

Rezoning(s):  
RZ-2016-006

**CITY OF SUWANEE  
REZONING ANALYSIS**

**CASE NUMBERS:** **RZ-2016-006**  
**REQUEST:** PMUD (PLANNED MIXED USE DEVELOPMENT) TO PMUD (CHANGE OF CONDITIONS)

**LOCATION:** 558 AND 608 NORTHOLT PARKWAY

**TAX ID NUMBER:** 7-169-199 and 7-169-200

**ACREAGE:** APPROXIMATELY 11 ACRES

**PROPOSED DEVELOPMENT:** 67 SINGLE FAMILY TOWNHOMES

**APPLICANT:** JOHN A. HASTINGS  
2870 PHARR COURT, UNIT 3001  
ATLANTA, GEORGIA 30305

**OWNER:** SLF III-GA SUWANEE GATEWAY, LLC.  
3400 PEACHTREE ROAD NE, SUITE 650  
ATLANTA, GEORGIA 30326

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

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

**PROJECT DATA:**

The applicant requests a rezoning from PMUD (Planned Mixed Use Development District) to PMUD (change of conditions) to allow for construction of 67 townhomes. The subject property is made up of 2 tracts (identified as Tract 12 per RZ-2006-013) located along the southern side of Northolt Parkway within the Suwanee Gateway PMUD. The subject property consists of approximately 11 acres of undeveloped, wooded land currently zoned PMUD allowing office and institutional uses as part of the larger planned development.

The applicant proposes to construct a total of 67 attached single family townhomes. The project would have an overall density of approximately 6 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 is proposed to have one vehicular and pedestrian access point off of Northolt Parkway. There are currently two existing curb cuts onto Northolt Parkway, but the proposed development would abandon one of these curb cuts to allow more efficient use of the site due to the site constraints of stream buffers and steep topography. A new 24 foot wide street would

bridge over a stream that bisects the site connecting two clusters of proposed rear loaded townhomes that would front this main street. Each cluster of townhomes would have a townhome building that faces Northolt Parkway. All townhomes would be accessible via alleys off of this main street.

In addition to providing a two car garage for each unit, the proposed development would include approximately 55 parallel on-street parking spaces and 16 additional 90 degree spaces dispersed throughout the development for a total of approximately 71 parking spaces within the development.

### **ZONING HISTORY:**

The subject property was rezoned in 2006 to PMUD (Planned Mixed Use Development District) to allow for a mixed-use development that included a mix of commercial, office, industrial, institutional and multi-family residential uses. The subject property is approximately 11 acres out of the entire 140 acre project. The subject property was zoned to allow for 4 story office buildings or senior living units.

### **ANALYSIS:**

The subject property contains steep topography and two streams that cross the site. The property is able to support the proposed development, however these site constraints make it impractical to connect to any adjacent parcels and limit the internal road network. The topography also makes retaining walls necessary throughout the site to accommodate rear loaded townhomes including 3 to 17 foot tall retaining walls along the existing sidewalk on Northolt Parkway. This wall should be constructed or faced with high quality materials due to size and presence it will have on the pedestrian realm along Northolt Parkway and view from the existing high quality development, Salude, across the street. As proposed, pedestrian access to the development would be limited to the sidewalks along the new street off Northolt Parkway.

The subject property is located on the edge of a planned mixed use development known as the Terraces at Suwanee Gateway. It is surrounded by elements of the planned project and residentially zoned property located in Suwanee and in unincorporated Gwinnett County. The property is across the street from the Salude transitional care facility and the Terraces at Suwanee Gateway apartments, which are both part of the same PMUD. There is a stream at the eastern edge of the property. Across the stream are 2 undeveloped tracts that are within the PMUD and zoned for 5 story offices. An existing trail also runs along the stream. The parcels to the west of the subject property are zoned R-100 and contain 2 single family homes on large lots, one of which is located within the City Limits of Suwanee. The subject property backs up to the existing Northbrooke Square single family subdivision, which is outside the City limits in unincorporated Gwinnett County.

Townhomes would be a less intense land use than office or senior living, which the property is currently zoned for. However, townhomes would still be an appropriate for the larger PMUD as a whole, which already has office, retail, multifamily and institutional uses. Townhomes would add a new use to the PMUD and serve as a transitional use between adjacent single family and more intense uses. Furthermore, townhomes would be complimentary to nearby commercial

uses allowing those that live in the proposed development to walk to retail, entertainment and offices.

The 2030 Comprehensive Plan calls for more intensive and mixed-use development in the Suwanee Gateway Character Area. The Gateway PMUD was intended to be a catalytic project to transform the Gateway into more intensive and higher quality development at Suwanee's front door. The proposed townhomes are of very high quality and will contribute to intensifying the residential in the area.

In conclusion, the requested rezoning is appropriate for this location. The addition of 67 townhome units is complementary to surrounding multifamily and commercial development and will positively contribute to the vitality of the Suwanee Gateway PMUD. Townhomes are a good transitional use between existing single family adjacent to the PMUD and the more intense development within the PMUD. Finally, the change of allowable uses from office to townhomes will not compromise the goal of the Comprehensive Plan or the Gateway tax allocation district to attract more office to the Gateway Area. There are still 2 large tracts of land remaining within the Gateway PMUD that are zoned for office and located closer to the existing office and Lawrenceville-Suwanee Road. Access from the site onto the existing sidewalks on Northolt is limited as currently proposed. If approved, a pedestrian connection should be made from the existing sidewalk along Northolt Parkway and a sidewalk running in front of and connected to the townhomes that face Northolt Parkway to provide more direct access to the rest of the Gateway by residents of the proposed development. The Planning Department recommends **APPROVAL WITH CONDITIONS** of **RZ-2016-006**.

## Recommended Conditions

### **RZ-2016-006**

1. All conditions of zoning from prior zoning approvals shall remain in effect unless they conflict directly with any of the following conditions.
2. Develop in accordance with the concept plan (Labeled as Option B and identified by project #2016.082) 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, submit revised plans to the City that reflect the changes required herein by the conditions of zoning.
3. A maximum 67 townhomes shall be allowed. Townhomes shall be rear loaded. A minimum of 12 units shall face Northolt Parkway.
4. New streets (either public or private) shall seek to have two, 12-foot travel lanes and 8 foot wide parallel on-street parking, which includes curb and gutter, as shown in the concept. 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 located either in front of or behind the sidewalk. Trees shall have a minimum caliper of 3 inches. A root barrier shall be planted with all trees adjacent to a sidewalk. Final design of the roads, whether public or private, shall be approved by the City Engineer. Alleys shall be private and are subject to the approval of the City engineer.
5. If an existing curb cut and the associated deceleration lane are removed along Northolt Parkway, the section of impacted road shall be reconstructed to match the existing street design and dimensions.
6. All existing street trees along Northolt Parkway shall be contained in active tree protection fencing during the entire development and construction period. No construction equipment, vehicles, materials or other intrusions into the protected area are allowed. Removal of the fencing shall be subject to the approval of the Planning Director.
7. Street lights for Northolt shall be maintained or an alternative shall be provided subject to the approval of the Planning Department.
8. 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.

9. 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 16 feet between heated areas and 10 feet from exterior covered porches.
  - d) Maximum building height shall be 3 stories.
  - e) Driveways shall be a minimum of 22 feet deep.
  
10. Setbacks and buffers from adjacent properties shall be as follows:
  - a. Front property line (along Northolt Parkway): 5-foot setback. (retaining walls may be located within the setback)
  - b. Side property line: 0 feet where adjacent to non-residential uses.  
25-foot-wide undisturbed buffer and 40-foot setback where adjacent to residential uses.
  - c. Rear setback: Maintain a minimum 25 foot wide natural undisturbed buffer supplemented by an additional 25 foot wide landscape strip (for a total of 50 feet) along the property lines with the abutting Northbrooke Square subdivision.
  
11. Provide landscaping to screen driveways and alleys from view of any public or private street. Plants used for this shall be anticipated to grow to a minimum of 4 to 6 feet in height. Landscaping shall be approved by the City of Suwanee Planning and Inspections Director.
  
12. Provide pedestrian connections from townhomes facing Northolt Parkway to the existing sidewalk network on Northolt.
  
13. Materials used for walls along Northolt Parkway shall be subject to the approval of the Planning 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 nearby residential and institutional uses.

- 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.

- 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. The subject property is within the Suwanee Gateway Planned Mixed Use Development, which was a Development of Regional Impact (DRI) requiring a study and recommended measures to mitigate the impact on traffic. The number of units the project proposes are within the number allowed by the DRI.

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

The City's 2030 Comprehensive Plan recommends mixed-use center for the subject property. The property was zoned to a PMUD by a previous owner. The original plan showed office uses for the subject property. The proposed townhomes will not compromise the integrity of the Comprehensive Plan, which envisioned the Gateway area to include a mix of uses including residential, commercial and office within walking distance to one another.

- 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 zoned to PMUD as part of a master planned development. Retail and office uses have been developed over time on the front of the property, and multifamily and institutional have been developed in the rear of the Gateway. The development of office on the subject tracts is not likely at this point, but residential development on the tracts would be compatible with nearby residential and Salude, the transitional care facility across the street from the subject property. The tracts of land at the front of the Gateway where office is more desirable near the existing office building are still zoned for office uses, so the opportunity to more office at the Gateway in the future will not be compromised.



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November 21, 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: SUPPLEMENTAL LETTER OF INTENT, DISCLOSURES AND RESPONSES IN  
SUPPORT OF REZONING APPLICATION FOR LENNAR GEROGIA, INC. AND  
JOHN A. HASTINGS, CASE NO. RZ-2016-006**

Dear Mr. Campbell:

The Applicants John A. Hastings and Lennar Georgia, Inc. (collectively, the "Applicant"), submit this Application for Rezoning for the existing mixed-use property zoned PMUD and located at Northolt Parkway, Parcel Numbers 7-169-199 and 7-169-200, Tracts 12 and 13 (collectively, the "Property") from PMUD to PMUD for changes to zoning conditions in order to allow for the addition of approximately 61 quality residential townhomes, as originally proposed as part of the master plan for the Terraces at Suwanee Gateway.

**I. Rezoning Application and Support**

The Applicant seeks to change certain zoning conditions required to develop townhomes as part of the existing mixed-use development. The proposed fee simple townhomes will provide an appropriate transition to the adjacent and more intense apartment, senior living and future hotel development, while providing an amenity to the future residents with direct access to the existing commercial and retail uses.

Like the similar PMUD zonings recently approved, the proposed PMUD and mixed-use zoning will achieve the goals for the Suwanee Gateway Character Area, as set for in the Comprehensive Plan, specifically, to investigate incentives and opportunities for affordable and senior houses in the area. The proposed development meets both land use goals, by providing affordable, but quality townhome uses, and by serving empty-nesters and seniors seeking to downsize but remain in the Suwanee area. Those goals continue to be met by promoting the townhome uses currently proposed as part of the master plan for this area.

The Property is an infill site with extensive streams and topography constraints, all which require a seasoned, quality builder like Lennar. The previous mixed-uses for the property included townhomes as part of that master plan. The continuance of that plan and PMUD zoning create and help to complete a cohesive, walkable development to support future uses.

The Applicant proposes approximately 61 fee simple townhomes, pedestrian connectivity and open space. The Applicant proposes to relocate the existing driveway in order to preserve the existing streams and provide for improved circulation. 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. Like Lennar's recent development at McGinnis Ferry and PIB, they expect the market to include primarily empty-nesters and young professionals.

The requested changes in conditions is appropriate based on the current PMUD zoning, specifically calling for the proposed mixture of residential uses, with additional property to be preserved for commercial and hotel uses in the future. Development of the subject Property for commercial or retail use, given its proximity to similar nearby uses, makes the development of this property under its current zoning conditions economically unfeasible.

In contrast, the requested rezoning and change in conditions propose a high-end residential use that is absolutely compatible with the character of the mixed-use corridor within which this Property is located.

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 and related changes in zoning conditions. 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. Responses in Support**

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 mixed-use development corridor and consistent with the zonings previously approved for this Property. The proposed development will support the existing mixed-use development, while providing an appropriate transition to the adjacent residential uses.

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 Gateway corridor within which the property is located. Nearby properties already feature residential 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.

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 zoning, and if it remains as conditioned, 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 identifies the subject property as an appropriate location for higher density residential and 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. This Property and nearby parcels 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 master plan for the area.

**IV. Conclusion**

Thank you for your time and consideration of the Applicant's rezoning request. Approval of these requests will result in a quality 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.

Sincerely,



Marian C. Adeimy  
Attorney for Applicant

One Sugarloaf Centre  
1960 Satellite Boulevard, Ste. 4000  
Duluth, Georgia 30097

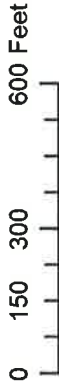
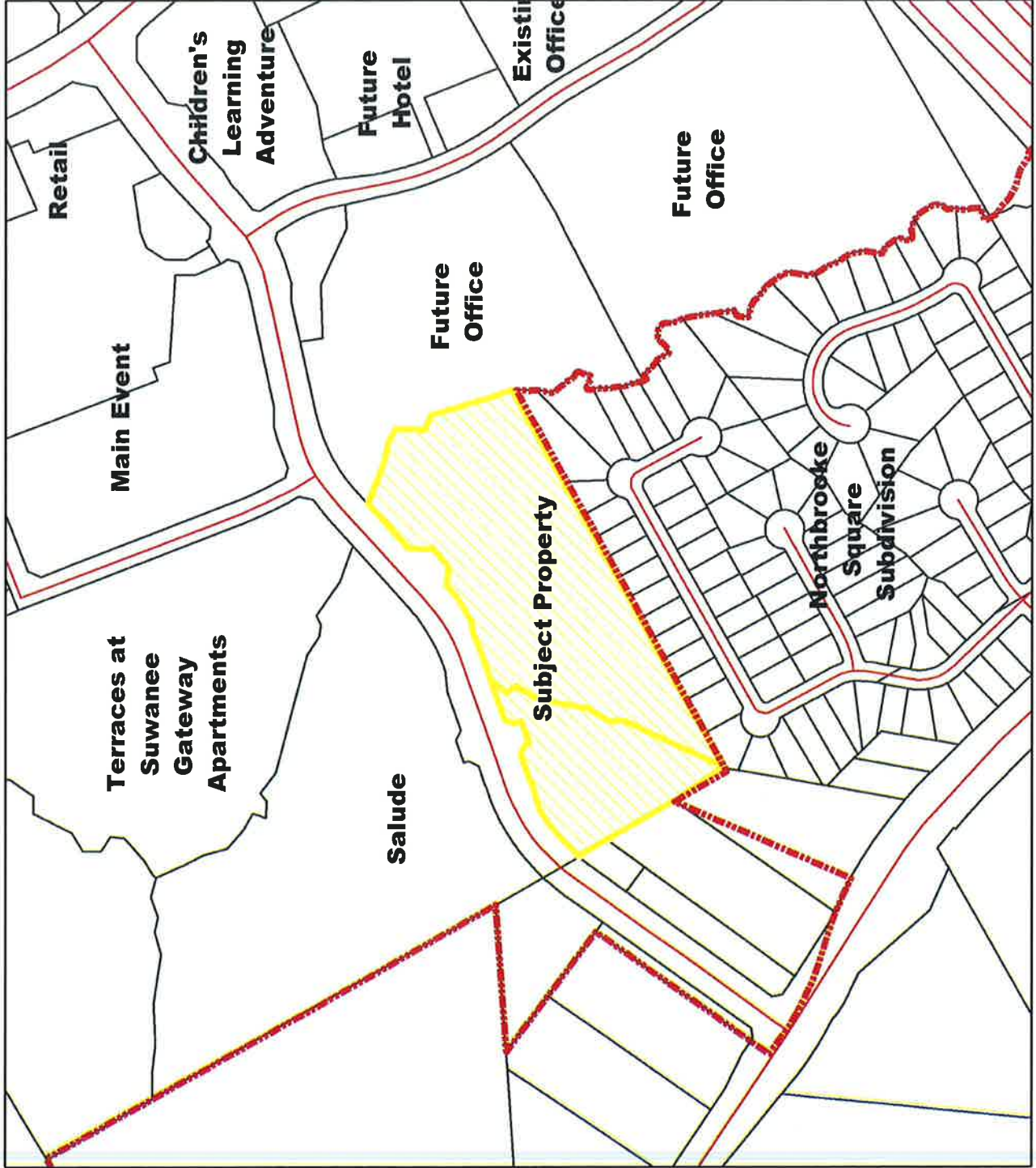
*Enclosure/Exhibit*



Exhibit A  
RZ-2016-006

Legend

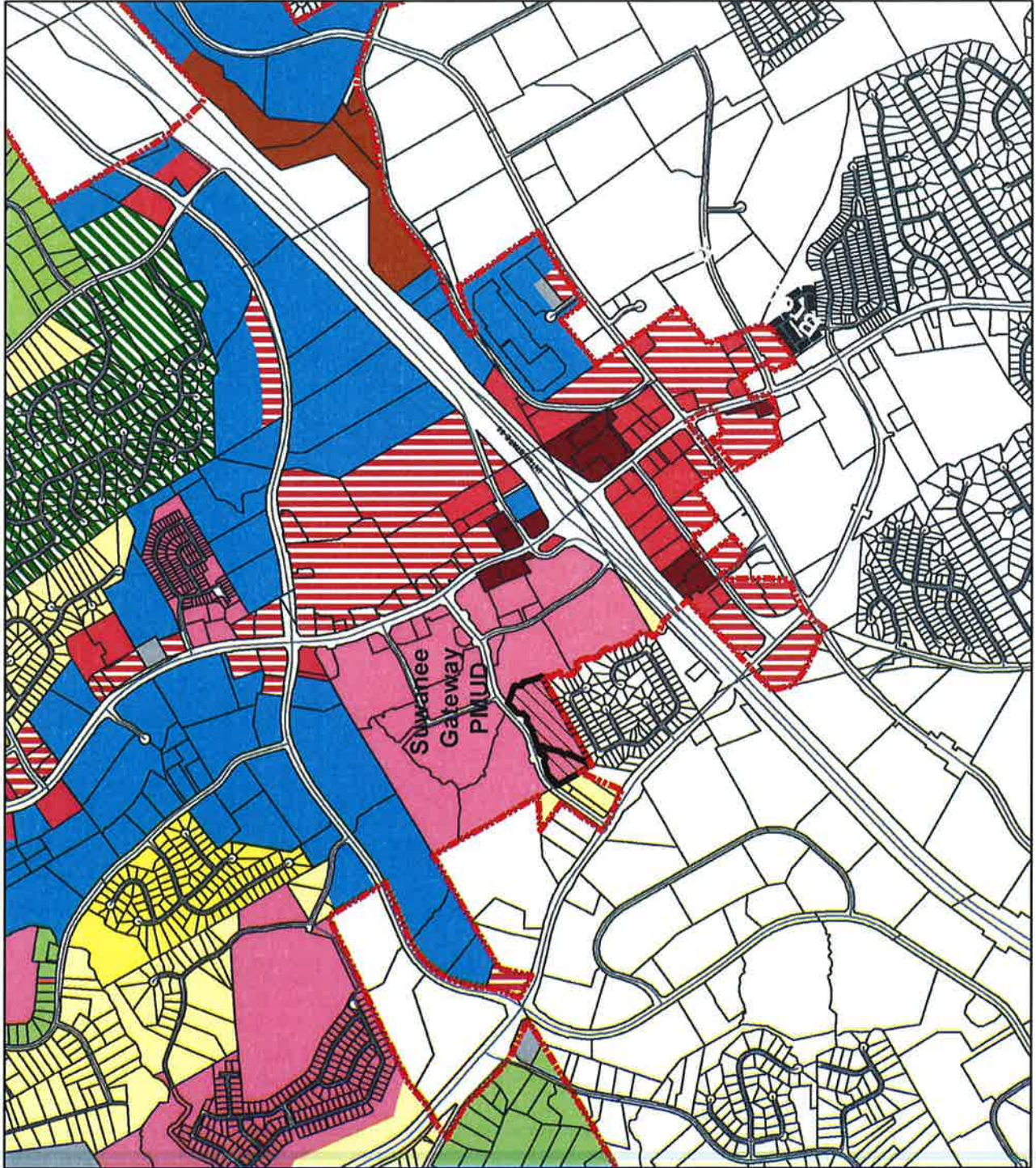
- RZ-2016-006
- City Limits
- Streets





# Exhibit B RZ-2016-006

- Legend**
- RZ-2016-006
  - City Limits
  - Streets
- ZONING**
- C1
  - C2
  - C2A
  - C3
  - GCA
  - IRD
  - M1
  - OI
  - OTCD
  - PMUD
  - R-75
  - R-85
  - R100
  - R140
  - RM6
  - RM8





**UNIT DIMENSIONS:**  
 24' wide x 36' deep

**YIELD:** 67 TOWNHOMES

**AREA:** 11.01 acres

**GROSS DENSITY:** 6.09 u/a

PZ-2016-006

Original "Exhibit C"







# "Exhibit D" (1 of 2)

**LENNAR**<sup>SM</sup>



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"Exhibit D" (2 of 2)

LENNAR<sup>SM</sup>