

REZONING(S):

RZ-2016-004

**CITY OF SUWANEE
REZONING ANALYSIS**

CASE NUMBER: RZ-2016-004

REQUEST: M-1 (LIGHT INDUSTRIAL DISTRICT) & R-140
(RESIDENTIAL SINGLE FAMILY DISTRICT)
TO PMUD (PLANNED MIXED-USE
DEVELOPMENT)

LOCATION: 450 BUFORD HIGHWAY

TAX ID NUMBERS: 7-236-003 & 7-211-048

ACREAGE: APPROXIMATELY 18 ACRES

PROPOSED DEVELOPMENT: MIXED-USE DEVELOPMENT

APPLICANT: LYNWOOD DEVELOPMENT
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GA 30097

OWNER: DONALD JOHNSA
450 HIGHWAY 23
SUWANEE, GA 30024

CONTACT: MARIAN ADEIMY
PHONE: 678-518-6855

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

The subject property consists of 2 tracts of land totaling approximately 18 acres on Buford Highway. Tract 1 is zoned M-1 (Light Industrial District) and is currently occupied by the Suwanee Lumber Company. Tract 2 is zoned R-140 (Residential Single Family District) and is predominantly undeveloped and wooded with the exception of a portion of the property that was rezoned to M-1 in 1988 for an expansion to Suwanee Lumber Company. Tract 2 is bisected by a stream and floodplain.

The applicant requests a rezoning from M-1 (Light Industrial District) and R-140 (Residential Single Family District) to PMUD (Planned Mixed-Use Development District) for a mixed-use project that would include 70 townhomes along an extension of Suwanee Avenue and 2 four story apartment buildings along Buford Highway, which would be an expansion of the planned mixed-use project on the adjacent parcel at the corner of Buford Highway and Chicago Street.

The City of Suwanee's Downtown Development Authority (DDA) currently owns the adjacent parcel at the corner of Buford Highway and Chicago Street. DDA is an independent authority

that serves as the development arm of a city. This property was recently rezoned to PMUD for development of a mixed-use project including up to 240 apartment units, up to 30,000 of commercial, and a multi-level parking deck that will serve both the project and Town Center. The DDA is currently working with private developer, Terwilliger Pappas, to develop the property in a manner that is consistent with and compliments Town Center.

Since the rezoning of the DDA property, the preliminary design phase started, and it is apparent, due to topographical constraints, that the subject property is needed in order to accommodate the full intended mixed-use project. The DDA property includes a detention facility that serves Town Center at the back of the site. This area is burdened with steep topography and presents development challenges.

This extension of the previously zoned project onto the subject property is labeled as Phase I in the Phasing Plan, "Exhibit E," which includes 2 four story apartment buildings along Buford Highway. The reconfiguration of the 240 units into multiple buildings will not add any more units than were previously approved for the DDA property. This 240 will be spread out into 3 buildings extending the project further down Buford Highway. Phase I is planned to have 10,000 square feet of commercial/retail.

In addition to this extension of the previously approved project, the applicant proposes to build 70 townhomes at the rear of the subject property. 4.8 acres of the site would be left as natural open space within the floodplain. A new public street would extend Suwanee Avenue from the west end of Suwanee Avenue to Buford Highway. This extension would serve as the spine of the new townhome neighborhood, and it would connect the neighborhood to both Town Center and the new mixed-use project.

The proposed townhomes would be a minimum of 1,800 square feet and built with materials compatible with existing Town Center development. The applicant proposes a cluster of front loaded townhomes at the low point of the site adjacent to the Shadowbrook neighborhood, and rear loaded townhomes fronting Suwanee Avenue closer to Buford Highway. More front loaded townhomes would be located behind the rear loaded townhomes. All units would access garages from alleys off of Suwanee Avenue.

The remaining 4.5 acres of the property on the west side of the stream and flood plain would be reserved for future development. If the current rezoning proposal is approved, then the area identified as future redevelopment would need to be rezoned prior to development.

DEVELOPMENT COMMENTS:

When the subject property is developed it may use the master detention facility located on the adjacent property owned by the Downtown Development Authority, but the project will need to demonstrate compliance with all of the storm water requirements for City.

ANALYSIS:

The subject property includes approximately 18 acres adjacent to Buford Highway. The applicant proposes to extend the planned mixed-use project at the corner of Buford Highway and Chicago Street and distribute the approved multi-family units and commercial development down Buford Highway along the front of the property and build 70 new townhomes at the back of the property along an extension of Suwanee Avenue connecting to Buford Highway.

The subject property includes streams, floodplain, and wetlands. The property also has some severe slopes including 60 feet of elevation changes. These challenges make the land along Buford Highway the most appropriate land for more intensive development. The area towards the rear of the property will require more environmentally sensitive development. Impacts to streams, floodplain and wetlands should be minimized. The proposed zoning proposal appears to address these issues. Ultimately, compliance with applicable stream buffer, floodplain management and wetland ordinances will be addressed within the development process should the proposal be approved.

The subject property is surrounded by a mixture of uses and zoning districts. To the north, across Buford Highway, is a mixture of commercial uses including a credit union (zoned C-2), multi-tenant shopping center (zoned Old Town Commercial District – OTCD) and an auto repair shop (zoned OTCD). The Old Town Commercial District is only allowed within the Old Town Overlay District. It allows for many commercial uses that are found in C-1 and C-2, but also allows for uses that involve the sale of alcohol. OTCD also requires reduced setbacks. To the east of the subject property is the adjacent property recently rezoned to PMUD for the planned mixed-use project and Town Center, which is also zoned PMUD and contains a mixture of uses including residential, commercial, institutional recreational, and office uses. To the west is undeveloped property zoned R-140 residential that also fronts Buford Highway. To the south is property zoned R-140 residential with single family homes on very large tracts of land. The land directly south of the proposed townhomes is covered extensively by floodplain and is not developed.

The proposed townhomes are compatible with surrounding uses. Townhomes would be directly adjacent and connected to existing townhome and small-lot single family development in the Shadowbrook neighborhood behind Town Center. Other land adjacent to the proposed townhomes is undevelopable due to floodplain or planned for more intense development. The City's Comprehensive Plan recommends a mixture of residential and non-residential uses for the property. As envisioned in the Comprehensive Plan, townhomes serve as a transitional use between high intensity mixed-use along Buford Highway and detached single family.

The City developed the 2030 Comprehensive Plan to guide the City. The Comprehensive Plan allows for and encourages mixed-use development in specific areas. The subject property falls into the Town Center Character Area. This Character Area is identified as an appropriate location for mixed-use developments, specifically mixed-use center, similar to Town Center in function and style. The Plan also called for Town Center to expand onto the subject property. *"Particular attention should be paid to expanding Town Center to the south...continuing development down Buford Highway to support the Old Town gateway at Russell Street..."* The Downtown Suwanee Master Plan adopted in 2009 anticipates 3-5 story mid-rise mixed-use development on the subject property. The latest update of the Downtown Suwanee Master Plan

update also calls for Town Center-style development to extend down Buford Highway toward Russell Street.

The proposed plan adheres closely to the land use recommendations of the 2015 Downtown Suwanee Master Plan with townhomes at the rear of the site and higher density residential along Buford Highway. However, the Downtown Suwanee Master Plan calls for mixed-use on the subject property with an intent of a continuation of Town Center down Buford Highway toward Russell Street. There is currently no new commercial component proposed for the subject property. The addition of retail/commercial on the ground floor of the buildings that would anchor the corners of Buford Highway and Suwanee Avenue would create vibrancy and interest at the intersection for pedestrians and continue the presence of commercial down Buford Highway.

Similarly, while townhomes are a compatible use with the adjacent townhomes and small-lot single family in the Shadowbrook neighborhood, the form of the streets and relationship of the townhomes to the public realm is not compatible with existing homes in Town Center. Existing homes in Town Center are all rear loaded and served by rear alleys with a consistent relationship of backs facing backs and fronts facing fronts. All homes face either a street or a mews creating a quality environment for pedestrians walking along the sidewalks walking by either a green space or front stoops and porches with garages out of sight. Townhomes within the proposed development should be reconfigured to mimic these patterns of existing Town Center townhomes.

The proposed project would provide added connectivity in Suwanee's downtown by extending Suwanee Avenue to Buford Highway. The extension of Suwanee Avenue is one of the goals of both the Comprehensive Plan and the Downtown Suwanee Master Plan. (See Exhibits F & G). The plans call for the extension of Suwanee Avenue from its current termination in the Shadowbrook neighborhood to King Street to connect more of Suwanee's residential areas to Town Center. A roundabout was created in Shadowbrook in anticipation of this extension. This is a key connection in the long range plans for downtown Suwanee with the intention of eventually extending the road all the way into George Pierce Park. The proposed development would not make the connection all the way to King Street, but it would extend the connection all the way through the development. A pedestrian/bicycle connection should be made from King Street to the proposed Suwanee Avenue extension when the western portion of the site is developed in the future.

The proposed townhomes and extension of mixed-use development down Buford Highway closely adheres to the recommendation of the 2015 Downtown Suwanee Master Plan and the intended land use and intensity prescribed by the 2030 Comprehensive Plan. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of **RZ-2016-004**.

Recommended Conditions

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The Planning Department recommends rezoning the subject property to PMUD subject to the following enumerated conditions:

1. Develop in accordance with the concept plan (dated July 1, 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. Development shall occur consistent with the phases, uses, and development standards outlined as follows and as shown in the “Phasing” exhibit.
 - A. Phase I: Any development authorized on the subject property for RZ-2015-001 may be distributed into the area identified as Phase I of Exhibit ‘E’. All conditions from RZ-2015-001 shall apply to this phase with the following additions:
 - i. Provide a minimum of 5,000 square feet of street level commercial at the corner of each building at the corner of Buford Highway and Suwanee Avenue. Uses in this space shall be limited to those found in the Old Town Commercial District.
 - ii. Surface parking other than on-street parking shall be located behind or within buildings. Any off-street parking areas shall meet the minimum landscape standards for parking lots as indicated in the City of Suwanee Zoning Ordinance.
 - B. Phase II shall be limited to 75 single family attached residential units with the following development regulations.
 - i. Minimum unit size shall be 1,800 square feet.
 - ii. Townhomes shall be located on fee simple lots.
 - iii. Minimum width for townhomes shall be 22 feet.
 - iv. Townhomes will have a front yard setback of 5 feet from the right-of-way. Stoops, steps and landscaping may be located within this setback.
 - v. Minimum distance between buildings shall be 20 feet.
 - vi. Driveways shall be a minimum of 22 feet long.
 - vii. All units shall have rear loaded, 2 car garages served by rear alleys.
 - viii. No units shall have the back of the unit facing the detention area/future amenity area.
 - ix. Townhomes shall use high quality materials, including brick and/or stone on at least the front and sides of buildings and windows with simulated divided lites. Siding shall be limited to rear elevations and must be fiber cement

siding. Each townhome shall have a covered front stoop at the entrance elevated between 18 inches and 6 feet above the grade of the sidewalk in front of the townhome, as much as practical. Corner units shall have wrap around porches similar to those in the adjacent Shadowbrook neighborhood. Wood or fiber cement materials may be used as trim or on porches/stoops. Railing materials may be wrought iron, wood, or steel. The City of Suwanee Planning and Inspections Director shall have final approval for all architecture prior to the issuance of a development permit. The architecture and location of the mail kiosk will be part of this review.

C. Phase III shall be labeled as “future development” on all site plans.

3. A new street with 2 travel lanes and 8 foot wide on-street parallel parking shall be provided from existing Suwanee Avenue to Buford Highway per the concept plan dated July 1, 2016. Bulb-outs shall be provided at intersections where on-street parking is provided.
4. Minimum 5 foot wide landscape strips shall be provided on both sides of all new streets directly adjacent to the back of the curb. Within the landscape strips, street trees shall be planted on 40 foot centers. Said street trees shall comply with the requirements of the Buffer, Landscape, and Tree Preservation Ordinance. Minimum 5 foot wide sidewalks shall be provided on both sides of all the streets adjacent to the landscape strips. A root barrier shall be planted with all trees adjacent to a sidewalk.
5. Streets shall meet the standards of a local street. The final size of right-of-way and road design shall be subject to the approval of the City Engineer. Streets shall comply with City of Suwanee construction standards pertaining to thickness, depth, compaction, construction methods and materials. Said streets shall be two pass streets.
6. All rear alleys shall be constructed as approved by the City Engineer and shall be located on private property.
7. Should traffic signalization be determined to be needed, signals shall be mast-arm style signals subject to the review and approval of Georgia Department of Transportation. Any signals installed to serve development of the property shall be installed at the expense of the developer.
8. All utilities shall be located underground.
9. Provide bicycle racks with a minimum of 5 spaces near the entrance of any non-residential building.
10. Detention may be satisfied by existing detention facility on adjacent property.
11. 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 development is consistent with the use and development of the nearby and adjacent property.

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

With the recommended conditions, approval of the request would not likely affect the existing uses or usability of nearby property.

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

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

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

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 proposed concept plan follows the recommendations found in the Land Use Plan. The plan adheres closely to the recommendations of the 2015 Downtown Suwanee Master Plan with townhomes at the rear of the site and higher density residential along Buford Highway. The City's Comprehensive Plan recommends a mixture of residential and non-residential uses for the property.

- 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 City of Suwanee is currently in the process of completing a context sensitive design for Buford Highway that is intended to accommodate uses and development consistent with the proposal. The planned development on the adjacent property at the corner of Chicago Street and Buford Highway is currently in design. Preliminary design of said project revealed that the existing soils and topography necessitate the need to utilize a portion of the subject property to

accommodate the planned number of units. If approved, development of the site should be coordinated with the construction of Buford Highway.

REZONING APPLICATION

received
7-7-16 90

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

APPLICANT INFORMATION*

NAME: Lynwood Development c/o
Andersen, Tate + Carr, PC
 ADDRESS: 1760 Satellite Blvd., Ste. 4000
Duluth, GA 30097
 PHONE: (770) 822-0900
 CONTACT PERSON: Marian Adeimy
 EMAIL ADDRESS: madeimy@atchlawfirm.com

OWNER INFORMATION*

NAME: Donald Johnson
 ADDRESS: 450 Hwy 23
Suwanee, GA 30024
 PHONE: (770) 945-2102
 PHONE: (678) 518-6855
 FAX NUMBER: (770) 236-9702

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): M1+R-140 REQUESTED ZONING DISTRICT PMUD
 PROPOSED DEVELOPMENT: mixed-use and residential (with RZ2015-001)
 TAX PARCEL NUMBER(S): _____
 ADDRESS OF PROPERTY: 450 Hwy 23 (Buford Hwy.), Suwanee, GA
 TOTAL ACREAGE: 18.6 PUBLIC ROADWAY ACCESS: Yes, 200+ feet
 FOR RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: 70
 DWELLING UNIT SIZE (SQ. FT.): min. 2,000
 FOR NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/UNITS: 1-2
 TOTAL GROSS SQUARE FEET: 10,000 sq. ft.

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>Marian Adeimy</u> Signature of Applicant*	<u>7/1/16</u> Date	<u>Donald Johnson</u> Signature of Owner*	<u>3-23-16</u> Date
<u>Marian Adeimy Attorney</u> Print Name	<u>7/1/16</u> Date	<u>JOHNSA</u> Print Name*	<u>3-23-16</u> Date
<u>[Notary Seal]</u> Signature of Notary	<u>7/1/16</u> Date	<u>[Notary Signature]</u> Signature of Notary	<u>3-23-16</u> Date

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



CITY OF SUWANEE, GEORGIA
 Date Received: 7/1/16 Case No.: TBD Accepted By: [Signature]

RZ-2016.004

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July 1, 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 LYNWOOD DEVELOPMENT FOR THE PROPERTY LOCATED AT
450 HIGHWAY 23, SUWANEE, GEORGIA (THE "PROPERTY" AND/OR
"LUMBER YARD")**

The Applicant, Lynwood Development (the "Applicant"), submits this Application for Rezoning of the property located at 450 Highway 23 (Buford Highway), Suwanee, Georgia, to rezone the Property and Lumber Yard from M1 and R-140 to PMUD, for a master-planned, mixed-use development, to include 70, high-end townhomes to support the existing Suwanee Town Center.

I. Rezoning Application and Support

The adjacent property was recently zoned PMUD by the City of Suwanee for a quality, mixed-use development. The proposed fee simple townhomes will provide an appropriate transition to the adjacent townhomes and mixed-commercial property, while adding rooftops and active homeowners near Suwanee Town Center.

The proposed townhomes will replace a more intense, industrial lumber yard use with a less intense, residential plan which further complies with the mixed-use goals for Suwanee Town Center, and along Buford Highway. The proposed plan also incorporates the updates and future improvements along Buford Highway. 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.

This PMUD zoning and the addition of 70, high-end townhomes will create and complete cohesive, walkable development. The site will also provide for a quality land plan to include the residential development and 10,000 square feet of commercial/retail space as previously zoned. The Property reflects a remainder, infill site, and is ripe for quality redevelopment. Like the proposed site plan, the Comprehensive Plan for this corridor notes, "[e]very attempt should be made to promote parcel interconnectivity,

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both pedestrian and automotive, along the entire corridor, whether as part of new construction or retrofitted to existing development.”

The completion of this mixed-use development will include 4.8 acres of green space. In addition to its connection to Suwanee Town Center, future road and trail connectivity is available along the back of the development. The site plan also includes ample parking and circulation, consistent with Suwanee’s development codes. The townhomes will be a maximum of three stories, and a minimum of 1,800 sq. ft., alternating in design with materials consistent with the City’s existing developments and architectural codes. The development will target professionals, millennials and empty-nesters seeking to live near Suwanee Town Center.

The requested rezoning and change in conditions propose mixed, townhomes uses that are compatible with the character of Suwanee Town Center, the adjacent townhome development, and the mixed-use corridor within which this Property is located. Those 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. Future development as estate lots or for industrial uses make the redevelopment of this property under its current zoning economically unfeasible. The Planned Mixed-Use Development zoning encourages a quality combination of uses as proposed.

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

Approval of this Rezoning application 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 1st day of July, 2016,

ANDERSEN, TATE & CARR, PC



Marian C. Adeimy
Attorney for Applicant

Enclosures: Application,
Site Plan (Exhibit "A"),
Responses in Support (Exhibit "B"),
and Disclosures (Exhibit "C")

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July 1, 2016

EXHIBIT "B" **APPLICANT LYNWOOD'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 within an existing commercial and mixed-use development corridor and consistent with the zonings previously approved for the surrounding property. The proposed development will add to the existing mixed-use development, while providing an appropriate transition to the adjacent townhomes and residential uses.

The subject property is a remainder parcel and was identified in the City's future land use plans for redevelopment and mixed-uses like the townhomes being proposed. 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 industrial 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 Suwanee Town Center corridor within which the property is located. Nearby properties already feature townhomes, condominium, 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. Those existing uses further demonstrate the suitability of the townhomes proposed in 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 proposed uses are entirely consistent with the uses of adjacent and nearby properties and will not adversely affect those properties.

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

No. The property's location within a well-established mixed-use and commercial corridor makes the existing lumber yard use inappropriate and inconsistent with the surrounding development, and if it remains as zoned, redevelopment will be economically unfeasible, thus denying the property a reasonable economic use.

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 existing 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 a single professional or empty-nester, and this development will have little to no impact on schools. The townhomes propose improved interparcel access and will not cause excessive use of existing streets, transportation facilities or utilities.

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

Yes. The City of Suwanee's 2030 Comprehensive Plan and future land use plans identifies the subject property as being an intended and appropriate location for higher density residential and mixed-uses, like the townhome and mixed-use development being proposed.

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. Adjacent properties have already been zoned for similar townhomes, residential and mixed uses, and the requested zoning and land plan helps to complete and support the existing Suwanee Town Center.

City of Suwanee
Official Zoning Map Amendment
Resolution/Ordinance

Case Number: RZ-2015-001 ,

At the regular meeting of the Suwanee City Council held at Suwanee City Hall, 330 Town Center Avenue, Suwanee, Georgia on a motion by Mayor Pro Tem Hilscher , and seconded by Councilmember Foster , which carried by a vote of 6-0 , the following Resolution/Ordinance was adopted:

A Resolution/Ordinance to Amend the Official Zoning Map of the City of Suwanee

WHEREAS, an applicant has petitioned the City of Suwanee to amend the City's Official Zoning Map from M-1 & PMUD to PMUD , for the proposed use of mixed-use building containing retail and multi-family , on property described on the attached legal description, which is incorporated herein by reference; and

WHEREAS, notice to the public regarding said Amendment has been duly published in the Gwinnett Daily Post, the Official Legal Organ of the City of Suwanee; and

WHEREAS, the City of Suwanee's Planning Commission reviewed the petition and filed a report with the City Council; and

WHEREAS, a duly advertised public hearing was held before the Suwanee City Council on September 8, 2015 ;

NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 8th day of September , 2015 that the aforesaid application to amend the Official Zoning Map from M-1 & PMUD to PMUD is hereby **APPROVED** subject to the following conditions:

1. Development shall be a unified mixed-use project containing up to 240 residential units and up to 30,000 square feet of commercial/office space. Development shall have a minimum of 10,000 square of commercial space at street level and directly facing Buford Highway and Chicago Street. Uses in this space shall be limited to those found in the Old Town Commercial District. Uses in the remainder of the building shall be limited to those that are customarily found in residential areas.
2. Development shall include a multi-level parking deck.

3. Architecture shall be reviewed and approved by the City of Suwanee Planning and Inspections Director prior to the issuance of a development permit. Architecture shall be of a first-class manner consistent with downtown styles, materials and features.
4. Residential development shall be subject to the following development standards:
 - a. Up to 5% of the residential units may contain 3 bedrooms.
 - b. Up to 40% of the residential units may contain 2 bedrooms.
 - c. All remaining units shall be one bedroom or studio units.
 - d. The average size of all the units must fall between 900 and 1,000 square feet.
 - e. All units shall be separately metered to allow for condominium conversion.
 - f. All units shall have a minimum 9 foot interior ceiling heights, 42” cabinet heights, premium countertop surfaces and premium appliances.
 - g. First class tenant amenities such as a swimming pool, a workout center, an electric car charging station shall be provided.
 - h. In addition to the standards listed above, development shall be subject to all applicable life safety and building codes.
 - i. The building and parking area for the residential development shall be via controlled access.
5. Commercial development shall be subject to the following development standards:
 - a. Primarily glass storefronts.
 - b. Minimum 20 feet interior ceiling heights.
 - c. Design shall allow for construction of restaurant uses in a portion of the project via the provision of adequate base infrastructure.
6. The development of the site, including design and construction, shall be coordinated with the construction of Buford Highway, with an emphasis on ensuring that the “sidewalk area” is consistent with the requirements of the Zoning Ordinance. Materials, street furniture, street trees, lighting, etc. shall be consistent with the City’s plans for Buford Highway.
7. Outdoor dumpsters shall be contained in an enclosure constructed of a material consistent with the primary building material for the building.
8. Prior to issuance of a development permit a comprehensive signage plan shall be submitted for review and approval by the City.
9. If not specifically addressed in the Downtown Suwanee Master Plan, the City’s current zoning, sign, development building code and other regulations shall apply and remain in full force and effect. Nothing herein shall grant deviations to building, fire or other life-safety codes or regulations except as normally allowed by said codes.
10. Developer shall improve the aesthetics of the existing shared detention pond to include the use of landscaping materials such as grasses, shrubs, and trees. Any fencing materials used around the pond shall be decorative and consistent with existing fencing in the area.


11. Developer shall participate in a public meeting held at City Hall for the purpose of articulating and sharing the building layout and design to the general public. Said meeting shall be conducted at least 30 days prior to the issuance of a building permit for the site.
12. The construction types for the site shall meet or exceed the construction types of the existing mixed-use buildings in Town Center. Specifically, commercial construction shall be Type 1 and the residential portions shall be Type 5A.

APPROVED AND ADOPTED THIS 8th DAY OF September, 2015.

**SUWANEE CITY COUNCIL, A GEORGIA
MUNICIPAL CORPORATION**

BY: 
JAMES M. BURNETTE, JR., MAYOR

BY: 
BETH S. HILSCHER, MAYOR PRO TEMPORE

BY: 
DANIEL E. FOSTER, COUNCILMEMBER

BY: 
RICHARD I. GOODMAN, COUNCILMEMBER

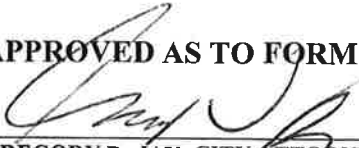
BY: 
DOUG IRELAND, COUNCILMEMBER

BY: 
LINNEA MILLER, COUNCILMEMBER

ATTESTED TO BY:


ELVIRA ROGERS, CITY CLERK

APPROVED AS TO FORM:


GREGORY D. JAY, CITY ATTORNEY
CHANDLER, BRITT & JAY, LLC

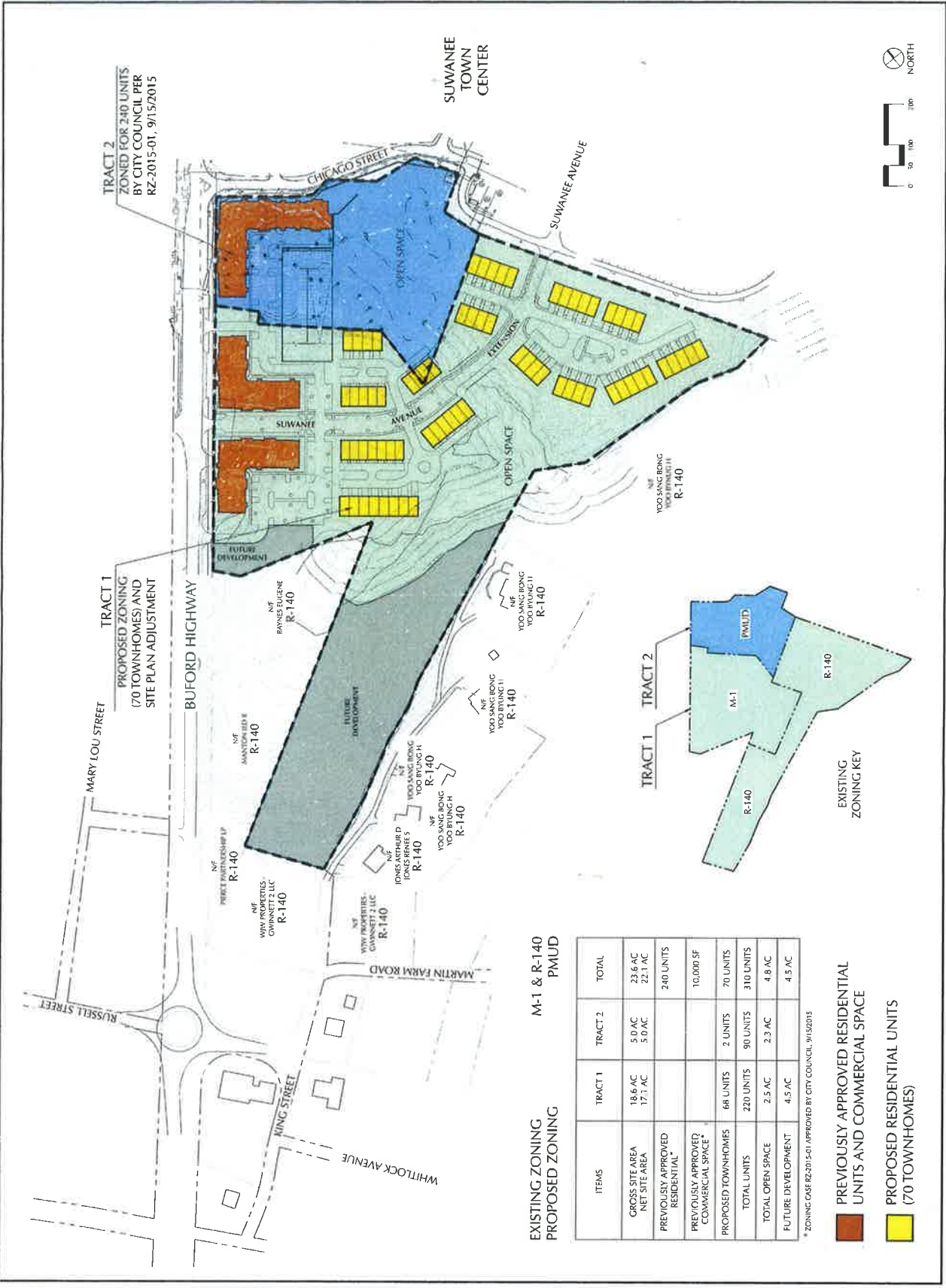
SOLIS TOWN CENTER
 SUWANEE, GEORGIA
 TERWILLIGER PAPPAS
 LYWOOD DEVELOPMENT GROUP

ZONING PLAN

DATE	7/17/16
PROJECT NO.	160038
PROJECT TITLE	160038(01)
DESIGNER	TS
CHECKED	TS
SCALE	1"=100'
DATE	

Z-1
1 of 1

REVISIONS	
NO.	DESCRIPTION



EXISTING ZONING
 PROPOSED ZONING

ITEMS	TRACT 1	TRACT 2	TOTAL
GROSS SITE AREA	18.6 AC	5.0 AC	23.6 AC
NET SITE AREA	17.7 AC	5.0 AC	22.7 AC
PREVIOUSLY APPROVED RESIDENTIAL*			240 UNITS
PREVIOUSLY APPROVED COMMERCIAL SPACE			10,000 SF
PROPOSED TOWNHOMES	68 UNITS	2 UNITS	70 UNITS
TOTAL UNITS	220 UNITS	90 UNITS	310 UNITS
TOTAL OPEN SPACE	2.5 AC	2.3 AC	4.8 AC
FUTURE DEVELOPMENT	4.5 AC		4.5 AC

- PREVIOUSLY APPROVED RESIDENTIAL UNITS AND COMMERCIAL SPACE
- PROPOSED RESIDENTIAL UNITS (70 TOWNHOMES)



RZ-2016.004

Exhibit A

* ZONING CASE RZ-2015-01, APPROVED BY CITY COUNCIL, 9/15/2015

Exhibit B RZ-2016-004

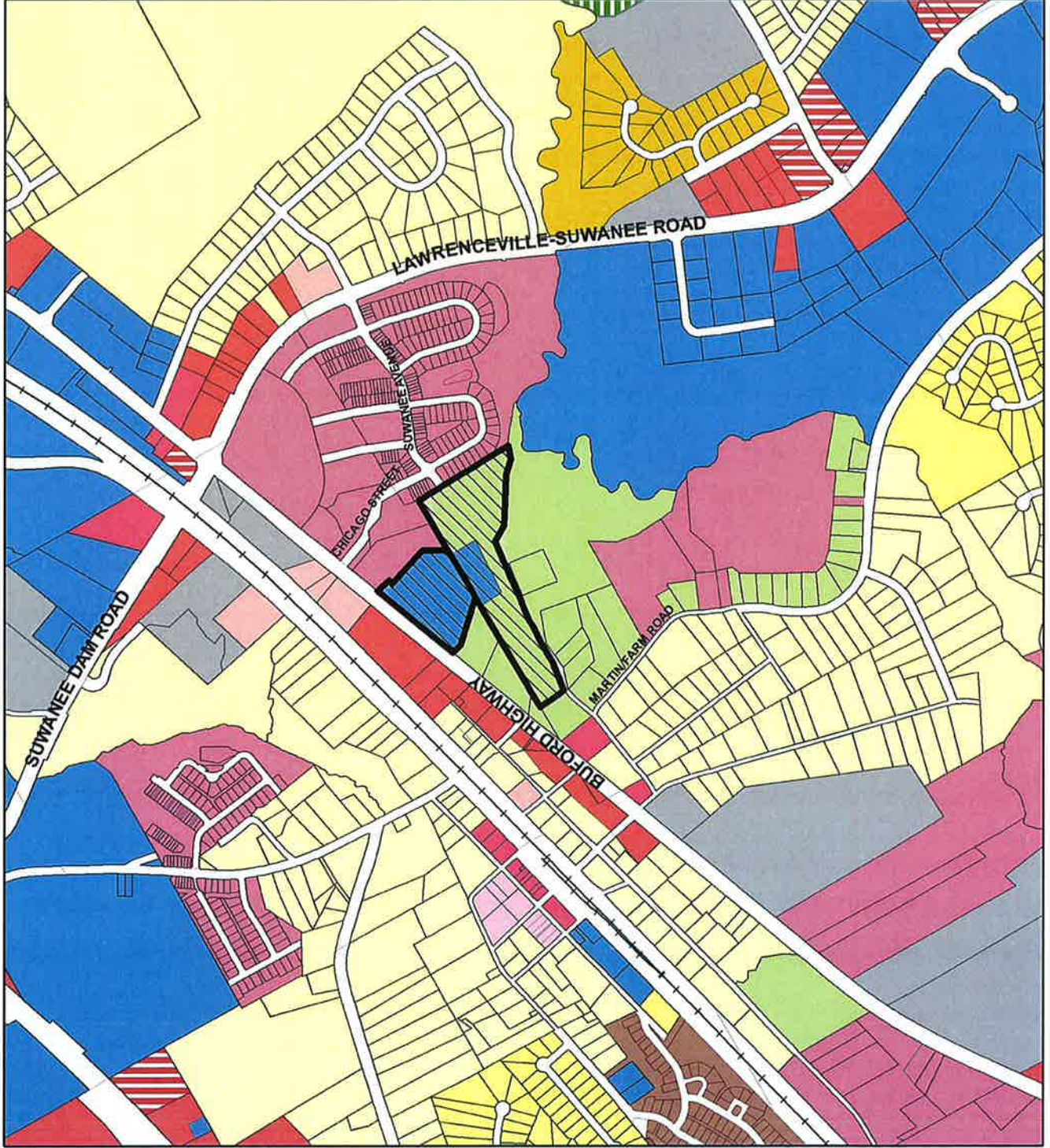
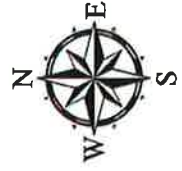
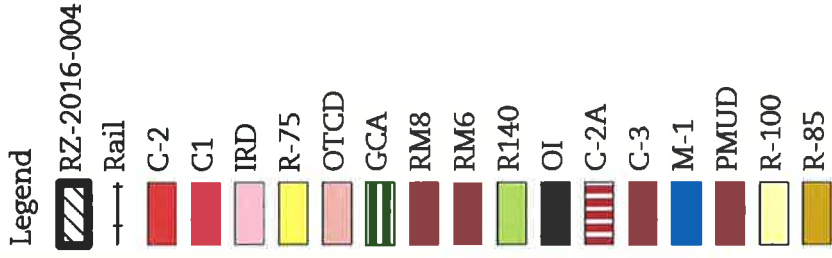






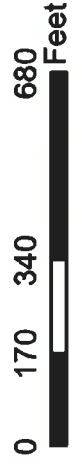


Exhibit C

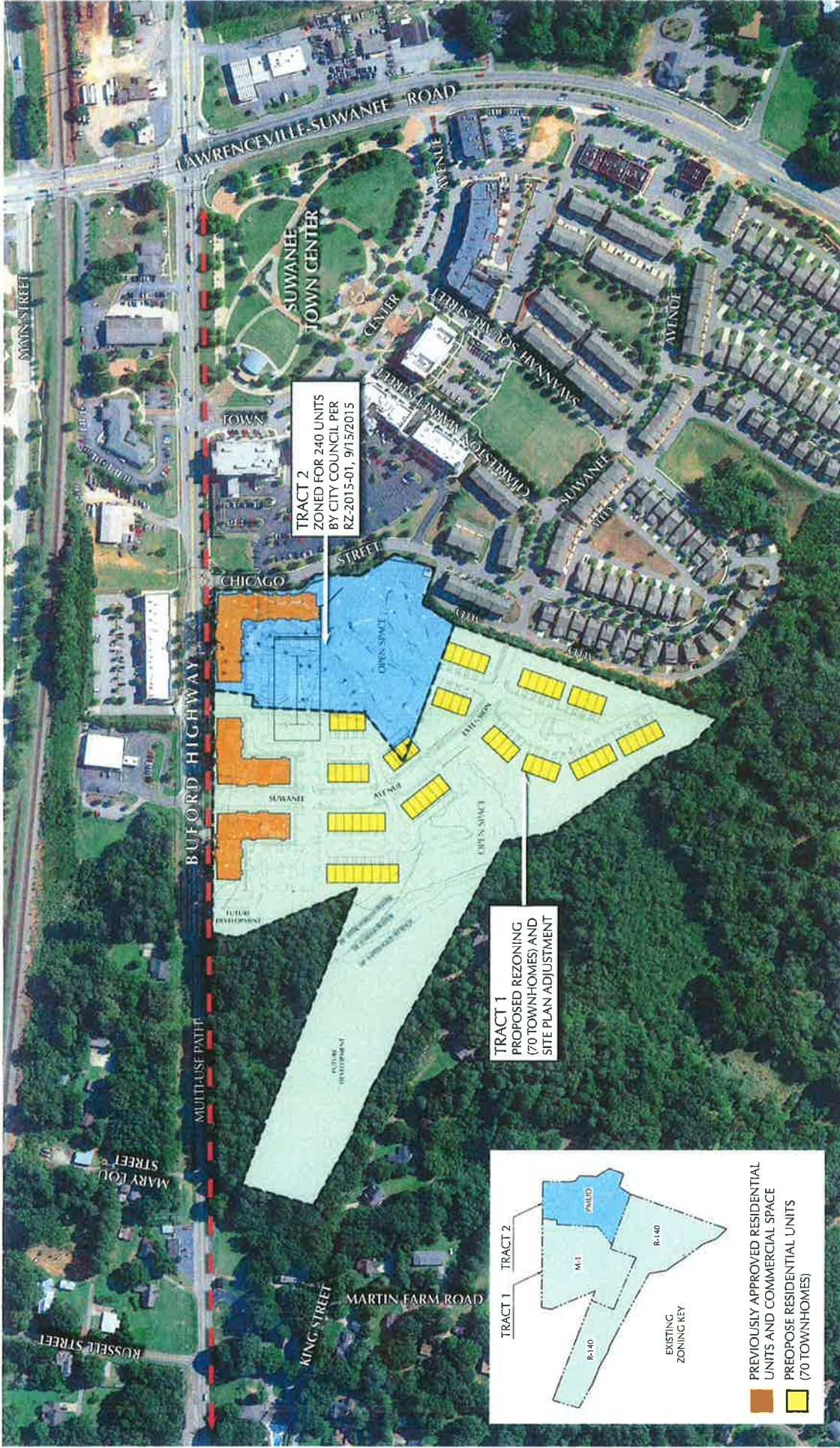
RZ-2016-004

Legend

-  RZ-2016-004
-  RZ-2015-001
-  Streets
-  Rail
-  Streams
-  100 Year Floodplain



SOLIS TOWN CENTER



SCHEMATIC PLAN



SUWANEE, GA
JULY 1, 2016

PROJECT #16008
File: 16008-2016-07-01-plan.aerial



E7-2016-n-004

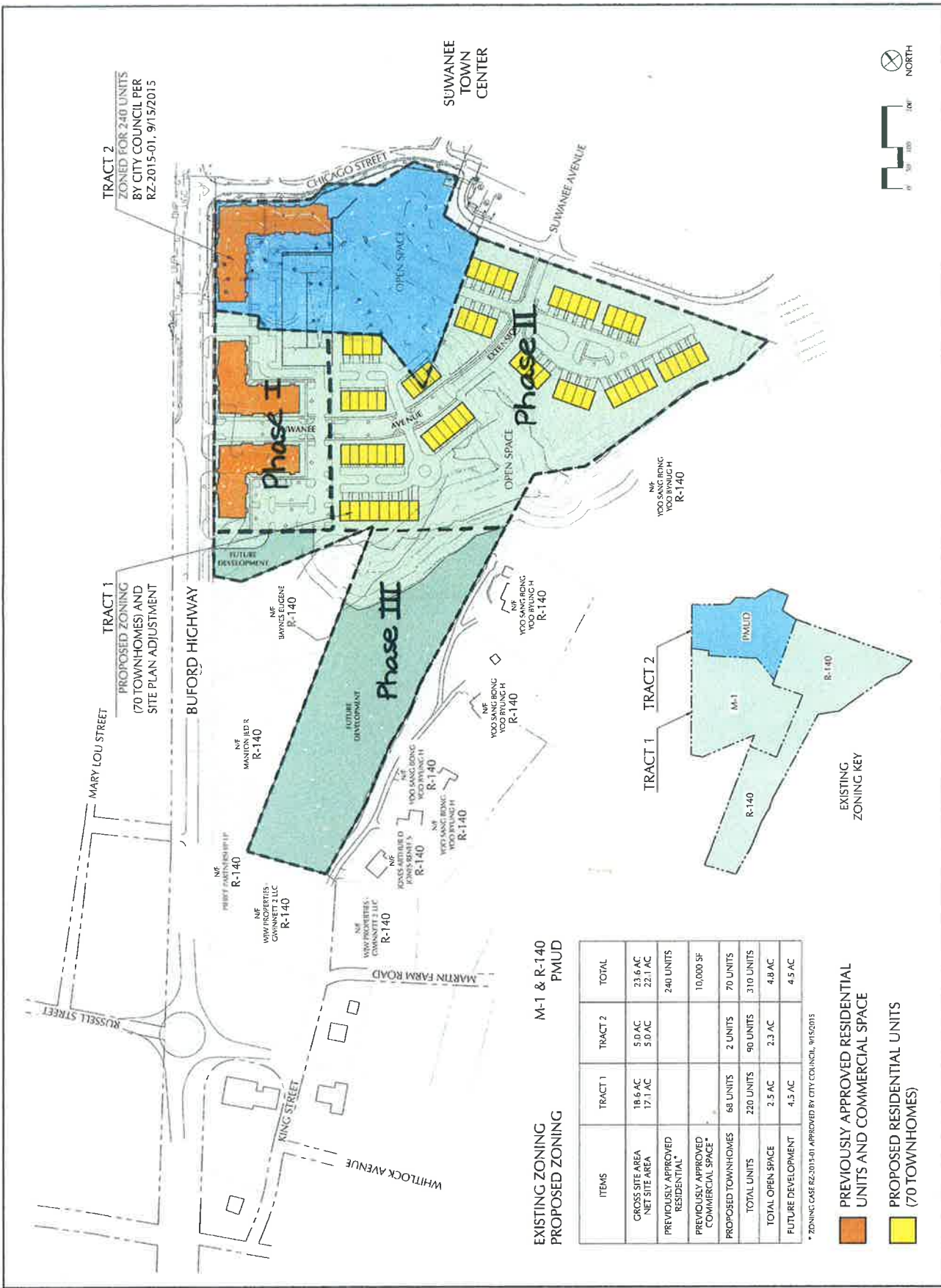
Exhibit D



NO.	DATE	REVISIONS

SOLIS TOWN CENTER
 SUWANEE, GEORGIA
 TERWILLIGER PAPPAS
 LYNWOOD DEVELOPMENT GROUP

ZONING PLAN
 7/17/16
 16008
 16008pv1
 15
 15
 1"=100'
 Z-1
 1 of 1



EXISTING ZONING
 M-1 & R-140
 PROPOSED ZONING
 PMUD

ITEMS	TRACT 1	TRACT 2	TOTAL
GROSS SITE AREA	18.6 AC	5.0 AC	23.6 AC
NET SITE AREA	17.1 AC	5.0 AC	22.1 AC
PREVIOUSLY APPROVED RESIDENTIAL*			240 UNITS
PREVIOUSLY APPROVED COMMERCIAL SPACE*			10,000 SF
PROPOSED TOWNHOMES	68 UNITS	2 UNITS	70 UNITS
TOTAL OPEN SPACE	220 UNITS	90 UNITS	310 UNITS
FUTURE DEVELOPMENT	2.5 AC	2.3 AC	4.8 AC
	4.5 AC		4.5 AC

* ZONING CASE RZ-2015-01 APPROVED BY CITY COUNCIL 9/15/2015

- PREVIOUSLY APPROVED RESIDENTIAL UNITS AND COMMERCIAL SPACE
- PROPOSED RESIDENTIAL UNITS (70 TOWNHOMES)

RZ-2016.004

Exhibit E

TOWN CENTER AREA CONCEPTUAL PLAN



Note: This conceptual plan represents one possibility for redevelopment and public improvements and is for illustrative purposes only. This plan assumes that any future development will occur with willing property owners and developers working in concert with the City of Suwanee.



View looking north along Buford Highway toward Town Center