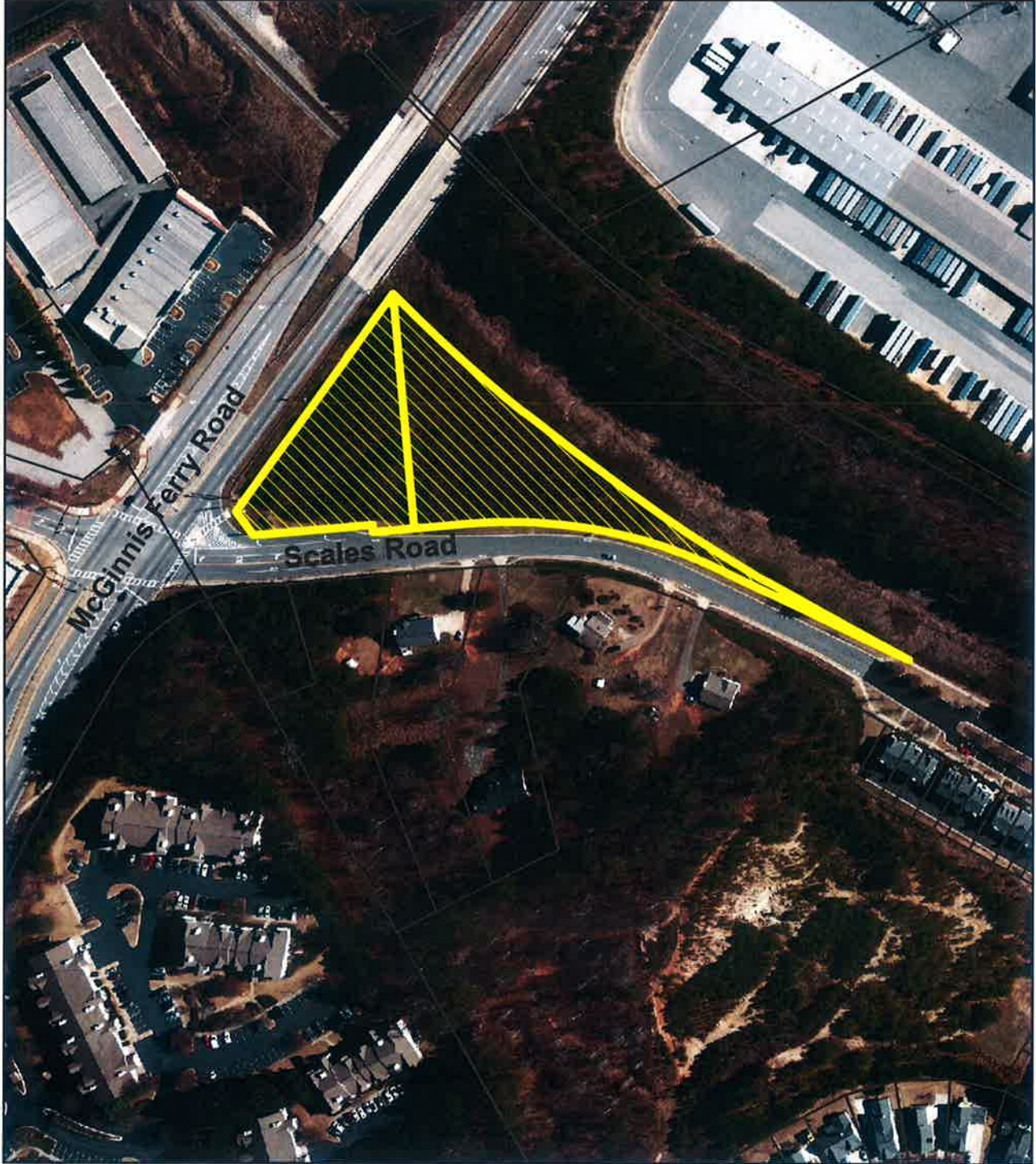




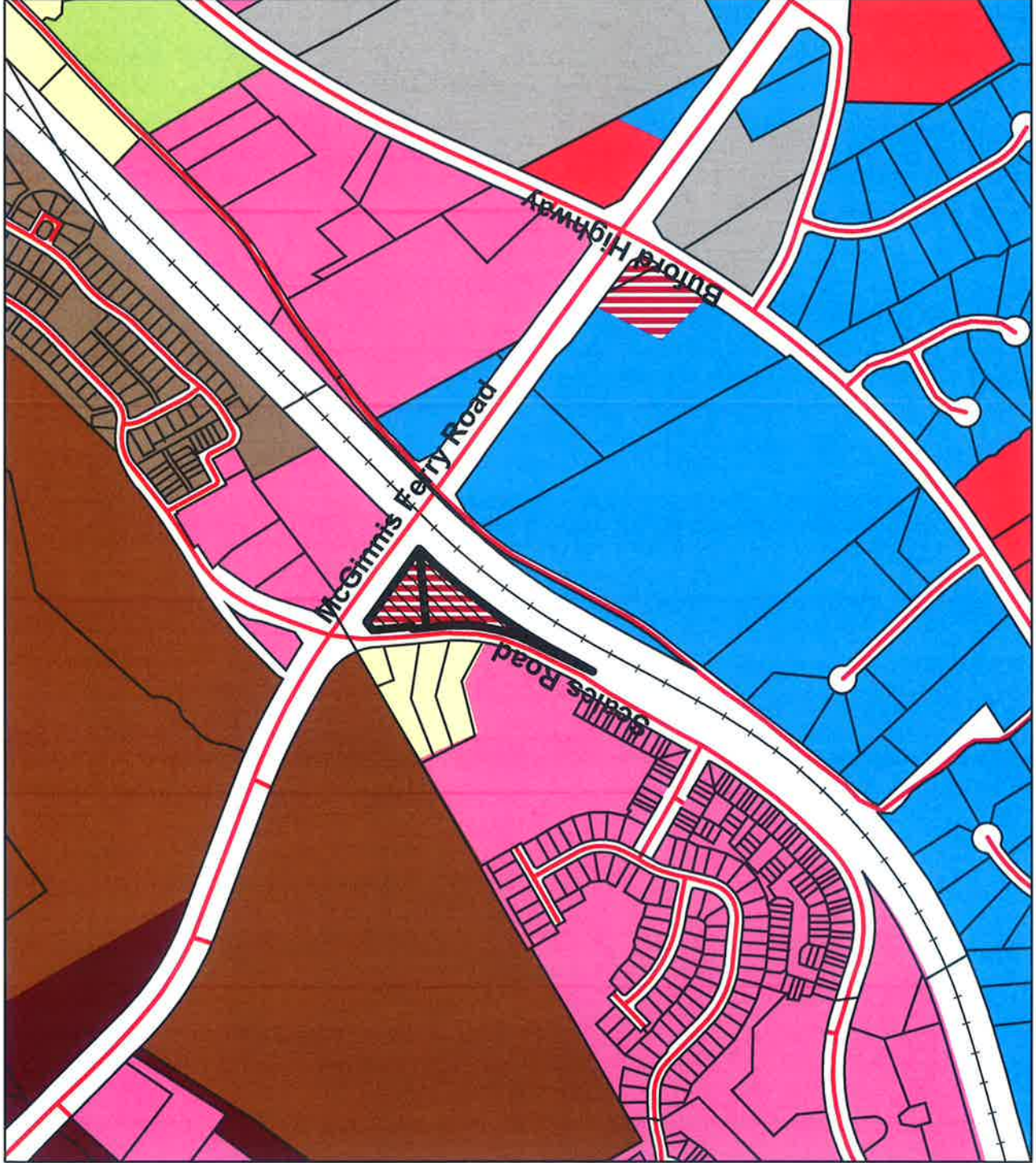
Exhibit B

RZ-2017-003

Legend

- RZ-2017-003
- Rail
- Streets

- ZONING
- C1
 - C2
 - C2A
 - C3
 - GCA
 - IRD
 - M1
 - O1
 - OTCD
 - PMUD
 - R-75
 - R-85
 - R100
 - R140
 - RM6
 - RM8





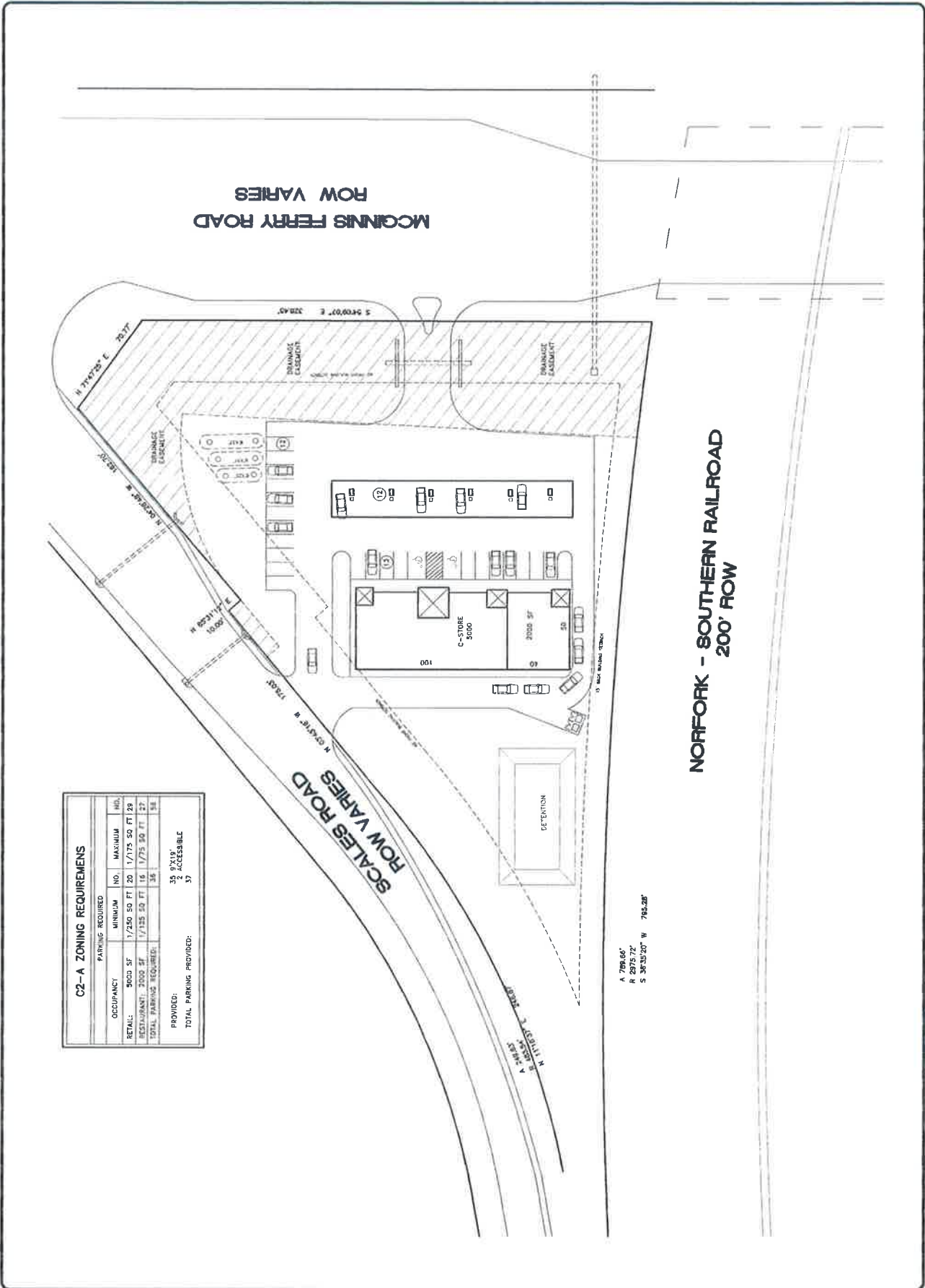
PROJECT	DRYCK (H)
SCALE	1"=40'
DATE	3/11/17
DWG. NUMBER	01



SITE PLAN
 SCALES ROAD RETAIL
 SCALES ROAD
 SUWANEE GA

SP-4

SUWANEE



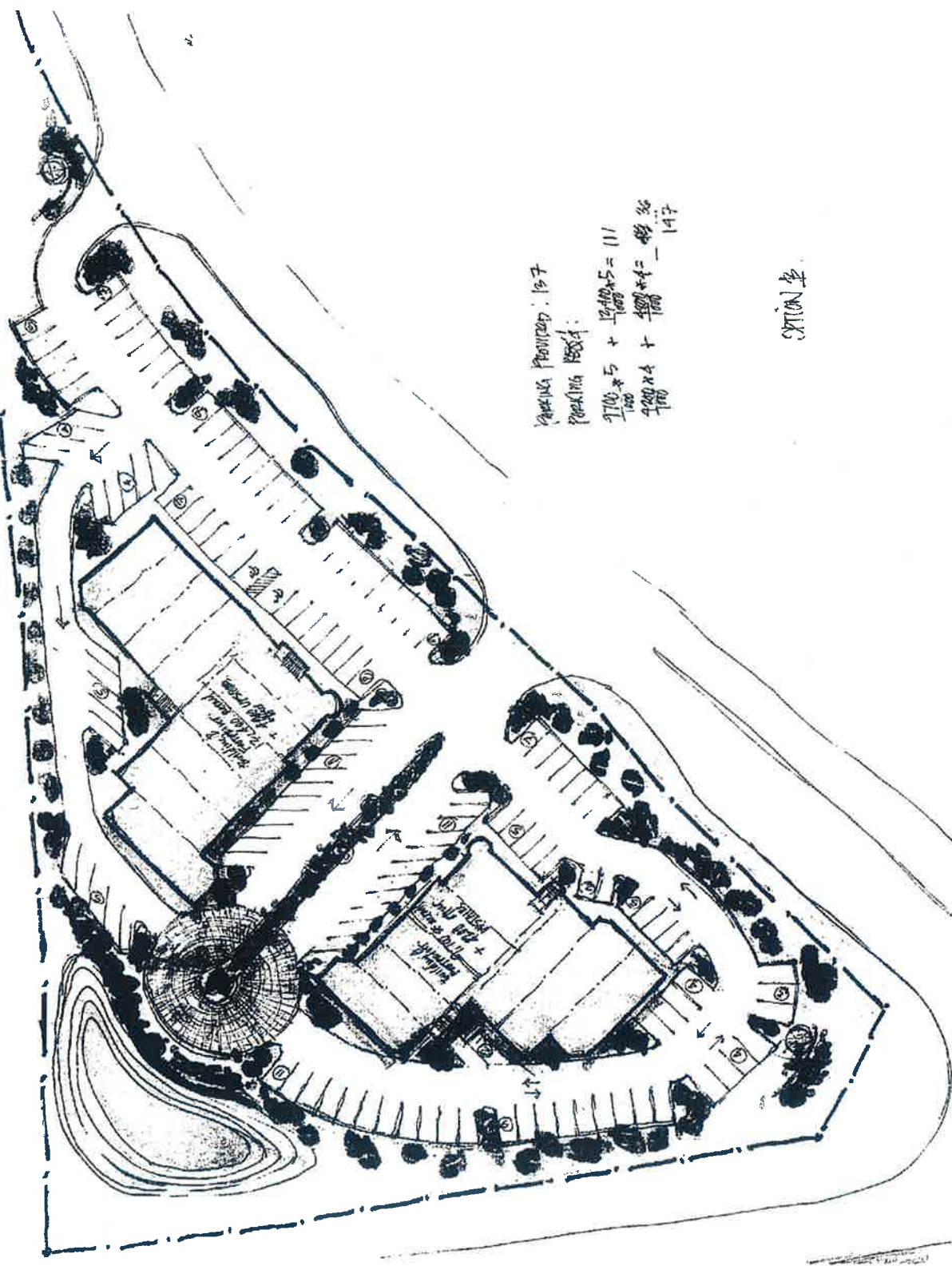
C2-A ZONING REQUIREMENTS

PARKING REQUIRED	MINIMUM	NO.	MAXIMUM	NO.
OCCUPANCY	8000 SF	20	1,775 SQ. FT.	28
RETAIL	3000 SF	16	1,775 SQ. FT.	27
TOTAL PARKING REQUIRED:		36		55
PROVIDED:		35	9'X19'	
TOTAL PARKING PROVIDED:		37	2 ACCESSIBLE	

Exhibit C

R2-2017-003

Exhibit D



Rendering referenced by condition 6 of RZ-2003-017