

REZONING(S):

RZ-2020-004

**CITY OF SUWANEE
REZONING ANALYSIS**

CASE NUMBERS: **RZ-2020-004**
REQUEST: M-1 (LIGHT INDUSTRY DISTRICT) TO RM-8
(RESIDENTIAL MULTI-FAMILY DUPLEX
DISTRICT)

LOCATION: 813 EVA KENNEDY ROAD

TAX ID NUMBER: 7-237-102

ACREAGE: APPROXIMATELY 12.6 ACRES

PROPOSED DEVELOPMENT: AGE-RESTRICTED RESIDENTIAL
COMMUNITY

APPLICANT: ONE STREET DEVELOPMENT, LLC
2000 RIVEREDGE PARKWAY, SUITE 450
ATLANTA, GEORGIA 30328

OWNER: JOHN T. BARRETT
3737 ETHRIDGE ROAD
JEFFERSON, GEORGIA 30549

CONTACT: KATHRYN M. ZICKERT
PHONE: 404-815-3704

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a rezoning from M-1 (Light Industrial District) to RM-8 (Residential Multi-Family Duplex District) to allow for an age-restricted residential community.

The subject property is approximately 12.6 acres located at 813 Eva Kennedy Road. The property has road frontage on both Peachtree Industrial Boulevard and Eva Kennedy Road. The topography is steep and slopes from Peachtree Industrial Boulevard down to a stream that bisects the property from north to south creating a wetlands in the center of the property that is approximately 1.4 acres. The east side of the wetland is undeveloped and wooded, and the west side of the wetland is mostly wooded and contains two barns and a driveway off of Eva Kennedy Road. The southeast corner of the property is encumbered by wetlands and a Georgia Power easement and would remain undisturbed.

The applicant proposes to develop an age-restricted active adult community that would be commonly owned and maintained by a leasing company. The development would include a total of 98 units made up of a mix of 5 different product types: 4 "Type A" +/- 1,200 square foot

single family detached cottages; 14 “Type B” +/- 1,350 square foot single family detached homes; 4 “Type C” +/- 1,550 square foot single family detached homes; 6 “Type D” +/-1,150-1,700 square foot single family detached homes; 16 “Type D” single family attached homes (+/- 1,150-1,700 square feet); and 27 “Type E” stacked duplexes (+/-1,850 square foot two bedroom units over +/-1,100 square foot one bedroom units). The mix would include 27 one-bedroom units, 49 two-bedroom units, and 22 three-bedroom units.

The subject property has environmental challenges due to the wetland and the stream on the property. The stream is currently piped. The applicant proposes to use the water that is currently being piped to supply stormwater for a wet pond that would be created in the center of the property in the wetland area. The pond would serve as a focal point and amenity for the development including a clubhouse overlooking the pond and a walking trail around it.

The clubhouse would include the management office and a fitness center, serving kitchen for resident use (no meals would be provided), and a community room. Other proposed amenities or exterior gathering areas include a dog park/wash area, an outdoor grilling area, and a “social lawn” with fire pit overlooking the central pond.

The majority of homes front green open spaces with pedestrian pathways that connect to the larger sidewalk network within the development that connects to the walking trail around the central pond as well as the surrounding streets, Peachtree Industrial Boulevard and Eva Kennedy Road. Most homes are served by rear alleys to access parking behind the units.

One main road provides access to the development from Eva Kennedy Road. This road curves through the development and also connects to a gated exit-only access point that would provide residents direct access onto Peachtree Industrial Boulevard. The east side of this road would be lined with front loaded duplexes.

No new curb cut is proposed off of Peachtree Industrial Boulevard. The applicant proposes a gated exit at the northwest corner of the subject property. This exit would utilize an existing curb cut on the adjacent property to provide exit-only access to Peachtree Industrial Boulevard. This would allow residents to exit directly onto Peachtree Industrial Boulevard from the development. The gate would prevent residents or cut-through traffic from entering from Peachtree Industrial Boulevard. Most of the road frontage along Peachtree Industrial Boulevard drops steeply over 50 feet below the grade of the road. The subject property slopes steeply away from Peachtree Industrial Boulevard towards Eva Kennedy Road, so most of the development would not be easily visible or accessible from Peachtree Industrial Boulevard. The area between the right-of-way and Peachtree Industrial Boulevard would remain wooded and if disturbed would be replanted.

The proposed development would have a total of 324 parking spaces dispersed throughout the site in individual garages (125 spaces), driveways (121 spaces), and on-street spaces (78). With the exception of the 4 cottages clustered around an open space in the southeast corner of the site, all units would have a minimum of two spaces either in attached garages or dedicated driveways for the unit. 90 degree parking adjacent to the open space would be provided for the cottages. An additional 70 on-street parking spaces would be provided for overflow parking and guests including 12 parallel parking spaces along Eva Kennedy Road.

ANALYSIS:

The subject property is zoned M-1 (Light Industry District) and is surrounded by residential and commercial uses. The property is bound by Eva Kennedy Road to the south and Peachtree Industrial Boulevard to the north. A small sliver of vacant land also zoned M-1 (Light Industry District) sits between Peachtree Industrial Boulevard and the subject property at the northeast corner of the subject property. Adjacent property to the west is zoned C-2 (General Commercial District) and contains automotive repair uses. Adjacent property to the east zoned C-2 (General Commercial District) contains a variety of commercial uses including a daycare, offices, a music school and faith-based facilities. Directly across Eva Kennedy Road is the Brushy Creek neighborhood, which is zoned R-75 (Single Family Residence District), and two residential parcels zoned R-100 and R-75 that are largely encumbered by wetlands and power lines. One parcel has a single family detached house and the other is wooded and largely consumed by a Georgia Power easement. The Forest Plantation and Stoneridge single family neighborhoods, which are zoned R-85, are located across Peachtree Industrial Boulevard from the subject property.

The 2040 Comprehensive Plan states that future development in the Peachtree Industrial Corridor Character Area, which the subject property is in, should “have diverse housing options as appropriate to the adjacent context” (2040 Comprehensive Plan, p. 13). Since the property slopes steeply away from Peachtree Industrial Boulevard, the context of the proposed development is the single family homes along Eva Kennedy Road. Most units in the proposed project would be complimentary to nearby single family homes. Although the development would be multi-family residential, the form of the units in the development would be detached single family houses and two-unit residences designed to look like detached single family homes particularly along the Eva Kennedy Road frontage. The ten structures that would face Eva Kennedy Road would consist of six 1.5 story single family detached cottages (types B and C), and four 2 story two-unit residences (type E). These proposed two units are vertically stacked with a two-bedroom unit above a one-bedroom unit with individual entrances off side porches. The design of the 16 side-by-side two-unit residences (type D) along the west side of the development are not compatible with the surrounding single family homes. However, these are located deeper within the development and would not be visible from Eva Kennedy Road.

The 2040 Plan prescribes that “new development and redevelopment should design smaller, more dispersed parking; landscaped pedestrian walkways with intermittent plazas and pocket parks; a mix of uses or housing types, and buildings with quality materials and architectural detailing” (2040 Comprehensive Plan, p. 13). The proposed development eliminates the need for any large parking lots by spreading it throughout the development in garages and driveways similar to a single family neighborhood and creates a network of sidewalks and open spaces. The mix of multiple housing types also satisfies this vision, but the architecture of the side-by-side two-unit residences should be designed to more closely resemble a single family home to better fit in with the context of the site.

Other than the side-by-side two-unit residences, most of the proposed architecture is compatible with nearby single family homes along Eva Kennedy Road. The proposed materials are siding and brick, and the scale is similar to the mix of 1 story ranch style homes and 1.5-2 story traditional style homes found along Eva Kennedy Road and elsewhere in Old Town. If approved, the details of the final architecture should be subject to review and approval of the

City of Suwanee Planning and Inspections Department during the permitting process to insure the development is built to high standards.

The 2040 Future Land Use Plan calls for a Mixed-Use Village on the subject property. Mixed-Use Villages are defined as “residential developments that include a variety of medium density housing types, both single-family and/or multifamily, and/or limited small-scale nonresidential uses such as a church, corner market or other neighborhood-oriented service uses” (2040 Comprehensive Plan, p. 26). The proposed age-restricted development meets the criteria of a Mixed-Use Village.

Medium density is defined as approximately 7 units per acre. The proposed development includes 98 units on the approximately 12.6 acre property, which at 7.72 units per acre would be less than the 8 units per acre allowed by the requested RM-8 zoning but slightly more than the 7 units per acre recommended by the 2040 Comprehensive Plan.

The proposed mix of single family detached homes and attached homes in an age-restricted rental community would increase housing options in Suwanee for independent seniors. The number one housing issue identified in the public outreach efforts for the 2040 Comprehensive Plan was the need for housing suitable for empty nesters and seniors as they downsize from larger lot single family to smaller homes” (2040 Comprehensive Plan, p. 96). Suwanee does not currently have any age-restricted communities aside from senior living centers. The proposed development would provide an option for those that want to downsize and eliminate maintenance concerns but remain in a single family neighborhood setting.

Public input also voiced that high end housing with neighborhood character, smaller footprint and master on main, such as flats and cottage style housing are desirable” (2040 Comprehensive Plan, p. 96). The proposed development would create this type of housing.

The 2040 Comprehensive Plan defines a policy for the creation of new neighborhoods to ensure they offer a similar quality of life and quality of design that Suwanee’s established neighborhoods do. The policy states that “new neighborhoods should be well designed with quality architecture, have unique identities, provide inviting public spaces, and connect to surrounding properties and roads. (2040 Comprehensive Plan, p. 33). The proposed development would have a unique identity with the pond and amenity area creating a sense of place. The architecture could also contribute to that character, but the proposed architecture needs to be refined to meet this standard. Some of the “type D” units do not meet this expectation of quality. If approved, this would need to be addressed prior to issuance of a development permit.

In conclusion, the proposed residential development is appropriate for this location and consistent with the land use recommendation in the 2040 Comprehensive Plan. Age-restricted, single family detached and attached homes as proposed would be compatible and complementary to the surrounding area and increase housing choice for seniors. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of **RZ-2020-004**.

RZ-2020-004

Recommended Conditions:

1. Develop in accordance with the concept plan (dated September 18, 2020) 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, parking or other proposed features shown on the submitted plan. If needed due to conditions of zoning that require substantial changes to the concept plan, within 180 days of approval, submit revised plans to the City that reflect the changes required herein by the conditions of zoning. Said plan shall be subject to the review and approval of the City Council.
2. Use shall be limited to a maximum of 98 age-restricted housing units. Units shall be limited to single family attached and detached homes and other traditional ancillary residential uses. A minimum of 28 units shall be single family detached units. A maximum of two units may be attached in any one building.
3. Minimum unit size shall be 1,100 square feet.
4. Developer shall create a wet pond as the focal point of the project as depicted in the concept plan and renderings in Exhibit B and C. The pond shall include a walking trail around the pond with multiple connections to the community pedestrian network. At least two viewing platforms/overlook areas shall be designed along the pond. Landscaping materials around the pond including hardscape, grasses, shrubs, trees, and any fencing or walls shall be included on the landscape plan and subject to the approval of the Planning and Inspections Department prior to issuance of a development permit. Any fencing or walls around the pond shall be decorative and constructed of high quality materials.
5. 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 at least one side of the street/drive connecting all residential units to Eva Kennedy Road and Peachtree Industrial Boulevard via a connected pedestrian network. 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 and alleys shall be approved by the City Engineer.
6. On-street parallel parking shall be provided consistent with the concept plan. Said on-street parking shall be delineated by bulb-outs.
7. 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.

8. Architecture shall be consistent with the renderings identified as Exhibit B. Architecture for “type D” units should be modified as noted by the Planning and Inspections Department. Final architecture for all units shall be subject to the approval of the Planning Department.
9. In addition to residential dwellings, development shall include a clubhouse with a fitness center, serving kitchen and community room. The final architecture of the clubhouse shall be subject to the approval of the Planning Department.
10. Site amenities shall include a dog park/wash area, outdoor grilling area, and a fire pit overlooking the central pond.
11. The design of any open space on the property shall be reviewed by the Planning and Inspections Director. No development permit shall be issued until the design of the open space and pedestrian network is approved. The final landscape plan shall be approved by the City of Suwanee Planning and Inspections Director.
12. A maximum of 11 units may be front-loaded and are only permitted in the area identified on the concept plan.
13. Sidewalks shall be a minimum of 5-foot-wide and shall connect every unit with the exception of front-loaded units to open spaces, amenity areas, Peachtree Industrial Boulevard and Eva Kennedy Road.
14. Overstory street trees (selected from the list of approved street trees) shall be provided on 40-foot centers within a minimum 5-foot-wide planting strip located adjacent to the sidewalk along both sides of all streets within the neighborhood. Except where on-street parallel parking is provided, said planting strip shall be located between the curb and the sidewalk. Trees shall be a minimum 3-inch caliper. A root barrier shall be planted with all trees adjacent to a sidewalk.
15. Landscaping along Eva Kennedy Road and Peachtree Industrial Boulevard shall be substantially similar to that shown on the approved concept plan.
16. The material of the walls along the pond, Eva Kennedy Road, and any other visible walls shall be constructed of high quality materials subject to the approval of the Planning and Inspections Department.
17. Provide a minimum 5-foot-wide sidewalk along the road frontage of Eva Kennedy Road. Between the sidewalk and Eva Kennedy Road provide a minimum 5-foot-wide landscape strip. If possible, plant street trees along the Eva Kennedy road frontage between the sidewalk and asphalt. Street trees should be planted on 40 feet centers and have a minimum caliper of 3 inches at the time of planting. Certification of installation of root barriers should be provided by the developer at the time of planting.
18. Prior to the issuance of a development permit, architecture for all buildings shall be subject to the review and approval of the City of Suwanee Planning and Inspections Department. Excluding windows and railings, materials shall be limited to brick, wood,

and fiber cement siding or trim. Wood or fiber cement materials may be used as trim on brick elevations. Windows on front elevations and elevations facing a street (excluding alleys) shall be simulated divided lite windows.

19. All new utilities shall be located underground.

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 a residential community consisting of single family attached and detached units on commonly owned property would permit a use that is suitable in view of the surrounding residential and commercial uses on adjacent and nearby property.

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

Approval of the request would not adversely affect the existing uses or usability of nearby property.

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

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

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

Approval of the request likely would not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

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

The proposed development is generally consistent with the City's Future Land Use Plan, which recommends Mixed-Use/Medium Density Residential Village for the subject property.

- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

The property is encumbered by a wetland that bisects that property and steep topography that limits a development with a larger footprint.

REZONING APPLICATION

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

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>One Street Development, LLC</u>	NAME: <u>John T. Barrett</u>
ADDRESS: <u>2000 Riveredge Parkway</u> <u>Suite 450</u> <u>Atlanta, GA 30328</u>	ADDRESS: <u>3737 Ethridge Road</u> <u>Jefferson, GA 30549</u>
PHONE: <u>770-850-8280</u>	PHONE: <u>770-789-8458</u>

CONTACT PERSON: Kathryn M. Zickert CONTACT PHONE: 404-815-3704
 EMAIL ADDRESS: kmzickert@sgrlaw.com FAX NUMBER: _____

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): M-1 REQUESTED ZONING DISTRICT RM-8
 PROPOSED DEVELOPMENT: Ninety-eight unit age-restricted rental community
 TAX PARCELNUMBER(S): 7237 102
 ADDRESS OF PROPERTY: 813 Eva Kennedy Road, Suwanee, GA 30024
 TOTAL ACREAGE: 12.69 PUBLIC ROADWAY ACCESS: Eva Kennedy Road & Peachtree Industrial Blvd.

FOR RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: 98 Units
 DWELLING UNIT SIZE (SQ. FT.): 1,447 (Average)

FOR NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/UNITS: _____
 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.

<u>[Signature]</u> Signature of Applicant* <u>Brendan Barr, Managing Partner</u> Print Name* <u>[Signature]</u> Signature of Notary	<u>09.23.20</u> Date <u>09.23.20</u> Date <u>9/23/20</u> Date	<u>[Signature]</u> Signature of Owner* <u>JOHN T. BARRETT</u> Print Name* <u>[Signature]</u> Signature of Notary	<u>9/23/2020</u> Date <u>9/23/2020</u> Date <u>9/23/20</u> Date
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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: 10/27/2020 Case No.: RZ-2020-004 Accepted By: [Signature]

LETTER OF INTENT

Required by the
City of Suwanee Zoning Ordinance
for the

Rezoning Application

of

ONESTREET RESIDENTIAL, LLC

for

±12.69 acres of land located in
Land Lots 237 & 251, 7th District
813 Eva Kennedy Road

From M-1 to RM-8

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
(404) 815-3500

I. INTRODUCTION

This Application seeks to rezone a ± 12.69 acre tract from M-1 (Light Industrial District) to RM-8 (Residential Multi-Family Duplex District) to allow the development of an age-restricted, active adult rental community. The property is located in Land Lots 237 & 251, 7th District, City of Suwanee, Gwinnett County, GA (Parcel ID 7237 102) and is more particularly located at 813 Eva Kennedy Road (“Subject Property”). The development will contain 98 units of senior living housing in a mix of cottages, carriage houses, and duplexes at a gross density of ± 7.72 units/acre and a net density of ± 7.87 units/acre (“Proposed Development”). The community will contain five different product types: four $\pm 1,200$ SF cottages; fourteen $\pm 1,350$ SF cottages; four $\pm 1,550$ SF cottages; twenty-two $\pm 1,150 - \pm 1,700$ SF cottages; and twenty-seven duplexes ($\pm 1,100$ SF first floor, $\pm 1,850$ SF second floor). There will be 27 one-bedroom units, 49 two-bedroom units, and 22 three-bedroom units. Rents will average $\pm \$2,470$ per month. In addition, the community will offer an amenity clubhouse with a fitness center; a dog park/wash area; an outdoor grilling area; a social lawn with fire pit overlooking a central pond; walking trails; pocket parks and green spaces; and gardens. It will contain a network of private drives and alleys to facilitate rear entry garages. A majority of the cottages will be rear alley fed with front porches orientated onto Eva Kennedy Road, landscaped mews, or the central pond. The amenity clubhouse will include the management office, a serving kitchen, community room, and exterior gathering areas; however, no meals will be offered.

The cottages will be separated by a minimum of 10 feet and those homes along Eva Kennedy Road have been set at twenty (20) feet from the right-of-way to enhance the pedestrian feel of the community and to allow driveways and garages to be positioned to the rear of the homes and away from the public street. A deceleration lane is not proposed at the single entrance

to the property on Eva Kennedy Road due to the proximity of the traffic calming island northeast of the future entrance. The required landscape strip along the central portion of the Peachtree Industrial Boulevard (“PIB”) road frontage is impossible due to the way the right-of-way shifts in this area. However, the area between the right of way and PIB will remain wooded and if disturbed replanted to landscape strip standards. No curb cut is planned from PIB.

Today, the Subject Property contains mainly vacant wooded property with a ±1.4 acre wetland at its center and a dilapidated barn and shed. It is being used for old automobile storage. The Applicant intends to remove this blight and develop a professionally owned and managed active adult cottage community in its place. The Proposed Development will be a fitting addition to the surrounding area.

The Applicant submits this document as a Letter of Intent with regard to its Application, a preservation of the Applicant’s constitutional rights, and a written analysis for the proposed rezoning listed in the City of Suwanee Code of Ordinances (“Zoning Code”), §§ 2102 and 2015

II. CRITERIA TO BE APPLIED TO REZONING APPLICATIONS

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 Subject Property fronts PIB to its north and further north across PIB is the Forest Plantation subdivision, zoned R-85. To the east, the Subject Property is bound by the River Park Exchange office park zoned C-2; to the south it abuts the right-of-way of Eva Kennedy Road; further to the south, across Eva Kennedy Road, is a single family residential lot, zoned R-100; and to the west the Subject Property borders an office/industrial park zoned C-2 that contains various automotive maintenance and repair businesses.

This area is a mix of industrial, office and residential uses. The addition of medium

density senior housing will add a needed product in the area and mitigate the intensity of uses along PIB. Daily conveniences, including grocery, banks, pharmacy, restaurants, a post office, and similar uses surround the area and may be reached within minutes. There are also major outdoor recreation opportunities in close proximity to the site, with the Chattahoochee River just west and George Pierce Park to the north. Additionally, Emory Johns Creek and Northside Hospital Gwinnett are both within 15 minutes driving distance.

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

No. The Proposed Development is a major improvement over the current site, and will enhance the adjacent and 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 been actively marketed for over 6 years without a successful offer. The delay suggests that the property does not have a reasonable economic use as zoned. Additionally, the City's Comprehensive Plan 2040 expressly recognizes that a property's commercial viability is likely to be unsuccessful the further a tract is from the McGinnis Ferry/PIB and Suwanee Dam/PIB nodes. Therefore, the Plan acknowledges that underutilized property between those areas, like the Subject Property, should be considered for redevelopment.

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.

The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) (Code #252: Senior Living Detached), to calculate vehicle trips for the Proposed Development. Ninety-eight (98) cottages are expected to generate 5.88 trips during the AM weekday peak hour, 10.78 trips during the PM weekday peak hour, and 341.04 total weekday

daily trips. Hence, the proposed use will not have an excessive or burdensome impact on existing streets or transportation facilities.

The Proposed Development is a senior community and will have no impact on the school system. Finally, the Proposed Development will have adequate service from existing utilities.

E. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

Yes. The City of Suwanee 2040 Comprehensive Plan places the Subject Property within the “PIB/McGinnis Ferry” character area. The Framework Plan, which is intended to provide specific density direction for particular parcels in the City, indicates the Subject Property’s appropriate use as “Mixed-use/Medium Density Residential [7-15 Units/Acre].” The Proposed Development’s net density of 7.87 units/acre is at the low end of the Medium Density Residential requirement of 7-15 units/acre. The proposed site plan for the Subject Property works to achieve the goals of the Comprehensive Plan, such as:

- Minimizing curb cuts on PIB.
- Connecting to Eva Kennedy Road, which will allow residents to access downtown and the neighborhood commercial at Eva Kennedy and PIB without accessing PIB directly.
- Installing parallel parking as a traffic calming measure along Eva Kennedy Road.
- Increasing pedestrian access and promoting the potential for a multi-use path along the power easement in the corridor by installing a new sidewalk along the entire Eva Kennedy Road frontage and connecting to the sidewalk along PIB.
- Adding a new and diversified residential use to the corridor which will enhance the existing commercial uses at the Eva Kennedy and McGinnis Ferry intersections with

PIB.

- Creating a diverse range of housing options within the development including single-family homes, townhome style homes, and two-unit stacked flat buildings.

The Comprehensive Plan also recognizes that the area of PIB between McGinnis Ferry and Suwanee Dam should be redeveloped, and that the redevelopment effort should include more “diverse housing options.” Among these are homes on smaller lots, landscaped pedestrian paths with plazas and pocket-parks, and a mix of housing types. The development proposed advances that objective.

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.

High quality rental housing, particularly for seniors, is the wave of the future. Metro Atlanta’s older adult population continues to grow rapidly as overall better health enables us to live longer. It is estimated that by 2030, 1 in 4 residents will be over age 60 versus 1 in 6 today. Further, the number of residents age 65 and over will nearly triple to 1.6 million by 2030. This demographic shift presents the Atlanta region and its leadership with the challenge of providing services and designing communities in a manner that meets the needs of residents of all ages and abilities and this project rises to meet that goal. Many seniors prefer the ease and freedom of an apartment residence, but also do not feel fully comfortable living with what it usually a much younger tenant base.

Additionally, the costs of living in such a community are approximately \$450 a month less than living in a single family home. With a rental unit, upfront costs are typically limited to application fees, processing fees and security deposits, which may run a few hundred dollars. Once in a rental unit, a tenant’s expenses are predictable and typically include rent, utilities,

insurance and sometimes water. Move out expenses are minimal and may include a buy-out fee if vacating early or damage repair (if any). When purchasing a home, the upfront costs can be significant and will typically include inspections, down payments ($\pm 10\%$ - 20% of purchase price), closing costs and title reports. Once in a home, an owner must pay property taxes, mortgage insurance, all utilities and the mortgage. On-going maintenance requires the owner's time and expense. Selling costs can similarly be substantial and include loan fees, title fees, escrow fees, commissions, closing costs, transfer taxes, warranties and any capital gains. In short, this housing option offers a less expensive product but with equally high quality.

III. PRESERVATION OF CONSTITUTIONAL RIGHTS

As agent for the owner of the property, the Applicant respectfully submits that the current zoning classification of and rules relative to a senior community's right to use the Subject Property established in the City of Suwanee Zoning Ordinance, to the extent they prohibit this use, are unconstitutional, and constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Property Owner in violation of the due process and equal protection rights of the Property Owner guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Further, the Applicant respectfully submits that the City Council's failure to approve the requested Rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property Owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the development in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The practical effect of a denial of the Rezoning will be to drive up the cost of housing which will have the effect of discriminating on the basis of race in violation of the Fair Housing Act of the United States and Georgia.

Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

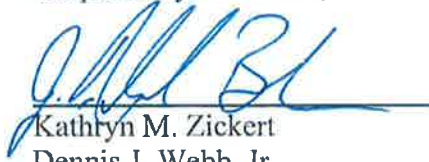
IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Suwanee so that such recommendations or input might be incorporated as conditions of approval of this Application.

[Signature on Following Page]

This 26 day of October, 2020.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'K. M. Zickert', written over a horizontal line.

Kathryn M. Zickert

Dennis J. Webb, Jr.

J. Alexander Brock

Attorneys For Applicant



National Flood Hazard Layer (NFHL) Map



VICINITY MAP:



2020 Peachtree Dunwoody Road, Suite 400
Atlanta, Georgia 30329
www.tswplanning.com



THE COTTAGES AT SUWANEE

818 EVA KENNEDY ROAD
LAND LOTS 237 & 251 7TH DISTRICT
GWINNETT COUNTY, SUWANEE GA



3000 Peachtree Parkway, Suite 400
Atlanta, Georgia 30329
www.tswplanning.com

THE COTTAGES AT SUWANEE

One Street Residential
3000 Peachtree Parkway, Suite 400
Atlanta, Georgia 30329

2020.09.18
3:04 PM

2020.09.18
3:04 PM

7-1.00

SITE PLAN NOTES:
THIS SITE PLAN REPRESENTS THE APPLICANT'S INTENTIONS AT THIS TIME. HOWEVER, UPON FINAL ENGINEERING SOME DEVIATIONS MAY BE REQUIRED. SAID DEVIATIONS ARE PERMISSIBLE PROVIDED THE CHANGES REMAIN CONSISTENT WITH THE INTENT OF THIS PLAN.

SITE DATA TABLE:
The Cottages at Suwanee - An apartment (D5) - cottage style residential Community

TYPE	Building City	Lot Area	Size
Type A	27	27 x 31	847 SF
Type B	14	27 x 31	847 SF
Type C	17	27 x 31	847 SF
Type D	27	27 x 31	847 SF
Type E	27	27 x 31	847 SF
Type F	27	27 x 31	847 SF
Type G	27	27 x 31	847 SF
Type H	27	27 x 31	847 SF
Type I	27	27 x 31	847 SF
Type J	27	27 x 31	847 SF
Type K	27	27 x 31	847 SF
Type L	27	27 x 31	847 SF
Type M	27	27 x 31	847 SF
Type N	27	27 x 31	847 SF
Type O	27	27 x 31	847 SF
Type P	27	27 x 31	847 SF
Type Q	27	27 x 31	847 SF
Type R	27	27 x 31	847 SF
Type S	27	27 x 31	847 SF
Type T	27	27 x 31	847 SF
Type U	27	27 x 31	847 SF
Type V	27	27 x 31	847 SF
Type W	27	27 x 31	847 SF
Type X	27	27 x 31	847 SF
Type Y	27	27 x 31	847 SF
Type Z	27	27 x 31	847 SF
Type AA	27	27 x 31	847 SF
Type AB	27	27 x 31	847 SF
Type AC	27	27 x 31	847 SF
Type AD	27	27 x 31	847 SF
Type AE	27	27 x 31	847 SF
Type AF	27	27 x 31	847 SF
Type AG	27	27 x 31	847 SF
Type AH	27	27 x 31	847 SF
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Type AJ	27	27 x 31	847 SF
Type AK	27	27 x 31	847 SF
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Type AM	27	27 x 31	847 SF
Type AN	27	27 x 31	847 SF
Type AO	27	27 x 31	847 SF
Type AP	27	27 x 31	847 SF
Type AQ	27	27 x 31	847 SF
Type AR	27	27 x 31	847 SF
Type AS	27	27 x 31	847 SF
Type AT	27	27 x 31	847 SF
Type AU	27	27 x 31	847 SF
Type AV	27	27 x 31	847 SF
Type AW	27	27 x 31	847 SF
Type AX	27	27 x 31	847 SF
Type AY	27	27 x 31	847 SF
Type AZ	27	27 x 31	847 SF
Type BA	27	27 x 31	847 SF
Type BB	27	27 x 31	847 SF
Type BC	27	27 x 31	847 SF
Type BD	27	27 x 31	847 SF
Type BE	27	27 x 31	847 SF
Type BF	27	27 x 31	847 SF
Type BG	27	27 x 31	847 SF
Type BH	27	27 x 31	847 SF
Type BI	27	27 x 31	847 SF
Type BJ	27	27 x 31	847 SF
Type BK	27	27 x 31	847 SF
Type BL	27	27 x 31	847 SF
Type BM	27	27 x 31	847 SF
Type BN	27	27 x 31	847 SF
Type BO	27	27 x 31	847 SF
Type BP	27	27 x 31	847 SF
Type BQ	27	27 x 31	847 SF
Type BR	27	27 x 31	847 SF
Type BS	27	27 x 31	847 SF
Type BT	27	27 x 31	847 SF
Type BU	27	27 x 31	847 SF
Type BV	27	27 x 31	847 SF
Type BW	27	27 x 31	847 SF
Type BX	27	27 x 31	847 SF
Type BY	27	27 x 31	847 SF
Type BZ	27	27 x 31	847 SF
Type CA	27	27 x 31	847 SF
Type CB	27	27 x 31	847 SF
Type CC	27	27 x 31	847 SF
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Type CF	27	27 x 31	847 SF
Type CG	27	27 x 31	847 SF
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Type CM	27	27 x 31	847 SF
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Type CO	27	27 x 31	847 SF
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Type DG	27	27 x 31	847 SF
Type DH	27	27 x 31	847 SF
Type DI	27	27 x 31	847 SF
Type DJ	27	27 x 31	847 SF
Type DK	27	27 x 31	847 SF
Type DL	27	27 x 31	847 SF
Type DM	27	27 x 31	847 SF
Type DN	27	27 x 31	847 SF
Type DO	27	27 x 31	847 SF
Type DP	27	27 x 31	847 SF
Type DQ	27	27 x 31	847 SF
Type DR	27	27 x 31	847 SF
Type DS	27	27 x 31	847 SF
Type DT	27	27 x 31	847 SF
Type DU	27	27 x 31	847 SF
Type DV	27	27 x 31	847 SF
Type DW	27	27 x 31	847 SF
Type DX	27	27 x 31	847 SF
Type DY	27	27 x 31	847 SF
Type DZ	27	27 x 31	847 SF
Type EA	27	27 x 31	847 SF
Type EB	27	27 x 31	847 SF
Type EC	27	27 x 31	847 SF
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Type EF	27	27 x 31	847 SF
Type EG	27	27 x 31	847 SF
Type EH	27	27 x 31	847 SF
Type EI	27	27 x 31	847 SF
Type EJ	27	27 x 31	847 SF
Type EK	27	27 x 31	847 SF
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Type HX	27	27 x 31	847 SF
Type HY	27	27 x 31	847 SF
Type HZ	27	27 x 31	847 SF
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Type IG	27	27 x 31	847 SF
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Type II	27	27 x 31	847 SF
Type IJ	27	27 x 31	847 SF
Type IK	27	27 x 31	847 SF
Type IL	27	27 x 31	847 SF
Type IM	27	27 x 31	847 SF
Type IN	27	27 x 31	847 SF
Type IO	27	27 x 31	847 SF
Type IP	27	27 x 31	847 SF
Type IQ	27	27 x 31	847 SF
Type IR	27	27 x 31	847 SF
Type IS	27	27 x 31	847

THE COTTAGES AT SUWANEE

COTTAGE ELEVATION EXAMPLES — HOME TYPES A & E



THE COTTAGES AT SUWANEE

COTTAGE ELEVATION EXAMPLES -- HOME TYPES B & C



Exhibit B (2 of 5)

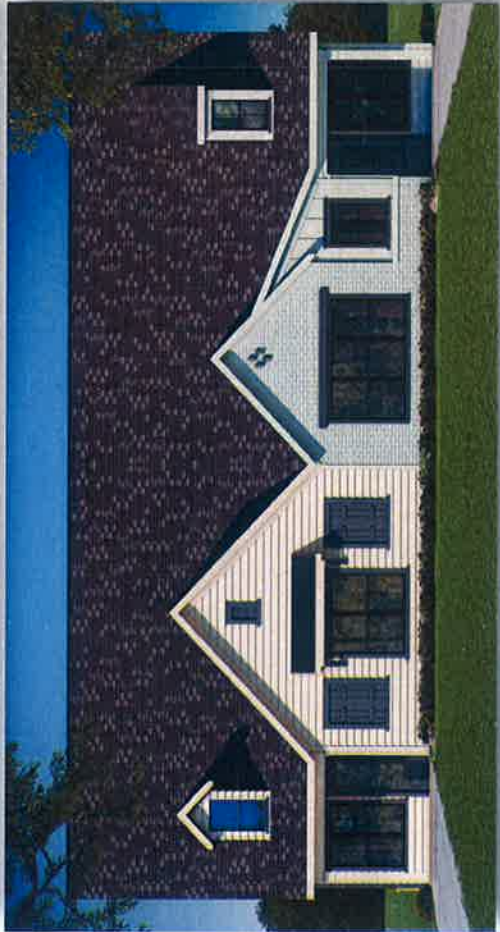
THE COTTAGES AT SUWANEE
COTTAGE ELEVATION EXAMPLES — HOME TYPE D



Exhibit B (3 of 5)

THE COTTAGES AT SUWANEE

COTTAGE ELEVATION EXAMPLES — HOME TYPE D (CONT.)



THE COTTAGES AT SUWANEE
CLUBHOUSE PERSPECTIVE — FRONT



Exhibit B (5 of 5)



Exhibit C (1 of 3)



Exhibit C (2 of 3)

THE COTTAGES AT SUWANEE
CLUBHOUSE PERSPECTIVE — REAR



Exhibit C (3 of 3)



Location Map

Legend



RZ-2020-004



0 375 750 1,500 Feet















Zoning Map

Legend

 RZ-2020-004

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

