

**MINUTES
CITY OF SUWANEE, GEORGIA
PLANNING AND ZONING COMMISSION
September 6, 2022**

PLANNING AND ZONING MEMBERS: Present: Michelle Budd, Brad Cox, and Glenn Weyant. Staff members present: Josh Campbell, Alyssa Durden, and MaryAnn Jackson. Absent: Muthu C. Narayanan and Alan Dandar

CALL TO ORDER

Michelle Budd called the meeting to order at 6:32p.m.

ADOPTION OF THE AGENDA

Josh Campbell informed the Planning Commission that AAR-2022-001 needed to be added to the agenda. Glenn Weyant moved to approve the amended agenda, second by Brad Cox. Motion carried 3-0.

ADOPTION OF THE MINUTES: August 2, 2022

Brad Cox moved to approve the August 2, 2022, second by Glenn Weyant. Motion carried 3-0.

OLD BUSINESS

NEW BUSINESS

AAR-2022-001 – Applicant: Rainwater Construction Company. Owner: Paul Kinney. The applicant requests an Alternate Architectural Review to use metal on a proposed storage building.

Josh Campbell presented the staff report as follows: The applicant requests an Alternate Architectural Review to use metal on a proposed 36,000 square foot storage building proposed to be located at 3605 Swiftwater Park Drive. The approximately 14-acre subject property is zoned M-1 (Light Industry District) and located at the end of and industrial park on Swiftwater Park Drive. The subject property is surrounded by industrial uses and backs up to the Suwanee Creek Greenway which is located in a wide floodplain with single family residential uses on the other side of the creek. The nearest residential structure is over 1,500 linear feet away.

The subject property is currently occupied by a 57,000 square foot warehouse building. The existing building is constructed of the same materials that the applicant is proposing to use on the new building. The existing building was constructed prior to the adoption of the Architectural Standards. The subject property does not see a high volume of traffic and most of the traffic that does pass by the site is likely related to other industrial uses in the area. The building would not be highly visible.

The Architectural Standards regulates the type of materials that may be used on the exterior of new buildings. The material regulations do not apply to additions or renovations of existing buildings. The applicant in this case was involved in two prior additions to the existing building neither of which was required to comply with the Architectural Standards. As such, the applicant was unaware of the Architectural Standards when they started ordering materials for the new building (to which the Architectural Standards do apply).

The applicant requests an Alternate Architectural Review to use metal as the primary exterior building material of the building. The building is an industrial use that is subject to the City of Suwanee Architectural Standards for the M-1 (Light Industry) zoning district. The City of Suwanee Architectural Standards do not allow metal as a material for buildings in Suwanee.

The applicant seeks approval of building elevations that deviate from the technical requirements of the City of Suwanee Architectural Standards. The standards allow for staff to approve minor deviations; however, the proposed use of metal constitutes a significant deviation from the standards and therefore requires authorization from the Planning Commission.

The Planning Commission is authorized to review alternate architectural designs. When an architectural design meets the spirit but not the technical requirements of the City's requirements, approval of an alternate review may be warranted. The Commission decides on this on a case-by-case basis after reviewing the submitted information.

Michell Budd called upon the applicant.

Steven Hudgens, Rainwater Construction Company. Mr. Hudgens explained that the facility was built in 1997. There have been two prior additions made to the building. He was given a variance in 2010 for the first expansion. In 2018, he constructed another addition. The panel is an architectural panel. It is aesthetically pleasing and highly energy efficient. Mr. Hudgens informed the board that he is in agreements with the proposed conditions.

Glenn Weyant moved to approve AAR-2022-001 with conditions, second by Glen Weyant. Motion carried 3-0.

- 1) The building shall be located approximately as shown on "Exhibit A".
- 2) Building elevations shall closely resemble "Exhibit B".

RZ-2022-005– Owner: North Georgia Congregational Holiness Church. Applicant: Mainstreet Building Group. The applicant requests a rezoning from R-100 (Residential Single Family District) to IRD (Infill Residential District) to allow for single family homes. The site is located in Land Lot 237 of the 7th District at 3988 Scales Street and contains approximately 0.7 acre.

Josh Campbell presented the staff report as follows: 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. IRD allows for lots that are a minimum of 6,500 square feet. The 4 proposed lots are each approximately 7,620 square feet, so the proposed lots would meet this requirement. The subject property can adequately handle 4 single family detached homes.

The subject property is a through lot with road frontage on Scales Street and Calaboose Street. The property is zoned R-100 and surrounded by other residential lots that are developed with single family detached homes. To the northwest are 2 substandard lots of record that are zoned R-100 and contain single family homes that face Scales Road. These septic lots are between 16,000 and 17,000 square feet. They would be required to be at least 22,000 square feet for a septic lot under current standards. To the southeast are 5 lots that are zoned IRD (all smaller than the proposed lots on the subject property) that contain single family homes that face Jackson Street. Across Scales Street is a block containing 6 lots zoned IRD. This block was previously zoned to allow for 14 lots per RZ-2006-012, but the property owner chose to develop the property with only 6 homes per RZ-2018-002. Across Calaboose Street are 3 lots zoned R-100 and a lot zoned IRD at the corner of Calaboose Street and Scales Road. The requested rezoning to IRD is consistent with the use and zoning of the surrounding property.

The IRD (Infill Residential District) was created to provide infill opportunities in Old Town as guided by the Comprehensive Plan. 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. Several lots surrounding the property have been rezoned to IRD including the 5 lots to the southeast of the subject property, the 6 lots across Scales Street, and the 3 lots at the corner of Calaboose Street and Scales Road.

The Future Land Use Plan recommends institutional uses for the subject property as it does for properties throughout the City occupied by churches under the assumption that the church would remain in service. The church on the subject property is no longer operating, and the owner is now seeking to market the property. The church is one of the older structures identified as a historic resource in the Old Town Master Plan in 2002. The church has been modified since the original construction in 1950 with a concrete block addition in the rear of the building, and the structure would need significant renovation to repurpose the building. The applicant evaluated the church building and determined that the church does not have significant architectural value. Because the assumption of the Comprehensive Plan, that the current occupant of the building would want to continue to operate as a church, is no longer valid, the future development of the Historic Old Town character area as defined in the Comprehensive Plan may provide better guidance.

The 2040 Comprehensive Plan calls for 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 and the character of Old Town. 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 found in the 2040 Comprehensive Plan (2040 Comprehensive Plan, p. 17). The proposed zoning request, with conditions managing the design of the buildings, is consistent with the guidance found in the Comprehensive Plan.

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-2022-005.

Michelle Budd asked about sewer. Josh Campbell explained that a building permit cannot be obtained without the sewer line being in place.

Michelle Budd called upon the applicant.

Chuck Rigdon, 207 Daves Farm, Jefferson, GA. Mr. Rigdon stated that he has been involved with building approximately 10 houses in Suwanee. He is working on this current project with Mark Brock.

Brad Cox asked about the 4-foot sidewalk. Josh Campbell explained that the road does not have a lot of traffic so 4-foot sidewalks are adequate. Brad Cox also had a question about the retaining wall. Josh Campbell stated that he would like the wall to be of brick or stone.

Michelle Budd called for opposition.

Elvira Rogers, 3968 Calaboose Street, Suwanee, GA. Ms. Elvira stated, “My husband, John and I, live at 3968 Calaboose Street in historic old town Suwanee. My husband is a native of Suwanee. We have lived at this location since 1989. The proposed rezoning

(RZ-2022-005) is directly across the street from our residence. We love the City of Suwanee and care about the community enough to come to this meeting tonight.

In reviewing the staff report, we would like to address the following:

- Developing the property of the now closed Congregational Holiness Church is a positive. We've phoned Suwanee PD a couple times for young people entering illegally.
- Placing 4 houses on this site seems excessive.
- Your staff report and the 2040 Comprehensive Plan highlight – “Historic Old Town will be characterized by a mixture of old and new quaint smaller scale development integrated into the traditional fabric. The Old Town Character Area is the historic downtown for the City. Old Town has a quaint character that serves as the foundation for Suwanee’s identity and is valued as a cultural resource.”
- In 2007, 5 larger homes were built along Jackson Street that began a change to the Old Town character area. These homes sat empty until around 2015, until a new owner took over the development.
- Recently, new homes were built in the area along Scales Road and Scales Street. These homes were larger homes compared to the Old Town neighborhood development (early 2000’s on Scales Road) and the older existing homes. I celebrate the recent new homes because the original intent was IRD with 15+ homes in the block between Scales Road and Scales Street in 2006. The new owner of the property honored the hometown feel and lessened the number of homes built in this block. This is a beautiful addition to the community.
- The staff report states 4 houses with 2 facing Scales Street and 2 facing Calaboose Street. We are concerned with the access onto these small streets. We see daily on Calaboose Street cars having to pull to the side of the road to allow another vehicle to pass.
- The staff report has a condition that 4 foot sidewalks be added to Scales Street and Calaboose Street prior to obtaining a CO for each primary structure. These streets are very narrow and the sidewalks will need to be within the development for safe roadway travel.
- The staff report also calls for 3” caliber trees to be installed along the street 35 feet on center. These will need to be within the development for safe roadway travel.
- Whatever development is recommended/approved for this site, there needs to be attention to erosion control and a monitored drainage plan and aesthetics of the retaining walls, etc. There are already drainage issues in this area. Currently, there are ditches on these streets.

I'm here representing the Rogers household, because 4 houses on this tract of land seem to NOT be in character with the 2040 Comprehensive Plan and the Old Town Character. 2 houses may be a better fit.

Quoting again from the Comprehensive Plan, Future Development on pages 16 & 17 –

- “Development in Old Town requires sensitivity to existing residents. Although there is a desire to increase residential opportunities in the area, there are no large tracts of land available that would accommodate new neighborhoods. The growth strategy for Old town should be carefully-crafted, creative infill responding to and enhancing the historic scale and unique small town character of Old Town”
- “Infill residential within the historic district needs to be well designed and constructed and is encouraged to be compatible with the Old Town Design Guidelines established in 2002 to complement existing architectural styles.” The document goes on to state -
- “There are challenges to infill development in the Old Town. Some lots could be subdivided to create infill opportunities, except that this type of development requires sewer and most of Old Town is still not served by sewer. The cost to extend county sewer lines is usually not practical for only a few lots.”

We understand and appreciate the reinvestment in the Old Town Area. It is refreshing sitting on my front porch seeing my new neighbors out and about walking their dogs and walking with their families.

We know with the ownership of the property changing there will be new development. We ask that you consider the current residents, stay true to the Comprehensive Plan & Architectural Guidelines in your recommendation; and, consider reducing the number of homes from 4 to 2. Thank you for your time.”

Zack Whigham, 670 Scales Road, Suwanee, GA. Mr. Whigham stated that he is concerned about traffic and construction vehicles. Mr. Whigham also had questions about the sidewalks.

Josh Campbell explained that the sidewalks would be 4 feet directly adjacent to the road. Street trees would be behind the sidewalks.

Brad Cox moved to approve RZ-2022-005 with staff conditions, second by Glenn Weyant. Motion carried 3-0.

1. Development shall not exceed 4 lots.
2. Prior to issuance of a building permit for any portion of the property, the applicant shall provide a grading plan and residential drainage plan (RDP) for the entire site. Said plan shall include any retaining walls and demonstrate how sidewalks

will be provided on Scales Street and Calaboose Street. Said plan shall also illustrate and quantify that proposed impervious surface does not exceed that of the existing conditions. Said plan shall demonstrate that the storm water run off from the site will be decreased by the proposed development from the existing conditions and address how storm water will be conveyed within the right-of-way adjacent to the property. Said plan shall be executed prior to issuance of any building permit.

3. 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.
4. Maximum building height shall be 35 feet.
5. A 4-foot sidewalk shall be provided along Scales Street and Calaboose Street prior to issuance of a certificate of occupancy for each primary structure.
6. Trees found on Suwanee's list of approved street trees should be installed along the road approximately 35 feet on center. Said street trees should be 3" caliper. Trees shall be installed on each lot prior to the issuance of a certificate of occupancy for any single family home.
7. Provide a house location plan (HLP) prior to issuance of a building permit for each single family residence on 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, proposed final topo, and finished floor elevations for buildings. HLP shall provide a calculation of the amount of impervious surface proposed. 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.
8. The height and material of retaining walls facing a public street shall be subject to the approval of the Planning and Inspections Department.
9. Any plat executed to subdivide the property shall assign a maximum amount of impervious surface for each new lot. The total allotted impervious surface shall not exceed the amount of impervious surface currently in place.

SUP-2022-004 – Owner: 425 Buford Highway LLC. Applicant: Kathleen Diehl, DVM. 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 site is located in Land Lot 236 of the 7th District at 425 Buford Highway Suites 103 and 104 and contains approximately 1.85 acres.

Josh Campbell presented the staff report as follows: 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.

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 standard 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 beatification 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.

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.

Glenn Weyant asked about policing for outdoor uses Josh Campbell stated that if there are complaints that will be an indication that outdoor uses are occurring.

Michelle Budd called upon the applicant.

Mr. Kelley Edge, 3062 Four Oaks Drive, Atlanta, GA. Mr. Edge is representing the veterinarian. He stated he works with lots of veterinary clinics. The applicant is very mindful of being a good neighbor. There should not be an issue without door waste. The veterinarian generally needs a waste sample for testing.

Michelle Budd called for opposition.

Jason Smith, 451 Main Street, Suwanee, GA. Mr. Smith stated that he is not necessarily opposed. However, he would like to make sure there will not be dogs outside barking in a fenced area.

Glenn Weyant moved to approve SUP-2022-004 with staff conditions, second by Brad Cox. Motion carried 3-0.

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.

AMD-2022-001 – A proposed amendment to the City of Suwanee Zoning Ordinance including, but not limited to, Article V. Zoning District Development and Use Regulations, in order to eliminate as a Permitted Use Community Garden and add Community Garden as a Permitted Special Use in certain single family residential districts and other changes related to that Special Use.

Josh Campbell presented as follows: The City of Suwanee Zoning Ordinance currently allows for community gardens in the R-140 and R-100 Zoning Districts. Recently, it has been highlighted that community gardens can allow for the keeping of small farm animals. That can be done in a way that may or may not be consistent with the way livestock is kept. As a result, we have explored an amendment to the Zoning Ordinance that would continue to allow for community gardens but require a special use permit so that the City Council could have the opportunity to review those on a case by case basis. The amendment would allow community gardens as a special use permit in R-75, IRD, R-100 and R-140.

Brad Cox asked why IRD. Josh Campbell explained that community gardens can be very small and not very impactful, not necessarily including small animals.

Brad Cox asked what is the method for removing a special use permit. Josh Campbell stated that a special use permit can be removed if it is abused. However, this has never come up.

Michelle Budd called for support. There was none.

Michelle Budd called for opposition. There was none.

Glenn Weyant moved to approve AMD-2022-001, second by Brad Cox. Motion carried 3-0.

AMD-2022-002 – A proposed amendment to the City of Suwanee Zoning Ordinance including Article XVIII. Administration, Enforcement, Penalties, and Remedies by adding Section 1808 Appeal of Zoning Decision and Section 1809 Appeal from Zoning Board of Appeals.

Josh Campbell presented the staff report as follows: This is in response to a recent state law that was adopted. We are taking the language that was adopted and incorporating it into our Zoning Ordinance. When the City makes a zoning decision, there are certain appeal options available to the applicant or neighbors that involves the judicial process. This amendment will make it clear how that judicial review will occur if someone chooses to take that remedy.

Michelle Budd called for support. There was none.

Michelle Budd called for opposition. There was none.

Brad Cox moved to approve AMD-2022-002, second by Glenn Weyant. Motion carried 3-0.

OTHER BUSINESS

ANNOUNCEMENTS

ADJOURNMENT

Glenn Weyant moved to adjourn 7:30 p.m.