**REZONING:** 

RZ-2019-001

#### CITY OF SUWANEE REZONING ANALYSIS

CASE NUMBER: RZ-2019-001

REQUEST: GC-A (GWINNETT COUNTY ANNEXED) TO

R-75 (SINGLE FAMILY RESIDENCE

DISTRICT)

LOCATION: 90 MORNING GLEN DRIVE

TAX ID NUMBER: 7-171-003B AND 7-192-079

ACREAGE: APPROXIMATELY 9 ACRES

PROPOSED DEVELOPMENT: SINGLE FAMILY DETACHED HOMES

APPLICANT: O'DWYER PROPERTIES, LLC

1550 N. BROWN ROAD, SUITE 125 LAWRENCEVILLE, GEORGIA 30043

OWNERS: FGM ORGANIZATION INC.

3268 SMITHTOWN ROAD SUWANEE, GEORGIA 30024

VANESSA B. JOHNSON 90 MORNING GLEN DRIVE SUWANEE, GEORGIA 30024

CONTACT: SHANE LANHAM

PHONE: 770-232-0000

RECOMMENDATION: APPROVAL WITH CONDITIONS

#### **PROJECT DATA:**

The applicant requests a rezoning from GC-A (Gwinnett County Annexed) to R-75 (Single Family Residence District) to allow for the development of 25 single family homes. The subject property includes approximately 9 acres located along Morning Glen Drive.

The subject property is comprised of contiguous land on two separate parcels. The parcel with frontage on Morning Glen Drive is 2.3 acres and contains a single family home. The second parcel has frontage on Smithtown Road and contains an existing church at the front of the property and undeveloped land at the rear. The proposed development would use the entirety of the former parcel and approximately 7 acres of the rear portion of the latter parcel. The existing single family home would be demolished, but the church would remain on the front portion of the property fronting Smithtown Road. The church building and surrounding land is excluded

from the boundary of the rezoning request. The proposed neighborhood would have one access point off of Morning Glen Drive.

#### **ZONING HISTORY:**

In 2006, the City annexed approximately 270 acres (390 parcels) along Smithtown Road. Most of the property was already developed with single family homes. The subject property was included in this annexation.

When property is annexed from one jurisdiction to another jurisdiction the affected property must be zoned to a district within the new jurisdiction. Historically, when the City initiates an annexation, the City zoned parcels to a City zoning district which was most comparable to the zoning of the property in the County. Since the City's zoning districts are not the same as Gwinnett County, this sometimes created a situation where a property owner would lose some of the previously allowed uses. The City created the GC-A (Gwinnett County Annexed) district to address this situation. This zoning district allows each property to retain the same zoning standards it held in Gwinnett County at the time of annexation into the City including any variances, zoning modifications, or conditions pertaining to the individual parcels.

Multiple Gwinnett County residential zoning categories were represented in the property that was annexed: R-60, R-75, R-100, and RA-200. The subject parcel located along Morning Glen was zoned R-75. The church property was zoned R-100 with a special use permit to allow the church use within the R-100 residential zoning category. The neighborhoods that surround the subject property Morningside and Avonlea Crossing were zoned R-75 and R-60 respectively.

#### **DEVELOPMENT COMMENTS:**

The proposed site plan for the project indicates a lot dedicated to a stormwater facility as required by the development regulations. If the stormwater land will not have road frontage then an easement will need to be provided prior to approval of the final plat.

#### **ANALYSIS:**

The applicant requests a rezoning of the subject property from GC-A (Gwinnett County Annexed) to R-75 (Single Family Residence District). While the subject parcel along Morning Glen already allows for development compatible with Gwinnett County's R-75 zoning district, which is similar to Suwanee's R-75 district, the second subject parcel that contains the church is currently limited to development consistent with Gwinnett County's R-100 zoning district. In order to develop the new subdivision consistently, the applicant requests to rezone both parcels to Suwanee's R-75 (Single Family Residence District).

The subject property is generally flat and can accommodate the proposed development. Vegetation is limited to some trees along the edges of the property other than the rear portion of the church property that is currently undeveloped and wooded. The subject property sits on a hill

approximately 20 feet higher than surrounding homes to the north and west and is level with lots to the south.

The proposed development is consistent with the single family detached neighborhoods, Morningside and Avonlea Crossing, that surround it, which are also zoned GC-A (Gwinnett County Annexed). Morningside is GC-A with the underlying zoning regulations of Gwinnett County's R-75 district. Avonlea Crossing is GC-A with the underlying zoning regulations of Gwinnett County's R-60. The density of the proposed development would be approximately 2.8 units per acre, which is similar to both neighborhoods. The neighborhood would be accessed via the Morningside neighborhood and feel like an extension of that neighborhood, so a similar zoning of R-75 would be most compatible.

The proposed subdivision would be located off of Morning Glen Drive near the Smithtown Road entrance to the existing Morningside neighborhood. The subject property is on a tract of land within the Morningside neighborhood that was not included in the original development, and it is surrounded by single family homes to the north, west and south that are also zoned GC-A with Gwinnett County zoning. East of the proposed development is the existing church on the subject property that fronts Smithtown Road. Across Smithtown road are large lots with single family homes.

The subject property is in the Smithtown Road Character Area. The 2040 Comprehensive Plan recommends that future development within this character area should be compatible with surrounding residential development to maintain the suburban residential nature of the area. The Future Land Use Map anticipates potential development on the church site and recommends single family uses for both parcels. The proposed development would match the fabric of the Morningside neighborhood creating 25 new lots of similar size to those that surround it. Proposed homes would be front or side loaded like others in Morningside.

No amenities or open spaces are proposed. While it is a city policy to encourage these features in new neighborhoods, the small scale of the proposed infill development does not make these feasible.

In conclusion, the requested rezoning of R-75 is appropriate for this location. The proposed development is in character with surrounding development and the Future Land Use Plan. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of **RZ-2019-001**.

#### **Recommended Conditions**

#### RZ-2019-001

The Planning Department recommends approval of the request subject to the following conditions:

- 1. Architecture for all single family detached units shall be subject to the approval of the Planning Department. Only two primary materials shall be used on each home, and all windows shall be simulated divided lite windows.
- 2. Provide a minimum 4 foot wide sidewalks on both sides of all streets. A minimum 6 foot wide landscape strip shall be provided between the sidewalk and the curb. Plant 3" caliper street trees at 40 feet on center within the landscape strip.

#### 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 proposed rezoning for the construction of single family homes would permit a use that is suitable in view of adjacent and nearby single family homes.

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

The proposed rezoning would not adversely affect existing single family homes and institutional 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 Future Land Use Plan prescribes single family homes for the subject property.

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 are no other existing or changing conditions affecting the use and development of the property.

#### **REZONING APPLICATION**

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

APPLICANT INFORMATION* O'Dwyer Properties, LLC c/o Mahaffey Pickens	OWNER INFORMATION*		
NAME: Tucker, LLP	NAME: Multiple See attached		
ADDRESS: 1550 N Brown Rd, Suite 125	ADDRESS:	<del></del>	
Lawrenceville, GA 30043	-		
PHONE: 770.232.0000	PHONE: 770.232.0000		
FHONE. 110.232.0000	PHONE: 110.232.0000		
CONTACT PERSON: Shane Lanham CO	NTACT PHONE: 770.232.0000		
EMAIL ADDRESS: slanham@mptlawfirm.com F.	AX NUMBER: 678.518.6880		
PROPERTY	INFORMATION		
PRESENT ZONING DISTRICT(S): GCA R	EQUESTED ZONING DISTRICTR-75		
PROPOSED DEVELOPMENT: Single-family residentia	I subdivision		
TAX PARCELNUMBER(S): 7192 079 and 7171 003B			
ADDRESS OFPROPERTY: 3268 Smithtown Road			
TOTAL ACREAGE: +/- 8.98 PUBLIC ROADWA	Y ACCESS: Morning Glen Drive	n	
FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOP	MENT:	
NO. OF LOTS/DWELLING UNITS: 25	OTS/DWELLING UNITS: 25 NO. OF BUILDINGS/UNITS: NA		
DWELLING UNIT SIZE (SQ. FT.): 2,000 SF min.	TOTAL GROSS SQUARE FEET: NA		
CERTIFIED I hereby certify that the above and attached information is 2004 no reapplication on the same land which has been demonths from the date of last action unless said time period acted upon in less than 6 months from the date of last action 2003 of the Zoning Ordinance any and all conditions which property and all subsequent owners.	enied by the City Council shall be acted upon we is waived by the Council. In no case shall a recon by the Council. I am also aware that pursuar	ithin 12 capplication be nt to Section	
Short self	G:	The second second	
Signature of Applicant* Shane M. Lanham, Attorney for the Applicant	Signature of Owner*	Date	
Pint Names da Mulu Day 189	Print Name*	Date	
Signature of Notary	Signature of Notary	Date	
* If Additional Applicant or Owner Information is Needed Filese	mplete Additional Application Form(s)	ما د دام مای مای مای مای مای مای مای مای مای م	
**************************************			
Date Received: Case No.	.: Accepted By:		

RZ-2019-001

#### REZONING APPLICATION

APPLICANT INFORMATION* O'Dwyer Properties, LLC do Mahaffey Pickens NAME: Tucker, LLP	OWNER INFORMATION*  NAME: Multiple See attached	
ADDRESS: 1550 N Brown Rd, Suite 125	ADDRESS:	
Lawrenceville, GA 30043		
PHONE: 770.232.0000	PHONE: 770.232.0000	
CONTACT PERSON: Shane Lanham C	ONTACT PHONE: <b>770.232.0000</b>	
EMAIL ADDRESS: slanham@mptlawfirm.com	FAX NUMBER: <b>678.518.6880</b>	
PROPERTY	'INFORMATION	
PRESENT ZONING DISTRICT(S): GCA	REQUESTED ZONING DISTRICT R-75	
PROPOSED DEVELOPMENT; Single-family resident	ial subdivision	
TAX PARCELNUMBER(S): 7192 079 and 7171 0038	3	
ADDRESS OFPROPERTY: 3268 Smithtown Road		
TOTAL ACREAGE; <u>+/-</u> 8.98 PUBLIC ROADW	AY ACCESS: Morning Glen Drive	
FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOPMENT:	
NO. OF LOTS/DWELLING UNITS: 25	NO. OF BUILDINGS/UNITS: NA	
DWELLING UNIT SIZE (SQ. FT.); 2,000 SF min.	TOTAL GROSS SQUARE FEET; NA	
I hereby certify that the above and attached information 2004 no reapplication on the same land which has been months from the date of last action unless said time period upon in less than 6 months from the date of last ac	IFICATIONS is true and correct. I am also aware that pursuant to Section denied by the City Council shall be acted upon within 12 od is waived by the Council. In no case shall a reapplication be tion by the Council. I am also aware that pursuant to Section nich may be attached to the property shall be binding on the	
11/18	1/1/10	
Signature of Appricant Date happing Manager Ma	Signature of Owner* Jeong Date Print NSme* Date  Date	
Signature of South	Signature of Notary Date	
Mi Additional Applicant or Owner Information is Needed Pleas	se Complete Additional Application Form(s)	

#### REZONING APPLICATION

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

AN APPLICATION TO AMEND THE OFFICIAL	ZONING MAP OF CITY OF SUWANEE, GEORGIA
APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: O'Dwyer Properties LLC	NAME; Vanessa B Johnson
ADDRESS: 850 Old Alpharetta Rd	ADDRESS: 90 Morning Glen Dr.
Alpharetta GA 30005	Suwance GA 30024
PHONE: 770-887-2177	PHONE:
CONTACT PERSON: Jordon Teach COI	NTACT PHONE: _ 770-887-2177
EMAIL ADDRESS: JordonT@Odwyerhomes.com FA	
	NFORMATION
PRESENT ZONING DISTRICT(S): GCA RE	
PROPOSED DEVELOPMENT: Single Family Resident	
TAX PARCELNUMBER(S): 7192 079 & 7171 003B	
ADDRESS OFPROPERTY: 90 Morning Glen Dr.	
TOTAL ACREAGE: 8.98 ncres PUBLIC ROADWAY	Y ACCESS: Morning Glen Dr.
FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: 25	NO. OF BUILDINGS/UNITS:
DWELLING UNIT SIZE (SQ. FT.): Minimum 2000 sq ft	TOTAL GROSS SQUARE FEET:
CERTIF	ICATIONS
I hereby certify that the above and attached information is t 2004 no reapplication on the same land which has been der months from the date of last action unless said time period acted upon in less than 6 months from the date of last action 2003 of the Zoning Ordinance any and all conditions which property and all subsequent owners.	rue and correct. I am also aware that pursuant to Section nied by the City Council shall be acted upon within 12 is waived by the Council. In no case shall a reapplication be n by the Council. I am also aware that pursuant to Section in may be attached to the property shall be binding on the
Signature of Applicant*  Print June*  Print June*  Date  10/12 1/15  Date  10/88/16  Signature of Notary  Date	Signature of Owner* Print Name*  Signature of Notary  Date  Date  Date  Date
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Pawn War CITY OF SUW	ANEE USE ONLY
	Accepted By:

122-2019-001



Matthew P. Benson Gerald Davidson, Jr.\* Brian T. Easley Kelly O. Faber Christopher D. Holbrook Nicholas N. Kemper Shane M. Lanham Austen T. Mabe

Jeffrey R. Mahaffey David G. McGee Steven A. Pickens Catherine V. Schutz Thomas A. Simpson Andrew D. Stancil R. Lee Tucker, Jr. \*Of Counsel

#### LETTER OF INTENT FOR REZONING APPLICATION

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Rezoning Application on behalf of O'Dwyer Properties, LLC (the "Applicant"), for the purpose of requesting the rezoning of an approximately 8.98-acre tract of land situated off of Smithtown Road just west of its intersection with Satellite Boulevard (the "Property"). The Property has road frontage on Morning Glen Drive and is currently zoned GCA.

The Applicant is requesting to rezone the Property to Suwanee's R-75 zoning classification in order to develop a single-family residential community, including 25 detached residential homes. The proposed community will consist of homes at a size, quality and price point commensurate with or exceeding homes in surrounding communities. Generally, the architectural style and composition of the exterior of the homes would consist of brick, stacked stone, cedar and/or cementitious shake, siding, board and batten or combinations thereof in general accordance with the photographs/elevations submitted with the Application. As a semicustom home builder, the Applicant is able to incorporate a variety of architectural materials and designs to create a diverse and visually attractive community that is compatible with existing homes in the surrounding area.

The proposed development is in conformance with the policies and intent of the Suwanee 2030 Comprehensive Plan (the "2030 Plan"). The Property is located in the Smithtown Road character area in close proximity to the Suwanee Gateway and Established Neighborhoods character areas. The Property is adjacent to both the Morningside and Avonlea Crossing subdivisions apparently zoned GCA (R-75) and GCA (R-60), respectively. Moreover, the Property is located less than 350 feet from land zoned M-1 (Light Industry). Not only would the proposed development provide high-quality residential infill development that is compatible with existing homes, it would also provide an appropriate transition from Interstate 85 and surrounding Industrial uses northward to single-family detached homes on larger lots.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Suwanee Planning & Inspections Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 2nd day of November, 2018.

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Attorneys for Applicant

#### 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:

Whether the zoning propost nearby property: Please see attached	al will adversely affect the existing use or usability of adjacent or
Whether the property to be currently zoned: Please see attached.	affected by the zoning proposal has a reasonable economic use as
rease see attached.	
ourdensome use of existing	al will result in a use which will or could cause an excessive or g streets, transportation facilities, utilities or schools:
ourdensome use of existing	
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Whether there are other exorposal:	streets, transportation facilities, utilities or schools:  al is in conformity with the policy and intent of the land use plan:  isting or changing conditions affecting the use and development
Please see attached.  Whether the zoning propose Please see attached.  Whether there are other ex	streets, transportation facilities, utilities or schools:  al is in conformity with the policy and intent of the land use plan:  isting or changing conditions affecting the use and development

RZ-2019-001

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

- (A) Yes. The subject property is located off of Smithtown Road on the northwest side of Interstate 85. Approval of the application would permit a suitable development for the area in light of the uses of nearby property. A single-family residential development would serve the demands of the market and maintain the residential character of the area.
- (B) No. Approval of the application would complement existing residential development, enhance the area, and would not adversely affect adjacent and nearby properties.
- (C) No. In light of market conditions, site-specific topography, and the surrounding property uses, the property does not have reasonable economic use under its current zoning classification.
- (D) No. This property is located in an area with public water and sewer availability and convenient access to major roadways including Satellite Boulevard, Lawrenceville-Suwanee Road, and Interstate 85. Approval of the application would not cause excessive use of existing streets, transportation facilities, utilities, or schools.
- (E) Yes. The proposed development is in conformance with the policies and intent of the 2030 Plan. The Property is located within the Smithtown Road character area in close proximity to the Established Neighborhoods character area as well as the Suwanee Gateway character area, which is a major employment center. Expanding housing options within close proximity to major employment centers complements existing uses in those areas.
- (F) Yes. The property's convenient location to major thoroughfares provides additional supporting grounds for approval of the application.

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100-601-201





October 31, 2018

## **Architectural elevations and Floor Plan – For Rezoning Application on Morning Glen Dr**

To City of Suwanee Planning and Development:

The purpose of this letter is to detail some example architectural elevations and Floor plans we can build at the Morning Glen Property. As a semi-custom homebuilder, we use a variety of building materials and techniques all focused on offering a craftsman style home for our future homeowners.

The single-family homes we will offer will be similar in design to the several previous communities completed by O'Dwyer Properties. Some examples include older communities in the City Suwanee and current communities around the Atlanta Area:

- a) Morningview (City of Suwanee)
- b) Lansdowne (City of Suwanee)
- c) Crofton (City of Suwanee)
- d) Walk at Brookwood (Gwinnett County)
- e) Cooper Lake Place (City of Smyrna)
- f) Bluffs at Jamerson (Cobb County)

Some additional example elevations are shown on the following page.

Sincerely,

**Jordon Tench** 

Land Development Manager O'Dwyer Properties LLC

Jadan Sel

Phone: 770-887-2177 ext 201



Example Elevation 1



**Example Elevation 2** 



**Example Elevation 4** 

Example Elevation 3



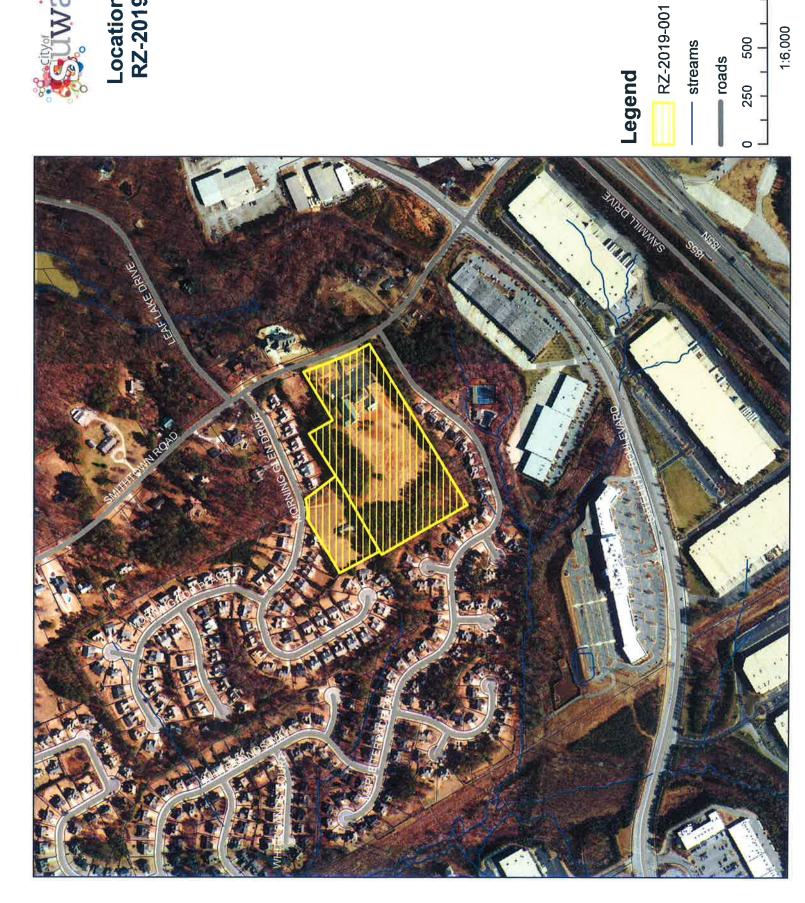
Example Elevation 5



Example Elevation 6



# Location Map RZ-2019-001



1,000 Feet

1:6,000

200

