

Rezoning(s):  
RZ-2017-001

**CITY OF SUWANEE  
REZONING ANALYSIS**

**CASE NUMBER:** RZ-2017-001

**REQUEST:** M-1 (LIGHT INDUSTRIAL DISTRICT) & C-2 (GENERAL COMMERCIAL DISTRICT) TO O-I (OFFICE-INSTITUTIONAL DISTRICT)

**LOCATION:** SOUTHEAST INTERSECTION OF BUFORD HIGHWAY AND MCGINNIS FERRY ROAD

**TAX ID NUMBERS:** 7-709-004 & 7-209-013

**ACREAGE:** APPROXIMATELY 6.6 ACRES

**PROPOSED DEVELOPMENT:** SENIOR LIVING FACILITY

**APPLICANT:** RAJESH PATEL  
2829 PEBBLE HILL POINTE  
DULUTH, GA 30097

**OWNER:** KINADA CAPITAL, LLC  
878 MILL CREEK RUN  
SUWANEE, GA 30024

**CONTACT:** ROHIN PATEL  
**PHONE:** 404-539-1169

**RECOMMENDATION:** APPROVAL WITH CONDITIONS

**PROJECT DATA:**

The subject property consists of 2 tracts of land totaling approximately 6.6 acres at the southeast corner of Buford Highway and McGinnis Ferry Road. The tract at the corner is zoned C-2 (General Commercial District) and the second tract is zoned M-1 (Light Industrial District). Both tracts are currently undeveloped.

The applicant requests a rezoning from M-1 (Light Industrial District) and C-2 (General Commercial District) to O-I (Office-Industrial District) to allow for an assisted living facility including 60 assisted living rooms and 26 memory care beds.

The facility would offer amenities including social and recreational activities, meal services, housekeeping and laundry services, 24-hour emergency response, shuttle transportation service, physiotherapy, virtual doctor services, a beauty salon, and a movie theater for residents.

The applicant proposes one contiguous 66,795 square foot building. The portion of the building that faces McGinnis Ferry Road would be 2 stories and the remainder of the building would be 1

story. The front of the building would face Buford Highway and include a vehicular drop off beneath a porte cochere. The proposed architecture would have a residential craftsman character and a pitched roof, and building materials would be a combination of stone and cedar wood shakes.

The site would have 2 vehicular access points, one from McGinnis Ferry Road, which would be a right-in/right-out only entrance/exit, and one from Burnette Road. A total of 55 parking spaces are proposed. The subject property slopes away from McGinnis Ferry Road significantly so the proposed parking would not be visible from McGinnis Ferry Road. Almost all residents would not drive and would go to and from the facility via a shuttle operated by the facility; therefore, the parking would be primarily for staff and visitors.

### **ANALYSIS:**

RZ-2017-001 requests a rezoning from M-1 (Light Industrial District) and C-2 (General Commercial District) to O-I (Office-Industrial District) to allow for an assisted living facility. Assisted living is a permitted use within the O-I District. The subject property exceeds the minimum road frontage for the O-I District, and the proposed development meets all of the O-I development regulations governing minimum setbacks and maximum building height. There appear to be no streams or wetlands on the site, and it can accommodate the proposed development.

The subject property is located at the intersection of Buford Highway and McGinnis Ferry Road. The property is bound by Buford Highway to the west, McGinnis Ferry Road to the north, and Burnette Road to the south. An existing light industrial building occupies the adjacent property to the east. The property on the opposite corner across Buford Highway is zoned C-2A and is also undeveloped. The northeast corner of the intersection is also zoned C-2 and also undeveloped. The northwest corner is preserved open space for a planned mixed-use development, and should remain forested. All of the other nearby property across Buford Highway and south of Burnette Road is developed, light industrial property. The proposed assisted living project will not have a negative impact on any of these existing surrounding uses. The proposed development would create a good transition from the industrial uses to the south and the more urban character developing north of McGinnis Ferry along Buford Highway.

The Future Land Use Plan calls for industrial use on the subject site, which is consistent with the vision for the entire Buford West Character Area in the 2030 Comprehensive Plan. One of the two subject parcels is already zoned C-2; therefore, it is unlikely to be rezoned for industrial.

A need for senior housing was identified in the 2030 Comprehensive Plan (completed in 2008). The plan projected an increase in the average age of Suwanee residents. This trend was confirmed by the market analysis done as part of the 2015 Downtown Suwanee Master Plan Update. "Within the past 15 years, the number of households in the city limits with individuals age 55 and older has increased at more than 2.5 times the rate of Gwinnett County as a whole" (2015 Downtown Suwanee Master Plan Update, p. 40).

The 2030 Comprehensive Plan suggests that McGinnis Ferry is an appropriate place for commercial land uses within the Buford West Character Area. The subject site is unique to the

character area due to its highly visible location at the corner of two major roads, McGinnis Ferry Road and Buford Highway. The current C-2 zoning of one of the parcels exists due to a history of locating commercial at prominent intersections. However, the 2030 Comprehensive Plan also generally calls for focusing commercial in key nodes and not necessarily at every intersection. This encourages vibrancy at commercial nodes and discourages sprawling disconnected commercial development.

The 2030 Comprehensive Plan (completed 2008) stated that the Buford West Character Area was not a priority for growth and development at the time, but it recommends re-evaluation of the plan for development of this area in the future. In 2015, the Downtown Suwanee Master Plan Update defined the future development of Buford Highway within the downtown area as a mix-use corridor supported by the planned reconstruction of Buford Highway as a multi-modal, pedestrian oriented, urban street. The subject property is just south of the beginning of the Buford Highway corridor project.

There is development pressure for this highly visible site to be developed as a typical commercial site, which is currently allowed by zoning. Rezoning the C-2 property to O-I with the recommended conditions would insure a higher quality development at this highly visible corner and be more consistent with the current concept for the development of Buford Highway that encourages commercial to be part of a mixed-use development and mixed-use to be located north of McGinnis Ferry Road.

The project would satisfy a need for senior housing in Suwanee. The proposed assisted living project will not have a negative impact on any of the existing surrounding uses, and it would create a good transition from the industrial uses to the south and the more urban character developing north of McGinnis Ferry along Buford Highway. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of **RZ-2017-001**.

Recommended Conditions  
**RZ-2017-001**

The Planning Department recommends rezoning the subject property to O-I subject to the following enumerated conditions:

1. Use shall be limited to a senior living facility including a mix of assisted living and/or memory care units. The total number of all units shall not exceed 86 units. All units shall be assisted living and/or memory care units and comply with all federal and state regulations. Amenities and services such as social and recreational activities, meal service providing residents 14 to 21 meals per week, housekeeping services, shuttle/transportation services, assistance with activities of daily living, and 24 hour emergency response shall be a required component of the use.
2. Architecture shall be residential in nature, be craftsman style, and have a pitched roof. The portion of the building facing McGinnis Ferry Road shall be a minimum of 2 stories. Siding materials other than trim, shall be limited to stone, cedar shakes, or brick. All facades facing Buford Highway or McGinnis Ferry Road shall be a minimum of 50% stone or brick. All windows shall have simulated divided lites with the exception of any special chapel windows along the interior courtyard. The City of Suwanee Planning and Inspections Director shall have final approval for all architecture prior to the issuance of a development permit.
3. All utilities shall be located underground except existing transmission lines located to the rear of the site.
4. All parking shall be screened with an adequate hedgerow from any public street. Any off-street parking areas shall meet the minimum landscape standards for parking lots as indicated in the City of Suwanee Zoning Ordinance.
5. Landscaping shall be approved by the City of Suwanee Planning and Inspections Director.

## 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;

With the recommended conditions, an assisted living facility that is designed per the City's architectural standards would be suitable in view of adjacent industrial property and McGinnis Ferry Road and Buford Highway.

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

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 likely would not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools. Assisted living generates very minimal vehicular trips because the residents do not have access to a vehicle and will rely on a facility shuttle to go to or from the facility.

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

The Future Land Use Plan calls for industrial use on the subject site, which is consistent with the vision for the entire Buford West Character Area in the 2030 Comprehensive Plan. However, this site is unique to the character area due to its highly visible location at the corner of two major roads, McGinnis Ferry and Buford Highway. The 2030 Comprehensive Plan (completed 2008) suggests that McGinnis Ferry is an appropriate place for any commercial land uses within the Buford West Character Area, but it suggests that the vision for development of this area be revisited in the future. One of the two parcels is already zoned C-2; therefore, it is unlikely to be rezoned for industrial. Rezoning the subject property to O-I would eliminate the current commercial zoning that is inconsistent with the current concept for the development of Buford Highway south of McGinnis Ferry Road developed in the more recent Downtown Suwanee Master Plan (2015) and provide an institutional use, which would be an appropriate transitional use between the urban and industrial portions of Buford Highway.

- 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 current development pressure for this highly visible site to be developed as a typical commercial site, which is currently allowed by zoning. Rezoning the C-2 property to O-I with the recommended conditions would insure a higher quality development at this highly visible corner and be more consistent with the current concept for the development of Buford Highway that encourages commercial to be part of a mixed-use development and mixed-use to be located north of McGinnis Ferry Road.



Nirant Group - 1131 Ivey Brook Court SE, Mableton, GA 30126

December 20, 2016

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

RE: Letter of Intent  
Suwanee Site Rezoning  
Oaks at Suwanee Assisted Living

Dear City of Suwanee Planning & Zoning Department:

Thank you for meeting with our team last month regarding the rezoning application for the subject property located at the southeast corner of Buford Highway and McGinnis Ferry Road. Our team is excited about the opportunity of providing an assisted living and memory care facility for the City of Suwanee and look forward to working with the municipality and community to ensure all parties are satisfied. Please see the Management Bio document provided in the application package for further details on our team.

This Letter of Intent is submitted for the proposed property in Suwanee, Georgia. The property is located on the southeast corner of the intersection of Buford Highway and McGinnis Ferry Road. The proposed use shall be for an assisted living community with approximately 86 total units (70% assisted living & 30% memory care).

The property comprises two parcels totaling 6.615 acres. The current zoning is C-2 and M-1. We are seeking to reclassify the zoning to Office and Institutional (O-I).

The proposed facility will be a partially one-story and partially two-story building with a total gross area of approximately 66,795 square feet and a height of 25 feet. The density would be 10,098 square feet per acre. Due to mobility concerns of the elderly residents and fire & safety concerns, it is not advised by operators in the industry to construct a building taller than two stories. It is imperative that memory care residents are on the main floor while assisted living residents will utilize the second floor.

Our goal is to provide a comprehensive facility, as this will become the primary home for our residents and members of your community. The facility will provide social and recreational activities, transportation services, full meal services, housekeeping and laundry services, physiotherapy and virtual doctor services, a beauty salon and movie theatre, 24-hour emergency support, as well as separate outdoor courtyards for memory care and assisted living residents. We will also collaborate with local home care agencies, hospice services, and pharmacies to better meet the needs of our residents while allowing our facility to be an integrated part of the Suwanee community. Finally, after learning about the importance of public art to the city of Suwanee, we look forward to working with the Suwanee Public Arts Commission.

The facility will have fifty-one standard parking spaces and four accessible parking spaces. The vast majority of parking spaces will be utilized by staff and visitors as nearly all residents are not drivers.

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The building will front Buford Highway with vehicle access from Burnette Road to the south and McGinnis Ferry Road to the north. The entrance and exit driveway off McGinnis Ferry Road shall be right-turn in and right-turn out.

- We have assembled a strong team of architects and contractors with deep knowledge and a proven track record of success in the assisted living industry. In addition, and most importantly, we have collaborated with Oaks Senior Living as our facility operator. Oaks has built a solid reputation as a top operator in the state of Georgia and we are thrilled that they have chosen to work with us across several of our facilities – the first being our ongoing project in Covington, GA. Our mutually beneficial relationship with Oaks is based on the premise of a shared philosophy: that patient care is at the heart of all we do. Our team's background in providing extensive patient care and Oaks' nearly 20-year history in the senior living industry create an ideal partnership for us to best serve your community residents.

Please see the attached Oaks at Ashton Hills presentation where we are constructing a similar facility for further details on the project scope, size, and team.

If you have any questions or require further assistance please contact us at your earliest convenience and we look forward to working with you on this exciting project.

Sincerely,

Rohin Patel, CFO

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

Pursuant to section 2006 of 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:

See attached

- (B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

See attached

- (C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

See attached

- (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:

See attached

- (E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

See attached

- (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:

See attached

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CITY OF SUWANEE USE ONLY

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

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## Standards Governing Exercise of the Zoning Power

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- (A) The development of this property as an Assisted Living & Memory Care facility will provide a much-needed service for the Suwanee market (as outlined and supported in the attached senior demographics study). It will provide a medium between the adjacent industrial space and the residential areas.
- (B) No adverse impacts to the adjacent or nearby properties are expected. Due to the nature of the facility and desire to create intimacy and privacy for our residents, existing canopy coverage & vegetation along with the required setbacks will be utilized to create natural buffers between the facility and adjacent properties. Please refer to the site plan for further details.
- (C) The subject property does have reasonable economic use as it is currently zoned.
- (D) We do not anticipate any excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Assisted Living & Memory Care facilities are low traffic, low impact use properties. Most residents do not have access to vehicles and parking spaces are primarily for staff and visitors. We also plan to utilize a solar energy system to fulfill most of our energy needs, further decreasing the impact on existing utility infrastructure.
- (E) Yes – the zoning proposal requested will conform with the policy and intent of the land use plan.
- (F) We have planned to put two entrances to the facility – one on McGinnis Ferry Road and one on Burnette Road. Our intention is to draw traffic away from the Buford Highway intersection which is a high traffic zone.



**PROPOSED SITE PLAN**

OAKS AT SUWANEE  
 ASSISTED LIVING COMMUNITY

OWNER: NIRANT GROUP  
 ARCHITECT: CDH PARTNERS

12-20-2016

TOTAL ACREAGE = 6.615 ACRES  
 TRACT I: 4.443 ACRES  
 TRACT II: 2.172 ACRES

ABOVE FLOOD PLAIN  
 50' FRONT YARD SETBACK  
 20' SIDE YARD SETBACK

PARKING:  
 51 SPACES  
 4 HANDICAP SPACES



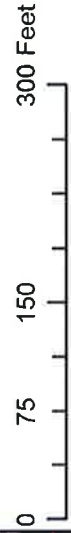
"Exhibit C"



Exhibit A  
RZ-2017-001

Legend

-  RZ-2017-001
-  Streets





# Exhibit B RZ-2017-001

- Legend**
- RZ-2017-001
  - Streets
  - Rail
  - City Limits
  - ZONING**
  - C1
  - C2
  - C2A
  - C3
  - GCA
  - IRD
  - M1
  - OI
  - OTCD
  - PMUD
  - R-75
  - R-85
  - R100
  - R140
  - RM6
  - RM8

