

SPECIAL USE PERMIT(S):

SUP-2022-004

**CITY OF SUWANEE
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER: SUP-2022-004

REQUEST: VETERINARY CLINIC WITHOUT OUTDOOR BOARDING

LOCATION: 425 BUFORD HIGHWAY SUITES 103 AND 104

TAX ID NUMBER: 7-236-015

ACREAGE: 1.85 ACRES

PROPOSED DEVELOPMENT: VETERINARY CLINIC

APPLICANT: KATHLEEN DIEHL, DVM
260 HAMBRIDGE COURT
LAWRENCEVILLE, GA 30043

OWNER: 425 BUFORD HIGHWAY LLC
222 N. PACIFIC COAST HIGHWAY, SUITE 200
EL SEGUNDO, CA 90245

CONTACT: KATHLEEN DIEHL, DVM
PHONE: 404-271-1000

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a special use permit to allow for a veterinary clinic without outdoor boarding in the OTCD (Old Town Commercial District) zoning district. The applicant would like to locate her veterinary business within two adjoining suites in The Shoppes at Olde Towne commercial building located at 425 Buford Highway.

The Shoppes at Olde Towne is zoned OTCD (Old Town Commercial District). A veterinary clinic is not an allowed use within the Old Town Commercial District (OTCD). However, a veterinary clinic without outdoor boarding may be granted as a special use within the Old Town Commercial District.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. The SUP process allows the City Council to review certain proposals in the context of their use and take into consideration the surrounding area and other relevant factors. A Special Use Permit does not change the underlying zoning of property, but grants the property an

additional specified use. In this case the specified use would allow for a veterinary clinic without outdoor boarding.

The Shoppes at Olde Towne is an approximately 33,338 square foot, two-story building located on 1.85 acres. The building sits up against the sidewalk along Buford Highway with parking located behind the building. The ground floor is primarily occupied by retail tenants and the upper floor is primarily occupied by office tenants. The applicant requests the special use of a veterinary clinic without outdoor boarding for two adjoining suites on the first floor, Suite 103 and Suite 104, which include a total of approximately 3,275 square feet.

ZONING HISTORY:

The subject property was rezoned from C-2 and R-100 to OTCD in 2006 in order to allow for the development of the existing shopping center.

ANALYSIS:

The subject property is zoned OTCD (Old Town Commercial District) and is located on the west side of Buford Highway and backs up to the railroad tracks. The property contains a two-story commercial building that is approximately 33,338 square feet. A parking lot with 96 spaces is located behind the building, and a wide sidewalk along Buford Highway is in front of the building. The property is capable of supporting the veterinary clinic in the suites on the first floor.

The adjacent property to the north is occupied by an automotive service center and zoned OTCD. The adjacent property to the south is zoned C-2 (General Commercial) and is occupied by a credit union. The Siena mixed-use project (zoned PMUD), which has apartments located over retail, is located directly across Buford Highway from the subject building, and Town Center Park and the mix of retail, office and residential uses that surround it (zoned PMUD) are located across Buford Highway to the northeast of the subject building. These mixed-use centers include a variety of commercial uses including a veterinary clinic located near the intersection of Suwanee Avenue and Lawrenceville-Suwanee Road. A similar veterinary clinic at the subject location would be compatible with surrounding commercial uses.

A veterinary clinic is not an allowed use within the Old Town Commercial District (OTCD). However, a veterinary clinic without outdoor boarding may be granted as a special use within the Old Town Commercial District. The purpose of requiring a Special Use Permit for veterinary clinics within the Old Town Commercial District is to ensure that such a use would not be an eyesore or a nuisance in Suwanee's downtown area. This request is for a veterinary use within an existing multi-tenant building that was designed and developed in accordance with the Old Town Overlay District design guidelines.

The applicant indicates that the practice would be limited to small animals, such as cats and dogs, and there would not be any outdoor components to the business. The clinic would not be open outside of normal business hours, and there would not be any overnight boarding unless

needed for medical reasons. In this case, the animal would be personally monitored inside the building. A veterinary clinic operated in such a manner with no outdoor components would not compromise the aesthetics of the area or generate noise or odors that would impact surrounding businesses or residents.

The subject property is within the Old Town Overlay District. The overlay district was adopted to allow for a comfortable pedestrian space between roadways and buildings. There are form-based design standards for development in the Old Town Overlay District, and The Shoppes of Olde Town was developed according to these standards. One of the most important aspects of the overlay district is that building setbacks are minimized in order to accommodate buildings immediately adjacent to the sidewalks. Since the development of The Shoppes of Olde Towne building, Buford Highway has been redesigned, and the pedestrian realm between the building and the road is being expanded and enhanced by the City including landscaped areas. These landscape areas are being created for the beautification of Buford Highway and should not be used for outdoor walking of dogs related to the veterinary clinic if approved.

The Comprehensive Plan indicates mixed-use center for the subject property. Use of the property that includes a veterinary clinic is consistent with this. The subject property is located within the Town Center character area. The Comprehensive Plan does not provide any guidance to suggest a veterinary clinic without outdoor boarding would be inappropriate at this location.

In conclusion, the requested special use permit for a veterinary clinic without outdoor boarding would be appropriate at this location. A veterinary clinic without outdoor boarding would be compatible with other surrounding businesses in the downtown area, and there is a growing residential population within walking distance to the subject property that would benefit from the use. As such, staff recommends **APPROVAL WITH CONDITIONS** of SUP-2022-004.

SUP-2022-004

Planning Department Recommendation:

Approval of a Veterinary Clinic, without Outdoor Boarding subject to the following conditions:

1. The special use of Veterinary Clinic, without Outdoor Boarding, shall be limited to Suites 103 and 104 of the building on the subject property.
2. No outdoor boarding or outdoor components of the business shall be permitted.

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;

A veterinary clinic without outdoor boarding would be suitable in view of existing and nearby properties.

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

With appropriate conditions, approval of the request would not likely affect the existing uses or usability of 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 would not create an 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 recommends mixed-use center for the subject property. The proposed veterinary clinic would be an appropriate ground floor commercial use for the 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;

Suwanee's Comprehensive Plan encourages a mix of uses in the downtown area to enable walking between uses. There is a growing residential population within walking distance of the subject property that could be served by the added use at this location.

SPECIAL USE PERMIT APPLICATION

An Appointment is required prior to submitting an application. Please contact MarvAnn Jackson at 770-945-8996 to setup an appointment.

APPLICANT INFORMATION*		OWNER INFORMATION*	
NAME: <u>Kathleen Diehl, DVM</u>		NAME: <u>425 Buford Highway LLC</u>	
ADDRESS: <u>260 Hambidge Ct</u> <u>Lawrenceville GA 30043</u>		ADDRESS: <u>222 N Pacific Coast Hwy</u> <u>Ste 200</u> <u>El Segundo, CA 90245-5672</u>	
PHONE: <u>404-271-1000</u>		PHONE: _____	
CONTACT PERSON: <u>Kathleen Diehl</u>		PHONE: _____	
E-Mail Address: <u>Kdvet072@gmail.com</u>			
PROPERTY INFORMATION		OTCD w/	
PRESENT ZONING DISTRJCT(S): <u>OTCD</u>		REQUESTED ZONING DISTRICT <u>veterinary clinic</u>	
PROPOSED DEVELOPMENT: <u>veterinary clinic</u>			
TAX PARCEL NUMBER(S): <u>7236015</u>			
ADDRESS OF PROPERTY: <u>425 Buford Hwy Suites 103-104, Suwanee, GA 30024</u>			
TOTAL ACREAGE: <u>1.85</u> PUBLIC ROADWAY ACCESS: <u>Buford Highway</u>			
FOR RESIDENTIAL DEVELOPMENT:		FOR NON-RESIDENTIAL DEVELOPMENT:	
NO. OF LOTS/DWELLING UNITS: _____		NO. OF BUILDINGS/UNITS: _____	
DWELLING UNIT SIZE (SQ. FT.): _____		TOTAL GROSS SQUARE FEET: <u>3,275 SF</u>	
CERTIFICATIONS			
I hereby certify that the above and attached information is true and correct. I am also aware that 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 any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.			
<u>[Signature]</u> Signature of Applicant*		<u>[Signature]</u> Signature of Owner*	
Date _____		Date <u>7/21/22</u>	
<u>Kathleen Diehl</u> Print Name*		<u>Piper Elliott</u> Print Name*	
Date _____		Date <u>7/6/22</u>	
<u>[Signature]</u> Signature of Notary		<u>[Signature]</u> Signature of Notary	
Date <u>7/27/22</u>		Date <u>7/21/22</u>	
* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)			



CITY OF SUWANEE USE ONLY

Date Received: 7/27/22 Case No.: SUP-2022-004 Accepted By: AD

SPECIAL USE PERMIT APPLICANT'S RESPONSE

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Los Angeles

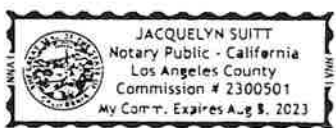
On July 21, 2022 before me, Jacquelyn Suitt, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Pearl Elliot
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Jacquelyn Suitt
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Special Use Permit Application

Document Date: July 21, 2022 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer – Title(s): _____
 Partner – Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: owner
Signer is Representing: _____

~~Signer's Name: _____
 Corporate Officer – Title(s): _____
 Partner – Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer is Representing: _____~~

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

Pursuant to 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:
The use that is being applied for, veterinary clinic, conforms to other tenants in this build along with other adjacent and nearby properties. In fact, this particular use is in existence and allowed directly across the street.

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:
This use will not adversely affect the existing use or usability of adjacent properties. It is worth noting that there will not be any overnight boarding or daycare services.

(C) Whether the property to be affected by the zoning proposal 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:
This use will not cause an excessive or burdensome use of existing streets, facilities, etc. The business hours will be 7 AM - 6 PM M-F and 7 AM - 1 PM on Saturday. The volume of clients will be similar to a dentist, chiropractor, etc as an example.

(E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:
The property is already developed. We are taking over a vacant space. ^{continued}

(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:

CITY OF SUWANEE USE ONLY
Date Received: 7/27/22 Case No.: SUP-2022-004 Accepted By: AD

July 27, 2022

City of Suwanee Department of Planning & Zoning

330 Town Center Avenue

Suwanee, GA 30024

RE: Letter of Intent to Application for Special Use Permit for a Veterinary Practice

Parcel No. 7236015 located at 425 Buford Hwy, Suites 103-104, Suwanee, GA 30024

Planning Department Staff:

The Applicant, Mrs. Kathleen Diehl, DVM, desires to establish a veterinary practice at the above property. The practice will be for small, companion animals only, for example dogs and cats. There will not be any outside components to this business such as kennels or play areas. There will not be any overnight boarding either, unless for medical reasons in which case the patient would be personally monitored.

The space that the Applicant desires to be in is 3,275SF. This space will be designed and built by a veterinary specific design/builder that specializes in veterinary buildouts. The operating hours will be 8am-6pm Monday – Friday and 8am-1pm Saturday.

More and more people are choosing to have pets and are treating them as family members. It is the Applicant's intention to provide veterinary services for the benefit of the community.

Thank you for your consideration of the Special Use Permit.

Sincerely,

Kathleen Diehl, DVM

Owner and Applicant

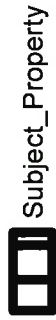
SUP-2022-004



SUP-2022-004

Zoning Map

Legend

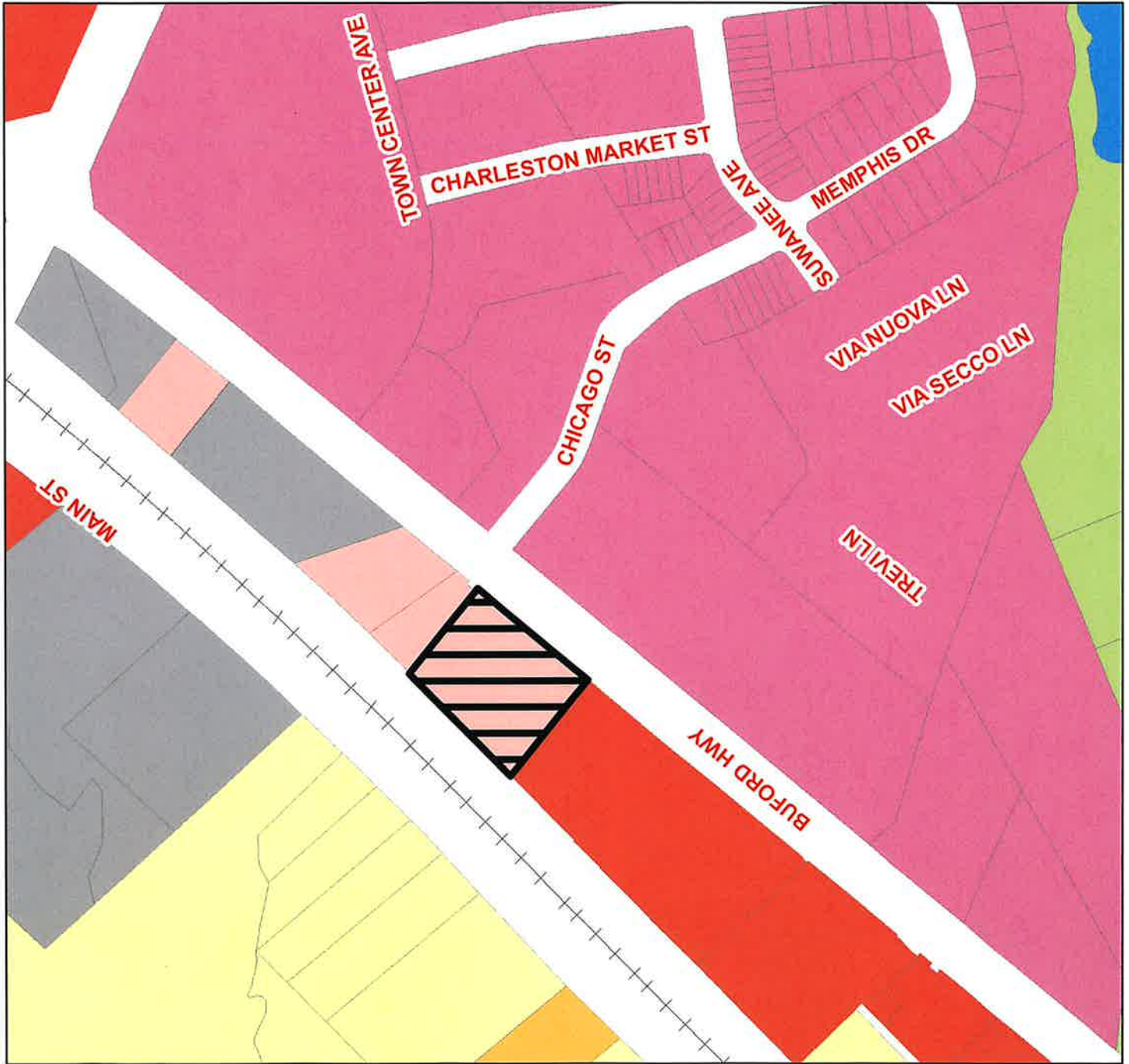


ZONING

- 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



0 150 300 600 Feet





SUP-2022-004

Location Map

Legend



Subject Property

