

ANALYSIS:
RZ-2014-008 (AMD)

**CITY OF SUWANEE
REZONING**

CASE NUMBERS: **RZ-2014-008 (AMD)**

REQUESTS: C-2 (GENERAL COMMERCIAL DISTRICT) AND C-2A (SPECIAL COMMERCIAL DISTRICT) TO RM-8 (RESIDENTIAL MULTI-FAMILY DUPLEX DISTRICT)

LOCATIONS: SAWMILL DRIVE EAST OF LAWRENCEVILLE-SUWANEE ROAD

TAX ID NUMBERS: 7-169-095, 7-169-097, 7-170-004

ACREAGE: 30.89 ACRES

PROPOSED DEVELOPMENT: 246 UNIT MULTI-FAMILY COMMUNITY

APPLICANT: DIVERSIFIED HOLDINGS, LLLP
C/O MAHAFFEY, PICKENS, TUCKERS, LLP
1550 NORTH BROWN ROAD, SUITE 125
LAWRENCEVILLE, GA 30043

OWNERS: DIVERSIFIED HOLDINGS, LLLP
91 WEST WIEUCA ROAD, A-2000
ATLANTA, GA 30342

CONTACT: AMANDA C. FLOYD
CONTACT PHONE: 770-232-0000

STAFF RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a rezoning of approximately 30.9 acres located on Sawmill Drive near Lawrenceville-Suwanee Road from C-2 (General Commercial District) and C-2A (Special Commercial District) to RM-8 (Residential Multi-family Duplex District) in order to allow for a 246 unit multi-family apartment complex. The applicant proposes 246 multi-family units spread between twelve 3-story buildings. The plan also indicates a 2-story leasing/amenity building and a pool. Access is proposed via a single driveway onto Sawmill Drive.

The RM-8 zoning district allows for multi-family units at a density of 8 units per acre. The legal description and boundary survey provided with the application indicate the site is approximately 30.89 acres. As such the applicant would be entitled to up to 246 units if the request is approved.

The site plan indicates a total of 492 parking spaces or 2 spaces per unit including what appear to be several covered parking spaces. The site plan indicates a total of 14.2 acres of open space including stream buffers. Individual units are proposed to range in size from 800 to 1,100 square feet. The applicant is proposing between 80-95 one-bedroom units, 130-165 two-bedroom units and 15-25 three-bedroom units.

ZONING HISTORY:

The majority of the subject property, approximately 24.8 acres, was annexed into the City and rezoned to C-2A in 2000 per RZ-2000-021. The remaining 4.5 acres is zoned C-2 (General Commercial District). There are no conditions of zoning.

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 subject property does contain a couple of streams that would be considered state waters. These streams are subject to buffer requirements found in the Soil Erosion and Sedimentation Control Ordinance and the Stream Buffer Protection Ordinance.

The City of Suwanee landscape ordinance requires an over story tree to be planted within a 200 square foot island every 7 spaces. There are several locations on the site plan that do not appear to meet this requirement. The landscape ordinance also has certain tree preservation and replacement requirements. One of these requirements is that any tree removed that is larger than 24" DBH require compensation at twice the amount of the assigned tree density units. As the site is heavily wooded with mature trees, the applicant should be aware of this requirement.

The site plan indicates a 40 foot setback along Sawmill Drive. The RM-8 zoning district requires a 50 setback from the roadway.

The City's Development Regulations require more than one access point for residential development with more than 200 units. The applicant is proposing 246 residential units. As such, the applicant should be prepared to provide a second access point if the request is approved.

ANALYSIS:

The subject property totals approximately 30.9 acres and is currently a combination of C-2 and C-2A zoning. The C-2 portion of the property is located closest to Lawrenceville-Suwanee Road. The front portion of the 4.5 acres is developed with a parking lot that is sometimes used as overflow parking for nearby hotels. The remainder of the property including the larger C-2A zoned property is densely vegetated. The property contains steep topography and 2 streams. Although encumbered by difficult terrain and streams the subject property does contain multiple adequate acreage to accommodate the proposed 246 units and the required 492 parking spaces.

The subject property is located in the highly commercialized Suwanee Gateway character area. To the north of the subject property is a Wal-Mart and an associated shopping center, both zoned C-2A. To the west of the subject property is a shopping center anchored by a business supply store and a gym, zoned C-2A. There are also hotels (one zoned C-2A and the other C-3) and a liquor store, zoned C-3, located to the west of the property. To the east of the subject property is M-1 zoned property developed with an office warehouse that accesses Satellite Boulevard. Across Sawmill Drive, to the south, are undeveloped commercially zoned tracts, an M-1 zoned tract slated for development with a self-storage facility, and I-85.

The City has adopted requirements for separation of certain uses from liquor stores: 300 feet from churches, 600 feet from schools, 1500 feet from other liquor stores, and 200 feet from residences. These separation requirements are in place in order to minimize the deleterious effects a package store can have on these uses. While the proposed multi-family development is located more than 200 feet from the existing package store, this separation requirement is indicative of concern about the proximity of residential uses to package stores. This concern is validated by the hotels that are directly adjacent to the liquor store. These two hotels function as extended stay hotels, which essentially serve as residences for some people. These hotels generate a large number of calls for police services related to domestic violence complaints and other illegal activity. The Police Department expressed some concerns about placing so many residential units in proximity to the hotels and recommended gating the entire community. As such, if the request is approved a condition requiring the provision on an 8-foot tall decorative anodized aluminum fence around the entire complex should be included.

The subject properties are located in the Suwanee Gateway character area. The future land use plan calls for high density office in this location. The 2030 Comprehensive Plan states, in regard to the Suwanee Gateway area, "future land use should be dominated by office and commercial mixed-use, with retail and hospitality capitalizing on the improvements." It also states in reference to the subject property, "West of the interstate, the undeveloped parcel behind the existing Office Depot shopping center could form the core of a new office park development that extends to the I-85 frontage." The subject property is challenged by difficult topography and streams. Because of this, the applicant contends that the subject property can be most easily developed as multi-family. It should be noted that the same three story buildings that currently show multi-family units could just as easily show 3 story office condo buildings. And, there is acreage available on the property that could be used for the additional parking that would be required to serve the office uses. In addition, the plan anticipates buildings exceeding the maximum building height as regulated by the Zoning Ordinance which would allow for vertical intensity. The proposed development of the site with multi-family uses is not consistent with the future land use plan designation for these properties.

In conclusion, the site is located within the Suwanee Gateway area on tracts planned for future high-density office. While there are environmental related constraints, the current proposed layout could accommodate office uses or the applicant could achieve additional intensity through vertical construction of a multistory office building. In addition, locating multifamily apartments adjacent to hotels and a liquor store could create an additional burden on the police services in the City. Therefore, staff recommends **DENIAL** of RZ-2014-008 (AMD).

Planning Department Recommended Conditions:
RZ-2014-008(AMD)

The Planning Department recommends denial of the request to rezone from C-2 & C-2A to RM-8; however, if the Council wishes to approve the requested rezoning from C-2 & C-2A to RM-8, staff recommends the following conditions:

1. Prior to the issuance of a Development Permit the applicant shall submit architectural elevations in the form of a "Plan Book" for review and approval by the Planning and Inspections Director. At a minimum the "Plan Book" shall include building elevations, exterior colors, materials, massing, fencing, railing, etc. Materials shall consist of a mixture of brick, cement siding and stone or other approved materials. No more than 25% of any elevation shall consist of cement siding. Buildings shall reflect a Traditional Neighborhood Design with internally accessed units, enclosed hallways and usable porches.
2. Prior to the issuance of a Development Permit the applicant shall submit a comprehensive pedestrian circulation plan for review and approval by the Planning and Inspections Director. All internal streets and parking areas shall include minimum 5' wide sidewalks and connect to exterior sidewalks through pedestrian gated access. Safety measures should be taken to allow for safe crossing of internal streets through the use of elevated crossings and/or the use of alternative materials.
3. In addition to the proposed pool, community building, and green space/park areas shown on the plan dated 9/10/2014, common areas shall include a network of recreational hard surface and/or soft surface trails that do not negatively impact environmentally sensitive areas including pedestrian footbridges at stream crossings. This trail network shall be included in the comprehensive pedestrian circulation plan to be reviewed and approved by the Planning and Inspections Director.
4. Prior to the issuance of a Development Permit, the applicant shall submit a landscape plan that exceeds the minimum landscape requirements as approved by the Planning and Inspections Director.
5. Prior to the issuance of a Development Permit, the applicant shall submit a lighting plan for review and approval by the Planning and Inspections Director that addresses the installation of lighting in parking and common areas. All exterior lights shall be contained in full-cutoff luminaries consistent with the requirements of Article XV of the Zoning Ordinance.
6. All accessory garages shall be constructed with similar materials as primary buildings.
7. All buffers required by the Stream Buffer Protection Ordinance and/or the Soil Erosion and Sedimentation Control Ordinance shall be maintained as required.

8. The site shall include an 8 foot tall decorative anodized aluminum fence along Sawmill Drive and along the southwest property line with vehicular and pedestrian access gates with keyed/coded entry.
9. The proposed trash compactor shall be fully enclosed and appropriately landscaped. Such enclosure shall be constructed with similar materials as primary buildings.
10. Parking areas shall not be visible from Sawmill Drive and should be screened by buildings or a 3 foot tall hedgerow as approved by the Planning and Inspections Director.
11. Sidewalks shall be provided along the entire length of the property where it abuts the Sawmill Drive right-of-way.
12. Prior to the issuance of a Development Permit the applicant shall submit a tree study for review and approval by the Planning and Inspections Director completed by a certified Arborist to determine appropriate measures necessary to protect specimen trees and to minimize the impact of development on such trees.
13. A second vehicular access point shall be provided for fire safety and emergency situations.
14. Common spaces outside of stream buffers shall be useable spaces with amenities such as benches, play structures, walking paths, etc.
15. Proposed development shall be limited to 246 units with no more than 25 units being three bedroom units. All other units shall be one or two bedroom units.
16. Provide bicycle racks with a minimum of 5 spaces in front of each building.

Standards Governing Exercise of Zoning Power

Pursuant to Section 2006 of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the unrestricted use of property and shall govern the exercise of the zoning power therewith.

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The request to rezone the property from commercial to multifamily is not suitable in view of the use and development of adjacent and nearby property. The placement of multifamily units in close proximity to a liquor store and extended stay hotels is likely to negatively impact the area and increase calls for service for the City's Police Department.

- 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 likely result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed development accesses Sawmill Drive which connects to Lawrenceville Suwanee Road. This intersection is very congested during peak travel times and vehicles turning left onto Lawrenceville Suwanee Road often stop in the westbound travel lane creating further congestion at the I-85 interchange. The addition of 246 units would likely exacerbate this traffic issue.

- 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 high density office. The request is inconsistent with the Future Land Use Map. The proposed layout could also be used to accommodate an office park which would conform to the City's Future Land Use Plan.

- 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 proposed development is located within the Suwanee Gateway Character Area. The City is committed to improving this area through public projects and raising the standards for private development. Allowing a use that is inconsistent with the City's Future Land Use Plan and that could become a nuisance due to proximity to other, less desirable land uses is likely to negatively impact this progress.



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Shawn F. Bratton
Alissa L. Cummo
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J. David Gussio
Gerald Davidson, Jr.*
Jill H. Harris*

Christopher D. Holbrook
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
Wesley C. Turner
*of Counsel

Writer's e-mail: afloyd@mptlawfirm.com

September 9, 2014

VIA HAND DELIVERY

Josh Campbell
Department of Planning and Development
City of Suwanee
330 Town Center Avenue
Suwanee, Georgia 30024

RE: Applicant: Diversified Holdings, LLLP; Sawmill Drive;
Case Number RZ-2014-008

Dear Josh:

The purpose of this letter is to amend the Rezoning Application for the above referenced case. Please find attached a revised Rezoning Application, Site Plan, and Boundary Survey reflecting a change in acreage and number of proposed units, due to the updated boundaries. Thank you for your attention to this matter. Please feel free to contact me should you have any questions.

Sincerely yours,

MAHAFFEY-PICKENS TUCKER, LLP

Amanda C. Floyd

RZ-2014-008 (AMD)

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REZONING APPLICATION

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

<p align="center">APPLICANT INFORMATION*</p> <p>NAME: <u>Diversified Holdings, LLLP</u> <u>c/o Mahaffey Pickens Tucker, LLP</u> ADDRESS: _____ <u>1550 North Brown Road, Suite 125</u> <u>Lawrenceville, Georgia 30043</u> PHONE: <u>770-232-0000</u></p>	<p align="center">OWNER INFORMATION*</p> <p>NAME: <u>Please see attached.</u> ADDRESS: _____ _____ PHONE: _____</p>
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CONTACT PERSON: Amanda C. Floyd CONTACT PHONE: 770-232-0000
EMAIL ADDRESS: afloyd@mptlawfirm.com **FAX NUMBER:** 678-518-6880

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): C-2 & C-2A REQUESTED ZONING DISTRICT RM-8
PROPOSED DEVELOPMENT: Multi-Family Residential
TAX PARCELNUMBER(S): Land Lot 170, District 7
ADDRESS OF PROPERTY: Sawmill Drive, Suwanee, Georgia
TOTAL ACREAGE: 30.89 PUBLIC ROADWAY ACCESS: Sawmill Drive

FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>246</u>	NO. OF BUILDINGS/UNITS: _____
DWELLING UNIT SIZE (SQ. FT.): <u>800-1,100 sq. ft.</u>	TOTAL GROSS SQUARE FEET: _____

CERTIFICATIONS

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

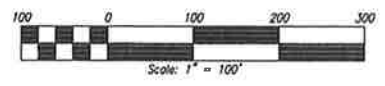
<p><u>[Signature]</u> Signature of Applicant Amanda C. Floyd, Attorney for Applicant Print Name: _____ <u>[Signature]</u> Signature of Notary AUGUST 19, 2016 GEORGIA PINNETT COUNTY</p>	<p><u>9/9/14</u> Date _____ Date <u>9-9-14</u> Date _____ Date</p>
<p>_____ Signature of Owner* _____ Print Name* _____ Signature of Notary</p>	<p>_____ Date _____ Date _____ Date</p>

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

CITY OF SUWANEE USE ONLY

Date Received: 9-10-14 Case No.: RZ-2014-008(Am) Accepted By: [Signature]

TOTAL AREA - 29.2909 ACRES



N/F
USPG PORTFOLIO FIVE, LLC

N/F
WALMART REAL ESTATE
BUSINESS TRUST

N/F
JAMES CAMPBELL COMPANY, LLC

N/F
3131 SUWANEE, LLC

26.4482 ACRES

TOTAL AREA-30.8936 ACRES

N/F
3131 SUWANEE, LLC

N/F
GWINNETT CO. DEPT. OF
WATER RESOURCES

3.2038 ACRES

N/F
GILL HOSPITALITY GROUP, LLC

1.2416 ACRES

N/F
HEMANT PATEL

5752' TO THE
EAST-OF-CORNER OF
LAWRENCEVILLE-SUWANEE ROAD
(100' R/W)

EQUIPMENT USED: LIECA TC305

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A
CLOSURE PRECISION OF 1 FT. IN $\geq 15,000$ FT. AND AN
ANGULAR ERROR OF ≤ 5 SEC. PER ANGLE POINT. THE
FIELD DATA WAS NOT ADJUSTED.

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION
OF THE LAND PLATTED AND HAS BEEN PREPARED IN
CONFORMITY WITH THE MINIMUM STANDARDS AND
REQUIREMENTS OF LAW



Ronald E. Gudger
RONALD E. GUDGER C.L.S. #2089

<p>SURVEYED <u>REG. CS</u> CALCULATED <u>REG. RAM</u> DRAWN <u>REG. RAM</u> DWC. NAME <u>SAWMILL ROAD</u> DATE <u>MARCH 24, 2014</u> REVISED <u>AUG. 28, 2014</u></p>	<p>SITE SURVEYS & PLANNING 7000 PEACHTREE DUNWOODY ROAD BUILDING 6, SUITE 250 ATLANTA, GEORGIA 30328 PHONE: 770-396-6011 FAX: 770-396-2379 e-mail: gudgersurveying@bellsouth.net</p>	<p>SURVEY OF SAWMILL DRIVE LL 169 & 170, DISTRICT 7 GWINNETT COUNTY, GEORGIA</p>	<p>REG. NO. 2089 RONALD E. GUDGER</p>
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RZ-2014-008 (AMD)

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:
Please see attached.

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


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

(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:
Please see attached.

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

(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:
Please see attached.

CITY OF SUWANEE USE ONLY

Date Received: 8-1-14 Case No.: RZ-2014-008 Accepted By: 

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

- A) Yes, the proposal suggests a needed amenity in the City of Suwanee which will accommodate the housing needs of residents, and the proposed use is suitable in view of adjacent and nearby properties.
- B) No, there will be no adverse impact on the use or usability of adjacent or nearby property. In fact, the use and usability of the properties in the immediate vicinity of the subject property will be enhanced by the proposed use.
- C) No. Additionally, the economic use of the property will be enhanced with the rezoning as proposed. Further, the City of Suwanee's tax base will be positively enhanced by rezoning of the property as requested by the Applicant.
- D) No, there will be no additional burden on streets, transportation facilities, utilities or schools.
- E) Yes. The Property is located in the Suwanee Gateway Character Area of the Suwanee 2030 Comprehensive Plan which contemplates development in the area that presents a strong, positive image of the city. Further, in an emerging regional activity node like the Suwanee Gateway Character Area, providing a diverse inventory of housing to complement the increased employment opportunities is essential to mitigating the transportation impacts of new growth. As such, this zoning request is precisely the type of use recognized by the City as appropriate for the subject property.
- F) Yes. The property is located in the Suwanee Gateway Character Area which is classified by the Suwanee 2030 Comprehensive Plan as a "High Expected Change" area. Additionally, the Suwanee 2030 Comprehensive Plan envisions local enhancements to create the "Gateway" image and provisions made for the eventual widening of I-85. These factors have made this type of development a policy initiative for the City of Suwanee.

RZ-2014-008



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Wesley C. Turner
*of Counsel

**LETTER OF INTENT FOR REZONING APPLICATION
OF DIVERSIFIED HOLDINGS, LLLP**

Mahaffey Pickens Tucker, LLP submits this Rezoning Application on behalf of the Applicant, Diversified Holdings, LLLP (the “Applicant”), for the purpose of rezoning an approximate 29.29 acre tract situated along Sawmill Drive in Suwanee, Georgia (the “Property”) to the RM-8 zoning classification. The Property is currently zoned C-2A.

The Applicant proposes to develop a multi-family residential community, including approximately 234 multi-family residential units, with a 2-story leasing/amenity building and approximately 14.2 acres of common open space/ green space for the community. The units will be developed at a density of approximately 8 units per acre and will be a maximum of 1,100 square feet and a minimum of 800 square feet.

The Applicant respectfully submits that the proposed development will conform to the Suwanee 2030 Comprehensive Plan as it is located in the Suwanee Gateway Character Area, and will be compatible with adjacent properties. The Applicant submits that the proposed rezoning would not impose any additional burdens on the transportation network. In fact, in an emerging regional activity node like the Suwanee Gateway Character Area, providing a diverse inventory of housing to complement the increased employment opportunities is essential to mitigating the transportation impacts of new growth. The Applicant further submits that the development, under

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D7-2214-008

the guidelines of the City of Suwanee, is appropriate for the subject tract, is consistent with the surrounding property and will afford the owner the opportunity to increase the number of allowed uses on site so as to provide a needed amenity for the surrounding area. The proposed development would ensure affordable and accessible housing and attract new residents, increasing the tax base without overburdening County schools, and infrastructure. Rezoning of the property will protect and promote the quality of life of the surrounding community, as well as allow the Property to be developed to its highest and best use while enhancing the "Gateway" to the City.

The Applicant welcomes the opportunity to meet with staff of the City of Suwanee Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

This 1st day of August, 2014.

Respectfully Submitted,

MAHAFPEY PICKENS TUCKER, LLP



Amanda C. Floyd
Attorneys for Applicant

RZ-2014-008

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

APPLICANT:	Diversified Holdings, LLLP
ZONING CASE NUMBER:	RZ2014-008
PRESENT ZONING DISTRICT(S):	C-2
REQUESTED ZONING DISTRICT(S):	RM-8
PROPERTY:	Sawmill Drive
SIZE:	29.29 +/- Acres
DISTRICT & L.L.:	L.D. 7th, L.L. 170
PROPOSED DEVELOPMENT:	Multi-Family Residential

received
8/5/14

The Applicant, Diversified Holdings, LLLP, hereby amends its application to amend the official zoning map of the City of Suwanee, Georgia heretofore filed with the Planning & Zoning Department of the City by the addition of the attached Exhibit to the original application.

This 4th day of August, 2014.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Amanda C. Floyd
Attorneys for Applicant

JUSTIFICATION FOR REZONING APPLICATION # RZ2014-008

The portions of the 1998 Zoning Ordinance of the City of Suwanee, Georgia (hereafter the "Ordinance") which classify or may classify the property which is the subject of this Application (the "Property") into any less intensive zoning classification other than as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant'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, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Ordinance as applied to the subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the 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, Paragraph I, and 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 of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the RM-8 classification as requested by the Applicant, and is not economically suitable for development under the present C-2 zoning classification of the City. A denial of this Application would constitute an arbitrary and capricious act by the Mayor and Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph 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 City to rezone the Property to the RM-8 classification with such 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 of the United States. Any rezoning of the subject Property to the RM-8 classification, subject to conditions which are different from the conditions by which the Applicant may amend her 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 set forth hereinabove.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP


Amanda C. Floyd
Attorneys for Applicant



NOTES

All shown utilities shall be installed underground. Large transformers shall be placed on the primary access road, not on secondary or local roads. The sewerage shall provide adequate capacity to handle the average ground water flow.
 Plans are for 125-year flood based on the property according to FEMA Flood Map 170000010C, dated September 26, 2008.

SITE DATA:

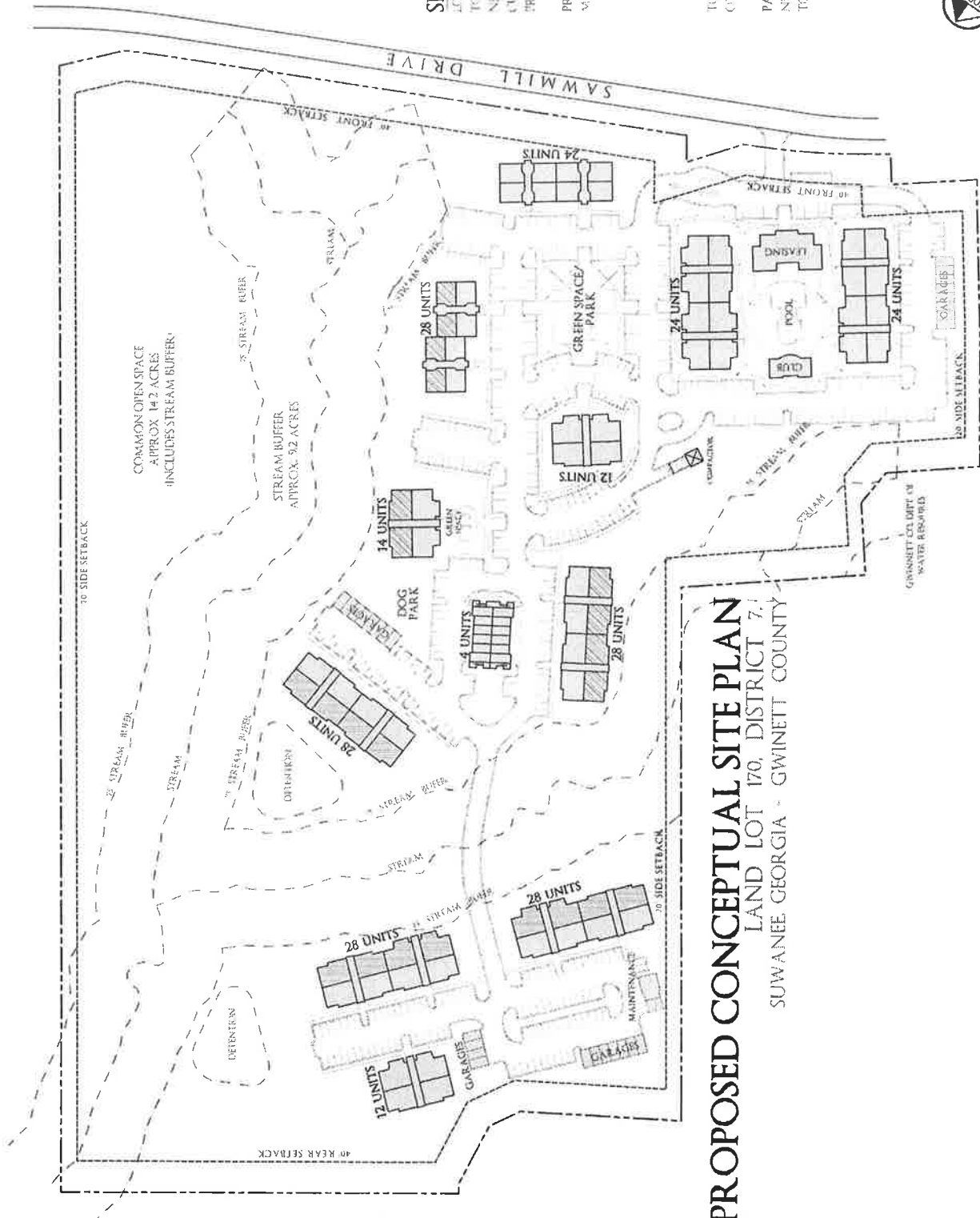
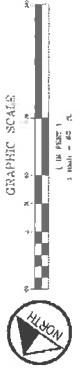
LOT ADDRESS: SAWMILL DRIVE
 TOTAL SITE AREA: 1.27894 SF
 NET ACREAGE: 30.89 ACRES
 CURRENT ZONING: C-2A
 PROPOSED ZONING: RM-5

PROPOSED USE:

MULTI-FAMILY APARTMENTS
 3 STORY APARTMENT BUILDINGS
 2 STORY LEASING/AMENITY BUILDING (APPROX. 2500 SF)
 MAXIMUM HEIGHT: 40'
 240 UNITS - 1100 SF AVERAGE, 800 SF MINIMUM
 APPROX. 270,000 SF TOTAL RESIDENTIAL
 RESIDENTIAL DENSITY: 8 UNITS PER ACRE
 TOTAL PROJECT GROSS FLOOR AREA: APPROX. 290,000 SF
 (VARIABLE) PROJECT DENSITY: 8 UNITS PER ACRE

PARKING SUMMARY:

NUMBER OF SPACES REQUIRED: 3 PER UNIT - 492 SPACES
 TOTAL SPACES PROPOSED: 492 SPACES, MINIMUM



PROPOSED CONCEPTUAL SITE PLAN
 LAND LOT 170, DISTRICT 7,
 SUWANEE GEORGIA - GWINNETT COUNTY

9/10/2014



EXHIBIT A

RZ-2014-008

(AMD)

Location Map



Legend
 RZ-2014-008 (AMD)

Zoning

- OTCD
- C-1
- C-2
- C-2A
- C-3
- M-1
- O-1
- PMUD
- GCA
- R-140
- R-100
- R-85
- R-75
- IRD
- RM-6
- RM-8

- Major Road
- City Limits

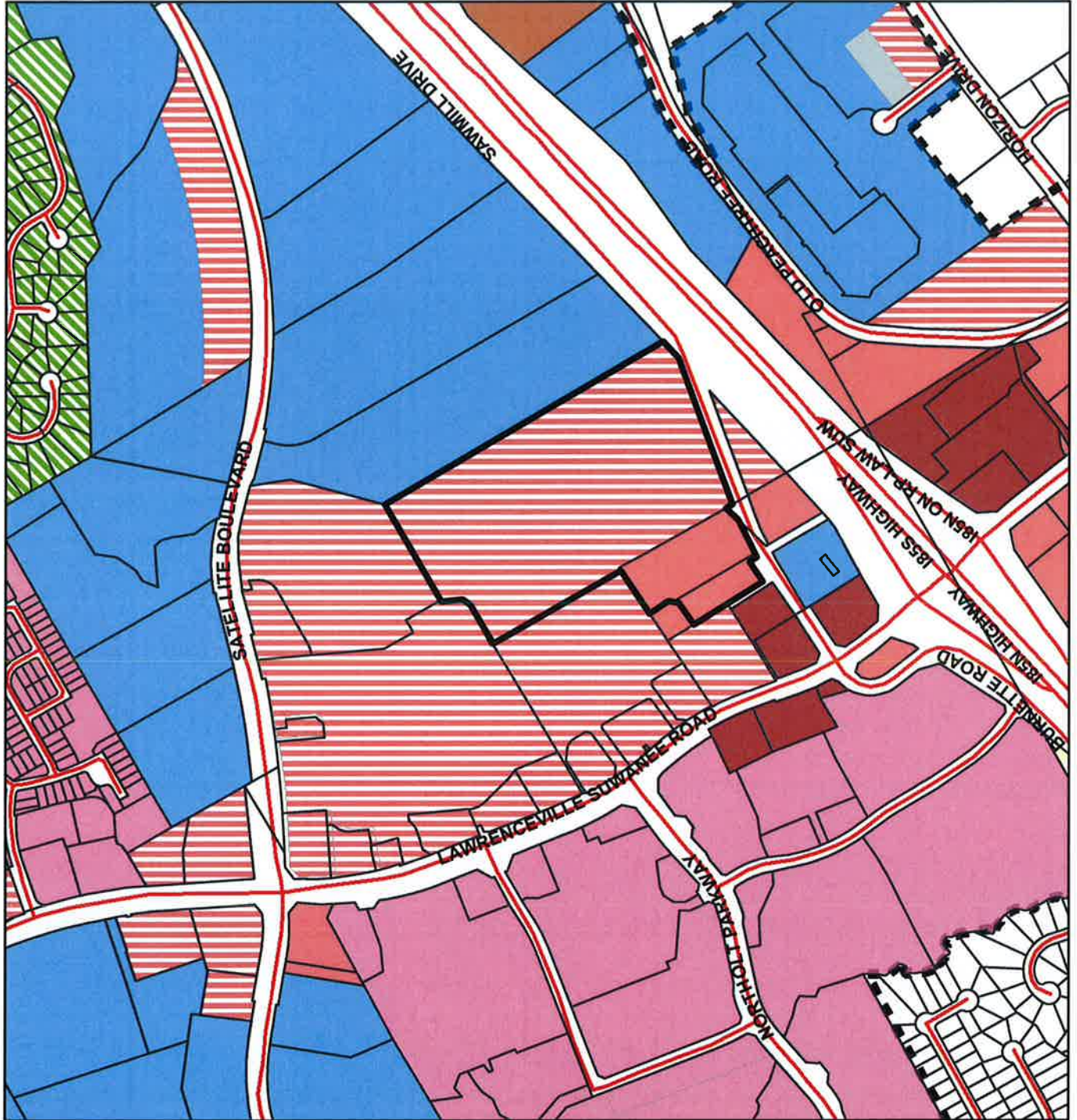




EXHIBIT B RZ-2014-008 (AMD)

Aerial Map

Legend



RZ-2014-008 (AMD)



Major Road

