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Staff Report & Recommendation
Rezoning Case RZ-2018-04
Date of Report: Draft Jan. 14, revised May 23, 2019
Report by: Joellen Wilson

Hearing Dates:

Planning Commission	May 23, 2019
Mayor and Council	June 10, 2019

GENERAL INFORMATION

Applicant:	Taylor Harris
Owner:	Action Technology Solutions
Size:	4.21+/- acres
Location:	South of Lawrenceville Hwy, East of Greenwood Drive, West of Harbins Parcels 6146 003, 6146 036
Existing Zoning:	Parcel 003 is O/I, Parcel 036 is R1
Proposed Zoning:	CB and R-2 Medium Density Residential
Proposed Use:	Residential – Townhomes (29 units) and Single Family Homes (4)

EXISTING LAND USES & ZONING DISTRICTS

To the North:	US 29 O/I property with frontage on Hwy 29 currently SFR
To the East:	Residential subdivision (Haverford Place) R1
To the South:	Residential subdivision (Lilburn Village/Cobblestone) R1
To the West:	Residential subdivision (Town & Country Estates) R1

ZONING HISTORY

The parent parcel includes frontage along US29 and approximately 3.2 acres zoned O/I-Office Institutional but it has never been developed for office use and is still used as a residence with out-buildings. The remaining acreage is an undeveloped residential parcel platted as part of the 1966 subdivision of Town & Country Estates (see zoning map).

APPLICANT'S INTENT

The applicant intends to recombine total acreage to create a 0.36 acre commercial (CB) parcel on US29 and develop a new residential subdivision with access from Greenleaf Drive in the Town & Country subdivision. There are 4 single family detached lots and 29 fee simple (for sale) attached townhomes, each with 2-car garage and minimum 1,400 sf heated area. The new road will be public right of way dedicated to the City of Lilburn and the neighborhood will be subject to new HOA covenants. See applicant's letter of intent and site plan.

ANALYSIS OF REZONING REQUEST

The Comprehensive Plan Character Area Map designates the parcels with frontage on US29 as Office/Institutional (O/I) and Commercial (CB). Existing residential properties in the vicinity are single family detached with a mix of lot sizes.

The proposed down-zoning of a majority of the acreage from more intense to a medium density residential use accomplishes the goals of the City's Comprehensive Plan by maintaining more intense zoning along US 29 and proposing in-fill residential units that increase the variety of housing choices in the area. According to the Zoning Ordinance (Section 402. - R-2) Medium Density Residential district *"is intended to provide land areas devoted to moderate density uses consisting primarily of detached and attached single-family dwellings, townhomes, clustered and cottage housing types, and other creative, flexible small lot development designs, as well as existing multi-family residential. Land areas zoned R-2 are also intended to provide a transition between lower density single-family residential districts and the higher density multi-family, mixed-use, and commercial business uses.... **The R-2 district establishes a density of nine dwelling units per gross acre.**"*

The proposed townhome residences meet the lot, building and density (8.6 units/acre) criteria for R-2 zoning and could improve the walkability of the existing community, where residences may be located in close proximity to future services and retail along US29.

Required public notice resulted in no opposition. Lilburn Police and Public Works anticipate no adverse impacts.

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:

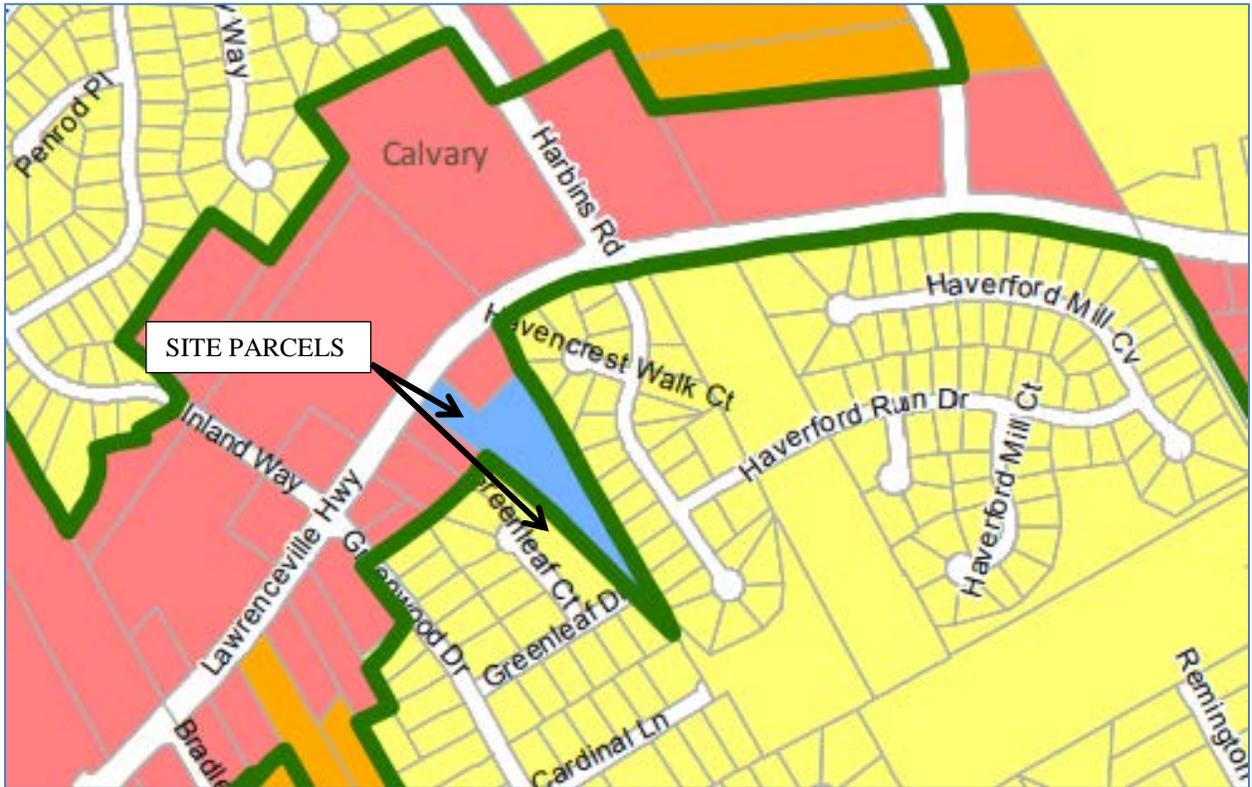
- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:
The proposed residential use is a higher density than surrounding uses but with appropriate design review could be suitable in view of the surrounding mix of residential lots and proximity to US29 commercial properties.
- B. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property:
The zoning proposal should not adversely affect the use of the surrounding properties. Most of the surrounding land within neighborhoods is built out and remaining land along US29 is zoned for higher intensity 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, 100+' of frontage and the triangular shape of the primary lot may detract from developing the entire parcel for Office/Institutional or Commercial use, and it is unlikely to be developed as single family homes without the density to warrant sewer.
- 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 proposed road is an extension of an existing public street that serves a neighborhood in close proximity to services and retail along US29. The development is near the "front" of the subdivision so new vehicular traffic will not impact a majority of existing residents. The future commercial parcel and residential development will be served by public water and sewer and is required to provide on-site stormwater management thus will not cause a burdensome impact on infrastructure.
- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan:
The proposal partially conforms to the policy and intent of the Land Use Plan, introducing medium density residential as in-fill and transition of land use intensity between lower density residential and O/I and CB zoned property on 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: *The in-fill residential, pedestrian oriented proposal within the US29 Overlay Corridor is consistent with the 2018 Comprehensive Plan supporting approval.*

Based upon the above considerations, Staff recommends **APPROVAL of the request for rezoning to CB and R-2 with conditions and in general accordance with the revised Rezoning Conceptual Site Plan:**

1. Residential development to be engineered as a new subdivision, to comply with the US29 Overlay Corridor requirements, with Home Owners Association responsible for defined common areas.
2. A landscaped 10' no access easement shall be provided along Greenleaf Court in rear yard of townhome building(s).
3. All other side and rear setbacks adjacent to developed low density residentially lots shall include minimum 5' wide evergreen landscape strip.
4. Building plans to be reviewed by Department of Planning and Economic Development shall include architectural treatments that result in compatible but unique individual housing units with a brick or stone water table at least 30 inches in height.
5. The house size shall be a minimum of 1,400 square feet and each unit shall have a 2-car garage.
6. Mail kiosk shall include overhead protection from elements.
7. No recreational vehicle or trailer parking shall be visible from the public right of way.

Zoning Map of the Subject Area



Aerial Parcel Map of the Subject Area

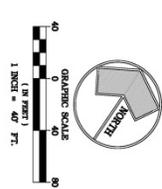
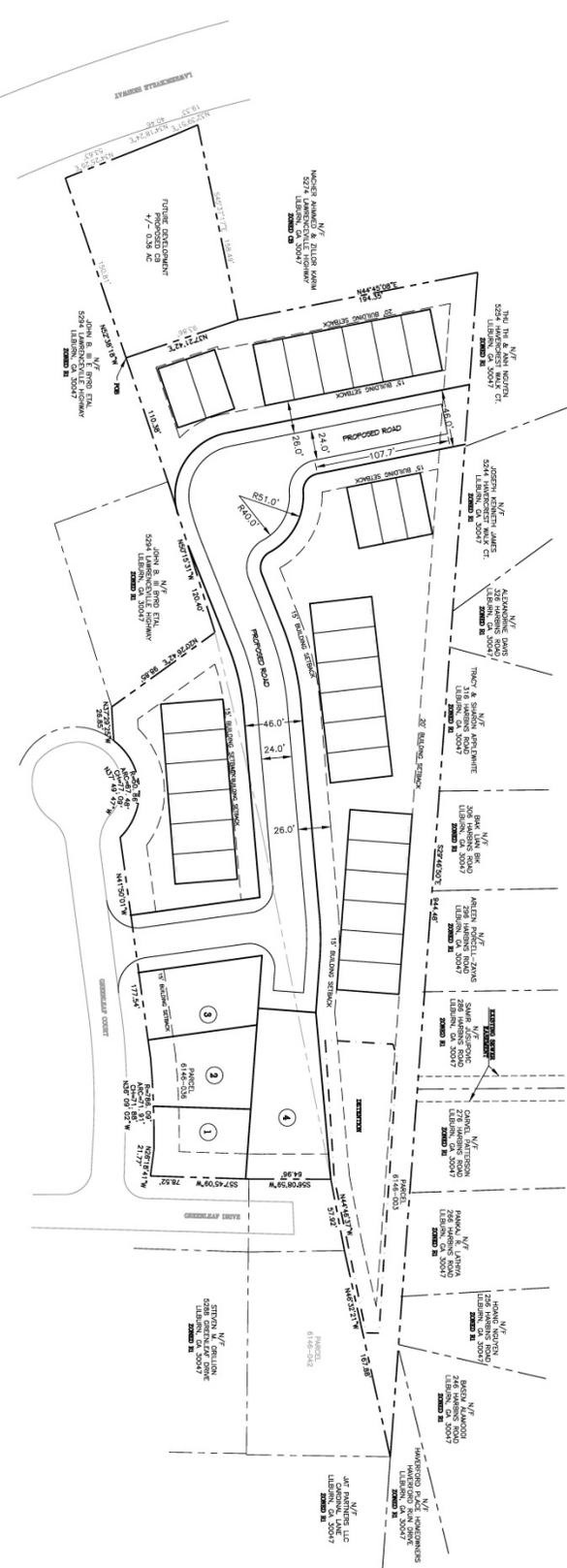


Revised Rezoning Conceptual Site Plan

- NOTES**
1. TOTAL SITE AREA = +/- 4.21 ACRES
 2. EXISTING ZONING = O1 & R1
 3. PROPOSED ZONING = R2
 4. BOUNDARY TAKEN FROM A SURVEY BY OTHERS
 5. TOPOGRAHY TAKEN FROM GIS
 6. TREE COUNCILORS = 21 (208 ACRES) & 28 (136 ACRES)
 7. UNDER CONSTRUCTION 58 INCHES
 8. BUILDING SETBACKS
 9. FRONT = 15'
 10. SIDE = 5'
 11. REAR = 10'
 12. MINIMUM LOT SIZE = 2,000 SF (THU) / 5,000 SF (SHR detached)
 13. MINIMUM HEATED SF FOR THU & SHR = 1,400

BLDG MATRIX

BUILDING TYPE	NO.	TOTAL
6 UNIT	4	24
1 UNIT	0	0
2 UNIT	1	2
3 UNIT	1	3
4 UNIT	2	8
TOTAL	21	37



NO.	DATE	DESCRIPTION

REZONING CONCEPTUAL SITE PLAN
 FOR
ACTION TECHNOLOGY SOLUTIONS, LLC
 A TOWNHOME COMMUNITY
 LOCATED IN
 LAND LOTS 148 & 149 6TH DISTRICT
 CITY OF LILBURN, GWINNETT COUNTY, GEORGIA

DAY DESIGN GROUP, Inc.
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 SITE PLANNING
 P.O. BOX 848 (770) 271-4676 ph.
 BUFORD, GA 30515 (878) 714-8477 fax
 4371 WATLEY PLACE 606@daydesigngroup.com
 HOUSTON, GA 30546 www.daydesigngroup.com

DATE: 11/06/18
DRAWN: JON WATLEY
SHEET: 1 OF 1

Example of Proposed Townhome Building Elevations
(finishes will vary)

