

MINUTES
CITY OF SUWANEE, GEORGIA
PLANNING AND ZONING COMMISSION
October 3, 2023

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

CALL TO ORDER

Michelle Budd called the meeting to order at 6:30 p.m.

ADOPTION OF THE AGENDA

Muthu C. Narayannan moved to approve the agenda as presented, second by Alan Dandar. Motion carried 3-0.

ADOPTION OF THE MINUTES: September 5, 2023

Alan Dandar moved to approve the September 5, 2023 minutes, second by Muthu C. Narayannan. Motion carried 3-0.

OLD BUSINESS

NEW BUSINESS

RZ-2023-010 – Owners: Michael Brown, Edward Brown and Paulette Brown. Applicant: Michael Brown. The applicant requests a rezoning from R-140 (Residential Single Family District) to R-100 (Residential Single Family District) and R-75 (Single Family Residence District) to allow for single family detached homes. The site is located in Land Lot 211 of the 7th district at 3385 and 3675 Martin Farm Road and contains approximately 1.0 acres.

Josh Campbell presented the staff report as follows: The applicant requests rezoning on 2 nonconforming lots totaling approximately 1 acre from R-140 to R-75 and R-100 to allow for the creation of 2 legal conforming lots, one of which would accommodate an existing 2,400 square foot home and one of which would accommodate a new single family detached home. The subject property is located on Martin Farm Road at the intersection of Suwanee Green Parkway. The 1 acre tract is currently occupied by an approximately 2,400 square foot home.

Available documentation does not provide a clear record of the history of this lot. In the past, apparently in 1983 prior to the adoption of zoning in Suwanee, the subject property was subdivided into 2 lots, roughly the same size. It would appear that the house, at the time of the subdivision, was located entirely on its own lot. Both the lot with the home and the undeveloped lot remained under the same ownership. An owner, prior to the current owner made some additions onto the home that crossed the property line. The current owner of the home acquired the home and adjacent lot in 1997, with the understanding that the home was entirely contained on one of the lots. The owner recently met with the

planning department to determine what he needed to do in order to allow the applicant to build on the adjacent lot. It was during these discussions that it was determined that the home is located over the property line.

The property owner seeks to create two legal lots, as he thought he had when he purchased the land in 1997. In order to create 2 legal conforming lots, the property line for the lot accommodating most of the home would need to be moved 10 feet away from the home or approximately 18 from the current location. If the lots are modified as proposed the two lots would not meet the requirements for R-140, but tract 1 would exceed the requirements for R-100 and tract 2 would exceed the requirements for an R-75 lot.

The R-140 zoning district requires a minimum lot size of 30,000 square feet and 140 feet of lot width. The proposed R-75 district requires a minimum lot size of 12,000 square feet for a sewer lot and a minimum lot width of 70 feet. The proposed R-100 district requires a minimum lot size of 22,000 square feet for a septic tank lot and a minimum lot width of 100 feet.

The following comments are provided to make the applicant aware of certain pertinent issues. This list is not exhaustive of all development issues.

If the requested rezoning is approved, an exemption plat would need to be completed. This plat would need to be approved by the health department and the Gwinnett County Department of Water Resources (DWR). The health department approval is required in order to demonstrate compliance with the requirements for a septic tank lot and DWR approval is required in order to demonstrate that access to sewer is provided for the other lot.

It appears that a portion of the home is located on the property line between the two nonconforming lots. A plat for the project cannot be approved if a house is located on the property line and a building permit cannot be issued for the second lot with a portion of a home already located on the second lot.

The subject property is an approximately 1 acre tract located along Martin Farm Road. The wooded tract can accommodate the proposed development consisting of the existing home and a second new home. There are no apparent environmental or other regulatory encumbrances that would prevent two homes from being built on the subject property.

The subject property is located in a single-family residential area. To the north of the subject property are single family detached homes in the Suwanee Green subdivision (zoned PMUD) on lots as small as 4,000 square feet. To the south, across Martin Farm Road, are single family detached homes on R-100 zoned lots. To the east and west of the subject property, on the north/east side of Martin Farm Road, are single family detached lots zoned R-140. It should be noted that many of the lots in the surrounding area were created before zoning was adopted in Suwanee. Most of the lots on the north/east side of Martin Farm Road are zoned R-140, but are smaller than the minimum lot size and

narrower than the minimum lot width for the district. The proposed rezoning request is consistent with the character of the surrounding single-family lots.

The subject property is located in the Historic Old Town Character Area. The 2040 Comprehensive Plan states, “Land use in Old Town should remain predominantly single family... Subdivisions of larger parcels or assemblage of lots for redevelopment are acceptable at certain locations but should be accomplished in a way that is sensitive to the area and enhances the existing character rather than replacing it.” Because the house lies on the property line between the two nonconforming lots, they essentially function as a single 1-acre lot. Subdividing the lot into 2 smaller lots will fix this issue and would still be consistent with the vision of the Comprehensive Plan.

In conclusion, rezoning from R-140 to R-75 and R-100 for a single-family residential lot would be appropriate for this area. The surrounding properties are all zoned for single family residential. Subdividing the tract into a R-75 and R-100 lot is consistent with the future land use plan for the area and will bring both lots into conformity with the City’s Zoning Ordinance. Additionally, the 2040 Comprehensive Plan states that “subdivisions of larger parcels or assemblage of lots for redevelopment are acceptable at certain locations but should be accomplished in a way that is sensitive to the area.” The proposed request is consistent with this vision. Therefore, the Planning Department recommends approval with conditions of the RZ-2023-010.

Muthu C. Narayannan asked if both lots would be connected to sewer. Josh Campbell explained that only one lot would be connected to sewer. The existing home has a septic tank.

Michelle Budd called upon the applicant.

Michael Brown, 3675 Martin Farm Road, Suwanee, GA. Mr. Brown stated that he would like to build his home on the lot next to parents.

Michelle Budd called for opposition. There was none.

Muthu C. Narayannan moved to approve RZ-2023-010 with conditions, second by Alan Dandar. Motion carried 3 – 0.

- 1) Prior to issuance of a building permit on either tract, an exemption plat shall be completed that creates no more than two lots.
 - a. Said exemption plat shall be subject to the review and approval of the City, as well as the Gwinnett County Health Department and Gwinnett County Department of Water Resources, as applicable.
 - b. One of the lots created shall meet or exceed all of the requirements for a R-100 septic lot and
 - c. One of the lots created shall meet or exceed all the requirements for a R-75 lot and shall be connected to sewer.

- d. Zoning boundaries for the two lots shall be established by the approval of the exemption plat.

SUP-2023-004 – Owner: A212 Farishta. Applicant: Kristian Mechoso. The applicant requests a Special Use Permit to allow for an emission testing facility in the C-2 zoning (General Commercial District) zoning district. The site is located in Land Lot 252 of the 7th district at 500 Peachtree Industrial Boulevard and contains approximately 1.65 acres.

Josh Campbell presented the staff report as follows:

The applicant requests a Special Use Permit on an approximate 1.21 acre tract to allow for a 600 square foot emissions testing facility in the C-2 zoning district. The site is located at 500 Peachtree Industrial Boulevard. Access for the emissions testing facility is proposed via a driveway on Peachtree Industrial Boulevard and another driveway onto Suwanee Dam Road. The proposed emissions testing facility is located adjacent to the BP convenience store in a structure which was formerly used as a car wash.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. The SUP process allows the 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 an emissions testing facility.

The subject property currently contains a BP gas station with a convenience store and an unused automated car wash facility. In the past, the Planning Department has been approached about special use permits for car washes with exterior activities such as vacuuming and detailing for similar sites. A concern of the Planning Department regarding this and similar automotive related uses is the potential for “visual clutter” with directional signs, employees vacuuming vehicles, drying vehicles, exterior equipment, etc. The applicant in this case is proposing that the emissions testing facility and all associated activities be located inside the existing former car wash area.

The subject property is located on the southwest corner of the Peachtree Industrial Boulevard/Suwanee Dam Road intersection in the highly commercialized Peachtree Industrial Boulevard corridor. The adjacent lots to the west and south are both undeveloped. The lot to the west is zoned C-2 and the lot to the south is zoned M-1. Across Suwanee Dam Road to the northeast is a Renasant Bank and Kroger zoned C-2. Across Peachtree Industrial Boulevard is a multitenant shopping center and a bank zoned C-2. The shopping center contains typical retail uses such as restaurants, a cell phone shop, and a construction business. The lot in the northwest corner of the intersection is zoned C-2 and contains a CVS.

The subject property is located in the PIB/Suwanee Junction Character Area. Commercial uses are recommended near the PIB/Suwanee Dam Road intersection. The proposal is consistent with this recommendation. The proposed special use would not increase the size

of or include business related activities on the exterior of the building. It would also not enlarge any impervious surface area. The City tries to direct automotive related special uses away from more residential areas. In the past, there were cases where special use permits for car washes were denied along Peachtree Industrial Boulevard (SUP-2003-004). However, more recently there were other properties along Peachtree Industrial Boulevard where special use permits for a car wash and an emissions testing facility were approved (SUP-2011-001 & SUP 2023-002). These determinations were based on location and existing conditions of the properties. The subject property should not adversely impact residential uses in the area. It is worth noting that the site is currently used by a gas station and it was used for a carwash previously.

The applicant indicates that he will be the only employee of the testing facility, and he expects a fairly limited number of vehicles per day. One of the issues commonly associated with emissions testing facilities and similar automotive related uses is the visual clutter associated with them. In this case the applicant is intending to keep the activities inside and there are a limited number of employees, so the visual impact to the area should be limited.

In conclusion, the requested Special Use Permit for an emissions testing facility would be appropriate at this location. The inclusion of an emissions testing facility would be a consistent use with other automotive activities on the subject property. The additional use will be completely enclosed in an existing structure. As such, the Planning Department recommends approval with conditions of the request as currently proposed.

Michelle Budd called upon the applicant.

Kristian Mechoso, 500 Peachtree Industrial Boulevard, Suwanee, GA. The applicant did not wish to speak.

Muthu C. Narayannan moved to approve SUP-2023- 004 with staff conditions, second by Alan Dandar. Motion carried 3-0.

1. Special uses on the site shall be limited to an emissions testing facility. No other vehicular services or other special uses are allowed under this special use permit. All activities related to emissions testing shall be conducted inside the former “car wash” building.
2. Signage shall be limited to one wall sign on each exterior façade of the car wash building. Each sign shall be limited to a maximum of 5 percent of the wall area. Temporary signage may be permitted subject to the requirements listed in the Zoning Ordinance. Any other signage, exempt or not, associated with the emissions testing facility is subject to the written approval of the Planning Director.

OTHER BUSINESS

5-YEAR COMPREHENSIVE PLAN UPDATE PRESENTATION

Alyssa Durden presented the update (see attached).

ANNOUNCEMENTS

ADJOURNMENT

Alan Dandar moved to adjourn 7:02 pm