

REZONING(S):

RZ-2021-005

**CITY OF SUWANEE
REZONING ANALYSIS**

CASE NUMBER: RZ-2021-005
REQUEST: O-I (Office-Institutional District) to O-I
CHANGE OF CONDITIONS
LOCATION: 897 EVA KENNEDY ROAD
TAX ID NUMBER: 7-237-093
ACREAGE: 0.39 ACRES
PROPOSED DEVELOPMENT: PROFESSIONAL OFFICE

APPLICANT: JEFF JONES
OWNER: J & J COMMERCIAL VENTURES, LLC
690 SILVER PEAK PARKWAY
SUWANEE, GEORGIA 30024

CONTACT: JEFF JONES

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

The applicant requests rezoning of a 0.39 acre tract from O-I (Office Institutional) to O-I with a change of conditions in order to allow for customer parking associated an existing 2,200 square foot professional office. The subject property is located at 897 Eva Kennedy Road east of Peachtree Industrial Boulevard and across from the U.S. Post Office.

The subject property currently contains an approximately 2,200 square foot building that was formerly used a single-family house. The building is served by a driveway off Eva Kennedy Road and parking lot that can hold up to 10 vehicles.

In 1999, the subject property was rezoned from R-100 to O-I as part of a larger request that included the adjacent property to the north. The rezoning included a request to construct a 5,700 square foot medical office building with customer parking that would be accessible off of Peachtree Industrial Boulevard.

The subject property contained a single family residence that was proposed to be used as an office by staff and employees associated with the medical office. The rezoning was approved with several conditions including a condition of zoning which limited parking on the subject property to employee and staff only.

The medical office building was subsequently constructed and has since been used as a medical office every since, with the existing building being used for administrative purposes for several years. A deceleration lane and 8-10 parking spaces were constructed during the development of the project.

The applicant recently purchased the property with the intention of opening a professional office. The applicant indicates that they do not intend any new development on the property.

ANALYSIS:

The subject property is an approximately 0.39-acre parcel. The site contains a one-story residential structure that was converted into administrative offices when the medical office was constructed. Access exists by an entrance on Eva Kennedy Road. The parking for the property is already constructed. There is a fairly dense stand of trees and shrubs between the parking and the adjacent residential property. The subject property can support the proposed use. Removal of the condition prohibiting customer parking would not impact the properties capacity to support the project.

The surrounding area consists of a mixture of uses and zoning districts. Abutting the site to the west is a three-story office building zoned O-I. To the north is the medical office once associated with the subject property. That property is zoned O-I. To the south, across Eva Kennedy Road, is a U.S. Post Office zoned O-I and a C-3 zoned shopping center containing a Publix grocery store. The proposed use of the property as a professional office is consistent with surrounding properties. The allowance of customer parking should not undermine the use of the surrounding property provided the current parking is not expanded.

The City of Suwanee Future Land Use Plan recommends low density office for the site. The proposed use of the building for professional offices with the addition of customer parking, while making use of the land as currently developed, is consistent with this designation.

With suitable conditions, to ensures impacts to nearby residential are minimized, approval of the request to allow for customer parking would be appropriate. The surrounding area is characterized by developing non-residential development consistent with the proposed use of the property. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of the request.

Planning Department's Recommended Conditions
RZ-2021-005

Approval as O-I subject to the following conditions:

1. Any ground sign provided for the subject property shall be a monument style sign that complies with Section 1612.A.(5) of the Zoning Ordinance.
2. Any new outdoor lighting provided on the property shall be subject to the review and approval of the Planning Department. The purpose of this review is to minimize lighting impacts on adjacent or nearby properties. The source of outdoor lights should be concealed and not be visible from the right-of-way or the adjacent residential project.
3. Parking for the property shall not be expanded. Parking shall not be allowed on any surface not treated and intended to accommodate vehicles. No parking is allowed on the road or the deceleration lane in front of the subject property.
4. Trees and shrubs within the vegetated area between the existing parking and the adjacent residential property shall be maintained and replaced as needed in order to keep adequate screening as long as the adjacent property is residentially zoned.

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 property.

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

Approval of the request should not have adverse impacts on the usability of adjacent or nearby properties.

- 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 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 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 requested O-I classification is consistent with the low density office designation recommended by 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;

The applicant has indicated that they do not intend any new development on the property. With that being said, it should not matter whether it is customers or employees parking in the existing parking lot, provided the parking is not expanded and the vegetated area to the east of the parking is maintained.

REZONING APPLICATION

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

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>JEFF JONES</u>	NAME: <u>J+J COMMERCIAL VENTURES, LLC</u>
ADDRESS: <u>690 SILVER PEAK COURT</u> <u>SUWANEE, GA 30024</u>	ADDRESS: <u>690 SILVER PEAK COURT</u> <u>SUWANEE, GA 30024</u>
PHONE: <u>770-310-5356</u>	PHONE: <u>678-469-8086</u>

CONTACT PERSON: JEFF JONES CONTACT PHONE: 770-310-5356
 EMAIL ADDRESS: JEFFJONES1968@GMAIL.COM FAX NUMBER: ---

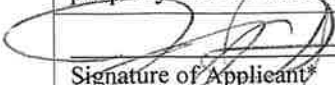
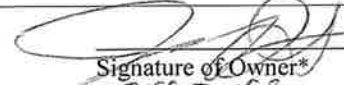
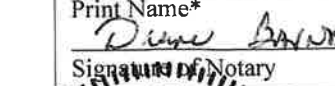
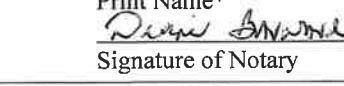
PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): O-I REQUESTED ZONING DISTRICT O-I
 PROPOSED DEVELOPMENT: USE OF EXISTING STRUCTURE FOR PROFESSIONAL OFFICES (2,112 SQ FT BLDG, EXISTING PARKING LOT WITH 18 SPACES. NO NEW DEVELOPMENT IS PROPOSED.) WITH CHANGE OF CONDITIONS. SEE LETTER OF INTENT
 TAX PARCEL NUMBER(S): R7237 093
 ADDRESS OF PROPERTY: 897 EVA KENNEDY ROAD, SUWANEE 30024
 TOTAL ACREAGE: 0.39 PUBLIC ROADWAY ACCESS: EVA KENNEDY ROAD

FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>ONE</u>	NO. OF BUILDINGS/UNITS: <u>ONE</u>
DWELLING UNIT SIZE (SQ. FT.): <u>2,112</u>	TOTAL GROSS SQUARE FEET: <u>2,112</u>

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.

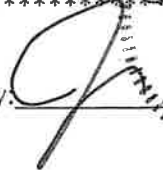
 Signature of Applicant*	<u>4/5/21</u> Date	 Signature of Owner*	<u>4/5/21</u> Date
<u>JEFF JONES</u> Print Name*	<u>4/5/21</u> Date	<u>JEFF JONES</u> Print Name*	<u>4/5/21</u> Date
 Signature of Notary	<u>4-5-4</u> Date	 Signature of Notary	<u>4-5-4</u> Date

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



CITY OF SUWANEE USE ONLY

Date Received: 4-6-21

Case No.: R2-2021-005 Accepted By: 

City of Suwanee
Planning Commission & City Council
330 Town Center Ave.
Suwanee, GA 30024

To the Suwanee Planning Commission & Suwanee City Council,

We are requesting a change of condition for 897 Eva Kennedy Road, currently zoned as O-I with the following stipulation from a 1999 resolution:

Case Number: RZ-99-011

"Rear parking areas shall be limited to staff and employee parking area only."

We recently purchased the 0.39 acre property that includes a single 2,112 square foot ranch-style house and existing parking lot with a ten (10) space capacity. The property will be used as a professional office with no intention to change the footprint of the building or parking lot. The property will not be used for retail commerce. The removal of this zoning condition will provide us with use of the existing parking lot for the owners, tenants and primarily appointment-only clients, and will allow us to have reasonable economic use of the property within the current O-I zoning.

The property is adjacent to a multi-story office building, Suwanee Center, and has an existing dedicated turn lane traveling west on Eva Kennedy Road. The property already has a green barrier between the parking lot and the adjacent residential property, 887 Eva Kennedy Road. Access to the property is easiest from Peachtree Industrial, so there will be minimal impact to traffic on Eva Kennedy Road. The requested change will not increase the number of vehicles that were allowed to use the parking lot by the previous owners, Shih Property Holdings, LLC, owners of Suwanee Family Physicians.

We appreciate your time and consideration.

Respectfully,



4/6/21

Jeff Jones
690 Silver Peak Court
Suwanee, GA 30024

RZ-2021-005

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 BUILDING WILL HAVE A QUIET PROFESSIONAL BUSINESS WITH APPOINTMENT-BASED CLIENTS. THE PROPERTY IS ZONED O-1, AS IS THE ADJACENT 3-STORY SUWANEE CENTER.

- (B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:
NO. THE CURRENT PARKING LOT FOOTPRINT WILL NOT BE CHANGED.


- (C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:
NO. THE CURRENT ZONING CONDITION (RZ-99-011) (COMMIT #2) DOES NOT ALLOW US TO USE THE PROPERTY WITHIN ITS CURRENT O-1 ZONING.

- (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. THERE WILL BE NO SIGNIFICANT CHANGE TO TRAFFIC THAN ALREADY EXISTS TO THE PROPERTY. THE PROPERTY IS AT THE END OF EVA KENNEDY ROAD, SO MOST TRAFFIC WOULD COME FROM PEACHTREE INDUSTRIAL AND NOT AFFECT EVA KENNEDY RESIDENTS.

- (E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:
YES. THE PROPERTY IS ZONED O-1. WE ARE ASKING FOR USE OF THE EXISTING PARKING LOT FOR OWNERS, EMPLOYEES, TEWARD AND CLIENT / CUSTOMERS.

- (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:
NO. WE WILL NOT BE ADDING TO THE PARKING LOT FOOTPRINT.

CITY OF SUWANEE USE ONLY

Date Received: 4-6-21 Case No.: RZ-2021-005 Accepted By: 

ADDENDUM - existing green buffer between 897 and 887 Eva Kennedy Road



RZ-2021-005

E. SITE PLAN – unofficial sketch



RZ-2021-005

City of Suwanee
Official Zoning Map Amendment
Resolution/Ordinance

Case Number: RZ-99-011 ,

At the regular meeting of the Suwanee City Council held at Suwanee City Hall, 373 Highway 23, Suwanee, Georgia on a motion by Councilmember Rispin , and seconded by Councilmember Stone , which carried by a vote of 6-0 , the following Resolution/Ordinance was adopted:

A Resolution/Ordinance to Amend the Official Zoning Map of the City of Suwanee

WHEREAS, an applicant has petitioned the City of Suwanee to amend the City's Official Zoning Map from R-100 to O-1 , for the proposed use of a medical office , on property described on the attached legal description, which is incorporated herein by reference; and

WHEREAS, notice to the public regarding said Amendment has been duly published in the Gwinnett Daily Post, the Official Legal Organ of the City of Suwanee; and

WHEREAS, the City of Suwanee's Planning Commission reviewed the petition and filed a report with the City Council; and

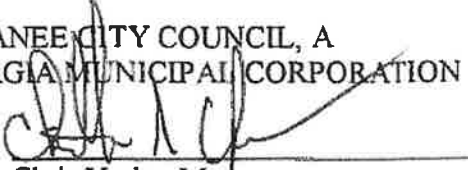
WHEREAS, a duly advertised public hearing was held before the Suwanee City Council on July 20, 1999 ;


NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 20th day of July , 1999, that the aforesaid application to amend the Official Zoning Map from R-100 to O-1 is hereby APPROVED subject to the following conditions:


1. *Offstreet parking areas shall be located and oriented toward Peachtree Industrial Boulevard, for customer use and service deliveries.*
2. *Rear parking area is to be limited to staff and employee parking area only.*
3. *If a building addition is constructed onto the existing structure, the exterior façade shall be constructed of brick and designed in a manner that matches the exterior of the adjoining office building to the west (Eva Kennedy Office Building).*
4. *Signage shall be limited to a single monument-type sign per road frontage with a base that matches the exterior of the building.*

5. *If provided, outdoor lighting shall be contained in cut-off type luminaries which are directed down and in toward the property to minimize reflections into nearby properties.*
6. *Existing vegetation along Eva Kennedy Road is to remain.*


SUWANEE CITY COUNCIL, A
GEORGIA MUNICIPAL CORPORATION

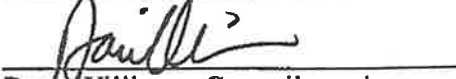
By: 
Chris Yoder, Mayor

By: 
Jimmy Burnette, Councilmember

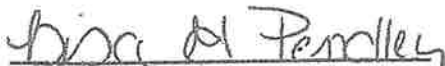
By: 
Andrew Krieman, Councilmember

By: 
Jeanhine Rispin, Councilmember

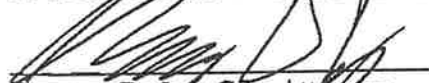
By: 
Alex Stone, Councilmember

By: 
Dave Williams, Councilmember

ATTESTED TO BY:

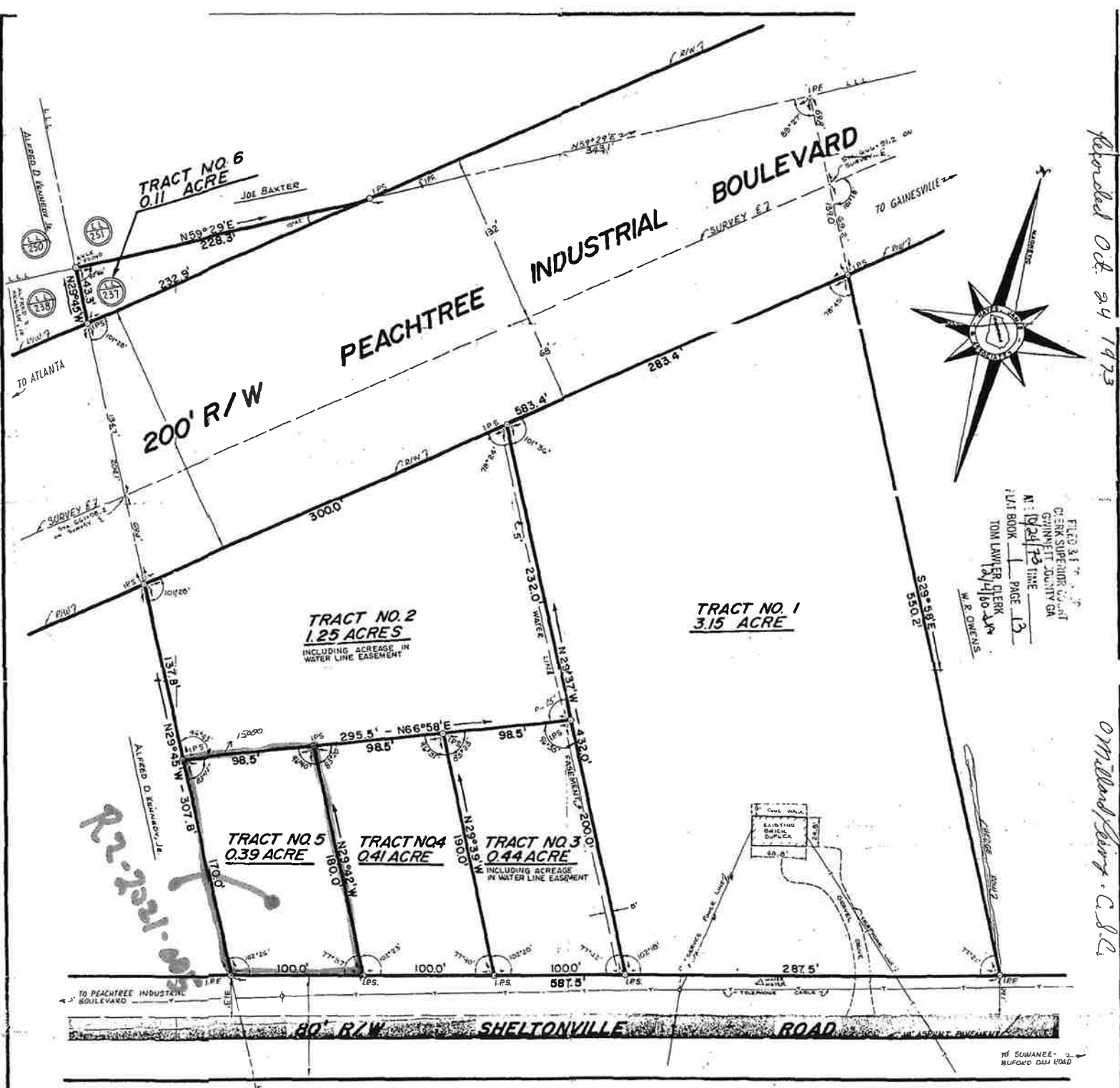

Lisa G. Pendley, City Clerk

APPROVED AS TO FORM BY:


Gregory D. Jay, City Attorney
Chandler & Britt, LLC

Revised O.R. 24 1973

O'Malley & Co. C.S.C.



FILED & T.
CLERK SUPERIOR COURT
GWINNETT COUNTY GA
DATE: 6-24-70 TIME
L11 BOOK PAGE 13
TOM LAMER CLERK
W. E. OWENS

RZ-2021-005

TRACT NO.	ACRES	BY
1	3.15	David E. Pierce
2	1.25	John W. Pierce
3	0.44	
4	0.41	
5	0.39	
6	0.11	
TOTAL	5.75	ACRES

This survey has been calculated by latitudes and departures for closure and found to be accurate to within 1 foot in 3,670 feet.

In my opinion, this plat is a correct representation of the land platting and has been prepared in conformity with the minimum standards and requirements of law.

George Linton
Member # 10200
Ga. Assn. Reg. Land Surveyors

LEGEND

- I.P.F. = IRON PIN FOUND
- I.P.S. = IRON PIN SET
- C.M.F. = CONC. MON. FOUND
- R/W = RIGHT OF WAY
- E.L. = CENTER LINE
- E. = PROPERTY LINE
- B.L. = BUILDING LINE
- L.L. = LAND LOT
- B.M. = BENCH MARK
- T.C. = TOP OF CURB
- B.C. = BOTTOM OF CURB
- I.E. = INVERT ELEVATION
- C.B. = CATCH BASIN
- M.H. = MAN HOLE
- M.T. = MARKED TREE
- P.C. = PROPERTY CORNER
- P.O.L. = POLE
- F.H. = FIRE HYDRANT
- F.L. = FENCE
- T.L. = TELEPHONE LINE
- G.L. = GAS LINE
- W.L. = WATER LINE
- S.B.L. = SANITARY SEWER LINE
- P.L. = POWER LINE
- B. = BRANCH

JOHN W. & DAVID E. PIERCE

HAYES, JAMES & ASSOCIATES
ENGINEERS & SURVEYORS
327 Jackson Street, S. E.
Lawrenceville, Georgia

REGISTERED PROFESSIONAL SURVEYOR
STATE OF GEORGIA
NO. 1413
NO. 1738
PROFESSIONAL
(EXPIRES 12-31-71)
JOHN W. HAYES • E. E. J. JAMES

SURVEY FOR:		REVISIONS
5.75 ACRES		
LOCATED IN THE CITY OF SUWANEE		
LAND LOT - 237	7 TH DISTRICT	
GWINNETT COUNTY, GA.		
SURVEYED 6-12-69		C.C. J.C.
SCALE 1" = 50'		DRWN. P.D.
DEVELOPMENT PLANNING ENGINEERING LAND SURVEYING		CHKD. C.P.
JOB NO. 14-10-69-023		FILE NO.

RZ-2021-005



Location Map



RZ-2021-005



Location Map

Legend



RZ-2021-005

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

