

MINUTES
CITY OF SUWANEE, GEORGIA
PLANNING AND ZONING COMMISSION
September 5, 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 6:31 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: June 6, 2023

Muthu C. Narayannan moved to approve the June 6, 2023 minutes, second by Alan Dandar. Motion carried 3-0.

OLD BUSINESS

NEW BUSINESS

RZ-2023-009 – Owner/Applicant: Magnolia Farms Educational Properties, LLC. The applicant requests a rezoning from PMUD (Planned Mixed-Use Development District) to R-100 (Residential Single Family District) to allow for a private school. The site is located in Land Lot 252 of the 7th district at 4545 Suwanee Dam Road and contains approximately 4.38 acres.

Josh Campbell presented the staff report as follows: 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.

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.

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.

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.

Alan Dandar asked if the property owner will need to get a 3rd party assessment before removing trees. Josh Campbell explained that condition #4 gives the City the flexibility to make decisions about trees.

Muthu C. Narayanan asked about condition #3 which mentions Gwinnett County Department of Transportation. Josh Campbell stated that the applicant will need to consult with Gwinnett County Department of Transportation if they plan to expand the school.

Michelle Budd called upon the applicant.

Bryceson Mercer, Miles Hansford, LLC., 202 Tribble Gap Road, Cumming, GA. Mr. Mercer is representing the applicant. Mr. Mercer stated the applicant is requesting to rezone the property from PMUD to R-100 to allow for a private school. The proposed school will be a Montessori School that works to develop engaged, innovative thinkers who transform lives and build positive change in society. The applicant hopes to open Fall 2024. The age range of the students will be between 12-15 years old. The school will hold approximately 50-70 students using the existing facilities. Over time, the applicant plans to expand the school to approximately 150 students.

The applicant has applied for two variances to allow for an accessory structure that exceeds 800 square feet and to reduce the requirements for signage.

Mr. Mercer stated that he would like to modify proposed condition #2 so that the applicant can abide by the architectural renderings provided to staff.

Michelle Budd called for support. There was no one else.

Michelle Budd called for opposition. There was none.

Discussion ensued amongst Josh Campbell and the Planning Commission regarding condition #2.

Muthu C. Narayanan moved to approve RZ-2023-009 with amended staff conditions, second by Alan Dandar. Motion carried 3-0 (additions = **bold**).

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 or shall be consistent with the architecture examples provided in Exhibit 'A', subject to the review and approval of the Planning Department.**
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.

OTHER BUSINESS

ANNOUNCEMENTS

ADJOURNMENT

Alan Dandar moved to adjourn 6:48 pm.