

SPECIAL USE PERMIT(S):

SUP-2014-001

**CITY OF SUWANEE
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER: SUP-2014-001
REQUEST: BED AND BREAKFAST
LOCATION: 320 TOWN CENTER AVENUE
DISTRICT/LAND LOT: 7-236-200
ACREAGE: 1.81 ACRES
PROPOSED DEVELOPMENT: 14,119 SF BED AND BREAKFAST AND PRIVATE RESIDENCE WITHIN AN EXISTING BUILDING

APPLICANTS MaLISA AND KEVIN McOMBER
220 ROBERTS ROAD
SUWANEE, GA 30024

OWNER: MADISON RETAIL – SUWANEE II, LLC
3300 COBB PARKWAY, SUITE 120
ATLANTA, GA 30339

CONTACT: KEVIN McOMBER
CONTACT PHONE: 770-861-2896

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

The applicants request a special use permit to allow for a bed and breakfast in existing residential condominium units located within Suwanee Town Center. The first phase of the bed and breakfast facility would be located in Unit 307 of 320 Town Center Avenue. Unit 307 is the corner unit on the top floor (over Pooch N’ Paws pet shop) of the mixed-use building adjacent to City Hall. The bed and breakfast would initially contain four rentable bedrooms with common living, dining and kitchen areas for guests and staff. Any future expansion of the bed and breakfast into adjacent units (Unit 306 or 206) would be limited to 10 bedrooms. Each bedroom would have its own private bathroom. Due to increased parking standards for hotels/motels, a modification to the existing rear parking area/motor court is also required. In total, 18 additional parking spaces will be provided within the gated area behind the existing building. The applicants have a contract to purchase all eight of the unfinished units and intend to occupy one of the other units as their private residence. Only one unit, Unit 206, has been built-out. (See Exhibit E)

The subject property was rezoned in 2003 per RZ-2003-007 to Planned Mixed Use Development (PMUD) district. According to the conditions of zoning, residential uses, consistent with the recommendations of the New Town Center Plan, shall be allowed on the second or third stories above commercial or office uses. Bed and breakfasts are allowed in some residential districts in

the City, but only as a special use. As such, a Special Use Permit is required for a bed and breakfast in the residential component of this building.

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 bed and breakfast.

DEVELOPMENT COMMENTS:

If the special use permit is approved, the applicants intend to make some exterior changes to the existing building. The Gwinnett County Fire Marshal will need to review the plans for compliance with fire safety and ADA requirements. The City will need to review the plans for compliance with building code requirements. At a minimum, a commercial elevator and stairs will be required to meet ADA regulations and fire safety standards. All interior changes will be reviewed through the standard Building Permit process. Any land disturbance activities within the enclosed parking/motor court area will also need to be reviewed and permitted through the normal development process.

ANALYSIS:

The subject property is a 1.81 acre parcel located in the Town Center mixed-use development. The property was rezoned in 2003 to Planned Mixed Use Development (PMUD) district (RZ-2003-007). The Town Center PMUD includes office, commercial, residential and municipal land uses in addition to Town Center Park. Residential property along Town Center Avenue is located above the retail establishments and restaurants. The residential units in the subject building at 320 Town Center Avenue were never finished, with the exception of Unit 206, and no units have ever become occupied. The applicant plans to purchase all eight units.

The applicant intends to utilize three units (Unit 307, Unit 206 and Unit 207) in some combination to accommodate a private residence and the proposed bed and breakfast. At this time, the applicant intends to convert Unit 307, which is the 3rd floor corner unit, into a 4 room bed and breakfast. Unit 207, which is the 2nd floor corner unit, and Unit 206, which is a two floor unit adjacent to Unit 207 and 307 will be used to accommodate a private residence and the potential future expansion of the bed and breakfast business. According to the applicant, any future expansion of the bed and breakfast will not exceed ten private bedrooms.

The applicant is proposing to add 18 additional parking spaces in the private parking area/motor court behind the building. This parking area is separate from the public parking area constructed behind the building that provides parking for patrons visiting the commercial businesses along Town Center Avenue. The public parking area will not be impacted by these changes. The private parking area/motor court is currently gated with mostly garage parking. The new spaces would be outdoor parking spaces along the edge of the private motor court area. (See exhibit D) The proposed spaces will meet the standards for parking spaces and drive aisle width along with the minimum number of required parking spaces for a bed and breakfast with 10 rooms.

Hotels/Motels are required to have one space per unit. Residences are required to have a minimum of two parking spaces per dwelling unit. For a 10 bedroom bed and breakfast and 6 residential units a total of 22 parking spaces would be required. Currently, there are 16 parking spaces located within attached garages and the applicant is proposing to add 18 spaces within the private motor court for a total of 34 parking spaces. As such, the site can accommodate the parking needed to serve the proposed bed and breakfast.

The subject property is located within the Town Center planned mixed use development. As such, it is surrounded by a mixture of municipal, office, residential and commercial uses. The proposed bed and breakfast would not be out of character for the area. A bed and breakfast is generally a low impact use and fits better with residential uses than most other non-residential uses. Furthermore, bed and breakfasts are typically found in residential areas since they are typically located within existing residential neighborhoods.

The 2030 Comprehensive Plan identifies different character areas within the City. The subject property is in the Town Center Character Area. The Town Center Character Area calls for the continuation of a mixture of compatible uses. The addition of a bed and breakfast would not be out of place or conflict with the recommendations of the Comprehensive Plan. The Future Land Use Plan recommends Mixed Use Center uses for the property. A Bed and Breakfast is compatible with this land use designation.

In conclusion, the requested special use permit for a bed and breakfast would be appropriate at this location. Town Center currently contains a mixture of land uses within close proximity to one another. The bed and breakfast would be the first occupant of the second floor, so no current residents would be impacted. In addition, bed and breakfasts are typically located within existing residential neighborhoods. With the additional parking spaces to accommodate the increase parking demand, there should be no adverse impacts to the surrounding area. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of SUP-2014-001.

Planning Department's Recommended Conditions
SUP-2014-001

Approval of the request for a special use permit to allow for a bed and breakfast subject to the following conditions:

1. The bed and breakfast shall be limited to Units 307, 207 and 206.
2. The bed and breakfast shall have a maximum of 10 private bedrooms. There shall be at least one bathroom for each bedroom provided.
3. A minimum of 6 but no more than 18 additional parking spaces shall be provided. Parking shall be provided in a manner consistent with Exhibit D.

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. A low-impact use such as a bed and breakfast will not cause harm to existing residents or businesses.

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

With the recommended conditions, the proposed bed and breakfast 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 consistent with this designation.

- 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 upper floors of the existing building are unfinished and have never been occupied. Any future resident would be aware of the non-residential use prior to purchasing a unit.

SPECIAL USE PERMIT APPLICATION

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>MaLisa and Kevin McOmber</u>	NAME: <u>Madison Retail - Suwanee II, LLC</u>
ADDRESS: <u>220 Roberts Road</u> <u>Suwanee, Georgia 30024</u>	ADDRESS: <u>3300 Cobb Parkway</u> <u>Suite 120</u> <u>Atlanta, Georgia 30339</u>
PHONE: <u>770-861-2896</u>	PHONE: <u>770-818-4130</u>
CONTACT PERSON: <u>Kevin McOmber</u>	PHONE: <u>770-861-2896</u>
E-Mail Address: <u>kmcomber@clarkpatterson.com</u>	

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): PMUD REQUESTED ZONING DISTRICT PMUD Special Use

PROPOSED DEVELOPMENT: Residence with Special "Bed and Breakfast" Use

TAX PARCEL NUMBER(S): R7236-200

ADDRESS OF PROPERTY: 320 Town Center Avenue, Suwanee, Georgia 30024

TOTAL ACREAGE: 1.81 PUBLIC ROADWAY ACCESS: Town Center Avenue

FOR RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: 3 EXISTING

FOR NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/UNITS: _____

DWELLING UNIT SIZE (SQ. FT.): 9,319 SF. (EXIST.) TOTAL GROSS SQUARE FEET: _____

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.

<u>Kevin J. McOmber</u> Signature of Applicant* Kevin J. McOmber	Date <u>1/31/14</u>	<u>Betsy L. Bailey</u> Signature of Owner Betsy L. Bailey	Date <u>1/31/14</u>
<u>Nancy L. Griffin</u> Print Name* Signature of Notary	Date <u>1/31/14</u>	<u>Betsy L. Bailey</u> Print Name* Signature of Notary	Date <u>1-31-14</u>

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



CITY OF SUWANEE USE ONLY

Date Received: 1/31/14 Case No.: SUP 2014001 Accepted By: [Signature]



SPECIAL USE PERMIT APPLICANT'S RESPONSE

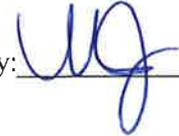
STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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:
The proposed Residence with Special Bed and Breakfast Use is anticipated to be very complimentary to the development of adjacent and nearby property. This Special Use shall meet or exceed the high development standards that exist within the overall Suwanee Town Center development and will provide an upscale housing option for overnight guests, which does not currently exist.
- (B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:
The proposed development is anticipated to be a single family residence with an initial 4 bedrooms that would be available for overnight rentals. Based upon the anticipated success of the business and growth, the future maximum number of rental units is anticipated to be 10 bedrooms for overnight rentals. This upscale facility will redevelop space that was previously constructed for residential condominiums above occupied retail development. This redevelopment is not expected to adversely affect the existing use or usability of adjacent or nearby property. There is strong potential for this redevelopment to have a positive impact on the existing retail spaces, as the additional out-of-town visitors are likely to visit these businesses.
- (C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:
The property to be affected by this Special Use Permit request was previously developed with 8 partially constructed residential condominiums that have been vacant for several years. Although difficult economic times are attributed to the unfinished status of these units, the current and future economic use as currently zoned remains questionable.
- (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 Special Bed and Breakfast Use is not anticipated to 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 proposed development is in conformity with the policy and intent of the land use plan.
- (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:
As a complimentary use, the proposed Residence with Special Bed and Breakfast Use is anticipated to have a positive impact on the overall Town Center Development.

CITY OF SUWANEE USE ONLY

Date Received: 1/31/14 Case No.: SUP2014.011 Accepted By: 

January 31, 2014

Mr. Josh Campbell
Director of Planning & Inspections
City of Suwanee
330 Town Center Avenue
Suwanee, Georgia 30024

Re: 320 Town Center Avenue - Special Use Permit – Letter of Intent

Dear Mr. Campbell:

My wife, MaLisa, and I are planning to develop a portion of the unfinished residential condominiums located above the retail businesses at 320 Town Center Avenue. This space would be used as our primary residence and we seek a Special Use Permit to operate a Bed and Breakfast facility at the same location. Although we have a contract to purchase all 8 of the unfinished units, our initial plan is to develop unit 307 as the space for the Bed and Breakfast, which we plan to name, "Southern Seasons Inn". This first phase would include 4 upscale bedroom units that would be available for overnight accommodations. Each bedroom is planned to have a private bathroom. Common living, dining and kitchen facilities would be operated by MaLisa and other staff as necessary. Small conference rooms are planned for special events and business meetings. We also plan to seek an alcohol license to serve beer and wine. At this point in time, we anticipate our residence to be in either unit 206 (the adjacent existing model) or unit 207 (directly below unit 307).

The enclosed exhibits illustrate the specific units that would be utilized for this special use. Some exterior modifications would be necessary to allow for the construction of new vertical circulation, including a commercial elevator and stairs. Future expansion is not anticipated to exceed 10 bedroom units for visitor accommodations, which is limited by the amount of available parking. The parking provided in the overall development of this parcel exceeded the minimum requirements by 12 spaces. In addition, there are 6 garage spaces that are currently associated with the 3 units being developed for this project. We are also proposing 18 new parking spaces that would be constructed within the existing fenced motor court that would serve the overall development of new residential units being completed and the proposed Bed & Breakfast.

This proposed use is very complimentary with the surrounding development and a great fit within the existing mixed-use zoning that exists today. It also supports the goals of the 2030 Comprehensive Plan, with a particular focus on the Town Center Character Area. We appreciate the City's consideration of this request and welcome any questions you may have.

Best Regards,



Kevin J. McOmber

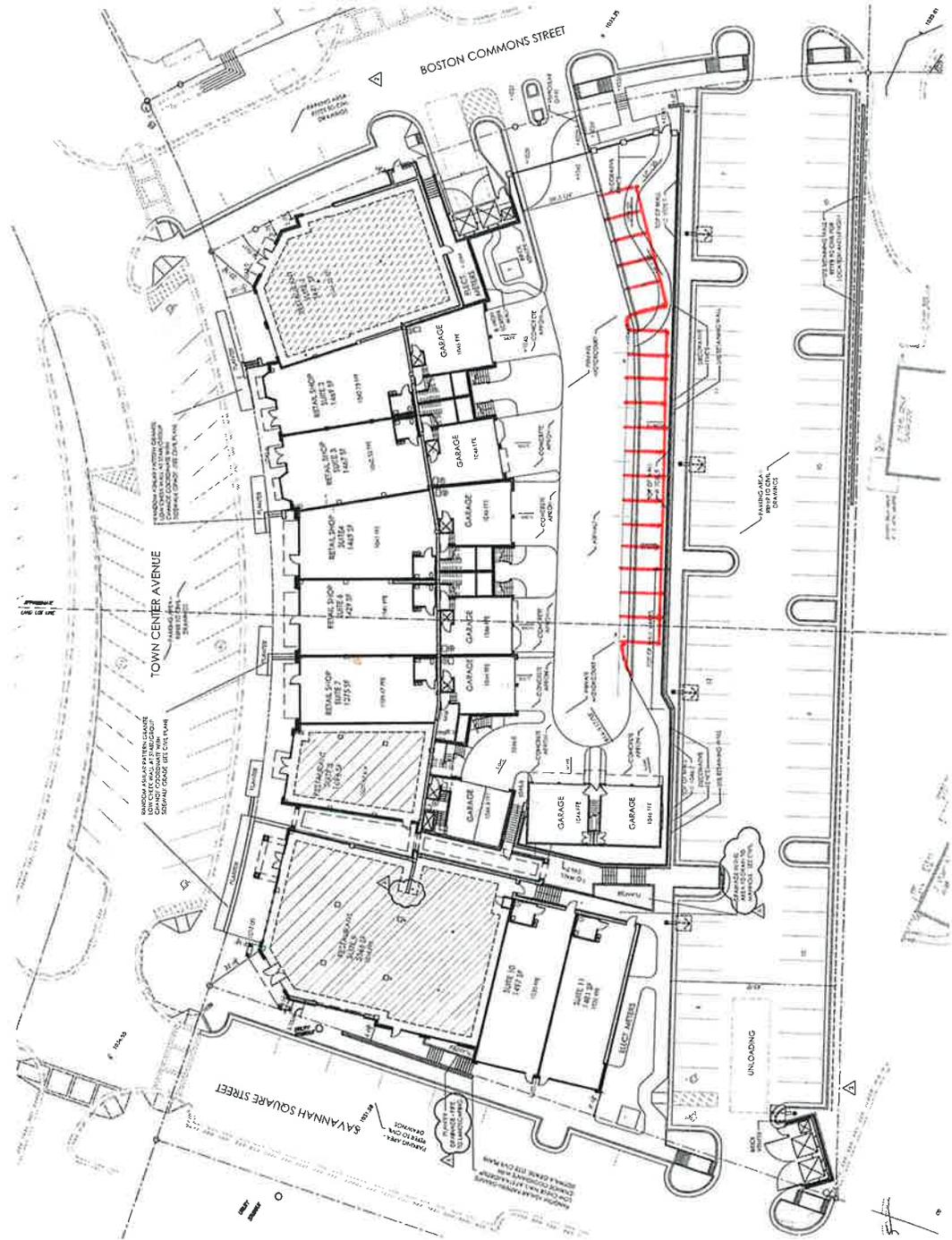
220 Roberts Road, Suwanee, Georgia 30024

SUP. 2014.001

1	DATE	DESCRIPTION
2	05/11/08	ISSUED FOR PERMIT
3	05/11/08	REVISED PERMIT
4	05/11/08	REVISED PERMIT
5	05/11/08	REVISED PERMIT

Date: 05/11/2008 Drawn: MCL Checked: BB

Exhibit "D"



PROPOSED PARKING IN RED

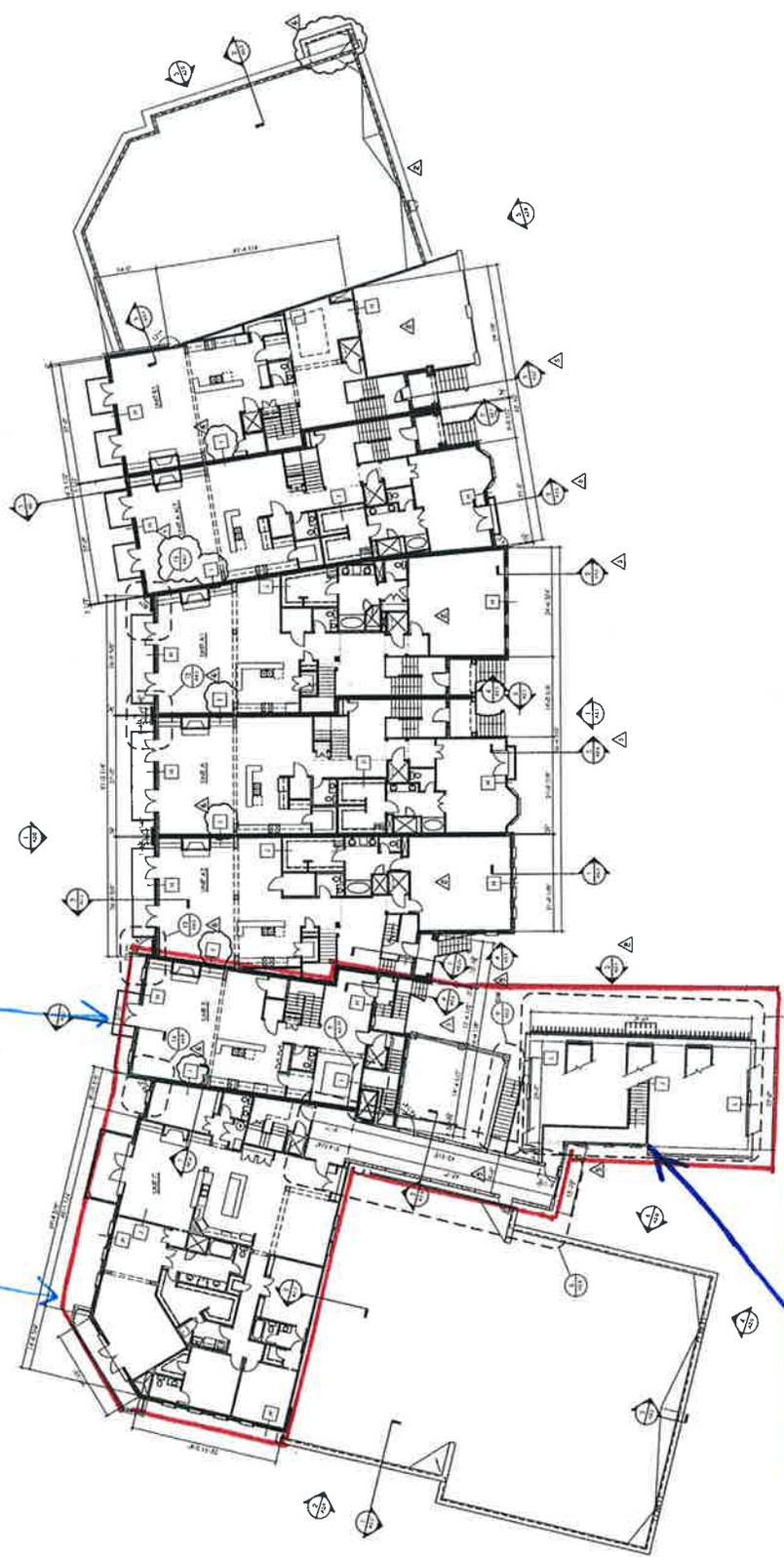
SUP. 2014-001

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Rev	Description
1	Initial
2	Revised
3	Revised
4	Revised
5	Revised
6	Revised
7	Revised
8	Revised
9	Revised
10	Revised

Exhibit "E"

GENERAL NOTES:
 1. REFER TO ALL OTHER DRAWINGS FOR DETAILS.
 2. REFER TO SCHEDULES AND ALL SCHEDULES FOR MATERIALS, FINISHES, AND WORKMANSHIP.
LEGEND:
 WALL PATTERNS, LAG, SET TO SUE AT 10



2nd floor: Unit 207 (3044 SF)
 3rd floor: Unit 307 (3391 SF)

Unit 206 (2884 SF)

Total SF = 14,119

potential 4800 SF of additional space above garage.





EXHIBIT A SUP-2013-004

Location Map

Legend

-  SUP-2014-001
-  Major Road

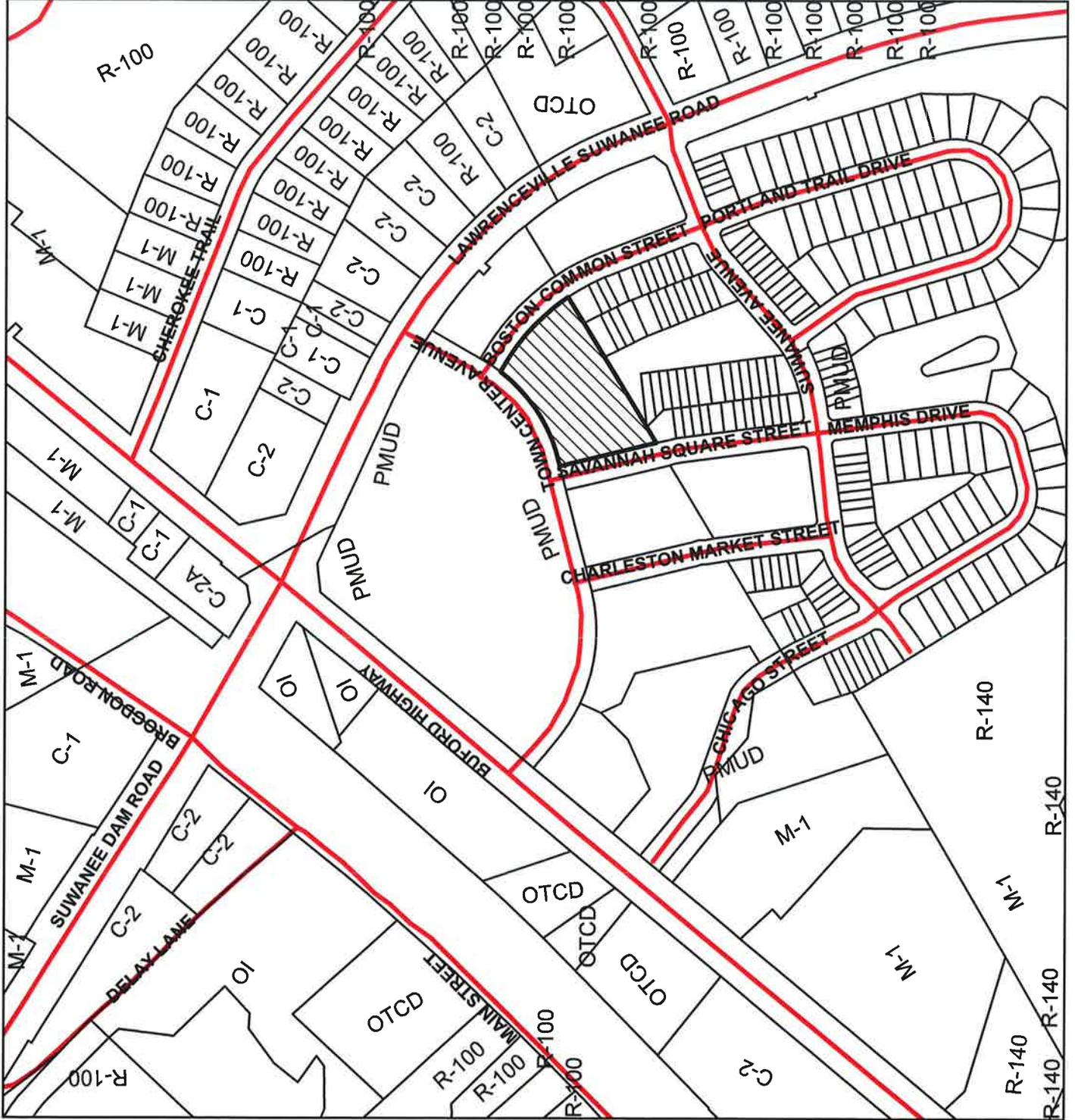
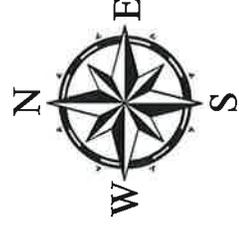




EXHIBIT B SUP-2013-004

Aerial Map

Legend

-  SUP-2014-001
-  Major Road

