

**REZONING(S):**  
**JRZ-2014-005**

**CITY OF SUWANEE  
REZONING**

**CASE NUMBER:** JRZ-2014-005  
**REQUEST:** O-I (OFFICE – INSTUTIONAL DISTRICT) AND R-100 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO M-1 (LIGHT INDUSTRY DISTRICT)

**LOCATION:** 275 SATELLITE BOULEVARD AND 3390 ANNANDALE LANE  
**TAX ID NUMBER:** 7-194-013, 7-194-012  
**ACREAGE:** 6.05 TOTAL ACRES

**PROPOSED DEVELOPMENT:** 40,000 SQUARE FOOT WAREHOUSE EXPANSION TO EXISTING BUILDING

**APPLICANT:** MAISER ABONEAAJ  
1960 SATELLITE BOULEVARD STE. 4000  
DULUTH, GA 30097

**OWNERS:** NAZARETH GROUP, LLC  
275 SATELLITE BOULEVARD  
SUWANEE, GA 33024

**CONTACT:** MARIAN ADEIMY  
**CONTACT PHONE:** 770-822-0900

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

**PROJECT DATA:**

The applicant seeks a rezoning at 275 Satellite Boulevard from O-I (Office - Institutional District) to M-1 (Light Industry District) and at 3390 Annandale Lane from R-100 (Single Family Residential District) to M-1 to allow for a 40,000 square foot expansion of an existing warehouse building. The two adjoining properties total 6.05 acres. The existing office/warehouse building is 43,750 square feet and is on a 3.34 acre parcel at 275 Satellite Boulevard which is located at the intersection of Satellite Boulevard and Annandale Lane. This property is partially zoned M-1 and partially zoned O-I. The existing single family home, on Annandale Lane, is 2,290 square feet and is on a 2.7 acre parcel and is zoned R-100. The applicant proposes to expand the office/warehouse onto the adjacent property (currently occupied by a single-family dwelling) which will also include a truck court and a stormwater management facility. Vehicular access is proposed via two existing drives on Annandale Lane. No additional access points are proposed. According to the applicant's representative, the single family home will be removed from the property.

## **ZONING HISTORY:**

The property at 275 Satellite Boulevard has been zoned O-I and M-1 since at least 1983. In 1998, the property at 3390 Annandale Lane was rezoned from O-I to R-100 per RZ-1997-009 to allow for continued use as a single family residence.

## **DEVELOPMENT COMMENTS:**

If the rezoning request is approved, the expansion will go through the development review and building permit review process to ensure compliance with applicable regulations. Also, as proposed, the addition encroaches into the front yard setback along Satellite Boulevard. A variance must be obtained from the Zoning Board of Appeals in order to address this issue.

## **ANALYSIS:**

The applicant proposes to construct a 40,000 square foot addition to an existing office/warehouse building resulting in an 83,750 square foot building. S&A Industries provides design, consultation and renovation services to hotel chains. The addition will be used for warehouse space and will include truck docks. The majority of the proposed improvements are located on the R-100 zoned property and will be located in the area closest to Satellite Boulevard. The proposed truck court and stormwater management facility will be located behind the building addition. The applicant does not propose any changes to the current parking area, which totals 96 parking spaces. The current building is required to have a minimum of 48 spaces. Therefore, the additional 20 parking spaces that would be required for a 40,000 square foot expansion are already provided.

The existing 43,750 square foot structure was constructed in 1998 as an office/warehouse shell building. Warehousing uses are permitted in the M-1, Light Industry zoning district. The property currently includes two zoning districts: M-1, Light Industry District and O-I, Office-Institutional District. When constructed, the property was developed under the M-1 zoning district regulations since the primary structure was constructed within the M-1 zoned portion of the property (See Exhibit A). Approval of this request would also rezone remaining O-I zoned portions of the split zoned property to M-1.

The property is surrounded by industrial, institutional and residential uses. To the north are single family homes and Annandale Village, zoned R-100 and PMUD respectively. Annandale Village provides life assistance and housing to adults with developmental disabilities. To the east across Annandale Lane, is a small multi-tenant office building zoned M-1. To the south across Satellite Boulevard, is a large industrial building zoned M-1. The property to the west is located in unincorporated Gwinnett County and is zoned M-1.

Satellite Boulevard is developed as an industrial and office corridor. The zoning request and proposed addition fit the character of the area and are consistent with adjacent land uses along Satellite Boulevard. Office/warehouses are allowed in the M-1 zoning district which is consistent with most of the properties along Satellite Boulevard. The residentially-zoned portion of this

request is located between two industrial uses. However, a portion of the residential parcel is adjacent and visible from residential uses along Annandale Lane. If the rezoning request is granted, then this area should remain as natural as possible with additional vegetative screening in areas where existing trees are sparse.

The City's Future Land Use Plan recommends office – institutional uses for this site. The proposed use is generally consistent with this designation. Due to the narrow width of the lot, expansion of an adjacent business is the most likely method to satisfy the property's land use recommendation. In addition, development of the site, as proposed, would not create any additional vehicular access points on Satellite Boulevard or Annandale Lane.

In conclusion, the majority of the expansion is located along Satellite Boulevard and is in character with surrounding buildings. The split zoning and ongoing use of the property as office warehouse give additional support for rezoning the property to M-1. The portion of the property closer to existing residential uses will remain wooded which should mitigate impacts on adjoining properties. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of JRZ-2014-005.

Planning Department Recommended Conditions:  
JRZ-2014-005

Staff recommends approval of the request for M-1 subject to the following conditions:

1. Additional vegetative screening of trees, evergreens and shrubs shall be planted along Annandale Lane where existing trees are sparse. Landscaping and buffer planting shall be approved by the Planning and Inspections Director.
2. The site shall be developed in a manner substantially consistent the site plan submitted to the Planning Department on June 6<sup>th</sup>, 2014 and labeled exhibit "C".
4. The architecture and building materials of the addition shall match the existing building.
5. No additional access points shall be permitted along Annandale Lane.
6. 5 foot sidewalks shall be provided along Annandale Lane and Satellite Boulevard.

## 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 and office – institutional to light industry is suitable in view of the use and development of adjacent and nearby properties. Office/warehouse buildings are the predominate type of building on Satellite Boulevard in Suwanee.

- 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, due to the vast majority of the development happening along Satellite Boulevard and away from nearby residential uses.

- 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.

- 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 office - institutional. 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 split zoning and ongoing use of the property as office/warehouse lend additional support for the remainder of the property to be zoned to M-1.

\* # 376

2.71

Revised 09/22/10

### REZONING APPLICATION

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

APPLICANT INFORMATION*		OWNER INFORMATION*	
NAME: <u>Maiser Aboneaaj</u>	NAME: <u>Nancy<sup>A</sup> Blakeman</u>	ADDRESS: <u>1960 Satellite Blvd., Suite 4000</u> <u>Duluth, Georgia 30097</u>	ADDRESS: <u>3390 Annandale Lane</u> <u>Suwanee GA 30024</u>
PHONE: <u>(770) 822-0900</u>	PHONE: <u>770 945 3566</u>	CONTACT PERSON: <u>Marian C. Adeimy, Attorney for Applicant</u>	PHONE: _____
EMAIL ADDRESS: <u>madeimy@atclawfirm.com</u>	FAX NUMBER: _____		

### PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): R-100 REQUESTED ZONING DISTRICT M-1

PROPOSED DEVELOPMENT: Warehouse for current business use by S&A Industries, located on adjacent property.

TAX PARCEL NUMBER(S): 7194 012

ADDRESS OF PROPERTY: 3390 Annandale Lane, Suwanee, Georgia

TOTAL ACREAGE: \_\_\_\_\_ PUBLIC ROADWAY ACCESS: Annandale Lane

<b>FOR RESIDENTIAL DEVELOPMENT:</b>	<b>FOR NON-RESIDENTIAL DEVELOPMENT:</b>
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/UNITS: <u>1</u>
DWELLING UNIT SIZE (SQ. FT.): _____	TOTAL GROSS SQUARE FEET: <u>40,000</u>

### CERTIFICATIONS

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

<u>[Signature]</u> Signature of Applicant*	<u>6-4-14</u> Date	<u>Nancy A. Blakeman</u> Signature of Owner*	<u>6-4-14</u> Date
<u>Maiser Aboneaaj</u> Print Name*	<u>6-4-14</u> Date	<u>Nancy Blakeman</u> Print Name*	<u>6/4/14</u> Date
<u>[Signature]</u> Signature of Notary	<u>6-4-14</u> Date	<u>[Signature]</u> Signature of Notary	<u>6/4/14</u> Date

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

**WEATHER B. TODD**  
Notary Public, Gwinnett County, Georgia  
My Commission Expires June 7, 2015

CITY OF SUWANEE USE ONLY

Date Received: 6/16/14 Case No.: IRZ-2014-005 Accepted By: [Signature]

### REZONING APPLICATION

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

<b>APPLICANT INFORMATION*</b>		<b>OWNER INFORMATION*</b>	
NAME: <u>Maiser Aboneaaj</u>	NAME: <u>Nazareth Group, LLC</u>	ADDRESS: <u>1960 Satellite Blvd., Suite 4000</u> <u>Duluth, Georgia 30097</u>	ADDRESS: <u>275 Satellite Blvd., Suwanee, Georgia</u>
PHONE: <u>(770) 822-0900</u>	PHONE: <u>(770) 822-0900</u>	CONTACT PERSON: <u>Marian C. Adeimy, Attorney for Applicant</u>	PHONE: <u>(770) 822-0900</u>
EMAIL ADDRESS: <u>madeimy@atclawfirm.com</u>	FAX NUMBER: _____		

### PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): O&I REQUESTED ZONING DISTRICT M-1

PROPOSED DEVELOPMENT: Continued use by S&A Industries for office, warehouse and distribution

TAX PARCEL NUMBER(S): 7194 013

ADDRESS OF PROPERTY: 275 Satellite Blvd., Suwanee, Georgia

TOTAL ACREAGE: \_\_\_\_\_ PUBLIC ROADWAY ACCESS: Annandale Lane

<b>FOR RESIDENTIAL DEVELOPMENT:</b>	<b>FOR NON-RESIDENTIAL DEVELOPMENT:</b>
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/UNITS: <u>1</u>
DWELLING UNIT SIZE (SQ. FT.): _____	TOTAL GROSS SQUARE FEET: <u>40,000</u>

### CERTIFICATIONS

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

<u>Mais</u> Signature of Applicant*	<u>6-4-14</u> Date	<u>Mais</u> Signature of Owner*	<u>6-4-14</u> Date
<u>Marian Adeimy, attorney</u> Print Name*	<u>6-4-14</u> Date	<u>Marian Adeimy, attorney</u> Print Name*	<u>6-4-14</u> Date
<u>Singer Conroy</u> Signature of Notary	<u>6-4-14</u> Date	<u>Singer Conroy</u> Signature of Notary	<u>6-4-14</u> Date



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

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CITY OF SUWANEE USE ONLY

Date Received: 6/6/14 Case No: JR2-2014-005 Accepted By: JUG



### 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*                      6/6/14  
 Signature of Applicant                      Date

Type or Print Name and Title

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

*Marian Adeemy Attorney*  
 Type or Print Name and Title

*Ginger Conroy*                      6-6-14  
 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

Your Name *Marian Adeemy Attorney for applicant, and for Andersen, Tate and Carr, PC*

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: 6/6/14      Case No.: JR2-2014-005      Accepted By: *[Signature]*

**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING EXERCISE OF THE ZONING POWER**

Pursuant to section 2006 of the 1998 Zoning Ordinance, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

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

See Exhibit "B".

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

See Exhibit "B".

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

See Exhibit "B".

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(D) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools:

See Exhibit "B".

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

See Exhibit "B".

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

See Exhibit "B".

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Date Received: 6/6/14 CITY OF SUWANEE USE ONLY Case No. 1122-2014-004 Accepted By: [Signature]

**EXHIBIT "B"**  
**RESPONSES IN SUPPORT OF APPLICATION FOR REZONING**

- 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 requested rezoning proposes a use and continued business and warehousing use that is absolutely compatible with the character of the industrial and business corridor within which the Property is located. Nearby properties already feature similar industrial and commercial uses. The remaining single family uses are not compatible or consistent with the Comprehensive Plan and neighboring uses in the area. Similar warehousing, distribution and industrial uses have proven to be entirely compatible with the property in the vicinity of the subject Property, further demonstrating the suitability of the uses proposed by this Rezoning Application.

- 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 commercial and industrial corridor within which the property is located.

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

No. The portion of the P zoned R-100 has no use as a single family lot located in a commercial and industrial district between two right-of-ways.

- 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 major thoroughfares. The use and continued use will have no impact on schools. This rezoning will not cause excessive use of existing streets, transportation facilities or utilities, especially where already partially developed and operating.

- 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 identifies the subject property as an appropriate location for industrial uses.

JRZ-2014.005

- 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 continued use and development of subject Property under its current R-100 zoning is practically impossible. The expansion of an existing compatible use is entirely appropriate and intended in this area.

JRZ-2014-005

# ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.  
ONE SUGARLOAF CENTRE  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GEORGIA 30097  
(770) 822-0900  
FACSIMILE (770) 822-9680  
[www.atclawfirm.com](http://www.atclawfirm.com)

Marian C. Adeimy  
Direct Phone: (678) 518-6855  
Direct Fax: (770) 236-9702

Email: [madeimy@atclawfirm.com](mailto:madeimy@atclawfirm.com)

June 6, 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 MAISER ABONEAAJ**

## I. Rezoning Request and Use

The Applicant, Maiser Oboneaaj (the "Applicant"), principal for S&A Industries, located in Suwanee, submits this Application for Rezoning of its current business location and property located at 275 Satellite Blvd., NW, Suwanee, and the adjacent property under contract and located at 3390 Annandale Lane, Suwanee, Georgia (collectively, the "Property"), to allow for a warehouse expansion to the existing business.

S&A Industries provides world class development and property investment, design, consultation and renovation services to major investors and hotel chains throughout the Southeast, U.S. and internationally. S&A's members are active members of the Suwanee and Gwinnett communities and their business promotes economic growth and stability for the City of Suwanee. S&A has had no complaints or code violations at its current location, and would use both Properties to build a quality expansion and continue its successful business.

S&A's current property location, 275 Satellite, is zoned O&I and has permitted their business operations and any grandfathered warehousing uses up until this time. However, the Applicant seeks to join the Property that is the subject of this request, to allow for a 40,000 square foot warehouse, distribution, and additional access on the adjacent parcel, 3390 Annandale Lane. As currently proposed, a portion of that building will cross over and connect to S&A's existing business location. Accordingly, the Applicant is seeking to rezone both Properties to M-1, to allow for the proposed and warehouse and distribution uses. The Applicant proposes a quality building materials, in accordance with all applicable ordinances and overlays, and subject to staff approval.

As stated in the 2030 Comprehensive Plan for the City of Suwanee and the I-85 Business District (p. 55) promote “a moderate intensity commercial area combining a significant inventory of industrial and business park uses” for this area. The Plan also identifies numerous commercial and industrial sites ready for development. The intent of that 2030 Comprehensive Plan is met by the proposed expansion and continued commercial and warehouse uses.

The requested rezoning proposes a use and continued business and warehousing use that is absolutely compatible with the character of the industrial and business corridor within which the Property is located. Nearby properties already feature similar industrial and commercial uses. The remaining single family uses are not compatible or consistent with the Comprehensive Plan and neighboring uses in the area. Similar warehousing, distribution and industrial uses have proven to be entirely compatible with the property in the vicinity of the subject Property, further demonstrating the suitability of the uses proposed by this Rezoning Application.

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 Annandale Lane Property has remained undeveloped due to its size and incompatible R-100 zoning, in between two right-of-ways, 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, if required, Zoning Board of Appeals recommend and approve the Applicant's requests for Rezoning, to allow the property owner and Applicant to use the Property, and to minimize any impact on the surrounding area.

## **II. 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 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 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.

### **III. Conclusion**

Thank you in advance for your time and consideration of the Applicant's rezoning request. Approval of these requests will result in a continued quality business within the City of Suwanee. The Applicant and its representatives welcome the opportunity to meet with the Mayor, Council, Planning Commission and staff. The Applicant respectfully requests your approval of these Applications.

Respectfully submitted this 6th day of June, 2014.


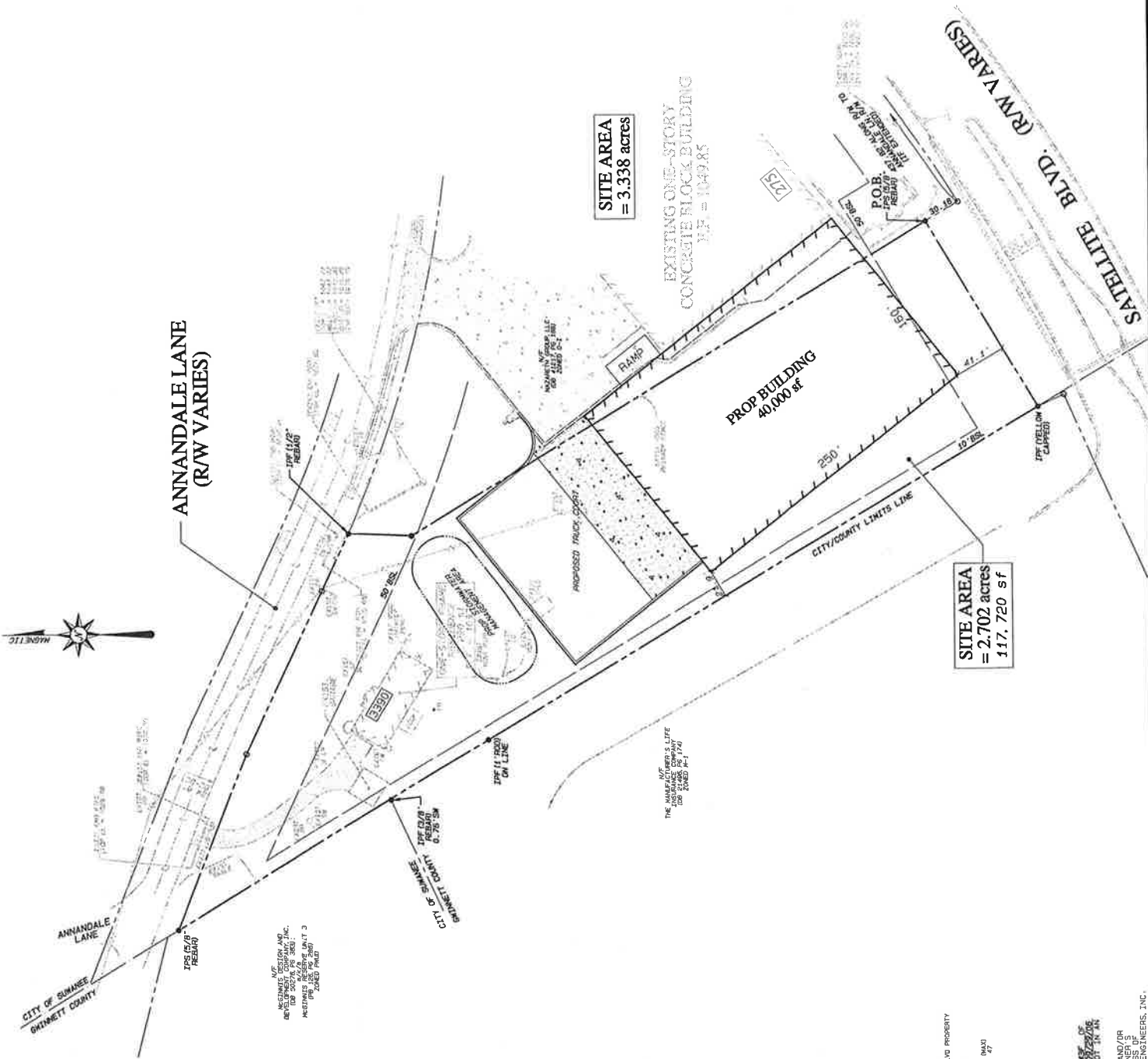
  
\_\_\_\_\_  
Marian C. Adejmy  
Attorney for Applicant

Exhibit "D"



LOCATION MAP



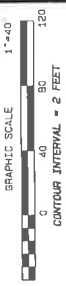
ANNANDALE LANE  
(R/W VARIES)

SITE AREA  
= 3.338 acres

EXISTING ONE-STORY  
CONCRETE BLOCK BUILDING  
S.F. = 104,985

PROP BUILDING  
40,000 SF

SITE AREA  
= 2.702 acres  
117,720 sf



NOTES: THIS SITE IS TO BE CONSOLIDATED WITH 278 SATELLITE BLVD PROPERTY  
 1) TO ALLOW FOR A BUILDING ADDITION.  
 2) PARKING DATA COMPILED BY THE CITY OF SUNNYSIDE, 1998:  
 PROPOSED BUILDING: 40,000 SF: 0.10 0.43  
 PROPOSED BUILDING: 104,985 SF: 0.10 0.43  
 EXISTING BUILDING: 104,985 SF: 0.10 0.43  
 TOTAL: 249,970 SF: 0.10 0.43  
 NO NEW PARKING IS PROPOSED  
 3) THE EXISTING SITE IS ZONED R-100  
 THE PROPOSED ZONING IS C-1

THIS PROPERTY IS LOCATED ON PANEL 431200004E OF THE PLANNING AND ZONING MAP OF THE CITY OF SUNNYSIDE, NEW YORK. THE PLANNING AND ZONING MAP IS LOCATED AT THE PLANNING DEPARTMENT, 100 WEST 100TH STREET, SUNNYSIDE, NY 10461-1000. THE PLANNING DEPARTMENT IS THE OFFICIAL RECORDING OFFICE FOR THE PLANNING AND ZONING MAP. THE PLANNING AND ZONING MAP IS A PUBLIC RECORD AND IS AVAILABLE FOR PUBLIC INSPECTION. THE PLANNING AND ZONING MAP IS SUBJECT TO CHANGE WITHOUT NOTICE. THE PLANNING AND ZONING MAP IS THE PROPERTY OF THE CITY OF SUNNYSIDE, NEW YORK. THE PLANNING AND ZONING MAP IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CITY OF SUNNYSIDE, NEW YORK. THE PLANNING AND ZONING MAP IS THE PROPERTY OF THE CITY OF SUNNYSIDE, NEW YORK. THE PLANNING AND ZONING MAP IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CITY OF SUNNYSIDE, NEW YORK.



Exhibit "E"



ANNANDALE LANE  
CITY OF SUMNER  
SUNNYSIDE COUNTY



LOCATION MAP

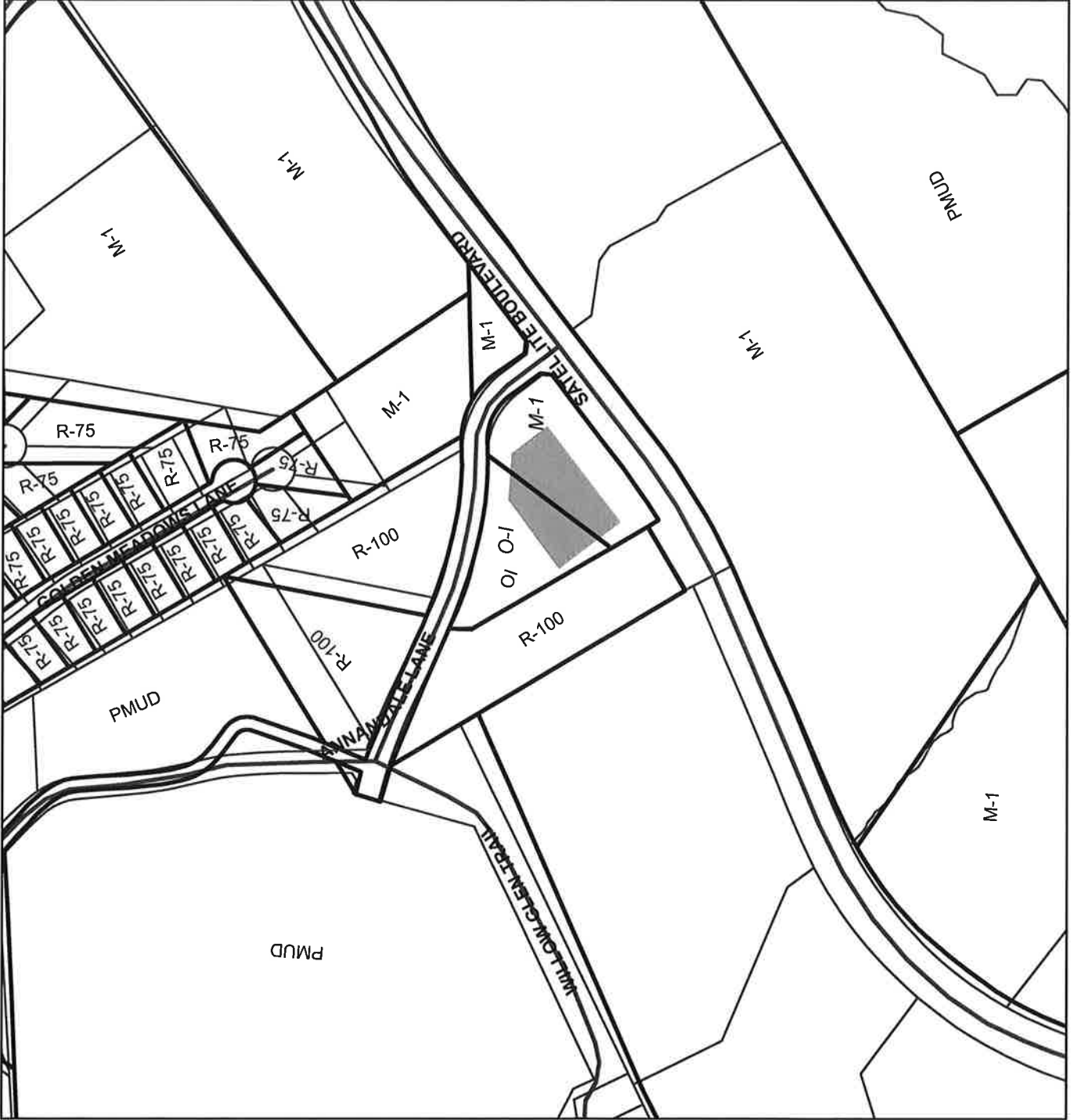
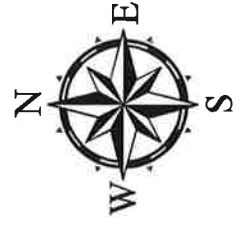


# EXHIBIT A JRZ-2014-005

## Location Map

**Legend**

- JRZ-2014-005
- Major Road





# EXHIBIT B JRZ-2014-005

Aerial Map

## Legend



JRZ-2014-005

Major Road

