

**RZ-2016-002**

**CITY OF SUWANEE  
REZONING ANALYSIS**

**CASE NUMBERS:** **RZ-2016-002**  
**REQUEST:** C-3 (SPECIAL COMMERCIAL DISTRICT) TO  
PMUD (PLANNED MIXED USE  
DEVELOPMENT)

**LOCATION:** SOUTHEASTERN CORNER OF MCGINNIS  
FERRY ROAD AND PEACHTREE  
INDUSTRIAL BOULEVARD

**TAX ID NUMBER:** 7-238-107, 7-238-108, 7-238-109, and 7-238-110

**ACREAGE:** 12.52 ACRES

**PROPOSED DEVELOPMENT:** SINGLE FAMILY TOWNHOMES IN A  
COMMERCIAL CENTER

**APPLICANT:** LENNAR GEORGIA, LLC  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GEORGIA 30097

**OWNER:** GWINNETT PRADO, LP  
3425 DULUTH PARK LANE  
DULUTH, GEORGIA 30096

**CONTACT:** MARIAN C. ADEIMY  
PHONE: 678-518-6855

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

## **PROJECT DATA:**

The applicant requests a rezoning from C-3 (Special Commercial District) to PMUD (Planned Mixed Use Development) to allow for construction of 97 townhomes.

The subject property is located along the southern side of McGinnis Ferry Road at the back of the "Shoppes at Suwanee" shopping center. The subject property consists of approximately 12.52 acres of graded but undeveloped land currently zoned C-3. The land was cleared and graded in preparation for a bowling alley, which was never built. A private road was also built on the property, Ten Pin Alley Lane, which serves both the subject property and the adjacent commercial shopping center and connects both properties to McGinnis Ferry Road and Peachtree Industrial Boulevard.

The applicant proposes to construct a total of 97 attached single family townhomes per the concept plan, 'Exhibit A'. The project would have an overall density of approximately 7.7 units per acre. Proposed townhomes would have front and side facades of primarily brick with cement siding accents. These units would be a minimum of 24 feet wide and 2,000 square feet. All units would have a front stoop lining the sidewalk, and corner units throughout the development would have wrap around porches.

The development would have two vehicular access points from Ten Pin Alley Lane, an existing private street, onto McGinnis Ferry Road and Peachtree Industrial Boulevard. One access point would be off the existing roundabout and a second close to the intersection of Ten Pin Alley Lane and McGinnis Ferry Road. These two new private entrance roads would tie into a new private street that would be lined with townhomes and provide access to multiple private alleys serving the townhomes. All proposed new roads would have be 24 feet wide with parallel parking and sidewalks. The proposed development would have multiple pedestrian access through 3 proposed pocket parks within the development with sidewalks connecting to the sidewalk along Ten Pin Alley Lane.

The proposed development includes 2 linear green parks lined with rear loaded townhomes that front the green spaces. These pocket parks terminate into a City-owned preserved natural area. The land is preserved as undisturbed open space as a result of a requirement of the Metropolitan River Protection Act. A sidewalk is proposed parallel to the natural area from the proposed neighborhood amenity area at the main entrance at the roundabout. The applicant proposes to create a piece of public art in the existing roundabout. The proposed amenity area would include a pool, mail kiosk and cabana building. Townhomes would face the amenity area on all 3 sides. A wider pocket park towards the north end of the site would line up closely with the existing pedestrian passageway through the multi-tenant retail building across the existing street, Ten Pin Alley Lane, creating both a visual and physical connection between the existing shopping center and the townhome development. This park would be fronted with rear loaded townhomes. Rear loaded townhomes face McGinnis Ferry Road where the subject property fronts the road. 16 out of 97 units would be have garages and driveways on the front of the units. These would be located at the back of the development where an existing retaining wall and topography make it impractical to create an alley.

In addition to providing a two car garage for each unit, the proposed development would include approximately 66 parallel on-street parking spaces and 10 additional 90 degree spaces near the mail kiosk for a total of approximately 270 parking spaces within the development.

### **ZONING HISTORY:**

The subject property was rezoned in 1990 from M-1 (Light Industry District) and R-100 (Single Family Residential) to C-3 (Special Commercial District). This was part of a larger rezoning of the 39 acres at the corner of Peachtree Industrial Boulevard and McGinnis Ferry Road. The 39 acres were to be master planned and developed under the name McGinnis Crossing. Over time, the rezoned parcels were developed with Walgreens in 2003, Bank of America in 2005, and the large multi-tenant shopping center in 2008.

In 2007, development plans for a bowling alley were submitted to the City and the parcels were graded at that time. The bowling alley project never advanced further than grading and naming of the private drive entering the site, Ten Pin Alley Lane.

A portion of the 39-acre McGinnis Crossing is within the Metropolitan River Protection Corridor (MRPC). The MRPC is a 2,000 foot wide corridor adjacent to the Chattahoochee River. The MRPC was created by the Metropolitan River Protection Act to protect the Chattahoochee River from pollution mainly due to sedimentation and erosion. Impervious surfaces within developments are limited within the MRPC.

In 1995, the Atlanta Regional Commission reviewed the McGinnis Crossing plans and determined that a certain amount of the total property could not be developed or graded in order to comply with the MRPC. The 6.3 acre property adjacent to the subject parcel between the property and Peachtree Industrial Boulevard is the land that was set aside as to be preserved in its natural state based on the Atlanta Regional Commission's determination. This parcel could not be developed, so it was donated to the City to be held as open space.

### **DEVELOPMENT COMMENTS:**

The following comments are provided to inform the owner/developer of certain issues that may need to be addressed:

If approved, the City will formally review the project during the normal development process.

When the subject property is developed it may use the existing detention pond located on the subject property, but the project will need to demonstrate compliance with all of the current storm water requirements for the City. A portion of the project is within the 2,000 foot Metropolitan River Protection Corridor (MRPC). This portion of the site shall remain undisturbed and in its current condition. The remainder of the proposed development is outside of the river corridor; therefore, the project does not need to go through the MRPC review process again.

## ANALYSIS:

There are no environmental issues, creeks, floodplain or wetlands that should inhibit development of the subject property. The applicant indicates that any portion of the project within the river protection corridor will remain undisturbed. The property can support the proposed development.

The Shoppes at Suwanee shopping center, which is zoned C-3 (Special Commercial District), is at the corner of McGinnis Ferry Road and Peachtree Industrial Boulevard and located directly west of the subject property. The shopping center and the proposed development share common driveways, open spaces, and detention facilities. The subject property is bound by McGinnis Ferry Road to the north and a power line easement to the east. The undeveloped property across McGinnis Ferry Road is also zoned C-3, and the Landmark at Grand Oasis Apartments, which are zoned RM-8 (Residential Multi-Family), are located on the other side of the power line easement. The property to the south is also undeveloped and zoned C-2A (Special Commercial District) and M-1 (Light Industry District).

The proposed townhomes would be less intense than nearby apartments and commercial shopping centers, but the use will be complimentary to adjacent commercial, including medical office, allowing those that live in the proposed development to walk to shops and services. The project is compatible with the quality of the multi-tenant retail building across Ten Pin Alley Lane and would create a visual and physical connection with the retail and restaurants by creating a small park in line with the pedestrian passageway through the commercial building. This would enhance the sense of place within the shopping center. The two projects are well integrated.

The existing Shoppes at Suwanee shopping center is anchored by Walgreens and Bank of America on the outparcels along Peachtree Industrial Boulevard. The rear portion of the center closest to the subject property has several medical offices, one pizza restaurant, and a hair salon within the multi-tenant commercial building. This building currently has several vacant retail and restaurant spaces. The proposed townhomes will transform the existing shopping center into a mixed-use development where residents will be within walking distance of existing and future shops and restaurants. The two properties share a private road, so the end result will appear as one seamless development much like many of Suwanee's more recently developed PMUD districts that have commercial adjacent to residential with walkable streets connecting the two uses. Building townhomes on the subject property will make existing and future shops and restaurants more viable and add 24 hour vitality to the existing shopping center.

The Future Land Use Plan calls for commercial and retail land uses on the subject property to support the overall vision of Peachtree Industrial Boulevard as Suwanee's retail spine. However, the intent on the Comprehensive Plan is for property fronting Peachtree Industrial Boulevard to be commercial. The subject property was included in this land use category as part of the larger tract of land that does front Peachtree Industrial Boulevard. The existing Shoppes at Suwanee shopping center already has a large amount of commercial development with some unleased spaces. Allowing a mix of uses by rezoning this currently C-3 property to PMUD will add needed vitality to the center. The Comprehensive Plan states that the Peachtree Industrial Boulevard corridor "should diversify to some degree in the future with additional office and residential uses, with residential development concentrated on parcels behind those with PIB

frontage in the manner of Village Grove.” This connectivity and mixing of land uses within walking distance to one another supports the broader goals of the Comprehensive Plan.

In conclusion, the requested rezoning is appropriate for this location. The addition of 97 townhome units is complementary to surrounding multifamily and commercial development and will positively contribute to the vitality of the existing shopping center and pedestrian environment by making the center mixed-use and creating a pleasant pedestrian environment along the east side of existing Ten Pin Alley. This is consistent with the goal of the Comprehensive Plan to create new residential areas behind commercial frontage along Peachtree Industrial Boulevard. Furthermore, the construction of housing units in walking distance to the shopping center will support the attraction of new retail to fill existing vacancies and make the shopping center for vibrant. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of **RZ-2016-002**.

## Recommended Conditions

### **RZ-2016-002**

1. Develop in accordance with the concept plan (dated May 4, 2016) and associated attachments and exhibits approved by City of Suwanee, 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, planting, sidewalks, multi-use paths, or other proposed features shown on the submitted plan. If needed due to conditions of zoning that require substantial changes to the concept plan, within 180 days of approval, submit revised plans to the City that 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. Site design shall be substantially similar to Exhibit 'A' including 3 pocket parks and an amenity area with a pool, each fronted by rear loaded townhomes. Frame the interior edge of the pocket park along Ten Pin Alley Lane with a hedge row or decorative fence to make a clear distinction between private property close to the townhomes and the public pocket park. The design of any pocket park on the property shall be reviewed by the Planning and Inspections Director. No development permit shall be issued until the design of the parks is approved.
3. A maximum 97 townhomes shall be allowed.
4. New private streets shall have two, 12 foot travel lanes and 8 foot wide parallel on-street parking as shown in the concept plan. All new streets shall have a minimum 5 foot wide sidewalk on both sides of the street. Plant street trees at 40 feet on center within a 5 foot wide minimum planting strip. Trees shall have a minimum caliper of 3 inches. A root barrier shall be planted with all trees adjacent to sidewalk.
5. Provide a minimum 5 foot wide sidewalk in front of the subject property along McGinnis Ferry Road from the intersection of Ten Pin Alley Lane to the eastern edge of the property.
6. Architecture shall be substantially similar to "Exhibit 'D' including covered stoops for each townhome and wraparound porches on corner units. Buildings shall use high quality building materials, such as brick and/or stone and windows with simulated divided lites. The City of Suwanee Planning and Inspections Director shall review and approve all architecture prior to the issuance of a development permit. The architecture and location of the mail kiosk will be a part of this review.
7. District Development Standards:
  - a) Minimum unit size shall be 2,000 square feet.
  - b) Townhomes shall be located on fee simple lots with a minimum width of 24 feet.
  - c) Minimum distance between buildings shall be 20 feet.
  - d) Maximum building height shall be 3 stories.
  - e) Driveways shall be a minimum of 22 feet deep.

8. Provide landscaping to screen driveways and alleys from view of Ten Pin Alley Lane. Plants used for this shall be anticipated to grow to a minimum of 4 to 6 feet in height.
9. Provide 20 tree density units per acre throughout the site. Landscaping shall be approved by the City of Suwanee Planning and Inspections Director.



## 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 proposed rezoning for the construction of townhomes would permit a use that is suitable in view of the surrounding commercial, residential, and open space uses on adjacent and nearby property.

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

Approval of the request would not adversely affect the existing uses or usability of nearby property, and will most likely positively affect the ability of nearby commercial space to be leased.

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

The subject property has a reasonable economic use as currently zoned.

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

Approval of the request likely would not result in 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 City's Comprehensive Plan recommends commercial uses for the subject property because the property was originally part of a larger tract that fronts Peachtree Industrial Boulevard. The proposed townhomes will not compromise the integrity of the Comprehensive Plan, which also encourages residential development on parcels behind those with Peachtree Industrial Boulevard frontage.

- 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 subject property was originally rezoned to C-3 as part of a master planned commercial development. Retail and office uses have been developed over time on the front of the property.

In 2007, development plans for a bowling alley were submitted to the City for subject property. The land was cleared and graded, but the bowling alley was never built. The City now has a new bowling alley project under construction elsewhere in the City, so the concept for a bowling alley at this location is no longer likely.

# REZONING APPLICATION

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

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>Lennar Georgia, Inc.</u> c/o Andersen, Tate & Carr, PC ADDRESS: <u>1960 Satellite Blvd., Suite 4000</u> <u>Duluth, GA 30097</u>	NAME: <u>Gwinnett Prado, LP</u> ADDRESS: <u>3425 DULUTH PARK LANE</u> <u>DULUTH, GA 30096</u>
PHONE: <u>(770) 822-0900</u>	PHONE: <u>(770) 813-8111</u>

CONTACT PERSON: Marian C. Adeimy CONTACT PHONE: (678) 518-6855  
 EMAIL ADDRESS: madeimy@atclawfirm.com FAX NUMBER: (770) 236-9702

**PROPERTY INFORMATION**

PRESENT ZONING DISTRICT(S): C-3 REQUESTED ZONING DISTRICT PMUD  
 PROPOSED DEVELOPMENT: Townhome development  
 TAX PARCELNUMBER(S): \_\_\_\_\_  
 ADDRESS OF PROPERTY: Ten Pin Alley and McGinnis Ferry Road  
 TOTAL ACREAGE: 12.52 PUBLIC ROADWAY ACCESS: Yes

**FOR RESIDENTIAL DEVELOPMENT:** NO. OF LOTS/DWELLING UNITS: 97  
**FOR NON-RESIDENTIAL DEVELOPMENT:** NO. OF BUILDINGS/UNITS: \_\_\_\_\_  
 DWELLING UNIT SIZE (SQ. FT.): min. 2,000 sq ft. 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.

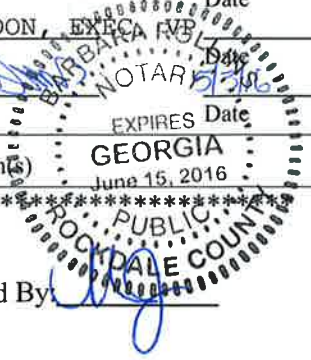
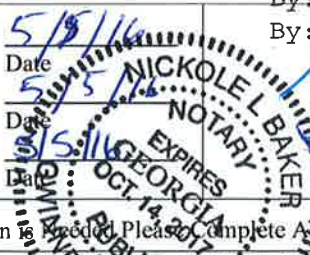
Signature of Applicant* <u>Marian C. Adeimy, Attorney</u>	Date <u>5/5/16</u>	By: <u>PRADO MANAGER, INC., GP</u>	Date <u>5/3/16</u>
Print Name* <u>Marian C. Adeimy</u>	Date <u>5/5/16</u>	Signature of Owner* <u>William A. Brogdon</u>	Date <u>5/3/16</u>
Signature of Notary <u>[Signature]</u>	Date <u>5/5/16</u>	Print Name* <u>WILLIAM A. BROGDON, EXECUTIVE</u>	Date <u>5/3/16</u>
		Signature of Notary <u>[Signature]</u>	Date <u>5/3/16</u>

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

\*\*\*\*\*

CITY OF SUWANEE USE ONLY

Date Received: 5/5/16 Case No.: RZ-2016-002 Accepted By: [Signature]



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May 5, 2016

## **Via Hand-Delivery**

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

## **Re: LETTER OF INTENT IN SUPPORT OF REZONING APPLICATION FOR LENNAR GEORGIA, INC.**

The Applicant, Lennar Georgia, Inc. (the "Applicant"), submits this Application for Rezoning of the property located at Ten Pin Alley Lane and McGinnis Ferry Road, Parcel Numbers 7238 107, 108, 109, and 110 (collectively, the "Property") from C-3 (commercial) to PMUD, for a master-planned, residential townhome and mixed-use development, to complete the existing retail development and City green space.

### **I. Rezoning Application and Support**

The Applicant seeks to collectively rezone the subject Property for a quality, mixed-use development. The proposed fee simple townhomes will provide an appropriate transition to the adjacent and more intense apartment development, while providing an amenity to the future residents with direct access to the existing commercial development.

The City of Suwanee's 2030 Comprehensive Plan identifies the Peachtree Industrial (PIB) corridor as an area with "moderate" change, being more likely to "absorb most of the future growth." The Property is not adding to future growth, but instead, replaces an already existing commercial development plan with a less intense, residential plan which further complies with the mixed-use goals throughout Suwanee, like the nearby Village Grove.

Like the similar PMUD zonings recently approved, the proposed PMUD and mixed-use zoning will achieve the goals for this area, as set for in the Comprehensive Plan, specifically, "[t]he corridor should also diversify to some degree in the future with additional office and residential uses, with residential development concentrated on parcels behind those with PIB frontage in the manner of Village Grove."

The Property reflects a remainder, infill site, a portion of which was previously designated multi-family, as part of the nearby apartment development, and later, rezoned to commercial for a proposed bowling alley, which was never realized. The Property is ripe for quality redevelopment. As achieved by this proposed site plan, the Comprehensive Plan for this corridor notes, "[e]very attempt should be made to promote parcel interconnectivity, both pedestrian and automotive, along the entire corridor, whether as part of new construction or retrofitted to existing development." This PMUD zoning and the addition of mixed-residential uses will create and complete cohesive, walkable development.

The Applicant proposes approximately 97 fee simple townhomes on the subject tract as a part of an upscale residential community with amenities including a pool, park and open space, mail center, cabana, and a total of 9.1 acres of adjacent green space owned by the City of Suwanee, as previously dedicated by the property owner of the overall commercial development. The completion of this mixed-use development will result in an overall site made up of approximately 50% mixed-uses and 50% open and green space. Future trail connectivity is available along the back of the development, through the City's adjacent 6 acre green space, and along McGinnis Ferry Road. The site plan filed and submitted herewith indicates ample parking, circulation, and a traffic circle for a future art centerpiece consistent with Suwanee's development codes.

The townhomes will be a maximum of three stories, alternating in design with brick facades and accent materials consistent with the City's existing developments and architectural codes. Like the sample elevations submitted with this Application, the Applicant proposes a quality mixture of building materials and elevations subject to all applicable ordinances and overlays, subject to approval. A similar community was designed and built by Lennar in Deerfield, located in Alpharetta, with design requirements and purchasers similar to the Suwanee market. That target market is also comparable to the empty-nesters and professionals expected to purchase in this community.

The requested rezoning is appropriate based on the previous zoning as multi-family, and current commercial zoning, both of which are based in the underlying, mixed-use development patterns in the area. Development as a large scale commercial or retail use, given the location of nearby commercial uses, would make the use and development of this property under its current zoning impossible.

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, residential, multi-family, 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. The Planned Mixed-Use Development zoning allows for consistent development with zoning flexibility to encourage a collection of uses like the one proposed.

The Applicant and property owner respectfully request that the Mayor, City Council, Planning Commission, and staff recommend and approve the Applicant's requests for Rezoning. We are glad to meet to discuss this request at your convenience.

## **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 rezoning 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 City to approve the Applicant's and property owner's requested rezoning 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 action by the City of Suwanee subjecting the Property to conditions which are different from 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 for your time and consideration of the Applicant's rezoning request. Approval of these requests will result in a quality, mixed-use development and residential community for the City of Suwanee and its residents. The Applicant and its representatives welcome the opportunity to meet with City representatives and staff to answer any questions.

Respectfully submitted this 5<sup>th</sup> day of May, 2016,

**ANDERSEN, TATE & CARR, PC**



Marian C. Adeimy  
Attorney for Applicant

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May 5, 2016

## **EXHIBIT "B"** **APPLICANT LENNAR'S RESPONSES IN SUPPORT OF 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 subject property is located at the fully signalized intersection of Peachtree Industrial and McGinnis Ferry Road, within an existing commercial and mixed-use development. A portion of the subject property was originally zoned for the extension of the multi-family and apartment communities along McGinnis Ferry Road. The property was rezoned for a master commercial development in early 2000, and the commercial market has been saturated in the immediate area, making this site more appropriate for the proposed, fee-simple, single-family townhome development. The proposed development would complete the existing master-planned and mixed-use development, while providing an appropriate transition to the adjacent residential uses, while downzoning the property from the more intense commercial uses. The proposed development will reduce traffic and provide an alternate use for timing and safety purposes.

The subject property is the only remaining parcel within the property not already zoned and developed for commercial or higher-density residential uses because of the existing uses in the area. As stated in the 2030 Comprehensive Plan for the City of Suwanee, development "should be a balance between rental and ownership properties which in turn should encourage commercial growth in strategic locations." The proposed rezone will convert a less desirable commercial site into a quality, mixed-use development, and the overall 2030 land use goals are 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 commercial/residential/office corridor within which the property is located. Nearby properties already feature multi-family, 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

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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. The proposed uses are entirely consistent with the uses of adjacent and nearby properties and will not adversely affect those properties.

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 arterial roads in the City of Suwanee, within a well-established mixed-use and commercial corridor. McGinnis Ferry road right-of-way was donated and dedicated by the original developer and owner of the commercial and subject property, with the specific intent to serve the mixed residential and commercial uses to be developed along that corridor. The site is surrounded by more intense commercial and multi-family uses, and the proposed townhomes are the only feasible use for the subject property, an infill parcel surrounded by dedicated green space, with topography limitations.

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 has public water and sewer availability, and direct access to two major thoroughfares. The PMUD district is intended to provide residential uses to support of commercial, office and retail uses, in furtherance of the Comprehensive Plan's goals for this area. The developer's history and experience with similar developments shows a typical owner as being single professionals and empty-nesters, 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 identifies the subject property as an appropriate location for mixed-uses.

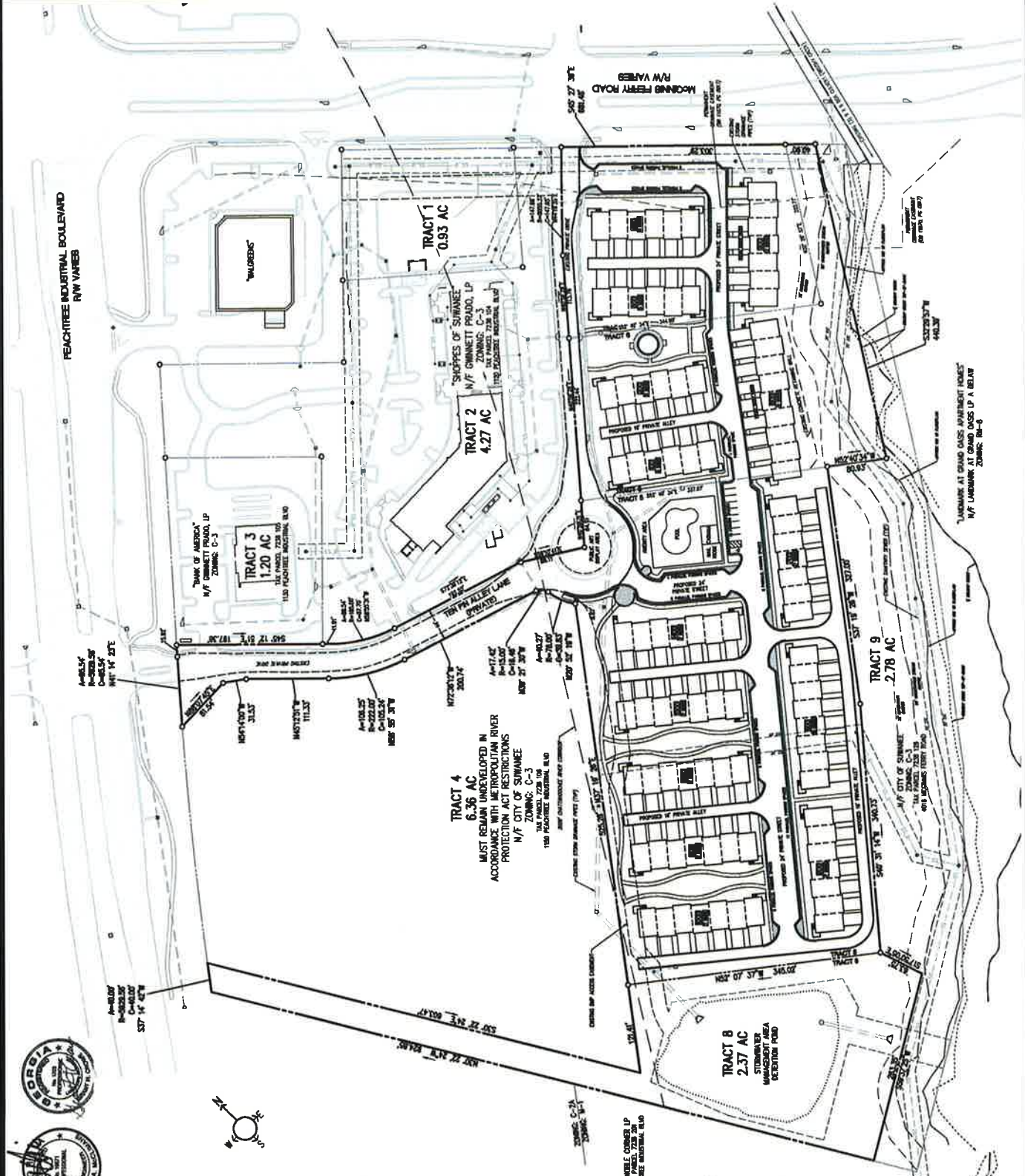
F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

Yes. The property is the last remaining infill parcel at this well established major mixed-use and commercial node. Adjacent properties have long been zoned and developed for multi-family and commercial uses. In light of the foregoing, this is an appropriate and preferred location for the completion of a quality, mixed-use development.

NO.	DATE	DESCRIPTION
1	08/15/16	ISSUED TO CITY OF SUWANEE
2	08/15/16	ISSUED TO CITY OF SUWANEE
3	08/15/16	ISSUED TO CITY OF SUWANEE
4	08/15/16	ISSUED TO CITY OF SUWANEE
5	08/15/16	ISSUED TO CITY OF SUWANEE
6	08/15/16	ISSUED TO CITY OF SUWANEE
7	08/15/16	ISSUED TO CITY OF SUWANEE
8	08/15/16	ISSUED TO CITY OF SUWANEE
9	08/15/16	ISSUED TO CITY OF SUWANEE
10	08/15/16	ISSUED TO CITY OF SUWANEE

SCALE: 1" = 80'  
 0 20 40 60 80 100  
 FEET

**MOONBAY CROSSING**  
 PROPOSED TOWNHOME DEVELOPMENT  
 CITY OF SUWANEE  
 SUWANEE COUNTY, GA  
 10000 W. 10TH AVENUE, SUITE 100  
 DENVER, CO 80202  
 TEL: 303.733.1100  
 WWW.LANDWORKSLLC.COM



**VICINITY MAP**  
 SCALE: 1" = 1 MILE  
 SOURCE: USGS

**1. LEGAL DESCRIPTION**  
 THE LEGAL DESCRIPTION OF THE PROPERTY IS AS SHOWN ON THE ATTACHED PLAT AND IS SUBJECT TO ALL EASEMENTS, ENCUMBRANCES, AND RESTRICTIONS OF RECORD.

**2. ZONING**  
 THE ZONING OF THE PROPERTY IS AS SHOWN ON THE ATTACHED PLAT AND IS SUBJECT TO ALL EASEMENTS, ENCUMBRANCES, AND RESTRICTIONS OF RECORD.

**3. ADJACENT PROPERTIES**  
 THE ADJACENT PROPERTIES ARE AS SHOWN ON THE ATTACHED PLAT AND ARE SUBJECT TO ALL EASEMENTS, ENCUMBRANCES, AND RESTRICTIONS OF RECORD.

**4. UTILITIES**  
 THE UTILITIES ARE AS SHOWN ON THE ATTACHED PLAT AND ARE SUBJECT TO ALL EASEMENTS, ENCUMBRANCES, AND RESTRICTIONS OF RECORD.

**5. EASEMENTS**  
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**6. RESTRICTIONS**  
 THE RESTRICTIONS ARE AS SHOWN ON THE ATTACHED PLAT AND ARE SUBJECT TO ALL EASEMENTS, ENCUMBRANCES, AND RESTRICTIONS OF RECORD.

**7. NOTES**  
 1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SUWANEE AND SUWANEE COUNTY.  
 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SUWANEE AND SUWANEE COUNTY.  
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10	08/15/16	ISSUED TO CITY OF SUWANEE

RZ-2016-002 Exhibit A



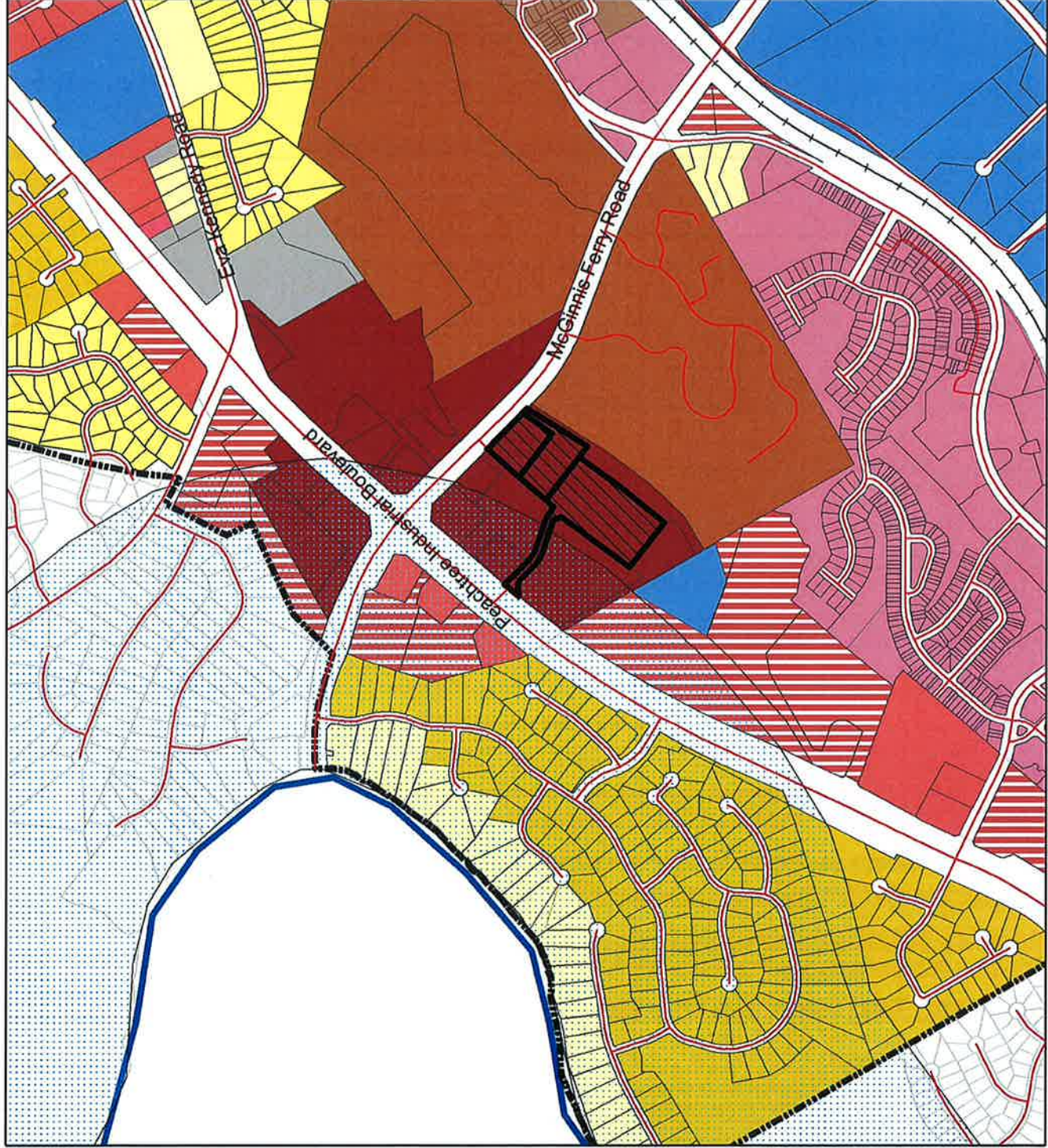






# Exhibit B RZ-2016-002

- Legend**
- RZ-2016-002
  - Streets
  - Chattahoochee River
  - River Protection Corridor
  - City Limits
  - C-1
  - C-2
  - C-2A
  - C-3
  - O-I
  - M-1
  - PMUD
  - R-100
  - R-75
  - R-85
  - RM-8
  - RM-6







# Exhibit C

## RZ-2016-002

### Legend



RZ-2016-002



Streets



River Protection Corridor







Exhibit D

D3-2015-03





Exhibit D

2025-01-08





Exhibit D

D7-2012-002





**LENNAR**

**4-Unit Townhome**

05.03.16



The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes, structural, and MEP design requirements, utility and site conditions, etc.)

RZ-2016-002 Exhibit D





Exhibit D

B7 - 2012.03



Exhibit D

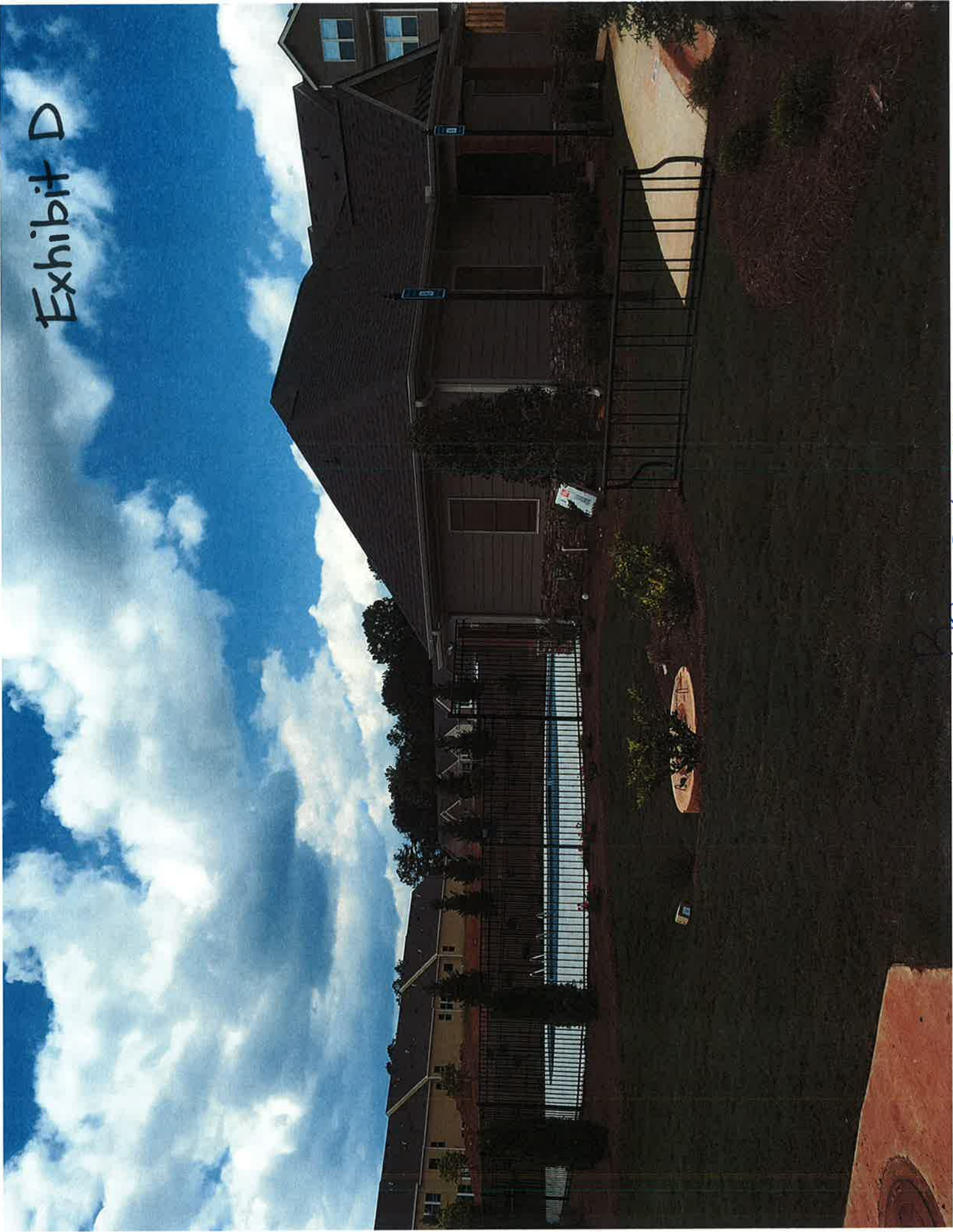






Exhibit D

PS 2011-007