

**SPECIAL USE PERMIT(S):**

**SUP-2013-003**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBER:** SUP-2013-003  
**REQUEST:** VETERINARY CLINIC WITH BOARDING IN  
M-1 (LIGHT INDUSTRY DISTRICT)

**LOCATION:** 85 BUFORD HIGHWAY  
**DISTRICT/LAND LOT:** 7-235-083  
**ACREAGE:** 2.05 ACRES  
**PROPOSED DEVELOPMENT:** 20,000 SQUARE FOOT VETERINARIAN  
CLINIC

**APPLICANT/OWNER:** BRIAN FITZGERALD  
3175 SUWANEE CREEK DRIVE  
SUWANEE, GA 30024

**CONTACT:** BRIAN FITZGERALD  
**PHONE:** 770-361-0110

**RECOMMENDATION:** **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a special use permit to allow for construction of a veterinary clinic in the M-1 zoning district. The applicant is proposing to build a new animal hospital building next to the current Suwanee Animal Hospital located at 85 Buford Highway. The proposed building will be a two-story approximately 20,000 square foot building. The subject property is located at the northeast corner of Buford Highway and George Pierce Park Drive. It is currently an undeveloped wooded lot that is 2.05 acres in size. The applicant proposes access off George Pierce Park Drive with access also provided to Buford Highway through the adjacent animal hospital property.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. The SUP process allows the City Council to review certain proposals in the context of their use and take into consideration the surrounding area and other relevant factors. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use. In this case the specified use would allow for a veterinary clinic with boarding.

**DEVELOPMENT COMMENTS:**

At the August 2013 Zoning Board of Appeals meeting, the applicant was granted a variance to reduce the front and side yard setbacks for the future building. M-1 zoned parcels are required to have a 50 foot front yard setback and a 20 foot side yard setback. The Zoning Board of Appeals approved a reduction of those setbacks to 10 feet for both the front and side yard. The setback reduction was granted in order to allow development of the property and design of the building

that is consistent with the Old Town Overlay District guidelines. Even though this property is just outside of the district boundary, the applicant is proposing to develop the site to the standards of the Old Town Overlay District.

The applicant has submitted a concept plan and rendering of the proposed building that exhibits some of the design elements of the Old Town Overlay District. For example, the parking for the proposed animal hospital is shown to the side and the rear of building, the building is close to the road, and there is pedestrian access from the sidewalk. However, some requirements of the Old Town Overlay District are not shown on the plan, such as a pedestrian supplemental zone which should contain benches, landscaping etc. The applicant should be prepared to provide the supplemental zone, bicycle parking and other requirements of the Old Town Overlay District.

**ANALYSIS:**

The subject property is a 2.05 acre tract of land located along Buford Highway at the entrance to George Pierce Park. The lot is heavily wooded and slopes from Buford Highway to the rear of the property. While still in the conceptual stages, the proposed veterinary clinic will be roughly 20,000 square feet with 10,000 square feet on each floor. The proposed building is a two-story brick building. However, due to the site's grade, from Buford Highway it will appear as a single-story building. There is a note on the concept plan stating that the building materials and colors will complement those found in Town Center. The current animal hospital will remain and share the driveway and parking area with the proposed building.

The subject property is Zoned M-1 (Light Industry District) and is surrounded by varying uses. To the north is the current Suwanee Animal Hospital which is zoned C-2. To the east is George Pierce Park zoned R-100. To the west are undeveloped M-1 zoned properties. To the south are office/warehouse uses also zoned M-1. The applicant is proposing to share the existing driveway onto Buford Highway with the current Animal Hospital and construct a new entrance from George Pierce Park's driveway.

The subject property is located just outside of the Old Town Overlay District. The overlay district was adopted to allow for a comfortable and uniform pedestrian space between roadways and buildings. The overlay district encapsulates the Old Town area of the City, including Town Center and extending up Buford Highway to George Pierce Park. There are several design guidelines for development in the Old Town Overlay District. For example, buildings must be oriented towards the street; parking areas must be behind or to the side of the building with proper screening parking, enhanced pedestrian access, etc. One of the most important aspects of the overlay district is that building setbacks are minimized in order to accommodate buildings immediately adjacent to the sidewalks. An example of a building that was developed under these guidelines is the Shoppes at Olde Towne located across Buford Highway from Town Center. The applicant is proposing a building and site design consistent with these standards that will compliment Town Center and the surrounding area. One of the conditions of approval states that the subject property shall be developed in accordance with the Old Town Overlay District design and development guidelines.

The 2030 Comprehensive Plan identifies character areas of the City. The subject property is in the Town Center Character Area. This area has emerged as the front porch of the City and raised the bar for new high-quality design. The vision for the Town Center character area is a vibrant mixed-use area. Future development in this area should reflect the quality design of Town Center through building materials, landscaping and heightened priority to the pedestrian. The Old Town Overlay design guidelines were designed so that new development in Old Town and Town Center, especially along Buford Highway, are built in a style that makes the pedestrian feel safe and welcome. The City's Future Land Use Plan recommends Mixed Use Center for the property. The proposed use of the property is not entirely consistent with this designation, but if constructed as proposed could be incorporated into a future mixed use development.

Even though the property is currently zoned M-1, Light Industry District, it is surrounded by uses that are not heavily industrialized. The adjacent parcel with the existing animal hospital is zoned commercial. The industrial property across George Pierce Drive is an office building with an interior warehouse. The overall vision for the area is an extension of the types of land uses that are located within and near Town Center. In addition, any new development along Buford Highway between the subject property and Town Center must be developed to the Old Town Overlay District requirements. Constructing industrial uses to these standards is unlikely.

In conclusion, the requested special use permit for a veterinary clinic would be appropriate at this location. A veterinary clinic with boarding will be designed in a non-industrial way would better fit the area and the recommendations of the 2030 Comprehensive Plan. Lastly, the City requires and encourages buildings in the adjacent overlay district to be designed in a pedestrian friendly way and this building, if designed correctly, could greatly add to the design of the area. As such, staff recommends **APPROVAL WITH CONDITIONS** of SUP-2013-003.

**Planning Department's Recommended Conditions**  
SUP-2013-003

Approval of the request for a special use permit to allow for a veterinarian clinic with boarding in M-1 subject to the following conditions:

1. The subject site shall be developed in accordance with the Old Town Overlay District design and development guidelines.
2. The building shall be substantially consistent with the rendering shown in exhibit "C" and subject to the approval of the Planning Director.
3. Special uses shall be limited to a veterinary clinic with boarding.

## 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.

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

With the recommended conditions, the proposed veterinary clinic 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.

- 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 mixed use development for this area. The proposed use of the property is not entirely consistent with this designation, but if constructed as proposed could be incorporated into a future mixed use development.

- 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 property is just outside of the Old Town Overlay District. The property will be designed to those heightened standards. The changes at Town Center have impacted how this area will be developed in the future.

### SPECIAL USE PERMIT APPLICATION

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>Brian Fitzgerald</u>	NAME: <u>Brian Fitzgerald</u>
ADDRESS: <u>3175 Suwanee Creek Dr.</u> <u>Suwanee, GA. 30024</u>	ADDRESS: <u>3175 Suwanee Creek Dr.</u> <u>Suwanee, GA 30024</u>
PHONE: <u>770-<del>391</del>-0110</u> <u>361</u>	PHONE: <u>770-<del>391</del>-0110</u> <u>361</u>
CONTACT PERSON: <u>Brian Fitzgerald</u>	PHONE: <u>770-<del>391</del>-0110</u> <u>361</u>
E-Mail Address: <u>hwy211@hotmail.com</u>	

#### PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): M-1 REQUESTED ZONING DISTRICT M-1 w/S.U.P.  
 PROPOSED DEVELOPMENT: Animal Hospital , Grooming, & Boarding  
 TAX PARCEL NUMBER(S): 7-235-083  
 ADDRESS OF PROPERTY: SE Corner of Buford Highway & George Pierce Park Drive  
 TOTAL ACREAGE: 2.133 acres PUBLIC ROADWAY ACCESS: Buford Highway (GA SR 23)

#### FOR RESIDENTIAL DEVELOPMENT:

NO. OF LOTS/DWELLING UNITS: \_\_\_\_\_  
 DWELLING UNIT SIZE (SQ. FT.): \_\_\_\_\_

#### FOR NON-RESIDENTIAL DEVELOPMENT:

NO. OF BUILDINGS/UNITS: Proposed one (1)  
 TOTAL GROSS SQUARE FEET: +/-20,000 sqft

#### CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that no reapplication on the same land which has been denied by the City Council shall be acted upon within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action by the Council. I am also aware that any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

[Signature] 8-6-13  
 Signature of Applicant\* Date  
 BRIAN FITZGERALD  
 Print Name\* Date 8-6-13  
[Signature] Date 8-6-13  
 Signature of Notary Date

[Signature] 8-6-13  
 Signature of Owner\* Date  
 BRIAN FITZGERALD  
 Print Name\* Date 8-6-13  
[Signature] Date  
 Signature of Notary Date

\* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)



#### CITY OF SUWANEE USE ONLY

Date Received: 8/7/13 Case No.: SUP-2013-003 Accepted By: DR

## CONFLICT OF INTEREST CERTIFICATION FOR ZONING ACTIONS

The undersigned below, making application for rezoning, has read and complied with the Official Code of Georgia Section 36-67A-1, et.seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

*Brian Fitzgerald* 8-16-13  
 Signature of Applicant Date

Brian Fitzgerald  
 Type or Print Name and Title

\_\_\_\_\_  
 Signature of Applicant's Attorney or Representative Date

\_\_\_\_\_  
 Type or Print Name and Title

*[Signature]* 8-16-13  
 Signature of Notary Public Date

Notary seal



### Disclosure of Campaign Contributions

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City Council or a member of the city of Suwanee Planning Commission?

NO  YES

Your Name BRIAN FITZGERALD

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contributions was made (within last two years)

\*Attach additional sheets, if necessary to disclose or described all contributions.

\*\*\*\*\*

#### CITY OF SUWANEE USE ONLY

Date Received: \_\_\_\_\_ Case No. SUP. 2013-003 Accepted By: \_\_\_\_\_



**SPECIAL USE PERMIT APPLICANT'S RESPONSE**

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

Pursuant to the 1998 Zoning Ordinance, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

- (A) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:  
~~This proposed development is an Animal Hospital on corner of George Pierce Park Drive and Buford Highway. Therefore, it would be quite suitable for this location.~~
- (B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:  
~~There are no anticipated adverse impacts on existing uses of adjacent properties.~~
- (C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:  
~~This property is zoned M-1 bound on the east by a C-2 zoned property (current Suwanee Animal Hospital location), Buford Hwy to the north, George Pierce Park Dr to west, and George Pierce Park to the south. It is not a reasonable use as currently zoned without SUP.~~
- (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:  
~~Proposed use is the same as currently on the adjacent existing Suwanee Animal Hospital site. It is not anticipated that there would be any adverse impacts on streets, transportation facilities, utilities, or schools.~~
- (E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:  
~~It is our belief that the proposed development is consistant with City of Suwanee long range plan for this specific area.~~
- (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:  
~~We firmly believe that this location is a best use for an animal hospital being next to the entrance to George Pierce Park.~~

\*\*\*\*\*

CITY OF SUWANEE USE ONLY

Date Received: \_\_\_\_\_ Case No.: SUP 2013-003 Accepted By: \_\_\_\_\_

**Brian Fitzgerald**  
**3175 Suwanee Creek Drive**  
**Suwanee, GA 30024**

July 31, 2013

City of Suwanee  
Planning & Zoning Commission  
330 Town Center Ave  
Suwanee, GA 30024

**RE: Special Use Permit for future Animal Hospital, Grooming Services, & Boarding.  
NE Hwy 23 (southeastern corner of Buford Highway & George Pierce Park Dr.)**

We respectfully request the approval of our Special Use Permit for the above referenced property. Suwanee Animal Hospital has been in the current location for over twenty (20) years and it is our intent to remain in the Suwanee area at this location. Consistent growth is forcing us to construct a new facility to continue our service to the community.

Proposed site development will consist of a two level building with a total of a maximum of 20,000 sqft supported by 37 parking spaces with access from Buford Highway via an inter parcel access and the potential of access from George Pierce Park Drive. Sewer and storm water treatment will be provided on-site.

Our proposed use is consistent with the 2030 Land Use Plan [page 26, figure 22-b: Future Land Use].

Property is currently zoned M-1 while the 2030 Land Use Plan clearly shows this property as mixed use center.

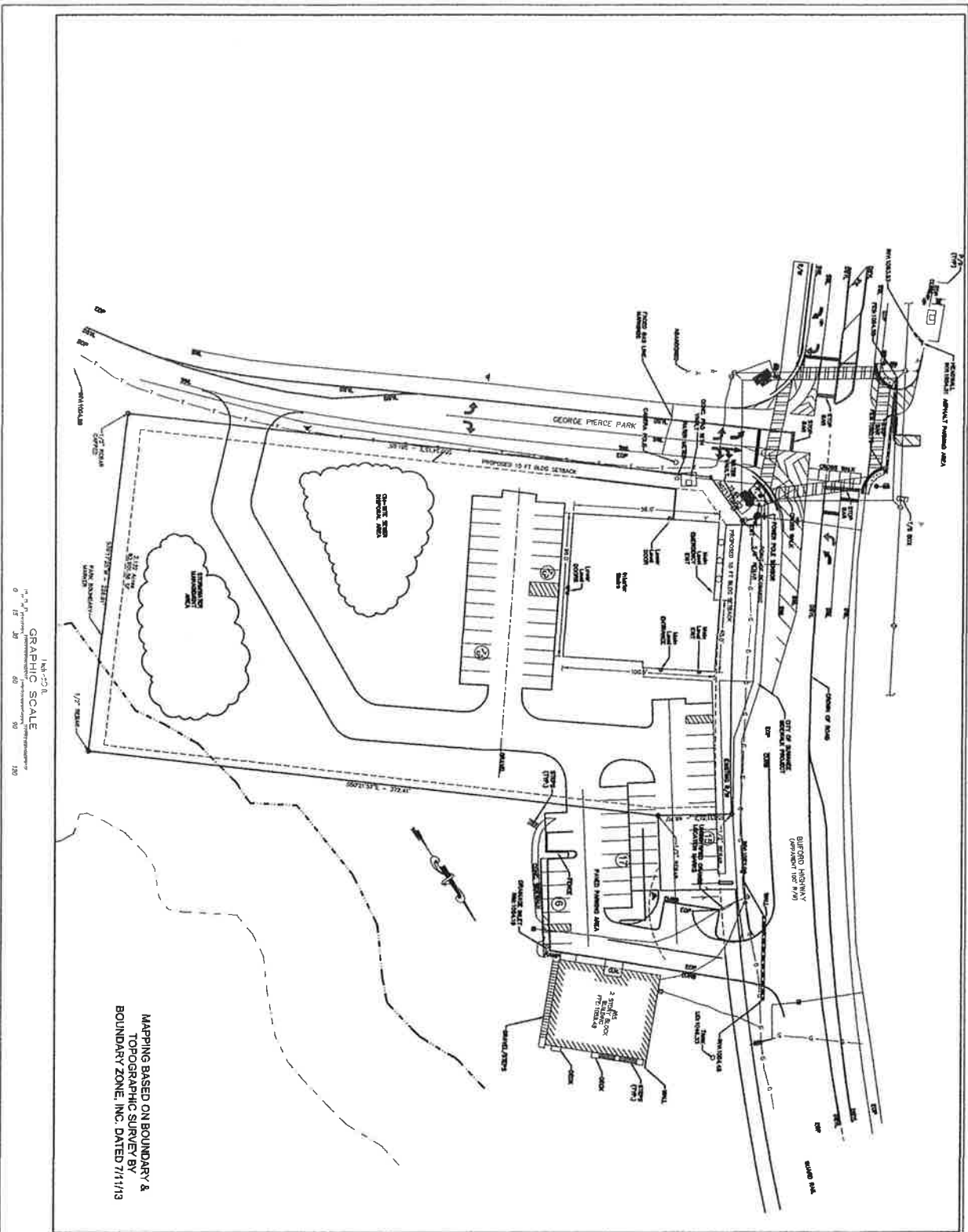
Thank you for your consideration

Sincerely,



Brian Fitzgerald

SUP.2013.003



GRAPHIC SCALE  
 0 15 30 60 90 120  
 1" = 30'

MAPPING BASED ON BOUNDARY &  
 TOPOGRAPHIC SURVEY BY  
 BOUNDARY ZONE, INC. DATED 7/11/13



CONCEPT PLAN  
 JULY 17, 2013

LBQM

Revisions:

**Proposed Animal Hospital Project**  
 BUFORD HIGHWAY, SUWANEE  
 7-235-063  
 CONTACT: BRIAN FITZGERALD (770) 271-8116

**OWNER / DEVELOPER**  
 BRIAN E. FITZGERALD  
 3175 Suwanee Creek Rd.  
 Suwanee, GA 30024

SUP. 2013.003

consider fully  
pargeted building  
with a small town  
mercantile look

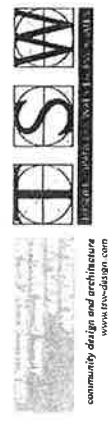
simple  
all brick cornice  
with rowlock &  
soldier course  
detailing

No EIFS  
panels or  
bands

Note  
additional  
muntin bar  
in window



JERRY W. SPANGLER, AIA, LEED AP  
DIRECTOR OF ARCHITECTURE



A  
8/9/15

# Suwanee Animal Hospital

NOTE: ALL MATERIALS AND COLORS TO  
COMPLEMENT MATERIALS AND COLORS  
FOUND IN SUWANEE TOWN CENTER



Exhibit "C"

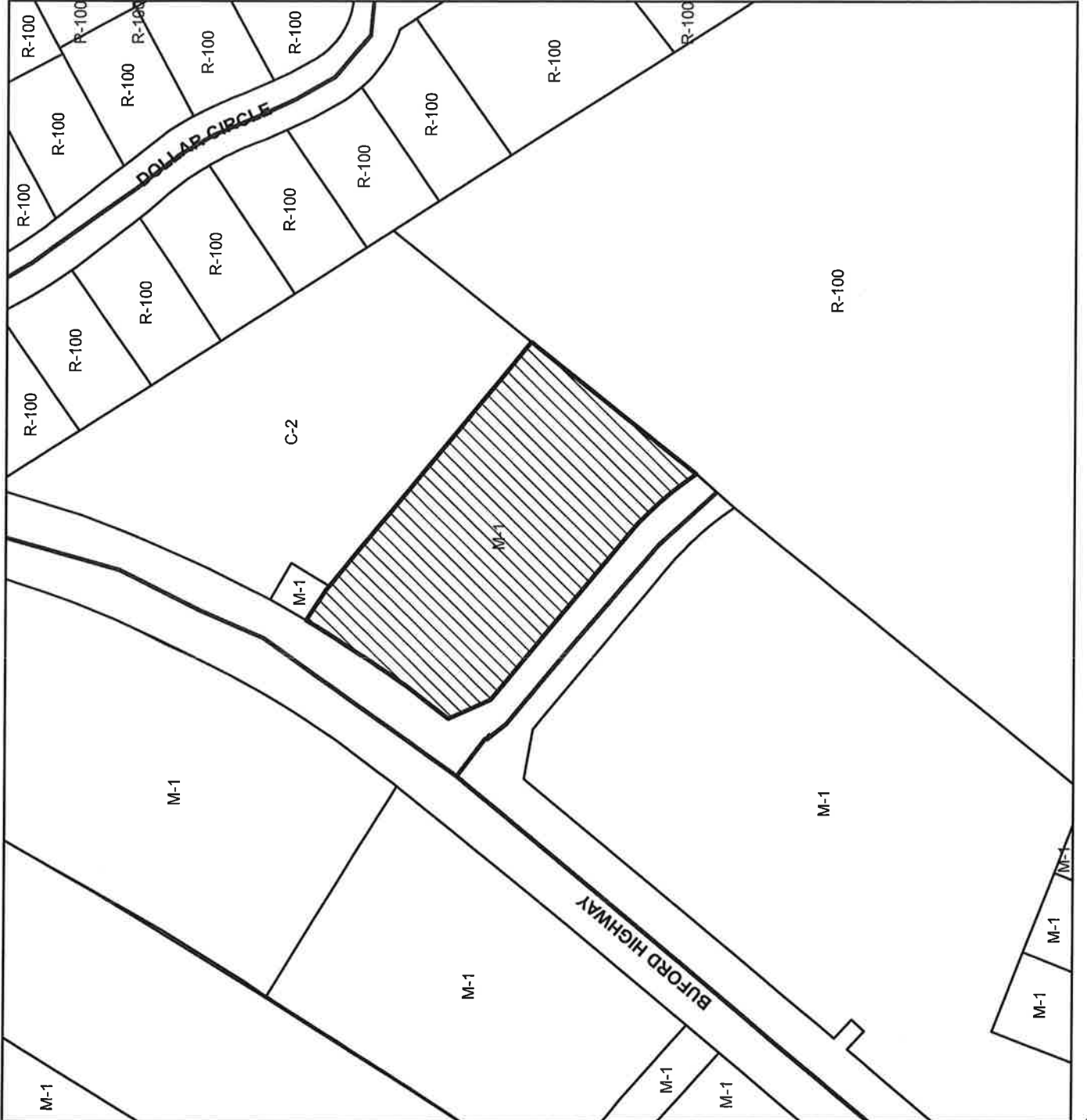
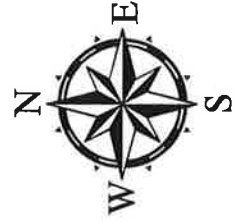


# EXHIBIT A SUP-2013-003

Location Map

### Legend

- Current\_Zoning
- SUP-2013-006
- Major Road





# EXHIBIT B SUP-2013-003

Aerial Map

### Legend



SUP-2013-006



Major Road

