

VARIANCE(S):

V-2018-002

V-2018-003

V-2018-004

V-2018-006

V-2018-007

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER(S): V-2018-002, V-2018-003, V-2018-004, V-2018-006, V-2018-007

REQUEST(S): V-2018-002: BUFFER REDUCTION FROM 50 TO 0 FEET;
V-2018-003: REDUCE BUILDING SETBACKS;
V-2018-004: REDUCE THE MINIMUM REAR YARD SETBACK FROM 40 FEET TO 0 FEET;
V-2018-006: REDUCE THE MINIMUM ROAD FRONTAGE FROM 40 FEET TO 0 FEET;
V-2018-007: REDUCE THE MINIMUM LOT WIDTH FROM 100 TO 22 FEET.

APPLICABLE SECTION(S): SECTION 504 OF THE CITY OF SUWANEE ZONING ORDINANCE

LOCATION: 760 PEACHTREE INDUSTRIAL BLVD.

PARCEL: 7-237-396

ZONING: RM-8 (RESIDENTIAL MULTI-FAMILY DUPLEX DISTRICT)

APPLICANT: CORRIDOR DEVELOPMENT, INC.
246 NORTH PERRY STREET
LAWRENCEVILLE, GA 30046

OWNER: HALIFAX ENTERPRISES, LLC
15965 FREEMANVILLE ROAD
ALPHARETTA, GA 30004

CONTACT: MATT RETTER
PHONE: 770-231-0652

RECOMMENDATION: V-2018-002: APPROVAL WITH CONDITIONS
V-2018-003: APPROVAL WITH CONDITIONS
V-2018-004: APPROVAL WITH CONDITIONS
V-2018-006: APPROVAL WITH CONDITIONS
V-2018-007: APPROVAL WITH CONDITIONS

ANAYLSIS:

The applicant seeks variances from Section 504 in the City of Suwanee Zoning Ordinance to allow for the development of 49 townhomes. The property is zoned RM-8 and will include townhomes that would be located on fee simple lots served by private roads. The first variance (V-2018-002) is from Section 504.B.12 to allow for a reduction of the required buffer area for RM-8 properties. The second variance (V-2018-003) is from Section 504.B.8 to allow for a reduction of the required setbacks between buildings. The third variance (V-2018-004) is from Section 504.B.7 to allow for a reduction of the required rear yard setback for RM-8 properties. The fourth variance (V-2018-006) is from Section 504.B.4 to allow for a reduction of the required minimum road frontage setback for RM-8 properties. The fifth variance (V-2018-007) is from Section 504.B.3 to allow for a reduction of the required minimum lot width for RM-8 properties.

The subject property is located at 760 Peachtree Industrial Boulevard and is currently undeveloped and wooded. There is a stream just beyond the rear property line, so some of the rear of the property sits within a stream buffer; however, the proposed development does not encroach into the stream buffer. There is also a wide utility easement along the southern portion of the property that extends into the adjoining residential properties. The subject property is 6.1 acres. Proposed townhomes would have front and side facades of primarily brick with cement siding accents. These units would be a minimum of 2,000 square feet and a maximum of 3 stories. All units would be rear loaded with 2 car garages accessed via 22 foot deep driveways off of rear alleys. The proposed development would have access via a driveway off Peachtree Industrial Boulevard that is situated between two commercial developments.

The subject property is directly behind 2 existing commercial buildings that front Peachtree Industrial Boulevard. The development proposes access via an existing driveway between the 2 commercial buildings. There is an existing median on Peachtree Industrial Boulevard in front of the curb cut that would be shared with the commercial property, so access to the subject property from Peachtree Industrial Boulevard would be right-in and right-out only. Access would also be available onto Eva Kennedy Road via a required connection to the property to the north. This property was also recently rezoned and required to connect to the subject property. This other parcel will have access onto Eva Kennedy Road. Therefore, the subject property would have access through this parcel onto Eva Kennedy Road.

The subject property is surrounded by a mixture of commercial and residential uses. To the east of the property, across the utility easement are 2 large single family residential lots zoned R-100. Each contains a single family home that fronts on Eva Kennedy Road. To the north of the subject property is an 18 acre parcel that was recently rezoned to RM-6 for single family detached homes and townhomes. This lot is divided by the utility easement and a stream that also runs along the rear of the subject property. The portion of the 18 acre property directly adjacent to the subject property is wooded and undeveloped. To the west of the subject property is a commercially zoned shopping center and a veterinary clinic. To the south of the subject property is a commercial park developed with a mix of office and commercial uses.

The subject property was granted a rezoning at the November 14, 2017 City Council meeting. RZ-2017-008 was a request to rezone the subject property from C-2 to RM-8. City Council approved the request along with a concept plan and several conditions dictating a particular type of development. A copy of the concept plan and conditions of approval are provided as exhibits for the requested variances. The RM-8 Zoning District allows for single family attached residential units (townhomes), but the district development standards are ultimately geared towards garden style developments and not single family attached developments.

V-2018-002

Section 504.B.12 of the City of Suwanee Zoning Ordinance regulates the minimum buffer area abutting or across from residentially zoned property.

The applicant is requesting a variance to allow for a reduced buffer between subject property and R-100 zoned properties to the east. The Zoning Ordinance calls for a 50-foot buffer in this situation, but the applicant is seeking to eliminate this buffer. It should be noted that there is an approximately 175-foot-wide utility easement and a stream with required buffers located between the existing homes and the units proposed on the subject property. The portion of the development closest to the existing homes would be occupied by the detention pond serving the proposed development. Typically, in development within Suwanee buffers are not provided between single family residential development.

When the applicant submitted the request for buffer variances the property to the north was zoned R-100. Last month, the City Council rezoned that property to RM-6. The portion of the that property adjacent to the subject property is now proposed to be developed with townhomes. As such, a buffer between the townhomes would not be appropriate. Eliminating the buffer would be appropriate at this location.

V-2018-003

Section 504.B.8 of the City of Suwanee Zoning Ordinance regulates the minimum building separation between buildings. This separation requirement varies depending upon which sides of the buildings are facing each other. The setback is between 20 and 40 feet.

The applicant is requesting a variance to allow for a reduction in the required setbacks between buildings from 40' to 20' for front face or rear face to front face or rear face, 40' to 20' for front or rear face to side face, and 20' to 10' for side face to side face. The intent of this setback is to provide adequate separation between each of the homes. The RM-8 zoning district was implemented for garden style apartments, which is why such large buffers are required and substantial building separation is required. The proposed development is seeking a much more efficient style of development that will allow for some open spaces. This can best be accomplished by reducing the separation between buildings. The City has adopted building and fire safety codes which will regulate the separation between buildings and ensure that the buildings are safely constructed. The building separation is not necessary in this situation. As such, the variance should be granted.

V-2018-004

Section 504.B.7 of the City of Suwanee Zoning Ordinance regulates the minimum rear yard setback. The applicant seeks to reduce the rear setback of each fee simple lot within the development to 0 feet.

V-2018-006

Section 504.B.4 of the City of Suwanee Zoning Ordinance regulates the required minimum road frontage for RM-8 properties. The ordinance requires a minimum of 40 feet of road frontage. The subject property currently meets this requirement with just over 40 feet of frontage along Peachtree Industrial Boulevard.

However, the applicant is proposing to develop a mixture of 22 and 24-foot-wide fee simple townhomes that will be located off of private roads or open spaces. As such, the applicant seeks to eliminate the public road frontage requirement. The applicant is proposing to provide private streets that will serve the development. Most lots will front directly onto a private road. Other lots will front onto an open space. Both of these conditions are found in other developments around Suwanee. The main difference being, that those developments are zoned to the PMUD district which allows for greater flexibility in design.

V-2018-007

Section 504.B.3 of the City of Suwanee Zoning Ordinance regulates the required minimum lot width for RM-8 properties.

The applicant is requesting a variance to allow for the minimum lot width to be reduced from 100' to 22'. For single family attached units a lot width of 100 feet is impractical. Interior townhome lots must be the width of the units. Units in Suwanee vary from 22 to 26 feet wide. Twenty-two foot wide lot widths are consistent with the expectation set during the zoning process.

In summary, the RM-8 district is geared towards supporting garden style apartments. It allows for single family attached units, but the development standards do not accommodate them very well. Further, the applicant committed to develop in a manner consistent with an approved concept plan during the rezoning process. The proposed variances are consistent with the style of design that was proposed by the applicant and expected by Council. The variances are consistent with the concept plan for this development. The proposed variances allow for a development style that promotes a walkable development. Larger lots widths, bigger setbacks, wider road frontages all contribute to a more spread out style of development. The applicant in this case is expected to develop in a manner that is more compact and walkable. Granting the variances that are requested would accomplish this.

The City of Suwanee's Zoning Ordinance grants the Zoning Board of Appeals the authority to grant variances. According to Section 2006 of the Ordinance, the Board is authorized to grant variances when literal enforcement of the Ordinance will result in unnecessary hardship to a

property owner. A variance may be granted if the conditions are unique to the property and/or are unlikely to cause substantial detriment to the public good or if the variance will not undermine the intent of the zoning ordinance. In addition, a variance may be granted when such conditions are not the result of any actions of the property owner. In this case, the property is unique in that it is zoned to a concept that requires the granting of variances in order to be developed as shown.

In conclusion, the subject property does appear to have situations that causes some hardship. The requested variances would be consistent with the expectations set when the project was approved during the zoning process. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of V-2018-002, V-2018-003, V-2018-004, V-2018-006, and V-2018-007.

RECOMMENDED CONDITIONS

Based upon the findings and conclusions herein, staff recommends the following:

V-2018-002 – Approval of the request to reduce the buffer from 50 feet to 0 feet subject to the following conditions:

1. Development shall be consistent with the concept plan noted for RZ-2017-009.
2. The stormwater facility shall be the only intrusion into the minimum buffer area.
3. The stormwater facility shall be screened by vegetation in the form of either taller evergreen shrubs or evergreen trees, subject to the approval of the Planning Department.

V-2018-003 – Approval of the request to reduce building setback subject to the following conditions:

1. Development shall be consistent with the concept plan noted for RZ-2017-009.
2. The setback between buildings shall be at least 10 feet.

V-2018-004 – Approval of the request to eliminate rear yard setbacks subject to the following conditions:

1. Development shall be consistent with the concept plan noted for RZ-2017-009.
2. No building shall be located within 20 feet of any parcel outside of the development.

V-2018-006 – Approval of the request to eliminate the minimum road frontage subject to the following conditions:

1. Development shall be consistent with the concept plan noted for RZ-2017-009.
2. All lots shall have vehicular and pedestrian access through private streets and/or alleys. No final plat may be approved for the project until adequate access is demonstrated.

V-2018-007 – Approval of the request to reduce the minimum lot width from 100 feet to 22 feet subject to the following conditions:

1. Development shall be consistent with the concept plan noted for RZ-2017-009.

Standards for Consideration

Pursuant to Section 2009A of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

A. Will approval of the variance unreasonably increase the congestion in public streets?

Approval of this variance would not increase significant congestion in public streets.

B. Will approval increase the danger of fire or endanger public safety?

Approval of this variance would not increase the danger of fire or endanger public safety. The City has adopted the appropriate building codes to address public safety with the construction of townhomes.

C. Will approval unreasonably diminish or impair established property values within the surrounding area?

Approval of the variances would not unreasonably diminish or impair property values within the surrounding area.

D. Will approval in any other aspect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City?

Approval of this variance would not impair the public health, safety, comfort, morals, or welfare.

**APPLICATION FOR VARIANCE FROM THE
CITY OF SUWANEЕ ZONING BOARD OF APPEALS**

Please complete this application and submit with all necessary attachments as stated on the Variance Information Form (please type or print)

APPLICANT INFORMATION

Name: Corridor Development, Inc.
Address: 246 North Perry Street
City: Lawrenceville
State: GA 30046
Phone: 770-231-0652
E-mail address: MrRetter@bensowth.net

OWNER INFORMATION

Name Halifax Enterprises, LLC
Address 15965 Freemanville Road
City: Alpharetta
State GA 30004
Phone: 770-231-0652

CONTACT PERSON: Matt Retter PHONE: 770-231-0652

ADDRESS OF PROPERTY 760 Peachtree Industrial Blvd., Suwanee, GA

LAND DISTRICT 7 LAND LOT 237 PARCEL 396 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) Suwanee Square Townhomes

ZONING RM-8 ACREAGE 6.16

VARIANCE REQUESTED Buffer reduction from 50 feet to 0 feet. Residential zoning buffer.

NEED FOR VARIANCE Property to south is a 100-foot wide power line easement and property to east is under rezoning application now to RM6.

***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.
SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.**

*****The property owner, applicant and /or a representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance or application for amendment. The failure of the property owner, applicant and/or a representative to attend such meetings shall result in the denial of said variance or application for amendment.**

**APPLICATION FOR VARIANCE FROM THE
CITY OF SUWANEE ZONING BOARD OF APPEALS**

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Phone: 770-231-0652

CONTACT PERSON: Matt Retter PHONE: 770-231-0652

ADDRESS OF PROPERTY 760 Peachtree Industrial Blvd., Suwanee, GA

LAND DISTRICT 7 LAND LOT 237 PARCEL 396 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) Suwanee Square Townhomes

ZONING RM-8 ACREAGE 6.16

VARIANCE REQUESTED Building setbacks - reduce the 40'/40'/20' setbacks to 20'/20'/10'.

NEED FOR VARIANCE Setback reductions make overall plan work better and allows the site plan
which was approved through rezoning possible.

***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.**

SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.

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V-2018 003,004,006,001,002

**APPLICATION FOR VARIANCE FROM THE
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Phone: 770-231-0652

CONTACT PERSON: Matt Retter

PHONE: 770-231-0652

ADDRESS OF PROPERTY 760 Peachtree Industrial Blvd., Suwanee, GA

LAND DISTRICT 7 LAND LOT 237 PARCEL 396 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) Suwanee Square Townhomes

ZONING RM-8 ACREAGE 6.16

VARIANCE REQUESTED Minimum rear yard to zero feet.

NEED FOR VARIANCE Minimum rear yard is reduced to zero feet to stay consistent with approved site plan from rezoning.

***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.
SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.**

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V.2018.004

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Phone: 770-231-0652

CONTACT PERSON: Matt Retter

PHONE: 770-231-0652

ADDRESS OF PROPERTY 760 Peachtree Industrial Blvd., Suwanee, GA

LAND DISTRICT 7 LAND LOT 237 PARCEL 396 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) Suwanee Square Townhomes

ZONING RM-8 ACREAGE 6.16

VARIANCE REQUESTED Minimum road frontage to 22 feet.

NEED FOR VARIANCE Minimum road frontage to stay consistent with approved site plan from rezoning is 22 feet.

***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.
SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.**

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V.2018.006

**APPLICATION FOR VARIANCE FROM THE
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LAND DISTRICT 7 LAND LOT 237 PARCEL 396 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) Suwanee Square Townhomes

ZONING RM-8 ACREAGE 6.16

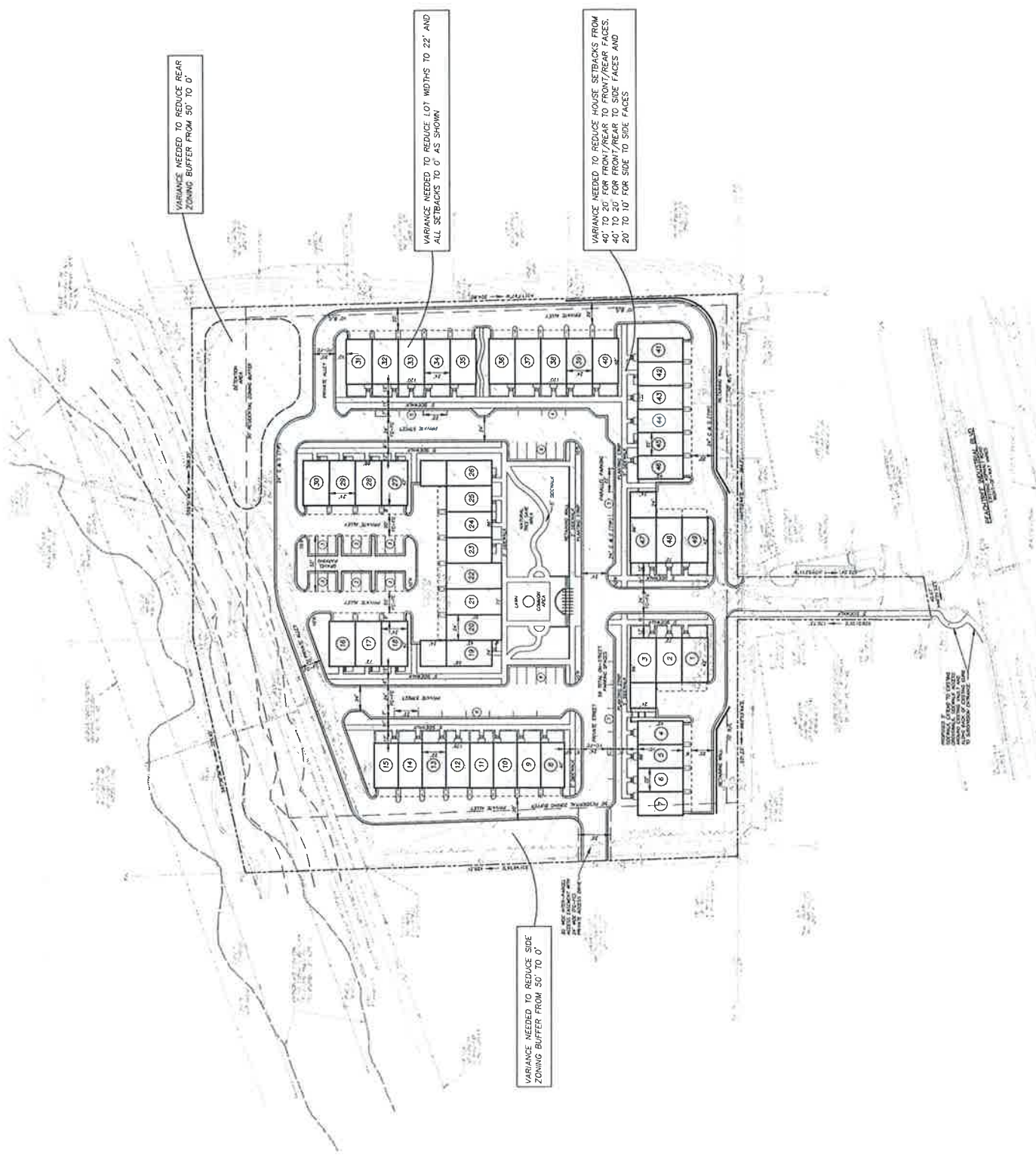
VARIANCE REQUESTED Minimum lot width to 22 feet.

NEED FOR VARIANCE Minimum lot width to stay consistent with approved site plan from rezoning is 22 feet.

***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.
SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.**

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V.2018.007



VARIANCE NEEDED TO REDUCE REAR ZONING BUFFER FROM 50' TO 0'

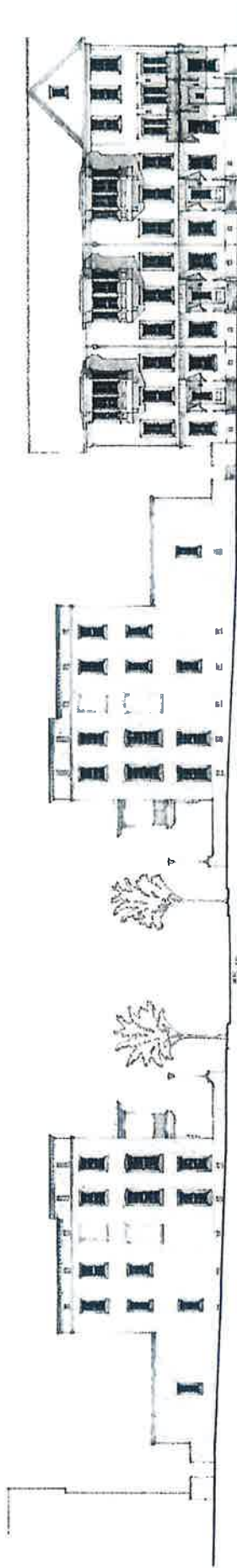
VARIANCE NEEDED TO REDUCE LOT WIDTHS TO 22' AND ALL SETBACKS TO 0' AS SHOWN

VARIANCE NEEDED TO REDUCE HOUSE SETBACKS FROM 40' TO 20' FOR FRONT/REAR TO FRONT/REAR FACES, 40' TO 20' FOR SIDE TO FRONT/REAR FACES AND 20' TO 10' FOR SIDE TO SIDE FACES

VARIANCE NEEDED TO REDUCE SIDE ZONING BUFFER FROM 50' TO 0'

NOTHING TO BE DONE TO EXISTING STRUCTURES OR UTILITIES TO BE MAINTAINED OR REMOVED

U-2014-002003, 004, 006, 007



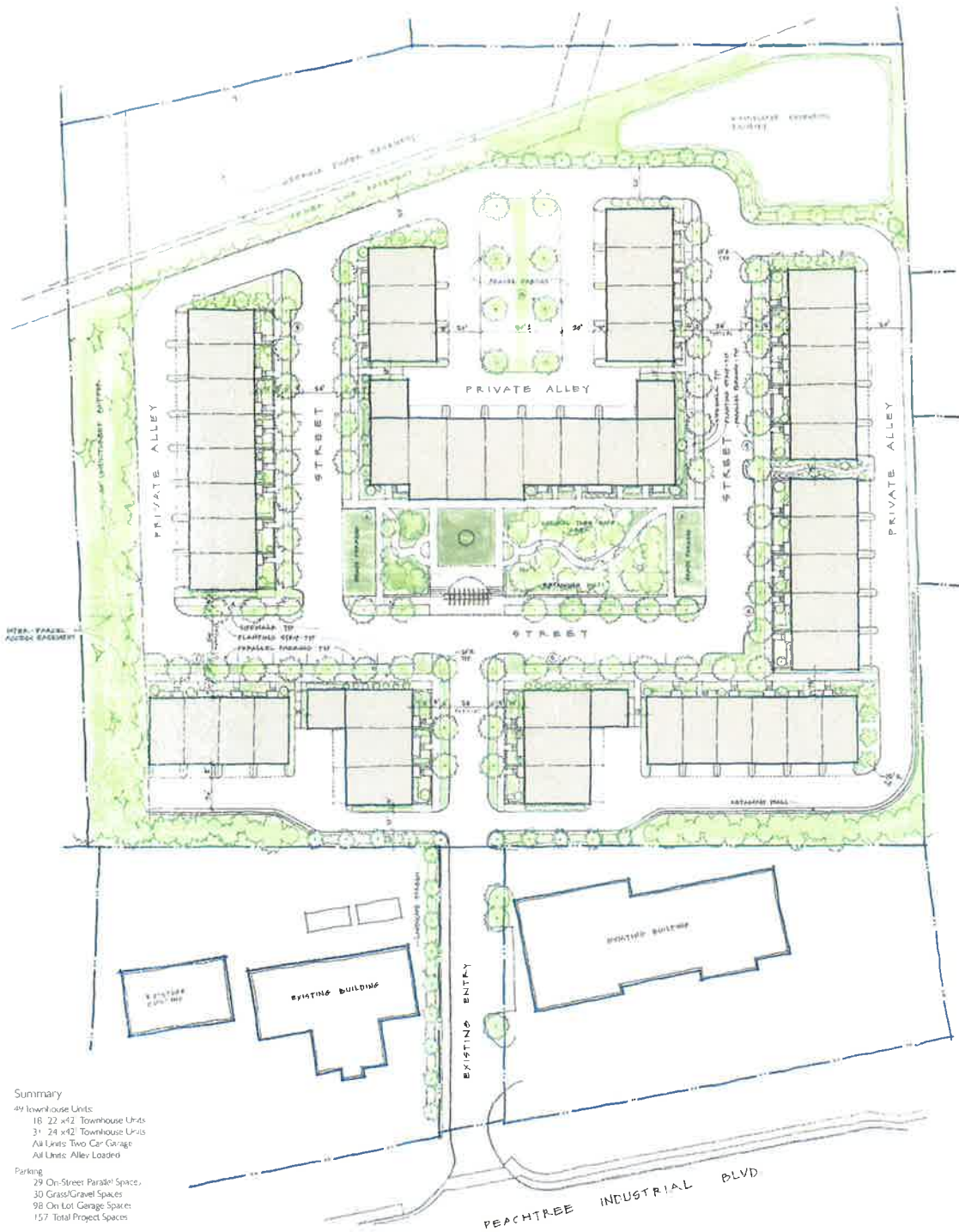
Conceptual Elevations

Suwanee Townhomes
Suwanee, Georgia

U-2018-002, 003, 001, 006, 007

Conceptual 9-20-17





Summary
 49 Townhouse Units
 18 22 x 42 Townhouse Units
 31 24 x 42 Townhouse Units
 All Units: Two Car Garage
 All Units: Alley Loaded
 Parking
 29 On-Street Parallel Spaces
 30 Grass/Gravel Spaces
 98 On Lot Garage Spaces
 157 Total Project Spaces

Conceptual Site Plan

Suwanee Townhomes
 Suwanee, Georgia

Conceptual 9.20.17



Concept Plan for R2-2017-008

V-2018-002, V-2018-003, V-2018-004, V-2018-006, V-2018-007

City of Suwanee
Official Zoning Map Amendment
Resolution/Ordinance

Case Number: RZ-2017-008 ,

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 Tempore Ireland , and seconded by Councilmember Foster , which carried by a vote of 4-2 (Councilmember Goodman and Councilmember Hilscher opposed), 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 C-2 (General Commercial District) to RM-8 (Residential Multi-Family Duplex District) , for the proposed use of single family attached , 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 November 14, 2017 ;

NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 14th day of November , 2017 that the aforesaid application to amend the Official Zoning Map from C-2 (General Commercial District) to RM-8 (Residential Multi-Family Duplex District) is hereby **APPROVED WITH CONDITIONS.**

V-2018-002, V-2018-003, V-2018-004, V-2018-006, V-2018-007

1. Develop in accordance with the concept plan (dated September 11, 2017) and associated attachments and exhibits approved by City of Suwanee.
2. All regulations of zoning district RM-8 shall apply. Residential development shall be limited to single family attached or detached development.
3. All residential units shall have 2-car, rear-loaded garages that are accessed via rear alleys.
4. All proposed new streets shall be private including the access easement through the adjacent property. With the exception of the entry street/drive, all proposed new streets shall have a minimum of a 5 foot wide sidewalk on both sides of the street/drive connecting all residential units to Peachtree Industrial Boulevard via a connected pedestrian network. The entry street/drive shall include a minimum 5 foot sidewalk on the north side of the street/drive, per the concept plan, connecting the residential units to Peachtree Industrial Boulevard while preserving the existing commercial parking spaces on the south side of the entry street/drive. Trees shall be planted on 40 foot centers within a 5 foot wide minimum planting strip located between the curb and 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 shall be approved by the City Engineer. Alleys shall be private and are subject to the approval of the City Engineer.
5. On-street parallel parking shall be provided per the concept plan. Said on-street parking shall be delineated by bulb-outs.
6. Provide for future interparcel access to the adjacent property to the east by extending one of the proposed new streets and corresponding sidewalks to the eastern property. Said connection shall be located within an inter-parcel access easement.
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 22 feet.
 - c) Units shall have a minimum setback of 5 feet from the back of the sidewalk. Stoops, steps and landscaping may be located within this setback.
8. Provide landscaping to screen all rear-loaded driveways from view of public or private streets. 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.
9. Architecture shall be consistent with the renderings and description identified as 9-20-17 Revision Exhibit A. Final architecture for all units shall be subject to the approval of the Planning Department.
10. Any plats for the project shall clearly denote the required inter-parcel access easement and include a note that makes it clear that the purpose of the inter-parcel access easement is to allow for future development to connect to the project and allow for vehicular traffic through the easement.

V-2018-002, V-2018-003, V-2018-004, V-2018-006, V-2018-007

APPROVED AND ADOPTED THIS 14th DAY OF November 2017

ATTESTED TO BY:

Elvira Rogers
Elvira Rogers, City Clerk

APPROVED AS TO FORM:

Gregory D. Jay
Gregory D. Jay, City Attorney
Chandler, Britt & Jay, LLC

SUWANEE CITY COUNCIL, A GEORGIA MUNICIPAL CORPORATION

BY: James M. Burnette, Jr.
James M. Burnette, Jr., Mayor

BY: Doug Ireland
Doug Ireland, Mayor-Pro Tempore

BY: Daniel F. Foster
Daniel F. Foster, Councilmember

BY: Richard Goodman
Richard Goodman, Councilmember

BY: Beth S. Hilscher
Beth S. Hilscher, Councilmember

BY: Linnea Miller
Linnea Miller, Councilmember

V-2018-002, V-2018-003, V-2018-004, V-2018-006, V-2018-007



Location Map

V-2018-002/003/004/006/007



Legend

- V-2018-002/003/004/006/007
- roads
- streams





Zoning Map

V-2018-002/003/004/006/007

Legend



V-2018-002/003/004/006/007

ZONING

- C-1
- C-2
- C-2A
- C-3
- GCA
- IRD
- M-1
- OI
- OTCD
- PMUD
- R-100
- R-140
- R-75
- R-85
- RM6
- RM8
- roads
- streams

