

REZONING(S):

JRZ-2014-001

**CITY OF SUWANEE
REZONING**

CASE NUMBER: JRZ-2014-001
REQUEST: R-100 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO OTCD (OLD TOWN COMMERCIAL DISTRICT)

LOCATION: 3949 RUSSELL STREET
TAX ID NUMBER: 7-236-027
ACREAGE: 3.9 ACRES

PROPOSED DEVELOPMENT: VIOLIN SALES AND REPAIR

APPLICANT: DIXIE HUTHMAKER
3140 MAIN STREET
DULUTH, GA 30096

OWNERS: DANNA NELSON AND BRIAN McDONALD
3949 RUSSELL STREET
SUWANEE, GA 30024

CONTACT: DIXIE HUTHMAKER
CONTACT PHONE: 678-468-9042

STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant seeks a rezoning at 3949 Russell Street from R-100 (Single Family Residential District) to OTCD (Old Town Commercial District) to allow for a violin sales and repair shop within an existing single family residential structure. The property is 3.9 acres and contains a carriage house and a well-known historic home commonly known as “the Rhodes House”. The two-story residential structure is 4,005 square feet and is currently used as a private residence. The second building on the property is 529 square feet and is currently used as a storage/garage building and accessory dwelling unit. The property is located adjacent to the railroad on Russell Street between Buford Highway and Main Street. The applicant intends to use a portion of the house for violin sales and repair. Remaining portions of the house and the accessory structure will be used for office and storage. The applicant does not propose any residential uses on the property.

ZONING HISTORY:

In December of 2005, the City adopted the Old Town Overlay District (OTOD). The purpose of the overlay district is to ensure that development in the Old Town area conforms to certain design

elements commonly found in traditional downtown areas. Features such as wide sidewalks, buildings pulled up to the street, and parking in the rear of the building are some of the design guidelines for the district. The OTOD follows the Downtown Development Authority boundary. Adoption of the overlay district did not change the underlying zoning. The overlay district includes two zoning districts, the Old Town Commercial District and the Infill Residential District, which are only available to properties within the overlay. All new construction must follow the design guidelines.

Because the applicant is requesting to operate a commercial business in a residentially zoned property it must be rezoned to the Old Town Commercial District. The applicant is not proposing any exterior changes with the exception of additional parking and improvements required by the Americans with Disability Act (ADA). The applicant intends to make uses of the existing structure, therefore the design guidelines of the OTOD will not apply.

DEVELOPMENT COMMENTS:

If approved, the proposed alterations will be reviewed for compliance with zoning and building code requirements as well as any Fire Marshall requirement through the usual development and building permit review process. The site plan indicates a gravel parking area which is not currently permitted in the City of Suwanee per Section 1501 of the zoning ordinance. The applicant has submitted a variance request to allow for a gravel parking lot in order to minimize the impacts to the area. If this rezoning is approved, the variance request will go before the Zoning Board of Appeals at the July meeting.

ANALYSIS:

The subject site is 3.9 acres and is located in Old Town at 3949 Russell Street adjacent to the railroad right-of-way. The applicant is requesting to rezone the property from R-100 to OTCD to allow for a violin sales and repair shop within an existing single family residence. The house has been used as a single family home, known as the Rhodes House, in recent years. According to historic records, the house was built in 1880 and initially served as a hotel for railroad passengers. The applicant's business, Huthmaker Violins is currently located in downtown Duluth. The applicant is proposing to use 1,700 square feet of the house as retail space. The remaining square footage of the house will be used for office and storage space. The carriage house is proposed to be storage only. No residential uses are proposed on the property.

The site is located at 3949 Russell Street adjacent to the railroad right-of-way. The property is surrounded by single family homes zoned R-100 to the south and west. An undeveloped property zoned R-100 is adjacent to the east and the railroad right-of-way is to the north. The house is in close proximity to the historic Old Town commercial area located along Main Street.

Currently, Old Town has a mixture of commercial, office and residential uses all within close proximity. This development pattern and mixture of uses is common with many small downtowns in Georgia. Old Town has professional offices including insurance, attorney and real estate offices, a hair salon, as well as industrial uses and single family homes. The majority of non-

residential uses are located on Main Street between Scales Road and Calaboose Street. The subject property is located directly across the railroad tracks from this area.

It is an important goal of the City to preserve the historic assets in Old Town. The Comprehensive Plan and the Downtown Suwanee Master Plan both list historic preservation as a high priority. In December of 2013, Downtown Suwanee was listed as a National Register Historic District. At the same time, the City is working to make Old Town a destination so that area businesses are successful. According to the comprehensive plan, development in Old Town must be controlled and designed so that the best features of the area are not lost but rather enhanced. Adaptive reuse of a potentially historic home into a successful non-residential use will likely facilitate the long term viability of the property. In addition, additional businesses will draw more activity into the area increasing the visibility of other business in Old Town. The Future Land Use Plan recommends Mixed-Use Center for the property. The proposed rezoning of this building to OTCD is consistent with this designation, as the second story of the building may still be used as residential.

In conclusion, the proposed rezoning supports the goals and recommendations of the Comprehensive Plan. Mixing low intensity retail uses with residential is a common development pattern in small downtown areas and has proven to be successful in cities. The historic character of the home and area will be preserved even though the use will change from residential to commercial and will bring additional visitors to Old Town. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of JRZ-2014-001.

Planning Department Recommended Conditions:
JRZ-2014-001

Staff recommends approval of the request for OTCD subject to the following conditions:

1. The building must comply with all building, fire and ADA code requirements for business occupancy before obtaining a certificate of occupancy.
2. The existing primary structure shall be maintained. Changes in the architecture of the building shall require review and approval from the Planning and Inspections Department. Any new structures on the site must be approved by the Planning and Inspections Department. The architecture of any addition, renovation or new construction on the site shall be consistent with the existing building.
3. Uses allowed at the site include all of the permitted uses found in OTCD with the exception of: Bars, Nightclubs, Lounges, Taverns, and Commercial Laundry Stations.

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 request to rezone the property from residential to commercial is suitable in view of the use and development of adjacent and nearby properties provided no exterior changes are made to the house. The property is located across the railroad tracks from other commercial uses in downtown.

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

The rezoning would not adversely affect the existing uses or usability of adjacent or nearby properties, due to the low intensity of the use and because the parking area will be on the railroad side of the house.

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

The 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;

The proposal would 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 2030 Future Land Use Map shows this property as commercial. The request is generally consistent with the Future Land Use Map. OTCD allows for both commercial and residential uses in multi-story buildings.

- 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;

Introducing an established low intensity business into the downtown area will strengthen the area and make it more appealing to other businesses to locate in the area.

REZONING APPLICATION

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

APPLICANT INFORMATION*

NAME: Dixie Huthmaker
 ADDRESS: 3140 Main Street
Duluth, GA 30096
 PHONE: 770-476-9443
 CONTACT PERSON: Dixie Huthmaker
 EMAIL ADDRESS: fiddlefolk@aol.com

OWNER INFORMATION*

NAME: Danna Nelson, BRIAN McDONALD
 ADDRESS: 3949 Russell Street
Suwanee, GA 30024
 PHONE: 678-468-9042
 PHONE: 678-468-9042
 FAX NUMBER: n/a

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): R-100 REQUESTED ZONING DISTRICT OTCD
 PROPOSED DEVELOPMENT: Huthmaker Violins
 TAX PARCEL NUMBER(S): R7236 027
 ADDRESS OF PROPERTY: 3949 Russell Street, Suwanee, GA 30024
 TOTAL ACREAGE: _____ PUBLIC ROADWAY ACCESS: Yes, Russell Street

FOR RESIDENTIAL DEVELOPMENT:

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

FOR NON-RESIDENTIAL DEVELOPMENT:

NO. OF BUILDINGS/UNITS: 2 (see attached)
 TOTAL GROSS SQUARE FEET: 4534 (see att)

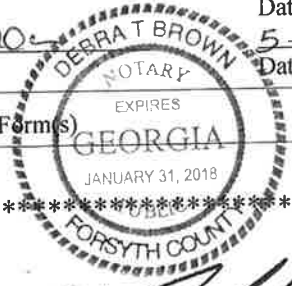
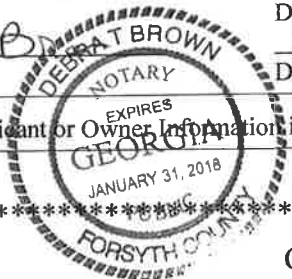
CERTIFICATIONS

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.

Dixie Huthmaker 5-1-14
 Signature of Applicant* Date
Dixie Huthmaker 5-1-14
 Print Name* Date
Debra Brown 5-1-14
 Signature of Notary Date

Danna Nelson 5-1-14
 Signature of Owner* Date
DANNA NELSON 5-1-14
 Print Name* Date
Debra Brown 5-1-14
 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: 5/1/14 Case No. JR2-2014-001 Accepted By: [Signature]

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

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.

Dixie Huthmaker 5-1-14
 Signature of Applicant Date

Dixie Huthmaker, Individual
 Type or Print Name and Title

[Signature] 5-1-14
 Signature of Applicant's Attorney or Representative Date

RANDAL WINFIELD, REAL ESTATE BROKER
 Type or Print Name and Title

Debra Brown 5-1-14
 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/no

Your Name

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.: JR2-2014001 Accepted By: _____

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

- (A) This property is a key fixture in the Historic Downtown district, and is one of the important fixtures of the Gateway District that Suwanee is creating. The proposed use, a high-end musical instrument sales and repair operation, is a suitable use of this previously-developed site for several reasons. First and foremost, the purchasers of the site intend to retain the existing structures in largely the same condition. The main modifications planned at this time are those necessary to meet the requirements of the Americans with Disabilities Act ("ADA"). Visually, the site will retain much of its current character. Second, the owners are already established in the industry. They operate a successful business at this time, and based on their experience, it is a low-intensity use. This type of establishment is considered a niche retail use with a specific, targeted customer base. As such, the impacts will be considerably less than many other typical retail and other commercial uses. Finally, the subject property is adjacent to land that is already zoned for commercial redevelopment along the Buford Highway corridor on one side, and adjacent to railroad right-of-way on the other. A low-intensity, niche retail use is an appropriate step-down from the planned redevelopment corridor. Further, the City adopted the Old Town Overlay with the intention that a variety of uses would blend together in a neo-traditional way in this area. Adopting the requested commercial zoning implements that vision. Given these facts, the zoning proposal is a suitable neighbor for existing and future uses of the surrounding properties.
- (B) The zoning proposal will have no adverse impact on nearby existing uses or the usability of these properties. The proposed use, musical instrument retail and repair, will generate little additional traffic in the area. The existing structures will remain onsite with few modifications. The visual character of the community will barely change. In fact, a low-intensity retail use in this location may increase the safety of the neighborhood overall. Even though a niche retail business will not drive a large amount of additional traffic to this site, the owners and customers still constitute "eyes on the street" which can deter crime. People will be present in the area at times when many residences are not occupied during the workday, which has been shown to deter those with criminal intent. Many of the nearby properties are already zoned commercially, and any zoning changes to 3949 Russell Rd would be in keeping with the land use planning that Suwanee has developed. Overall, no discernible adverse impacts will occur due to this proposed rezoning, and it is likely that the ongoing benefits to the surrounding area will be significant.
- (C) The property is currently developed with one very large single-family home and a carriage building. Although this use was viable for many years, the residential real estate market in this area has changed significantly over time. Despite the recovering housing market, and the extensive interior remodeling done in this home, buyers ultimately expressed that the proximity to the train was a factor in their decision not to buy. Further, the property is so large (8 bedrooms), finding a family that needs this much space is a challenge. Even with the best efforts of a professional real estate broker, and a complete marketing plan, this property was on the market as a residential for 9 months without an offer. This indicates the property is better suited to another use. The current buyer would retain the character of the site while putting it to a higher and better use.
- (D) The proposed use of the site should actually decrease impacts on utilities and schools. The existing residential use contemplates utility usage seven days per week, and is allocated a standard contributing factor to school population. The proposed commercial use will not generate the same level of impacts to these systems. As discussed above, the proposed business has historically been a low-impact retail use. Given this history, it may be expected that the site will not create a significant new impact to the existing streets or transportation facilities. The

proposed use would expect one UPS delivery per day of a small package or a few packages. At present, delivery trucks already travel this route to serve nearby businesses and residences. No additional impacts are expected from the deliveries to the subject property. No large commercial delivery trucks or large freight deliveries are anticipated.

- (E) Not only is the zoning proposal in conformity with the policy and intent of the City of Suwanee 2030 Comprehensive Plan (the “2030 Plan”), but it is also in conformity with the City of Suwanee Downtown Master Plan. In fact, a small project such as the proposed rezoning, may serve as a catalyst for other investors in the redevelopment area.

The proposed rezoning is consistent with several State Quality Community Objectives. Approval of the new zoning allows the City to adhere to the following objectives, which are included in Section 4.1 of the 2030 Plan:

1. Traditional Neighborhoods: Traditional neighborhood development patterns should be encouraged, including use of more human scale development, mixing of uses within easy walking distance of one another, and facilitating pedestrian activity.
2. Infill Development: Communities should maximize the use of existing infrastructure and minimize the conversion of undeveloped land at the urban periphery by encouraging development or redevelopment of sites closer to the downtown or traditional urban core of the community.
3. Sense of Place: Traditional downtown areas should be maintained as the focal point of the community or, for newer areas where this is not possible, the development of activity centers that serve as community focal points should be encouraged. These community focal points should be attractive, mixed-use, pedestrian-friendly places where people choose to gather for shopping, dining, socializing, and entertainment.
4. Regional Identity: Regions should promote and preserve an “identity,” defined in terms of traditional regional architecture, common economic linkages that bind the region together, or other shared characteristics.
5. Heritage Preservation: The traditional character of the community should be maintained through preserving and revitalizing historic areas of the community, encouraging new development that is compatible with the traditional features of the community, and protecting other scenic or natural features that are important to defining the community’s character.

The Target Area Plan, described in Section 3.5, Historic Old Town Character Area, of the 2030 Plan, indicates that a mixed-use village concept is an appropriate redevelopment strategy for the area between Main Street and Buford Highway, to the northeast of Russell Street. Further, the subject property is located within the Old Town Gateway area. All of these factors indicate that a rezoning action from R-100 to OTCD is consistent with adopted plans and policies of the City of Suwanee.

- (F) This property is on Russell Street and is in the heart of the existing historic district. The Suwanee 2030 Comprehensive plan states that the goal is to “preserve the existing historic and rural character,...revitalize the area, and considers the form and character of a “Gateway District”

along Buford Highway on and around Russell Street” In accordance with those plans, this rezoning is in line with the future vision for the Historic District.

Roland Huthmaker

Bowed String Instruments

Letter of Intent

To whom it may concern,



We are requesting that the property at 3949 Russell St, Suwanee, GA, (also known as The Rhodes House) be rezoned from residential to commercial.

1. We would like to relocate Huthmaker Fine Violins, a retail business focusing on fine string instruments to the property. The property is currently a single home dwelling with a separate carriage house.
2. We will be using approximately 1,700 square feet for retail space. The other 2,300 in the house will be used for storage and workshop space. The carriage house will be used for storage only, and there will be no residential use of the property at all.
3. The architecture of both the Rhodes House and the Carriage House would not be visually altered in any way, with the exception of bringing the property up to code regarding the ADA requirements.
4. We would like to keep the property as it is, respecting the historical significance of the building, and in keeping with the surrounding and adjacent properties.
5. We would request a variance in the parking requirements so that the existing parking could remain gravel, in keeping with the personality of the surrounding and adjacent properties.
6. Our business is family owned and twenty five years old. It is a low-impact/ no-impact retail sales business that focuses on an elite clientele representing a high socio-economic customer base.
7. A small sign, in accordance with the sign ordinance of Suwanee's Historic District would be erected in front of the property
8. The property is considered the jewel of the Gateway District of Downtown Suwanee and our business would make it our top priority to maintain that designation.
9. This potential rezoning would bring arts and culture to the Historic Downtown Suwanee area, adding to the already vibrant scene created by Everetts Barn.
10. We would request that, at our expense, a small directional sign be placed on Buford Highway, directing patrons to the business.
11. Finally, the proposed re-zoning is in keeping with the future development plans for the 2030 Suwanee Comprehensive Plan

Thank you very much for your consideration,

Roland Huthmaker
Dixie Huthmaker
Anna Huthmaker

Roland, Dixie and Anna Huthmaker

Huthmaker Fine Violins

www.huthmakerviolins.com

3140 Main Street • Duluth, Georgia 30096 • (770) 476-9443 • Fax: (770) 622-9017

Sales • Rentals • Repairs • Accessories • Appraisals

JRZ-7014-001



EXHIBIT A JRZ-2014-001

Location Map

Legend

- JRZ-2014-001
- Major Road
- Railroad

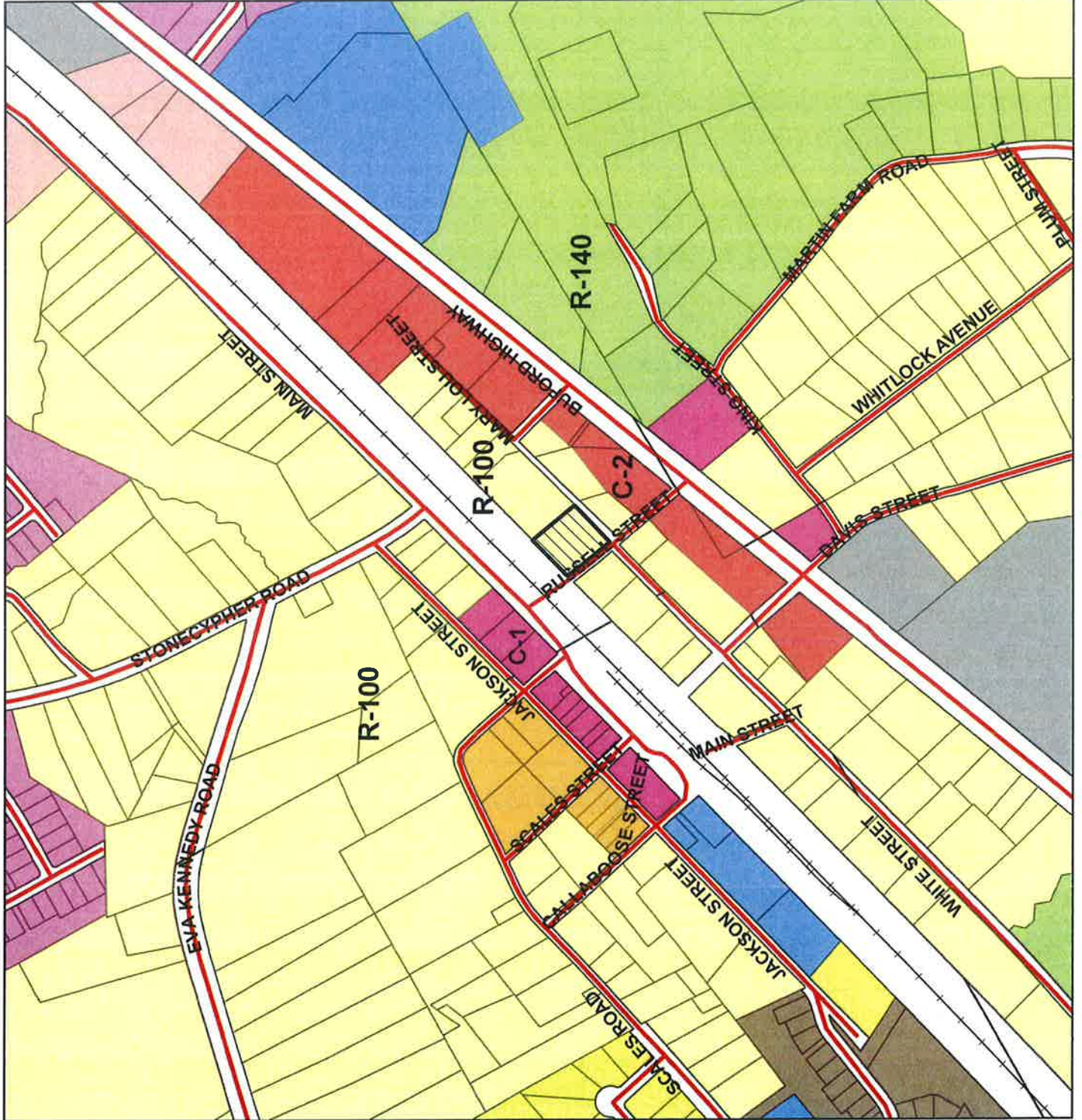
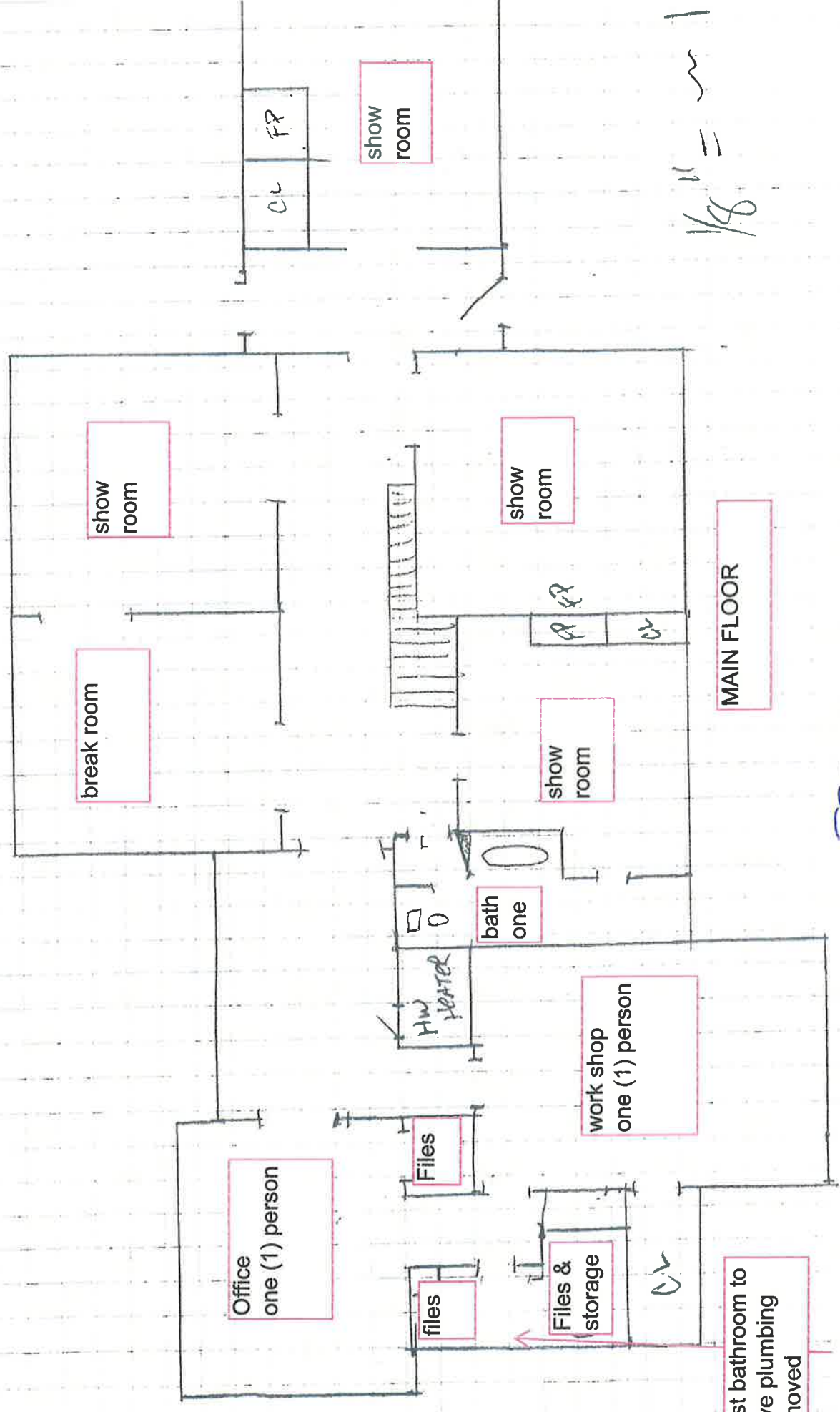


Exhibit "C"

3949 Russell Street
Suwanee, GA 30024
5/14/14
LBGM Associates, Inc.
(770) 312-2674
Huthmaker Violins

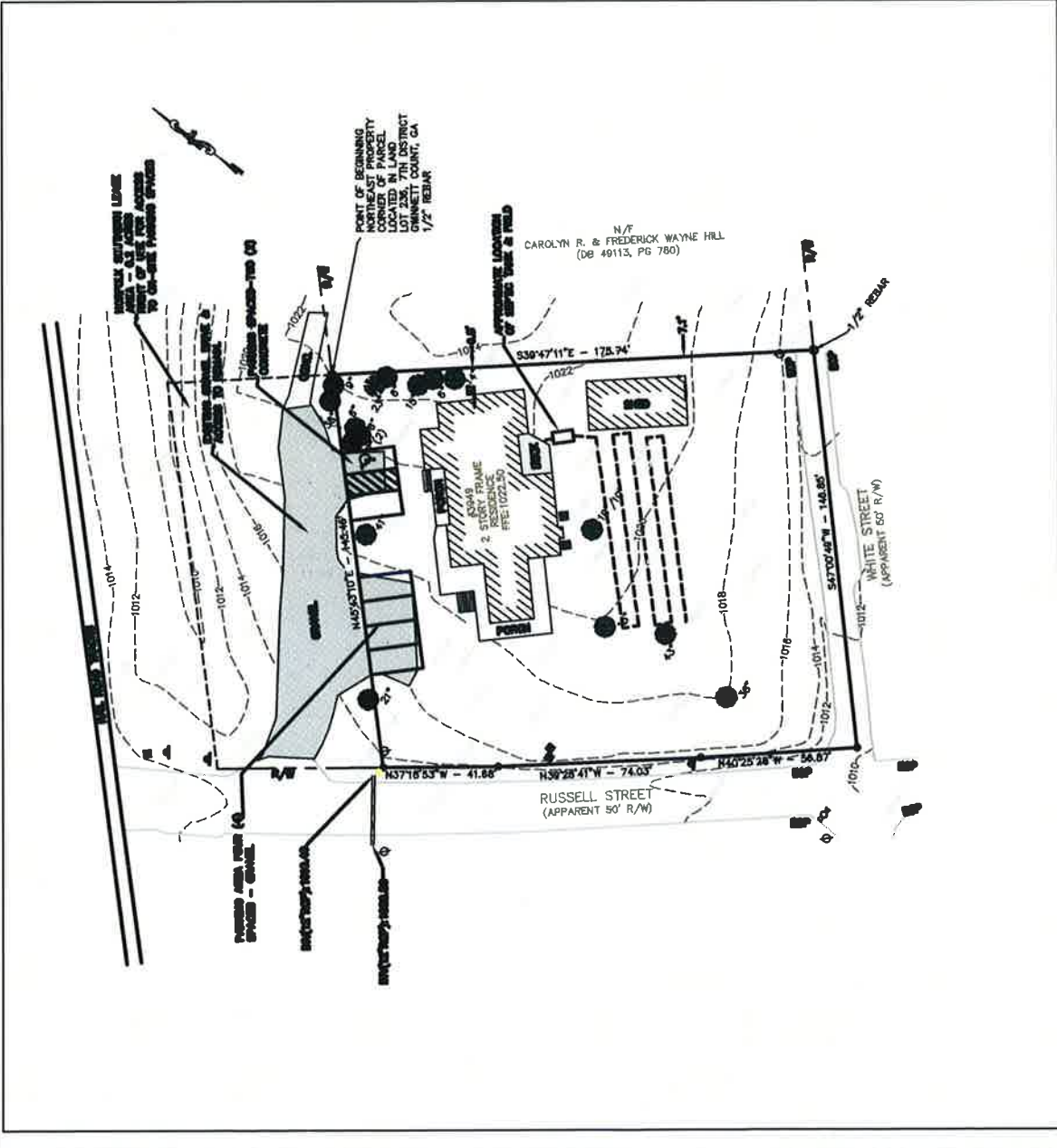
Show room space = 1,750 sqft
Work space = 2,300 sqft



1/8" = ~ 1

JRZ-2014.001

Exhibit "D"



Site can readily support six (6) parking spaces via the existing gravel driveway.

Huhmaker Volins is currently located in Duluth in a very similar facility from a standpoint of parking and office. The current parking facility with the current parking spaces is approximately 2,300 sq ft and contains the following: (6) employees working in 1,750 sq ft of retail space. Per current parking ordinance, this would result in a requirement for sixteen (16) parking spaces.

We will be applying for a variance to allow six (6) spaces as this is actually an increase in number of spaces when compared to current use at their facility in Duluth where they have five (5) spaces at their Duluth business location, as well as, the use of gravel surface for four (4) of the proposed parking spaces.

It is important to note that the Huhmaker staff currently use City of Duluth public parking and they will use the City of Suwanee public parking area near the caboose for the same purpose.

We respectfully request that the side yard setback be set at zero (0) feet to support the existing structures.

The purpose of this site plan is to support the change of use from residential to commercial in the Suwanee Old Town Overlay District.



PLAN BASE IS FROM FIELD RUN SURVEY BY BOUNDARY ZONE, INC. DATED APRIL 30, 2014.

3949 RUSSELL STREET
 PROPOSED NEW HOME OF HUTHMAKERS VOLINS
 CONTACT: ANNA HUTHMAKER
 770-98-6443

OWNER/DEVELOPER
 HUTHMAKER VOLINS
 3140 MAIN STREET
 DULUTH, GA 30098

City of Suwanee
 Planning Department
 1000 Peachtree Street, NE
 Atlanta, GA 30309
 Phone: 404-526-1000
 Fax: 404-526-1001
 Email: planning@cityofsuwanee.com

Sheet Title:
 C-1
 PRELIMINARY PLAN
 3949 RUSSELL STREET
 MAY 1, 2014

JRZ-2014-001






EXHIBIT B

JRZ-2014-001

Aerial Map

Legend

-  JRZ-2014-001
-  Major Road
-  Railroad

