

**MINUTES**  
**CITY OF SUWANEE, GEORGIA**  
**PLANNING AND ZONING COMMISSION**  
**May 2, 2023**

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

**CALL TO ORDER**

Glenn Weyant called the meeting to order at 6:31 p.m.

**ADOPTION OF THE AGENDA**

*Muthu C. Narayannan moved to approve the agenda as presented, second by Brad Cox. Motion carried 4-0.*

**ADOPTION OF THE MINUTES: April 4, 2023**

*Alan Dandar moved to approve the April 4, 2023 minutes, second by Muthu C. Narayannan. Motion carried 4-0.*

**OLD BUSINESS**

**NEW BUSINESS**

**RZ-2023-002** – Owner/Applicant: HJK 1, LLC. The applicant requests annexation and rezoning from R-100 (Single-Family Residence District - Unincorporated Gwinnett County) to O-I (Office-Institutional District – City of Suwanee) to allow for assisted living cottages. The site is located in Land Lot 168 of the 7<sup>th</sup> District at 3175 McGinnis Ferry Road and contains approximately 4.48 acres. The annexation (AN-2023-001) concerns 4.48 acres that are contiguous to the corporate limits of the City of Suwanee and the Owner/Application is seeking annexation of this parcel pursuant to O.C.G.A. 36-36-20 et seq.

Josh Campbell presented the staff report as follows: 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.

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.

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.

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.

Muthu C. Narayanan asked about the square footage per unit. Josh Campbell stated that the applicant would be limited to a maximum of 2000 square feet per unit.

Glenn Weyant asked why the property was not annexed originally. Josh Campbell stated that he is unsure why it was not annexed.

Brad Cox asked about the architectural standards. Josh Campbell explained that the Planning Commission can add a condition for the architectural standards. Discussion ensued amongst the Planning Commission and Josh Campbell regarding the architecture.

Glenn Weyant called upon the applicant.

Gabby Schaller, 1550 North Brown Road, Lawrenceville, GA. Ms. Schaller is representing the applicant. This request is for Phase II of the overall senior living development. The senior living facility is already under development on the adjacent site to the subject property. The applicant is an experienced provider of senior living communities and owns and operates facilities in Georgia and Alabama. The proposed development is for 14 senior living cottages. The goal is to provide personal home care for seniors while allowing them to preserve their independence. The applicant will maintain ownership of the cottages. Residents will lease the cottages. The residents will have full access to all amenities, including dining, entertainment, and all health services. The proposed development is compatible with surrounding uses. It also implements key goals of the Comprehensive Plan. The applicant is amenable to architectural conditions.

Brad Cox asked if the applicant had tried to rezone the property in Gwinnett County. Ms. Schaller stated that they only came to the City of Suwanee to rezone the property.

Glenn Weyant called for opposition. There was none.

Alan Dandar moved to approve RZ-2023-002 with amended conditions, second by Brad Cox. Motion carried 4-0 (additions = **bold**).

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.
3. **Prior to issuance of a development permit, architectural elevations shall be provided to the City. Said architecture shall be consistent with the architecture provided in the rezoning application.**

**OTHER BUSINESS**

**ANNOUNCEMENTS**

Josh Campbell announced that the State of Georgia has recently changed the standards for the Comprehensive Plan requiring that the City update the Comprehensive Plan every 5 years, so the City will be doing a minor update this summer.

**ADJOURNMENT**

*Alan Dandar moved to adjourn 6:51 pm.*