

VARIANCE(S):
V-2009-007

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2009-007
REQUESTS: PROVIDE FEWER THAN THE REQUIRED NUMBER OF PARKING SPACES (PARKING REDUCTION)
APPLICABLE SECTION: SECTION 1502
LOCATION: 350 TOWN CENTER AVENUE
DISTRICT/LAND LOT: 7-236-176
ZONING: PMUD (PLANNED MIXED USE DEVELOPMENT)
DEVELOPMENT: 35,000 SQ FT OFFICE/RETAIL BUILDING
5,000 SQ FT OFFICE BUILDING
APPLICANT: O'BRIEN CAPITAL, LLC
350 TOWN CENTER AVE, #300
SUWANEE, GA 30024
OWNER: KEVIN O'BRIEN
350 TOWN CENTER AVE, # 300
SUWANEE, GA 30024
CONTACT: KEVIN O'BRIEN PHONE: 404-932-5381
RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant seeks a variance from Section 1502 of the City of Suwanee Zoning Ordinance to provide less than the minimum number of required parking spaces for proposed buildings within an existing mixed use development. The property owner is proposing to build an approximately 35,000 square foot office / retail building and an approximately 5,000 square foot office building without constructing any additional parking. The site is part of the Town Center mixed-use development which includes 305 total parking spaces for approximately 70,000 square feet of existing office and retail space.

In 2005, development plans were approved indicating 364 parking spaces for the 70,000 square foot retail/office and 23 residential unit development. The site was only required to provide 315 spaces. Therefore, there are an extra 49 parking spaces on the site that would allow for 12,250 square feet to 14,700 square feet of additional space depending on the type of use.

The applicant proposes to construct two additional buildings with approximately 26,000 square feet of office space and approximately 14,000 square feet of retail space. Section 1502.J and Section 1502.R of the City of Suwanee Zoning Ordinance requires a minimum of 1 parking space per 300 square feet of office and a minimum of 1 parking space per 250 square feet of

retail. The applicant is required to provide 143 spaces to support the proposed buildings. Since there are 49 additional parking spaces, the applicant would need to construct 94 additional parking spaces to meet the minimum number or required parking spaces. Therefore, a variance for a parking reduction of 94 spaces is needed.

The subject property was developed as Phase 4 and Phase 5 of Suwanee's Town Center Park Master Plan and is located off Buford Highway and Chicago Street. To the north of the subject property is Town Center Park (zoned PMUD) and Buford Highway. To the east of the subject property is Shadowbrook Subdivision (zoned PMUD). To the south of the subject property is Chicago Street and property owned by the City of Suwanee and the applicant (zoned PMUD). To the west of the subject property, across Buford Highway, are commercial properties (zoned OTCD)

The City's Zoning Ordinance grants the Zoning Board of Appeals the authority to grant variances. According to Section 2006 of the Ordinance, the Board is authorized to grant variances when literal enforcement of the Ordinance will result in unnecessary hardship to a property owner. The Zoning Ordinance also states that variances may be granted when, relief would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance.

The applicant states that more than half of the existing 305 parking spaces are unused on a daily basis and any additional buildings will not create a burden on the existing parking lot. The applicant has submitted photos documenting the availability of parking spaces at different dates and times. Due to the large amount of unused parking spaces, the applicant wishes to develop the remaining building sites without having to construct any additional parking. In order to meet the minimum number or required parking spaces for the two proposed buildings, the applicant would either have to reduce the overall building size or construct structural parking. As a planned mixed-use development (PMUD), development requirements such as parking are given flexibility in order to promote creative design and efficient use of land, while preserving open space and reducing land disturbance. If a parking ratio is not determined as part of the concept plan, the current citywide regulations apply. However, typical requirements such as minimum parking regulations should be reviewed on a case-by-case basis in these situations. Reasons for flexibility include consideration of residents within walking distance, adjacent land uses, and overall parking availability. A mixed use environment also creates a more efficiently used parking lot.

In conclusion, the subject property does appear to have a situation that rises to the level of hardship as defined by the Zoning Ordinance. With the unique nature of Town Center and the large amount of unused parking spaces, granting the variance would be appropriate in consideration of the conditions that are peculiar to the property. Also, providing additional but unnecessary parking spaces has a negative environmental impact through increased stormwater runoff and increased urban island heat effect which conflicts with the intent of the PMUD zoning district.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of V-2009-007.

Planning Department
Recommended Conditions
V-2009-007

Approval of a variance to allow for a reduction in the number of required parking spaces subject to the following conditions:

1. Future development shall be limited to 26,000 square feet of office space and 14,000 square feet of retail space.
2. The number of existing parking spaces shall not be reduced.

Standards for Consideration

Pursuant to Section 2009A of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

A. Will approval of the variance unreasonably increase the congestion in public streets?

Approval of this variance would not increase the congestion in public streets.

B. Will approval increase the danger of fire or endanger public safety?

Approval of this variance would not increase the danger of fire or endanger public safety.

C. Will approval unreasonably diminish or impair established property values within the surrounding area?

Approval of the variance would not unreasonably diminish or impair property values within the surrounding area.

D. Will approval in any other aspect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City?

Approval of this request should not in other aspect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.




City of Suwanee

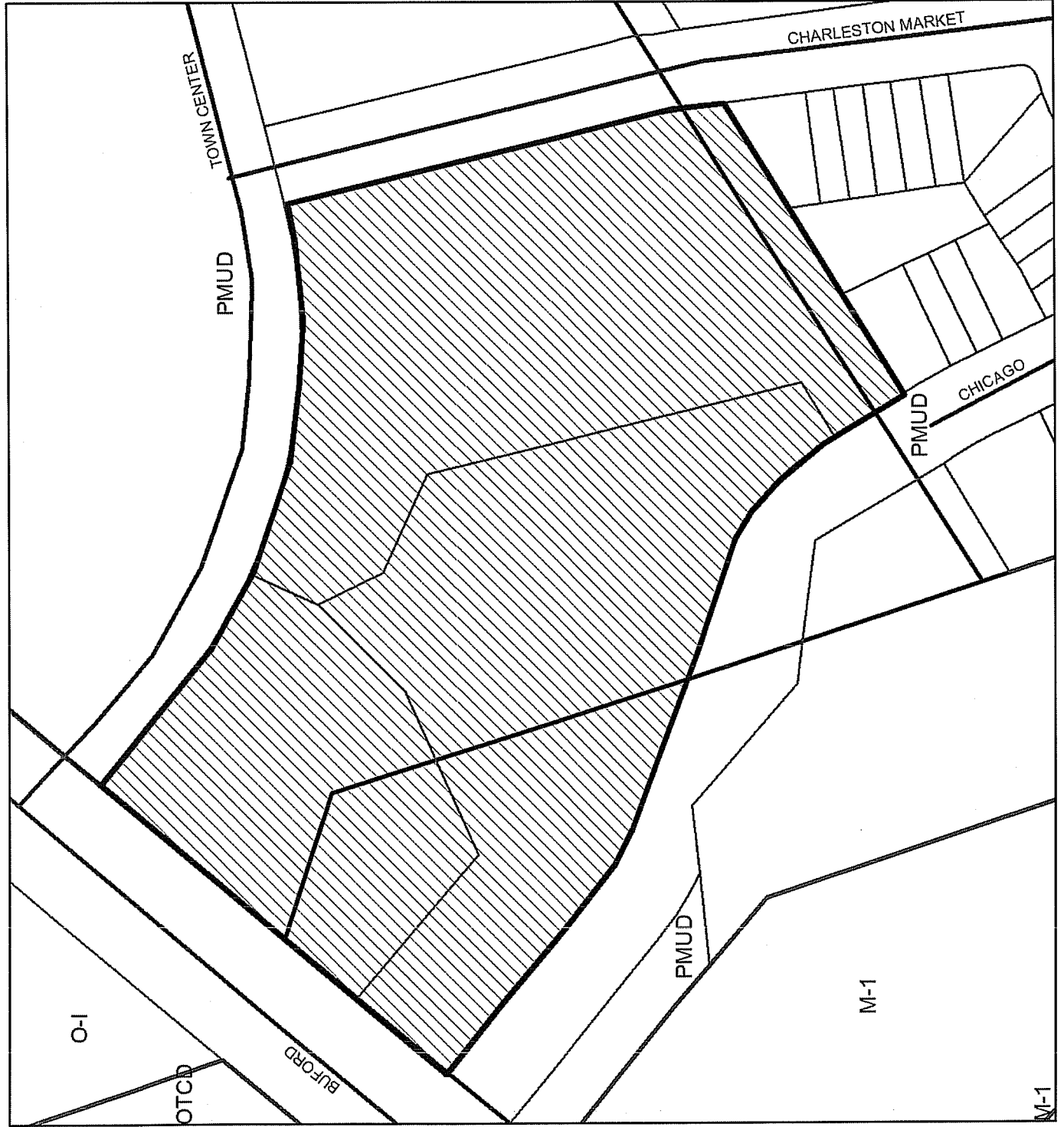
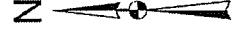


EXHIBIT A V-2009-007

Location Map

Legend

-  Current cadastre
-  Streets
-  V-2009-007






City of Suwanee



EXHIBIT B V-2009-007

Aerial Map

Legend

-  Current cadastre
-  Streets
-  V-2009-007

