REZONING(S): RZ-2023-009

CITY OF SUWANEE REZONING ANALYSIS

CASE NUMBER:

RZ-2023-009

REQUEST:

PMUD (PLANNED MIXED-USE

DEVELOPMENT DISTRICT) TO R-100 (SINGLE

FAMILY RESIDENTIAL DISTRICT)

LOCATION:

4545 SUWANEE DAM ROAD

TAX ID NUMBER:

7-277-002

ACREAGE:

4.38 ACRES

PROPOSED DEVELOPMENT:

COMMUNITY FACILITY- PRIVATE SCHOOL

APPLICANT/OWNER:

MAGNOLIA FARMS EDUCATIONAL

PROPERTIES, LLC.

4545 SUWANEE DAM ROAD

SUWANEE, GA 30024

CONTACT:

J. ETHAN UNDERWOOD

PHONE:

770-781-4100

RECOMMENDATION:

APPROVAL WITH CONDITIONS

ANALYSIS:

The applicant seeks a change in zoning from PMUD (Planned Mixed-Use Development District) to R-100 (Single-Family Residential District) to allow for a private school. The subject 4.38 acre site is located across from Sims Lake Park at 4545 Suwanee Dam Road and currently contains an approximately 3,300 square foot structure originally constructed as a single family home now being used as an adult daycare for young adults with special needs and an accessory building. The property has access via a private driveway on to Suwanee Dam Road.

The applicant proposes a private Montessori School starting with a program for kids ages 12-15 with approximately 50-70 students using the existing facilities located on the subject property. The applicant proposes to construct two playground/outdoor activity areas and establish a garden prior to opening the school. Over time, the plan is to grow and expand the existing facilities as the market demands. This expansion would include a 450 square foot pavilion in the near future and a 4,186 square foot building and a widening of the existing paved driveway order to accommodate approximately 150 students from Pre-K to 18-year-olds in the long term future.

ZONING HISTORY:

The property was rezoned from R-100 to PMUD in 2012 to accommodate the development of an adult day care for young adults with special needs. The rezoning was approved with the following conditions:

- 1. Future site improvements shall be limited to the three general expansion areas indicated on the site plan submitted on 7/6/12. Uses and accessory structures shall be generally consistent with the applicant's Letter of Intent submitted on 7/6/12.
- 2. Future buildings and new construction shall be substantially similar in design and materials as the existing single-family residence.
- 3. There shall be a maximum of 18 clients permitted on-site at any given time.
- 4. The large wooded area in the front yard of the primary residence (the front 160 feet of the property) shall be considered a tree save area. 20 foot wide undisturbed buffers shall be provided along the sides and rear of the property. The minimum building setbacks for the side and rear of the property shall be 30 feet. The minimum front yard setback shall be 160 feet. All other district development regulations shall be consistent with those in the O-I zoning district. Any removal of trees shall be subject to the approval of the Planning and Inspections Director.
- 5. All buildings, including the primary residence, shall meet all fire safety code requirements.
- 6. The site shall be limited to those uses found in the R-100 zoning district and use as a day care facility.

The conditions of approval limit the number of clients to 18 at a given time. The applicant is planning to start the school at 50 students. The applicant also proposes to expand development on the property beyond that which was allowed by the conditions of zoning. As such, a rezoning is necessary in order for the proposed use of the property.

DEVELOPMENT COMMENTS:

The applicant has been informed that the house will need to conform to all current building and fire codes for public assembly. If the project is approved, any improvements will need to be reviewed for compliance with all applicable building, zoning, and development requirements through the usual development or building permit review process.

The applicant is seeking to use the property as a community facility. A community facility is defined as, "A community use with a public assembly component commonly found in nonresidential areas, but which requires additional regulation when located in residential area. Such uses include, but are not limited to, community clubs, community associations, golf courses, country clubs, private parks, religious institutions, schools and swimming and tennis clubs." The applicant is proposing a private school. The proposed use is consistent with the definition of a community facility.

Community Facilities are conditional uses subject to the following additional requirements:

- a. All outdoor lighting shall comply with Section 1501.C.2.
- b. The lot must be accessed from an arterial or collector as identified in the Comprehensive Pan.
- c. All buildings shall be located at least 50 feet from all property lines.
- d. All off-street parking areas shall be located at least 25 feet from all property lines.

- e. All buildings shall comply with the City's architectural standards for the O-I zoning district.
- f. Such uses include, but are not limited to, community clubs, community associations, golf courses, county clubs, private parks, religious institutions, schools and swimming and tennis clubs. (see definition).

The proposed use appears to be consistent with the enumerated conditional requirements. It should be noted that the applicant has not provided any examples of architecture for the accessory structure that is proposed as a future addition.

The applicant is proposing to expand the number of clients that would be served by the property. The applicant should be prepared to obtain approval from either the health department for septic or the Gwinnett County Department of Water Resources for sewer.

The subject property contains a stream. This stream is considered state waters and is subject to the requirements of the Erosion and Sedimentation Control Ordinance and the Stream Buffer Protection Ordinance. The proposal indicates playground area 2 is located within a required "no-impervious" buffer and a small intrusion into the undisturbed buffer. The play area will not be allowed to intrude into the undisturbed buffer and the surface of the play area must be pervious if it will be located within the "no-impervious" buffer.

The applicant indicates long term plans that include an expansion of existing facilities in order to accommodate up to 150 students. The property owner should be prepared to update the access onto the property from Suwanee Dam Road when the capacity of the school is increased.

ANALYSIS:

The subject 4.38 acre parcel contains an approximately 3,300 square foot single family home with an almost 800 square foot basement and a more than 1,000 square foot accessory building. Much of the property is wooded with large mature trees located along Suwanee Dam Road. The property contains a stream that bisects the property from north to south. The stream will limit usability of the property as a result of a required 50 foot undisturbed buffer and an additional 25 feet of "no impervious" surface buffer. The stream impacts the ability to develop approximately 1.5 acres of the overall property. The applicant wishes to use the house as a Montessori School for ages 12-15 at the start, later expanding to Pre-K through age 18. It is estimated that the program would begin with 50-70 students and grow with time to a maximum of 150 students. All of the improvements indicated on the rezoning proposal can be accommodated on the subject property even with the presence of the stream.

The subject property is currently zoned PMUD (Planned Mixed-Use Development). Across Suwanee Dam Road, to the north, is Sims Lake Park (zoned R-140). To the south are single family residences within the Three Bridges neighborhood, zoned PMUD. To the east and west of the subject property, along Suwanee Dam Road, are single family homes zoned R-100. Other nearby uses on this segment of Suwanee Dam Road include North Gwinnett High School and two religious institutions. The proposed use of the property as a small private school is consistent with the use of the properties in the surrounding area.

The City's Future Land Use Plan recommends single family residential uses for this site. Use of the property as a small private school is consistent with this designation. The applicant proposes to use the existing 3,300 square foot home and 1,000 square foot accessory structure. The proposed additions of a 4,186 square foot building, a widened drive, playgrounds, garden and pavilion in the midst of the heavily wooded lot are all consistent with uses in a residential area and the visual impact on adjacent properties would likely be minimal. Provided the school remains small the use should not conflict with the surrounding uses.

Under its current PMUD zoning, the applicant would be unable to operate the proposed use as a Montessori School with 50-70 students due to existing conditions that were required during its last rezoning in 2012. Since the long-term goal of the applicant is to have more than 50-70 students and to have multiple accessory buildings and uses, a rezoning is requested. Following several discussions with the applicant, staff recommended that a rezoning to R-100 would be the best fit for the anticipated future use of the property which will include gardens, playgrounds, and educational facilities. A rezoning will allow the applicant certainty that their investment in the property will go toward their overall vision for the site and provide the City with more certainty about the extent of development on the site.

It should be noted that the Zoning Ordinance does differentiate between small and large schools. Community schools are specifically listed as an allowed use subject to the enumerated conditions in the Zoning Ordinance. The ordinance recognizes that some community facilities may exceed 20,000 square feet of cumulative development or 5 acres of cumulative land disturbance. A community facility larger than 5 acres or 20,000 square feet would require a special use permit. The applicant is proposing a use that does not meet or exceed these thresholds. Use of the term "small private school" is intentional. Support for use of the property for a small private school should not be misinterpreted as a wholesale support for a community facility regardless of size. A "large private school" may not be appropriate at this location. If the current or future property owner seeks to expand the size of the school beyond the threshold for a "large development/project" then that property owner should be prepared to seek applicable approvals at that time.

The City does not envision extending intensive commercial uses farther along Suwanee Dam Road north of Peachtree Industrial Boulevard. While the proposed use is not single family residential it is consistent with single family residential uses and at the proposed location it should blend well with nearby residential uses, intensive commercial uses to the south, and other institutional uses to the north.

In conclusion, the proposed use is appropriately proposed to be located on an arterial road and would blend in well with the surrounding residential and nearby institutional uses on Suwanee Dam Road. While the proposed use is not single family residential, as a small school is consistent with the City's Future Land Use Plan. Provided the appropriate conditions are in place in order to regulate the intensity of future development on the site and to ensure consistency with the existing character of the area, approval of the request would be appropriate. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of RZ-2023-009.

Recommended Conditions **RZ-2023-009**

The Planning Department recommends rezoning the subject property to R-100 subject to the following enumerated conditions:

- 1. Subject to regulations in place at the time, buildings on the property shall not cumulatively exceed 20,000 square feet without first obtaining a special use permit.
- 2. Future buildings or expansions shall be substantially similar in design and materials as the existing single-family residence.
- 3. Prior to obtaining a development permit or building permit that includes an expansion, approval for access to the property shall be obtained from Gwinnett County Department of Transportation. Prior to issuance of Certificate of Occupancy for any additional space any improvements required by Gwinnett County Department of Transportation shall be completed.
- 4. Prior to removal of any tree larger than 8" DBH the property owner shall obtain permission from the Planning and Inspections Department. This is not intended to prevent the property owner from removing any trees that are dead or dying or otherwise pose a threat to public safety.
- 5. All buildings, including the primary residence, shall meet all applicable fire safety code requirements.

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 is a suitable land in view of the use and development of adjacent and nearby property.

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

With the recommended 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 should not result in a use which will or could 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 zoning proposal is generally consistent with the anticipated uses in the Suwanee Junction Character 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;

The current zoning proposal is for a small school that is anticipated to grow. If that future growth is proposed to exceed the threshold for a large project, then the property owner should be prepared to seek the appropriate approvals for a large project.

ATTACHMENT(S): RZ-2023-009

REZONING APPLICATION

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

APPLICANT INFORMATION*	ORMATION* OWNER INFORMATION*				
NAME: Magnolia Farms Educational Properties, LLC	NAME: Magnolia Farms Educational Properties, LLC				
ADDRESS: 4545 Suwanee Dam Road	ADDRESS: 4545 Suwanee Dam Road				
Suwanee, GA 30024	Suwanee, GA 30024				
PHONE: 770-781-4100	PHONE: 770-403-4664				
Miles Hansford, LLC CONTACT PERSON: J. Ethan Underwood CO	ONTACT PHONE: 770-781-4100				
eunderwood@mileshansford.com /	AX NUMBER: 770-781-9191				
PROPERTY	INFORMATION				
PRESENT ZONING DISTRICT(S): PMUD R					
PROPOSED DEVELOPMENT: Community Facility - S	chool, Private				
TAX PARCELNUMBER(S): R7277 002					
ADDRESS OFPROPERTY: 4545 Suwanee Dam Rd. S	Suwanee, GA 30024				
TOTAL ACREAGE: 4.38 PUBLIC ROADWA					
FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOPMENT:				
NO. OF LOTS/DWELLING UNITS:	NO. OF BUILDINGS/UNITS: 3				
DWELLING UNIT SIZE (SQ. FT.):	TOTAL GROSS SQUARE FEET: Appx. 9,000				
CERTI	FICATIONS				
I hereby certify that the above and attached information is 2004 no reapplication on the same land which has been do	true and correct. I am also aware that pursuant to Section				
	d is waived by the Council. In no case shall a reapplication be				
	on by the Council. I am also aware that pursuant to Section				
2003 of the Zoning Ordinance any and all conditions which property and all subsequent owners.	ch may be attached to the property shall be binding on the				
(126/2023	1 / Mary labels				
Signature of Applicant* Date	Signature of Owner* Date				
lagnolia Farms Educational Properties, LLC - Kelli Jones	Magnolia Farms Educational Properties, LLC - Kelli Jones Print Name* Date				
Print Name* OFFICIAL SPILO/210/202	3 (Collection of the collection)				
Signature of Notary NOTARY PUBLIC Dates	Signature of Notary NOTARY PUBLIC GEORGIA Date				
* If Additional Applicant or Owner Information is Needed Please	The source of th				

Date Received: 6-26-23 Case No.: R2-2023-009 Accepted By: AD

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:

Whether the zoning paearby property: See Attached Letter of Inter	proposal will adversely affect the existing use or usability of adjacent or
Whether the property currently zoned:	to be affected by the zoning proposal has a reasonable economic use as
See Attached Letter of Inter	
See Attached Letter of Inter	proposal will result in a use which will or could cause an excessive or xisting streets, transportation facilities, utilities or schools:
See Attached Letter of Inter Whether the zoning pourdensome use of e. See Attached Letter of Inter	proposal will result in a use which will or could cause an excessive or xisting streets, transportation facilities, utilities or schools: at. proposal is in conformity with the policy and intent of the land use plan:



202 Tribble Gap Road · Suite 200 · Cumming, GA 30040 178 S Main Street · Suite 310 · Alpharetta, GA 30009 Phone 770.781.4100

MilesHansford.com

J. Ethan Underwood eunderwood@MilesHansford.com

LETTER OF INTENT

Applicant: Magnolia Farms Educational Properties, LLC

Subject Property: 4.38 Acres Designated as Gwinnett County Tax Parcel(s): R7277

002

Current Zoning: PMUD – Planned Mixed Use Development District

Proposed Zoning: R-100 – Residential Single Family District Proposed Use: Community Facility – School, Private

Application: Rezoning with Variance(s)

ROW Access: Suwanee Dam Road Governing Jurisdiction: City of Suwanee, Georgia

This statement is intended to comply with application procedures established by the Governing Jurisdiction, and is intended to set forth a preliminary development plan for the Subject Property, to evaluate the proposed development and new zoning classification, conditional use, and variances (if any), based upon factors set forth by the Governing Jurisdiction and is otherwise intended as the Letter of Intent for the Subject Property. The Applicant has provided all required information and has submitted the appropriate application fees. The requested Application meets all judicial and statutory requirements for approval.

The Applicant intends to develop the Subject Property for the Proposed Use, as more fully described in the Application, incorporated herein by this reference. Any zoning request, sketch plat, conditional use permit, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The zoning request, sketch plat, conditional use permit, and variance applications, along with all supplemental plans and documents are collectively referred to as the "Applicant's Proposal."

Specifically, the Applicant requests the following:

1. Rezone the Subject Property from Planned Mixed Use Development District (PMUD) to Residential Single Family District (R-100).

Variance(s):

- 1. Allow for accessory structures to exceed 800 square feet. [Zoning Ordinance § 501 (A)(1)(c)].
- 2. Reduce the requirement for a large building sign from 5,000 gross square feet to 3,000 gross square feet. [Zoning Ordinance § 1612(A)(5)].

22-2023-009 7-10-23



COMPREHENSIVE PLAN

The City of Suwanee Comprehensive Plan and the Future Development Map incorporated therein designates the Subject Property as located within the Mixed-Use Village Character Area. The Proposed Use does conform to the Comprehensive Plan, which allows for the Subject Property to be developed with small-scale nonresidential uses. See City of Suwanee Comp. Plan, p. 26.

PROPOSED USE

The Applicant is proposing a Community Facility - School, Private. The Community Facility - School, Private will be a Montessori School that works to develop engaged, innovative thinkers who transform lives and build positive change in society. The Applicant plans to launch the 12-15-year-old program for students in the Fall of 2024. The school will hold approximately 50-70 students using the existing facilities located on the Subject Property. The plan is to grow and expand the existing facilities as the market demands. With the proposed additional facilities and structures, the Proposed Use will allow up to approximately 150 students over time and expand to all ages, Pre-K through 18-year-olds.

The school's purpose will be to provide an inclusive, whole person, collaborative, individualized learning environment for students using a mosaic approach as follows:

Montessori-inspired, Outdoor and Outward-oriented, STEAM-driven, Adventure-embracing, Independence-fostering Creative, Compassionate, Courageous, Collaborative Community.

The Mosaic approach works with the elements above to develop engaged, innovative thinkers who transform lives and build positive change in society. Because the Subject Property provides adequate open space, the school will incorporate outdoor activities such as a garden into the curriculum for students to engage in hands on learning. Once the school is operational, the Applicant plans to become an Association Montessori Internationale (AMI) and an American Montessori Society (AMS) accredited school.

Additionally, the school hopes to be active in the community by partnering with local businesses in the Suwanee area for students to engage with local experts and mentors.

The school is committed to nurturing the whole person through intentional learning environments where students practice responsible independence in a community of curious, critical learners and thoughtful citizens of the world.



STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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

The Subject Property is located on Suwanee Dam Road. The adjacent properties to the East and West are zoned R-100, to the South the adjacent properties are zoned PMUD, and to the North the adjacent properties are zoned R-140. The Proposed Zoning is compatible with the surrounding land uses.

The City of Suwanee Comprehensive Plan and the Future Development Map incorporated therein designates the Subject Property as located within the Mixed-Use Village Character Area. The Proposed Use does conform to the Comprehensive Plan, which allows for the Subject Property to be developed with small-scale nonresidential uses.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

The Proposed use will not adversely affect on the existing use or usability of adjacent or nearby properties. The Proposed use will provide an educational amenity for the surrounding community.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

There is no reasonable use of the Subject Property under any other zoning classification than as requested by the Applicant and no resulting benefit to the public from designation to any other classification would accrue.

4. 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 Proposed Use will not result in a use that would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. In fact, the Proposed Use will relieve overcrowding at area schools without creating a substantial impact on community infrastructure.

Permanent access will be from the ROW Access. The Applicant will comply with all applicable requirements regarding access design for the Proposed Use.

The development's water needs will be serviced by Gwinnett County Department of Water Resources and sewer will be facilitated with an on-site septic system.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

The City of Suwanee Comprehensive Plan and the Future Development Map incorporated therein designates the Subject Property as located within the Mixed-Use Village Character Area. The Proposed



Use does conform to the Comprehensive Plan, which allows for the Subject Property to be developed with small-scale nonresidential uses.

6. 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 Proposed Use will provide educational services and learning opportunities for the surrounding community.

CONCLUSION

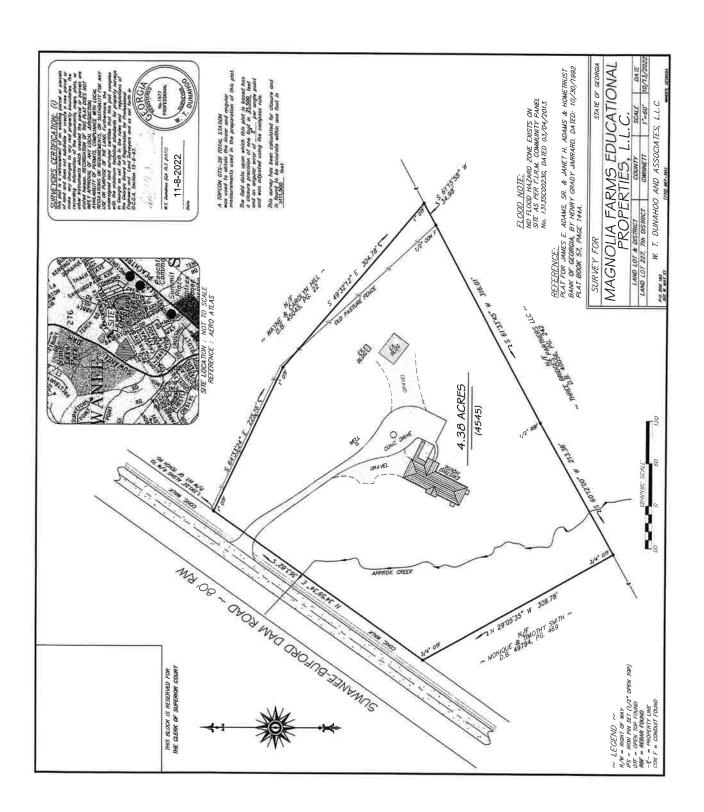
Because the Applicant's Proposal complies with all criteria appropriate for consideration for the Application, the Applicant respectfully requests that this Application, which is incorporated herein by reference, be approved as requested. The Applicant and owner reserve the right to amend and supplement this Letter of Intent at any time.

009 Revised 7/13/2023

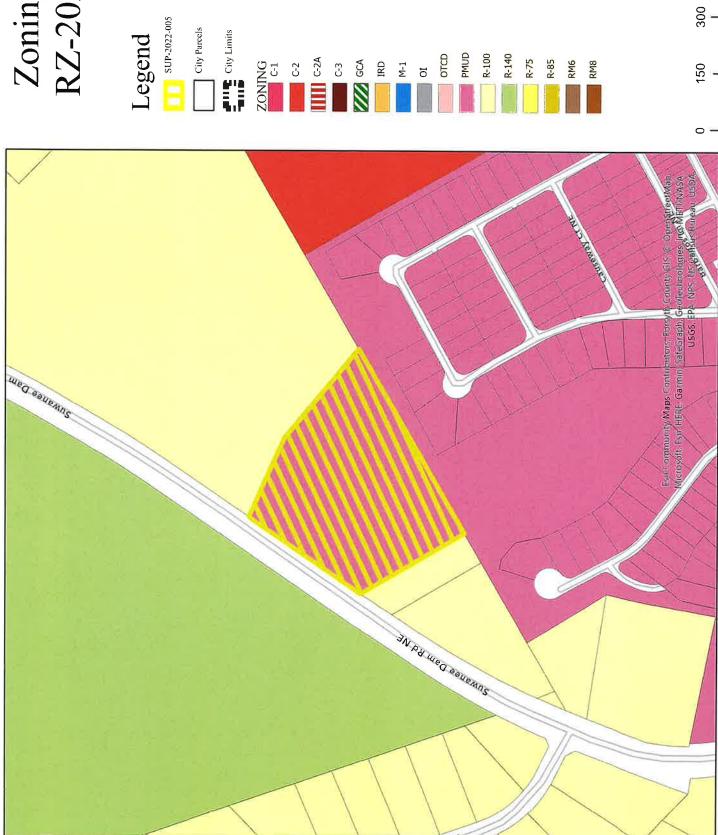
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Zoning Map RZ-2023-009



OTCD

PMUD R-100

R-140 R-75

600 Feet

300

150

Location Map RZ-2023-009

Legend Subject Property





