

**REZONING REQUEST:**

**RZ-2012-003**

**CITY OF SUWANEE  
REZONING ANALYSIS**

**CASE NUMBER:** RZ-2012-003  
**REQUEST:** R-100 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO PMUD (PLANNED MIXED-USE DEVELOPMENT DISTRICT)  
**LOCATION:** 4545 SUWANEE DAM ROAD  
**TAX ID NUMBER:** 7-277-002  
**ACREAGE:** 4.38 ACRES  
**PROPOSED DEVELOPMENT:** ADULT DAYCARE AND SINGLE FAMILY RESIDENCE

**APPLICANT(S):** MICHAEL O'CONNELL  
1550 BEAVER RUIN ROAD STE 100  
NORCROSS, GA 30093

**OWNER(S):** JAMES E. ADAMS  
4800 ALLISON DRIVE  
SUGAR HILL, GA 30518

**CONTACT:** JEFF LITTLE  
**PHONE:** 770-271-7953

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant seeks a change in zoning from R-100 (Single-Family Residential District) to PMUD (Planned Mixed-Use Development District) to allow for an existing single family residence to be used as an adult daycare for young adults with special needs. The existing approximate 2,000 square foot single-family home will also serve as the applicant's primary residence. The subject 4.38 acre site is located at 4545 Suwanee Dam Road and currently contains a single family home and an accessory building with existing access via a private driveway on to Suwanee Dam Road.

The proposed daycare would provide services to young adults with special needs. Services would be provided during the daytime only, and would not include accommodating clients overnight. These services include the teaching of various basic life skills needed to function more independently at home, in the workplace and in society. Initial plans are to accommodate approximately 6 people in the program with assistance from one additional staff member outside of the family residing on the premises. Depending upon future growth and expansion, the applicant states that no more than 18 young adults will ever be accommodated on the site at one time. Minor improvements to the property are anticipated initially with more substantial investments planned for the future.

## **DEVELOPMENT COMMENTS:**

The applicant has been informed that the house will need to conform to all current building and fire codes for public assembly. If the project is approved, any improvements will need to be reviewed for compliance with zoning and development requirements through the usual development or building permit review process.

## **ANALYSIS:**

The subject 4.38 acre parcel contains an approximately 2,000 square foot single family home with an almost 800 square foot basement and a more than 1,000 square foot accessory building. Much of the property is wooded with large mature trees located along Suwanee Dam Road. The applicant wishes to use the house as their personal residence while also operating a daycare that teaches life skills to young adults with special needs. It is estimated that the program would begin with six clients and grow with time to a maximum of 18 clients.

The subject property is currently zoned R-100 (Single-Family Residential District). Across Suwanee Dam Road, to the north, is Sims Lake Park. To the south are single family residences within the Three Bridges neighborhood, zoned PMUD. To the east and west are single family homes zoned R-100.

Under its current R-100 zoning, the applicant would be able to operate the proposed use as a home occupation for a family daycare with no more than 12 clients. Since the long term goal of the applicant is to have more than 12 students and to have multiple accessory buildings and uses, a rezoning is requested. Following several discussions with the applicant, staff recommended that a rezoning to PMUD would be the best fit for the anticipated future use of the property which will include gardens, a woodshop and educational facilities. A rezoning will allow the applicant certainty that their investment in the property will go toward their overall vision for the site and provide the City with more certainty about the extent of development on the site.

The applicant's organization, New Directions Georgia, Inc. focuses on providing services to recent high school graduates with special needs. Services are provided Monday through Friday and on some Saturdays within normal daytime operating hours. Overnight accommodations are not provided and the organization does not serve those that require onsite medical supervision and/or care.

The City's Future Land Use Plan recommends Mixed-Use Village for this site. The proposed development is consistent with this designation. The City does not envision extending intensive commercial uses farther along Suwanee Dam Road north of Peachtree Industrial Boulevard. The proposed use would serve as an appropriate transition between exclusively residential uses and the more heavily commercialized Peachtree Industrial Boulevard corridor. The applicant has identified three areas on the site plan that might be utilized to accommodate future growth. According to the applicant, attempts will be made to preserve the existing natural setting with little or no impacts to existing trees on the site. In addition, the applicant states that all future buildings will be consistent in style and design with the existing buildings and property.

In conclusion, the proposed use would serve as a transition between existing residential areas along Suwanee Dam Road and the heavily commercialized Peachtree Industrial Boulevard corridor. In addition, the proposed mixture of land uses is consistent with the City's Future Land Use Plan and impacts to existing nearby residential uses will be minimized by the maintenance of existing trees and buffer areas. Provided the appropriate conditions are in place in order to regulate the intensity of future development on the site and to ensure consistency with the existing character of the area, approval of the request would be appropriate. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of RZ-2012-003.

Planning Department Recommended Conditions  
RZ-2012-003

Staff recommends approval of RZ-2012-003 with conditions as follows:

1. Future site improvements shall be limited to the three general expansion areas indicated on the site plan submitted on 7/6/12. Uses and accessory structures shall be generally consistent with the applicant's Letter of Intent submitted on 7/6/12.
2. Future buildings and new construction shall be substantially similar in design and materials as the existing single-family residence.
3. There shall be a maximum of 18 clients permitted on-site at any given time.
4. The large wooded area in the front yard of the primary residence (the front 160 feet of the property) shall be considered a tree save area. 20 foot wide undisturbed buffers shall be provided along the sides and rear of the property. The minimum building setbacks for the side and rear of the property shall be 30 feet. The minimum front yard setback shall be 160 feet. All other district development regulations shall be consistent with those in the O-I zoning district. Any removal of trees shall be subject to the approval of the Planning and Inspections Director.
5. All buildings, including the primary residence, shall meet all fire safety code requirements.
6. The site shall be limited to those uses found in the R-100 zoning district and use as a day care facility.

## **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 would provide a transitional land use between more intensive commercial land uses and residential land uses. As such the proposal should permit uses that are suitable in view of the use and development of adjacent and nearby property.

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

With the recommended conditions, approval of the request would not likely affect the existing uses or usability of nearby property.

- 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 should not result in a use which will or could cause an 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 zoning proposal is generally consistent with the anticipated uses in the Suwanee Junction Character 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;

There is a growing need for this type of land use in Gwinnett County.

## REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF CITY OF SUWANEE, GEORGIA

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>Michael O'Connell</u>	NAME: <u>James E. Adams</u>
ADDRESS: <u>1550 Beaver Ruin Rd.</u> <u>Suite 100</u> <u>Norcross, GA 30093</u>	ADDRESS: <u>4800 Allison Dr.</u> <u>Sugar Hill, GA 30518-6254</u>
PHONE: <u>(404)229-9922 (cell)</u>	PHONE: <u>(770)271-7953</u>
CONTACT PERSON: <u>Jeff Little</u>	PHONE: <u>(770)279-8600 (office); (678)910-5164 (cell)</u>
EMAIL ADDRESS: <u>JLittle770@aol.com</u>	FAX NUMBER: <u>(770)923-8046</u>
<b>PROPERTY INFORMATION</b>	
PRESENT ZONING DISTRICT(S): <u>R-100</u>	REQUESTED ZONING DISTRICT <u>PMUD</u>
PROPOSED DEVELOPMENT: <u>Personal residence and home occupation of working with special needs adults</u>	
TAX PARCEL NUMBER(S): <u>7-277-002</u>	
ADDRESS OF PROPERTY: <u>4545 Suwanee Dam Rd., Suwanee, GA 30024</u>	
TOTAL ACREAGE: <u>4.38</u>	PUBLIC ROADWAY ACCESS: _____
<b>FOR RESIDENTIAL DEVELOPMENT:</b>	<b>FOR NON-RESIDENTIAL DEVELOPMENT:</b>
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/UNITS: _____
DWELLING UNIT SIZE (SQ. FT.): _____	TOTAL GROSS SQUARE FEET: _____
<b>CERTIFICATIONS</b>	
<p>I hereby certify that the above and attached information is true and correct. I am also aware that pursuant to Section 2004 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 pursuant to Section 2003 of the Zoning Ordinance any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.</p>	
<u>Michael J. O'Connell</u> Signature of Applicant* Michael O'Connell Print Name* <u>Jeff Little</u> Signature of Notary	<u>James E. Adams</u> Signature of Owner* JANET H. ADAMS Print Name* <u>Jeff Little</u> Signature of Notary
<u>7/5/2012</u> Date <u>7/5/2012</u> Date <u>7-05-2012</u> Date	<u>7/5/12</u> Date <u>7/5/12</u> Date <u>7-05-2012</u> Date
* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)	

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CITY OF SUWANEE USE ONLY

Date Received: 7/16/12 Case No.: RZ-2012-003 Accepted By: WJG

**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING EXERCISE OF THE ZONING POWER**

Pursuant to section 2006 of the 1998 Zoning Ordinance, the city council findings 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:  
The proposed use would be suitable in view of the adjacent properties. The property to the rear of the Subject Property was rezoned to a PMUD zoning to allow for commercial, office and high density housing. The properties on each side of the Subject Property are zoned R-100 and across the street is a public park (Sims Park). The requested use plans to maintain the natural character and setting.
- (B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or Nearby property:  
The proposed use would not adversely affect the adjacent properties. The proposed use protects the natural settings, buffers and plant life as they are to enhance success of the applicant's therapeutic programs. While applicant is requesting a use to allow for a home occupational program that assists the needs and education of those with autism and aspergers syndrome, it is a personal residence first.
- (C) Whether the property to be affect by the zoning proposal has a reasonable economic use as currently zoned:  
The property does have a reasonable economic use as currently zoned, but the requested zoning will allow for the applicant to more fully utilize the property for their home occupational program. The applicant feels that their program will have more success in a natural setting that is comfortable to their clients without the threat of a commercial type property that feels "institutional".
- (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:  
The proposed use would not an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The proposed use would be minimal use of these. Any traffic would be limited and restricted in times, utilities would be used minimally, and all transportation and traffic would continue to flow the same as now.
- (E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:  
The Subject Property is part of the "PIB/Suwanee Junction" area. The section of Suwanee Dam Rd. that the Property sits is considered a transitional area between PIB and Tench Rd. This property would protect that intent. While the requested zoning is PMUD, the intent of this request is to preserve the residential and more natural character.
- (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 rezoning proposal:  
This property is in a transitional area between residential and commercial developments. The requested zoning is abutting a PMUD that is more actively developed with commercial, office and higher density residential would help to preserve the transitional zoning between this type of development and the other single family residences in this immediate area. With the property being situated across the street from the heavily used Sims Lake Park and located in close proximity to the Level Creek Elementary School on Tench Rd., the proposed development would not be intrusive.

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**CITY OF SUWANEE USE ONLY**

Date Received: \_\_\_\_\_ Case No.: \_\_\_\_\_ Accepted By: \_\_\_\_\_

12-2012-003

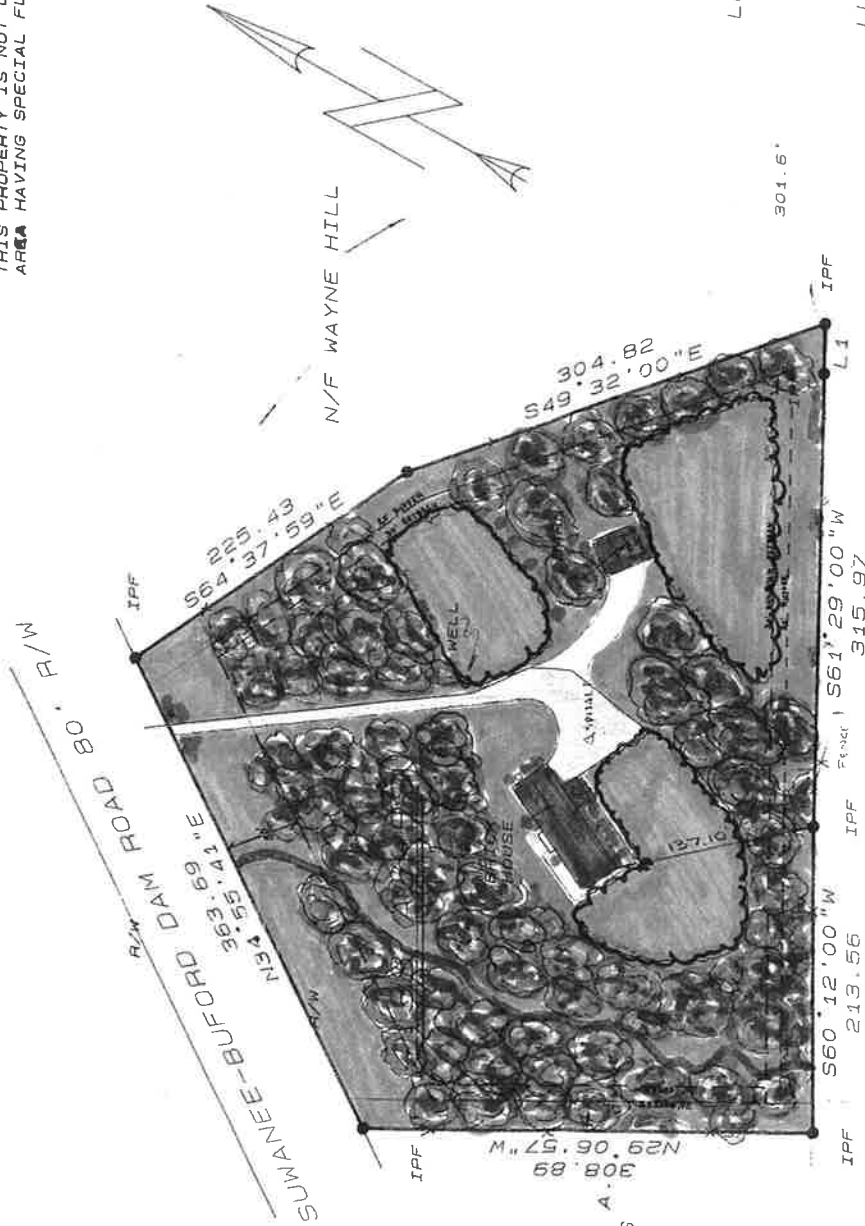


# SITE PLAN: 4545 SUWANEE DAM RD., SUWANEE, GA.

EQUIPMENT USED TOPCON EDM GTS 2.  
THIS PROPERTY IS NOT LOCATED IN AN  
AREA HAVING SPECIAL FLOOD HAZARDS.

**GENERAL NOTES:**

- 1) SITE ZONED R-100
- 2) SITE AREA = 4.38 ACRES OR 190,793 SQUARE FEET
- 3) TAX PARCEL ID: T-277-002
- 4) PROPOSED BUFFER: SIDES = 20 FT.; REAR = 20 FT.
- 5) PROPOSED SETBACKS: SIDES = 36 FT.; REAR = 50 FT.
- 6) NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD ZONE AS IDENTIFIED ON F.L.R.M. COMMUNITY PANEL 13135 002'S F. GWINNETT COUNTY, GEORGIA DATED SEPT. 24, 2006
- 7) HOUSE = 1,862 sq. (MAX FLOOR) PLUS 600 sq. (BUNKER)
- 8) BARR = 1,026 sq. (APPROXIMATE BOUNDARY OF POSSIBLE ACCESSORY BUILDINGS OR USE)



PLAT FOR  
**JAMES E. ADAMS, SR. &  
 JANET H. ADAMS &  
 HOMETRUST BANK OF GEORGIA  
 LAND LOT 277 DISTRICT 7  
 GWINNETT COUNTY, GEORGIA  
 SCALE: 1" = 100'**

N/F EMOGENE &  
 JOE HOPE



LL 277 LL 276  
 LL 252 LL 253

JOB: 102292

Brokerage  
Consulting  
Development  
Investments  
Leasing  
Management  
Valuation



1550 Beaver Ruin Rd.  
Suite 100  
Norcross, Georgia 30093

Telephone: (770)279-8600  
Facsimile: (770)923-8046  
Email: JLittle770@aol.com

July 6, 2012

The City of Suwanee  
Planning and Zoning Department  
330 Town Center Ave.  
Suwanee, GA 30024

Re: Letter of Intent to Rezone  
Property: Tax ID# 7-277-002  
4545 Suwanee Dam Rd.  
Suwanee, Gwinnett County, Georgia

To All It May Concern,

My client is requesting a rezoning of the above referenced property from a current zoning of R-100 to a more conducive zoning of PMUD. The property will be used as the personal residence for Michael and Mary O'Connell. The O'Connell family have a long history of working with special needs children that are challenged with a variety of different disabilities. Their passion now is to assist these children after they have graduated or completed their education in the school system with learning various basic life skills that you and I may take for granted on a daily basis. They will work with them on life skills to allow them to live their lives more fully. Some of those things will include but not be limited to cleaning and maintaining their homes, understanding and being able to account for money and finances, improving their talents or abilities for occupational purposes, and other various skills to simply live a full life and be able to coexist with society.

In our search for a location to establish this operation, the O'Connells have looked at a variety of locations. Some were offices. Some were commercial buildings that previous served as daycares or retail establishments. Some were industrial type buildings. The problem is that these now young adults have been separated from society and made to feel different. They were taught or simply looked after in a school building. Their lives are made to feel different from everyone else, and visits to therapist or doctors are only part of their ailments that they are faced with on a regular basis. It's intimidating to them and does not provide for a conducive or encouraging environment for them to learn and retain what they are learning. The O'Connells wanted to find a location that would be a natural, comfortable and warm environment that would allow these young adults to be themselves and feel comfortable taking on learning new challenges.

The O'Connells looked at this property on Suwanee Dam Rd. and wanted to pursue their passion and establish a home here. The O'Connells will complete the purchase of this property on July 31, 2012. As it is zoned now, they are able to use this property for a home occupation that will accommodate up to twelve (12) people for their program (Suwanee Zoning Ordinances Section 501.B.4) with a special use permit. Initially, the O'Connells expect that they will start with half of this amount, and they expect it to grow over time. It may be received well and will experience strong success, but the O'Connells want to preserve the effectiveness of their program and feel strongly that the operation should accommodate no more than 18 young adults. Anything larger than this begins to grow into more of a "school setting". They want to preserve the personal attention and compassion that comes from a smaller setting.

The program would only take place Monday through Friday, and would operate between the hours of possibly 8:30 a.m. until 5:30 p.m., and occasionally on some Saturdays between 12:00 p.m. and 4:00 p.m. Some of these young adults may only be there for a few hours a day, while some may be there longer. None will be allowed an overnight stay, and none will be permitted that require onsite medical supervision or more serious care.

The initial plan is to enclose the carport, complete the lower level in-law suite to meet ADA codes to use for educational environments. There are plans to use part of the property for establishing a garden to allow the young adults to grow vegetables and fruits and offer them for sale at the Suwanee Market at Town Center; this would teach them gardening and basic principles of transacting business on their own while allowing them to have a sense of accomplishment and purpose. There are also plans to fix up the existing barn structure on the property to use for educational environments. The barn will contain a woodshop that will allow them to teach how to build various wood projects such as birdhouses or other various crafts.

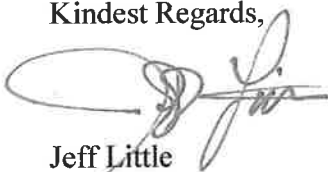
Future plans for the program would to construct one or two more buildings similar in exterior construction of the barn or house to accommodate more educational facilities for other various life skills instruction. Because this is a new operation, it is hard to predict and certainly might not be productive to specify exact locations of the future development. A garden might be started in one location, and because of the soils and sunlight, might need to be relocated to another area of the property causing all future projects to have to shift around. We would like to designate the areas that we know we could work with, and would be amenable to allow the Suwanee Planning Department to approve the final location(s) before construction. We have marked these areas on the Site Plan. We would ask that there be no time limitations or restrictions on when this future development has to be done within. Only the need and success of the programs here can dictate the timing, but it would not take place until so needed.

Any and all future construction would be kept within the buffers and setbacks as shown on the Site Plan. All of the exteriors of the new buildings would be consistent in style and design with the existing buildings on the Property. All of the future construction would be kept to one story in height. Because of the beauty and maturity of the existing trees and foliage, it is the desire of the applicant that no trees be cut down or removed unless absolutely necessary. The beauty and character of this property is that it is able to have such a natural setting; you feel as though you are in the mountains of north Georgia even though you are within walking distance of commercial developments. In addition, these trees and foliage provide a buffer and/or screening from neighboring properties to benefit the adjoining property owners and the young adults that will be learning here.

We would appreciate your support in our zoning request to a classification of PMUD. While this is not a "traditional" PMUD-zoned property, this zoning best allows for the O'Connells to live at this location and carry out their hearts desire to assist others to be better people.

Thank you for your consideration, and we look for your support. Feel free to contact me should you have any further questions. You may reach me at my office (770-279-8600) or you may reach me through my cell phone (678-910-5164).

Kindest Regards,



Jeff Little  
Vice President

R2-2012-003

**MISSION STATEMENT**

**NEW DIRECTIONS GEORGIA, INC.**

**New Directions provides support for adults with Autism or Aspergers syndrome who need assistance with daily living in a safe, caring, stimulating and enjoyable group environment which maximizes their potential.**

**JUNE 1, 2012**

R2-2012-005

## **GOALS**

### **NEW DIRECTIONS GEORGIA, INC.**

- **Provide an environment which encourages positive feelings of dignity and self worth.**
- **Provide opportunities for development of friendships, decrease isolation and provide respite for caregivers.**
- **Provide activity programming to provide life skills, job skills and continuing education experiences for participants.**

**June 1, 2012**

R2-2012-003

## **VALUES**

### **NEW DIRECTIONS GEORGIA, INC.**

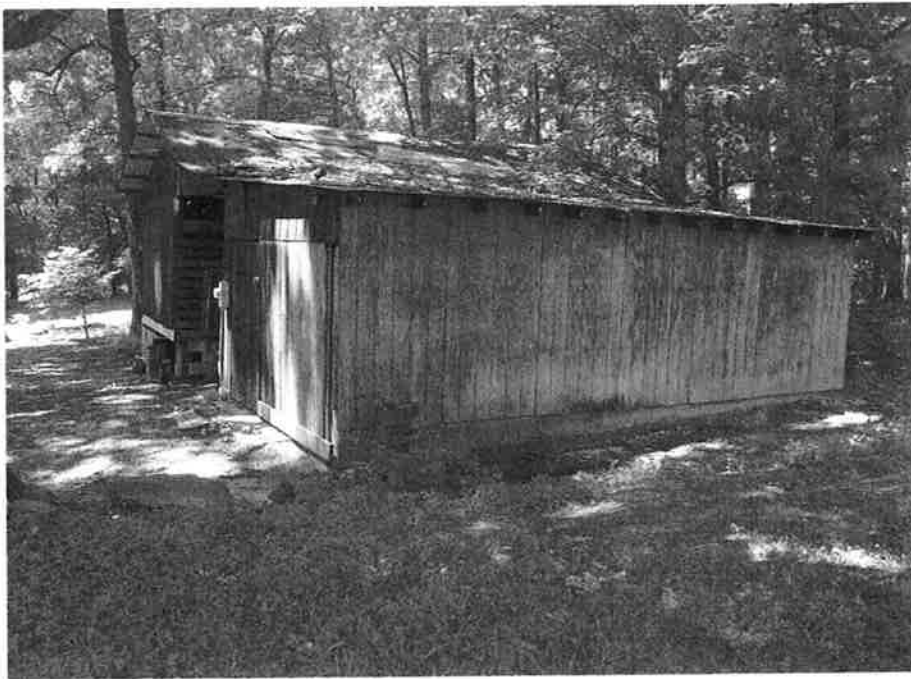
- **Participants are valued. Their safety, social, recreational, employment skills and education needs are address through a quality individualized program with an outcome-orientated goal of enhanced independence.**
- **All persons are respected no matter their ability or disability.**
- **The atmosphere of the program leads to success due to praise and positive reinforcement of all.**
- **Individual interests determine each individual's personal goals – ranging from learning job skills needed for gainful employment to improving skills of daily living required for active community participation and independent functioning.**
- **Individual participants have the right to make choices about their individualized program.**
- **All services are person-centered, delivered in a caring manner, are of good quality and focus on the individual's abilities.**

**June 1, 2012**

R2-2012-003

**PHOTOS OF BARN: 4545 Suwanee Dam Rd., Suwanee, Georgia 30024**

View from the House



Front and Side of Barn

Front of Barn



R2-202-003

**PHOTOS OF HOUSE: 4545 Suwanee Dam Rd., Suwanee, Georgia 30024**



Front of House



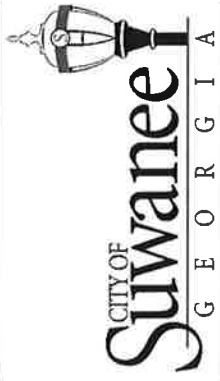
Rear of House



Side of House

22-2012-003





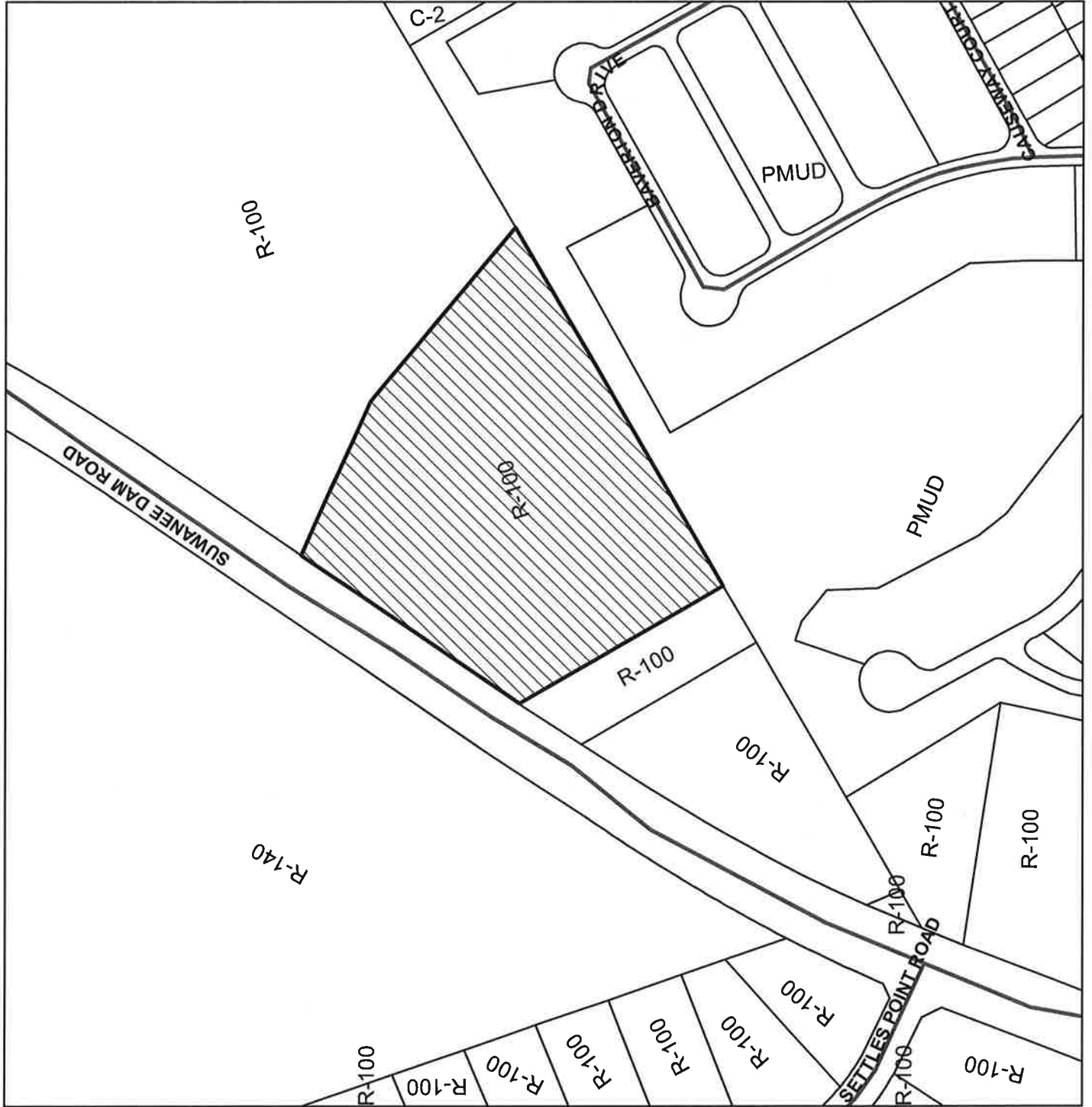
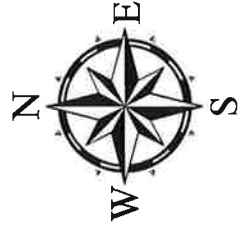


# EXHIBIT A RZ-2012-003

Aerial Map

**Legend**

-  RZ-2012-003
-  Road







# EXHIBIT B RZ-2012-003

Aerial Map

**Legend**

	RZ-2012-003
	Road

