

Rezoning(s):

**RZ-2011-003 & RZ-2011-004**

**CITY OF SUWANEE  
REZONING ANALYSIS**

**CASE NUMBER:** **RZ-2011-003, RZ-2011-004**  
**REQUEST:** PMUD (PLANNED MIXED-USE DEVELOPMENT DISTRICT) TO PMUD (PLANNED MIXED-USE DEVELOPMENT DISTRICT) WITH A CHANGE OF CONDITIONS

**LOCATION:** SUTTON GATE DRIVE - TRACTS 2, 4, 4A, 4B, 6 AND 7 OF THE TERRACES AT SUWANEE GATEWAY

**TAX ID NUMBER:**

<i>RZ-2011-003:</i>	TRACT 6	7-169-193
	TRACT 7	7-169-194
<i>RZ-2011-004:</i>	TRACT 2	7-169-184
	TRACT 4	7-169-189
	TRACT 4A	7-169-190
	TRACT 4B	7-169-191

**ACREAGE:** PROPOSED REZONING: 33.66 ACRES;  
TERRACES AT SUWANEE GATEWAY: 148.32 ACRES

**PROPOSED DEVELOPMENT:** FUTURE OFFICE, COMMERCIAL & HOTEL

**APPLICANT:** SDM PARTNERS, LLC  
1349 WEST PEACHTREE STREET NE  
SUITE 1100  
ATLANTA, GEORGIA 30309

**OWNER:** SLF-III SUWANEE GATEWAY LLC  
3400 PEACHTREE ROAD  
SUITE 650  
ATLANTA, GEORGIA 30328

**CONTACT:** STEVE MARTIN  
**CONTACT PHONE:** 404-877-9296

**STAFF RECOMMENDATION:** **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant seeks a change in zoning conditions on approximately 33 acres out of an approximately 148 acre planned mixed-use development in order to allow for future flexibility for

planned office, commercial and hotel uses. This application was originally advertised for the June Planning Commission and City Council meetings. The original request included a potential major office tenant for a portion of the site, which has subsequently been removed from the application. The subject property was rezoned to the Planned Mixed Use Development District (PMUD) in January of 2007 per RZ-2006-013 with several conditions of approval. The applicant does not wish to eliminate any of the uses included in the approved rezoning or on the approved concept plan. However, the applicant is requesting greater flexibility regarding the location of uses on Tracts 2, 4, 4A, 4B & 7.

Tracts 6 and 7 are the subject of RZ-2011-003. These two tracts are located on the west side of Sutton Gate Drive. They total approximately 24 acres and include 2 wet ponds that meet the stormwater needs for most of the project. No land use changes are proposed for Tract 6. However, the applicant has included Tract 6 in the request to amend the approved concept plan to eliminate structured parking. According to the applicant's letter of intent, the parking garage which was included in the approved concept plan for Tract 6 and 7's joint use will only be constructed/utilized if the parking required for Tracts 6 and/or 7 necessitates it. In other words, the use of structured parking will depend on the scale of the office buildings constructed on these tracts. In addition, the applicant seeks the flexibility to develop Tract 7 with office, commercial or hotel uses in the future. Currently, Tract 7 is limited to office uses.

Tracts 2, 4, 4A, and 4B are the subject of RZ-2011-004. These tracts total approximately 9 acres and are located on the east side of Sutton Gate Drive. The applicant is seeking the flexibility to develop a hotel on Tract 2, Tract 4 or Tract 7. This flexibility also requires that commercial uses be permitted on Tract 7 to ensure that uses proposed in the original concept plan are fully accommodated. Additionally, the applicant is requesting the additional use of office on Tracts 4, 4A and 4B. Overall, these changes will allow more flexibility and interchangeability of uses between tracts while preserving the intent of the original zoning change and concept plan.

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 not meet that threshold.

#### **ZONING HISTORY:**

The subject property was rezoned in January, 2007 per RZ-2006-013. In the approved concept plan, Tract 4 was intended to accommodate a full service hotel with a minimum 10,000 square foot conference facility and full service restaurant. Tract 2 was intended to accommodate those uses allowed in the C-2A zoning district and Tract 6 and Tract 7 were intended to accommodate those uses allowed in the O-I zoning district. The following conditions relate specifically to the development of Tract 4, Tract 2, Tract 6 and Tract 7:

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
  - 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.

Approval of the current proposal would require changes to 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. In addition, a multi-family development containing 335 units located on Wanstead Park Drive was approved by City Council in June following a recommendation for approval from the Planning Commission in May.

The proposed changes would impact the current approved concept plan by eliminating the requirement for structured parking associated with future office development and allowing flexibility and some interchangeability of uses between tracts. Changes to the approved conditions of zoning for Tract 2, Tract 4, 4A, 4B and Tract 7 will allow for more flexibility related to where future office, hotel and commercial uses may be located. By allowing zoning flexibility the applicant is hoping to be able to market the property in accordance with the current development climate.

The Terraces at Suwanee Gateway 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).

RZ-2011-003

The approved concept plan shows office buildings, surface parking areas and a parking garage on Tract 6 and Tract 7. The parking garage was intended to accommodate the parking needs of future office buildings on Tract 6 and Tract 7. The conditions of zoning for Tract 6 and 7 currently permit those uses allowed in the O-I zoning district. The applicant is requesting to modify this condition to allow office, hotel and commercial on Tract 7. Tract 6 would still be limited to office uses. Additionally, the applicant only wishes to construct a parking garage if the future office buildings require that level of parking. Otherwise, future buildings would be served by surface parking lots.

RZ-2011-004

The applicant is requesting additional uses be permitted on Tract 2, 4, 4A and 4B. Currently, Tract 2 is permitted to have those uses allowed in the C-2A zoning district and Tract 4 is limited to a full-service hotel with conference facilities and a full-service restaurant. Similar to the request for Tract 7, the applicant is requesting that multiple uses be allowed on each tract. This would allow office, hotel and commercial to be constructed on Tract 4, 4A & 4B and commercial and/or a hotel to be constructed on Tract 2.

The applicant intends to meet the intent of the original concept plan by providing a full service hotel, commercial and office uses within the development. Amending the conditions, as proposed, would allow for some flexibility while still maintaining the original intent for the area as a whole. In summary, the table below shows the current permitted uses for each tract along with the requested uses for RZ-2011-003 & RZ-2011-004.

	<u>Existing</u>	<u>Requested</u>
Tract 2	Commercial	Commercial and Hotel
Tract 4, 4A, 4B	Hotel	Office, Hotel and Commercial
Tract 6	Office	Office
Tract 7	Office	Office, Hotel and Commercial

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 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. The Terraces at Suwanee Gateway has the infrastructure in place to provide the ground work for a mixed-use project. One of the most important aspects of mixed-use developments is that there must be employment centers. It is recommended that the Suwanee Gateway present a strong, positive image of the city that is forward looking and progressive. High quality office, commercial and hotel 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 including appropriate landscaping to minimize any visual impacts of proposed surface parking areas.

In conclusion, the site is located within the previously developed Terraces at Suwanee Gateway project and is an appropriate location for the proposed uses. Required changes to the approved conditions of zoning needed to accommodate the applicant's proposal do not significantly impact the overall intensity and type of development on the site. The request does not eliminate a full-service hotel from the project, but will allow the hotel to be built on a number of different tracts as opposed to only the tract shown on the concept plan. In addition, construction of a high quality project is possible with the inclusion of architectural, landscaping and site design components that go beyond what is included in the typical office development. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of RZ-2011-003 and RZ-2011-004.

**Planning Department Recommended Conditions:  
RZ-2011-003 and RZ-2011-004**

**Approval as PMUD subject to the following enumerated conditions:**

- 1. Tracts 2, 4 (including tracts 4A and 4B), and 7 shall be permitted to shift allowed uses (as permitted by condition 4 of RZ-2006-013) and development standards (as listed in condition 5 of RZ-2006-013), provided the originally approved composition of uses is retained.**
- 2. Parking for tracts 6 and 7 shall not be required to include deck parking as indicated on the approved concept plan dated May 23, 2007.**
- 3. All conditions of zoning from RZ-2006-013 as amended by RZ-2007-010 & RZ-2011-002 shall remain in full effect.**

## 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 change 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 office, commercial and hotel 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 commercial, office and hotel market. Rezoning the property to accommodate flexibility in the location of such uses could mitigate these concerns while preserving the intent of the mixed-use project.



REZONING APPLICATION

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

APPLICANT INFORMATION*		OWNER INFORMATION*	
NAME:	SDM Partners, LLC	NAME:	SLF-III Suwanee Gateway, LLC (David Moore)
ADDRESS:	1349 W. Peachtree St. NE Suite 1100 Atlanta, GA 30309	ADDRESS:	3400 Peachtree Road Suite 650 Atlanta, GA 30326
PHONE:	404-877-9296	PHONE:	404-924-8401
CONTACT PERSON:	Steve Martin	PHONE:	
EMAIL ADDRESS:	sdm@sdmpartners.com	FAX NUMBER:	404-924-8430

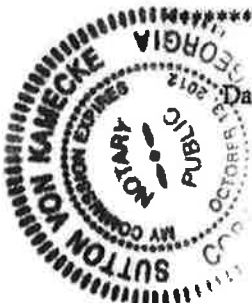
PROPERTY INFORMATION		PMUD modification to
PRESENT ZONING DISTRICT(S):	PMUD	REQUESTED ZONING DISTRICT concept plan
PROPOSED DEVELOPMENT:	Office Uses with Surface Parking	
TAX PARCEL NUMBER(S):	7169 193	
ADDRESS OF PROPERTY:	The Terraces at Suwanee Gateway	
TOTAL ACREAGE:	15.4	PUBLIC ROADWAY ACCESS: Sutton Gate Drive
FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOPMENT:	
NO. OF LOTS/DWELLING UNITS:		NO. OF BUILDINGS/UNITS: N/A
DWELLING UNIT SIZE (SQ. FT.):		TOTAL GROSS SQUARE FEET: 0

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.

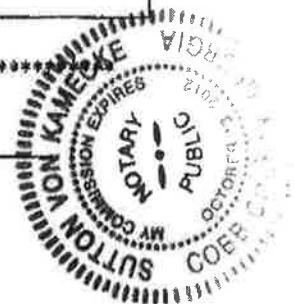
	5/13/11		5/13/11
Signature of Applicant*	Date	Signature of Owner*	Date
Steve Martin	5/13/11	David Moore	5/13/11
Print Name	Date	Print Name	Date
	5-13-11		5-13-11
Signature of Notary	Date	Signature of Notary	Date

\* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)



CITY OF SUWANEE USE ONLY

Date Received: 5/13/11 Case No.: RZ-2011-003 Accepted By: Mo



**CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS**

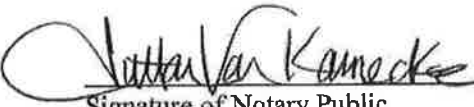
The undersigned below, making application for rezoning, has read and complied with the Official Code of Georgia Section 36-67A-1, et.seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

 5/13/11  
Signature of Applicant Date

Steve Martin  
Type or Print Name and Title

\_\_\_\_\_  
Signature of Applicant's Attorney or Representative Date

\_\_\_\_\_  
Type or Print Name and Title

 5/13/11  
Signature of Notary Public Date

Notary seal



**Disclosure of Campaign Contributions**

Have you, within the two years immediately preceding the filing of this application, received campaign contributions aggregating \$250.00 or more to a member of the City Council or a member of the Suwannee Planning Commission?

No yes/no

Steve Martin  
Your Name

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contributions was made (within last two years)

\*Attach additional sheets, if necessary to disclose or described all contributions.

\*\*\*\*\*

CITY OF SUWANEE USE ONLY

Date Received: \_\_\_\_\_ Case No.: RZ-2011-003 Accepted By: \_\_\_\_\_

**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:  
The applicant requests the rezoning in order to respond to current market conditions.  
This request does not change the proposed use of the property.

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:  
The proposal does not change the use of the property.

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:  
Yes, but this application is necessary to address a specific opportunity.

(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:  
No

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

(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:  
Yes, a specific corporate headquarters which has a high parking need.

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CITY OF SUWANEE USE ONLY

Date Received: \_\_\_\_\_ Case No.: RZ-2011-003 Accepted By: \_\_\_\_\_

**REZONING APPLICATION**

**LETTER OF INTENT**

**TRACT 6 / 7**

	<u>Acreage</u>	<u>Existing</u>	<u>Requested</u>
Tract 6	15.4	Office	-
Tract 7	9.0	Office	Office and/or Hotel and Commercial

The parking deck which was contemplated in the concept plan for Tract 6 and 7 joint use will only be constructed/utilized if the parking required for Tracts 6 and/or 7 necessitates it.

Tract 7 (9.0 acres) is currently in the O-I district. The request is to allow the additional uses of Hotel and Commercial. If the Hotel option is used, the commercial aspects would mirror how Tracts 4A / 4B lay out; i.e. two commercial out parcels at the front.

Tract 7A at the pin corner of Northholt Parkway and Sutton Gate Drive is not part of this request.

d



2011-003 ~~10224~~  
RZ-2001



**REZONING APPLICATION**

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

APPLICANT INFORMATION*		OWNER INFORMATION*	
NAME:	<u>SDM Partners, LLC</u>	NAME:	<u>SLF-411 Suwanee Gateway, LLC (David Moore)</u>
ADDRESS:	<u>1349 W. Peachtree St., NE</u> <u>Suite 1100</u> <u>Atlanta, GA 30309</u>	ADDRESS:	<u>3400 Peachtree Road</u> <u>Suite 650</u> <u>Atlanta, GA 30326</u>
PHONE:	<u>404-877-9296</u>	PHONE:	<u>404-924-8401</u>
CONTACT PERSON:	<u>Steve Martin</u>	PHONE:	_____
EMAIL ADDRESS:	<u>sdm@sdmpartners.com</u>	FAX NUMBER:	<u>404-924-8430</u>

**PROPERTY INFORMATION**

PRESENT ZONING DISTRICT(S): PMUD REQUESTED ZONING DISTRICT PMUD

PROPOSED DEVELOPMENT: Office / Hotel / Commercial

TAX PARCEL NUMBER(S): (T2) 7169 184; (T4) 7169 189 / 190 / 191; (T7) R7169 194

ADDRESS OF PROPERTY: The Terraces at Suwanee Gateway

TOTAL ACREAGE: 18.26 PUBLIC ROADWAY ACCESS: Sutton Gate Drive

FOR RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: \_\_\_\_\_  
 DWELLING UNIT SIZE (SQ. FT.): \_\_\_\_\_

FOR NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/UNITS: N/A  
 TOTAL GROSS SQUARE FEET: 0

**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.

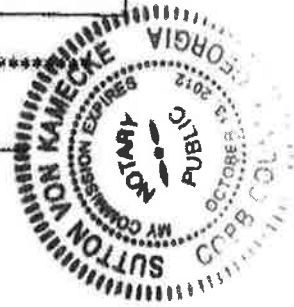
Signature of Applicant* <u>Steve Martin</u>	Date _____	Signature of Owner* <u>David Moore</u>	Date _____
Print Name* <u>Steve Martin</u>	Date <u>5-13-11</u>	Print Name* <u>David Moore</u>	Date <u>5-13-11</u>
Signature of Notary <u>Walter Van Kamecke</u>	Date _____	Signature of Notary <u>Walter Van Kamecke</u>	Date _____

\* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)



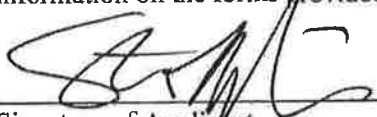
**CITY OF SUWANEE USE ONLY**

Received: 5/13/11 Case No.: R2-2011-004 Accepted By: MD



**CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS**

The undersigned below, making application for rezoning, has read and complied with the Official Code of Georgia Section 36-67A-1, et.seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

      5/13/11  
 Signature of Applicant      Date

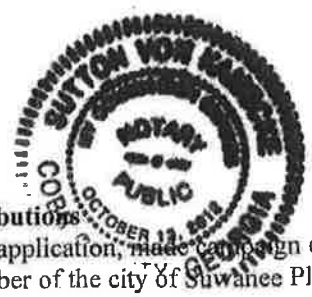
Steve Martin  
 Type or Print Name and Title

\_\_\_\_\_  
 Signature of Applicant's Attorney or Representative      Date

\_\_\_\_\_  
 Type or Print Name and Title

      5/13/11  
 Signature of Notary Public      Date

Notary seal



**Disclosure of Campaign Contributions**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City Council or a member of the city of Suwanee Planning Commission?

No      yes/no

Steve Martin  
 Your Name

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contributions was made (within last two years)

\*Attach additional sheets, if necessary to disclose or described all contributions.

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CITY OF SUWANEE USE ONLY

Date Received: \_\_\_\_\_ Case No.: RZ-2011-004 Accepted By: \_\_\_\_\_

**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:  
The applicant requests the rezoning in order to respond to current market conditions.  
This request does not change the proposed use of the property.

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:  
The proposal does not change the use of the property.

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:  
Yes, but this application is necessary to address a specific opportunity.

(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:  
No

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

(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:  
Yes, a specific corporate headquarters which has a high parking need.

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CITY OF SUWANEE USE ONLY

Date Received: \_\_\_\_\_ Case No.: R2-2011-004 Accepted By: \_\_\_\_\_

**REZONING APPLICATION**

**LETTER OF INTENT**

**TRACTS 2 / 4 / 4A / 4B**

	<u>Acreage</u>	<u>Existing</u>	<u>Requested</u>
Tract 4 / 4A / 4B	4.21	Hotel & Commercial	Office or Hotel & Commercial
Tract 2	5.05	Commercial	Commercial and / or Hotel

The purpose of this request is to provide flexibility and some interchangeability of uses between Tracts 2 / 4 / 4A / 4B and Tract 7 across the street.

Tract 2 as currently zoned only allows for a commercial use. This rezoning request is to allow the additional use of hotel.

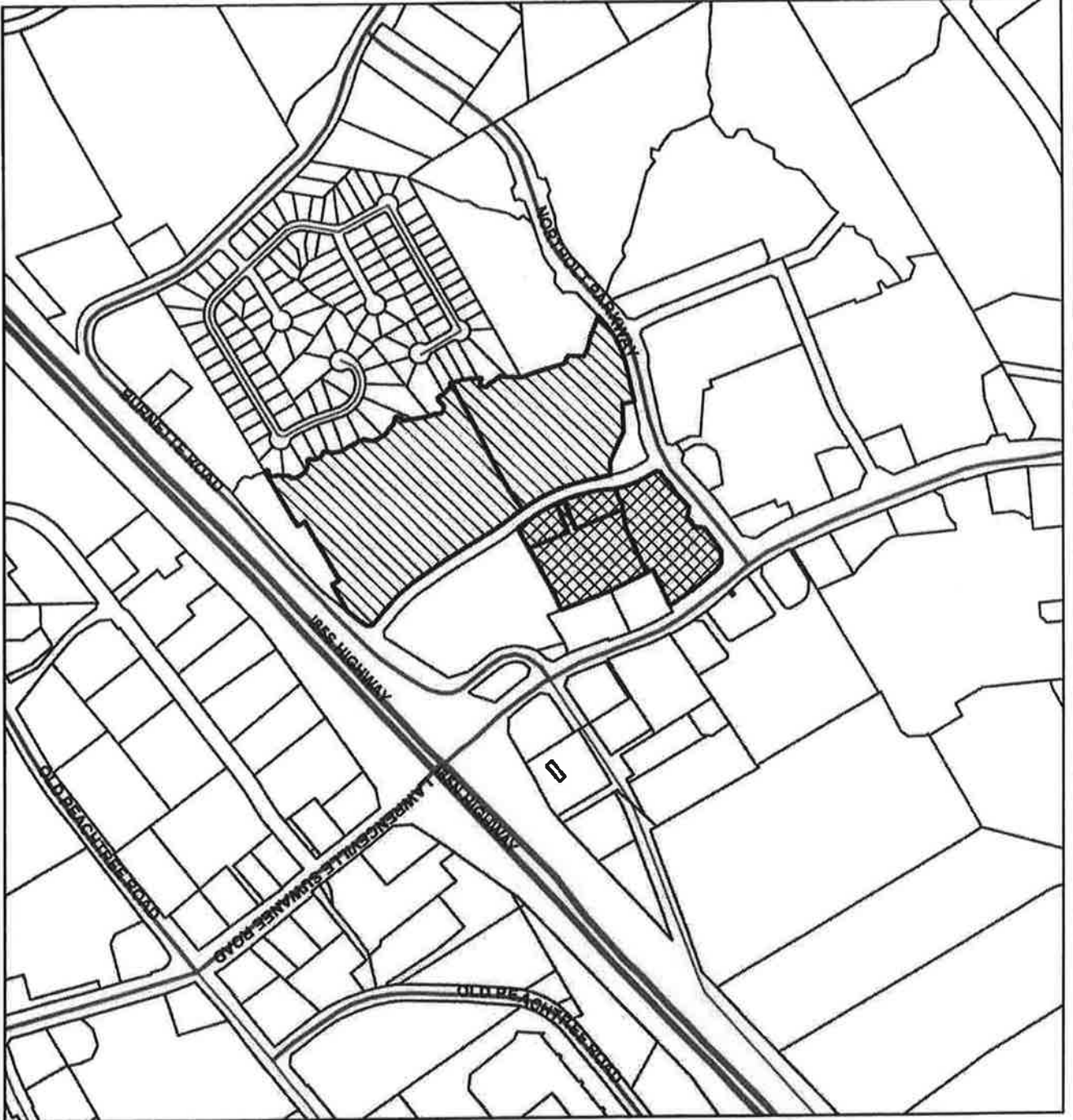
Tracts 4 / 4A / 4B as currently zoned allow for a hotel use on Tract 4 and commercial uses on Tracts 4A / 4B. This rezoning request is to allow the additional use of office.



*R2-2011-004*










**EXHIBIT A**  
**RZ-2011-003**  
**RZ-2011-004**

Location Map

**Legend**

-  RZ-2011-003
-  RZ-2011-004
-  Property Lines





**EXHIBIT B**  
**RZ-2011-003**  
**RZ-2011-004**

Aerial Map

**Legend**




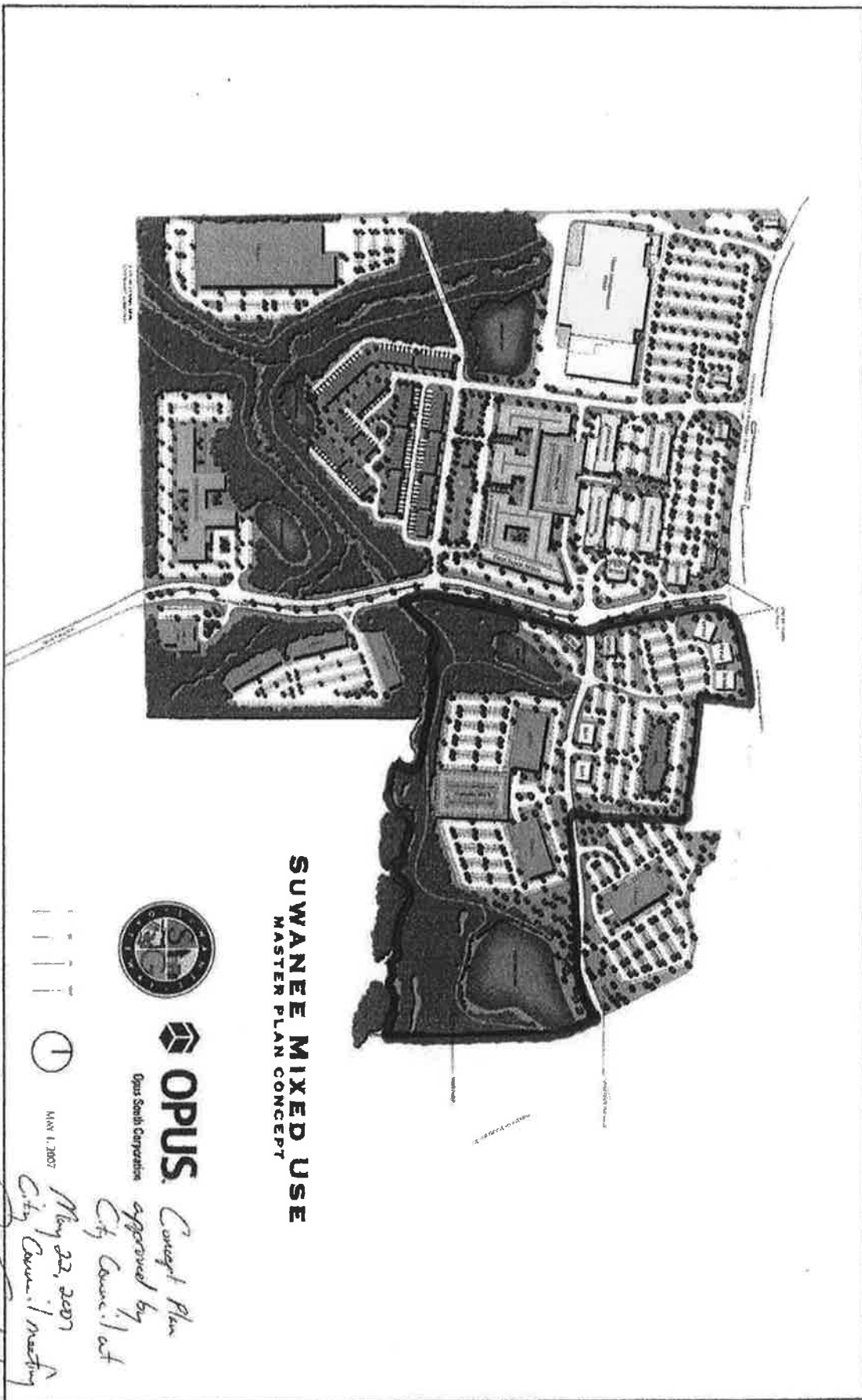
-  RZ-2011-003
-  RZ-2011-004
-  Property Lines



Exhibit C



**SUWANE MIXED USE**  
MASTER PLAN CONCEPT



Opus South Corporation

**OPUS**

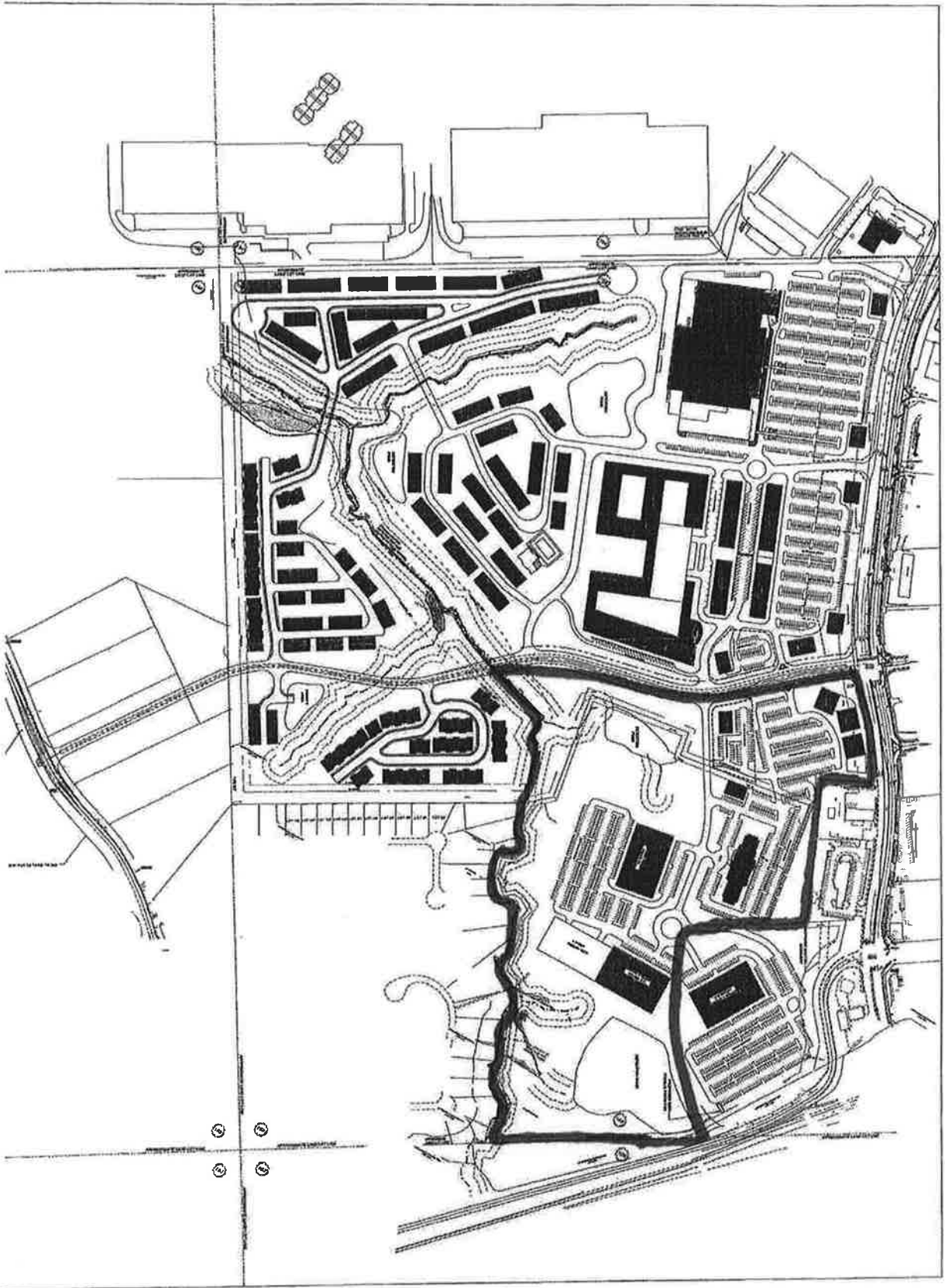
*Concept Plan  
approved by  
City Council 1st*

MAY 1, 2007

*May 22, 2007  
City Council meeting*

*SC 5/23/07*

Exhibit D



**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 17<sup>th</sup>, 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 23<sup>rd</sup> 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:

- I. **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.*

- c. *Any other items that may be needed as a result of any modified conditions.*
2. *The scope of work in the initial Clearing, Grading or Development Permit for any portion of the site shall include demolition and removal of the existing vacant hotel on the property (along with its associated building) shall be demolished and removed. Said demolition and removal shall be commenced prior to the issuance of any subsequent permits for any portion of the site.*
3. *Large vacant buildings create special and unique problems. They can serve as an attractive nuisance for crime, graffiti and other problems. The negative impacts associated with large vacant buildings, include the presence of visual blight, attractive nuisance, negative impact on property values, negative health safety and welfare issues for the community. Therefore, the owner of the property depicted as Tract 1 shall comply with the following:*
- a. *During any time after its initial opening that the home improvement store (or any other single user building exceeding 60,000 square feet) (the "Building") on Tract 1 is vacant (any "Vacancy Period"), the owner of Tract 1 shall:*
1. *Maintain all on-site parking areas and landscaping in the same condition as they had been maintained prior to the vacancy;*
  2. *Keep the building free of graffiti and repair all other acts of vandalism; and*
  3. *Operate all lighting in the parking lot and other external areas in the same manner as they had been operated prior to the Vacancy Period.*
- b. *If the Building on Tract 1 is vacated, no less than 90 days after such action, the owner of Tract 1 shall provide the City with a plan for the potential redevelopment and/or reuse of the property. At a minimum, the Tract 1 reuse plan shall include a proposed marketing plan to be implemented for the property, and a proposed schedule implementing the marketing plan. If the Building remains vacant for eighteen (18) consecutive months, the owner of Tract 1 shall advise the City in writing of the status of marketing plan and the primary reason(s) for the continuing vacancy of the property.*
- c. *The Owner of Tract 1 shall not unduly restrict or burden the subject property by virtue of any competitive use restrictions as to any successor in interest or potential purchaser except for an entity that is in direct competition to the Owner on a comparable volume or scale (e.g. a home improvement store). For example, an entity that the Owner may permissively exclude shall derive the vast majority of its profit from home improvement/hardware type sales.*

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 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 walls 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 services 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

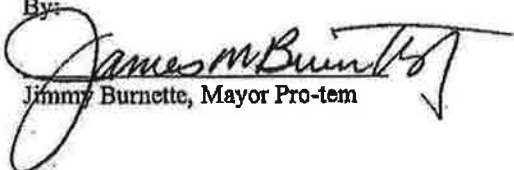
By:

  
Nick Masino, Mayor

ATTESTED TO BY:

  
Elvira Rogers, City Clerk

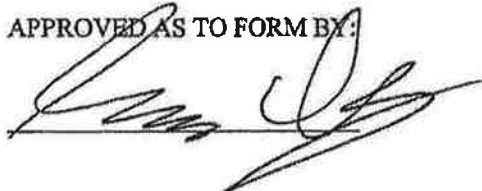
By:

  
Jimmy Burnette, Mayor Pro-tem

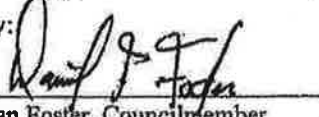
By:

  
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 23<sup>rd</sup>, 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 23<sup>rd</sup> 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.

SUWANEE CITY COUNCIL, A GEORGIA  
MUNICIPAL CORPORATION

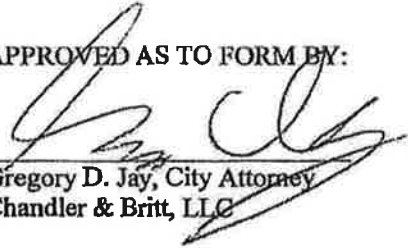
By:   
Nick Masino, Mayor

ATTESTED TO BY:

  
Elvira Rogers, City Clerk

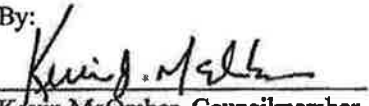
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Jimmy Burnette, Mayor Pro-tem

By:   
Jace Brooks, Councilmember

APPROVED AS TO FORM BY:  
  
Gregory D. Jay, City Attorney  
Chandler & Britt, LLC

By:   
Jeannine Rispin, Councilmember

By:   
Dan Foster, Councilmember

By:   
Kevin McOmber, Councilmember