
**REZONING:
RZ-2020-003**

**CITY OF SUWANEE
REZONING ANALYSIS**

CASE NUMBER: RZ-2020-003

REQUEST: R-100 (RESIDENTIAL SINGLE FAMILY DISTRICT) TO IRD (INFILL RESIDENTIAL DISTRICT)

LOCATION: 541 MAIN STREET

TAX ID NUMBER: 7-236-056

ACREAGE: 0.84 ACRES

PROPOSED DEVELOPMENT: 4 SINGLE FAMILY DETACHED HOMES

APPLICANT: LEE THOMPSON
P.O. DRAWER 1250
LAWRENCEVILLE, GA 30046

OWNER: JAMES M. BURNETTE JR.
571 MAIN STREET
SUWANEE, GA 30024

CONTACT: LEE THOMPSON
PHONE: 770-963-1997

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a rezoning from R-100 (Residential Single Family District) to IRD (Infill Residential District) to allow for the construction of 4 detached single family houses with a minimum square footage of 2,400 square feet. The subject property is located at the northwest corner of Main Street and Stonecypher Road in Old Town.

The subject property is developed with one single story home that was built in 1947 and a detached garage. The applicant proposes to subdivide the 0.84 acre lot into 4 lots. Two lots would front Stonecypher Road and two lots would front Main Street. There is an existing sidewalk along Stonecypher Road, but there is no sidewalk proposed along Main Street.

DEVELOPMENT COMMENTS:

The following comments are provided to make the applicant aware of certain pertinent issues. This list is not exhaustive of all development issues.

The project would be served by the City of Suwanee Water System. The system can handle the project, but certain improvements may be necessary to serve the project.

If the rezoning request is granted, the subdivision of the subject property into 4 lots would require the administrative approval of an exemption plat, which would be subject to the IRD development regulations and reviewed by City staff and appropriate County entities.

The garage that is currently on the property would need to be demolished or lot lines would need to be modified prior to the approval of an exemption plat as proposed because a structure cannot straddle two parcels.

ANALYSIS:

The applicant requests a rezoning from R-100 (Residential Single Family District) to IRD (Infill Residential District) to allow for the construction of 4 detached single family houses. The IRD (Infill Residential District) may only be used within the Old Town Overlay District (OTOD). The subject property is in the OTOD and has the sewer infrastructure to allow for the smaller lots allowed within an IRD. IRD allows for lots that are a minimum of 6,500 square feet. The 4 proposed lots are approximately 8,500 to 9,500 square feet.

The property gently slopes from Main Street back towards property belonging to the City adjacent to Brushy Creek. The property is relatively flat and can accommodate the proposed development. There are several large trees on the property that would likely be impacted by the proposed development. Redevelopment of the property should attempt to preserve some of the large trees where feasible and practical to preserve the character of Old Town.

The subject property is zoned R-100 (Residential Single Family District) and surrounded by other R-100 zoned property. 541 Main Street sits at the northwest corner of Main Street and Stonecypher Road across the street from the railroad tracks. The property backs up to Brushy Creek Greenway to the northwest and is adjacent to a property zoned R-100 with a single family home to the northeast. Across Stonecypher Road there are two single family homes and a vacant residential lot.

The Zoning Ordinance states that IRD uses shall be compatible in intensity and style to neighboring properties. The 4 proposed lots are similar in size to many surrounding lots in Old Town. The two lots directly across Stonecypher Road from the subject property are 0.22 and 0.25 acre, which are compatible to the size of the proposed lots. While zoned R-100, these lots along with other smaller lots southwest of the subject property along Main Street and Jackson Street are considered substandard lots of record that were created prior to the adoption of the

Zoning Ordinance. The proposed smaller lots on the subject property would continue the historical pattern of smaller lots along Main Street.

The 2040 Comprehensive Plan prescribes increasing residential opportunities in Old Town through “carefully-crafted, creative infill responding to and enhancing the historic scale and unique small town character of Old Town” (2040 Comprehensive Plan, p. 17). The plan states that “historic Old Town will be characterized by a mixture of old and new quaint smaller scale development integrated into the existing traditional fabric.” (2040 Comprehensive Plan, p. 16).

The goals of the Historic Old Town character area in the 2040 Comprehensive Plan state that “new development should be sensitive to existing lot character, tree cover, and proportions and scale of adjacent buildings and roads” (2040 Comprehensive Plan, p. 18). As such, it is important that the design of the structures on the subject property take context into consideration to preserve and enhance the quaint character of Old Town. This includes considering the heights and roof pitches of surrounding historic structures and appropriately addressing the highly visible corner of Main Street and Stonecypher Road with a home that presents “front” elevations to both Main Street and Stonecypher Road. If the request is approved, house location plans and architecture should be reviewed and approved by the Planning and Inspections Department to ensure compatibility with the Old Town Design Guidelines established in 2002 and existing architectural styles as prescribed in the 2040 Comprehensive Plan (2040 Comprehensive Plan, p. 17).

The IRD (Infill Residential District) was created to provide infill opportunities in Old Town as prescribed by the Comprehensive Plan. Several blocks nearby the subject property have been rezoned to IRD and subdivided to create new lots for new single family homes. A rezoning from R-100 to IRD would also be appropriate for the subject property.

In conclusion, the request to rezone the subject property from R-100 (Residential Single Family District) to IRD (Infill Residential District) to allow for 4 single family homes is consistent with the 2040 Comprehensive Plan and compatible with surrounding development. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of **RZ-2020-003**.

RZ-2020-003

Recommended Conditions:

1. Maximum number of lots shall not exceed 4 lots.
2. Prior to issuance on any building permits, the architecture of any proposed buildings shall be subject to the review and approval of the Planning and Inspections Department. The department will be looking for architecture that compliments the historic downtown area. Details such as sizable porches with adequate depth and porches elevated up to 3 feet above grade are important to the overall appearance of homes in the area. For any building located on a lot with road frontages on both Main Street and Stonecypher Road, the architecture should address both roads.
3. Maximum building height shall be 35 feet.
4. If practical, preserve significant trees on the property.
5. Trees found on Suwanee's list of approved street trees should be installed along the road separated by approximately 35 feet on center. Said street trees should be approximately 3" caliper. Trees should be installed on each lot prior to the issuance of a certificate of occupancy for any single family home.
6. If provided, fencing facing a public street shall be decorative and subject to the approval of the Planning and Inspections Department.
7. The height and material of retaining walls facing a public street shall be subject to the approval of the Planning and Inspections Department.
8. Provide a house location plan (HLP) prior to issuance of a building permit for the property. Said plan shall detail the location of any structures, walls, or fences; the distance of any structures, walls or fences from the property lines; and the height of any fences and walls. HLP shall also include any landscaping, driveways or parking pads. Said HLP shall be subject to the review and approval of the Planning and Inspections Department. The intent of the HLP is to ensure the height of any wall, fence, structure, or location of parking do not create any negative external impacts.
9. If determined to be necessary by the City Engineer, clear site distance at the corner of Stonecypher Road and Main Street shall be confirmed by a professional engineer prior to the approval of a building permit.

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 single family development is compatible with surrounding single family development.

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

It is unlikely that the zoning proposal will adversely affect the existing uses of adjacent or 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.

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

The proposed development is consistent with recommendations of the 2040 Comprehensive Plan and Future Land Use Plan, which is single family residential.

- 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 which give supporting grounds for either approval or disapproval of the zoning proposal.

REZONING APPLICATION

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

<p align="center">APPLICANT INFORMATION*</p> <p>NAME: <u>Lee Thompson</u></p> <p>ADDRESS: <u>P.O. Drawer 1250</u> <u>Lawrenceville, Ga 30046</u></p> <p>PHONE: <u>770-963-1997</u> <u>770-316-1858 (cell)</u></p>	<p align="center">OWNER INFORMATION*</p> <p>NAME: <u>James M Burnette Jr</u></p> <p>ADDRESS: <u>571 Main St</u> <u>Suwanee, GA 3</u></p> <p>PHONE: <u>770-868-7115</u></p>
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CONTACT PERSON: Lee Thompson CONTACT PHONE: _____

EMAIL ADDRESS: vct@thompson-sweeney.com FAX NUMBER: _____

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): R-100 REQUESTED ZONING DISTRICT IRD

PROPOSED DEVELOPMENT: single family detached homes

TAX PARCELNUMBER(S): 7-236-056

ADDRESS OF PROPERTY: 541 Main Street, Suwanee, GA

TOTAL ACREAGE: 0.84 ac PUBLIC ROADWAY ACCESS: _____

<p>FOR RESIDENTIAL DEVELOPMENT:</p> <p>NO. OF LOTS/DWELLING UNITS: <u>4 Lots</u></p> <p>DWELLING UNIT SIZE (SQ. FT.): <u>2400</u></p>	<p>FOR NON-RESIDENTIAL DEVELOPMENT:</p> <p>NO. OF BUILDINGS/UNITS: _____</p> <p>TOTAL GROSS SQUARE FEET: _____</p>
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CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that pursuant to Section 2004 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 pursuant to Section 2003 of the Zoning Ordinance any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

<p><u>[Signature]</u> Signature of Applicant* <u>Y. Lee Thompson, Jr.</u> Print Name* <u>[Signature]</u> Signature of Notary</p>	<p><u>9/16/20</u> Date <u>9-16-2020</u> Date</p>	<p><u>[Signature]</u> Signature of Owner* <u>James M. Burnette Jr</u> Print Name* <u>[Signature]</u> Signature of Notary</p>	<p><u>9/16/20</u> Date <u>9-16-2020</u> Date</p>
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* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)

CITY OF SUWANEE USE ONLY

Date Received: 9-16-20 Case No.: RT-2020-003 Accepted By: AD



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:
Yes. The proposed use is consistent with the recommendation for this area in the 2040 Comprehensive plan.

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:
No

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:
No. The current zoning would limit the number of homes and unreasonably reduce the value of the property.

(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:
No. The proposal would result in two additional homes, possibly three.

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

(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 2040 Comprehensive plan recommends smaller infill development in this area.

CITY OF SUWANEE USE ONLY
Date Received: 9-16-20 Case No.: 22-2020-003 Accepted By: AD

THOMPSON, SWEENEY, KINSINGER & PEREIRA P.C.

LAW OFFICES

V. LEE THOMPSON, JR.
VICTORIA SWEENEY
ELIZABETH F. KINSINGER
STEPHEN D. PEREIRA
FRANK HARTLEY (GA & PA)
W. CREIGHTON LANCASTER
CATHERINE T. FOLLOWILL
JILL T. YOUNG
JAAONNE J. JACKSON

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TELEPHONE: 770-963-1997
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P.O. DRAWER 1250
LAWRENCEVILLE, GEORGIA 30046

WRITER'S EMAIL: VLT@THOMPSON-SWEENEY.COM

September 18, 2020

City of Suwanee
330 Town Center Avenue
Suwanee, GA 30024
Attn: Planning and Inspections
Department

Re: RZ-2020-003 – Letter of Intent

Dear Sir or Madam:

V. Lee Thompson, Jr. has filed the above referenced rezoning application on behalf of the owner, James M. Burnette, Jr. The rezoning application seeks to rezone the property located at 541 Main Street, Suwanee, Georgia, from its current zoning classification of R100 (Residential Single-Family District) to IRD (Infill Residential District). The property contains approximately 0.84 acres which contains a single-family residential home and a detached garage. The applicant seeks to have the property rezoned to IRD to create four residential lots to be used for single-family detached homes. All four lots will exceed the minimum square footage requirement of 6,500 square feet. The homes proposed for the site will be a minimum of 2,400 square feet, and will be subject to architectural approval by the Planning and Inspections Department.

The proposed use of the property is consistent with the recommendation for this area contained in the 2040 comprehensive plan. Under the comprehensive plan, infill residential development and redevelopment is encouraged in this area. The proposed rezoning will be consistent with other similar rezonings in areas nearby.

The current property is restricted from reasonable economic use by the current restrictions of the R100 zoning classification. Since the lot has access to sanitary sewer, the present zoning classification requires that each lot be at least 18,500 square feet. Under the present zoning classification, the lot contains a few hundred square feet less than required to build two homes. Under the proposed classification, the property will accommodate four residential lots which all exceed the minimum requirements of the zoning district. The lots will be used for single family homes which are similar to other homes in the area.

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As has been disclosed in writing, the property that is the subject of this rezoning application is owned by James M. Burnette, Jr., Mayor of the City of Suwanee. In accordance with State law, Mayor Burnette will disqualify himself from any action related to this rezoning application. V. Lee Thompson, Jr. and the law firm of Thompson, Sweeny, Kinsinger & Pereira P.C. will be representing Mr. Burnette in this matter, and any questions related to this rezoning may be directed to V. Lee Thompson, Jr. or Stephen Pereira at the address, telephone number, and email address shown on this correspondence.

Thank you for your consideration of this matter.

Sincerely,

**THOMPSON, SWEENEY,
KINSINGER & PEREIRA P.C.**



V. Lee Thompson, Jr.

cc: Stephen Pereira (sp@thompson-sweeny.com)

VLT/mvm

RZ-2020-003



AN-1-11703

UNIVERSITY SURVEYING SYSTEM

NO.	REVISION	DATE

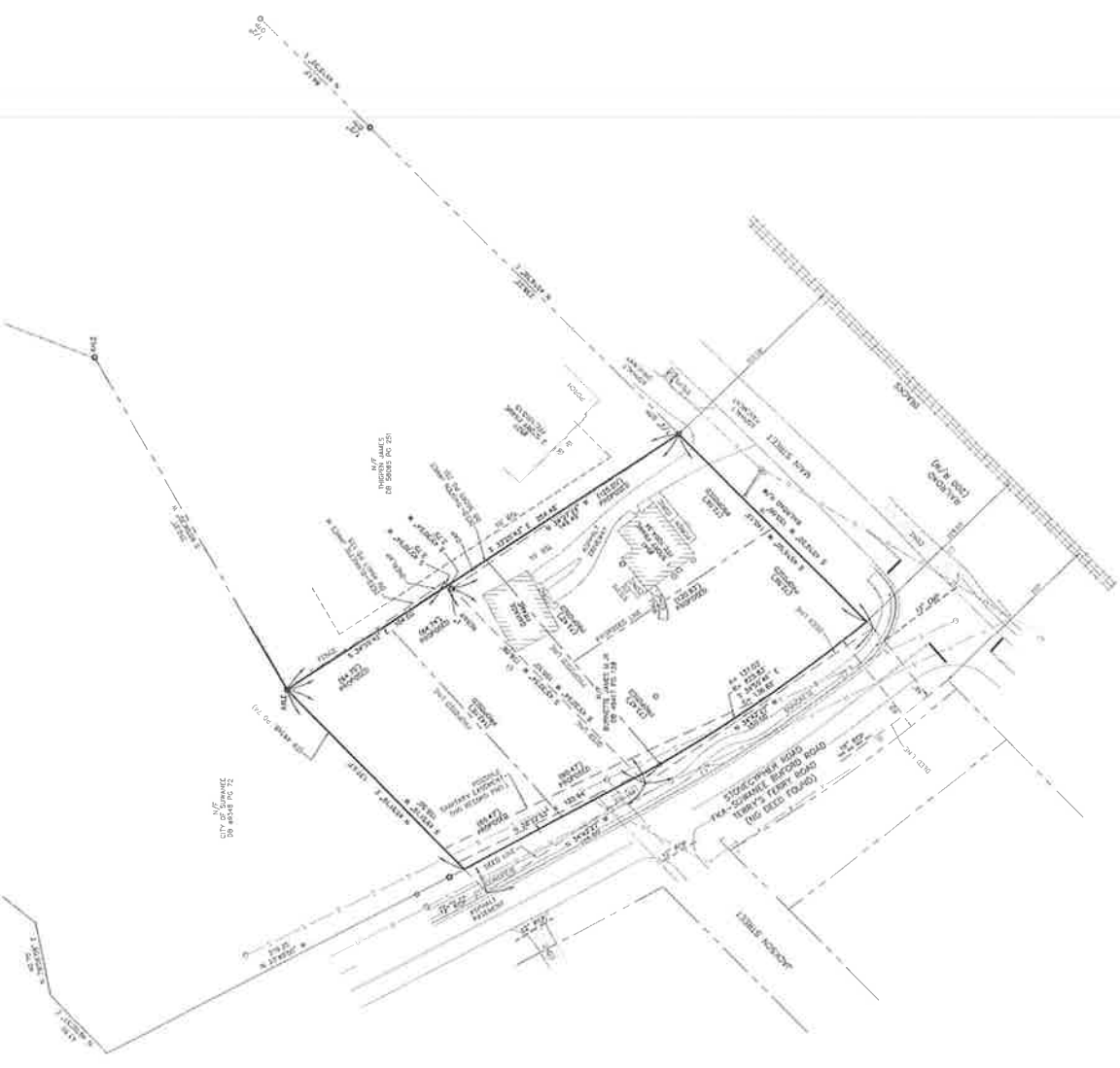
BOUNDARY SURVEY
 PREPARED FOR: JAMES BURDETTE
 LAND LOT 236, 7TH DISTRICT
 GWINNETT COUNTY, GEORGIA - 08/28/2020

PROJECT
 22-079-B1
 SHEET
 1 OF 1

BOUNDARY
Zone inc.
 LAND SURVEYING SERVICES
 3000 POND LANE, SUITE 400, ATLANTA, GA 30328
 (404) 488-8888



<ul style="list-style-type: none"> 811 CALL BEFORE YOU DIG 811 CALL BEFORE YOU DIG 811 CALL BEFORE YOU DIG 	<ul style="list-style-type: none"> 811 CALL BEFORE YOU DIG 811 CALL BEFORE YOU DIG 811 CALL BEFORE YOU DIG 	<ul style="list-style-type: none"> 811 CALL BEFORE YOU DIG 811 CALL BEFORE YOU DIG 811 CALL BEFORE YOU DIG 	<ul style="list-style-type: none"> 811 CALL BEFORE YOU DIG 811 CALL BEFORE YOU DIG 811 CALL BEFORE YOU DIG
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THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE AND WITHOUT THE PROPERTY BEING SURVEYED BEING VISITED BY THE SURVEYOR. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF A RECORDING ERROR OR A RECORDING ERROR HAS BEEN FOUND IN THE RECORDS OF THE COUNTY CLERK'S OFFICE. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF A RECORDING ERROR OR A RECORDING ERROR HAS BEEN FOUND IN THE RECORDS OF THE COUNTY CLERK'S OFFICE.

STATE OF GEORGIA
 SURVEYOR GENERAL
 JAMES BURDETTE
 4776 2200
 404-488-8888

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE AND WITHOUT THE PROPERTY BEING SURVEYED BEING VISITED BY THE SURVEYOR. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF A RECORDING ERROR OR A RECORDING ERROR HAS BEEN FOUND IN THE RECORDS OF THE COUNTY CLERK'S OFFICE.

RZ-2020-003



Location Map

RZ-2020-003

Legend

-  RZ-2020-003
-  Streams





Zoning Map RZ-2020-003

Legend



RZ-2020-003

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



0 210 420 840 Feet

