

**REZONING(S):**

**RZ-2023-002**

**CITY OF SUWANEE  
ANNEXATION & ZONING ANALYSIS**

**CASE NUMBERS:** RZ-2023-002  
AN-2023-001

**REQUEST:** R-100 (GWINNETT COUNTY SINGLE-FAMILY RESIDENCE DISTRICT) to O-I (CITY OF SUWANEE OFFICE-INSTITUTIONAL DISTRICT)

**LOCATION:** 3195 MCGINNIS FERRY ROAD

**TAX ID NUMBER:** 7-168-024

**ACREAGE:** 4.49 ACRES

**PROPOSED DEVELOPMENT:** SENIOR LIVING COTTAGES

**APPLICANT/OWNER:** HJK 1, LLC.  
7126 AVALON DRIVE  
DOUGLASVILLE, GA 30135

**CONTACT:** HANSON KIM  
**PHONE NUMBER:** 256-473-0964

**RECOMMENDATION:** APPROVAL WITH CONDITIONS

The subject property is located at the northwest corner of the intersection of McGinnis Ferry Road and Northolt Parkway and fronts McGinnis Ferry Road. Since the property is located outside the City limits, the applicant requests annexation into the City of Suwanee simultaneously with the request for rezoning of the entire property to O-I (Office-Institutional District) to allow for fourteen senior living cottages. The density of the development would be 3.12 units per acres. The subject property would have direct access onto McGinnis Ferry Road and would have a driveway connection to the adjacent property that is currently under development with an assisted living facility.

When land is annexed into the City, the land must be zoned to a City of Suwanee zoning district. In this case, the request is from Gwinnett County's R-100 (Single-Family Residence District) to the City of Suwanee's O-I (Office-Institutional District).

Georgia has annexation statutes that regulate the annexation and de-annexation of land within the state. There are several types of annexations delineated by these regulations. In this case, the proposed annexation is regulated by the *annexation by the 100% method* (O.C.G.A 36-36-20 through 23). The "100% method" means that all of the property owners of the parcels subject to annexation (in this case 1 owner and 1 property) have requested annexation. This method allows

municipal governing bodies the authority to annex unincorporated parcels contiguous to their municipal limits. Annexation may occur simply from an act of the municipality. Once a resolution to annex the subject property is adopted by the municipality, notice must be served to the Georgia Department of Community Affairs and Gwinnett County. The City Council makes the decision to annex or not. The Planning Commission will only be voting to recommend the appropriate zoning district if the property is annexed.

#### **DEVELOPMENT COMMENTS:**

The subject property is currently being developed with a driveway that will run through the property and connect to the adjacent assisted living facility being developed. In addition to serving the subject property, the driveway will also be the primary access for the assisted living facility. The driveway is being constructed under a development permit issued by Gwinnett County, DP-2022-00358. If the development is not completed prior to annexation of the property, then the closeout of that development will need to be coordinated with Gwinnett County. Additionally, the current development permit only authorized clearing and the development of the driveway. In order to execute the development proposed by the applicant, another development permit will need to be issued with all of the appropriate approvals.

The proposed site plan shows an encroachment into the 75-foot impervious buffer along the stream. However, the encroachment is by means of a perpendicular road crossing which does not require a variance.

The concept plan also shows one of the senior living cottages encroaching into the outer 25 feet of stream buffer required to remain pervious by the Stream Buffer Protection Ordinance. As such, if the applicant intends to develop the site as indicated in the concept a variance from the Stream Buffer Protection Ordinance would be required. The proposed concept plan also shows the same unit extending into a temporary construction easement and a permanent sanitary sewer easement. Either the easement will need to be relocated or the building will need to be relocated. The building can not be located within the permanent easement.

It should be noted that the requested O-I zoning district requires a minimum 50 foot front yard for a lot fronting a public street and a minimum 50 foot buffer where a lot is abutting or across from a residential zoning district. The subject property fronts McGinnis Ferry Road; therefore, a 50 foot front setback would be required.

#### **ZONING HISTORY:**

While the subject property does not have any history in Suwanee since it has been in Gwinnett County, the property does belong to and is being developed by the same property owner as the adjacent property to the east. The 4.4 acre property to the east was annexed into the City and rezoned to O-I in 2019 in order to allow for the assisted living facility that is currently under construction.

## **ANALYSIS:**

The subject property consists of approximately 4.49 acres of land located at the northwest corner of the intersection of McGinnis Ferry Road and Northolt Parkway that is currently being developed with a shared drive connecting to the adjacent property to the east. The shared drive is being developed with the intended purpose of connecting the proposed senior living cottages with the assisted living facility that is currently under development on the adjacent property. A stream runs along the eastern property line. Vegetation will need to remain along the length of this stream. The property is bound by McGinnis Ferry Road to the southwest. The parcel should be able to accommodate the proposed development of 14 senior living cottages.

The subject property is surrounded by institutional and residential uses. The adjacent property to the east is currently under development to build an assisted living facility (zoned O-I). The adjacent property to the north is occupied by Burnette Elementary School (zoned RZT - Unincorporated Gwinnett) and Salude rehabilitation facility (zoned PMUD – City of Suwanee). Across McGinnis Ferry Road, in unincorporated Gwinnett County, there is a church (zoned R-100 - Unincorporated Gwinnett) and an industrial building (zoned M-1 - Unincorporated Gwinnett). It should be noted that the property with the Church is currently on the May agenda for Gwinnett County to hear a request to rezone that property to High Rise Residential (HRR) in order to allow for 240 multi-family units. Across Northolt Parkway, there is an undevelopable sliver of land that is a remnant from the construction of Northolt Parkway that is adjacent to property containing a single family home. Both of these properties are zoned R-100 – City of Suwanee. The proposed use is consistent with the uses in the surrounding area and the proposed intensity of development is significantly less than on the rezoning proposal for the property across McGinnis Ferry Road.

The applicant proposes to develop the site with 14 senior living cottages. Access to the site would be from McGinnis Ferry Road by a shared drive providing access to the adjacent property to the east. The shared drive is already under construction and was permitted by Gwinnett County in conjunction with the approval of the assisted living facility. The density of the development would be 3.12 units per acre. Each cottage will consist of two units totaling 3,400 square feet. The highest point on each cottage will be 23 feet and 11 inches. The cottages will be single-story duplexes, complete with a driveway and single-car garage for each unit. The applicant's goal is to create personal home care facilities that feel like home to the residents. These will work in conjunction with the assisted living facility that is currently under development by the applicant on the adjacent parcel to the northeast. According to the applicant, the residents of the senior living cottages would have access to the services provided at the assisted living facility.

The subject property meets the minimum standards for the O-I zoning district. There is no minimum lot size or lot width requirement for the district, and the subject property exceeds the minimum 40 feet of road frontage.

The subject property is not in the City and is not shown on the City's Future Land Use Map. The Gwinnett County Future Development Map shows this property as part of a Workplace Center. According to the Gwinnett 2040 Unified Plan, Workplace Centers are areas designated to be employment focused. Suwanee's O-I zoning district (Office-Institutional District) allows for

office, institutions and related limited retail business and service activities. Therefore, the proposed zoning district is generally consistent with the County's Future Development Map.

The City's Future Land Use Plan shows a portion of the adjacent property that was annexed into the City as commercial/retail. The proposed use as senior living cottages is institutional. While not entirely consistent with the City's Future Land Use Plan, an institutional use would be consistent with adjacent institutional uses including an elementary school and a physical rehabilitation facility. The subject property is located within the Suwanee Gateway character area. The vision for the Gateway character area is an employment center. While the proposed institutional use is not entirely consistent with the designation for commercial/retail, it is consistent with the vision of the area as an employment center. An institutional use would also be compatible with any potential future commercial developed in the area.

In 2011, Gwinnett County completed an extension of 4 lane McGinnis Ferry Road from Satellite Boulevard across I-85 to Lawrenceville-Suwanee Road. Formerly, the area was served by 2 lane Burnette Road. As a result, what was formerly a quiet residential area is now transitioning to more intensive land uses. Additionally, the County will be connecting McGinnis Ferry Road to I-85 nearby via a half diamond creating direct access to I-85 South from McGinnis Ferry Road and direct access from I-85 North onto McGinnis Ferry Road. This impending improvement is likely to accelerate the transition away from residential uses. The proposed use of the property as an institutional use would be more consistent with the surrounding uses and ultimately more consistent with the vision for the Suwanee Gateway character area even if the proposed use is not entirely consistent with the future land use map.

In 2019, the adjacent property to the east was annexed into the City and rezoned to O-I. This annexation and rezoning was approved in order to accommodate the development of an assisted living facility. The assisted living facility is currently under development and the owner is now seeking to annex and rezone this property to develop it as an extension of the assisted living facility.

The proposed annexation would allow for the development of the property under one jurisdiction. The requested O-I (Office-Institutional District) zoning is compatible to the use that is called for in the County's Future Development Map, and it is compatible with the City's future plans for the subject property. The County has been notified of the proposed annexation and rezoning. As such, if the City Council chooses to annex the subject property, approval as O-I would be suitable. The Planning Department recommends **APPROVAL WITH CONDITIONS** of the request.

Recommended Conditions  
**RZ-2023-002**

The Planning Department recommends rezoning the subject property to O-I subject to the following enumerated conditions:

1. Use shall be limited to senior living cottages. The total number of all units shall not exceed 14 residential units. Units shall have a minimum of 1,600 square feet and a maximum of 2,000 square feet.
2. All cottages shall have access to institutional services (such as dining, transportation, medical, physical therapy, and entertainment) provided at the assisted living facility located on the property to the east.

Standards Governing Exercise of Zoning Power

Pursuant to Section 2006 of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the unrestricted use of property and shall govern the exercise of the zoning power therewith.

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The proposed zoning would be suitable in view of adjacent and nearby property.

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

The proposal would not adversely affect the existing use or usability of adjacent or nearby property and is positioned to be well coordinated with the property to the east.

- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The 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;

The proposal would not result in a use that would cause 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 subject property is not in the City and is not shown on the City's Future Land Use Map. The Gwinnett County Future Development Map shows this property as part of a Workplace Center. According to the Gwinnett 2040 Unified Plan, Workplace Centers are areas designated to be employment focused. Suwanee's O-I zoning district (Office-Institutional District) allows for office, institutions and related limited retail business and service activities. Therefore, the proposed zoning district is generally consistent with the County's Future Development Map.

The City's Future Land Use Plan does not include the property but shows a portion of the adjacent property that was annexed into the City as commercial/retail. The proposed use as senior living cottages is institutional. While not directly consistent with the City's Future Land Use Plan, an institutional use would be consistent with adjacent institutional uses including the assisted living facility being developed on the adjacent property that was recently annexed into the City, an elementary school, and a physical rehabilitation facility. An institutional use would also be compatible with any potential future commercial developed in the area.

- 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.

When land is annexed into the City, the land must be zoned to a City of Suwanee zoning district. The applicant is proposing to annex the subject property that is currently in unincorporated Gwinnett County into the City and zone the entire property to the O-I zoning district in the City of Suwanee. The O-I zoning district is the City's zoning district that is most consistent with the County's Workplace Center designation.

In 2011, Gwinnett County completed this extension of 4 lane McGinnis Ferry Road from Satellite Boulevard across I-85 to Lawrenceville-Suwanee Road. Formerly, the area was served by 2 lane Burnette Road. As a result, what was formerly a quiet residential area is now transitioning to more intensive land uses. Additionally, the County will be connecting McGinnis Ferry Road to I-85 just down the road via a half diamond creating direct access to I-85 South from McGinnis Ferry Road and direct access from and I-85 North onto McGinnis Ferry Road. This impending improvement is likely to accelerate the transition away from residential uses. The proposed use of the property as an institutional use would be more consistent with the surrounding uses and ultimately more consistent with the vision for the Suwanee Gateway character area even if the proposed use is not entirely consistent with the future land use map.

In 2019, the adjacent property to the east was annexed into the City and rezoned to O-I. This annexation and rezoning was approved in order to accommodate the development of an assisted living facility. The assisted living facility is currently under development and the owner is now seeking to annex and rezone this property to develop it as an extension of the assisted living facility.



REZONING APPLICATION

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

<b>APPLICANT INFORMATION*</b>	<b>OWNER INFORMATION*</b>
NAME: <u>HJK 1, LLC</u>	NAME: <u>same</u>
ADDRESS: <u>7126 Avalon Drive</u> <u>Douglasville, GA 30135</u>	ADDRESS: _____
PHONE: <u>(256) 473-0964</u>	PHONE: _____

CONTACT PERSON: Hanson Kim CONTACT PHONE: (256) 473-0964  
 EMAIL ADDRESS: hansonkim1010@gmail.com FAX NUMBER: (678) 805-5562

**PROPERTY INFORMATION**

PRESENT ZONING DISTRICT(S): 7<sup>th</sup> REQUESTED ZONING DISTRICT city of Suwanee  
 PROPOSED DEVELOPMENT: Cottages  
 TAX PARCELNUMBER(S): R7168024  
 ADDRESS OF PROPERTY: 3175 McGinnis Ferry Rd  
 TOTAL ACREAGE: 4.487 PUBLIC ROADWAY ACCESS: McGinnis Ferry Rd

<b>FOR RESIDENTIAL DEVELOPMENT:</b>	<b>FOR NON-RESIDENTIAL DEVELOPMENT:</b>
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/UNITS: <u>14</u>
DWELLING UNIT SIZE (SQ. FT.): _____	TOTAL GROSS SQUARE FEET: <u>19,000</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.

<u>Hanson Kim</u> Signature of Applicant*	<u>March 16, 23</u> Date	_____ Signature of Owner*	_____ Date
<u>Hanson Kim</u> Print Name*	<u>March 16, 23</u> Date	_____ Print Name*	_____ Date
<u>[Signature]</u> Signature of Notary	<u>March 16, 2023</u> Date	_____ Signature of Notary	_____ Date

\* if Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)

\*\*\*\*\*

CITY OF SUWANEE USE ONLY

Date Received: 3/27/23 Case No.: R2-2023-002 Accepted By: [Signature]

**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

- A. Approval of the Applications will allow a use that is suitable in view of the use and development of adjacent and nearby property. The subject Property is located along McGinnis Ferry Road with a mixture of uses. The Property is adjacent to the Applicant's property that is zoned O-I and planned to become an assisted living facility that will serve the proposed development.
- B. Approval of the Applications will not adversely affect the existing use or usability of adjacent or nearby property. Rather the proposed development would complement surrounding land uses as a low-intensity, quiet neighbor for the elementary school, and activate the Property as an attractive use that will connect to the adjacent institutional use as an integral part of the overall assisted living project.
- C. The Applicant submits that due to its size, location, physical characteristics, and layout, the subject property does not have a reasonable economic use as currently zoned.
- D. Approval of the Applications will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The surrounding area has utilities that the property will be able to access.
- E. Approval of the Applications is in conformity with the policy and intent of the 2040 Comprehensive Plan as it will provide diverse employment opportunities and promote growth and development in the area.
- F. The prior approval of the Applicant's assisted living facility next door, and the presence of the school on the other side of the property, provide supporting grounds for approval of the zoning proposal.



Matthew P. Benson  
Catherine W. Davidson  
Gerald Davidson, Jr.\*  
Rebecca B. Gober  
Brian T. Easley  
Christopher D. Holbrook  
Jessica P. Kelly

Shane M. Lanham  
Jeffrey R. Mahaffey  
Steven A. Pickens  
Gabrielle H. Schaller  
Andrew D. Stancil  
R. Lee Tucker, Jr.

\*Of Counsel

**COMBINED LETTER OF INTENT FOR REZONING AND  
ANNEXATION APPLICATIONS**

Mahaffey Pickens Tucker, LLP submits this combined Letter of Intent and attached Rezoning and Annexation applications (the “Applications”) on behalf of HJK 1, LLC (the “Applicant”) relative to an approximately 4.487-acre tract of land (the “Property”) located along McGinnis Ferry Road and at the corner of McGinnis Ferry Road and Northolt Parkway. The Property is currently located in unincorporated Gwinnett County and is zoned R-100. The Applicant requests that the city annex the Property and zone it to the O-I classification in order to develop the Property for personal home care use.

The Property has road frontage on McGinnis Ferry Road. The Applicant is proposing to develop the Property into fourteen senior living cottages. The density of the development would be 3.12 units per acre. Each cottage will consist of two units with a slight range of to 1,720 square feet, for a total of 3,400 square feet. The highest point on each cottage will be 23 feet and 11 inches. The cottages will be single-story duplexes, complete with a driveway and single-car garage for each unit. The cottages design reflects the Applicant’s goal to create personal home care facilities that feel like home to the residents. The cottages will be designed with an attractive combination of materials such as clean white wood siding with rustic stone and exposed wood elements. Each home will have a modest and inviting landscaped yard. The rear of the cottages provides each unit with a charming porch covered by exposed white beams. The Applicant will maintain ownership of the cottages, and offer them on a for-lease basis to potential residents.

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122-2023-002

The proposed development will be an integral part of the Applicant's overall assisted living project. The Applicant recently received approval to develop an assisted living facility on the adjacent parcel to the east of the Property. Both the senior living cottages and the assisted living facility will be owned and operated by the Applicant. The cottages will be offered for residents that require in-home care but want to maintain, or plan to regain their independence. The residents of the cottages will enjoy full access to the services provided at the assisted living facility including the same dining, entertainment, and health services as the residents of the assisted living facility. The proposed small, home-like cottages will allow caregivers to provide personalized care for each resident to meet their unique needs. The development would enjoy access to McGinnis Ferry Road from a right-in-right-out shared driveway that would run through the cottages and connect them to the adjacent assisted living facility. The shared drive is already under construction and was permitted by Gwinnett County in conjunction with the approval of the assisted living facility.

Personal home care is an appropriate land use on the Property because it supports the goals of the 2040 Comprehensive Plan and is compatible with nearby land uses. The Property is located near the Suwanee Gateway Character Area that promotes growth and development. The proposed development will be a component of a larger senior living complex that provides a variety of living options. The Suwanee Gateway Character Area encourages developments that will diversify employment opportunities over time. The development will create employment opportunities including positions in medicine, therapy, nursing and other ancillary staff positions. A goal for future development in the Suwanee Gateway Character Area is to beautify the area with attractive redevelopment. The cottages will be built with a combination of attractive materials such as stone, brick veneer, fabricated brick, stone siding, and engineered wood siding. The future development for the character area envisions a regional activity center. However, the presence of the school right next door makes intense commercial activity an inappropriate land use on the subject Property. The proposed development will satisfy the goals of the comprehensive plan for the area by activating the underutilized property while still maintaining a quiet and safe environment for the elementary school.

The proposed development is compatible with surrounding uses. The property is next to the elementary school on the north side of the property and a parcel zoned in the O-I classification to the east where the assisted living facility will be located. The proposed use will be a better use of the land than a commercial use because commercial uses bring with them increased traffic and heightened safety concerns. Traffic concerns are of the utmost importance in this area because of the presence of the elementary school and maintaining safe conditions is paramount. Additionally, the cottages will be an extension of the previously approved institutional use next door. Because of the relatively low density of the proposed development and its quiet nature, the proposed use is compatible with these existing uses and would provide appropriate land use to the area.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Suwanee Planning and Inspections Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of the Applications.

This 27th day of March, 2023.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP

*Gabrielle Schaller*

Gabrielle H. Schaller  
*Attorneys for Applicant*

RZ-2023-002





**REVISIONS**

NO.	DATE	DESCRIPTION

**Owner/Developer**  
 HJK 4, LLC  
 Douglasville, GA 30035  
 584-473-0948

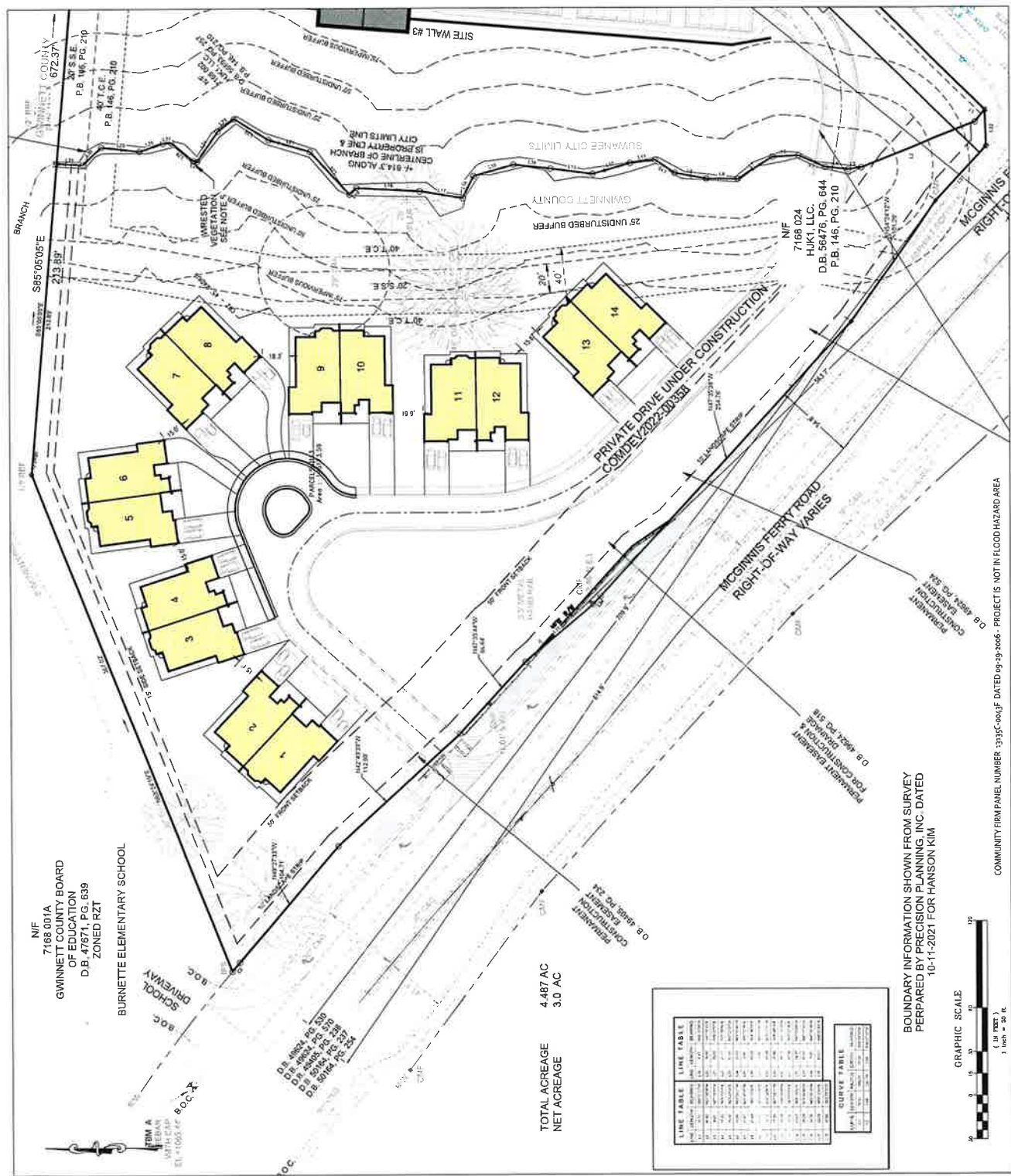
**Mesun Senior Living**  
**Cottages**  
 McGINNIS FERRY ROAD  
 SUMNER, GA

**PROJECT NO.**  
 3335C-0001F

**DATE**  
 10-11-2021

**Site Zoning**  
**Plan**

**PROJECT**  
**SZP-1**



RZ-2023-002



**SENIOR LIVING COTTAGE DESIGN**

**FRONT VIEW**

RZ-2023-002





**SENIOR LIVING COTTAGE DESIGN**

**REAR VIEW**

RZ - 2023 - 002





Highest Point 23' 11"

**SENIOR LIVING COTTAGE DESIGN**

**EAST SIDE VIEW**

RZ-2023-002



# SENIOR LIVING COTTAGE DESIGN

# WEST SIDE VIEW

RZ-2023-007





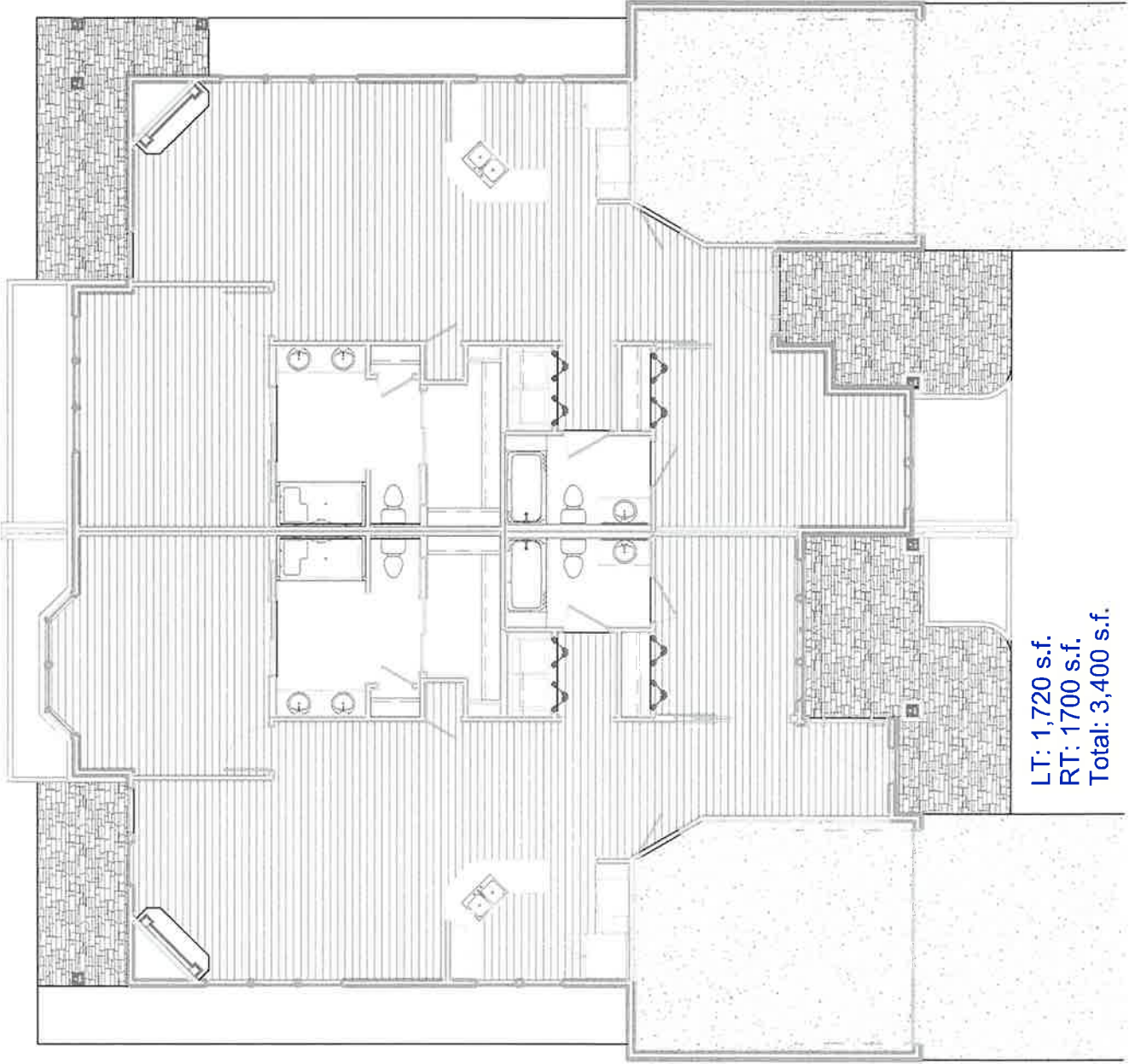
**SENIOR LIVING COTTAGE DESIGN**

**SOUTH WEST CORNER VIEW**

RZ-2023-002

**08.20.2022 FLOOR PLAN LAYOUT UPDATE WITH INTERIOR LAYOUT ADJUSTMENT AND KITCHEN ADDITION.**

Kitchen area has been developed and designed.  
The garage wall and the entrance area have been adjusted inches due to kitchen area configurations



LT: 1,720 s.f.  
RT: 1700 s.f.  
Total: 3,400 s.f.

RZ-2023-007

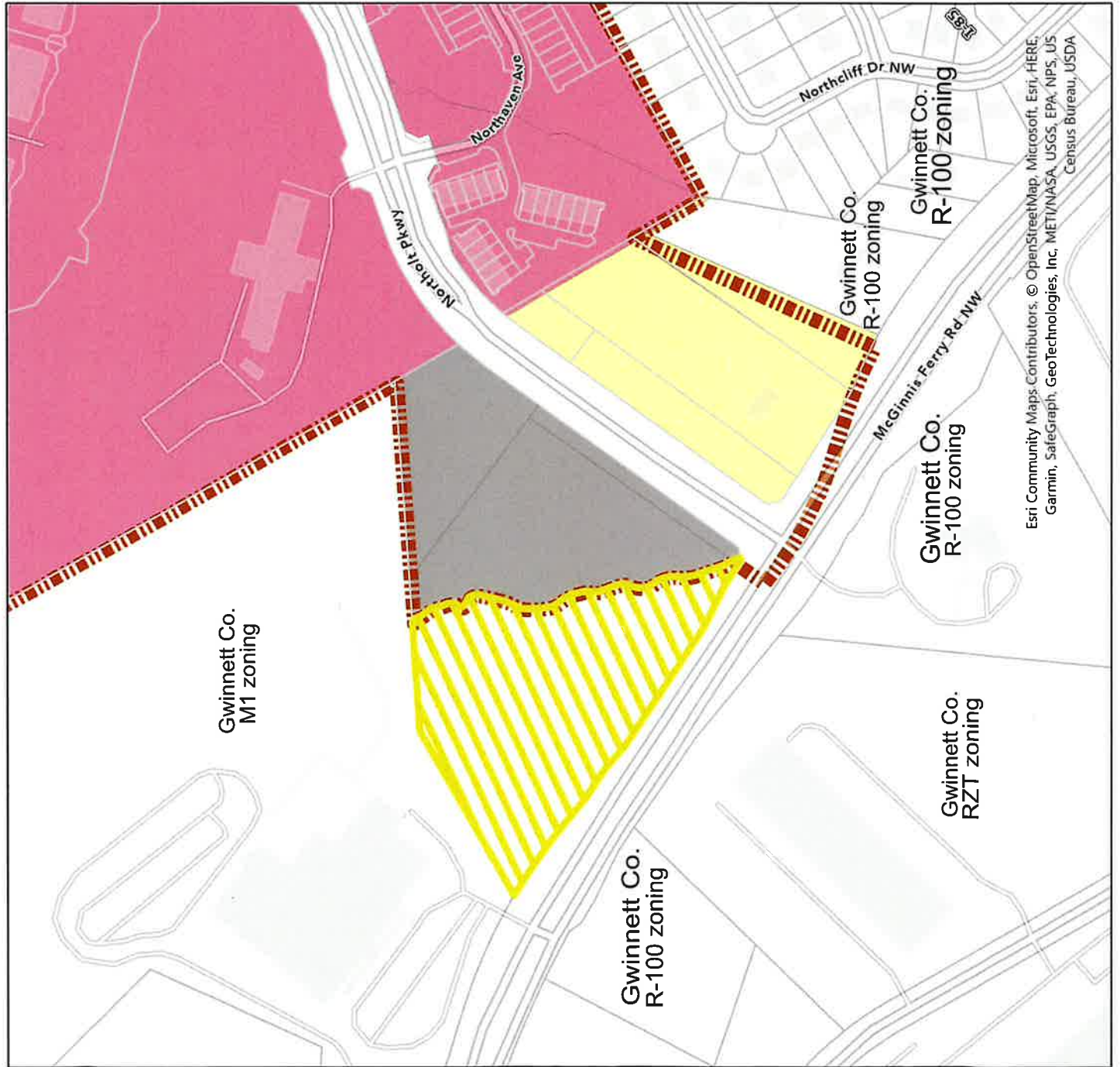
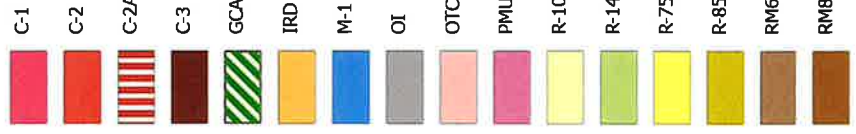


# Zoning Map

## RZ-2023-002

Subject Property  
City Limits

### ZONING






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# Location Map RZ-2023-002

## Legend

-  Subject Property
-  City Parcels
-  City Limits



0 365 730 1,460 Feet



