

**REZONING:
RZ-2011-002**

**CITY OF SUWANEE
REZONING ANALYSIS**

CASE NUMBER: RZ-2011-002
REQUEST: PMUD (PLANNED MIXED-USE DEVELOPMENT DISTRICT) TO PMUD (PLANNED MIXED-USE DEVELOPMENT DISTRICT) WITH A CHANGE OF CONDITIONS
LOCATION: 466 REDBRIDGE AVENUE & 3204 WANSTEAD PARK DRIVE
TAX ID NUMBER: 7-169-195 & 7-169-196
ACREAGE: PROPOSED DEVELOPMENT: 19.47 ACRES;
TERRACES AT SUWANEE GATEWAY: 148.32 ACRES
PROPOSED DEVELOPMENT: 335 MULTIFAMILY UNITS
APPLICANT: DAVIS DEVELOPMENT
1050 EAGLES LANDING PARKWAY
SUITE 300
STOCKBRIDGE, GA 30281
OWNER: SLF-III SUWANEE GATEWAY LLC
5949 SHERRY LANE
SUITE 1750
DALLAS, TX 75225
CONTACT: HEATH HAWKINS
CONTACT PHONE: 770-474-4345
STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

The applicant seeks a change in zoning conditions on an approximately 148 acre tract in order to allow for construction of two separate multifamily developments totaling 335 units on 19.47 acres. The applicant proposes to construct the two developments simultaneously on Tract 8, Tract 9 and an area previously planned for formal open space. The subject property was rezoned to the Planned Mixed Use Development District (PMUD) in January 2007 by OPUS Corporation per RZ-2006-013 with several conditions of approval. Subsequently, condition 5.e. was revised per RZ-2007-010 in October, 2007 to amend the approved district development standards for Tract 8. The site is currently under the ownership of a real estate holding company.

Due to its size, the project was reviewed as a Development of Regional Impact (DRI). This required an additional review process through the Atlanta Regional Commission prior to the original approval. ARC found the project was in the best interest of the state. The proposed amendments to the conditions of zoning would not impact the projects status as a DRI. The

overall development can not be increased in size by more than 10% without going through the DRI process again. The current proposal would decrease the size of the overall development.

ZONING HISTORY:

The subject property was rezoned in January, 2007 per RZ-2006-013. In the approved concept plan, Tract 8 was intended to accommodate a maximum of 340 multifamily residential units. Tract 9 was intended to accommodate 140 single family attached (townhouse) units. The following conditions relate specifically to the development of Tract 8 and Tract 9:

- 4.d. Tract 8 shall be allowed those uses and development standards found in the RM-8 district, except as otherwise noted. On the first floor of any multi-story building facing a public street, commercial retail uses found in the C-2A district shall be permitted.
- 4.e. Tract 9 shall be allowed single-family attached townhouses and development standards found in the RM-8 district, except as otherwise noted. Multi-family units shall be prohibited.
- 5.e. Amended per RZ-2007-010 (See below)
- 5.f. Tract 9 shall be limited to no more than 140 residential units.
Minimum setbacks:
Front: 5' for rear loaded units and 25' for front loaded units.
Side: 0'
Rear: 20'
Minimum Unit Size: 1,200 square feet
Minimum Unit Width: 18 feet
Building Height: No greater than four (4) stories in height.
Garages: All townhouse units within Tract 9 shall be accessed via rear alleys. No front entry units are allowed.
8. ...For Tracts 2, 8 and 9 any private drives shall have a minimum 5-foot wide sidewalk on at least one side.
15. For all multi-family buildings, parking shall be provided via deck parking. The design of said parking deck shall be consistent with the design of the associated multi-family building.
16. The formal open space part of which is located on tract 8 and the other part on tract 9 shall be completed prior to the issuance of a certificate of occupancy for the multi-family building.

The conditions were amended on October 23, 2007 to reduce the minimum unit size of multi-family units on Tract 8 from 800 square feet to 600 square feet. At that time, OPUS was proposing to construct a more in-town style building that would generally appeal to young

professionals. A reduced minimum size for the units was approved to allow the applicant more flexibility in designing the site. The following condition of zoning was included in RZ-2007-010:

1. All conditions of zoning from RZ-2006-013 shall remain in full effect, except for conditions 5.e, which shall be revised to read as follows:

Tract 8 shall have a maximum of 340 units.

Minimum building setbacks:

Front: 0'

Side: 0'

Rear: 0'

Building Height: No less than 4 stories in height.

Minimum Unit Size: 1) 600 square feet, provided the following:

- a. A maximum of 5 percent of units may be less than 700 square feet; and
- b. A maximum of 50 percent of units may be between 700 and 800 square feet; and
- c. The remaining units must be greater than 800 square feet.

Approval of the current proposal would require changes to several of these conditions.

DEVELOPMENT COMMENTS:

If the project is approved then the proposed revision will need to be reviewed for compliance with zoning and development requirements through the usual development or building permit review process.

ANALYSIS:

The Terraces at Suwanee Gateway project totals approximately 148 acres. The site is currently cleared and developed with infrastructure. A 140,000 square foot, vacant office building and a Lowe's home improvement store have been constructed since the original rezoning in 2007. The proposed change in conditions would impact the current approved concept plan by reducing the overall residential density, eliminating a previously planned formal open space area and replacing townhomes with multifamily units.

The site is located on the southwestern side of Lawrenceville-Suwanee Road in the Suwanee Gateway I-85 business district. The surrounding area consists of a mixture of single-family residential, light-industrial, and commercial/retail development. Abutting the property along its southern boundary is an undeveloped R-100 tract and the right-of-way for Burnette Road and I-85. To the south and west are numerous single-family homes in unincorporated Gwinnett County and one house in the Suwanee city limits. To the northwest are two M-1 zoned data centers, an office/warehouse facility and a C-2 zoned day care center along Satellite Boulevard. To the east, across Lawrenceville-Suwanee Road, are numerous commercial uses and zoning districts including a banks (C-2A), an automotive service establishment (C-2A), a large footprint retailer

(C-2A), several restaurants (C-2A and C-3), several gas stations (C-2 and C-3) and hotels (C-3 and C-2A).

The applicant intends to reduce the overall number of units on Tracts 8 and Tract 9 from 480 units to 335 units. 207 of the multifamily units will be accommodated in 4 separate apartment buildings, with three story and four story split configurations, on Tract 8. Tract 8 will include 77 one bedroom units, 113 two bedroom units and 17 three bedroom units. The proposed apartments will slightly deviate from the approved development standards for the site. The current proposal would require a reduction in building height from no less than 4 stories in height to no less than 3 stories in height. In addition, any multifamily development within the project is currently required to construct a parking structure to accommodate associated parking. The applicant proposes to construct a surface parking lot on Tract 8. The applicant intends to meet the intent of the original concept plan and construct "urban style" apartments on Tract 8 with direct connections to public sidewalks, minimal setbacks and interior parking. According to the applicant, the units will range in size from 660 square feet to 1,417 square feet. 43 or 21% of the units will be less than 700 square feet.

The remaining 128 units will be accommodated in 12 separate apartment buildings, with a two story configuration, on Tract 9. Tract 9 will include 48 one bedroom units, 56 two bedroom units and 24 three bedroom units. This would require an amendment to allow for the construction of multifamily units where they were previously prohibited. This portion of the proposed development also utilizes the formal open space area shown on the approved concept plan referenced in condition 16. These units will substantially deviate from the approved concept plan and approved development standards for the site. Minimum required setbacks would need to be revised to more closely resemble setback requirements for Tract 8 in order to accommodate apartment buildings rather than townhomes. A minimum unit width and special garage access requirements would no longer be necessary, while the minimum square footage requirement would require a reduction from 1200 square feet to 678 square feet. The applicant also proposes to accommodate associated parking with a surface parking and individual garages as opposed to a structured parking facility. According to the applicant's letter of intent, this phase will be constructed with "Big House" apartment buildings. The letter further states, that the "Big House" is an alternative to the traditional townhouse row product and is comparable in architecture to a large house. Units will range in size from 678 square feet to 1,467 square feet. 20 or 16 percent of the units will be less than 700 square feet.

If approved, the applicant will submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the City as required by condition 7. At a minimum, the "Plan Book" must include allowed building elevations, exterior colors, materials, massing, define the sidewalk zone, define the relationship between buildings and the public and private roads, and other pertinent information. There are additional requirements for buildings exceeding 60,000 square feet. The applicant has submitted conceptual renderings of the proposed multifamily buildings.

The proposed plan eliminates the formal open space depicted on the approved concept plan referenced in condition 16. During development of the original plan, the open space was intended to provide a buffer between higher density multifamily buildings and lower density townhomes.

With the proposed changes, this buffer is no longer necessary and serves as a potential barrier to quality development. Locating the buildings on Tract 9 closer to the road allows for more interconnectivity and a better relationship to the street that more closely mirrors the proposed development on Tract 8.

The proposed plan eliminates structured parking from Tract 8. Parking decks allow for the optimization of land use, decreases the amount of impervious surface and minimizes other environment/aesthetic impacts of dense developments. Despite the elimination of the deck, the applicant is still to present a well designed site which should provide the urban, walkable feel that the comprehensive plan seeks. By reducing the overall number of units and including an "urban" feel, the elimination of the parking structure does not impact the overall design of the project.

The City's Future Land Use Plan recommends Mixed Use Center for this site. The proposed development is consistent with this designation. The 2030 Comprehensive Plan designates the area as the Suwanee Gateway Character Area. The plan calls for higher intensity developments in the Suwanee Gateway due to the areas economic potential and proximity to the interstate and other major roadways. It is recommended that the Suwanee Gateway present a strong, positive image of the city that is forward looking and progressive. High quality multifamily residential uses are an appropriate land use in this area. However, the site design and architectural components of these uses should be consistent with the community's vision for the Suwanee Gateway.

The Planning Department prepares an Economic Indicators Report for City Council on a quarterly basis. Staff presented the 2nd Quarter 2010 report in August which included a detailed housing study. According to this study, as of July 2010 there had only been 6 townhome sales for this year. In comparison, there were 50 townhome sales in 2007. More recently, no townhome permits have been issued in the previous 20 months and only 13 have been issued in the previous 33 months. Additionally, while single family detached sales prices declined 18 percent during the time period of the study, townhome prices declined 24 percent. Informal discussions with builders indicate that banks are reluctant to approve construction loans for new townhome buildings. The study concluded that alternatives should be practical and implementable while respecting neighborhood expectations for quality and consistency and the intent of the Future Land Use Plan. Most recently, a section previously planned for townhomes in Village Grove was rezoned to allow for single family detached homes. The proposed development for Tract 9 provides an alternative housing choice that should be more successful than townhomes, at a comparable density. However, the design of the "Big House" units will be important to the long term success of the project.

In conclusion, the site is located within the previously developed Terraces at Suwanee Gateway project and is an appropriate location for the proposed multifamily units. Required changes to the approved development standards needed to accommodate the applicant's proposal do not significantly impact the overall intensity and type of development on the site. The elimination of townhomes from the project addresses the City's concern, about the single-family attached units remaining undeveloped indefinitely. In addition, construction of a high quality project is possible with the inclusion of architectural and site design components that go beyond what is included in the typical multi-family development. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of RZ-2011-002.

Planning Department Recommended Conditions
RZ-2010-011

Staff recommends approval of the request for change in conditions as follows:

1. Tract 8 and 9 shall be developed in accordance with the site plan dated March 11, 2011 (Exhibit C).
2. All conditions of zoning from RZ-2006-013 & RZ-2007-010 shall remain in full effect, except for the following conditions, which shall be revised to read as follows:
 - 4.e. Tract 9 shall be allowed those uses and development standards found in the RM-8 district, except as otherwise noted.
 - 5.e. Tract 8 shall be limited to a maximum of 207 units.
 - Minimum building setbacks:
 - Front: 0'
 - Side: 0'
 - Rear: 0'
 - Building Height: No less than 3 stories in height.
 - Minimum Number of Parking Spaces: 1.8 per unit
 - Maximum Number of 3 bedroom units: 20
 - Minimum Unit Size: 660 square feet, provided the following:
 - a. A maximum of 25 percent of units may be less than 700 square feet; and
 - b. A maximum of 50 percent of units may be between 700 and 800 square feet; and
 - c. The remaining units must be greater than 800 square feet.
 - 5.f. Tract 9 shall be limited to a maximum of 128 residential units.
 - Minimum setbacks:
 - Front: 0'
 - Side: 0'
 - Rear: 0'
 - Building Height: No greater than four (4) stories in height.
 - Minimum Unit Size: 678 square feet
 - a. A maximum of 15 percent of units may be less than 700 square feet; and
 - b. A maximum of 50 percent of units may be between 700 and 800 square feet; and
 - c. The remaining units must be greater than 800 square feet.
7. Prior to issuance of a Development Permit for each phase of the project, the applicant shall submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the City of Suwanee. At a minimum, the "Plan Book" shall include allowed building elevations, exterior colors, materials, massing,

define the sidewalk zone, define the relationship between buildings and the public and private roads, and other pertinent information. The exterior elevations of all single-user buildings exceeding 60,000 square feet shall be designed so that they include no expanses of blank walls that exceed a width of 60 feet. This requirement shall be met by employing the use of columns, horizontal and vertical offsets, decorative cornices, awnings, and/or canopies. Other architectural treatments (such as alternate brick patterns, bonds, or colors) shall be implemented as needed to ensure architectural interest is maintained in blank wall sections less than 60 feet in width. The color scheme(s) employed on the front elevation of any big box building shall be continued along the other elevations of the building. While color scheme of the rear façade of any big box shall be required to match the other three sides of the building, the rear façade shall not be required to incorporate the same materials as the other three sides. Building heights are restricted to a maximum of 60 feet.

Further architectural requirements for specific tracts include:

- a) **Multifamily residential buildings on Tract 8 shall present a front face to the public street and shall reflect a more urban style design.**
- b) **Multifamily residential buildings on Tract 8 shall present a front face to the public street when abutting a public road and shall reflect the "Big House" style design which arranges groups of apartments in buildings that look, from the outside, like large single-family homes.**

- ~~17. For all multi-family buildings, parking shall be provided via deck parking. The design of said parking deck shall be consistent with the design of the associated multi-family building.~~
- ~~18. The formal open space part of which is located on tract 8 and the other part on tract 9 shall be completed prior to the issuance of a certificate of occupancy for the multi-family building.~~

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 does not significantly impact the proposed uses or intensity of development for the project. As such the proposal should permit uses that are suitable 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;

The zoning proposal should not adversely affect the existing use or usability of adjacent or 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;

The proposed condition changes 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;

High quality multifamily residential uses are an appropriate land use in this area. However, the site design and architectural components of these uses should be consistent with the community's vision for the Suwanee Gateway.

- 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;

Current economic conditions have substantially impacted the single-family attached housing market. Rezoning the property to accommodate a more desirable housing type could mitigate these concerns.

REZONING APPLICATION

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

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>DAVIS DEVELOPMENT</u>	NAME: <u>SLF-III SUWANEE GATEWAY LLC</u>
ADDRESS: <u>1050 EAGLES LANDING PARKWAY</u>	ADDRESS: <u>5949 SHERRY LANE</u>
<u>SUITE 300</u>	<u>SUITE 1750</u>
<u>STOCKBRIDGE, GA 30281</u>	<u>DALLAS, TX 75225-8008</u>
PHONE: <u>(770) 474-4345</u>	PHONE: <u>(404) 924-8400</u>
CONTACT PERSON: <u>HEATH HAWKINS</u>	PHONE: <u>(770) 474-4345</u>
EMAIL ADDRESS: <u>heath@davisdevga.com</u>	FAX NUMBER: <u>(770) 474-5213</u>

PROPERTY INFORMATION	PMUD
PRESENT ZONING DISTRICT(S): <u>PMUD</u>	REQUESTED ZONING DISTRICT <u>CHANGE IN CONDITIONS</u>
PROPOSED DEVELOPMENT: <u>LUXURY APARTMENT COMMUNITY</u>	
TAX PARCEL NUMBER(S): <u>7169 195 and 7169 196</u>	
ADDRESS OF PROPERTY: <u>466 REDBRIDGE AVE AND 3204 WANSTEAD PARK DRIVE</u>	
TOTAL ACREAGE: <u>19.47</u>	PUBLIC ROADWAY ACCESS: _____
FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>335 UNITS</u>	NO. OF BUILDINGS/UNITS: _____
DWELLING UNIT SIZE (SQ. FT.): <u>VARIES</u>	TOTAL GROSS SQUARE FEET: _____

CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that pursuant to Section 2004 no reapplication on the same land which has been denied by the City Council shall be acted upon within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action by the Council. I am also aware that pursuant to Section 2003 of the Zoning Ordinance any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

<u>[Signature]</u> Signature of Applicant* <u>Fred Hazel</u> Print Name* <u>[Signature]</u> Signature of Notary <u>Debara M. Martin</u>	<u>3/31/2011</u> Date <u>3/31/2011</u> Date <u>3/31/2011</u> Date <u>3/31/2011</u> Date	<u>[Signature]</u> Signature of Owner* <u>[Signature]</u> Print Name* <u>Diana J. Munia</u> Signature of Notary	<u>3/31/11</u> Date <u>3/31/11</u> Date <u>3/31/11</u> Date <u>3/31/11</u> Date
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* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)

CITY OF SUWANEE USE ONLY

Date Received: 3/31/11 Case No.: R2-2011-002 Accepted By: MD

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:

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

"SEE SCHEDULE ONE"

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

"SEE SCHEDULE ONE"

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

"SEE SCHEDULE ONE"

(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:

"SEE SCHEDULE ONE"

(E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

"SEE SCHEDULE ONE"

(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:

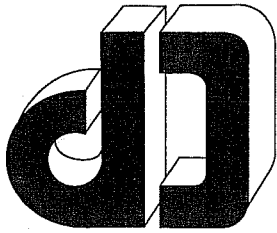
"SEE SCHEDULE ONE"

CITY OF SUWANEE USE ONLY

Date Received: _____ Case No.: _____ Accepted By: _____

Schedule One

- (A) A luxury apartment community would be suitable for the property considering the surrounding and nearby uses. The proposed use remains the same as previously approved in the PMUD only with a reduction in density.
- (B) The proposed change in conditions will not adversely affect the usability of adjacent or nearby property. The proposed use was previously approved in the PMUD.
- (C) The property to be affected by the change in conditions does not have a reasonable economic use as currently zoned. Development of (1) an accessory parking deck for a multi-family community and (2) a new townhome community designed in accordance with the existing conditions are not economically feasible today or in the foreseeable future.
- (D) The change in conditions proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The change in conditions would improve conditions as the request is to reduce density.
- (E) The change in conditions proposal is in conformity with the policy and intent of the land use plan.
- (F) The requested proposal seeks to provide the City of Suwanee with a development that is consistent with the spirit of the originally approved PMUD while being feasible in today's economic environment.



Davis Development

1050 Eagles Landing Parkway
Suite 300
Stockbridge, Georgia 30281
(770) 474-4345 • Fax (770) 474-5213

March 31, 2011

VIA HAND DELIVERY

City of Suwanee
Department of Planning
330 Town Center Avenue
Suwanee, Georgia 30024

RE: PROPOSED CHANGE OF ZONING CONDITIONS APPLICATION RELATING TO
RZ-2006-013 FOR TRACTS 8 AND 9 OF THE PMUD KNOWN AS SUWANEE
GATEWAY (THE "PROPERTY")

Dear Sir/Madam:

This letter serves as our Letter of Intent with respect to the change of zoning conditions relating to the Property.

The Developer

Davis Development, Inc. ("Davis") is a privately owned local apartment development, construction and management company. While based in Stockbridge, Georgia, Davis has constructed over 30,000 apartment units throughout southeast, Texas and Kansas City and currently maintains a portfolio of approximately 10,000 units. Davis currently owns and manages three Gwinnett County apartment communities (The Waterstone located along Satellite Boulevard near Woodward Mill, Villas at Sugarloaf located at Highway 316 and Sugarloaf Parkway and Carrington Place located at Bethesda Church Road and Reagan Parkway) together with several other communities throughout metro Atlanta, Georgia.

Existing Zoning

Property is currently zoned as follows:

Tract 8. This tract is zoned to permit a 340 unit four story apartment community in a wrap configuration with an accessory parking deck. The zoning requires (a) the structure to be four stories with a minimum unit size of 800 square feet and (b) the parking to be provided via a parking deck.

Tract 9. This tract is zoned to permit a 140 unit townhouse community with rear loaded garages in an alley configuration. Multi-family units are prohibited. The zoning requires a minimum unit size of 1,200 square feet and minimum unit width of 18 feet.

The Proposed Project

As noted on the enclosed Site Plan Davis proposes reducing the overall zoned residential density from 480 units to 335 but retaining the spirit, scope and scale of the original zoning design as approved by the City of Suwanee. The units will be allocated between Tract 8 and Tract 9 as follows:

Tract 8. Davis proposes a 207 unit apartment community in a three story and four story split configurations. All of the buildings will be placed adjacent to the public streets in order to create an urban streetscape as well as to screen all of the resident parking. While there will be no structured parking deck there will be 77 garages which will further limit the visibility of the parking. The community will contain many upscale amenities such as a resort style pool, game room, theatre room, wifi business center, workout facility and coffee bar. Attention will be given to pedestrian inter-connectivity to the future retail, master development common green space amenities as well as to provide easy access to the amenities for the residents living on Tract 9. All of the units will incorporate nine foot ceilings, decorative moldings and ceramic materials, high speed internet, generous walk-in closets and more. Units will range in size from 660 square feet to 1,417 square feet.

Tract 9. Davis proposes a 128 unit “Big House” apartment community. The Big House is an alternative to the traditional townhouse row product and is comparable in architecture to a large house. Unlike traditional multifamily apartments, the Big House has no breezeways as every single unit has access via its own private front door. All of the Big House buildings are two story resulting in a similar scale to a townhouse but without the row product feel. The Big House can be designed to include direct access garages and we are proposing that 100 of the 128 Big House units have direct access garages. This will allow those residents to access their unit via the private front door or the private garage. Also, similar to the townhomes, this will allow all of the parking to be screened from the main streets of the master development. Similar to the Tract 8 apartment units all of the Big House units will incorporate nine foot ceilings, decorative moldings and ceramic materials, high speed internet, generous walk-in closets and more. Units will range in size from 678 square feet to 1,467 square feet.

Changes in Conditions

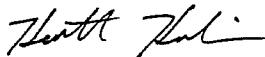
We request the following changes to the conditions of RZ-2006-013:

- 1.a. Allow the development of the “Big House” product on Tract 9 in lieu of rear loaded townhomes.
- 4.d. Tract 8 should be allowed to develop the community depicted on the Site Plan which will supersede any inconsistencies with the RM-8 zoning district.

- 4.e. Tract 9 should be allowed to develop the "Big House" depicted on the Site Plan which will supersede any inconsistencies with the RM-8 zoning district. Big House multifamily units shall be permitted.
- 5.e. Tract 8 should be allowed a building height of three or four stories and a minimum unit size of 660 square feet and the setbacks depicted on the Site Plan.
- 5.f. Tract 9 should allow the setbacks depicted on the Site Plan. The minimum widths should be deleted and conform instead to the Big House dimensions. The garage design of the Big House should be inserted in lieu of the current requirement.
8. The walkways and sidewalks will be as depicted on the Site Plan as compared to the requirement of a 5 foot wide sidewalk on one side of private drives.
15. The parking deck requirement should be deleted.

A copy of the Site Plan and the survey are included with this Letter of Intent. We will supplement of the change of zoning condition application with proposed architectural elevations for both Tract 8 and Tract 9. Please do not hesitate to contact me with any questions regarding this letter of intent or the change of zoning condition application.

Sincerely,



Heath Hawkins
Land Acquisitions

Encl.

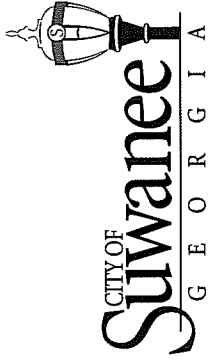


EXHIBIT A RZ-2011-002

Location Map

Legend

-  RZ-2011-002
-  Property Lines
-  Streets






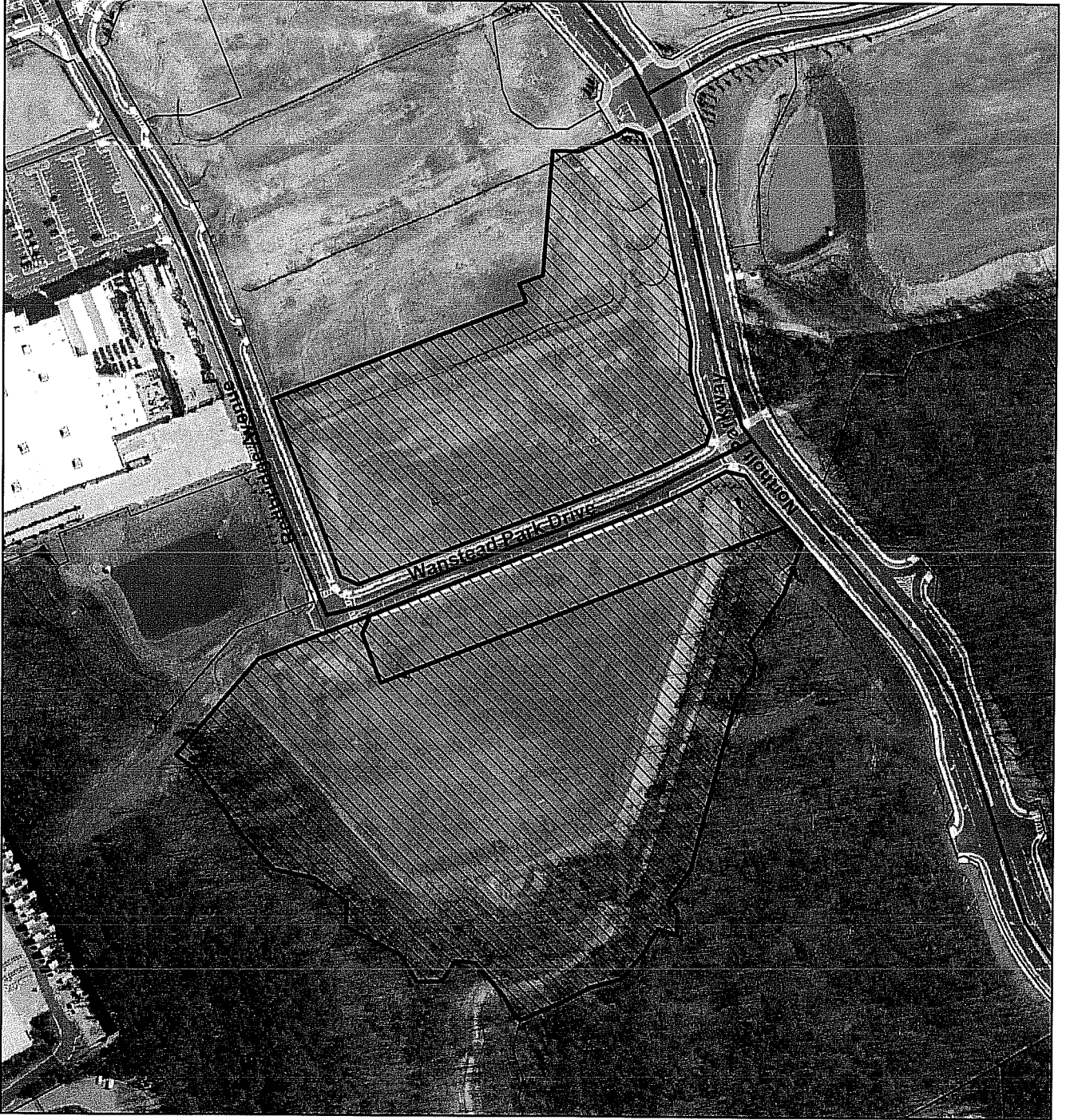


EXHIBIT B RZ-2011-002

Aerial Map

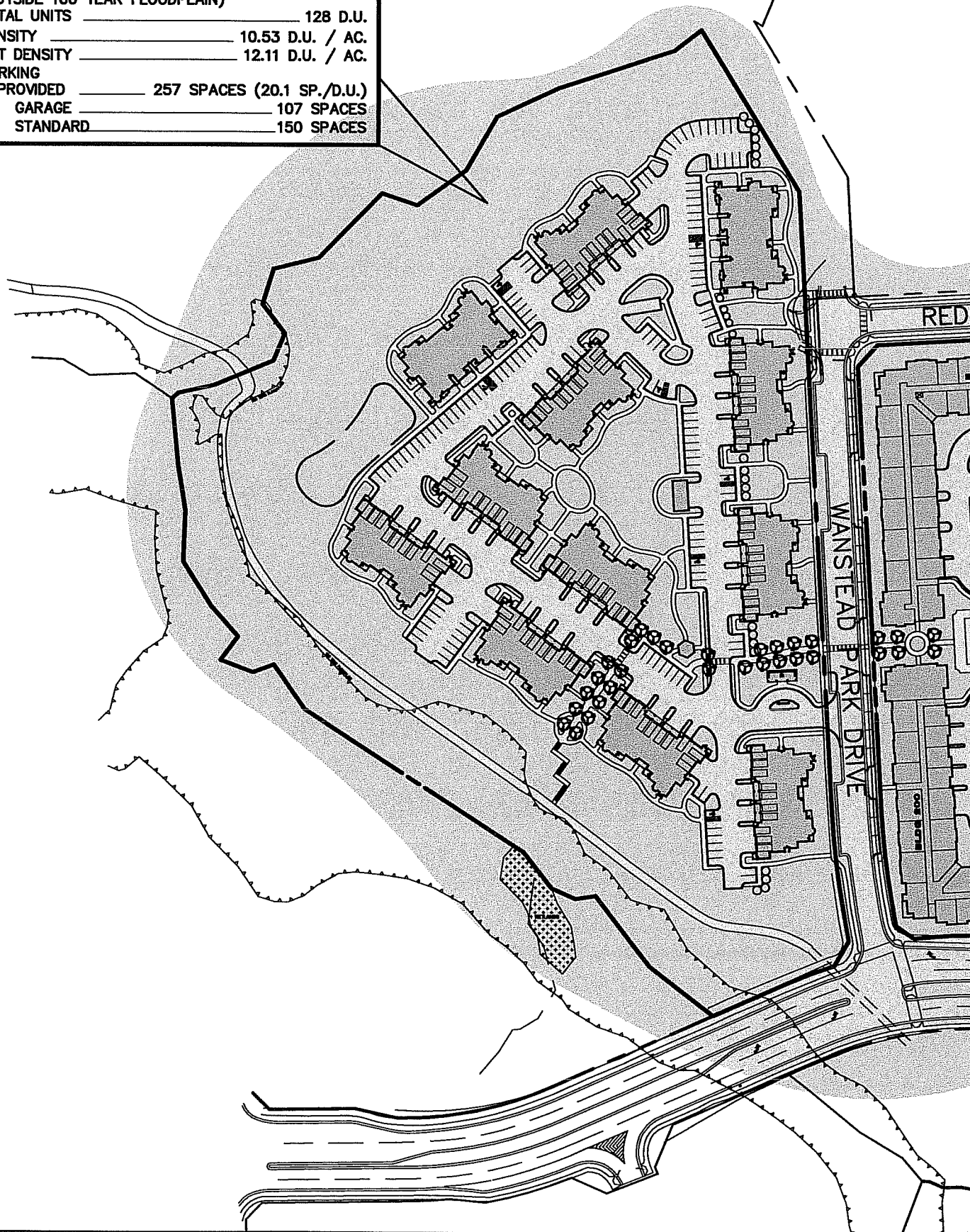
Legend

-  RZ-2011-002
-  Property Lines
-  Streets



SITE DATA - TRACT 9

EXISTING ZONING	_____	PMUD
TOTAL AREA	_____	±12.15 ACRES
NET ACREAGE (OUTSIDE 100 YEAR FLOODPLAIN)	_____	±10.57 ACRES
TOTAL UNITS	_____	128 D.U.
DENSITY	_____	10.53 D.U. / AC.
NET DENSITY	_____	12.11 D.U. / AC.
PARKING		
PROVIDED	_____	257 SPACES (20.1 SP./D.U.)
GARAGE	_____	107 SPACES
STANDARD	_____	150 SPACES





PARTIAL ELEVATION FACING WANSTEAD

1/8" = 1'-0"





- SHUTTERS
- CEMENT SHAKE
- BRACKETS
- CEMENT SIDING
- STONE
- COLUMNS

BUILDING I - RIGHT



- BRACKETS
- CEMENT SHAKE
- CEMENT SIDING
- SHUTTERS
- STONE
- COLUMNS

BUILDING I - LEFT

Exhibit "C"



SUWANEE MIXED USE
 MASTER PLAN CONCEPT



Opus South Corporation

*Concept Plan
 approved by
 City Council last*



MAY 1, 2007

*May 22, 2007
 City Council meeting*

JG 5/23/07

Tract 9
Tract 8

City of Suwanee
Official Zoning Map Amendment
Resolution/Ordinance

Case Number: RZ-2006-013

At the regular meeting of the Suwanee City Council held at Suwanee City Hall, 373 Highway 23, Suwanee, Georgia on a motion by Councilmember Rispin, and seconded by Mayor Pro-tem Burnette, which carried by a vote of 6-0, the following Resolution/Ordinance was adopted:

A Resolution/Ordinance to Amend the Official Zoning Map of the City of Suwanee

WHEREAS, an applicant has petitioned the City of Suwanee to amend the City's Official Zoning Map from M-1, C-2, C-3 and O-I to PMUD, for the proposed use of mixed-use development including retail, office, hotel, multi-family, town homes, and light industrial, on property described on the attached legal description, which is incorporated herein by reference; and

WHEREAS, notice to the public regarding said Amendment has been duly published in the Gwinnett Daily Post, the Official Legal Organ of the City of Suwanee; and

WHEREAS, the City of Suwanee's Planning Commission reviewed the petition and filed a report with the City Council; and

WHEREAS, a duly advertised public hearing was held before the Suwanee City Council on October 17th, 2006;

NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 23rd day of January, 2007 that the aforesaid application to amend the Official Zoning Map from M-1, C-2, C-3 and O-I to PMUD, is hereby APPROVED subject to the following conditions:

1. ***Concept Plan: Within 120 days of approval, submit revised plans to the City which reflect the changes required herein by the conditions of zoning. Said plan shall be subject to the review and approval of the City Council. Develop in accordance with modified Concept Plan and associated attachments and exhibits. No permits may be issued on the property until approval of said Concept Plan. In addition to any other changes required by conditions of zoning, the Concept Plan shall be revised to reflect the following:***
 - a. *All townhomes on Tract 9 shall be rear loaded.*
 - b. *Residential units on Tracts 10, 11 & 12 shall be removed and modified as noted below.*

4. *Uses: Uses for the project shall be allowed as assigned below based on the physical division of the project as on the Tract Plan dated May 23, 2006 and last revised August 1, 2006:*
- a. *Tracts 1, 2, and 3 shall be allowed those permitted uses and development standards found in the C-2A district, except as otherwise noted.*
 - (1) *For Tracts 1, 2, and 3 no automotive sales or service establishments shall be allowed*
 - (2) *For Tract 1, limited outdoor storage is permitted as follows: A single "customer loading area/lumber yard" is permitted beneath a covered "porch or portico" to keep frequently purchased items stocked in the loading area, provided these items are screened from public road ways with a minimum three foot high brick wall along the exterior edge of the loading area. The loading area may be constructed to allow vehicular circulation through the porch area.*
 - (3) *Tract 3 shall also be allowed residential uses on the second and/or third story of any multi-story building.*
 - b. *Tract 4 shall contain a full-service hotel with a no less than 10,000 square feet conference/meeting facilities and a full-service restaurant.*
 - c. *Tracts 5, 6, and 7 shall be allowed those permitted uses and development standards found in the O-I district, except as otherwise noted.*
 - d. *Tract 8 shall be allowed those uses and development standards found in the RM-8 district, except as otherwise noted. On the first floor of any multi-story building facing a public street, commercial retail uses found in the C-2A district shall be permitted.*
 - e. *Tracts 9 shall be allowed single-family attached townhouses and development standards found in the RM-8 district, except as otherwise noted. Multi-family units shall be prohibited.*
 - f. *Tract 10 shall be allowed those uses and development standards found in the M-1 zoning district, except as otherwise noted.*
 - g. *Tract 11 shall be allowed those uses and development standards found in the M-1 and O-I zoning district, except as otherwise noted. Any proposed institutional senior living/retirement facility shall contain certain institutional components such as, a group dining facility, medical staff, meeting rooms, recreational facilities, and/or other such elements and shall be limited to no more than 222 rooms/units.*
 - h. *Tract 12 shall be allowed those uses and development standards found in the O-I zoning district, except as otherwise noted. Any proposed institutional senior living/retirement facility shall contain certain institutional components such as, a group dining facility, medical staff, meeting rooms, recreational facilities, and/or other such elements and shall be limited to no more than 222 rooms/units.*
 - i. *No more than 222 rooms/units shall be cumulatively provided on both tracts 11 and 12.*

5. **District Development Standards:**

- a. **Building(s) on Tracts 1 shall comply with all of the development standards found in the C-2A district except as otherwise noted in these conditions. Any storage of products outside shall be located within an area that is enclosed on all four sides with a minimum (3) three foot high brick wall topped with a decorative metal fence a minimum of 8-feet in height with black windscreen fabric. No materials contained within said area shall be visible from the parking lot of Tract 1. Except that a single "customer loading area/lumber yard," as depicted on the submitted elevations, may be provided as noted above. No other outdoor storage may be permitted.**

The maximum building height for Tract 1 shall be sixty (60) feet.

- b. **Tracts 2 and 3 shall be limited to no more than three (3) stories in height.**

Minimum building setbacks:

Front: 0'

Side: 0'

Rear: 0'

- c. **Tract 4 shall be limited to no less than five (5) stories in height.**

Minimum building setbacks:

Front: 0'

Side: 0'

Rear: 0'

- d. **Buildings on Tracts 5, 6, and 7 shall be a minimum of four (4) stories in height, but no more than six (6) stories in height.**

Minimum building setbacks:

Front: 0'

Side: 0'

Rear: 0'

For Tracts 5 and 6 maintain a minimum 150-foot wide building setback from Burnette Road.

Buffers: Maintain a minimum 50-foot wide natural undisturbed buffer adjacent to existing residentially zoned property. Maintain a minimum 100-foot wide building setback adjacent to existing residentially zoned property.

- e. **Tract 8 shall have a maximum of 340 residential units.**

Minimum building setbacks:

Front: 0'

Side: 0'

Rear: 0'

Building Height: No less than four (4) stories in height.

Minimum Unit Size: 800 square feet

- f. **Tract 9 and shall be limited to no more than 140 residential units.**

Minimum setbacks:

Front: 5' for rear loaded units and 25' for front loaded units.

Side: 0'

Rear: 20'

Minimum Unit Size: 1,200 square feet

Minimum Unit Width: 18 feet

Building Height: No greater than four (4) stories in height.

Garages: All townhouse units within Tract 9 shall be accessed via rear alleys. No front entry units are allowed.

g. Tract 10 shall be limited to a maximum of four (4) stories.

Minimum setbacks:

Front: 25'

Side: 10 feet between buildings.

Rear: 40'

h. Tract 11 shall be limited to a maximum of four (4) stories.

Minimum setbacks:

Front: 25'

Side: 10'

Rear: 40'

i. Tract 12 shall be limited to a maximum of four (4) stories.

Minimum setbacks:

Front: 25'

Side: 10'

Rear: 40'

Buffers: Maintain a minimum 25 foot wide natural undisturbed buffer supplemented by an additional 25 foot wide landscape strip (for a total of 50 feet) between Tract 12 and properties located within the abutting Northbrook Square subdivision.

6. Phasing:

a. Within 90 days of the issuance of the initial Building Permit on Tract 2 or Tract 3, at least one office building shall have received a Building Permit on Tract 5, 6, and/or 7 or the full service hotel shall have received a Building Permit. The Planning and Community Development Director shall have the authority to administratively waive this condition if he determines that the intent of the condition has been satisfied at the conclusion of the 90 day period. At least 100,000 square feet of the entire project's initial 280,000 square feet of gross building area permitted shall be dedicated for use as either hotel or office space.

7. Prior to issuance of a Development Permit for each phase of the project, the applicant shall submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the City of Suwanee. At a minimum, the "Plan Book" shall include allowed building elevations, exterior colors, materials, massing, define the sidewalk zone, define the relationship between buildings and the public and private roads, and other pertinent information. The exterior elevations of all single-user buildings exceeding 60,000 square feet shall be designed so that they include no expanses of blank walls that exceed a width of 60 feet. This requirement shall be met by employing the use of columns, horizontal and vertical offsets, decorative cornices, awnings, and/or canopies. Other architectural treatments (such as

alternate brick patterns, bonds, or colors) shall be implemented as needed to ensure architectural interest is maintained in blank wall sections less than 60 feet in width. The color scheme(s) employed on the front elevation of any big box building shall be continued along the other elevations of the building. While color scheme of the rear façade of any big box shall be required to match the other three sides of the building, the rear façade shall not be required to incorporate the same materials as the other three sides. Building heights are restricted to a maximum of 60 feet.

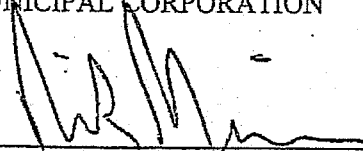
8. Provide sidewalks along both sides of all publicly dedicated two-way streets or private drives (excluding rear alleys and service drives as determined by the Planning and Community Development Department). All non-residential and multi-family buildings shall be connected to public right-of-ways with a minimum 5-foot wide sidewalk. For Tracts 3, 8, and 9 any private drives shall have a minimum 5-foot wide sidewalk on at least one side.
9. Along Lawrenceville-Suwanee Road, provide a minimum 8-foot wide sidewalk.
10. The first phase of development shall include a boulevard running from Lawrenceville-Suwanee Road to Burnette Road (or McGinnis Ferry Road as applicable) in the approximate location indicated on submitted concept plan. Said boulevard shall be a four lane divided parkway with a minimum 100-foot wide right of way, for the length of the roadway that is part of the subject zoning case, except that said parkway may taper down to transition down from 4 lanes as needed. The right-of-way shall be of sufficient width to contain the road plus a 6 foot wide landscape strip, a minimum 5 foot wide sidewalk on one side of the road, a minimum 8 foot wide hard surface path on the other side and a sufficient shoulder on both sides. Where the road intersects with Burnette Road and Lawrenceville-Suwanee Road ingress and egress shall be consistent with the traffic study conducted for the project by Kimley Horn and dated 4-19-06. The landscape strip and median shall be planted with street trees located on 30 to 40 foot centers. The species, caliper and spacing of trees shall be determined during the design of the road. The design of the boulevard shall be approved by the Planning and Community Development Director and the City Engineer. The final design of the roadways shall be completed to satisfy the maximum anticipated traffic as determined by the project traffic study. Certificates of Occupancy shall not be issued to any building with direct access to the road until said road is completed from Lawrenceville-Suwanee Road to Burnette Road. The Planning and Community Development Director shall have the authority to administratively waive this concurrency requirement if he determines that the intent of the requirement has been satisfied.
11. Development shall comply with all conditions Attachment A of the GRTA Notice of Decision.

12. *At no cost to the City of Suwanee, Gwinnett County and/or Georgia DOT, provide all on-site Project Improvements identified in the traffic study conducted for the project by Kimley Horn and dated 4-19-06 necessary to mitigate the build conditions.*
13. *All roads, other than the main boulevard, shall be constructed as a minimum two lane roads with a minimum 5-foot wide landscape strips and minimum 5-foot wide sidewalks. Said landscape strips shall be planted with minimum 3" caliper overstory trees spaced on 40 foot centers. Said trees shall be selected off of the City's approved street tree list. The City Engineer and Planning and Community Development Director shall approve the final design of all roads.*
14. *Prior to issuance of a Development Permit for any portion of the project, provide, for the entire project, a comprehensive pedestrian circulation plan which connects every tract and each building indicated on the Master Concept Plan. Logical connections to the various tracts and roadways shall be made where appropriate. Said plan shall provide for the locations and composition of all sidewalks and trails and shall provide details for pedestrian crossings of roads, intersections, driveways and parking areas. Specifically the plan shall include a 10-foot wide hard-surface trail (concrete, asphalt and/or boardwalk) along one side of the creek extending from the lake adjacent to I-85 west toward the development's western property line. Said Plan shall be subject to the review and approval of the Planning and Community Development Director. Each development permit issued for the project shall demonstrate compliance with the approved comprehensive circulation plan.*
 - a. *The required trail extending along the creek shall connect to the trail system along the parkway and extended below or above the parkway to create a grade separated situation.*
15. *For all multi-family buildings, parking shall be provided via deck parking. The design of said parking deck shall be consistent with the design of the associated multi-family building.*
16. *The formal open space part of which is located on tract 8 and the other part of tract 9 shall be completed prior to the issuance of a certificate of occupancy for the multi-family building.*
17. *All off street surface parking lots shall be concealed from public view by a minimum 3 to 4 foot tall brick or stone wall, a three-foot high hedgerow, decorative fence and/or a building. Said wall or hedgerow may be located in any required setback and shall be designed to minimize visibility of the parking area from public right-of-ways.*
18. *Provide bicycle racks, with a minimum of 5 spaces per commercial/office building, near the entrance of each non-residential building. Provide bicycle racks with a minimum of 20 spaces for the multi-family building.*

- 19. *All ground signage shall be limited to monument-style signs with enclosed bases. The developer shall provide a comprehensive signage plan prior to issuance of a Development Permit for each phase. The comprehensive plan shall address wall signage, ground signage, street signs, temporary marketing signs, project entrance signs/gateway signs, branding signs, etc.*
- 20. *A minimum of 25% of the site's gross acreage shall remain as publicly accessible open space. Undeveloped areas, recreation areas, wet-detention ponds (as approved by the Planning and Community Development Department), or lakes may be included in this calculation. Rights-of-way, parking areas, dry-detention areas and/or buildings shall not be included.*
- 21. *Subject to the approval of Georgia DOT, upgrade the traffic signal on Lawrenceville-Suwanee and the main boulevard to a black mast-arm style poles. All future signals shall be constructed of decorative black mast-arm style poles.*
- 22. *Provide an access point for emergency situations between tract 1 and tract 10. Said access shall be subject to the review and approval of the City.*
- 23. *Subject to the approval of the City of Suwanee and the Northbrooke Square Homeowner's Association, provide pedestrian access consisting of a trail on the north and west common property line to the Northbrook Square Subdivision, as identified by the Planning Director.*

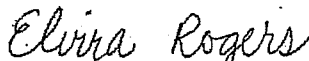
SUWANEE CITY COUNCIL, A GEORGIA MUNICIPAL CORPORATION

By:



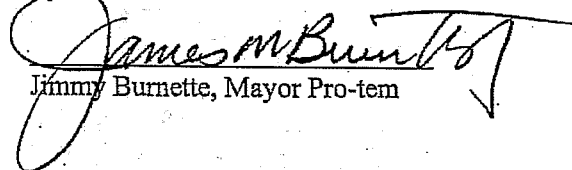
Nick Masino, Mayor

ATTESTED TO BY:




Elvira Rogers, City Clerk

By:



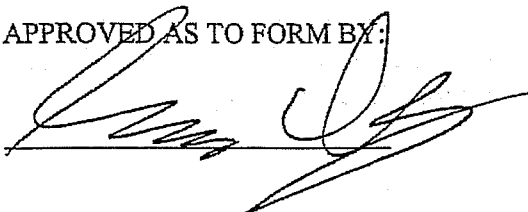
Jimmy Burnette, Mayor Pro-tem

By:

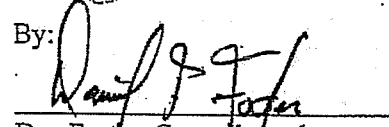


Jace Brooks, Councilmember

APPROVED AS TO FORM BY:



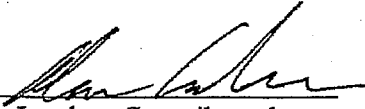
By:



Dan Foster, Councilmember

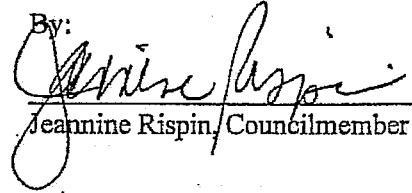
Gregory D. Jay, City Attorney
Chandler, Britt, Jay & Beck, LLC

By:



Alan Landers, Councilmember

By:



Jeannine Rispin, Councilmember

City of Suwanee
Official Zoning Map Amendment
Resolution/Ordinance

Case Number: RZ-2007-010 ,

At the regular meeting of the Suwanee City Council held at Suwanee City Hall, 373 Highway 23, Suwanee, Georgia on a motion by Councilmember Foster , and seconded by Councilmember Brooks , which carried by a vote of 6-0 , the following Resolution/Ordinance was adopted:

A Resolution/Ordinance to Amend the Official Zoning Map of the City of Suwanee

WHEREAS, an applicant has petitioned the City of Suwanee to amend the City's Official Zoning Map from PMUD to PMUD (change of conditions) , for the proposed use of mixed-use development including retail, office, hotel, multi-family, town homes, and light industrial , on property described on the attached legal description, which is incorporated herein by reference; and

WHEREAS, notice to the public regarding said Amendment has been duly published in the Gwinnett Daily Post, the Official Legal Organ of the City of Suwanee; and

WHEREAS, the City of Suwanee's Planning Commission reviewed the petition and filed a report with the City Council; and

WHEREAS, a duly advertised public hearing was held before the Suwanee City Council on October 23rd, 2007 ;

NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 23rd day of October , 2007 that the aforesaid application to amend the Official Zoning Map from PMUD to PMUD (change of conditions) is hereby APPROVED subject to the following conditions:

1. All conditions of zoning from RZ-2006-013 shall remain in full effect, except for conditions 5.e, which shall be revised to read as follows:

Tract 8 shall have a maximum of 340 units.

Minimum building setbacks:

Front: 0'

Side: 0'

Rear: 0'

Building Height: No less than 4 stories in height.

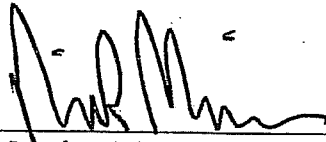
Minimum Unit Size:

- 1) 600 square feet, provided the following:

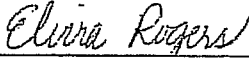
- a) A maximum of 5 percent of units may be less than 700 square feet; and
- b) A maximum of 50 percent of units may be between 700 and 800 square feet; and
- c) The remaining units must be greater than 800 square feet.

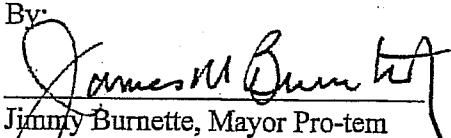
Signatures Next Page

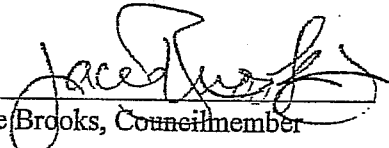
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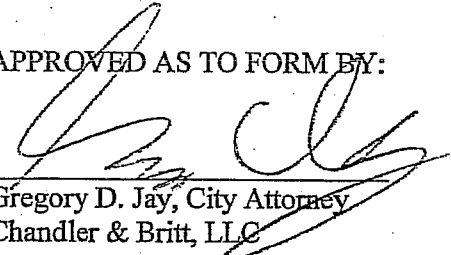
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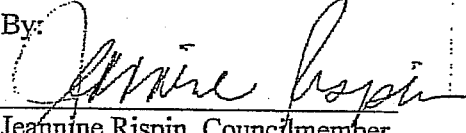

Elvira Rogers, City Clerk

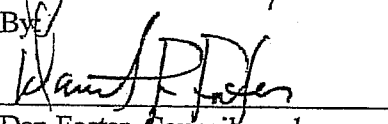
By: 
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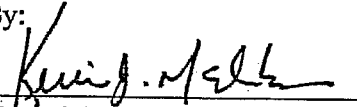
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APPROVED AS TO FORM BY:


Gregory D. Jay, City Attorney
Chandler & Britt, LLC

By: 
Jeannine Rispin, Councilmember

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By: 
Kevin McOmber, Councilmember

