

REZONING(S):

JRZ-2014-003

AND

JRZ-2014-004

**CITY OF SUWANEE
REZONING**

CASE NUMBERS: **JRZ-2014-003 & JRZ-2014-004**

REQUESTS: **JRZ-2014-003:** R-100 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO PMUD (PLANNED MIXED-USE DEVELOPMENT DISTRICT)
JRZ-2014-004: PMUD (PLANNED MIXED-USE DEVELOPMENT DISTRICT) TO PMUD CHANGE OF CONDITIONS

LOCATIONS: **JRZ-2014-003:** 1031 AND 1041 SCALES ROAD
JRZ-2014-004: 662 SCALES ROAD

TAX ID NUMBERS: **JRZ-2014-003:** 7-209-069 AND 7-209-073
JRZ-2014-004: 7-209-123 AND 7-209-124

ACREAGE: **JRZ-2014-003:** 0.95 ACRES AND 1.01 ACRES
JRZ-2014-004: 0.36 ACRES AND 8.17 ACRES

PROPOSED DEVELOPMENT: 224 UNIT MULTI-FAMILY COMMUNITY

APPLICANT: QUINTUS DEVELOPMENT
1960 SATELLITE BOULEVARD, STE. 4000
DULUTH, GA 30096

OWNERS: **JRZ-2014-003:** BEVERLY JOHNSON
1031 SCALES ROAD
SUWANEE, GA 30024

JESSEE AND RANDY OVERTON
1041 SCALES ROAD
SUWANEE, GA 30024

JRZ-2014-004: FIRST COVENANT BANK
P.O. BOX 210
COMMERCE, GA30529

CONTACT: MARIAN ADEIMY
CONTACT PHONE: 770-827-0900

STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a change of zoning for two parcels on Scales Road from R-100 (Single Family Residential District) to PMUD (Planned Mixed Use Development) and a change in zoning conditions on two adjacent parcels. The request to change zoning conditions is related to the Suwanee Station Planned Mixed-Use Development originally zoned in May of 2000, per RZ-2000-007. The site is located at 662, 1031 and 1041 Scales Road near the intersection of Scales Road and McGinnis Ferry Road. The majority of the development will be located behind existing townhomes located on Scales Road. If approved, all four subject parcels will be combined as part of the same multi-family development.

The applicant is proposing to construct 224 units. The units will be a mixture of 1, 2 and 3 bedroom apartments ranging from 700 to 1,000 square feet. According to the site plan, the community will also contain a leasing office, clubhouse and pool. Two adjacent existing single family residential properties are included in the request, so that the property may be accessed from Scales Road instead of from within the existing neighborhood.

Suwanee Station was originally zoned to include a mixture of housing types, 327,000 square feet of office, and 113,000 square feet of commercial uses. The project allowed a total of approximately 1,100 residential units including single family detached homes, single family attached homes (townhomes) and apartments. To date, all single family detached homes, townhomes, the neighborhood amenity area and a 21,000 square foot 2-story mixed use office/commercial building have been constructed.

When the project was originally zoned it was divided into phases. The subject property is considered to be part of phase V of the development. This phase of construction allows for the development of up to 400 multi-family or townhouse units. To date 68 townhomes from this phase along Scales Road, Station Center Boulevard and Lake Point Boulevard have been constructed. An additional 40 townhome units from this phase were allowed to be constructed off Lake Point Way. Therefore, a total of 292 units remain to be built on the subject property. The applicant is proposing to build 224 units on the remaining land and two adjacent single-family parcels.

ZONING HISTORY:

The Suwanee Station planned mixed-use development was originally rezoned in May of 2000 with a number of conditions. In 2003, the project went through the zoning process to amend a condition related to the location of a trail. More recently, in 2010, a change of conditions to allow for construction of 43 single-family attached homes was approved. This rezoning was focused on a condition requiring the construction of 25,000 square feet of office/retail uses prior to the construction of additional units in this phase of development. As a result of this rezoning, an option to donate land around the future transit station was added as an alternative before moving forward with additional residential construction. Prior cases are RZ-99-009, RZ-99-011 and RZ-99-012. In these cases the applicant, C.L. Straughn attempted to rezone the property RM-8 and C-2. This development would have included 804 units and a small commercial area. The developers later submitted other configurations as well. The rezonings were dropped from the May 1998 City

Council Agenda. At the June 1998 City Council Meeting the rezonings were tabled. The City Council never voted on this rezoning.

The following conditions remain in effect and are in conflict with the proposed development:

Conditions from RZ-2000-007:

1. Develop in accordance with the Concept Plan and associated attachments and exhibits approved by the City of Suwanee dated 3/3/2000, and incorporated herein by reference, with changes as necessary to meet conditions of zoning or other development requirements. This shall include all proposed densities, roadways, land uses, plantings, sidewalks, multi-use paths, detention areas, or other proposed features shown on the submitted plan.

10. As shown on the Concept Plan, non-residential off-street parking areas shall be located at the rear of the building to which they serve as much as practical. Landscaped plantings a minimum of 20 feet in width shall be provided where parking areas adjoin any existing or proposed residential development.

12. Provide 50-foot wide natural buffers, undisturbed except for approved perpendicular access or utility crossing where non-residential development or multi-family development abuts offsite single-family residentially zoned property.

13. The 30.4 acres shown to consist of multi-family units toward the eastern boundary shall be redesigned to reflect an integrated, non-gated Traditional Neighborhood Design. At a minimum, the design shall include two access points onto a public roadway. Unless otherwise approved by the Planning Commission, all buildings abutting Main Street "A" shall reflect a multi-story townhouse appearance that are setback no farther than 35 feet from the edge of the right-of-way.

DEVELOPMENT COMMENTS:

The following comments are provided to make the owner/developer aware of certain issues that may need to be addressed. If approved, the City will formally review the project during the normal development process.

The applicant is proposing an apartment complex that would include 224 multi-family units. The proposed complex also contains a leasing office, clubhouse and pool. The apartment buildings are three story buildings or three/four splits. Three/four splits are three stories from grade but have a terrace level that is accessed from the rear. Suwanee Station was approved with a condition that requires the approval of plan books for all phases of development. According to the conditions, prior to issuance of a Development Permit, 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 Planning Commission.

Access is currently proposed via a single entrance located along Scales Road. The approved concept plan indicated two access points internal to the neighborhood from Lake Point Court and Lake Point Boulevard. In addition, the approved conditions (Condition No. 13) require two access points onto a public roadway. The City's Development Regulations require an additional access point for residential development with more than 200 units. The applicant is proposing a gated access point from Lake Pointe Court that may only be accessed by emergency vehicles and in emergency situations. These entrances will be reviewed during the normal development process.

ANALYSIS:

Suwanee Station was originally rezoned to allow for development of a planned mixed use project. The applicant proposes to complete phase V of the development which is limited to a total of 400 multi-family housing units. 108 of these units were constructed as townhomes with 292 units remaining to be built. The applicant is requesting a change of conditions to the Suwanee Station Planned Mixed Use Development and a rezoning, from R-100 to PMUD, of two adjacent parcels to support the development of a 224 unit apartment community.

The proposed development includes approximately 10.3 acres and is an assemblage of four parcels with the largest being approximately 8 acres. Two of these parcels, including the 8 acre property, are located within the Suwanee Station planned mixed use development. The two additional parcels are adjacent to the development and are currently occupied by single-family homes. The applicant wishes to construct 224 units located within 10 buildings resulting in approximately 22 dwelling units per acre. The plan also indicates a total of 1.8 parking spaces per unit or 405 total parking spaces dispersed throughout the site. The community will include a mixture of one, two and three bedroom units. 40 percent of the units will be one bedroom units (700 square feet), 50 percent will be two bedroom units (900 square feet) and the remaining 10 percent will be three bedroom units (1,000 square feet). In addition, plans include the construction of an approximately 5,000 square foot leasing office near the entrance of the property, pool and exercise club.

The two R-100 zoned parcels, subject to the rezoning request to PMUD, each contain a single family home and are roughly an acre in size. They are currently surrounded by residential uses. To the north, are the Colonial Grand Apartments zoned RM-8 (Residential Multi-Family Duplex District). To the east, is a single family home zoned R-100. To the west, is an undeveloped property (part of this rezoning) zoned PMUD and part of the Suwanee Station Planned Mixed Use Development. The two parcels, within Suwanee Station, seeking a change of conditions are adjacent to townhomes and single family homes within the subject neighborhood to the west and the south (zoned PMUD) and the Colonial Grand Apartments to the north (zoned RM-8). To the east are the two R-100 zoned properties included in this request and additional single-family homes, also zoned R-100.

The two adjacent, R-100 zoned, properties are included as part of the request so that the primary access point to the community can be located along Scales Road. These two properties will give the complex enough street frontage to have a driveway directly off of Scales Road as opposed to the interior streets. Having access directly off of Scales Road will minimize the impact of vehicles using the narrower, interior streets of Suwanee Station. In addition, utilizing these parcels allows more separation between the apartment buildings and existing single family attached/detached

homes. The original conditions of zoning for Suwanee Station required a 50-foot wide natural, undisturbed buffer where multi-family development abuts offsite single-family residentially zoned property. Currently, plans indicate a 25-foot wide buffer. The applicant should be prepared to provide a 50-foot wide buffer in these areas, including along the edges of the two R-100 zoned properties being rezoned to PMUD.

Plans also indicate gated entry to the site. According to the original conditions of approval, the design of the multi-family development shall reflect an integrated, non-gated Traditional Neighborhood Design. Since the perimeter of the property has been developed with townhomes that satisfy this condition, this requirement is no longer desirable. However, the proposed leasing center and apartment building along Scales Road should be located closer to the street and provide direct pedestrian access from the sidewalk. An additional condition requires that parking areas for non-residential uses, such as the proposed leasing office, be located at the rear of the building. Locating the building closer to the right-of-way will satisfy both of these conditions.

The subject properties are located in the Suwanee Station character area. The future land use plan indicates multifamily uses on the Suwanee Station PMUD parcels and Mixed-Use Village on the adjacent single-family parcels. According to the 2030 Comprehensive Plan, the area should continue to focus on residential development and capitalize on the possibility of a commuter rail station. Multi-family units have always been part of the overall vision of Suwanee Station. The original concept plan approved in 2000 indicates multi-family uses on this property. Including the adjacent single-family properties allows the applicant to implement the vision of the comprehensive plan and the Suwanee Station concept plan while minimizing impacts on adjacent property owners. The proposed development of the site with multi-family uses is consistent with the future land use plan designation of these properties.

In conclusion, the site is located within or adjacent to the Suwanee Station planned mixed use development and is an appropriate location for the proposed multi-family community. 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. In fact, the applicant is proposing fewer units than currently allowed by zoning. Limiting access onto internal neighborhood streets minimizes the impact of the development and allows for additional development along Scales Road adhering to Traditional Neighborhood Design standards. In addition, the proposed development is consistent with the future land use recommendation for the site and supports the nearby future transit station. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of JRZ-2014-003 and **APPROVAL WITH CONDITIONS** of JRZ-2014-004.

Planning Department Recommended Conditions:
JRZ-2014-003

Staff recommends approval of the rezoning from R-100 to PMUD with the following conditions:

1. All conditions from JRZ-2014-004 shall apply to this property.
2. The proposed compactor shall be relocated so that it is not visible from the public right-of-way.
3. The proposed leasing office shall be setback no further than 15 feet from the edge of the right-of-way and include direct pedestrian access from the public sidewalk.
4. Provide a decorative ornamental fence and 25-foot wide natural buffers, undisturbed except for approved perpendicular access or utility crossing, where non-residential development or multi-family development abuts offsite single-family residentially zoned property.

Planning Department Recommended Conditions:
JRZ-2014-004

Staff recommends approval of the PMUD rezoning for a change in conditions, as follows:

1. All conditions from RZ-2010-001 shall remain in effect except as otherwise noted below.
2. Replace General Condition number 2 from RZ-2010-001 with the following:
“Phase V shall be limited to a total of 400 multi-family residential and/or townhouse units. This includes 108 townhouse units already constructed along Scales Road, Station Center Boulevard, Lake Point Way and Lake Point Boulevard.”
3. Replace General Condition number 13 from RZ-2003-003 with the following:
“Multi-family development within Phase V shall be designed to include two access points onto a public roadway. One of these access points may be a gated access for use by emergency vehicles only or in emergency situations. All buildings abutting Scales Road and Suwanee Station Boulevard shall reflect a design and architectural style consistent with the adjacent multi-story townhomes and shall be setback no farther than 15 feet from the edge of the right-of-way. All architecture; fence materials, colors, and locations; exterior signage; dumpster enclosures design and materials; covered parking design and materials; mail kiosk design and material; and other similar features shall be provided to the City in the form of a plan book prior to issuance of a development. The Planning and Inspections Department shall review said plan book for consistency with the Suwanee Station mixed-use development.
4. Phase V of the Concept Plan shall be amended to include parcels 7-209-069 and 7-209-073.

5. The site shall be developed according to an approved concept plan. Such concept plan shall be submitted to the Planning and Inspections Department within 60 days of approval and shall be approved by the Planning and Inspections Director. This plan shall be based on the site plan dated 4/28/14 (Exhibit C) with modifications to satisfy all existing and new conditions of approval.
6. Any apartment building located adjacent to Scales Road shall be setback no further than 15 feet from the edge of the property and include direct pedestrian access from the sidewalk.
7. A pedestrian access point onto existing public right-of-way shall be located near the emergency access point on Lake Pointe Court and shall be reflected in the approved pedestrian accessibility plan to be reviewed and approved by the Planning and Inspections Director.
8. A decorative fence shall be provided along the perimeter of the property where development abuts existing single family detached homes and townhomes. Fence materials, height and location shall be indicated in the approved project plan book.
9. Street trees shall be provided along Scales Road. Trees shall be planted on 40 foot centers. The species of tree shall be consistent with existing street trees on Scales Road and shall be a minimum of 3" caliper at the time of planting. The location of the trees in relationship to the road shall be consistent with existing streets along Scales Road.
10. Development shall be limited to a maximum of 224 units on 10.4 acres. The following development standards shall supersede any previous standards for the site:
 1. Building Height: 3/4 stories
 2. Parking Spaces: 1.8 spaces/dwelling unit maximum
 3. Maximum Number of 3 bedroom units: 10 percent
 4. Maximum Density: 22 dwelling units/acre
 5. Minimum square feet per unity: 675 square feet

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 request to rezone the property from residential to PMUD is suitable in view of the use and development of adjacent and nearby property. The properties should comply with the applicable conditions of approval of the adjacent Suwanee Station.

- B. Whether the zoning proposal will adversely affect the existing uses or usability of adjacent or nearby property;

The rezoning would not adversely affect the existing uses or usability of adjacent or nearby properties.

- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The 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 proposal would not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The street network was originally designed to accommodate 400 multi-family units.

- E. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan;

The 2030 Future Land Use Map shows this property as multifamily and mixed use village. The request is consistent with the Future Land Use Map.

- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

The change of conditions will minimize impacts on existing residents and allow for more direct access to the site. The site has been zoned for multi-family uses since the original zoning change in 2000. The original developer of Suwanee Station provided marketing material that referred to the subject property as "future residential." This lack of candor with purchasers of the surrounding properties makes integrating the proposed multi-family development into the Suwanee Station project more challenging.

REZONING APPLICATION

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

APPLICANT INFORMATION*

NAME: Quintus Development
 ADDRESS: A/HW: MARIAN C. Adermy, Esq
19605 Satellite Blvd., Suite 4000
Duluth GA 30097
 PHONE: (770) 822-0900
 CONTACT PERSON: MARIAN C Adermy, Esq
 EMAIL ADDRESS: maadermy@atclawfirm.com

OWNER INFORMATION*

NAME: Jessie & Randy Overton
 ADDRESS: 1041 Scales Rd
Suwanee, Ga. 30024
 PHONE: 770-771-9013
 PHONE: _____
 FAX NUMBER: _____

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): R-100/RMB REQUESTED ZONING DISTRICT PMUO
 PROPOSED DEVELOPMENT: Multi-Family
 TAX PARCEL NUMBER(S): R7209 069
 ADDRESS OF PROPERTY: 1041 Scales Road, Suwanee, Georgia
 TOTAL ACREAGE: 10.345 PUBLIC ROADWAY ACCESS: Scales Road

FOR RESIDENTIAL DEVELOPMENT:

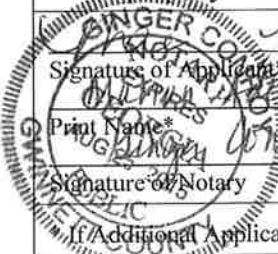
NO. OF LOTS/DWELLING UNITS: 224 units
 DWELLING UNIT SIZE (SQ. FT.): _____
700 - 1000 sq ft.

FOR NON-RESIDENTIAL DEVELOPMENT:

NO. OF BUILDINGS/UNITS: _____
 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.

	Signature of Applicant* _____ Date <u>5-1-14</u>	Signature of Owner* _____ Date <u>4/24/2014</u>
	Print Name* _____ Date <u>5-1-14</u>	Print Name* _____ Date <u>4-24-2014</u>
	Signature of Notary _____ Date _____	Signature of Notary _____ Date _____ MY COMMISSION EXPIRES: <u>06-02-2014</u>

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

CITY OF SUWANEE USE ONLY

Date Received: 5/2/14 Case No.: JRZ-2014-003 Accepted By: _____

REZONING APPLICATION

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

APPLICANT INFORMATION*

NAME: Quintus Development
 ADDRESS: Attn. Marian C. Adeimy, Esq.
1960 Satellite Blvd., Suite 4000
Duluth, Georgia 30097
 PHONE: (770) 822-0900
 CONTACT PERSON: Marian C. Adeimy, Esq.
 EMAIL ADDRESS: madeimy@atclawfirm.com

OWNER INFORMATION*

NAME: First Covenant Bank
 ADDRESS: P.O. Box 210, Commerce, GA 30529
and 1731 North Elm Street, Commerce, GA 30529
 PHONE: _____
 PHONE: (770) 822-0900
 FAX NUMBER: (770) 236-9702

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): PMUD REQUESTED ZONING DISTRICT Change in Conditions for PMUD
 PROPOSED DEVELOPMENT: Multi-family dev., request to change interparcel access condition per RZ-2010-001
 TAX PARCEL NUMBER(S): R7209 123 and R7209 124
 ADDRESS OF PROPERTY: 662 Scales Road, Suwanee, Georgia
 TOTAL ACREAGE: Approx. 8.5 PUBLIC ROADWAY ACCESS: Scales Road

FOR RESIDENTIAL DEVELOPMENT:

NO. OF LOTS/DWELLING UNITS: Multi Family
 DWELLING UNIT SIZE (SQ. FT.): _____

FOR NON-RESIDENTIAL DEVELOPMENT:

NO. OF BUILDINGS/UNITS: _____
 TOTAL GROSS SQUARE FEET: _____

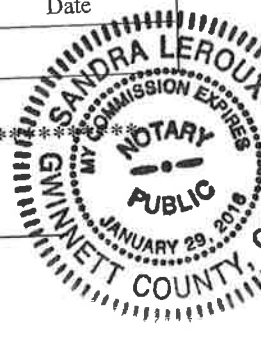
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Signature of Applicant* [Signature]
 Date 5-1-14
 Signature of Notary [Signature]
 Date 5-1-14

By: W. Ray Dowling Date 4-30-11
 Signature of Owner*
 Print Name* W. Ray Dowling, Jr. SUP Date _____
 Signature of Notary Sandra Leroux Date 4-30-14



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

CITY OF SUWANEЕ USE ONLY
 Date Received: 5/2/14 Case No.: JRZ-2014-004 Accepted By: [Signature]

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.

Mary 5-2-14
Signature of Applicant Date
attorney for Applicant

Type or Print Name and Title

Mary 5-2-14
Signature of Applicant's Date
Attorney or Representative

Marian C. Adeimy, Attorney for Applicant
Type or Print Name and Title

[Signature] 5-2-14
Signature of Notary Public Date



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?

_____ yes/no 0

Your Name Marian C. Adeimy, attorney for applicant

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: 5/2/14 Case No.: JR2 004 004 Accepted By: _____

EXHIBIT "B"
TO APPLICATIONS FOR REZONING & CHANGE IN CONDITIONS
APPLICANT QUINTUS DEVELOPMENT'S RESPONSE

- A) WHETHER THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The subject property is located at the fully signalized intersection of Scales Road and McGinnis Ferry Road adjacent to the area known as Suwanee Station, zoned for planned mixed-use, residential and multi-family uses like the proposed use. McGinnis Ferry and Scales Road are also home to existing multi-family uses and serve as a major commercial/industrial/office corridor, making this an appropriate location for the proposed rezoning to PMUD to continue to the intent and mixed uses adjacent to Suwanee Station. The subject property is the only remaining corner at this intersection not already zoned and developed for commercial or high-density residential use because of its long-term, family ownership and R-100 zoning. As stated in the 2030 Comprehensive Plan for the City of Suwanee, the Suwanee Station Character Area "should be a balance between rental and ownership properties which in turn should encourage commercial growth in strategic locations." The multi-family acreage was specifically projected to increase from 76 acres to 85 acres. That 2030 land use goal is met by the proposed development.

- B) WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No. This rezoning request proposes uses that are absolutely compatible with the character of the mixed-use and commercial/residential/office corridor within which the property is located. Nearby properties already feature multi-family, self-storage, retail and commercial uses, and those specific uses has proved to be entirely suitable to the other land uses in the vicinity of the subject property, demonstrating the suitability of the uses proposed by this Rezoning Application and related application for Change in Conditions. Therefore, this request proposes a use that is ideally suited to and consistent with the zoning, use and development of adjacent and nearby property. The Planned Mixed-Use Development zoning allows for consistent development with zoning flexibility to encourage a collection of uses like the one proposed. As stated in the prior rezonings for Suwanee Station (RZ-2010-001, RZ-2003003, and RZ2000-007), when that adjacent development and phases were proposed, it was anticipated that it would have a mix of uses, to include multi-family units. The proposed uses are entirely consistent with the uses of adjacent and nearby properties and will not adversely affect those properties.

JRZ-2014.004

The requested Change in Conditions to the existing property zoned PMUD would remove the condition requiring interparcel access, and allow for potential emergency access, but avoid requiring a private drive or ingress and egress between the existing Suwanee Station residential community and the proposed multi-family development, to alleviate potential traffic between those developments, to the benefit of both property owners.

C) WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No. The property's location at the fully signalized intersection of two high traffic volume arterial roads in the City of Suwanee, within a well-established major mixed-use and commercial corridor with a continued and comprehensive land plan for those continued uses. Development as a single family residence along McGinnis Ferry, adjacent to the existing and zoned uses, would make the use and development of this property under its current R-100 zoning impossible. It would be difficult to imagine any market whatsoever for single-family residential homes on the existing acreage, located at the signalized intersection of two major roads in the City of Suwanee while entirely surrounded by commercial and mixed-use development.

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. This property is located in an area with public water and sewer availability, and direct access to two major thoroughfares (Scales Road and McGinnis Ferry Road). Moreover, the property is located adjacent to the existing planned Suwanee Station development which has not met its residential goals or needs for the area. The PMUD district is intended to provide residential and multi-family uses to support of commercial, office and retail uses, in furtherance of the Comprehensive Plan's goals for this area. The development is expected to be a mix of single professionals, retirees and families, and will have little to no impact on schools. This rezoning and change in conditions will not cause excessive use of existing streets, transportation facilities or utilities, selected and developed specifically for the proposed use.

E) WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes. The City of Suwanee's 2030 Comprehensive Plan and Suwanee Station Character Area identifies the subject property as an appropriate location for multi-family uses.

JRZ-2014-004

F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

Yes. The property is the last remaining single-family residentially zoned parcel at this well established major mixed-use and commercial node. The other three corners of this intersection have long been zoned and developed for PMUD, multi-family and commercial uses. In light of the foregoing, continued use and development of the Property under its current R-100 zoning is practically impossible. The proposed Change in Conditions will remove the current interparcel driveways and roads between any future multi-family development and the existing townhome community. Moreover, from a land use perspective, there is no more appropriate location for the proposed multi-family development than a parcel located within a established mixed-use and commercial node located at the signalized intersection of two major thoroughfares.

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JRZ-2014.004

ANDERSEN | TATE | CARR

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Direct Fax: (770) 236-9702

Email: madeimy@atclawfirm.com

May 2, 2014

Via Hand-Delivery

City of Suwanee
Mayor and City Council
c/o City of Suwanee Planning Department
Attn: Josh Campbell, Director and
Matthew Dickison, Planning Division Director
330 Town Center Avenue
Suwanee, Georgia 30024

Re: LETTER OF INTENT IN SUPPORT OF REZONING APPLICATION AND CHANGE IN CONDITIONS APPLICATION FOR QUINTUS DEVELOPMENT, LLC

The Applicant, Quintus Development, LLC (the "Applicant"), submits this Application for Rezoning of the property located at 1031 Scales Road, Parcel Number R7209 073 and 1041 Scales Road, Parcel Number R7209 069 (the "Rezoning Property") and its Application for Change in Conditions for the property located at 662 Scales Road, Parcel Numbers R7209 123 and R7209 124 (the "PMUD Property"), (the Rezoning Property and the PMUD Property collectively referred to as the "Property").

I. Rezoning Application:

The Applicant seeks to assemble four separate parcels, currently zoned PMUD and R-100, and to develop the collective 10.345 acre tract as a multi-family residential community, consistent to the multi-family uses contemplated and intended as part of the adjacent Suwanee Station and RM-8 zoned properties. For this development, the Applicant also seeks to rezone the existing R-100 tracts to PMUD, consistent with the adjacent Suwanee Station zoning classification, and pursuant to the Zoning Ordinance of the City of Suwanee, Georgia.

The Applicant proposes 224 units on the subject tract as a part of an upscale gated community with amenities including a pool, gym, activity lawn, mail center, clubhouse, and a 5,000 sq. ft. leasing office. The development will include from 1-bedroom, 700 square foot units (40%) units, 2-bedroom, minimum 900 square foot units (50%), to 3-bedroom, minimum 1,000 sq. ft. units (10%). The site plan filed and submitted herewith indicates total parking spaces of 405 spaces. With respect to the height of the buildings, the Applicant shows the maximum building height to be 3 stories, some with basement levels. The Applicant proposes a quality mixture of building materials, elevations and building design, subject to all applicable ordinances and overlays, subject to approval.

II. Change in Conditions Application:

The Applicant also seeks and requests a Change in Conditions for the adjacent PMUD Property, to assemble and make consistent with the requested rezoning, and to allow for a quality, cohesive development. Specifically, the Applicant seeks to change the prior zoning condition, found in RZ-2000-007, as restated and continued in RZ-2003-003 and RZ-2010-01, which collectively require an access road and/or driveway between the existing PMUD Property that is the subject of this Application for Change in Conditions and the adjacent Suwanee Station townhome community.

The Applicant believes that requiring a road or driveway between the adjacent residential townhome community and the proposed development will alter traffic patterns and a result in a less cohesive multi-family development. The Applicant believes that this requested Change in Conditions will benefit both developments by allowing for quality, uninterrupted buffering and landscaping adjacent to the residential community. The requested Change in Conditions will alleviate potential traffic between those developments, to the benefit of both property owners.

The subject property is located at the fully signalized intersection of Scales Road and McGinnis Ferry Road adjacent to the area known as Suwanee Station, zoned for planned mixed-use, residential and multi-family uses like the proposed use. McGinnis Ferry and Scales Road are also home to existing multi-family uses and serve as a major commercial/office corridor, making this an appropriate location for the proposed rezoning to PMUD to continue to the intent and mixed uses adjacent to Suwanee Station. The subject property is the only remaining corner at this intersection not already zoned and developed for commercial or high-density residential use simply because of its longstanding ownership.

The requested rezoning is appropriate where the current R-100 zoning was not intended and is unrelated to any land use plan for single family residential at that major intersection. Development as a single family residence along McGinnis Ferry, adjacent to the existing and zoned uses, would make the use and development of this property under its current R-100 zoning impossible. It would be difficult to imagine any market whatsoever for single-family residential homes on the existing acreage, located at the signalized intersection of two major roads while entirely surrounded by commercial and mixed-use development. As stated in the 2030 Comprehensive Plan for the City of Suwanee, the Suwanee Station Character Area "should be a balance between rental and ownership properties which in turn should encourage commercial growth in strategic locations." The multi-family acreage was specifically projected to increase from 76 acres to 85 acres. The intent of that 2030 land use goal is met by the proposed development.

The requested rezoning and change in conditions propose a multi-family use that is absolutely compatible with the character of the mixed-use corridor within which this Property is located. Nearby properties already feature mixed-use, high density residential, multi-family, self-storage, retail and commercial uses. Those specific uses have proven to be entirely suitable to the other land uses in the vicinity of the subject Property,

demonstrating the suitability of the uses proposed by this Rezoning Application and related application for Change in Conditions. The Planned Mixed-Use Development zoning allows for consistent development with zoning flexibility to encourage a collection of uses like the one proposed.

As stated in the prior rezonings for Suwanee Station and Comprehensive Plan for the City of Suwanee, it was anticipated that it would have a mix of uses, to include multi-family units. The property has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares and a major state highway. The Property has remained undeveloped due to its size and incompatible R-100 zoning, and the current zoning district and conditions make the Property unmarketable with no reasonable, economic use.

The Applicant respectfully requests that the Mayor, City Council, Planning Commission, staff, and Zoning Board of Appeals recommend and approve the Applicant's requests for Rezoning and Change in Conditions, to allow the property owner and Applicant to use the Property, and to minimize any impact on the surrounding area.

III. Constitutional and Statutory Justifications

The portions of the Zoning Ordinance for the City of Suwanee which classify or condition the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are and would be unconstitutional in that they would destroy the Applicant's and property owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the City of Suwanee Zoning Ordinance, as applied to the Property, which restricts its use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the property owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant and property owner any economically viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for development subject only to the approval of the requested rezoning and change in conditions hereby requested by the Applicant, and is not economically suitable for development under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of any of the requested variances

would constitute an arbitrary and capricious act by the Mayor, Council, and/or Zoning Board of Appeals without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Mayor or Council to approve the Applicant's and property owner's requested rezoning and change in conditions, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

Any rezoning or change in conditions subjecting the Property to conditions which are different from the requested variances and conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

IV. Conclusion

Thank you for your time and consideration of the Applicant's requests. Approval of these requests will result in a high-quality multi-family residential community for the City of Suwanee and its residents. The Applicant and its representatives welcome the opportunity to meet with the Mayor, Council, Planning Commission and the Planning and Development staff to answer any questions. The Applicant respectfully requests your approval of these Applications.

Respectfully submitted this 2nd day of May, 2014.

One Sugarloaf Centre
1960 Satellite Boulevard
Suite 4000
Duluth, Georgia 30097



Marian C. Adejmy
Attorney for Applicant







EXHIBIT A

JRZ-2014-003

JRZ-2014-004

Location Map

	JRZ-2014-003
	JRZ-2014-004
	Major Road
	Railroad

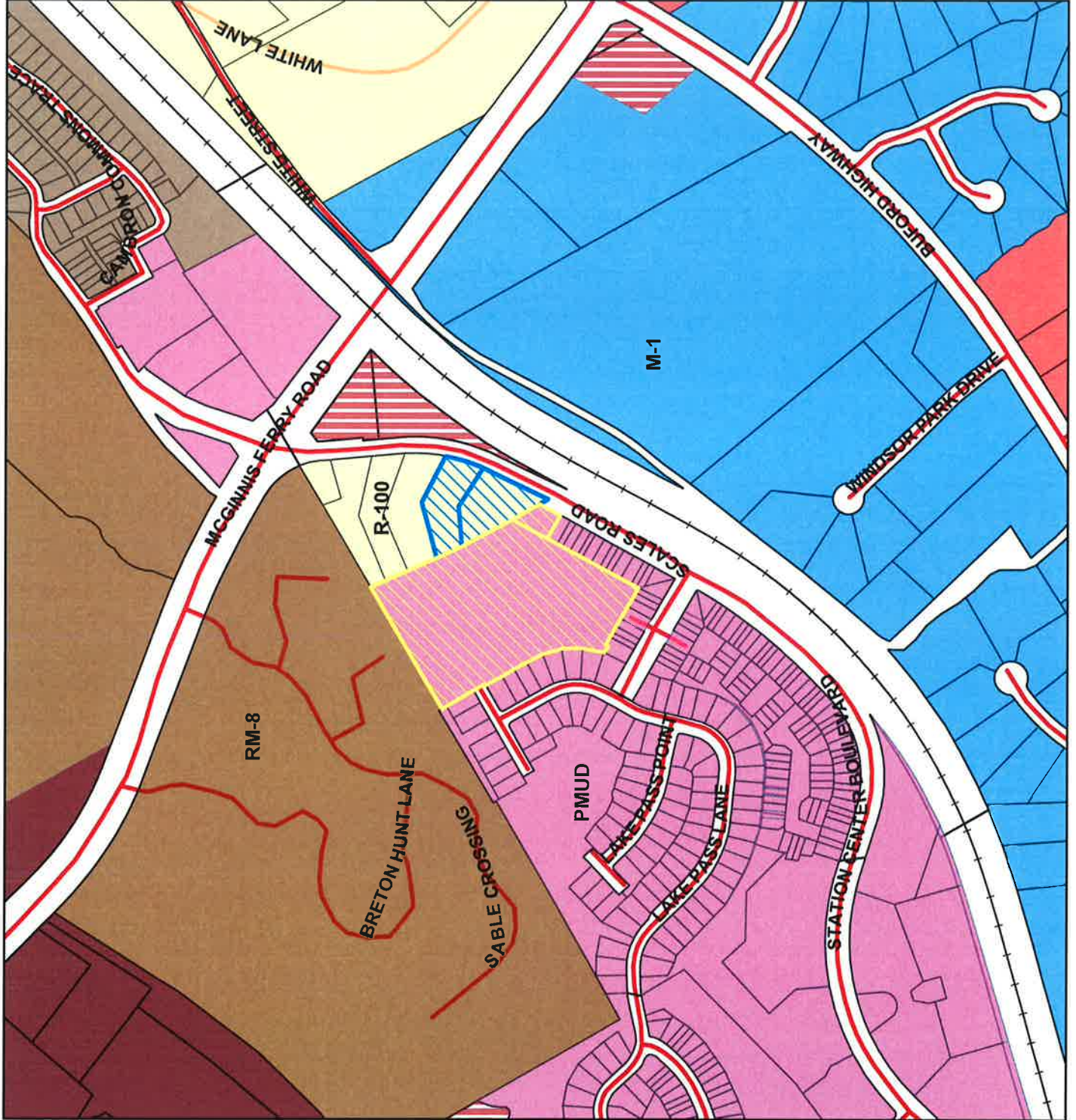
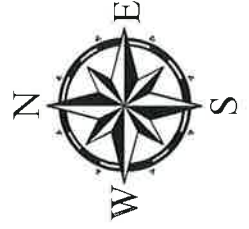




EXHIBIT B

JRZ-2014-003

JRZ-2014-004

Aerial Map





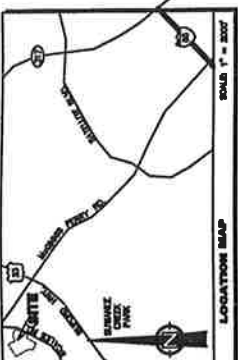
Legend
 JRZ-2014-003
 JRZ-2014-004
 Major Road
 Railroad



Exhibit C

SITE DATA

EXISTING ZONING	PMUD & R-100
PROPOSED ZONING	PMUD
TOTAL ACREAGE	10.345 ACRES
TOTAL UNITS	224 D.J.
DENSITY	21.05 D.J. / AC.
TOTAL PARKING	405 SPACES
PARKING RATIO	1.81 SPACES / D.J.

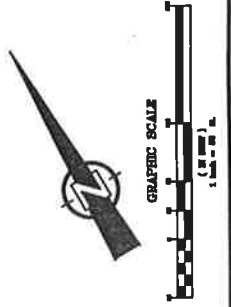
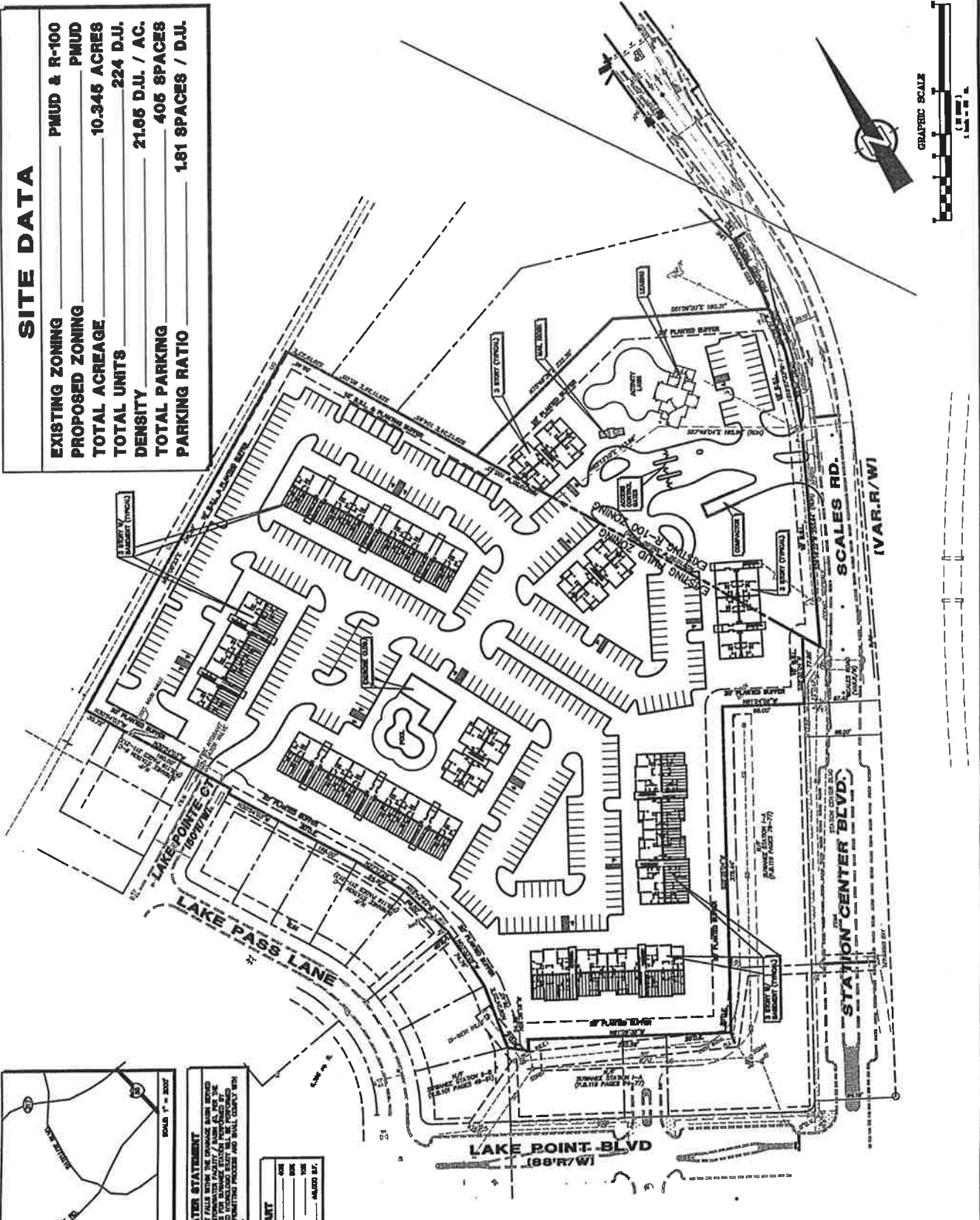


STORMWATER STATEMENT

THE PROPOSED DEVELOPMENT WILL BE CONSIDERED AS A SINGLE UNIT FOR THE PURPOSES OF THE STORMWATER MANAGEMENT PLAN. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE STORMWATER MANAGEMENT SYSTEM. THE DEVELOPER SHALL SUBMIT A STORMWATER MANAGEMENT PLAN TO THE CITY OF SUMNER FOR REVIEW AND APPROVAL. THE PLAN SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF SUMNER'S STORMWATER MANAGEMENT PLAN. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER MANAGEMENT SYSTEM. THE DEVELOPER SHALL SUBMIT AN ANNUAL MAINTENANCE REPORT TO THE CITY OF SUMNER. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY DAMAGE TO THE STORMWATER MANAGEMENT SYSTEM. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED COMPONENTS OF THE STORMWATER MANAGEMENT SYSTEM. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO THE STORMWATER MANAGEMENT SYSTEM. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO THE STORMWATER MANAGEMENT SYSTEM.

BUILDING CHART

1 bedroom (700 sq. ft. min)	100
2 bedroom (900 sq. ft. min)	100
3 bedroom (1,100 sq. ft. min)	100
Unit mix / other	405 D.J.



JRZ-2014 004

Exhibit "D"

City of Suwanee
Official Zoning Map Amendment
Resolution/Ordinance

Case Number: RZ-2000-007,

At the regular meeting of the Suwanee City Council held at Suwanee City Hall, 373 Highway 23, Suwanee, Georgia on a motion by Councilmember Williams, and seconded by Councilmember Krieman, 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 (City of Suwanee) and M-1 (Unincorporated Gwinnett County) to Planned Mixed Use District, for the proposed use of mixed-use commercial/office/residential project, 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 April 18, 2000 ;

NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 9th day of May, 2000 that the aforesaid application to amend the Official Zoning Map from M-1 (City of Suwanee) and M-1 (Unincorporated Gwinnett County) to Planned Mixed-Use District is hereby **APPROVED** subject to the following conditions:

1. *Develop in accordance with the Concept Plan and associated attachments and exhibits approved by the City of Suwanee dated 3/3/2000, and incorporated herein by reference, with changes as necessary to meet conditions of zoning or other development requirements. This shall include all proposed densities, roadways, land uses, plantings, sidewalks, multi-use paths, detention areas, or other proposed features shown on the submitted plan. Within 60 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.*

2. *The project shall be constructed in phases as outlined in the approved plan, except as may be otherwise allowed or required by the conditions of zoning. Phase III and Phase VII may be reversed. Phases may be constructed concurrently, but they must follow the phasing sequence, or as otherwise allowed by the Suwanee City Council.*
3. *Phase IV – “Town Commons” shall be constructed prior to, or concurrent with, the first phase of any multi-family construction.*
4. *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 Planning Commission. At a minimum, the “Plan Book” shall include allowed building elevations, exterior colors, materials, and other pertinent information. Non-residential buildings shall be constructed substantially similar to the elevations submitted as an exhibit to the application and incorporated herein by reference.*
5. *Provide sidewalks along both sides of all publicly dedicated two-way streets. At a minimum, provide 5-foot wide sidewalks along both sides of Main Street “A” and 4-foot wide sidewalks along both sides of all other publicly dedicated roadways. One-way streets may include sidewalks on one side of the roadway.*
6. *Within Phase I, provide a 10-foot wide, hard surface path, the composition of which shall be approved by the City Planning Department, along the entire length of the existing power line easement as shown on the submitted concept plan. Later phases of development shall connect to said path where practical.*
7. *For all single-family detached phases, a minimum of 50% of the homes within each phase of development shall have front porches.*
8. *Prior to final approval of a roadway design, submit a Traffic Study to the City prepared by a firm satisfactory in the opinion of the City Planning Department. The final design of the roadways shall be completed to satisfy the maximum anticipated traffic. The structural composition and geometric configuration of the road shall be in conformance with the AASHTO standards. Main Street “A” shall be extended to the east to connect to McGinnis Ferry Road and constructed to meet local standards. For the remaining publicly dedicated streets, provide a minimum right-of-way of 48 feet with a 22-foot wide paved section for two-way streets and 22-foot wide paved section for one-way streets with on-street parking or 16-foot wide paved section for one-way streets without on-street parking. Right-of-way width may be reduced to no less than 42 feet for two way streets provided engineering and development issues related to utility placement and other issues are approved by the City of Suwanee Planning Department.*
9. *On downhill sides of roadways, all residential structures shall have rear-loaded access. On the uphill side of residential roadways, efforts shall be undertaken to minimize the number and appearance of driveways through the use of shared side-entry driveways, hedgerows, and other methods.*

10. *As shown on the approved Concept Plan, non-residential off-street parking areas shall be located to the rear of the building to which they serve as much as practical. Landscaped plantings a minimum of 20 feet in width shall be provided where parking areas adjoin any existing or proposed residential development.*
11. *From Phase II, provide a stub street to the north into parcel 7-239-163, the site of the proposed Lutheran Church.*
12. *Provide 50-foot wide natural buffers, undisturbed except for approved perpendicular access or utility crossing where non-residential development or multi-family development abuts offsite single-family residentially zoned property. Along the western boundary, provide 75-foot wide natural buffers with an 8-foot high coated chain link fence that is visually screened by landscaping.*
13. *The 30.4 acres shown to consist of multi-family units toward the eastern boundary shall be redesigned to reflect an integrated, non-gated Traditional Neighborhood Design. At a minimum, the design shall include two access points onto a public roadway. Unless otherwise approved by the Planning Commission, all buildings abutting Main Street "A" shall reflect a multi-story townhouse appearance that are setback no farther than 35 feet from the edge of the right-of-way.*
14. *Provide bicycle racks, with a minimum of 5 spaces per commercial/office building, near the entrance of each non-residential building.*
15. *Except as otherwise required by the conditions of zoning, the attached "List of Standards" and "Site Summary" as herein attached are incorporated as enforceable requirements to the project. The "List of Standards" establish certain minimum development standards under approved development plans.*
16. *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.*
17. *Applicant shall provide grading plans to be approved by the City Engineer designed to provide reasonably efficient grading practices.*
18. *The four lane portion of the main road shall include traffic calming features that are effective in slowing traffic.*
19. *Each phase shall include a pedestrian circulation plan to be submitted to the City prior to issuance of a Development Permit.*
20. *All street trees shall be planted with non-ornamental shade trees spaced no farther than 30 feet on center.*

21. *The finished floor elevations of the main floor for all single-family attached residential units shall be located no more than 3 feet above or below grade.*
22. *A minimum of 25% of the site's gross acreage shall remain as publicly accessible open space. Undeveloped areas, recreation areas, wet-detention ponds, or lakes may be included in this calculation. Rights-of-way, parking areas, detention areas and/or buildings shall not be included.*
23. *As shown on the submitted concept plan, provide at no cost to the City of Suwanee, land and construct a parking area and a 2,000 square foot civic building located along Main Street "A." Said building shall be completed prior to issuance of a Certificate of Occupancy for any building in Phase III. The City shall be required to make all finish improvements on the interior of said space including furnishings, equipment and utilities. Said building is intended to provide municipal and/or community services to promote governmental efficiency and lessen project demands on city infrastructure.*
24. *If traffic signals are warranted by the Gwinnett DOT at McGinnis Ferry and/or Peachtree Industrial Boulevard black mast-arm style poles shall be provided.*

~~Phase Specific Conditions:~~

Phase I – "Main Street A."

1. *Development shall be limited to construction of Main Street "A" and associated park, utility, civic, and infrastructure improvements including the multi-use path proposed under the existing power line easement.*

Phase II – "Townhouse I – Active Adult I."

1. *Development shall be limited to no more than 76 single-family detached units and 127 single-family attached units as shown on the submitted Concept Plan.*

Phase III – "Multi-Family I."

1. *Development shall be limited to no more than 400 multi-family residential and/or townhouse units.*

Phase IV – "Town Commons I."

1. *Development shall be limited to a maximum floor area of 12,010 square feet per acre dedicated to this use and may include a mixture of residential and non-residential uses as shown on the approved Concept Plan.*
2. *Commercial uses shall be limited to those uses allowed within the City's C-2A zoning category with the exception of any automobile related uses including automotive sales, service, and rental uses which are specifically not allowed.*

3. *Residential uses shall be limited to no more than 96 units.*

Phase V – Townhouse II.

1. *Development shall be limited to no more than 67 single-family attached units as shown on the approved Concept Plan.*
2. *The roadways shall be redesigned to eliminate the cul-de-sac's. This design shall include a minimum of one public roadway extending between Main Street "A" and Main Street "B."*

Phase VI – Active Adult II.

1. *Development shall be limited to no more than 36 units.*

Phase VII – Multi-Family II.

1. *Development shall be limited to no more than 336 multi-family units.*
2. *Provide 75-foot wide natural buffers, undisturbed except for approved perpendicular access or utility crossing, with replantings where abutting single-family residentially zoned property.*
3. *Provide a minimum of one publicly dedicated access road between the multi-family project to Main Street "A" and one stub street to the north into parcel 7-239-001.*
4. *Prior to issuance of a Certificate of Occupancy for any building in Phase VII, a minimum of 25,000 square feet of office or commercial space from Phase VIII shall be completed.*

Phase VIII – Main Street Commercial.

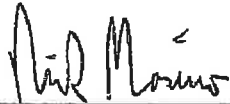
1. *Development shall be limited to no more than 137,000 square feet of office and commercial space. Uses shall be limited to those allowed within the City's C-2A zoning category with the exception of any automobile related uses including automotive sales, service, and rental uses which are specifically not allowed.*

Phase IX – Station Center.

1. *Development shall be limited to no more than 250,000 square feet of office and commercial space.*
2. *Residential uses shall be limited to no more than 48 units.*

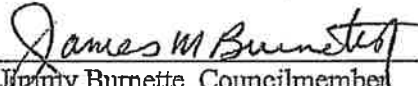
3. *Commercial uses shall be limited to those uses allowed within the City's C-2A zoning category with the exception of any automobile related uses including automotive sales, service, and rental uses which are specifically not allowed.*
4. *Provide, at a minimum, 50% of the required parking area onsite for a rail station based on requirements by the Georgia Passenger Rail Authority in an amount not to exceed 500 spaces.*
5. *Reserve a minimum of 2 acres to remain undeveloped abutting the rail line for a future train station and its associated facilities for a period not to exceed seven (7) years from May 9, 2000 or until the appropriate governing authority (in other words, Georgia Passenger Rail Authority, etc.) determines the location of the rail station, whichever comes first.*


SUWANEE CITY COUNCIL, A GEORGIA
MUNICIPAL CORPORATION

By: 
Nick Masino, Mayor

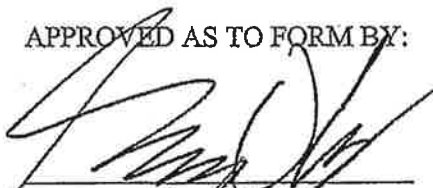
ATTESTED TO BY:


Hardin Watkins, Acting City Clerk

By: 
Jimmy Burnette, Councilmember

By: 
Andrew Krieman, Councilmember

APPROVED AS TO FORM BY:


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

By: 
Jeannine Rispin, Councilmember

By: 
Alex Stone, Councilmember

By: 
Dave Williams, Councilmember

City of Suwanee
Official Zoning Map Amendment
Resolution/Ordinance

Case Number: RZ-2003-003,

At the regular meeting of the Suwanee City Council held at Suwanee City Hall, 373 Highway 23, Suwanee, Georgia on a motion by Councilmember Hassell, and seconded by Councilmember Rispin, 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 in conditions), for the proposed use of mixed-use project, 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 January 21, 2003;

NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 21st day of January, 2003 that the aforesaid application to amend the Official Zoning Map from PMUD to PMUD (Change in Conditions) is hereby APPROVED subject to the following conditions.

1. All conditions from RZ-2000-007 shall remain in effect except as otherwise noted below.
2. Replace General Condition number 6 from RZ-2000-007 with the following:
"Within Phase I, provide a 10-foot wide, hard surface path as indicated in rezoning exhibit "A". The developer shall work with the adjoining commercial property owner to make the trail connect to sidewalks on Peachtree Industrial Boulevard."
3. Replace General Condition number 15 from RZ-2000-015 with the following: "Except as otherwise required by the conditions of zoning, the attached "List of Standards" and "Site Summary" as herein attached are incorporated as enforceable requirements to the project. The "List of Standards" establish certain minimum development standards under approved development plans. The applicant shall revise the "List of Standards" and "Site

Summary” to reflect the changes in phasing and submit to the planning department for approval.”

The Phase Specific Conditions shall be revised as follows:

Phase I – “Main Street A.”

1. Development shall be limited to construction of Main Street “A” and associated park, utility, civic, and infrastructure improvements including the multi-use path proposed under the existing power line easement.

Phase II – “Townhouse I – Active Adult I.”

1. Development shall be limited to no more than 112 single-family detached units and 195 single-family attached units as shown on the submitted Concept Plan. Development may include any units from the multi-family phases constructed as single-family detached units.
2. The roadways shall be redesigned to eliminate the cul-de-sac’s. This design shall include a minimum of one public roadway extending between Main Street “A” and Main Street “B.”

Phase III – Multi-Family I.

1. Development shall be limited to no more than 336 multi-family units.
2. Provide 75-foot wide natural buffers, undisturbed except for approved perpendicular access or utility crossing, with replantings where abutting single-family residentially zoned property.
3. Provide a minimum of one publicly dedicated access road between the multi-family project to Main Street “A” and one stub street to the north into parcel 7-239-001.

Phase IV – “Town Commons I.”

1. Development shall be limited to a maximum floor area of 12,010 square feet per acre dedicated to this use and may include a mixture of residential and non-residential uses as shown on the approved Concept Plan.
2. Commercial uses shall be limited to those uses allowed within the City’s C-2A zoning category with the exception of any automobile related uses including automotive sales, service, and rental uses which are specifically not allowed.
3. Residential uses shall be limited to no more than 96 units.

Phase V – “Multi-Family I.”

1. Development shall be limited to no more than 400 multi-family residential and/or townhouse units.

Phase VI – Main Street Commercial.


1. Development shall be limited to no more than 137,000 square feet of office and commercial space. Uses shall be limited to those allowed within the City's C-2A zoning category with the exception of any automobile related uses including automotive sales, service, and rental uses which are specifically not allowed.

Phase VII – Station Center.

1. Development shall be limited to no more than 250,000 square feet of office and commercial space.
2. Residential uses shall be limited to no more than 48 units.
3. Commercial uses shall be limited to those uses allowed within the City's C-2A zoning category with the exception of any automobile related uses including automotive sales, service, and rental uses which are specifically not allowed.
4. Provide, at a minimum, 50% of the required parking area onsite for a rail station based on requirements by the Georgia Passenger Rail Authority in an amount not to exceed 500 spaces.
5. Reserve a minimum of 2 acres to remain undeveloped abutting the rail line for a future train station and its associated facilities for a period not to exceed seven (7) years from May 9, 2000 or until the appropriate governing authority (in other words, Georgia Passenger Rail Authority, etc.) determines the location of the rail station, whichever comes first.

SUWANEE CITY COUNCIL, A GEORGIA
MUNICIPAL CORPORATION

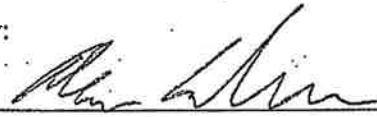
By:


Nick Masino, Mayor

ATTESTED TO BY:


Elvira Rogers, City Clerk

By:


Alan Landers, Mayor Pro-tem

City of Suwanee
 Official Zoning Map Amendment
 Resolution/Ordinance

Case Number: RZ-2010-001,

At the regular meeting of the Suwanee City Council held at Suwanee Crossroads Center, 330 Town Center Avenue, Suwanee, Georgia on a motion by Councilmember Foster, and seconded by Councilmember Goodman, 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 project, 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 May 25th, 2010;

NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 25th day of May, 2010 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 from RZ-2003-003 shall remain in effect except as otherwise noted below.*
- 2. Phase V shall be limited to a total of 400 multi-family residential and/or townhouse units. This includes 68 townhouse units already constructed along Scales Road, Station Center Boulevard, and Lake Point Boulevard.*
- 3. No Certificate of Occupancy shall be issued for any units in Phase V until a pavilion consistent with the "amphitheater pavilion" is constructed on the site of building 15, 16, or 17 as noted on June 20, 2000 concept plan for Suwanee Station to the satisfaction of the Planning and Inspections Department. No development permit*

shall be issued on the remaining 292 units in Phase V until either completion of a minimum of 25,000 square feet of additional office/commercial or a donation of Lot 1 of Block H, Lots 2 and 9 of Block S, and Lots 3 and 5 of Block G to the City as identified in the Final Plat of Suwanee Station Unit I-C for use as the hub of a transit oriented development.

4. Prior to issuance of a Certificate of Occupancy for any townhouse unit a Concept Plan for the open space in this phase shall be submitted to the City as part of the plan book for review and approval. Said plan shall include sidewalks, landscaping, and seating. Said plan shall be executed within one year of approval.
5. Covered and uncovered stoops and porches may extend up to three feet into the front yard setback.
6. Prior to issuance or approval of any plat, permit, Certificate of Occupancy or any other type of approval for any portion of Phase V, Lot 3 of Block H, Lots 5 and 18 of Block S, land adjacent to Lot 5 of Block S identified as "Future Road" and any other land necessary to provide access to Station Center Boulevard shall be donated to the City for purpose of ensuring that the land is used as the hub of a transit oriented development.
7. For the portion of Phase IV Town Commons I, noted as Lot 2 of Block E and Lot 17 of Block S on the Final Plat of Suwanee Station, Unit I-C, in addition to the uses already permitted, assisted living facility shall be an allowed use. If developed with an assisted living facility:
 - a. independent living units shall be limited to the number of units indicated in the Site Summary (40 units).
 - b. development shall be limited to 3 stories in height and the square footages and dwelling units indicated for buildings 2 and 3 as noted in the Site Summary (31,000 sf and 40 residential units or 44,486 square feet).
 - c. buildings must be oriented toward public roads;
 - d. off-street parking in front of buildings is prohibited;
 - e. sidewalks shall be provided along all roads to include a landscape zone, clear zone, and supplemental zone;
 - f. parking shall be screened from the view of adjacent residential parcels;
 - g. a concept plan shall be provided to the Planning and Inspections Department for review and approval prior to any development review for the site; and
 - h. parking shall be provided per a parking study that meets ITE or Urban Land Institute standards. On street parking adjacent to the site may be counted towards the minimum parking standards.
8. Access from Phase V onto Scales Road may intrude into required buffers provided said intrusion is minimized to the satisfaction of the Planning and Inspections Department.

SUWANEE CITY COUNCIL, A GEORGIA
MUNICIPAL CORPORATION

By:


Dave Williams, Mayor


ATTESTED TO BY:


Elvira Rogers, City Clerk

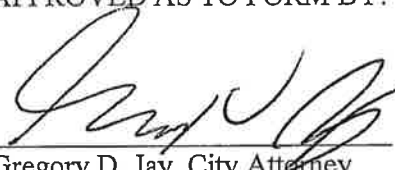
By:


Jace Brooks, Mayor Pro Tem

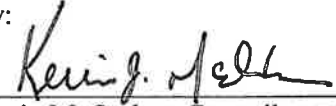
By:


Jimmy Burnette, Councilmember


APPROVED AS TO FORM BY:


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

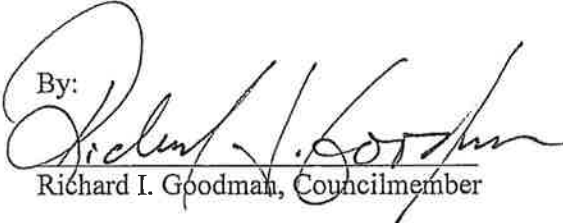
By:


Kevin McOmber, Councilmember

By:


Daniel F. Foster, Councilmember

By:


Richard I. Goodman, Councilmember