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Staff Report & Recommendation

Rezoning Case RZ-2018-05

Date of Report: January 23, 2019, revised March 25, 2019

Report by: Joellen Wilson

Hearing Dates:

Planning Commission March 28, 2019

Mayor and Council April 8, 2019

GENERAL INFORMATION

Applicant: Kenneth J. Wood
Owner: McDaniel Enterprises
Size: 11.87 acres
Location: 5175 Lawrenceville Hwy
Parcel Numbers 6146 013 and 6146 431
Existing Zoning: Part CB, Commercial Business (frontage on Lawrenceville Hwy)
Part R2, medium density residential
Proposed Zoning: CB, Commercial Business with Special Use Permit for residential
Proposed Use: Fee Simple Townhomes (90 units) with 23,000 square feet of commercial/retail

EXISTING LAND USES & ZONING DISTRICTS

To the North:	Lilburn Elementary School and Single Family Homes	R2
To the East:	Bryson Park	R1
To the South:	US29 – Single Family Residential (Haverford Place)	R1
To the West:	Apartments, Utility Easement, and Cemetery	CB

ZONING HISTORY

Both parcels are comprised of CB and R2 zoning districts. The frontage along US29 and approximately 8.9 acres is zoned CB, Commercial Business. The balance of approximately 2.88 acres to the north are zoned R2, Medium Density Residential. The current CB zoned property is within the US29 Overlay District but the entire property is within the 2019 Comprehensive Plan's US29 Overlay Character Area.

APPLICANT'S INTENT

The applicant intends to zone the entire property CB with a Special Use Permit to develop the property with 90 attached townhomes that will be developed fee simple (for sale) and approximately 23,800 square feet of commercial space. The proposed residential buildings include 3-7 units, each 2+ stories with a mixture of 21' and 24' wide homes with minimum 1-car garage and overall density of 7.6 units per acre. The commercial out parcels are proposed to accommodate 23,800 square feet of retail space. Access is currently proposed from Lawrenceville Hwy and both sides of Lilburn School Road with a potential re-alignment of Lilburn School Road as a new connection to Bryson Park. See applicant's letter of intent and site plan.

ANALYSIS OF REZONING REQUEST

The proposed rezoning to Commercial Business with Special Use Permit for residential component allows the residential density to be set at the public hearing. The townhome proposal accomplishes the goals of the City's Comprehensive Plan by maintaining more intense uses along US 29 and providing in-fill residential units that increase the variety of housing choices in the area. Existing properties in the vicinity are apartments, a school, an active County park, church, cemetery, compatible single family detached homes, and a variety of commercial uses.

According to the Zoning Ordinance (Section 404-1) *The CB district is intended to provide locations in which commercial retail, professional service, and office activities ... and to accommodate redevelopment of under-utilized and/or aging commercial sites to mixed-use developments with an integrated higher density residential component.* The proposed development integrates townhomes with commercial uses to promote the walkability of the community, where residences may be more easily connected to nearby park, school, religious facilities and retail services.

Required public notice resulted in a few concerns regarding potential increases in traffic; however development under current zoning would allow predominantly commercial uses. Lilburn Police and Public Works anticipate no adverse impacts from the proposal.

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

As part of the rezoning process, the Applicant, the Planning Staff, Planning Commission, Mayor and Council are to analyze the application with respect to each of the matters enumerated in **Section 1003-7. Criteria for amendments to official zoning map.** *In balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property....*

The Applicant's response is attached to the application. Staff's response is in italics below:

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:
The proposed residential use introduces a new density between existing single family detached and multi-family apartments in the immediate area. With appropriate design review the mixed use development is suitable relative to its proximity to the US29 commercial corridor. The proposed commercial use is anticipated to be similar in scale to surrounding commercial uses.
- B. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property:
The zoning proposal does not adversely affect the use of the surrounding properties. Most of the surrounding land is built out with compatible uses and undeveloped land along US29 is zoned for commercial or office/institutional uses.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:
The subject properties may have a reasonable economic use as currently zoned; however, with 1168.5 feet of frontage on US-29 and split CB and R2 zoning the property is not likely to develop as solely residential or commercial use. A mix of uses with interparcel connectivity better accomplishes the goals of the Comprehensive Plan.
- 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 primary access to the site is off Lilburn School Road, with additional access expected off Lawrenceville Highway to future commercial sites. Internal roads are proposed to be public. In addition, a new road or some realignment of Lilburn School Road may be proposed to extend the public right of way to Bryson Park and best serve all of the neighborhoods, services and retail uses along US29 with a traffic signal. The developer/owner will be expected to dedicate right-of-way and construct the road provided a signal is warranted and approved by GDOT. This aspect of the project requires coordination of several agencies and property owners, and the exact alignment of the road will be determined through the development process.

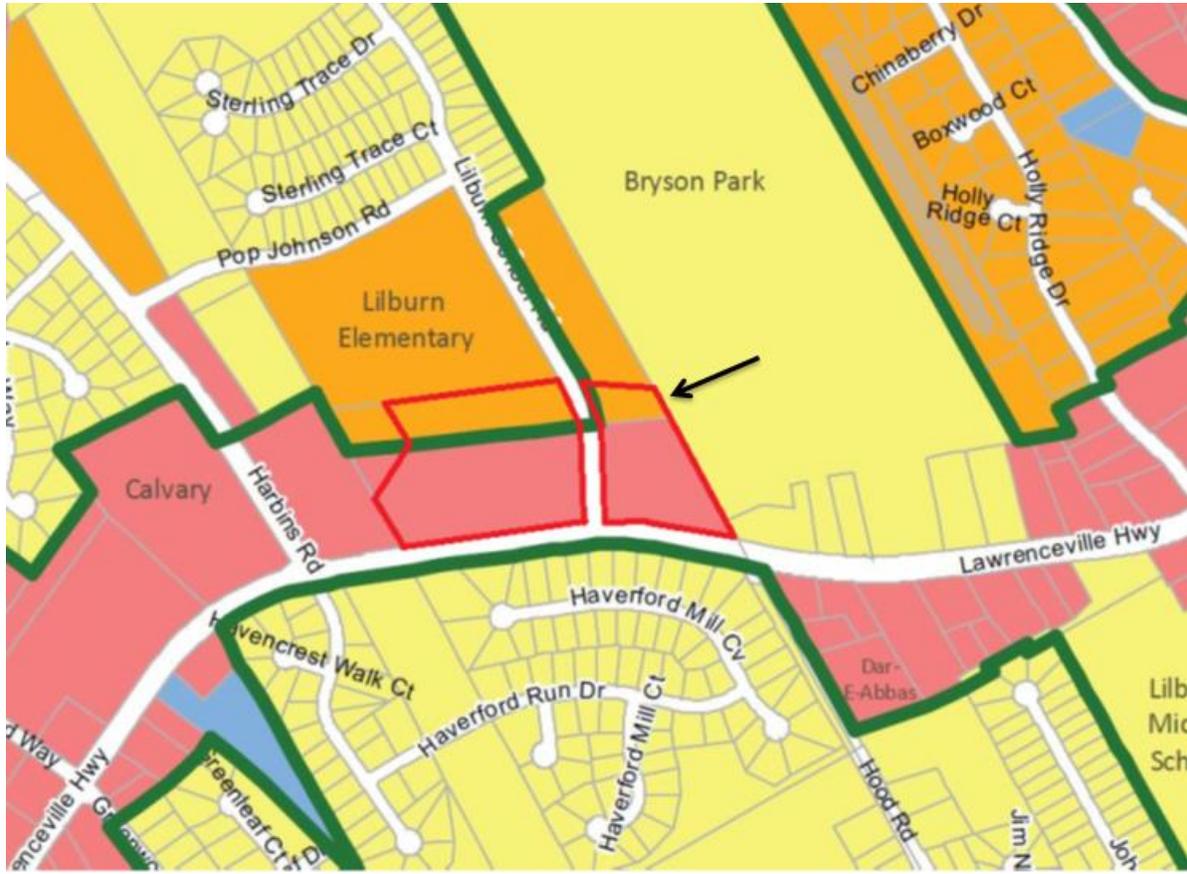
The proposed development will be served by Gwinnett County public water and sewer and will provide for on-site storm water management. The site drains directly to a tributary of Jackson Creek, thus it is not likely to cause a burdensome impact on existing infrastructure.

- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan:
The proposal conforms to the policy and intent of the Character Area Land Use Map, introducing residential uses as in-fill and transition of land use intensity between lower density residential and CB zoned property along US29.
- 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:
In-fill residential, a pedestrian oriented proposal along with new commercial uses within the US29 Overlay Corridor is consistent with the 2019 Comprehensive Plan supporting approval. In addition, proposed changes to the immediate transportation network support a more intense development at this location.

Based upon the above considerations, **Staff recommends APPROVAL of the request for rezoning to CB with a Special Use Permit (SUP) for fee simple townhomes with the following conditions:**

1. The development must comply with the site and building requirements of the US29/Lawrenceville Highway Corridor Overlay District.
2. Residential density not to exceed 9 units/acre.
3. The house size shall be a minimum of 1,400 square feet.
4. Provide the Planning & Economic Development Department with more detailed renderings prior to issuance of building permits. To be included in the renderings is a mix of materials, textures, and brick/roof colors. All units shall have a brick or stone water table at least 30 inches in height.
5. Each unit shall have a garage and driveway to accommodate required parking for the unit. Additional guest parking shall be provided throughout the residential development and maintained by an HOA or equivalent.
6. No trailers or recreational vehicles shall be parked to be visible from a public road.
7. Commercial sites shall provide direct access to Lawrenceville Highway, as may be conditionally approved by GDOT.
8. The developer/owner shall dedicate right-of-way and construct new access roads provided a signal is warranted and approved by GDOT

Zoning Map of the Subject Area



Aerial Map of the Subject Area



