

VARIANCE(S):

V-2017-003

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2017-003

REQUEST: STREAM BUFFER ENCROACHMENT

APPLICABLE SECTION: SECTION 4.1 OF THE STREAM BUFFER
PROTECTION ORDINANCE

LOCATION: 450 BUFORD HIGHWAY

PARCEL: 7-236-003

ZONING: PMUD (PLANNED MIXED-USE DISTRICT)

APPLICANT: PLANNERS AND ENGINEERS
COLLABORATIVE
350 RESEARCH COURT
PEACHTREE CORNERS, GA 30092

OWNER: WILLIAM SCHMIDT
CALATLANTIC HOMES
1000 MANSELL EXCHANGE WEST, STE. 200
ALPHARETTA, GA 30009

CONTACT: BRYAN MCCRAINE
CONTACT EMAIL: BMCCRAINE@PECATL.COM
CONTACT PHONE: 678-684-6218

STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant seeks a variance from Section 4.1 of the City of Suwanee Stream Buffer Protection Ordinance (SBPO) to allow for grading and construction within the required 50 foot undisturbed buffer and 75 foot no impervious surface setback on the subject property. The development is proposed to include 70 townhomes

The subject property was zoned PMUD (Planned Mixed-Use Development) per a concept plan as part of a larger mixed-use development including the Solis mixed-use project at the corner of Buford Highway and Chicago Street. This portion of the mixed-use project is for townhomes.

To the northwest, directly adjacent, is the Solis mixed-use development, also zoned PMUD. To the west across Buford Highway is the Shoppes at Olde Towne, a multi-tenant retail/office building zoned OTCD (Old Town Commercial District). Town Center, zoned PMUD, is directly north of the subject property. The property to the south and west is lightly developed single family residential property zoned R-140 (Single Family Residential District).

The subject property totals approximately 14.9 acres. The total disturbed acreage is 11.35 acres. The site is heavily wooded with significant topography. The property includes a couple unnamed tributaries that feed into Suwanee Creek. Significant grading will be required in order to develop the site in a manner consistent with the approved concept plan.

The City of Suwanee Stream Buffer Protection Ordinance requires a 50-foot wide undisturbed buffer from the edge of streams (Section 4.1.1) supplemented by an additional 25-foot wide buffer (Section 4.1.2) that may be graded but is not allowed to include any impervious cover (examples of impervious cover include buildings, parking lots, driveways, etc.).

These streams run along the southern portion of the property, east to west, as well as through the middle of the property, north to south. The development proposes several instances of encroachment into the 50-foot undisturbed buffer, which total 14,498 square feet and several instances of encroachment into the 75-foot no impervious setback totaling 1,068 square feet.

Because of these intrusions into required buffers a variance from the requirements of the Stream Buffer Protection Ordinance is needed before a development permit can be issued for the property. The applicant is not proposing any work within the 25-foot state buffer; therefore, the applicant is not required to apply for a variance from the State EPD (Environmental Protection Division of the Department of Natural Resources). The grading within the buffer is necessary to build the roads, parking, and buildings for the proposed project.

The standard for issuing variances from the Stream Buffer Protection Ordinance is different than the standard for granting variances from the Zoning Ordinance. While the Zoning Ordinance requires the applicant to demonstrate a hardship, the SBPO does not. Instead the SBPO calls for efforts to minimize impacts to the streams and requires that some mitigation is offered. In this case, the applicant is proposing to mitigate the impacted buffer by setting aside an additional 17,212 square feet of buffer in other areas along the impacted unnamed tributaries. It should be

noted that the concept for this development went through several iterations, some of which would have impacted the buffers more than the latest version.

In addition to providing the mitigation mentioned above, the subject property will still need to meet the City's storm water requirements. The subject property will need to demonstrate through a hydrology study that the quantity and quality of storm water coming off the site will meet City requirements. This study will be prepared by a professional engineer and reviewed by the City's consulting engineer, a professional engineer, prior to issuance of development permit for the property.

The City's Stream Buffer Protection Ordinance grants the Zoning Board of Appeals the authority to grant variances. In this case, the grading needed to accomplish the approved concept plan along with the mitigation that is proposed justifies a variance. The subject property is impacted severely by topography. The location of the tributaries impedes the style of development called for on the subject property. As part of the proposed project, much of the site would be graded and stormwater quality and quantity would be handled on site by a master storm water detention facility, before water is released into the streams to flow to Suwanee Creek; therefore, the proposed buffer reductions should not have a negative impact downstream.

As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2017-003.

RECOMMENDED CONDITIONS

Based upon the findings and conclusions herein, staff recommends **APPROVAL WITH CONDITIONS** of this request, subject to the following conditions of approval:

1. Limit the amount of square footage of disturbance to a maximum of 16,000 square feet.
2. No intrusions into the 25 foot stream buffer are authorized by the approval of this variance.
3. The approved final plat for this property shall indicate a total of 17,000 square feet of land preserved near the streams as demonstrated in Exhibit "A".

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 variances unreasonably increase the congestion in public streets?

Approval of the variances would not increase the congestion in public streets.

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

Approval of the variances 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 variances 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 the variance would not impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

**APPLICATION FOR VARIANCE FROM THE
CITY OF SUWANEE ZONING BOARD OF APPEALS**

Please complete this application and submit with all necessary attachments as stated on the Variance Information Form (please type or print)

APPLICANT INFORMATION

Name: Planners & Engineers Collaborative
Address: 350 Research Court
City: Peachtree Corners
State: Georgia, 30092
Phone: 770.451.2741
E-mail address: BMcCranie@pecatl.com

OWNER INFORMATION

Name William Schmidt, CALATLANTIC HOMES
Address: 1000 Mansell Exchange West, Ste. 200
City: Alpharetta
State Georgia
Phone: 770.587.1667

CONTACT PERSON: Bryan McCranie PHONE: 678-684-6218

ADDRESS OF PROPERTY 450 Buford Highway (SR 13), Suwanee, Ga 30024

LAND DISTRICT 7TH LAND LOT 236 & 211

PARCEL 7211-048, 7236-033, 7236-022 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) Solis Townhomes

ZONING PMUD

VARIANCE REQUESTED: This application is for a stream buffer variance.

NEED FOR VARIANCE: We are requesting a variance for encroachments into a stream buffer for the construction of Town Home Development, park & their related infrastructure. Development of these dwellings relies on the ability to gain the requested variances. Adherence to the minimal buffer requirements in the ordinance creates a hardship. The requested variance is for multiple, small encroachments throughout the site. There are several instances of encroachment into the 50' Undisturbed Buffer, which total 16,164 sq. ft. & several instances of encroachment into the 75' Impervious Buffer totaling 1,068 sq. ft. This results in a total of 10,822 sq. ft. of stream buffer encroachment over the 14.899 Acre site. A significant portion of the encroachments are due to necessary utilities.

***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.
SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.**

*****The property owner, applicant and /or a representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance or application for amendment. The failure of the property owner, applicant and/or a representative to attend such meetings shall result in the denial of said variance or application for amendment.**

SOLIS TOWNHOMES
 A MASTER PLANNED RESIDENTIAL DEVELOPMENT
 1000 MANSELL EXCHANGE WEST
 CATALUNTA HOMES
 328
 ALPHARETTA, GEORGIA
 PROJECT: 770411-1007
 WE PROVIDE SOLUTIONS™
 PLANNERS AND ENGINEERS COLLABORATIVE
 350 REXFORD COURT • NORCROSS, GEORGIA 30071 • PHONE: 770-451-3115 • FAX: 770-451-3115 • WWW/PEACOL.COM
 SITE PLANNING • LANDSCAPE ARCHITECTURE • CIVIL ENGINEERING • LAND SURVEYING

REVISIONS:

| NO. | DATE | BY | DESCRIPTION |
|-----|----------|-----|-------------------------------|
| 1 | 08/21/17 | PEC | INITIAL SUBMITTAL |
| 2 | 09/11/17 | PEC | REVISIONS TO PERFORM COMMENTS |
| 3 | 10/10/17 | PEC | REVISIONS TO PERFORM COMMENTS |
| 4 | 10/10/17 | PEC | REVISIONS TO PERFORM COMMENTS |

BUFFER ENCROACHMENT PLAN

SCALE: 1" = 60'
 DATE: 10/10/2017
 PROJECT: 15198.00D

THIS SEAL IS VALID FOR CONSTRUCTION PERMITS
 INCORPORATED WITH AN ORIGINAL SUBMITTAL

C4.50 SHEET

BUFFER AVERAGING:
 EXISTING STREAM, UNDISTURBED, AND IMPERVIOUS BUFFERS
 EXISTING BUFFER AREA TO BE DISTURBED
 14,436 SF
 1,066 SF

BUFFER ENCROACHMENT:
 50' UNDISTURBED BUFFER
 75' IMPERVIOUS BUFFER
 15,566 SF

TOTAL BUFFER ENCROACHMENT PROVIDED
 17,212 SF

TOTAL BUFFER COMPENSATION TO BE PROVIDED

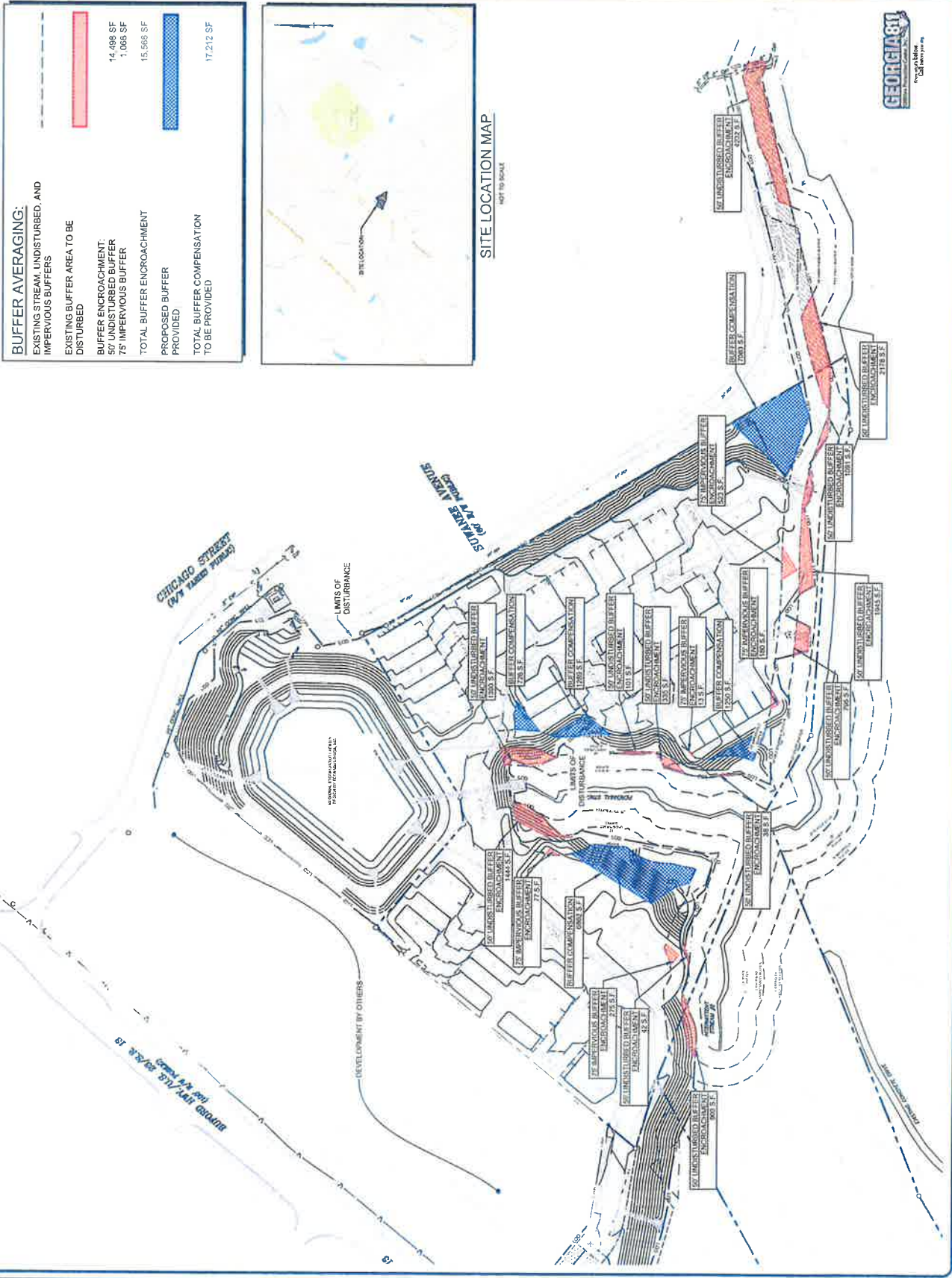


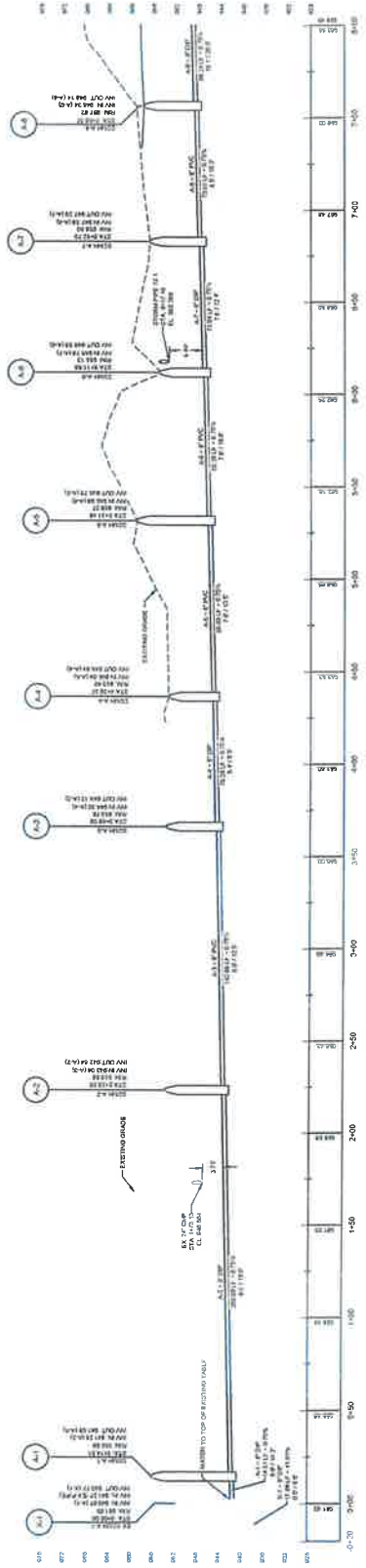
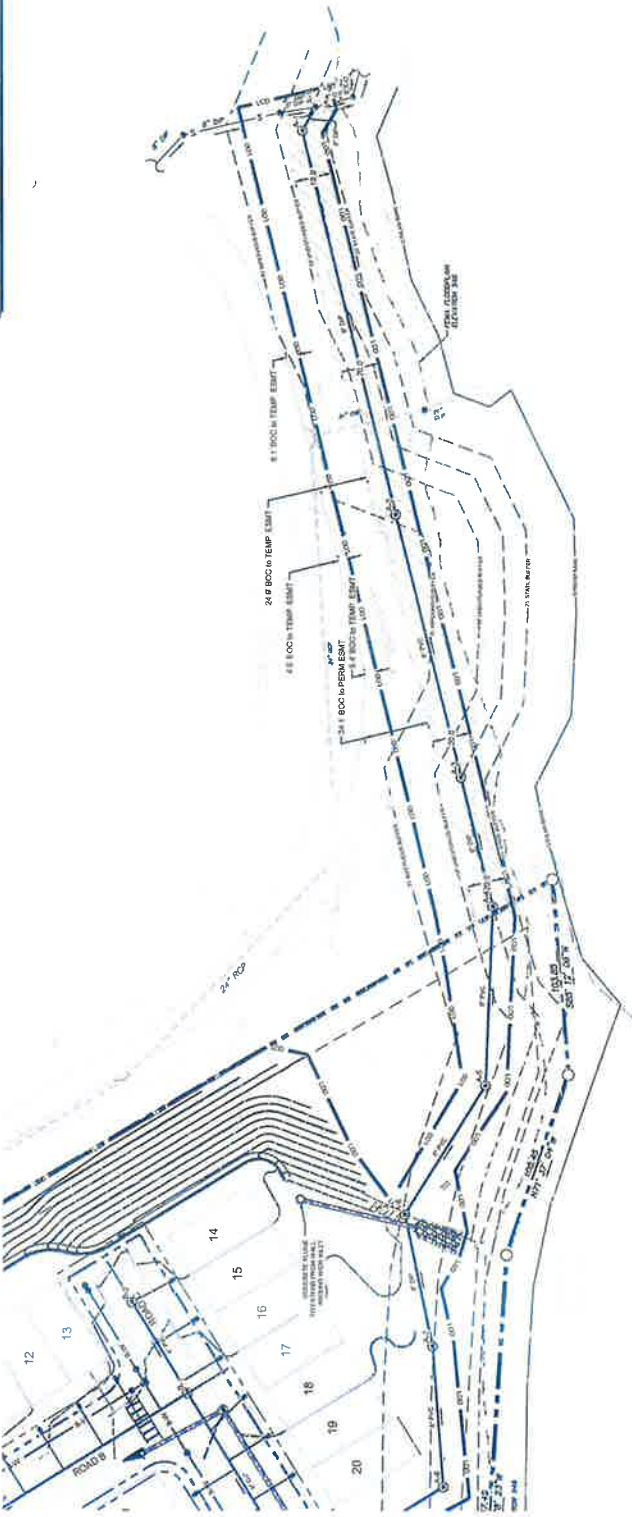
EXHIBIT A

U-2017-003



CONTACT INFORMATION:
 ENGINEER: MATTHEW KACZEMSKI, P.E. PE
 PLANNERS AND ENGINEERS COLLABORATIVE
 1000 MANSELL EXCHANGE WEST
 ALPHARETTA, GEORGIA 30201
 770-451-2774
 MKACZEMSKI@PECA11.COM PHONE: 770-560-1687

OWNER: CAL ATLANTIC HOMES
 1000 MANSELL EXCHANGE WEST
 ALPHARETTA, GEORGIA 30201
 PHONE: 770-560-1687



SSWRA
 HORIZONTAL SCALE: 1" = 30'
 VERTICAL SCALE: 1" = 10'

SOLIS TOWNHOMES
 A MASTER PLANNED RESIDENTIAL DEVELOPMENT
 CAL ATLANTIC HOMES
 1000 MANSELL EXCHANGE WEST
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REVISIONS:

| NO. | DATE | DESCRIPTION |
|-----|------------|-------------------|
| 1 | 10/10/2017 | ISSUED FOR PERMIT |
| 2 | 10/10/2017 | ISSUED FOR PERMIT |
| 3 | 10/10/2017 | ISSUED FOR PERMIT |
| 4 | 10/10/2017 | ISSUED FOR PERMIT |
| 5 | 10/10/2017 | ISSUED FOR PERMIT |
| 6 | 10/10/2017 | ISSUED FOR PERMIT |
| 7 | 10/10/2017 | ISSUED FOR PERMIT |
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| 29 | 10/10/2017 | ISSUED FOR PERMIT |
| 30 | 10/10/2017 | ISSUED FOR PERMIT |

**SANITARY SEWER
 OUTFALL EXHIBIT**

SCALE: 1" = 30'
 DATE: 10/10/2017
 PROJECT: 15139 000



EX-1
 SHEET 1 OF 1



Location Map V-2017-003



Legend

- V-2017-003
- streams
- roads





Zoning Map V-2017-003

Legend

V-2017-003

ZONING

- C-1
- C-2
- C-2A
- C-3
- GCA
- IRD
- M-1
- OI
- OTCD
- PMUD
- R-100
- R-140
- R-75
- R-85
- RM6
- RM8
- V-2017-003

streams

roads

