

REZONING(S):

RZ-2019-003

**CITY OF SUWANEE
REZONING ANALYSIS**

CASE NUMBER: RZ-2019-003

REQUEST: RM-8 (RESIDENTIAL MULTI-FAMILY DUPLEX DISTRICT) TO RM-8 (CHANGE OF CONDITIONS)

LOCATION: OLD PEACHTREE ROAD NORTH OF LAWRENCEVILLE-SUWANEE ROAD

TAX ID NUMBER: 7-171-001B, 7-171-006 AND 7-150-020

ACREAGE: APPROXIMATELY 41.5 ACRES

PROPOSED DEVELOPMENT: TOWNHOMES

APPLICANT: SOUTHERN HERITAGE HOME BUILDERS, LLC and WALKER ANDERSON HOMES, LLC.
390 BROGDON ROAD
SUWANEE, GEORGIA 30024

OWNERS: CARRIAGE HILL ASSOCIATES, INC. and RONALD J. STEPHENS
146 HIGHWAY 138, SUITE 376
MONROE, GEORGIA 30655

CONTACT: CLINT WALTERS
PHONE: 404-274-4492

RECOMMENDATION: **MODIFICATION OF CONDITIONS**

PROJECT DATA:

The subject property is zoned RM-8 (Residential Multi-family Duplex District) with conditions regulating the way the property is developed and limiting use of the property to townhomes. The applicant requests changes to several conditions of zoning in order to allow for the development of 213 townhomes. The subject property is comprised of three separate, contiguous parcels adjacent to the east side of I-85. Combined they contain approximately 41.5 acres located along Old Peachtree Road north of Lawrenceville-Suwanee Road.

The applicant proposes to develop the property with 213 townhomes. The proposed development would have two access points off Old Peachtree Road. Each would provide access to a node of townhomes separated by a road/driveway that would provide access to a State Patrol office planned for construction on Georgia Department of Transportation property located between the subject property and I-85 (formerly the I-85 rest area). This road will bisect the

subject property between the two townhome nodes. No amenities or open spaces are proposed as part of the project. Two detention facilities are proposed, one to serve each node.

If constructed as proposed the development would have 213 townhomes divided between two nodes; the western node would have 78 units and the eastern node would have 75 units with an additional 60 units proposed as future development. The project would have a mix of front loaded and rear loaded townhomes. None of the units would face Old Peachtree Road. The proposed plan also includes 18 parallel parking spaces in the eastern node and 41 in the western node.

ZONING HISTORY:

In August of 2001, an applicant sought to rezone the subject property from M-1 (Light Industry District) to RM-8 (Multi-Family Residential District) to allow for the development of a 334 unit apartment complex (RZ-2001-009). In October of 2001, the City denied the request. The City was subsequently sued for this denial. The plaintiff argued the M-1 zoning of the property was not a “constitutional” zoning district. Gwinnett County Superior Court subsequently agreed and remanded the request back to the City for reconsideration. The City agreed to rezone the property to RM-8 with conditions, per RZ-2001-009 (Remanded) along with an additional 4.5 acres per RZ-2005-006, in order to resolve the lawsuit. The conditions of approval were based largely on a proposal by the applicant/plaintiff. Land associated with both of these prior cases is the subject of the current request.

ANALYSIS:

The subject property totals approximately 41.5 acres. The narrow band of land runs along the east side of I-85 between a self-storage facility and an industrial park. The heavily wooded property has some areas of steep topography. Streams encumber a portion of the northern most section of the property. The RM-8 zoning district allows for 8 units per acre, which means the property would be allowed 332 townhome units. The applicant is proposing 213 units. It would appear that the site is not capable of accommodating all of the units that would be allowed under the current zoning.

The subject property is bounded by I-85 to the west, Old Peachtree Road to the east, and office-industrial/warehouse uses to the north and south (both zoned M-1). The property across Old Peachtree Road is in unincorporated Gwinnett County, zoned M-1, and occupied by office-industrial uses developed off Horizon Drive. The subject property essentially faces into the rear of these industrial sites.

In 2001, when the City was sued after denying a multi-family rezoning on the property, the Future Land Use Plan in the 2020 Comprehensive Plan recommended industrial uses for the subject property. During the rezoning process and in the subsequent law suit, the City argued that industrial uses are appropriate in this location. Now, the Future Land Use Plan in the 2040 Comprehensive Plan recommends office-industrial uses for the subject property. Industrial uses are consistent with the surrounding area. Residential uses are out of place on the subject property.

The 2040 Comprehensive Plan includes the following policy regarding new neighborhoods. “New neighborhoods should be well designed with quality architecture, have unique identities, provide inviting public spaces, and connect to surrounding properties and roads.” The proposed development and proposed changes to conditions do not accomplish these goals. There are no proposed amenities or usable open spaces; the applicant proposes using less brick than the original conditions require opting for a combination of brick and cement-based siding, which is a less durable material; and the property does not connect to anything except a through road that provides access to the rear of industrial development.

The surrounding area is not well suited for townhomes. If approved, this development would be the only residential development within the city limits on the east side of I-85, which would expand the geographic footprint for city services serving residential, specifically police services. Furthermore, the property is isolated on the edge of the city boundary, so city police would only have access to the potential community via a county road.

Typically, townhomes would be located near supporting commercial uses, such as shopping centers, restaurants, and grocery stores. No such uses are located within walking distance. If such uses were nearby, it would be uncomfortable to walk to these uses. Old Peachtree Road, in this area, does not have sidewalks and is not pedestrian friendly.

No amenities or open spaces are proposed. Typically, a development of this size in Suwanee would be served by an amenity area with a pool, tennis courts, and/or a small meeting space. In the absence of an amenity area, proximity to a public park would be preferable. There is no park nearby.

The subject property is exposed to multiple negative externalities that are not conducive to the long-term success of residential uses. First, the property is surrounded by industrial uses. Residential uses are not typically located near industrial uses since industrial uses commonly produce noise and are viewed as aesthetically unappealing. Second, the proximity of the proposed project to I-85 means that the development would be subject to significant noise pollution from the cars and trucks traveling at high rates of speed on 85. Third, Gwinnett County has a candy cane shaped sanitary sewer vent located near the subject property. This vent frequently releases sewer system related odors. Residents of the proposed development would be impacted by noise, visual unappealing surroundings, and sewage related odors. This combination of unappealing environmental factors would detract from the long term viability of the development.

Suwanee has historically allowed and encouraged denser residential development when it is near an asset that will improve the value of the residential use or if the addition of residential will improve the vibrancy of a place. In essence, denser residential development is a tool used in placemaking. Townhomes have been successful in many neighborhoods in Suwanee. Townhomes in this isolated location, which is not walkable to any of Suwanee’s parks or vibrant commercial centers, would not be as valuable, would not provide the same quality of life for its residents, and would not contribute to creating a sense of place. The negative externalities in the area (odors, noises, and unattractive industrial development) make the area a less desirable place to live. The City’s plans do not support townhomes as a use in this location.

However, the project is already zoned to allow for single family attached units. At this point, the use of the property for townhomes is already permitted, so it is simply a matter of the whether the conditions in place will adequately mitigate the impacts of the negative externalities in the area. The applicant is seeking to amend or delete several of the conditions currently in place and add other conditions. The applicant suggests that some of the conditions in place are impractical, while others require clarification. The conditions of zoning for the property do not have value to the City. They were in essence agreed upon under duress and not as a result of any intent to accomplish goals of the City, other than to resolve a law suit. As such, staff recommends replacing all of the conditions of the previous rezonings in order to focus on maximizing the opportunities for the project to be successful and minimize the negative impacts of the surrounding area.

Included with background materials for this request are the conditions of zoning for RZ-2001-001 (Remanded) and RZ-2005-006. RZ-2001-009 (Remanded) includes 13 conditions of zoning and RZ-2005-006 includes 11. RZ-2001-009 includes 2 conditions (7 and 8) that address the property along I-85. RZ-2005-006 covers a separate parcel that is not adjacent to I-85 so it does not have those 2 conditions. The 11 conditions in place for RZ-2005-006 are all identical to the conditions for RZ-2001-009 (Remanded). When conditions are referenced herein, the condition reference is for RZ-2001-009 (Remanded).

The applicant seeks to amend conditions 7 and 8 of RZ-2001-009 for the purpose of reducing the height of fence and width of a buffer both required on I-85. Both of these conditions are intended to reduce the sound impacts from I-85.

Additionally the applicant seeks to amend conditions 2 (b,c,d), 4, 5, and 6; delete condition 11; and add 2 new conditions. The amendment to condition 2.b would clarify the minimum townhome width and the requirement for a 2 car garage. The amendment to 2.c would reduce the size of a required porch or stoop. The elimination of 2.d would eliminate a requirement to set the first floor of units higher than the road. The amendment to condition 4 would change the architectural requirements. The amendment to condition 5 would clarify the placement of street trees. The amendment to condition 6 would change the sidewalk requirement from both sides of the road to one side of the road. Eliminating condition 11 would lift a requirement for the developer to handle the cost of a signal warrant (if needed) and installation of mast arm signals (if warranted by the study). One of the proposed new conditions would provide district development standards for townhomes. The other proposed new condition would ensure that the rezoning is not site plan specific.

In general, the conditions seem to be focused on gaining clarification in some cases, but in other cases the changes would reduce the standards that are intended to ensure a higher quality of development. In this case, if the City accepts many of the proposed condition changes requested by the applicant, then the City would be lowering expectations of quality for a potential project that already had lower than normal expectations.

As such, staff recommends replacing the conditions of zoning in a manner that would address the negative externalities associated with proximity to an interstate, proximity to industrial uses, proximity to foul odors associated with a sewer vent, isolation from other residential uses, and lack of easy access to supportive non-residential uses.

The recommended conditions are driven by two primary concerns. The first concern is to overcome the undesirable location due to the negative externalities and lack of any parks or commercial nodes within walking distance. The conditions attempt to create desirable features within the neighborhood itself, such as open space and recreational amenities.

The second concern is that the isolation of the property from any other residential or other active uses creates a potentially unsafe environment for future residents of the proposed neighborhood. The location of the property on the edge of the city and surrounded by industrial uses creates a place subject to crime from outsiders that could take advantage of the isolation of the neighborhood. To minimize this potential threat, staff recommends conditions based on principles of neighborhood design that fosters public spaces that are highly visible. The result is a set of conditions that are very different than what the city would normally prescribe for a new neighborhood in a more walkable area of the city where the plan supports residential uses.

These include having gated, limited access into the neighborhood and securing the boundaries of the neighborhood with a wall or fence. The conditions also ensure that all exterior space within the development is either privately controlled by individual families that occupy the adjacent home or surrounding communal spaces with streets and fronts of homes where those within the communal space can be easily seen by residents. This strategy also includes the exclusion of alleys to avoid communal space (alleys) not visible from the fronts of homes. Finally, the conditions dictate a street network made up of short intersecting streets to encourage circulation within the neighborhood, to decrease isolated dead ends, and to discourage crime by making navigating through the neighborhood more challenging to those unfamiliar with the neighborhood.

In summary, the use of the property for townhomes is not consistent with the 2040 Comprehensive Plan. However, as a result of a court decision, the property is currently zoned to allow for townhomes. As such, the Planning Department recommends **MODIFICATION OF CONDITIONS** in order to maximize the potential for a successful residential project at this location while minimizing the negative impacts of the surrounding area.

Recommended Conditions
RZ-2019-003

If approved, the Planning Department recommends the following conditions to replace the existing conditions of **RZ-2001-009 (Remanded)** and **RZ-2005-006** on the subject property:

1. Development shall be limited to fee-simple, attached units (townhomes) or single family detached units with a maximum net density of 8 units per acre; community facilities complying with RM-8 regulations; and subdivision recreation/amenity areas.
2. A minimum of one amenity area should be provided for each development node. The amenity areas should include at least one swimming pool, one playground, one court/field, and an enclosed heated meeting space between the two nodes.
3. A minimum of 20% of the disturbed acreage of the site (not including detention areas) should be designed as usable open space defined as follows:
 - A) Amenity areas required by condition 2 may be counted toward the 20% open space.
 - B) Other usable open space meeting the following criteria:
 - i. Usable open spaces may include recreational amenities, such as pools, playgrounds, game courts, parks with sitting space, or passive open green space for informal play.
 - ii. Each open space should be bound by a street or community building on all sides. In limited cases a fence or wall may be used if approved by the Planning Department.
 - iii. Each open space should have townhomes or a community building facing the open space on all sides.
 - iv. Open space should be well lit with pedestrian street lights (12-14 foot poles), wall lights, and/or any additional lighting needed to make open spaces visible at night to surrounding homes. The light source of the fixtures should not be visible to prevent glare from fixtures into surrounding homes.
 - C) Rear yards provided for each unit may be counted as open space requirement provided it is enclosed by a decorative fence or wall and contains at least one 3" caliper medium or large overstory tree.
 - D) Detention areas may not be counted toward the 20% open space requirement.
4. Access to the development shall be gated with an 8 foot high decorative fence or wall surrounding the limit of development on the property. Landscaping subject to the approval of the Planning Department shall be planted along the exterior perimeter of the fence/wall.
5. The interior street network should meet the following criteria:
 - A) All streets and driveways shall be private and constructed subject to the approval of the City Engineer.

- B) Travel lanes should be differentiated from the remainder of the right-of-way with different materials.
 - C) There should be no dead-end streets.
 - D) There should be no alleys.
 - E) No street should exceed 300 feet in length without intersecting another street.
 - F) Streets and lots should be arranged in a series of blocks as much as practical.
 - G) Streets should be well lit at the pedestrian level without creating glare into adjacent homes.
6. All residential units should meet the following requirements:
- A) locate on fee simple lots fronting on a street;
 - B) no front of a building shall face the back of a building;
 - C) have a front loaded, 2 car garage;
 - D) have a front porch or stoop between 3 feet and 6 feet above adjacent grade that is a minimum of 4 feet wide and 6 feet deep or a second-floor porch that is at least 10 feet wide and 5 feet deep; and
 - E) exterior materials should be durable and easy to maintain.
7. Development regulations for fee simple lots within the development shall be as follows:
- A) Minimum Lot Size: None
 - B) Minimum Lot Width: 22 feet
 - C) Minimum Road Frontage: 22 feet
 - D) Minimum Front Yard: None
 - E) Minimum Side Yard: None
 - F) Minimum Rear Yard: 30 feet unless the lot is within 400 feet of a usable open space
 - G) Minimum Setbacks Between Buildings: 20 feet
8. Internal fences should be decorative and a maximum of 6 feet high.
9. Provide on-street parking delineated by bulb-outs along all streets except where driveways prohibit. Parallel spaces shall be a minimum of 8 feet wide.
10. No interstate visible signs or billboards shall be allowed.
11. All utility placement shall be underground.
12. Should Gwinnett County Department of Transportation determine that a traffic warrant may be necessary, the developer shall conduct the required traffic study and pay the cost of mast arm style signals and installation of said signals.
13. A mandatory homeowners association shall be provided and responsible for ongoing maintenance of any water quality ponds, open spaces, streets, and building exteriors.
14. Prior to issuance of a development permit for the property, the developer shall demonstrate a good faith effort to address the odor issues related to the candy cane shaped sewer vent. Plans to address the issue shall be coordinated with and subject to the approval of the Gwinnett County Department of Water Resources.

15. Prior to issuance of a development permit for any disturbance activities on the property, a concept plan shall be approved by the City Council. Said concept plan will guide the develop of the property.

Staff does not recommend the amended conditions proposed by the applicant; however, should Council choose to amend the conditions as requested by the applicant, the following changes would accomplish this (~~striketrough~~ indicates deletions from RZ-2001-001 (Remanded) and **bold/underline** indicate additions):

1. Development shall be limited to fee-simple, attached units (townhouses) with a maximum net density of 8 units per acre.
2. All residential units shall meet the following requirements:
 - a. located on a fee simple lot fronting on publicly dedicated roadways;
 - b. ~~include a 2 car garage at least 22 feet wide~~ **units shall be at least 22 feet wide and include a 2 car garage;**
 - c. ~~have a minimum 8 foot wide deep front porch or stoop~~ **rear entry units shall include a front porch or stoop no less than 4 feet wide and 6 feet deep. Front entry units shall include a stoop no less than 6 feet deep;**
 - d. ~~have the finished first floor elevation of the main floor at least 3 feet above grade;~~
 - e. ~~have a minimum gross heated floor area of 1,500 square feet;~~
 - f. ~~be set back from the right of way between 5 and 15 feet.~~
3. Fifty (50) percent of all garages shall be accessed from the rear of the unit via private rear alleyways to be approved by the Gwinnett County Fire Marshall.
4. ~~Buildings shall be constructed primarily of brick exteriors except for cantilevered areas and minor architectural treatments, which may be wood or cement based siding. Architectural elevations shall be submitted for review and approval of the City prior to issuance of a building permit.~~ **Craftsman style elevations with a mix brick and cement-based materials substantially similar to the elevations accompanying this application shall be permitted. Final architectural elevations shall be submitted for review and approval of the City prior to issuance of a development permit.**
5. All publicly dedicated right-of-ways for the project shall have a minimum 44-foot wide right-of-way or as approved by the City. The roadways shall be 23 feet wide from back of curb to back of back. Adjacent to the roadway **with rear entry units**, a 5-foot wide planter strip shall be ~~provided on both sides of the road~~ **planted with street trees off the City's list of approved street trees.** Said planter strips shall be ~~planted with street trees off the City's list of approved street trees.~~ The spacing of the trees shall be from 30 to 40 feet on center depending upon the projected canopy size of the selected street tree **and the location of the walkway to the unit's front door. A minimum of one tree shall be planted in all the front yards of front entry units.** The trees shall be a minimum of 3-inch caliper at the time of planting. The City shall have the final design approval for all public roads and right-of-way. The size of the right-of-way may be altered where

approved by the City. Alleys shall remain private and are subject to approval of the City Engineer.

6. Provide 5-foot wide sidewalks on one side of internal streets. The sidewalk shall only be in front of rear entry townhomes unless there are front entry townhomes on both sides of the street. There shall be no landscape strip for front entry homes. Five foot wide sidewalks shall be provided ~~on both sides of public roads and~~ along the entire length of Old Peachtree Road.
7. Maintain a minimum 25-foot-wide graded, replanted landscape strip ~~50-foot-wide natural, undisturbed buffer~~ along the edge of the Interstate 85 right-of-way. There shall also be a 50-foot building setback line along the Interstate 85 right-of-way.
8. Provide a minimum 86-foot high fence along the property line adjoining the I-85 rest area.
9. No interstate visible signs or billboards shall be allowed.
10. All utility placement shall be below ground.
- ~~11. Should Gwinnett County Department of Transportation determine that a traffic warrant may be necessary, the developer shall conduct the required traffic study and pay the cost of mast arm style signals and installation of said signals.~~
12. A mandatory homeowners association shall be provided and responsible at the very least for the ongoing maintenance of any water quality ponds required by the development regulations, any required open spaces, and any required street trees.
13. Architecture shall be submitted for review and approval by the City of Suwanee Planning and Community Development Director.
14. The site shall subject to the following district development standards.
 - a. Attached homes shall be located on fee simple lots with a minimum width of 22 feet.
 - b. Minimum units size shall be 1,500 square feet.
 - c. Maximum building height: 3 stories
 - d. Minimum front yard: 5 feet from the back of the sidewalk, but not within the right-of-way
 - e. Minimum rear yard: 5 feet
 - f. Minimum building separation: 20 feet
 - g. Minimum parking required: 2 spaces per unit within a garage
 - h. Minimum driveway length: 20 feet
 - i. Minimum road/alley frontage: 22 feet
15. This zoning shall not be site plan specific. The applicant and/or its successors shall have the right to construct future phases pursuant to these conditions.

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 not consistent with the surrounding uses. The residential use would be surrounded by industrial uses.

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

The proposed rezoning would not adversely affect existing uses or usability of adjacent or 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 development proposal is not consistent with the Future Land Use Plan in the 2040 Comprehensive Plan, which calls for Office-Industrial land uses for the subject property similar to those that surround 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;

In 2005, Gwinnett County Superior Court determined that the subject property's former zoning, M-1 (Light Industry District) was not appropriate for the property, and the property was rezoned to RM-8 (Residential Multi-family Duplex District) with conditions in order to settle the case.

REZONING APPLICATION

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

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>Walker Anderson Homes, LLC</u>	NAME: <u>Ronald J. Stephens</u>
ADDRESS: <u>350 Bradley Rd</u> <u>Suwanee, GA 30024</u>	ADDRESS: <u>146 Highway 138</u> <u>Ste. 376</u> <u>Monroe, GA 30655</u>
PHONE: <u>404-274-4492</u>	PHONE: _____

CONTACT PERSON: CLINT WALTERS CONTACT PHONE: 404-274-4492
 EMAIL ADDRESS: cwalters@bfhcompany.com FAX NUMBER: _____

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): RM-8 REQUESTED ZONING DISTRICT IRM-8
 PROPOSED DEVELOPMENT: Townhouses
 TAX PARCELNUMBER(S): 7171 001B, 7171 006, 7150 020
 ADDRESS OF PROPERTY: Smithton Rd, Westbank Rd, Old Peachtree Rd
 TOTAL ACREAGE: 42.17 PUBLIC ROADWAY ACCESS: Old Peachtree Road

FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>337</u>	NO. OF BUILDINGS/UNITS: _____
DWELLING UNIT SIZE (SQ. FT.): <u>1,500</u>	TOTAL GROSS SQUARE FEET: _____

CERTIFICATIONS

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

Signature of Applicant* <u>Clint Walters</u> Print Name* Signature of Notary <u>[Signature]</u>		Signature of Owner* <u>J. Ron Stephens</u> Print Name* Signature of Notary <u>[Signature]</u>	
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* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)

CITY OF SUWANEE USE ONLY

Date Received: 1-4-19 Case No.: RZ-2019-003 Accepted By: AD

REZONING APPLICATION

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

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>Southern Heritage Home Builders, LLC</u>	NAME: <u>Carriage Hill Associates, Inc</u>
ADDRESS: <u>370 Broaden Rd</u> <u>Suwanee, GA 30024</u>	ADDRESS: <u>146 Highway 138</u> <u>Ste. 376</u> <u>Monroe, GA 30655</u>
PHONE: <u>404-274-4492</u>	PHONE: _____

CONTACT PERSON: CLINT WALTERS CONTACT PHONE: 404-274-4492
 EMAIL ADDRESS: cwalters@bfhcompany.com FAX NUMBER: _____

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): RM-8 REQUESTED ZONING DISTRICT IRM-8
 PROPOSED DEVELOPMENT: Townhouses
 TAX PARCELNUMBER(S): 7171 001B, 7171 006, 7150 020
 ADDRESS OF PROPERTY: Smithtown Rd, Westbrook Rd, Old Peachtree Rd
 TOTAL ACREAGE: 42.17 PUBLIC ROADWAY ACCESS: Old Peachtree Road

FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>337</u>	NO. OF BUILDINGS/UNITS: _____
DWELLING UNIT SIZE (SQ. FT.): <u>1,500</u>	TOTAL GROSS SQUARE FEET: _____

CERTIFICATIONS

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

Signature of Applicant: [Signature] Date: 1/2/19
 Print Name: Clint Walters Date: 1/2/19
 Signature of Notary: [Signature] Date: 2/1/19

Signature of Owner: [Signature]
 Print Name: J-Ron Stephens
 Signature of Notary: [Signature]



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

CITY OF SUWANEE USE ONLY

Date Received: 1-4-19 Case No.: 2019-003 Accepted By: AD

22-2019-003

**SOUTHERN HERITAGE HOME BUILDERS, LLC
WALKER ANDERSON HOMES, LLC**

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

- (A) Yes, the proposed development will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (B) No, the proposed development will not adversely affect the existing use or usability of any of the nearby properties. The proposed development is complementary to existing land uses and development.
- (C) The Applicant submits that the property does have reasonable economic use as currently zoned, but that the conditions require modification for construction of an appropriate and quality product.
- (D) No, the proposed development will not result in excessive or burdensome use of the infrastructure systems. The subject Property is located on Old Peachtree Road in close proximity to Horizon Drive and Lawrenceville-Suwanee Road with access to utilities.
- (E) Yes, the proposed use of the property is in conformity with the policy and intent of the land use plan. The Property is located on the outskirts of the Suwanee Gateway character area and is depicted as within a "Mixed-Use/Medium Density Residential (7-15 Units/Acre)" subarea on the Framework Plan included in the Suwanee 2040 Plan. Additionally, the property has been zoned for the proposed use since 2005.
- (F) The subject property has been zoned for the proposed use since 2005. This application is intended to amend the conditions to the existing zoning and set development standards. The applicant believes the current zoning and a townhome use for the property is appropriate.

*390 Brogdon Road
Suwanee, Georgia 30024*

*RZ-2019-003 updated
2-1-19*

**SOUTHERN HERITAGE HOME BUILDERS, LLC
WALKER ANDERSON HOMES, LLC**

**LETTER OF INTENT FOR REZONING APPLICATION FOR CHANGE IN CONDITIONS
FOR SOUTHERN HERITAGE HOME BUILDERS & WALKER ANDERSON HOMES, LLC**

January 31, 2019

Southern Heritage Home Builders, LLC and Walker Anderson Homes, LLC (the "Applicants") submit this Letter of Intent and attached Rezoning Application (the "Application") for the purpose of a Change in Conditions to previous zoning cases RZ-2005-006 & RZ-2001-009 (Remanded). The RM-8 zoned property consists of approximately 41.536 acres located on the north side of Old Peachtree Road. Interstate 85 is the northern boundary of the subject parcels.

The Applicant's requested amendments to the zoning conditions of RZ-2005-006 and RZ-2001-009 allow modern, market appropriate house plans while respecting the existing zoning conditions. The existing zoning allows a maximum density of eight (8) units per acre. The applicant desires this to remain the maximum density for the entire site including future phases. As depicted with Two Hundred Thirteen (213) units, the site plan yields a density of 5.13 units per acre. The proposed project will provide an attractive housing option to serve existing employment centers around Old Peachtree Road and Horizon Drive as well as the larger envisioned employment centers in the heart of the Suwanee Gateway Character area.

The Applicant proposes a Change in Conditions of RZ-2005-006 & RZ-2001-009 (Remanded). Specifically, Applicant requests changes to the following Conditions for RZ-2005-006:

Condition # 2(B); which currently states:

Include a 2 car garage at least 22 feet wide;

The Applicant proposes that Condition # 2(B) be amended to state:

Units shall be at least 22 feet wide and include a 2 car garage;

Condition # 2(C); which currently states:

Have a minimum 8-foot wide deep front porch or stoop;

The Applicant proposes that Condition # 2(C) be amended to state:

*Rear Entry Units shall include a front porch or stoop no less than 4-feet wide and 6-feet deep;
Front Entry units shall include a front stoop no less than 6-feet deep;*

Condition # 4; which currently states:

Buildings shall be constructed primarily of brick exteriors except for cantilevered areas and minor architectural treatments, which may be wood or cement-based siding. Architectural elevations shall be submitted for review and approval of the City prior to issuance of a building permit.

390 Brogdon Road
Suwanee, Georgia 30024

RZ-2019-003 updated
2-1-19

**SOUTHERN HERITAGE HOME BUILDERS, LLC
WALKER ANDERSON HOMES, LLC**

The Applicant proposes that Condition # 4 to be amended to state:

Craftsman style elevations with a mix of brick and cement-based materials substantially similar to the elevations accompanying this application shall be permitted. Final Architectural elevations shall be submitted for review and approval of the City prior to issuance of a building permit.

Condition # 5; which currently states:

All publicly dedicated right-of-ways for the project shall have a minimum of 44-wide right-of-way or as approved by the City. The roadways shall be 23 feet wide from back of curb to back of back. Adjacent to the roadway, a 5-foot wide planter strip shall be planted with street trees off the City's list of approved street trees. The spacing of the trees shall be from 30 to 40 feet on center depending upon the projected canopy size of the selected street tree. The trees shall be a minimum of 3-inch caliper at time of planting. The City shall have the final design approval for all public roads and right-of-way. The size of the right-of-way may be altered where approved by the City.

The Applicant proposes that Condition # 5 be amended to state:

All publicly dedicated right-of-ways for the project shall have a minimum of 44-wide right-of-way or as approved by the City. The roadways shall be a minimum of 23 feet wide from back of curb to back of curb. Adjacent to the roadway with rear entry units, a 5-foot wide planter strip shall be planted with street trees off the City's list of approved street trees. The spacing of the trees shall be from 30 to 40 feet on center depending upon the projected canopy size of the selected street tree and the location of the walkway to the unit's front door. A minimum of one tree shall be planted in all the front yards of front entry units. The trees shall be a minimum of 3-inch caliper at time of planting. The City shall have the final design approval for all public roads and right-of-way. The size of the right-of-way may be altered where approved by the City. Alleys shall remain private and are subject to approval of the City Engineer.

Condition # 6; which currently states:

Provide 5-foot wide sidewalks on both sides of public roads and along the entire length of Old Peachtree Road.

The Applicant proposes that Condition # 6 be amended to state:

Provide 5-foot sidewalks on one side of internal streets. The sidewalk shall only be in front of rear entry townhomes unless there are front entry townhomes on both sides of the street. There shall be no landscape strip for front entry homes. 5-foot wide sidewalks shall be provided along the entire length of Old Peachtree Road.

The Applicant proposes that Condition # 2(D) and Condition # 9 be deleted in their entirety.

390 Brogdon Road
Suwanee, Georgia 30024

RZ-2019-003 updated
2-1-19

**SOUTHERN HERITAGE HOME BUILDERS, LLC
WALKER ANDERSON HOMES, LLC**

The Applicant proposes the following Development Standards as Condition # 12:

- a) *Attached homes shall be located on fee simple lots with a minimum width of 22 feet.*
- b) *Minimum unit size shall be 1,500 square feet.*
- c) *Maximum building height: 3 stories*
- d) *Minimum Front yard: 5 feet from the back of the sidewalk, but not within the right-of-way*
- e) *Minimum rear yard: 5 feet*
- f) *Minimum building separation: 20 feet*
- g) *Minimum parking required: 2 spaces per unit within a garage*
- h) *Minimum driveway length 20 feet*
- i) *Minimum road/alley frontage: 22 feet*

The Applicant proposes the following Condition # 13:

This zoning shall not be site plan specific. The Applicant and/or its successors shall have the right to construct future phases pursuant to these conditions.

The Conditions of RZ-2001-009 (Remanded) match RZ-2005-006 with the exception of Condition #'s 7 and 8. The Applicant requests changes as follows:

Condition # 7; which currently states:

Maintain a minimum of 50-foot wide natural, undisturbed buffer along the edge of the Interstate 85 right-of-way.

The Applicant proposes that Condition # 7 be amended to state:

Maintain a minimum 25-foot wide graded, replanted buffer along the edge of the interstate 85 right-of-way. There shall also be a 50-foot building setback line along the interstate 85 right-of-way.

Condition # 8; which currently states:

Provide a minimum 8-foot high fence along the property line adjoining the I-85 rest area.

The Applicant proposes that Condition # 8 be amended to state:

Provide a minimum 6-foot high fence along the property line adjoining the I-85 rest area.

The remaining conditions of RZ-2001-009 (Remanded) shall be treated the same as the conditions of RZ-2005-006. Condition # 2(D) and Condition # 11 are requested to be deleted.

390 Brogdon Road
Suwanee, Georgia 30024

RZ-2019-003 updated
2-1-19

**SOUTHERN HERITAGE HOME BUILDERS, LLC
WALKER ANDERSON HOMES, LLC**

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

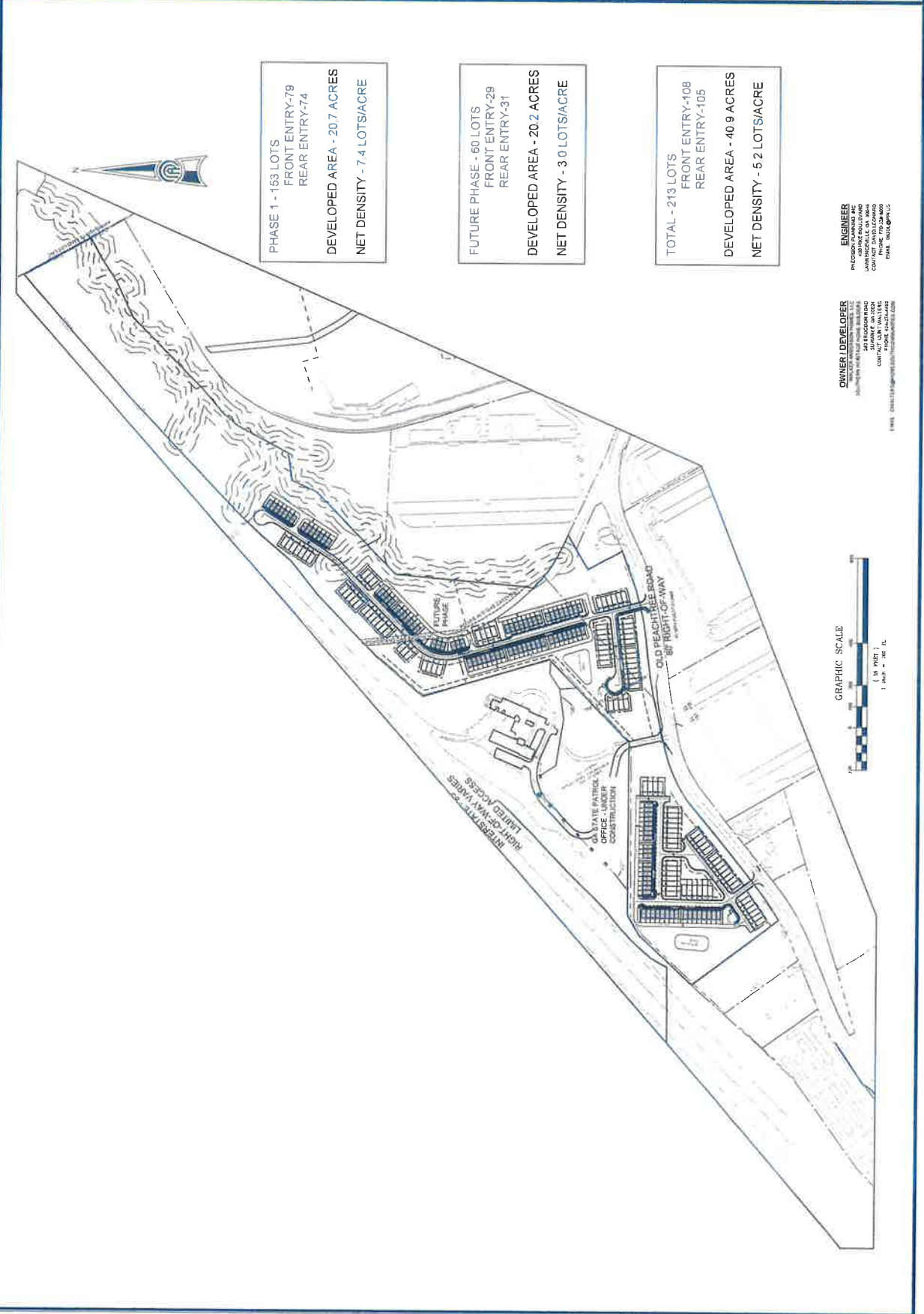
Southern Heritage Home Builders, LLC
Walker Anderson Homes, LLC



Clint Walters
Authorized Signatory

390 Brogdon Road
Suwanee, Georgia 30024

RZ-2019-003 updated
2-1-19



PHASE 1 - 153 LOTS
 FRONT ENTRY-79
 REAR ENTRY-74
 DEVELOPED AREA - 20.7 ACRES
 NET DENSITY - 7.4 LOTS/ACRE

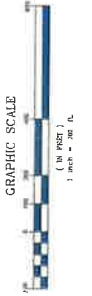
FUTURE PHASE - 60 LOTS
 FRONT ENTRY-29
 REAR ENTRY-31
 DEVELOPED AREA - 20.2 ACRES
 NET DENSITY - 3.0 LOTS/ACRE

TOTAL - 213 LOTS
 FRONT ENTRY-108
 REAR ENTRY-105
 DEVELOPED AREA - 40.9 ACRES
 NET DENSITY - 5.2 LOTS/ACRE



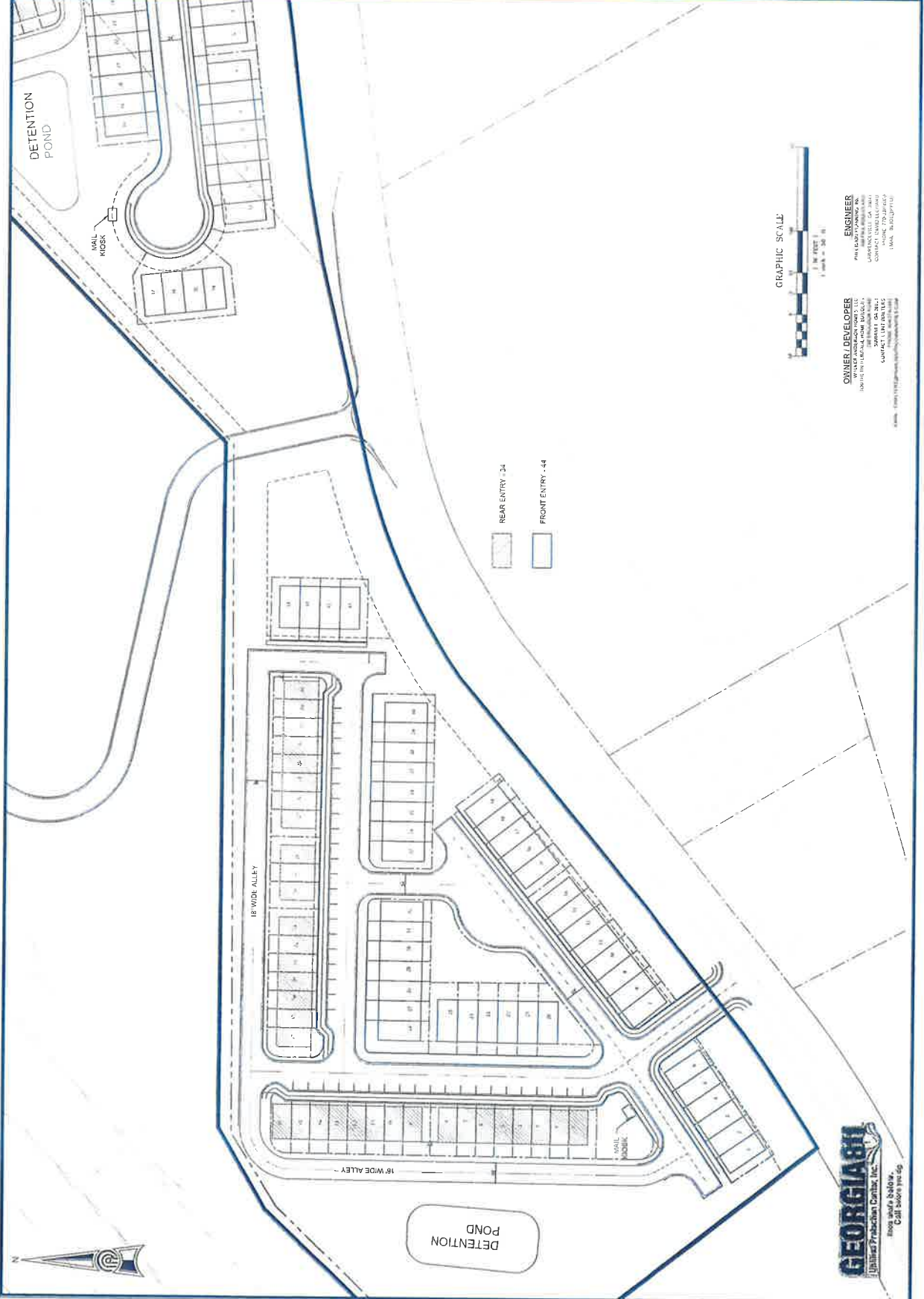
ENGINEER
 PRECISION PLANNING INC.
 40754 CORNER LAKESIDE COURT
 LAWRENCEVILLE, GA 30046
 CONTACT: TONY WALKER
 PHONE: 770.336.8300
 EMAIL: TONY@PRECISIONPLANNING.COM

OWNER/DEVELOPER
 PRECISION PLANNING INC.
 40754 CORNER LAKESIDE COURT
 LAWRENCEVILLE, GA 30046
 CONTACT: TONY WALKER
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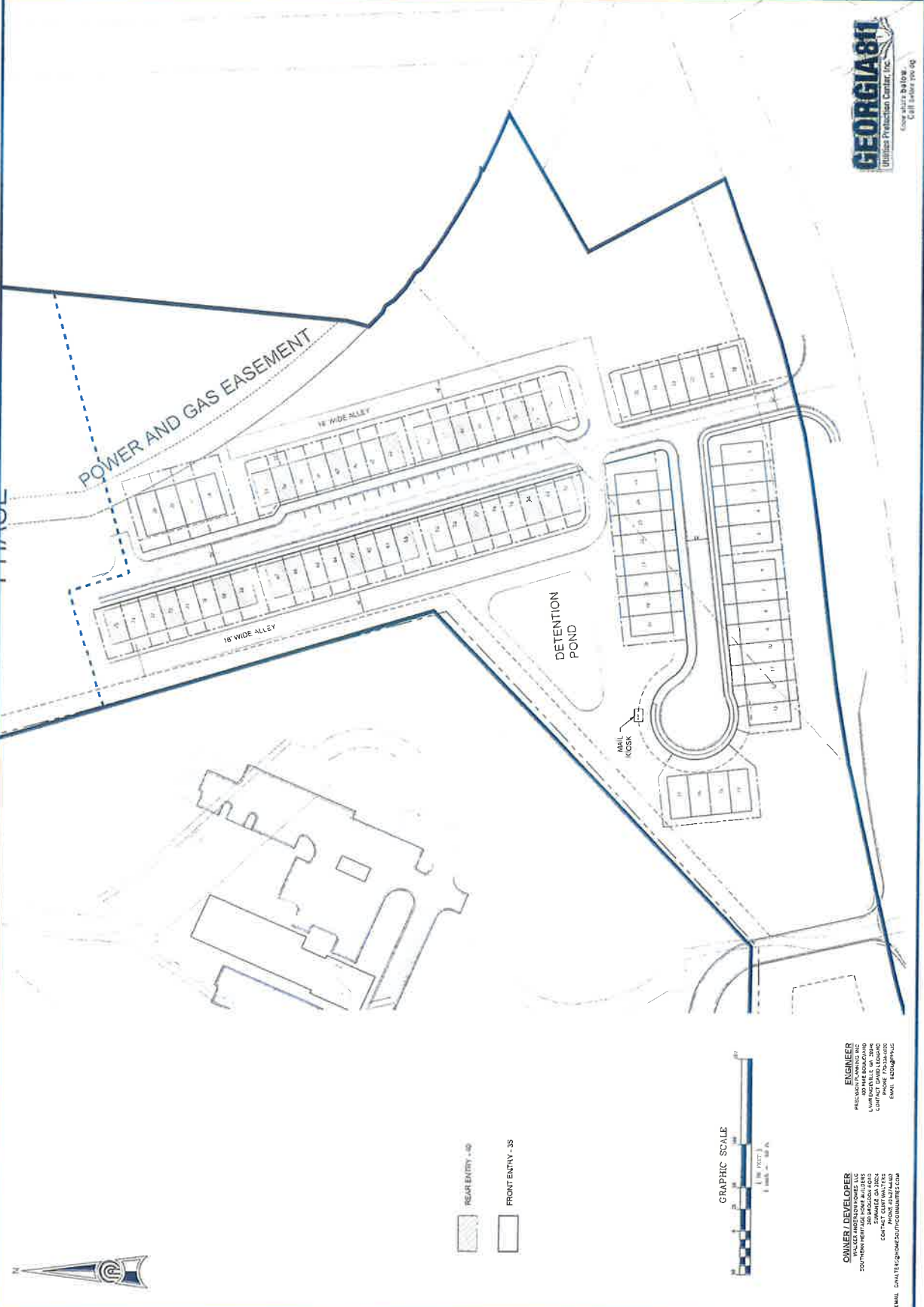
2-1-19

RZ-2019-003

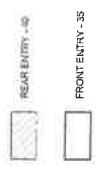


22-2019-003

 <p>PRECISION Planning Inc. planners • engineers • architects • surveyors 17025 BOND • SUITE 101 DUBLIN, GA 30128</p>	<p>OLD PEACHTREE DEVELOPMENT</p>	<p>REZONING EXHIBIT</p>	<p>PROJECT NO. 17025 BOND SUITE 101</p>	<p>DATE: 01/10/19</p>	<p>3</p>
		<p>SHEET TITLE</p>	<p>DATE: 01/10/19</p>	<p>DATE: 01/10/19</p>	<p>DATE: 01/10/19</p>



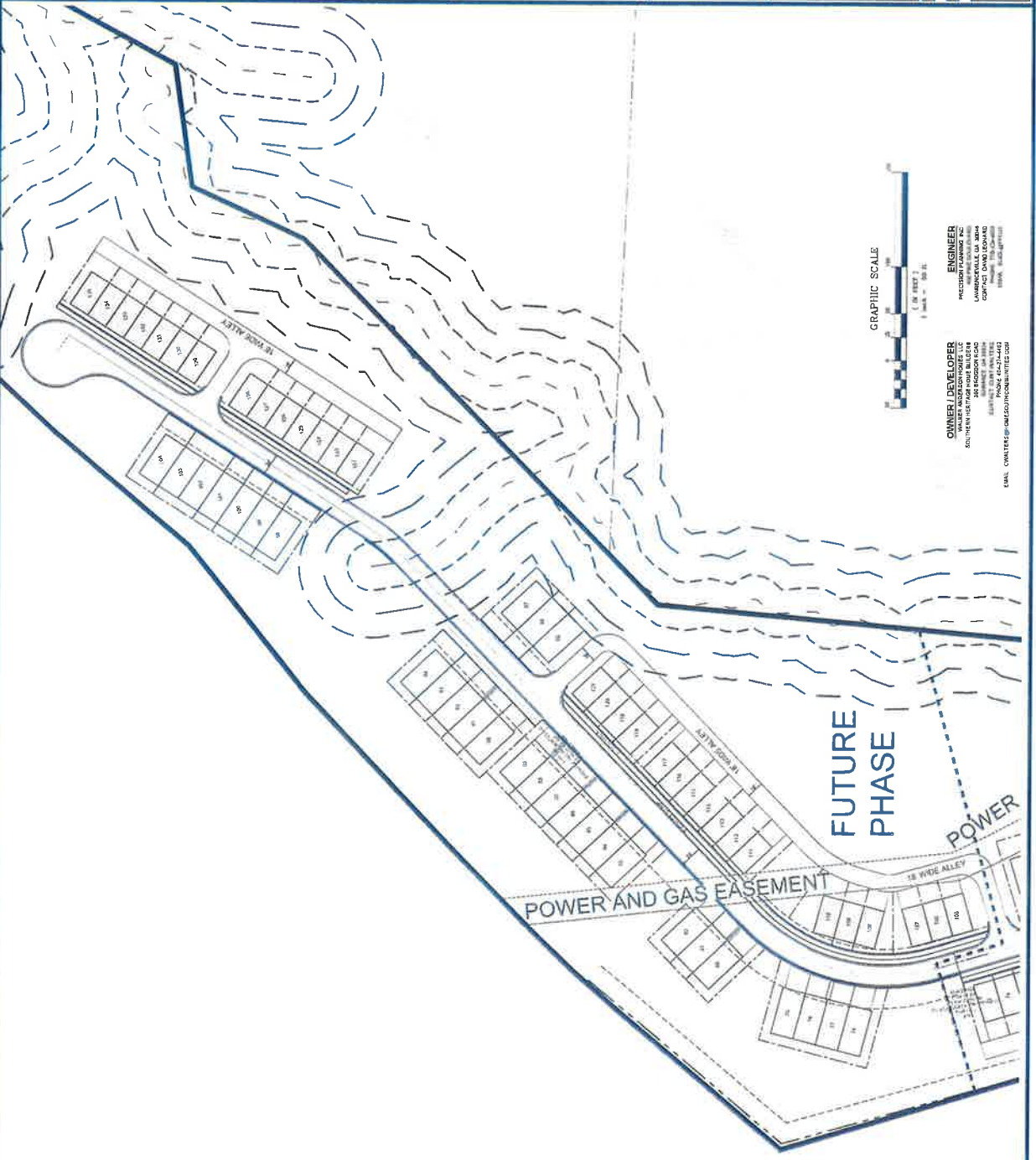
GEORGIA81
Ultimate Protection Center, Inc.
Call before you dig



OWNER / DEVELOPER
WALLER AMERSON HOMES, LLC
250 PHOENIX AVENUE, SUITE 100
DUBLIN, GA 30128
CONTACT: DAVID LEONARD
PHONE: 404.274.4400
EMAIL: CHARTER@WALLERAMERSON.COM

ENGINEER
PRECISION PLANNING INC.
17025 BOND SUITE 101
DUBLIN, GA 30128
CONTACT: DAVID LEONARD
PHONE: 404.274.4400
EMAIL: CHARTER@PRECISIONPLANNING.COM

22-2019-003



ENGINEER
 PRECISION PLANNING INC.
 405 PINE BLOWERS, LITTLETON, CO 80120
 303.733.8000 • WWW.PPI.US

OWNER / DEVELOPER
 WALKER AND ASSOCIATES, LLC
 5015 NORTH HUNTERS TRAIL, SUITE 100
 DENVER, CO 80231
 303.755.1100

GRAPHIC SCALE
 1" = 100'-0"

CALL: 303.733.8000

FUTURE PHASE - 60 LOTS
 FRONT ENTRY - 29
 REAR ENTRY - 31
 DEVELOPED AREA - 20.2 ACRES
 NET DENSITY - 3.0 LOTS/ACRE



GEORGIA811
 Utilities Production Center, Inc.
 Scope: Above Ground
 Call before you dig.

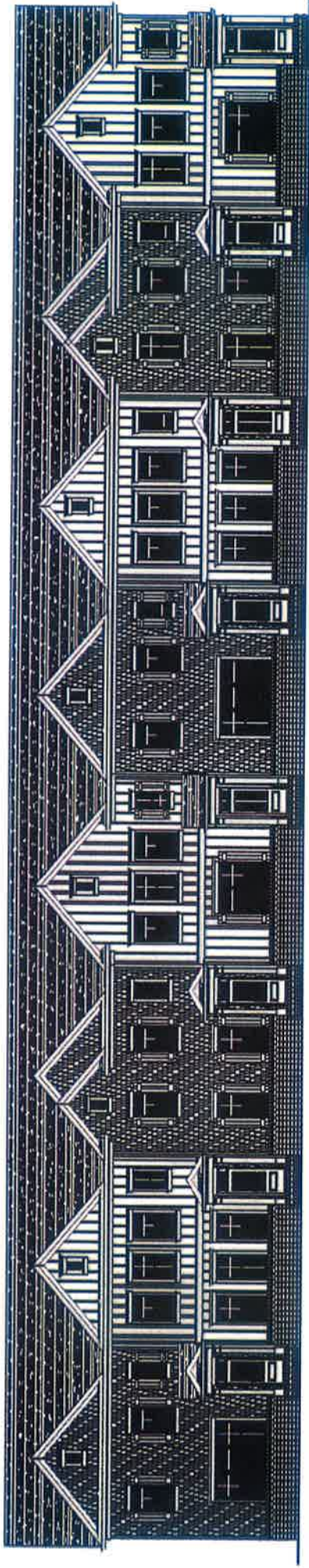
22-2019-003

Front Entry Elevations

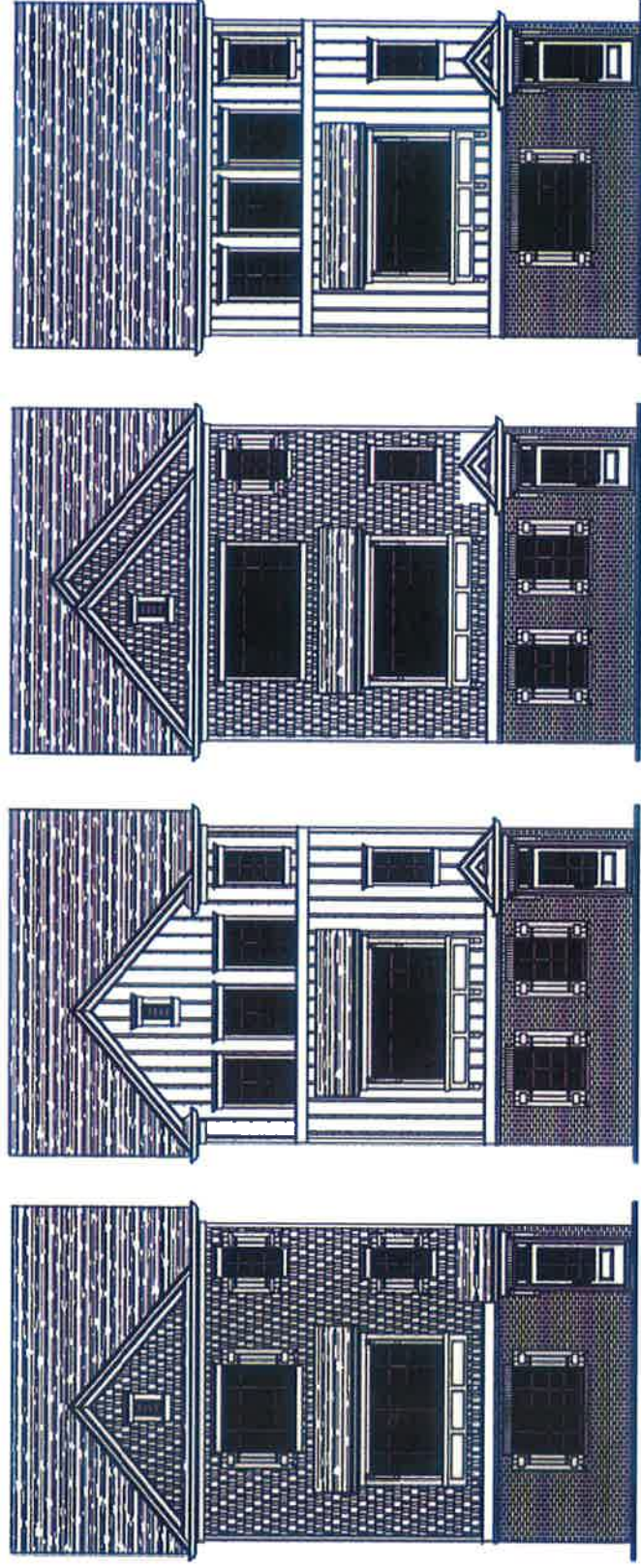


27-7019-003

Rear Entry Basement Elevations



Rear Entry Slab Elevations

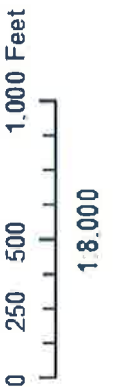




Location Map RZ-2019-003



Legend





Zoning Map RZ-2019-003

Legend

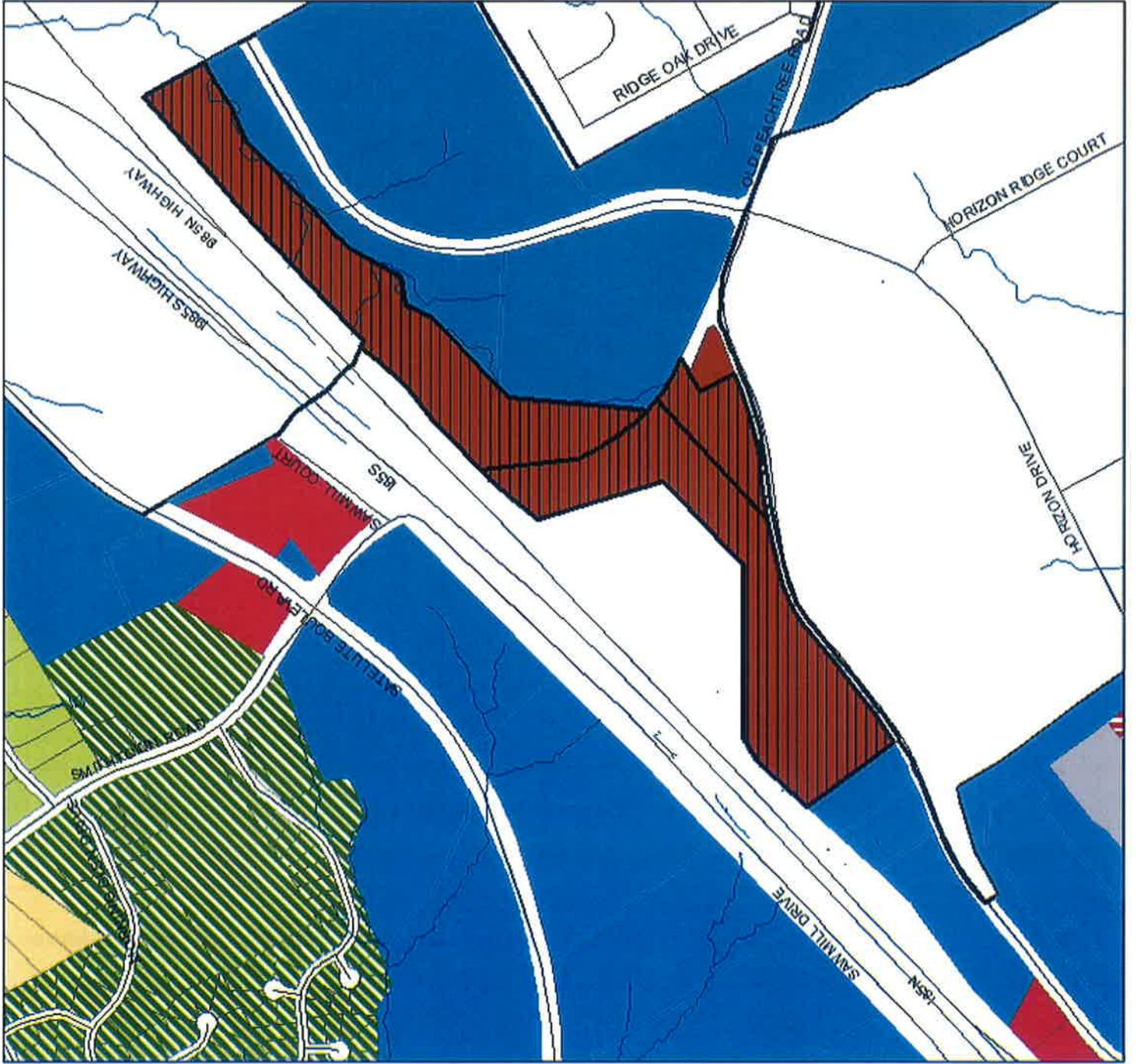
RZ-2019-003

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

0 325 650 1,300 Feet

1:8,000



City of Suwanee
Official Zoning Map Amendment
Resolution/Ordinance

OB 9.A

RZ-2001-009

Case Number: RZ-2001-009 (Remanded).

At the regular meeting of the Suwanee City Council held at Suwanee City Hall, 373 Highway 23, Suwanee, Georgia on a motion by Councilmember Hassell, and seconded by Councilmember Landers, 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 (Light Industry District) to RM-8 (Residential Multi-Family Duplex District), for the proposed use of townhomes, 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 August 16, 2005;

NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 16th day of August, 2005 that the aforesaid application to amend the Official Zoning Map from M-1 to RM-8 is hereby APPROVED subject to the following conditions:

1. *Development shall be limited to fee-simple, attached units (townhouses) with a maximum net density of 8 units per acre.*
2. *All residential units shall meet the following requirements:*
 - a. *located on a fee simple lot fronting on publicly dedicated roadways;*
 - b. *include a 2 car garage at least 22 feet wide;*
 - c. *have a minimum 8-foot wide deep front porch or stoop;*
 - d. *have the finished first floor elevation of the main floor at least 3 feet above grade;*
 - e. *have a minimum gross heated floor area of 1,500 square feet;*
 - f. *be set back from the right-of-way between 5 and 15 feet.*
3. *Fifty (50) percent of all garages shall be accessed from the rear of the unit via private rear alleyways to be approved by the Gwinnett County Fire Marshall.*

4. ***Buildings shall be constructed primarily of brick exteriors except for cantilevered areas and minor architectural treatments, which may be wood or cement-based siding. Architectural elevations shall be submitted for review and approval of the City prior to issuance of a building permit.***
5. ***All publicly dedicated right-of-ways for the project shall have a minimum 44-foot wide right-of-way or as approved by the City. The roadways shall be 23 feet wide from back of curb to back of back. Adjacent to the roadway, a 5-foot wide planter strip shall be provided on both sides of the road. Said planter strips shall be planted with street trees off the City's list of approved street trees. The spacing of the trees shall be from 30 to 40 feet on center depending upon the projected canopy size of the selected street tree. The trees shall be a minimum of 3-inch caliper at the time of planting. The City shall have the final design approval for all public roads and right-of-way. The size of the right-of-way may be altered where approved by the City.***
6. ***Provide 5-foot wide sidewalks on both sides of public roads and along the entire length of Old Peachtree Road.***
7. ***Maintain a minimum 50-foot wide natural, undisturbed buffer along the edge of the Interstate 85 right-of-way.***
8. ***Provide a minimum 8-foot high fence along the property line adjoining the I-85 rest area.***
9. ***No interstate visible signs or billboards shall be allowed.***
10. ***All utility placement shall be below ground.***
11. ***Should Gwinnett County Department of Transportation determine that a traffic warrant may be necessary, the developer shall conduct the required traffic study and pay the cost of mast arm style signals and installation of said signals.***
12. ***A mandatory homeowners association shall be provided and responsible at the very least for the ongoing maintenance of any water quality ponds required by the development regulations, any required open spaces, and any required street trees.***
13. ***Architecture shall be submitted for review and approval by the City of Suwanee Planning and Community Development Director.***

SUWANEE CITY COUNCIL, A GEORGIA
MUNICIPAL CORPORATION

By:



Nick Masino, Mayor

ATTESTED TO BY:

Elvira Rogers
Elvira Rogers, City Clerk

By: Jace Brooks
Jace Brooks, Mayor Pro-tem

By: Carol Hassell
Carol Hassell, Councilmember

APPROVED AS TO FORM BY:

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

By: Jimmy Burnette
Jimmy Burnette, Councilmember

By: Alan Landers
Alan Landers, Councilmember

By: Jeanine Rispin
Jeanine Rispin, Councilmember

EXHIBIT "A"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 150, 151, 170 and 171, 7th District, in the City of Suwanee, Gwinnett County, Georgia, containing approximately 41.76 acres as shown on that certain Preliminary Site Plan entitled "Old Peachtree Road Tract, City of Suwanee, Georgia", dated April 24, 2001, last revised July 31, 2001, prepared by Reece, Hoopes & Fincher, and being more particularly described according to said survey as follows:

TO LOCATE THE TRUE PLACE OR POINT OF BEGINNING, commence at a point located at the land lot corner common to Land Lots 149, 150, 171 and 172; run thence along the land lot line dividing Land Lots 150 and 171 South 59 degrees 53 minutes 35 seconds West a distance of 782.02 feet to a point; thence leaving said land lot line run South 29 degrees 59 minutes 12 seconds East a distance of 1,242.26 feet to a point located on the northerly right of way line of Old Peachtree Road (80 foot right of way); run thence along said right of way line in a generally northwesterly direction and following the curvature thereof an arc distance of 611.22 feet to a point (said arc having a radius of 6665.02 feet and being subtended by a chord bearing and distance of North 70 degrees 44 minutes 37 seconds West, 611.01 feet); continuing along said right of way line North 70 degrees 38 minutes 45 seconds West a distance of 521.90 feet to a point; continuing along said right of way line North 74 degrees 18 minutes 15 seconds West a distance of 85.30 feet to a point, which point marks the TRUE PLACE OR POINT OF BEGINNING.

FROM THE TRUE PLACE OR POINT OF BEGINNING AS THUS ESTABLISHED and continuing along said right of way line in a generally southwesterly direction and following the curvature thereof an arc distance of 340.18 feet to a point (said arc having a radius of 789.55 feet and being subtended by a chord bearing and distance of South 76 degrees 04 minutes 16 seconds West, 337.56 feet); continuing along said right of way line in a generally southwesterly direction and following the curvature thereof an arc distance of 591.45 feet to a point (said arc having a radius of 1267.27 feet and being subtended by a chord bearing and distance of South 77 degrees 05 minutes 54 seconds West, 586.10 feet); continuing along said right of way line in a generally southwesterly direction and following the curvature thereof an arc distance of 151.54 feet to a point (said arc having a radius of 853.77 feet and being subtended by a chord bearing and distance of South 85 degrees 23 minutes 02 seconds West, 151.34 feet); continuing along said right of way line in a generally southwesterly direction and following the curvature thereof an arc distance of 288.72 feet to a point (said arc having a radius of 2100.54 feet and being subtended by a chord bearing and distance of South 77 degrees 08 minutes 26 seconds West, 288.49 feet); continuing along said right of way line in a generally southwesterly direction and following the curvature thereof an arc distance of 271.95 feet to a point (said arc having a radius of 608.60 feet and being subtended by a chord bearing and distance of South 61 degrees 22 minutes 49 seconds West, 269.69 feet); continuing along said right of way line in a generally southwesterly direction and following the

R2-2001-009

1 of 2

curvature thereof an arc distance of 522.15 feet to a point (said arc having a radius of 6116.59 feet and being subtended by a chord bearing and distance of South 51 degrees 01 minutes 29 seconds West, 522.0 feet; continuing along said right of way line South 56 degrees 00 minutes 01 seconds West a distance of 51.56 feet to a point; continuing along said right of way line in a generally southwesterly direction and following the curvature thereof an arc distance of 93.37 feet to a point (said arc having a radius of 1069.21 feet and being subtended by a chord bearing and distance of South 56 degrees 39 minutes 39 seconds West, 93.34 feet); thence leaving said right of way line run North 35 degrees 56 minutes 59 seconds West a distance of 499.33 feet to a point; run thence North 43 degrees 12 minutes 33 seconds East a distance of 333.13 feet to a point; run thence North 57 degrees 34 minutes 15 seconds East a distance of 101.17 feet to a point; run thence North 89 degrees 29 minutes 11 seconds East a distance of 821.29 feet to a point; run thence North 46 degrees 33 minutes 54 seconds East a distance of 540.04 feet to a point; run thence North 16 degrees 12 minutes 22 seconds West a distance of 623.08 feet to a point; run thence North 40 degrees 01 minutes 46 seconds East a distance of 266.38 feet to a point; run thence North 40 degrees 01 minutes 45 seconds East a distance of 59.20 feet to a point; run thence North 46 degrees 29 minutes 59 seconds East a distance of 57.80 feet to a point; run thence North 51 degrees 51 minutes 20 seconds East a distance of 200.79 feet to a point; run thence North 41 degrees 12 minutes 59 seconds East a distance of 201.23 feet to a point; run thence North 46 degrees 28 minutes 11 seconds East a distance of 900.22 feet to a point; run thence North 49 degrees 23 minutes 18 seconds East a distance of 755.64 feet to a point; run thence South 29 degrees 57 minutes 21 seconds East a distance of 340.00 feet to a point; run thence South 70 degrees 19 minutes 14 seconds West a distance of 180.00 feet to a point; run thence South 55 degrees 17 minutes 31 seconds West a distance of 360.00 feet to a point; run thence South 29 degrees 17 minutes 03 seconds West a distance of 202.03 feet to a point; run thence South 47 degrees 52 minutes 07 seconds West a distance of 540.00 feet to a point; run thence South 50 degrees 55 minutes 29 seconds West a distance of 280.00 feet to a point; run thence South 29 degrees 59 minutes 56 seconds West a distance of 435.20 feet to a point; run thence South 72 degrees 14 minutes 23 seconds a distance of 158.70 feet to a point; run thence South 36 degrees 02 minutes 44 seconds West a distance of 105.38 feet to a point; run thence South 03 degrees 00 minutes 02 seconds West a distance of 697.49 feet to a point; run thence South 53 degrees 01 minutes 25 seconds East a distance of 204.29 feet to a point; run thence South 65 degrees 22 minutes 14 seconds East a distance of 334.29 feet to a point located on the northerly right of way line of Old Peachtree Road (80 foot right of way), which point marks the TRUE PLACE OR POINT OF BEGINNING.

\\adt1\data\ADTUsers\kmedanief\Real Estate\Legal Description - Old Peachtree Rd Tract for GDJ.doc

2 of 2
RZ-2001-009

City of Suwanee
Official Zoning Map Amendment
Resolution/Ordinance

Case Number: RZ-2005-006,

At the regular meeting of the Suwanee City Council held at Suwanee City Hall, 373 Highway 23, Suwanee, Georgia on a motion by Councilmember Hassell, and seconded by Councilmember Landers, 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 R-100 (unincorporated Gwinnett County) and M-1 (unincorporated Gwinnett County) to RM-8 (Residential Multi-Family Duplex District), for the proposed use of townhomes, 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 August 16, 2005;

NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 16th day of August, 2005 that the aforesaid application to amend the Official Zoning Map from M-1 (unincorporated Gwinnett County) to RM-8 is hereby APPROVED subject to the following conditions:

- 1) Development shall be limited to fee-simple, attached units (townhouses) with a maximum net density of 8 units per acre.**
- 2) All residential units shall meet the following requirements:**
 - A) located on a fee simple lot fronting on publicly dedicated roadways;**
 - B) include a 2 car garage at least 22 feet wide;**
 - C) have a minimum 8-foot wide deep front porch or stoop;**
 - D) have the finished first floor elevation of the main floor at least 3 feet above grade;**
 - E) have a minimum gross heated floor area of 1,500 square feet;**
 - F) be set back from the right-of-way between 5 and 15 feet.**
- 3) Fifty (50) percent of all garages shall be accessed from the rear of the unit via private rear alleyways to be approved by the Gwinnett County Fire Marshall.**

- 4) *Buildings shall be constructed primarily of brick exteriors except for cantilevered areas and minor architectural treatments, which may be wood or cement-based siding. Architectural elevations shall be submitted for review and approval of the City prior to issuance of a building permit.*
- 5) *All publicly dedicated right-of-ways for the project shall have a minimum 44-foot wide right-of-way or as approved by the City. The roadways shall be 23 feet wide from back of curb to back of back. Adjacent to the roadway, a 5-foot wide planter strip shall be provided on both sides of the road. Said planter strips shall be planted with street trees off the City's list of approved street trees. The spacing of the trees shall be from 30 to 40 feet on center depending upon the projected canopy size of the selected street tree. The trees shall be a minimum of 3-inch caliper at the time of planting. The City shall have the final design approval for all public roads and right-of-way. The size of the right-of-way may be altered where approved by the City.*
- 6) *Provide 5-foot wide sidewalks on both sides of public roads and along the entire length of Old Peachtree Road.*
- 7) *No interstate visible signs or billboards shall be allowed.*
- 8) *All utility placement shall be below ground.*
- 9) *Should Gwinnett County Department of Transportation determine that a traffic warrant may be necessary, the developer shall conduct the required traffic study and pay the cost of mast arm style signals and installation of said signals.*
- 10) *A mandatory homeowners association shall be provided and responsible at the very least for the ongoing maintenance of any water quality ponds required by the development regulations, any required open spaces, and any required street trees.*
- 11) *Architecture shall be submitted for review and approval by the City of Suwanee Planning and Community Development Director.*

SUWANEE CITY COUNCIL, A GEORGIA
MUNICIPAL CORPORATION

By:



Nick Masino, Mayor

EXHIBIT A

TRACT 5:

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 3.467 ACRES LYING AND BEING IN LAND LOTS 150 AND 171 OF THE 7th DISTRICT OF GWINNETT COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR PIN FOUND AT THE NORTHERLY END OF A MITER OF THE RIGHT OF WAY INTERSECTION OF THE WESTERLY RIGHT OF WAY OF HORIZON DRIVE; A 100 FOOT RIGHT OF WAY, WITH THE SOUTHERLY RIGHT OF WAY OF OLD PEACHTREE ROAD, A RIGHT OF WAY OF VARYING WIDTHS (AT THIS POINT BEING A 90 FOOT RIGHT OF WAY); THENCE ALONG SAID RIGHT OF WAY OF OLD PEACHTREE ROAD NORTH 70 DEGREES 03 MINUTES 11 SECONDS WEST A DISTANCE OF 185.46 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 533.30 FEET AN ARC DISTANCE OF 34.75 FEET (SAID ARC BEING SUBTENDED BY A CHORD OF NORTH 71 DEGREES 55 MINUTES 10 SECONDS WEST A DISTANCE OF 34.74 FEET) TO A 1/2-INCH REBAR PIN FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 16 DEGREES 12 MINUTES 50 SECONDS EAST A DISTANCE OF 10.00 FEET TO A 1/2-INCH REBAR PIN FOUND ON AN 80 FOOT RIGHT OF WAY OF OLD PEACHTREE ROAD; THENCE ALONG SAID 80 FOOT RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 543.30 FEET AN ARC DISTANCE OF 377.54 FEET (SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH 86 DEGREES 18 MINUTES 22 SECONDS WEST A DISTANCE OF 369.99 FEET) TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 65 DEGREES 23 MINUTES 54 SECONDS WEST A DISTANCE OF 87.59 FEET TO A POINT; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY NORTH 30 DEGREES 12 MINUTES 39 SECONDS WEST A DISTANCE OF 80.54 FEET TO A 1/2-INCH REBAR PIN SET ON THE NORTHERLY RIGHT OF WAY OF AN 80 FOOT RIGHT OF WAY OF OLD PEACHTREE ROAD AND THE TRUE POINT OF BEGINNING.

FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED THENCE ALONG SAID NORTHERLY RIGHT OF WAY SOUTH 66 DEGREES 23 MINUTES 54 SECONDS WEST A DISTANCE OF 55.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1319.34 FEET AN ARC DISTANCE OF 385.46 FEET (SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH 74 DEGREES 46 MINUTES 05 SECONDS WEST A DISTANCE OF 384.09 FEET) TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 83 DEGREES 08 MINUTES 15 SECONDS WEST A DISTANCE OF 255.34 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1220.06 FEET AN ARC DISTANCE OF 0.34 FEET (SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH 83 DEGREES 07 MINUTES 47 SECONDS WEST A DISTANCE OF 0.34 FEET) TO A 1/2-INCH REBAR PIN SET; THENCE LEAVING SAID RIGHT OF WAY NORTH 47 DEGREES 23 MINUTES 42 SECONDS EAST A DISTANCE OF 730.33 FEET TO A 1/2-INCH REBAR PIN SET IN THE CENTER OF A DIRT ROADBED OF WESTBROOK ROAD, A 30 FOOT PRESCRIPTIVE EASEMENT; THENCE ALONG THE CENTER OF SAID ROADBED AND EASEMENT ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1025.50 FEET AN ARC DISTANCE OF 211.50 FEET (SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH 57 DEGREES 32 MINUTES 10 SECONDS EAST A DISTANCE OF 211.12 FEET) TO A 1/2-INCH REBAR PIN SET; THENCE LEAVING SAID ROADBED SOUTH 59 DEGREES 43 MINUTES 03 SECONDS WEST A DISTANCE OF 139.58 FEET TO A 1-INCH PIPE FOUND; THENCE SOUTH 30 DEGREES 12 MINUTES 39 SECONDS EAST A DISTANCE OF 180.02 FEET TO A 1/2-INCH REBAR PIN SET ON THE NORTHERLY RIGHT OF WAY OF OLD PEACHTREE ROAD AND THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND BEING THE SAME AS THAT SHOWN ON A SURVEY FOR DUKE CONSTRUCTION LIMITED PARTNERSHIP AND CHICAGO TITLE INSURANCE COMPANY PREPARED BY PINION AND MCGAUGHEY LAND SURVEYORS, INC. DATED AUGUST 30, 2000.