

MINUTES
CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
NOVEMBER 19, 2002

Present: Jimmy Burnette, Mayor Pro Tem Hardin Watkins, City Manager
 Jace Brooks, Councilmember Elvira Rogers, City Clerk
 Carol Hassell, Councilmember Gregory Jay, City Attorney
 Alan Landers, Councilmember
 Jeannine Rispin, Councilmember
Absent: Nick Masino, Mayor

6:30 P.M.
PUBLIC HEARING

Mayor Pro Tem Burnette called the Public Hearing to order at 6:35 P.M. City Manager Hardin Watkins read the procedures for public meetings for the record.

1. **DR-2002-002 - The City of Suwanee will consider amendments to the City of Suwanee Development Regulations pertaining to storm water detention and storm water quality including amendments to Article 1 Authority, Title, Purpose, and Intent; Article 8 Site Grading, Storm Water Detention, Culverts and Piped Drainage Systems, and Erosion Control; Article 9 Performance Guidelines; and Article 10 Plan and Plat Specifications.**

Mr. Allen stated that last year the City adopted new stormwater regulations based closely on Gwinnett County's. Earlier this year, Gwinnett County's stormwater division reviewed the City's regulations and proposed some minor changes. Just recently, Gwinnett County amended their construction standards for BMP ponds. As such, we decided to handle all of the changes at once. The original changes were primarily typographical, but the more recent amendments are substantive changes to the design standards for new BMP ponds. The proposed changes would request a "bench" to be located within some ponds. These benches would allow wetland type grasses to grow. The grasses are intended to improve the ability of the pond to filter sediments.

There was no audience participation.

2. **AMD-2002-004 - The City of Suwanee will consider an amendment to Article III Definitions and Article V. Zoning District Development and Use Regulations of the City of Suwanee Zoning Ordinance. This amendment would address outdoor storage and retail displays within commercial zoning districts, and other similar purposes.**

Mr. Allen stated this is an amendment to the City's Zoning Ordinance. The current regulations do not clarify outdoor storage. The Planning Commission recommended denial. The proposed amendment is intended to clarify the ordinance as it relates to outdoor storage and retail displays in commercial districts.

There was no audience participation.

3. **AMD-2002-005 - The City of Suwanee will consider an amendment to Article V. Zoning District Development and Use Regulations of the City of Suwanee Zoning Ordinance.**

This amendment would address requirements within Section 502 Transitional Residential Single-Family District, and other similar purposes.

This amendment to the zoning ordinance is related to the TRD zoning district (Transitional Residential Single-Family District). The proposed changes would eliminate the maximum 15 acre tract size and the prohibition of mass grading, but require street trees. The prohibition of mass grading within a category that allows 12,000 square foot lots is not a realistic requirement. The streets trees are intended to be aesthetic improvements.

Councilmember Brooks asked how many tracts are currently TRD in the City. Mr. Allen stated that the following subdivisions: Lansfaire (15 acres); Brushy Creek (50 acres); Ruby Forest (30 acres); Martin Farm (50 acres).

Support: Doug Milam, One Inspiration Drive, Duluth, GA

Opposition: None.

4. RZ-2002-019 - Applicant/Owner: Noble Corner, LP. Requests rezoning from M-1 and C-2 with conditions to C-2A to allow for retail commercial businesses. Site is located in Land Lots 208 and 239 of the 7th District on Peachtree Industrial Boulevard across from Vista Point Lane and contains approximately 11.03 acres.

The applicant requests rezoning of an approximately 11.03 acre tract from C-2 (General Commercial District) and M-1 (Light Industry District) to C-2A (General Commercial District-Alcohol Sales) to allow for development of five commercial/retail businesses. The subject property is located on the east side of Peachtree Industrial Boulevard just south of McGinnis Ferry Road.

The portion of the subject property that is zoned C-2 was zoned on August 15, 1989 (RZ-89-009) as part of a large master planned project. The subject property is a partially graded tract on Peachtree Industrial Boulevard (Principal Arterial). Access is proposed via a new road under construction from Peachtree Industrial Boulevard and an additional curb-cut on Peachtree Industrial Boulevard. The applicant plans to construct five buildings on the site totaling roughly 75,000 square feet.

The surrounding area consists of a mixture of residential uses to the west across Peachtree Industrial Boulevard (PIB) and developing non-residential uses to the south and north along the east side of PIB. Farther east is the developing Suwanee Station mixed-use project. This project is a large master-planned development that will have a range of uses including residential, office and commercial. Approval of the request to allow for compatible commercial/retail development would be suitable and complementary to the surrounding area.

The City of Suwanee Future Land Use Plan recommends a mixture of uses for the property as part of the Suwanee Station character area.

In conclusion, with conditions approval of the rezoning request to C-2A for commercial/retail businesses would be appropriate at this location. The existing M-1 zoning would potentially allow uses that are less compatible with the area than the proposed C-2A zoning district. As such, the Planning Department recommends approval with conditions of the request.

Support:

- ♣ Paul Wilgus, 2850 Paces Ferry Road, Suite 450, Atlanta, GA, representing Noble Corners.

Councilmember Rispin asked if there is a conceptual plan. Mr. Wilgus showed the plan.

- ♣ Mike Hammer, 4200 Paces Ferry Road, Suite 500, Atlanta, GA.

Councilmember Hassell asked how the development will be oriented to Suwanee Station. Mr. Hammer stated that sidewalks will connect the retail to Suwanee Station. The main part of the center will be facing Peachtree Industrial Boulevard. One story of the two-story building will be visible from Suwanee Station.

There was no opposition.

5. **RZ-2002-020 - Applicant: C. D. Milam. Owner: Mildred Dollar. Requests rezoning from R-100 to TRD to allow for a single-family residential subdivision. Site is located in Land Lot 235 of the 7th District on Buford Highway near the intersection with Dollar Circle and contains approximately 33.50 acres.**

The applicant requests rezoning of an approximately 33.5 acres from R-100 (Single-Family Residence District) to TRD (Transitional Residential Single-Family District) to allow for development of a single-family neighborhood. The subject property is located on the east side of Highway 23 (Buford Highway) just south of Ruby Forest Subdivision. Access is proposed via a single road onto Buford Highway.

The applicant proposes to develop a 74 lot single-family neighborhood on the subject property. The applicant proposes a minimum house size of 1,800 square feet in heated floor area.

The subject property is an approximately 33.5-acre undeveloped parcel. The property is wooded with areas of steep topography. A small creek extends through the center of the property. The subject property is suitable for residential development.

The surrounding area consists of a mixture of existing residential and non-residential uses. Abutting the property to the south are numerous R-100 zoned homes surrounding Dollar Circle. Farther south, along Buford Highway are existing office and commercial uses in C-1 and M-1 zoning districts. Adjoining the subject property to the north are homes within Ruby Forest Subdivision. This neighborhood is zoned to a variety of residential classifications including R-100, R-85 and TRD. With appropriate conditions to protect the nearby residences, approval of the proposed TRD zoning district would be appropriate and compatible with the surrounding area. The area already contains similar uses and densities. Furthermore, approval would allow a suitable transitional use on the subject property.

The City of Suwanee Future Land Use Plan recommends single-family residential uses for the site. The proposed use of the property as a detached single-family subdivision is consistent with this designation. Furthermore, the applicant's proposal to construct a trail through the site is consistent with the goals of the Open Space and Recreation Needs Assessment.

In conclusion, with suitable conditions approval of the TRD request for a single-family subdivision would be appropriate at this location. The surrounding area already contains similarly zoned areas and developments. The Planning Commission recommended denial.

Councilmember Hassell asked what are the options for this property. Mr. Allen stated that in the current Zoning Ordinance, the property could be rezoned Commercial (C-1, C-2, C-2A, C3), Office Institutional (O-I), Residential Multi-Family (RM-6, RM-8), Industrial (M-1) or Planned Mixed Use Development (PMUD).

Support:

- ♣ Doug Milan, One Inspiration Drive, Duluth, GA. Mr. Milan distributed documentation supporting a pea gravel trail instead of a concrete trail. He stated that the trail through the development would provide connectivity to the Suwanee trail system.
- ♣ Dennis Billew, 3305 Breckenridge Boulevard, Suite 102, Duluth, GA. Mr. Billew stated that not paving the trail would be in the best interest of the development.
- ♣ Chris Chubb, 600 Ruby Forest Parkway, Suwanee, GA – Ruby Forest Homeowners Association President. Mr. Chubb stated that he did not represent the entire neighborhood on the issue but he supports the project if there is no mass grading and the developer maintains a 25-foot undisturbed buffer around the perimeter of the development.

Opposition:

- ♣ Jean Willis, 4605 Dollar Circle, Suwanee, GA. Ms. Willis stated she did not see any changes to the plan. The developer is still trying to “cram” 74 houses on a 33 acre tract. This is unacceptable.
- ♣ Linda Rothrauff, 4115 Dollar Circle, Suwanee, GA. Ms. Rothrauff stated that the problem is TRD. The majority of the homes are R-100 on Dollar Circle.

- 6. RZ-2002-021 - Applicant: United General Investments (Georgia), Inc. Owner: Kuang H. Chien et al. Requests rezoning from R-100 and O-I to PMUD to allow for single-family detached, single-family attached, lofts, offices, and retail uses. Site is located in Land Lots 251 and 252 of the 7th District at the intersection of Suwanee Dam Road and Settles Bridge Road and contains approximately 112.69 acres.**

Mr. Allen stated this case was postponed by the Planning Commission to allow the applicant time to work with surrounding neighbors and revise the plans.

Support:

- ♣ Bryan Cohen, 3355 Annandale Lane, Suwanee, GA. Mr. Cohen requested the Council delay action on this case until neighborhood discussions and revisions are complete.

Opposition:

- ♣ Dave Nebe, 5010 Winding rose Drive, Suwanee, GA. Mr. Nebe stated he is a six year resident of Suwanee. He is concerned with the increase in traffic, displacement of wildlife, noise & light pollution this development would cause in the area. He stated that he feels that Suwanee is becoming a concrete jungle.

- 7. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on Premises: Wild Wing Café, 3265 Lawrenceville-Suwanee Road, Suite A. Applicant: Wendy Tapp.**

Mr. Watkins stated this request is for a new eating establishment to be located in the Walmart Shopping Center. The City's Accounting Analysts have obtained all the required background checks and fingerprint reports and recommend issuance of the license.

Support:

- ♣ Wendy Tapp, 5640 The 12th Fairway, Suwanee, GA. Ms. Tapp stated this a casual restaurant that will appeal to all ages.

There was no opposition.

The Public Hearing was closed at 7:10 PM.

7:00 P.M.
CITY COUNCIL MEETING

1. Call To Order

Mayor Pro Tem Burnette called the meeting to order at 7:22 P.M. City Manager, Hardin Watkins, read the Procedures for Public Meetings for the record.

2. Announcements

- ♣ **Caboose Lighting Set for December 7**
- ♣ **Bring your family and join your friends and neighbors at the red caboose on Main Street in historic Old Town at 5:30 p.m. Saturday, December 7, for the City's annual Caboose Lighting. This year, and this year only, the annual holiday event will include fireworks!**
- ♣ **The City has closed on the Town Center property, located across the street from City Hall. This property was identified as a Tier 1 property in the Open Space and Recreation Needs Assessment.**
- ♣ **Engineering work is underway for the Town Center Park. Construction is expected to begin in the Spring of 2003.**

3. Pledge of Allegiance

4. Approval of Minutes

A. 10/3/02 Called Council Meeting

Motion to approve the 10/3/02 Called Council Meeting minutes was made by Councilmember Hassell, second by Councilmember Brooks and so carried 5-0.

B. 10/15/02 Council Meeting

Motion to approve the 10/15/02 Council Meeting minutes was made by Councilmember Rispin, second by Councilmember Brooks and so carried 4-0, 1 abstain (Mayor Pro Tem Burnette).

C. 10/24/02 Called Council Meeting

Motion to approve the 10/24/02 Called Council Meeting minutes with an amendment to reflect “Motion exit Executive Session at 7:59 P.M., was made by Councilmember Hassell, second by ~~Councilmember Brooks~~ Mayor Pro Tem Burnette” was made by Councilmember Brooks , second by Councilmember Hassell and so carried 5-0.

5. Adoption of Agenda as Presented

Motion to amend and adopt the agenda (modify #12 to read Executive Session to discuss Personnel and Real Estate matters) was made by Councilmember Hassell, second by Councilmember Rispin and so carried 5-0.

6. Appointments

A. Open Space Citizen Advisory Committee

<u>Name</u>	<u>Term Expires</u>
William “Mickey” Williamson	11/01/2003
Dawn Sechrest	11/01/2003
Marcie Diaz	11/01/2003
Pat Montgomery	11/01/2004
Mark Tibbetts	11/01/2004
Christie Clements	11/01/2005

B. Suwanee Day Committee Chairperson

Kathy Davis has been appointed to serve as the 2003 Suwanee Day Committee Chairperson.

7. Special Presentations

A. Recognition of 4 PACT Communities: Settles Bridge, Pierce Point, Old Town, Smithtown/Westbrook

Chief Mike Jones, Sergeant Elias Casanas and Officer Elton Hassell recognized four (4) neighborhoods as official PACT Communities, having held 3 meetings to organize and learn about the program.

8. Audience Participation – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. DR-2002-002 - The City of Suwanee will consider amendments to the City of Suwanee Development Regulations pertaining to storm water detention and storm water quality including amendments to Article 1 Authority, Title, Purpose, and Intent; Article 8 Site Grading, Storm Water Detention, Culverts and Piped Drainage Systems, and Erosion Control; Article 9 Performance Guidelines; and Article 10 Plan and Plat Specifications.

Motion to approve DR-2002-002 was made by Councilmember Brooks, second by Councilmember Hassell and so carried 5-0.

B. AMD-2002-004 - The City of Suwanee will consider an amendment to Article III Definitions and Article V. Zoning District Development and Use Regulations of the City

of Suwanee Zoning Ordinance. This amendment would address outdoor storage and retail displays within commercial zoning districts, and other similar purposes.

Motion to deny AMD-2002-004 was made by Councilmember Brooks. Motion died due to no second.

Motion to approve AMD-2002-004 was made by Councilmember Hassell, second by Councilmember Landers and so carried 4-1 (Councilmember Brooks).

- C. AMD-2002-005 - The City of Suwanee will consider an amendment to Article V. Zoning District Development and Use Regulations of the City of Suwanee Zoning Ordinance. This amendment would address requirements within Section 502 Transitional Residential Single-Family District, and other similar purposes.

Motion to table AMD-2002-005 to December 5, 2002 Called Council Meeting at 5:15 PM was made by Councilmember Landers, second by Councilmember Brooks and so carried 5-0.

- D. RZ-2002-019 - Applicant/Owner: Noble Corner, LP. Requests rezoning from M-1 and C-2 with conditions to C-2A to allow for retail commercial businesses. Site is located in Land Lots 208 and 239 of the 7th District on Peachtree Industrial Boulevard across from Vista Point Lane and contains approximately 11.03 acres.

Motion to approve RZ-2002-019 with staff conditions was made by Councilmember Rispin, second by Councilmember Brooks and so carried 5-0.

- E. RZ-2002-020 - Applicant: C. D. Milam. Owner: Mildred Dollar. Requests rezoning from R-100 to TRD to allow for a single-family residential subdivision. Site is located in Land Lot 235 of the 7th District on Buford Highway near the intersection with Dollar Circle and contains approximately 33.50 acres.

Motion to table RZ-2002-020 to December 17, 2002 Council Meeting at 7:00 PM was made by Councilmember Landers, second by Councilmember Brooks and so carried 5-0.

- F. RZ-2002-021 - Applicant: United General Investments (Georgia), Inc. Owner: Kuang H. Chien et al. Requests rezoning from R-100 and O-I to PMUD to allow for single-family detached, single-family attached, lofts, offices, and retail uses. Site is located in Land Lots 251 and 252 of the 7th District at the intersection of Suwanee Dam Road and Settles Bridge Road and contains approximately 112.69 acres.

Motion to table RZ-2002-021 to December 17, 2002 Council Meeting at 7:00 PM was made by Councilmember Hassell, second by Councilmember Brooks and so carried 5-0.

- G. Consideration of the Issuance of an Alcohol License: Wild Wing Café, 3265 Lawrenceville-Suwanee Road, Suite A. Applicant: Wendy Tapp.

Mr. Watkins stated this request is for a new eating establishment to be located in the Walmart Shopping Center. The City's Accounting Analyst's have obtained all the required background checks and fingerprint reports and are recommending approval of the license.

Motion to approve issuance of an Alcohol License for Wild Wing Café', 3265 Lawrenceville Suwanee Rod, Suite A was made by Councilmember Landers, second by Councilmember Hassell and so carried 5-0.

- H. Consideration of a Resolution to Approve and Authorize Construction of Sidewalk Projects on Settles Bridge Road and Moore Road

Mr. Watkins stated that staff is seeking approval and authorization to construct two sidewalk projects. The Settles Bridge Road project will include a modified design between Short Street and Suwanee Dam Road, requiring just one easement. The estimated cost is \$151,000. The Moore Road project will include sidewalk and curb and gutter installation from Lansfaire Terrace to Peachtree Industrial Boulevard (including one residence on Lansfaire Terrace). The Settles Bridge Road Sidewalk Account currently has \$101,950 and the City Sidewalk Account has a balance of \$130,000.

Motion to approve a Resolution to Approve and Authorize Construction Sidewalk Projects on Settles Bridge Road and Moore Road was made by Councilmember Rispin, second by Councilmember Brooks and so carried 5-0.

- I. Authorization for Final Payment and Approval of Change Order for Scales Road Sidewalk Project

Mr. Watkins stated that staff is seeking authorization from Council for final payment and approval of change order that results in the final contract amount of \$208,961.18 to Creech Landscape and Construction for the Scales Road sidewalk project.

Motion to approve authorization of final payment and approval of Change Order for Scales Road sidewalk project was made by Councilmember Hassell, second by Councilmember Rispin and so carried 5-0.

- J. Mid-Year Request for Authorization of Tourism-Related Items and Approval of Related Tourism and Trade Budget Amendments

Mr. Watkins stated staff has requested a budget amendment to the Tourism and Trade Fund to fund 3 items: an advertisement in the Gwinnett County Street Map and Visitor's Guide; an additional billboard to promote tourism along I-85; and modifications to the City's website. The first two items will be annual recurring costs and the third item will be a one-time fee. Costs include \$1,500 for the agenda/minutes template and \$3,000 for mouse-over navigation. The cost for the agenda/minutes template will be funded through the regular budget.

Motion to approve Mid-Year Request for Authorization of Tourism-Related Items and Approval of Related Tourism and Trade Budget Amendments was made by Councilmember Brooks, second by Councilmember Rispin and so carried 5-0.

- K. Mid-Year Request for Authorization of Replacement Vehicles for the Public Works and Inspections Department and Approval of Related Budget Amendments

Mr. Watkins stated the City received approximately \$53,000 from the County's Storm Water Management Program in the summer of 2002 as reimbursement for previous storm

water improvement expenses by the City. The money is currently in unreserved fund balance. The request is that the money be transferred to the Public Works and Inspections Department budget for the purchase of two replacement vehicles.

Motion to approve Mid-Year Request for Authorization of Replacement Vehicles for the Public Works and Inspections Department and Approval of Related Budget Amendments was made by Councilmember Rispin, second by Councilmember Landers and so carried 5-0.

- L. Consideration of a Resolution to Place a Permanent Restrictive Covenant on Suwanee Creek Park to Make it Eligible for Protection Under the Georgia Greenspace Program

Mr. Watkins stated this is a permanent restrictive covenant can be placed on the Suwanee Creek Park land so that it can be permanently protected under the Georgia Greenspace Program. This will make the City eligible for additional funding through the state's program.

Motion to approve consideration of a Resolution to Place a Permanent Restrictive Covenant on Suwanee Creek Park to Make it Eligible for Protection Under the Georgia Greenspace Program was made by Councilmember Rispin, second by Councilmember Brooks and so carried 5-0.

- M. Consideration of a Resolution to Authorize the Mayor to Submit an Application and Complete all related documents for the Special Purpose Local Option Sales Tax (SPLOST) Program for Transportation and for Parks and Recreation.

Motion to approve Resolution to Authorize the Mayor to Submit an Application and Complete all related documents for the Special Purpose Local Option Sales Tax (SPLOST) Program for Transportation and for Parks and Recreation was made by Councilmember Hassell, second by Councilmember Rispin and so carried 5-0.

11. City Manager's Report

- A. November Financial Reports

12. Executive Session – Personnel Matters and Real Estate

Motion to enter Executive Session by Councilmember Rispin, second by Councilmember Hassell and so carried 5-0. Entered Executive Session at 8:05 PM.

Motion to reconvene from Executive Session made by Councilmember Hassell, second by Councilmember Landers and so carried 5-0. Exited Executive Session at 9:04 P.M.

13. Adjournment

Motion to adjourn by Councilmember Rispin, second by Councilmember Hassell and so carried 5-0. Meeting adjourned at 9:05 P.M.

Minutes Recorded by:

Elvira Rogers, City Clerk

Jimmy Burnette, Mayor-Pro Tem
Presiding