

REZONING(S):

RZ-2022-002

**CITY OF SUWANEE
REZONING ANALYSIS**

CASE NUMBER(S): RZ-2022-002

REQUEST: R-140 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-100 (SINGLE FAMILY RESIDENTIAL DISTRICT)

LOCATION: SETTLES BRIDGE ROAD NORTHWEST OF INTERSECTION WITH MOORE ROAD

TAX ID NUMBER 7-285-010, 7-285-012, 7-285-099, 7-285-024, 7-285-085, AND 7-285-086

ACREAGE: 121.1 ACRES

PROPOSED DEVELOPMENT: 174 LOT SINGLE FAMILY RESIDENTIAL NEIGHBORHOOD

APPLICANT: TOLL BROTHERS C/O ALLIANCE ENGINEERING AND PLANNING
6095 ATLANTA HIGHWAY, SUITE 100
FLOWERY BRANCH, GA 30542

OWNER(S): LARKABIT PARTNERSHIP LP, ELIZABETH REES, TJR WALSH TRUST, THOMAS FRITHJOFF REES REVOCABLE TRUST
656 NIGHT LARK CT
5105 SETTLES BRIDGE ROAD
SUWANEE, GA 30024

CONTACT: MITCH PEEVY
CONTACT PHONE: 770-361-8444

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

The applicant requests to rezone approximately 121 acres of land from R-140 (Single Family Residential District) to R-100 (Single Family Residential District) in order to allow for the development of a 174-lot single family residential neighborhood. Access is proposed via a single public road onto Settles Bridge Road just northwest of the intersection with Moore Road. An access easement is proposed on the northeastern corner of the property that would provide access to property that is not a part of the proposed rezoning.

The proposed neighborhood is part of a larger 131-acre tract. The applicant is proposing to develop 121 acres of this property and that is the subject of the request to rezoned from R-140 to

R-100. The owner of the land is planning to retain 10 acres of the original 131 acre parcel. None is the 10 acres to be retained by the owner is a part of the rezoning request.

The applicant proposed 174 lots that would meet the minimum requirements for R-100 lots (100 feet wide, and 18,500 square feet). With 174 homes on 121 acres of land the project would contain approximately 1.43 units per acre. 3 of the proposed lots would be served by the existing Night Lark Court and one would be served by the existing Settles Bridge Road. The remaining 170 lots would be served by newly developed public roads. The proposed roads would be contained within a 50-foot-wide right of way. The roads are proposed to have 4-foot-wide sidewalks on both sides with 7-foot-wide landscape strips located between the sidewalk and the back or curb. The roads are proposed to be 26 feet wide measured from back of curb to back of curb.

An amenity area is proposed to serve the neighborhood. The amenity area is located near the center of the proposed neighborhood on 3.1 acres and is directly adjacent to a cemetery, which must remain undisturbed, on a 2.5-acre lot. The amenity area includes 3 tennis courts, a 25-yard pool, and a club house. The amenity area would be served by a 65-space parking lot. The applicant proposes a large open space parcel at the northern end of the project and two smaller open space parcels on the southern end of the project. The 3 open space lots total approximately 16 acres. There is no requirement for a minimum amount of open space in the R-100 zoning district. The applicant could choose to incorporate open spaces into the lots of future homes or keep them under common ownership (HOA).

Finally, the proposal indicates 3 stormwater ponds for the proposed neighborhood. Two of the proposed ponds would be located on the eastern property line. A third pond is located on the western property line. The lots containing the stormwater ponds total approximately 4 acres.

ZONING HISTORY:

The subject property has not previously been through the zoning process. However, a year ago the same applicant submitted an application for rezoning (RZ-2021-002) to R-75 on the same property. The request from a year ago included more acreage (133 acres) and a total of 263 single family homes (just under 2 homes/acre) on 5 different standard lot sizes, as part of a proposed conservation neighborhood that also included the preservation of approximately 52 acres. The applicant subsequently withdrew the request prior to consideration by the Planning Commission or City Council.

There have been a couple of comparable rezoning requests in the area. In 1998, the City rezoned approximately 63 acres from R-140 to R-100 in order to allow for the development of a 104-lot neighborhood off Suwanee Dam Road, per RZ-98-023. The neighborhood became known as Barrington. The overall density of the neighborhood is approximately 1.65 units per acre.

In 2013, the City rezoned approximately 36 acres of land for 55 lots at the intersection of Moore Road and Short Street, per RZ-2013-003. The neighborhood became the Reserve at Moore Road. The overall density of the neighborhood is approximately 1.5 units per acre.

DEVELOPMENT COMMENTS:

The following comments are provided to make the developer aware of certain pertinent issues. This is not intended to serve as an all-inclusive list of comments. If approved requested rezoning is approved, the City will formally review the project for compliance with applicable regulations during the development review process.

The subject property is 121 acres. A property of this size in this part of Georgia is likely to contain streams and potentially wetlands. If the project is approved the developer will be responsible for demonstrating compliance with applicable regulations for wetlands, streams, and erosion control.

The rezoning proposal indicates potential locations for stormwater ponds. The City of Suwanee has stormwater regulations that require property under development to provide for water quantity, water quality, and channel protection. The City requires a hydrology report prepared by a professional engineer that demonstrates compliance with these requirements. Compliance will need to be demonstrated prior to the issuance of a development permit. The final number of ponds, size of the ponds, location of the ponds, and provision of other stormwater elements will be determined by that hydrology report and the approved site plan. The hydrology report and site plan will be reviewed for compliance by an engineering firm on behalf of the City prior to issuance of a development permit.

Erosion Control plans are required prior to the issuance of development permit. Said plans will be reviewed by the Georgia Soil and Water Conservation Commission for compliance with erosion control requirements.

The subject property appears to contain a cemetery. The applicant should be aware that any development of the property will need to comply with state law regarding the treatment of cemeteries.

ANALYSIS:

The subject properties total approximately 121.1 acres located on Settles Bridge Road northwest of the intersection of Moore Road and Settles Bridge Road. The subject property has road frontage on Settles Bridge Road and Night Lark Court. The property is characterized by pastures with rolling topography. There does appear to be a stream on the northern end of the property in addition to having a stream run along the northern property line. A family cemetery is located near the center of the subject property. The applicant is aware of the cemetery and has it marked in the zoning exhibit. The property has been used as a horse farm. There are a number of older structures scattered throughout the property. It would appear that the property can accommodate the proposed development.

The subject property is surrounded by residential uses. To the east are single family homes on large lots in the Suwanee Farms neighborhood (zoned R-140). To the south of the subject property are homes located in the Reserve at Moore Road (zoned R-100) and single-family homes that are part of a smaller development with R-140 lots. To the west of the subject property, in unincorporated Gwinnett County, are homes and lots in the River Club neighborhood (zoned R-100 Gwinnett County). To the north of the subject property, also in unincorporated Gwinnett County, are homes in the Edinburgh Community (Zoned R-100 Gwinnett County) and 12.2 acres of land (some in the City and some unincorporated Gwinnett)

that were originally part of the subject property (Zoned R-140 in the City and R-100 in the County). An R-100 neighborhood would be consistent with the surrounding uses and zoning.

The 2040 Comprehensive Plan identifies character areas of the City. The subject property is located within the Suwanee North character area which is characterized by single family homes on large residential lots. The Comprehensive Plan specifically refers to the subject property, stating, "it should be developed as low density residential compatible with surrounding neighborhoods or as a conservation subdivision that concentrates single family residential detached development in clusters and preserves significant open space." The Comprehensive Plan identifies low density residential as 2-4 units per acre. The applicant is proposing to develop the neighborhood with a density of 1.45 units per acre. The proposal meets the expectation for low density single family residential development consistent with the surrounding area. The proposed development is supported by the Comprehensive Plan.

The proposed 175 lot neighborhood would exit directly onto Settles Bridge Road which then intersects with Moore Road at a 4-way stop. Moore Road is a two-lane major collector and Settles Bridge Road is two lane minor collector. Two lane roads can accommodate as much as 2200 vehicles per lane per hour. Different factors (frequency of driveways, width of road, width of shoulder, etc.) may reduce the capacity of roads. Conservatively, Moore Road has the capacity to handle 18,300 trips per day. The most recent traffic counts for Moore Road and Settles Bridge Road are considerably less than this, and the anticipated traffic generated by the proposed neighborhood is considerably less than the difference between the expected capacity of Moore Road and Settles Bridge Road and the most recent traffic counts on those roads.

In conclusion, the requested rezoning for a single-family subdivision is appropriate at this location. Maintaining the character of the Suwanee North character area of the City is important and conditions of approval should be included to protect the existing neighborhoods. The proposed use is consistent with the surrounding uses and zoning districts, the proposed use is consistent with the recommended use for the property and the intensity of development anticipated for the property, and the existing infrastructure, mainly the existing road network can accommodate the vehicular traffic anticipated from the proposed neighborhood. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of RZ-2022-002.

RZ-2022-001

Planning Department Recommendation:

Approval of the request to rezone from R-140 to R-100 subject to the following conditions:

1. All homes shall use brick and/or stone as the primary exterior building material on three sides, unless they are adjacent to an external street, in which case brick and/or stone shall be the primary exterior material on all sides. No more than 2 exterior building materials per home.
2. Homes shall be a minimum of 2,400 square feet in size.
3. Sidewalks shall be provided on both sides of all interior streets.
4. Street trees shall be provided on both sides of all interior streets. Street trees shall be located between the sidewalk and the back of curb. Street trees shall be a minimum of 3-inch caliper at the time of planting and spaced on approximately 40-foot centers. If additional right-of-way is needed (beyond the standard 50 feet) in order to avoid conflicts between the street trees and utilities, than additional area may be deducted from the minimum lot size for adjacent lots and interior front yard setback may be adjusted accordingly.
5. A 25-foot wide undisturbed construction buffer shall be provided. Intrusion into the construction buffer shall be limited to disturbance needed to construct access to the property, perpendicular utility crossings and storm water facilities. The construction buffer shall remain in place during the development phase and as much of the home construction phase as practical.
6. All utilities shall be located underground. Existing above ground utilities located on adjacent right-of-ways shall be allowed to remain.

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 properties. The surrounding Suwanee North Character Area is comprised almost entirely of single-family residential uses zoned a mixture of R-140 and R-100.

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

With the recommended conditions, the proposed neighborhood would not be expected to negatively impact existing uses or usability of adjacent and nearby 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. With three options to exit the area, the additional vehicular trips should not cause excessive use of the streets.

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

The City's Future Land Use Plan recommends low density single family residential uses for this site. The proposed neighborhood is consistent with this designation. The surrounding area is a mix of R-140 and R-100. As such, it would be appropriate for the subject property to be zoned R-100.

- 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

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>Toll Brothers c/o Alliance Engineering and Planning</u>	NAME: <u>Larkabit Partnership LP, Elizabeth Rees, TJR Walsh Trust, Thomas Frithjoff Rees Revocable Trust</u>
ADDRESS: <u>6095 Atlanta Hwy Suite 100 Flowery Branch, Ga 30542</u>	ADDRESS: <u>656 Night Lark C., 5105 Settles Bridge Rd Suwanee Ga.</u>
PHONE: <u>770-361-8444</u>	PHONE: _____

CONTACT PERSON: Mitch Peevy CONTACT PHONE: 770-361-8444
 EMAIL ADDRESS: mitchpeevy@gmail.com FAXNUMBER: _____

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): R-140 REQUESTED ZONING DISTRICT R-100
 PROPOSED DEVELOPMENT: Detached Single-Family Home Subdivision
 TAX PARCEL NUMBER(S): 7-285-010, 012, 099, 024, 086, 085
 ADDRESS OF PROPERTY: 4796, 4835, 5105 Settles Bridge Road, 659, 649 Night Lark Ct
 TOTAL ACREAGE: 132.3 PUBLIC ROADWAY ACCESS: Settles Bridge Road

FOR RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: 175
 DWELLING UNIT SIZE (SQ. FT.): 3,000 min.

FOR NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/UNITS: _____
 TOTAL GROSS SQUARE FEET: _____


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>Eric White</u> Print Name* <u>[Signature]</u> Signature of Notary</p>	<p><u>12/1/2021</u> Date <u>12/1/2021</u> Date <u>12/1/2021</u> Date <u>12/1/2021</u> Date</p>
<p><u>[Signature]</u> Signature of Owner* <u>WINSHIP REES FRITHJOFF REES</u> Print Name <u>[Signature]</u> Signature of Notary</p>	<p><u>12-1-2021</u> Date <u>12-1-2021</u> Date <u>12-1-21</u> Date</p>

CITY OF SUWANEE USE ONLY

Date Received: 12/2/21 Case No. R2-2021-002



Applicant's Letter of Intent

Rezoning R-140 to R-100

175 Single-Family Lots

The applicant, Toll Brothers, requests a rezoning on the 132.2-acre Larkabit Farm property on Settle Bridge Road for the purpose of constructing a single-family detached subdivision. To develop the site as proposed, the applicant requests to rezone the property from R-140 to R-100.

The community will include up to 175 single-family dwellings, a luxury amenity area and significant open space. Homes will mostly be constructed between 3,600 square feet and 4,700 square feet in size and will include a minimum two-car garage. Exteriors will include a combination of materials including brick, board and batten, stone, and multiple variations of concrete siding products. Home prices will range from the high \$700,000s to over \$1,000,000.

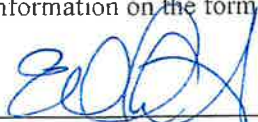
As R-100, the community will include ample open space, both passive and active open space. Included in the latter, the community will feature a large amenity area with a clubhouse, swimming pool, and tennis courts. Adjacent to the amenity area, the existing cemetery at the center of the site will be protected and confined within one of the large open space areas. A walking trail will be provided around the exterior of the cemetery, connecting to the amenity area and sidewalks. Complementing the walking trails and parks, sidewalks will be provided on both sides of the internal street, for safe and sufficient walkability. Primary access to the community will be provided via Settles Bridge Road at the site's southern end, and three (3) units will be accessed by way of Night Lark Court off Settles Bridge Road.

The density, use, and layout of the proposed development are in conformity with the policy and intent of the 2040 comprehensive plan. The subject site is within the Suwanee North Character Area, specifically recognized in the Suwanee North Character Area Development Framework section of the plan, referred to as it "the 100+ acre horse farm/ estate located at the northwest corner of the character area". The section states that if this lot is developed, it should be developed as low density residential compatible with surrounding neighborhoods or as a conservation subdivision that concentrates single family detached development in clusters and preserves significant open space. With a net density of 1.44 units per acre (1.33 gross), abundant open space, and amenities, the proposed development meets the specified criteria.

The applicant looks forward to meeting with staff as well as the community to answer all questions or concerns and is excited to be able to provide exceptional homes in a highly desirable section of the city.

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has read and complied with the Official Code of Georgia Section 36-67A-1, et.seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

 12/1/2021
Signature of Applicant Date

Eric White - Atc DP 12/1/2021
Type or Print Name and Title Date

 12-1-21
Signature of Applicant's Attorney or Representative Date

Mitch Peery
Type or Print Name and Title

 12/1/2021
Signature of Notary Public Date

Notary seal



Disclosure of Campaign Contributions

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City Council or a member of the city of Suwanee Planning Commission?

yes/no NO


Your Name Eric White

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contributions was made (within last two years)

*Attach additional sheets, if necessary to disclose or described all contributions.

CITY OF SUWANEE USE ONLY

Date Received: _____ Case No.: RZ-2022-002 Accepted By: 

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:

Please see attached

- (B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

Please see attached

- (C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

Please see attached

- (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:

Please see attached

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

Please see attached

- (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:

Please see attached

CITY OF SUWANEE USE ONLY

Date Received: _____ Case No.: RZ-2022-002 Accepted By: _____

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

To further demonstrate that the proposed rezoning and land use is consistent with the intent of the zoning ordinance and comprehensive plan, the applicant submits its response to the Standards Governing Exercise of the Zoning Power as follows:

(A) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Rezoning the subject site to R-100 for the purpose of constructing new single-family dwellings, permits a suitable use in relation to the adjacent and nearby properties. At a density of 1.18 units per acre, the proposed development is consistent with the neighboring low-density residential subdivisions.

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

The proposed rezoning will not adversely affect the use of the surrounding properties. The proposed use, single-family dwellings, is consistent with the area.

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

The applicant believes that the subject property does not have a reasonable economic use as currently zoned. The property is surrounded by other residential subdivisions and applicant submits the rezoning would allow for a use more compatible with the surrounding properties.

(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:

Like the similar subdivisions in the surrounding area, the proposed development will not result in an excessive 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 in conformity with the policy and intent of the 2040 comprehensive plan. As proposed, the development will meet the goals of the Suwanee North Character Area which encourages residential single-family detached uses and increased pedestrian connectivity with sidewalks and trails. Further, the subject site is specifically recognized within the plan to be developed as a low-density single-family subdivision with significant open space.

(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 pattern of residential infill development in the area and the proposed development's consistency with the land use and density of the surrounding properties are among reasons for the approval of the proposed rezoning.

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.



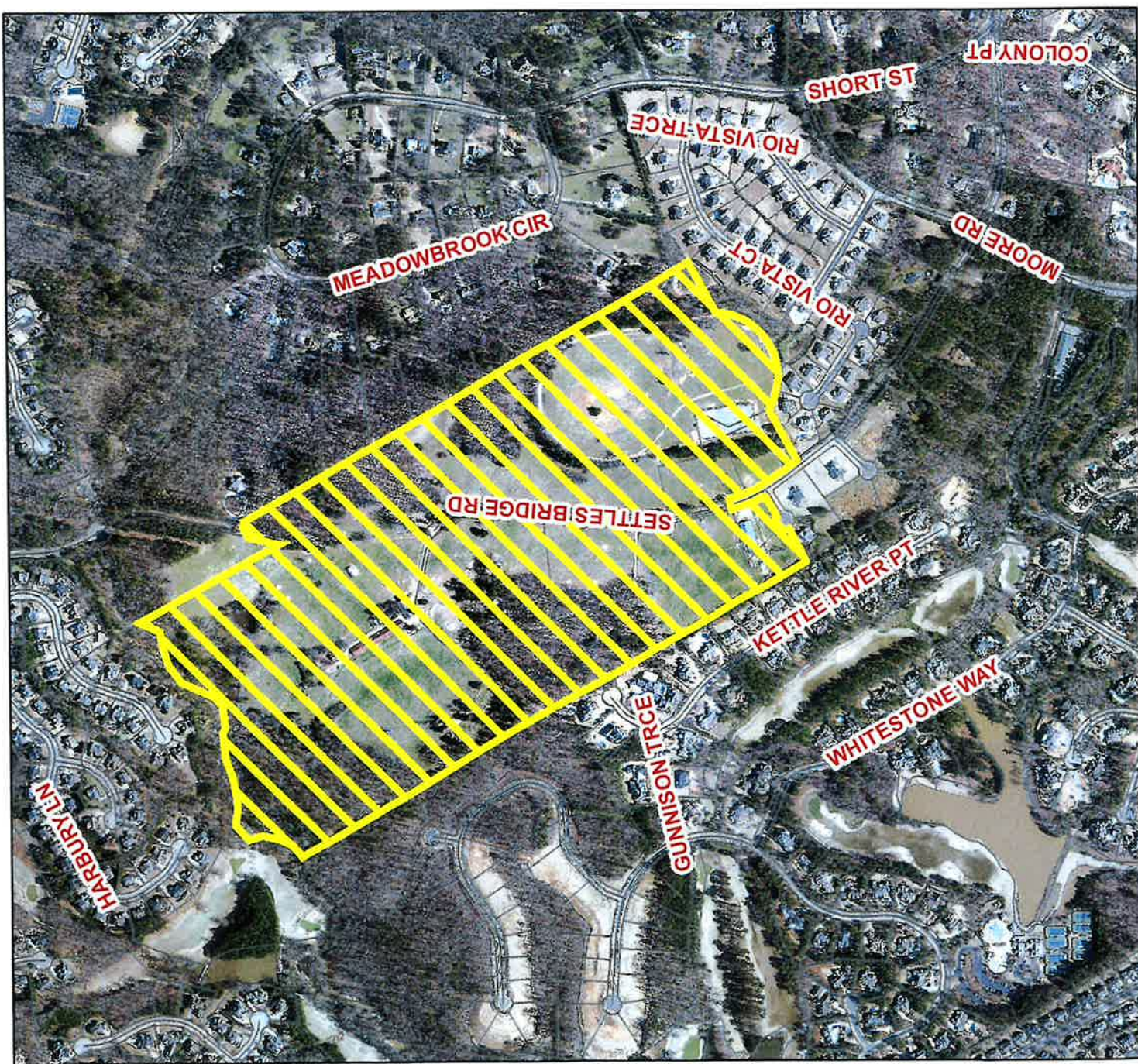
ROSEBRIAR TRANSITIONAL
RSBR_TRN_GA_3SE_1





Location Map
RZ-2022-002

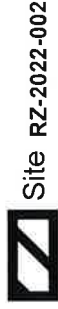
RZ-2022-002





Zoning Map RZ-2022-002

Legend



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

