

Minutes
CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
JULY 15, 2003

6:30 P.M.
PUBLIC HEARING

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

Absent: Carol Hassell, Councilmember

Public Hearing called to order by Mayor Masino at 6:33 P.M. City Manager, Hardin Watkins read the Public Hearing Notice.

- 1. RZ-2003-013 - Applicant/Owner: Carriage Hills Associates, Inc. Requests rezoning from M-1 (Light Industrial District) to C-2 (General Commercial District) to allow for neighborhood commercial. Site is located in Land Lot 150 of the 7th District on the northwest side of Old Peachtree Road at the intersection with Horizon Drive and contains approximately 8.03 acres.**

Marty Allen presented the staff analysis as follows: The applicant requests rezoning of an approximately 8-acre tract from M-1 (Light Industry District) to C-2 (General Commercial District) to develop 3-4 commercial/retail outparcels. The subject property is located on the northeast side of Old Peachtree Road just east of the Horizon Drive Extension with access to both roads.

The applicant's submitted site plan and letter of intent proposes 3-4 outparcels with uses such as restaurants, drug stores or other retail business.

The subject property is currently zoned M-1 with conditions. The site was rezoned to its current M-1 zoning district in 1996 at the request of the property owner at the time from its C-2 classification.

The subject property is located at the convergence of a light industrial corridor and an established single-family residential area. The surrounding area primarily consists of large office warehouse developments associated with Horizon Drive and single-family residential uses to the east located off Old Peachtree Road. Abutting the subject parcel to the east are numerous homes within an existing single-family residential subdivision in unincorporated Gwinnett County. To the south, across Old Peachtree Road, are large office warehouse developments (M-1) located in both Suwanee and unincorporated Gwinnett County. The proposed commercial rezoning proposal would introduce a completely new use-type into the

area that is neither consistent with nor compatible with existing nearby uses. Commercial uses directly abutting the residential neighborhood could adversely impact the abutting neighborhood.

The City of Suwanee 2020 Future Land Use Plan recommends light industrial uses for the subject property. Due to its proximity to I-85, Horizon Drive, and existing nearby industrial uses, the City's Comprehensive Plan recognizes this area as a suitable light industrial corridor. The City's Comprehensive Plan strongly encourages protecting these high-employment corridors. The proposed commercial zoning district is clearly inconsistent with this designation.

In conclusion, approval of the requested commercial zoning district for several retail outparcels would not be suitable at this location. The proposed development is inconsistent with the City of Suwanee Comprehensive Plan and incompatible with adjacent and nearby uses. If approved, the project would introduce a development type inconsistent with the area and incompatible with the goals of the City. As such, the Planning Department recommends denial of the request. The Planning Commission reviewed the request at the regular meeting and voted to recommend denial of the request (3-2).

SUPPORT

- Applicant representative: Gerald Davidson, 6340 Sugarloaf Parkway, Suite 200, Duluth, GA 30097. Mr. Davidson stated he faxed a letter to Council (copy attached). The original development plan included 8.04 acres with three buildings on the front (8800 sq. ft. each) all fronting on Old Peachtree Road. The back showed offices on 3.84 acres on the back. In talking with Mr. Stevens, he stated the back portion of the property did not need to be rezoned, since it would be used for offices.

Mr. Davidson stated the request needs to be modified to rezone 4.23 acres to C-2. The owners' plan is to use the property for neighborhood type commercial uses. 8800 sq. ft. per building should allow less density than specified by the zoning regulations. He stated that under the M-1 zoning the shape of the property would call for a building running more length-way and pushed closer to the buffer area. The building ground cover would be greater and there would be loading docks in the rear of the building. This rezoning would clearly eliminate loading docks from the property and avoid truck traffic.

Mr. Davidson stated disagreement with staff recommendation that the project is incompatible. He stated the property was C-2 before 1996. The owner plans to incorporate sidewalks, and comply with stormwater and architectural regulations. All of the staffs' proposed C-2 conditions are acceptable to the owner. The owner would like approval to go into the 50-foot buffer as outlined in the 1996 conditions and replant the disturbed area. This would be done in accordance with City approvals.

OPPOSITION

- Steven Donahue, 310 Ridge Bluff Lane, Peachtree Bluff Subdivision, expressed concern regarding traffic safety, noise and drainage. He stated the last two projects in the area damaged his property by flooding (photos were circulated of the damage). He requested the project be denied.

- Michael Kaiser, 2975 Rich Oak Drive, requested denial of the project due to safety concerns. He stated that right hand and left hand turns are difficult to make at certain times of the day.
- Joe Buice, 217 Ridge Oak Circle, requested denial of the project due to drainage concerns. He stated there is a 50-foot buffer and the house backyards do go up to the buffer, but that means all the water from the lot has to go into the street. There is no sewerage there. There is an open ditch a little further down from the subdivision and the County nor anyone will put sewers in it. There was water damage in the neighborhood when the warehouse was constructed. The rectangular holes in the roof of the warehouse resulted in water leaving the warehouse parking lot (due to poor design), traveling down the street to the subdivision, through the fence across the tennis court into the pool. This cost about \$35,000 to repair and clean up. He stressed concern for drainage problems and traffic this project may cause in the neighborhood and on his street.

Mr. Davidson stated the projects referenced by the citizens were M-1 projects that required more grading. The applicant's intent is to not cause this problem.

Mr. Kaiser asked where the water will go. He stated the water will go into the street and slopes toward their neighborhood. Mayor Masino stated the water will need to be directed since the natural flow is downhill.

2. SUP-2003-004 - Applicant: Bruce Arnett Jr/ACES. Owner: Allen and Bridgett Jorgenen. Requests a special use permit to allow for a carwash in a C-2 (General Commercial District) zoning district. Site is located in Land Lot 251 of the 7th District on the southeast side of Peachtree Industrial Boulevard near the intersection with Silver Peak Parkway and contains approximately 1.0 acre.

Marty Allen presented the staff analysis as follows: The applicant requests a Special Use Permit on an approximately 1.0 acre tract to allow for a carwash. The subject property is an undeveloped tract located on east side of Peachtree Industrial Boulevard between Silver Peak Parkway and Suwanee Dam Road.

The applicant wishes to construct a free-standing coin-operated carwash facility with 4 unattended self-service bays, one unattended full service bay and one small office/equipment bay.

The area is generally characterized by having a variety of uses. To the north of the subject property is a developed site that includes a cell tower (M-1), landscape supply sales and an automotive repair facility (C-2). To the east of the subject parcel is a church (R-100). The church fronts Eva Kennedy Road, which is a predominantly residential street, and backs up to the subject site. To the south of the subject property is an existing commercially zoned development containing a vet clinic. Across Peachtree Industrial Boulevard, to the southeast, is the entrance to Stoneridge subdivision (R-85). Also across Peachtree Industrial Boulevard, to the east, is an undeveloped commercially zoned (C-2) tract that will provide future access to a recently approved mixed-use project. Conditions of zoning on that tract prohibit

automobile sales and service-related uses. The Peachtree Industrial Boulevard corridor contains a mixture of developing and emerging commercial/retail and residential uses. Although some similar automobile service uses exist in the general area, these are mostly sites that were approved in the past when the corridor had a different character. The apparent trend for this corridor is toward more residential and retail-oriented commercial uses. The proposed self-service carwash could have a negative impact on the visual quality of the area. In addition, loud music and other noises emanating from the facility and its patrons could negatively impact the surrounding properties, particularly the adjoining church facility.

The City's Future Land Use Plan recommends commercial uses for this site. It should be noted that the plan recommends that developments in the Peachtree Industrial Boulevard/Suwanee Dam Road area should be sensitive to existing residential and commercial uses.

As a result of the adoption of the City's Comprehensive Plan in 2000, the City Council undertook a major revision to the City's Zoning Ordinance in 2001. This revision attempted to synthesize many of the policies and goals of the Plan and better reflect the development direction of the City as a whole. Among the items addressed was the creation of the Special Use Permit process and a reclassification of certain uses from previously "Permitted" uses to "Special Uses." Among those uses that were reclassified were automobile sales and service uses including car washes. This is a clear policy change intended to better guide where such uses are most appropriate.

In April of 2002 the City Council reviewed a Special Use Permit application for automotive service on a similarly situated C-2 tract (SUP-2002-003). This parcel is located just north of the subject property on the east side of Peachtree Industrial Boulevard just south of Suwanee Dam Road. The City Council denied SUP-2002-003 supporting a policy of restricting automotive-related uses along the Peachtree Industrial Boulevard corridor.

In conclusion, the requested Special Use Permit for a carwash would not be appropriate at this location. The tract is located near two residential areas. The proposed use is not sensitive to negative visual impacts on these existing uses as the comprehensive plan recommends. Another automotive related special use in the area was denied just over a year ago. Therefore, the Planning Department recommends denial of the request. The Planning Commission reviewed the request at the regular meeting and voted to recommend denial of the request.

SUPPORT

- Applicant: Bruce Arnett, Jr., 6550 Cox Drive, Flowery Branch, GA. Mr. Arnett stated he has developed other carwashes in Gwinnett County and believes this location would be favorable. Residents have stated this development would not be accepted by the community. He stated, based on location and experience, this location would be beneficial to the community. He also stated there are current actions underway in the County to require that residents not be allowed to wash their vehicles at their homes.

He stated this is a first class facility, well lit with security cameras and tasteful landscaping.

OPPOSITION

- Howard Grossman, 4389 Silver Peak Parkway, Homeowners Association President for Forest Plantation/Stoneridge Subdivisions. Mr. Grossman stated the project is not in the best interest of Stoneridge Subdivision. Major concerns are location – location – location: (1) The plan does not meet the requirements of the Comprehensive Plan. (2) There are a number of residents whose property runs parallel with Peachtree Industrial Boulevard. Residents are sensitive to property issues since losing 20-30 feet of property with the widening of Peachtree Industrial Boulevard. In addition, this business would be open 24 hours a day, 7 days a week, in view and sound of 12-14 homes. Currently it is dark in the area, lighting for security for the business would be intrusive. Also, since the business is not attended, it has potential to generate police calls due to vandalism. (3) When the owner was asked why he chose this location, he responded this was a viable investment. Lawrenceville Suwanee Road would be a better location.

Mr. Grossman stated a full service car wash in a different location would be a better product for Suwanee.

Mr. Arnett stated he spent time with City staff trying to locate an appropriate site. This site works for the business. Regarding viability of the business, he stated he has been in this business since graduating from high school. The business is for the service of the community.

Public Hearing Closed at 7:10 P.M.

CITY COUNCIL MEETING 7:00 P.M.

1. Call To Order

Meeting called to order by Mayor Masino at 7:25 P.M.

2. Announcements

- The State of the City Address was held last Wednesday, July 9th at Mrs. Smith's Bakeries.
- **Upcoming Events:**
 - The next *Music Main Street Concert* will be August 9th featuring Soul Purpose, a variety/pop group. The Suwanee SuperStar karaoke competition will begin around 7:00pm with Soul Purpose taking the stage at 7:30pm.
 - The Farmer's Market will return to Suwanee on August 2nd and Aughts 9th. Market starts at 8:00 am and goes until 12:00 noon in the City Hall parking lot.
- **Jimmy Burnette Elected to Board of Directors**
Councilmember Jimmy Burnette was elected President of District Three (East) of the Georgia Municipal Association. Jimmy will now serve on the GMA Board of Directors.

- **Carol Hassell, Certificate of Recognition**
Councilmember Hassell received the Certificate of Recognition for completion of 42 hours of training on City topics offered by GMA and the University of Georgia.
- **GMA Recognition – National Main Street City**
The City of Suwanee was recognized as a nationally certified Main Street City by the Georgia Department of Community Affairs (DCA). The designation recognizes Suwanee’s efforts to revitalize its Old Town area, improving the quality of life and commerce in its downtown district.

DCA originally designated Suwanee a ‘Better Hometown Community: in January 2000. Since then, the City has worked to revitalize Old Town through: a design charette process led by UGA students, creation of the Old Town Master Plan, establishing a Downtown development Authority and Urban Redevelopment Agency, creating a master plan for a new town center, creating design guidelines for Old Town, and organizing many community events.

In order to be recognized by DCA as a National Main Street community, Suwanee had to meet 10 criteria, including having broad-based community support for revitalization, a comprehensive work plan, and an active board of directors and committees.

Only 49 of Georgia’s 102 Main Street or Better Hometown Cities received this designation. Very few Better Hometown Communities received the designation.

3. **Pledge of Allegiance** – led by Mayor Masino and Matthew DeWilde.
4. **Approval of Minutes**
 - A. 6/4/03 Called Council Meeting
Motion by Councilmember Burnette to approve 6/4/03 Called Council Meeting Minutes, second by Councilmember Rispin and so carried 5-0.
 - B. 6/17/03 Council Meeting
Motion by Councilmember Rispin to approve 6/17/03 Council Meeting Minutes, second by Mayor Pro Tem Landers and so carried 4-0-1 (Councilmember Burnette).
5. **Adoption of Agenda as Presented**
Motion by Councilmember Rispin to adopt the Agenda with one exception, item #6 – 6A has been covered, remove 6B, second by Councilmember Brooks and so carried 5-0.
6. **Special Presentations** - Removed
7. **Audience Participation** - None
8. **OLD BUSINESS**
 - A. RZ-2003-013 - Applicant/Owner: Carriage Hills Associates, Inc. Requests rezoning from M-1 (Light Industrial District) to C-2 (General Commercial District) to allow for neighborhood commercial. Site is located in Land Lot 150 of the 7th District on the

northwest side of Old Peachtree Road at the intersection with Horizon Drive and contains approximately 8.03 acres. Staff Recommendation: Denial. Planning Commission Recommendation: Denial

Motion by Councilmember Rispin to deny RZ-2003-013, second by Mayor Pro Tem Landers and so carried 5-0.

- B. SUP-2003-004 - Applicant: Bruce Arnett Jr/ACES. Owner: Allen and Bridgett Jorgenen. Requests a special use permit to allow for a carwash in a C-2 (General Commercial District) zoning district. Site is located in Land Lot 251 of the 7th District on the southeast side of Peachtree Industrial Boulevard near the intersection with Silver Peak Parkway and contains approximately 1.0 acre. Staff Recommendation: Denial. Planning Commission Recommendation: Denial

Motion by Councilmember Burnette to deny SUP-2003-004, second by Councilmember Brooks and so carried 5-0.

9. NEW BUSINESS

- A. Consideration of Ad Valorem Tax Ordinance for Fiscal Year 2003-2004

The required public hearing was held on July 2, 2003. The millage rate is proposed at 5.89 mills to be levied and assessed on property. This is a .109 decrease from the current millage rate.

Motion by Councilmember Rispin to adopt the Ad Valorem Tax Ordinance for Fiscal Year 2003-2004, second by Councilmember Burnette and so carried 5-0.

- B. Consideration of the Issuance of an Alcohol License: Monterrey Mexican Restaurant. Applicant: Jose G. Mata.

Mr. Jose Mata has requested a license for beer, wine, and distilled spirits to be consumed on the premises at Monterrey Mexican Restaurant. The GBI and FBI fingerprints have been received with no incidents on file. The accounting analyst is recommending approval of the license.

Motion by Mayor Pro Tem Landers to approve Issuance of an Alcohol License: Monterrey Mexican Restaurant. Applicant: Jose G. Mata, second by Councilmember Rispin and so carried 5-0.

- C. Consideration of Approval of the Suwanee Junction Plan Book Review

The architectural plans have been submitted for the Suwanee Junction project. The City Council has to review and approve them.

Bryan Cohen, Touchstone Homes, presented an overview of the development. He stated the new name of the development is Village Grove. The themes in the community will include: The Estates at Village Grove, The Manor at Village Grove, The Lofts at Village Grove. Builders include Touchstone Homes, Harkcrest Homes and Richport Properties.

The character of the development includes 11 themed parks and a new townhome theory called the 'Big House'. The townhomes are constructed to look like a large house from far away. As you get closer the unit separations are visible. The concept is used in the Carolinas and Tennessee.

Mr. Cohen stated in conversations with staff, if Council approves, instead of continuing to come back to Council addressing new elevations and development plans, to bring a sketch book. Sketches are currently not available. This would be beneficial since one of the projects in the development has a life of 4-5 years.

Mr. Cohen stated conversations have continued with the surrounding neighbors.

Mayor Masino stated the renderings are impressive. Councilmember Rispin asked if a sketch book is submitted is it necessary to approve the current Plan Book.

Mr. Cohen requested that action on the Plan Book be postponed.

Motion by Mayor Pro Tem Landers to postpone to the August 19, 2003 Meeting, second by Councilmember Burnette and so carried 5-0.

- D. Authorization for the Mayor to Enter into Agreement with MainStreet Software Corporation of Salisbury, MD for Financial Software Modules, Services, Training, and Maintenance

The Financial Services Department has undertaken a thorough review of over 15 different software products. Seven companies were invited to conduct on-site demonstrations and City staff visited three sites where the selected vendor's product was actually in use. Amie Sakmar, Financial Services Director, has recommended that the City enter into agreement with MainStreet Software Corporation of Salisbury, MD for software modules, services, training, and maintenance. An on-site demonstration was held June 12, 2003 at City Hall for staff and elected officials.

Motion by Councilmember Brooks to enter into Agreement with Mainstreet Software Corporation for financial software modules, services, training and maintenance, second by Mayor Pro Tem Landers and so carried 5-0.

- E. Authorization for the Mayor to Enter into Agreement with Valley Crest Landscape Development for Construction of Suwanee Creek Park

Staff is recommending Valley Crest Landscape Development for the Construction of Suwanee Creek Park. Their bid came in at \$1,207,013.52.

Motion by Councilmember Rispin to authorize the Mayor to enter into Agreement with Valley Crest Landscape Development for construction of Suwanee Creek Park, second by Councilmember Brooks and so carried 5-0.

Staff stated Valley Crest Landscape is the contractor for both the Suwanee Creek Park and Suwanee Creek Greenway. Construction is expected to begin in August, 2003.

F. Consideration of Approval of Budget Adjustments

The executor of the Hewell Estate had all of the farm equipment, household items and the tools in all of the sheds appraised by Kichline Appraisals of Atlanta, GA and offered them to the City to purchase. The price is \$41,075 for all of the items as one lot and the City has purchased the entire lot. The budget adjustment moves money from the general fund to cover the expense.

Motion by Councilmember Burnette to approve the budget adjustment, second by Councilmember Brooks and so carried 5-0.

G. Consideration of a Resolution to Authorize and Facilitate Repayment of Georgia Environmental Facilities Authority (GEFA) Loan

The City has received a loan from the Georgia Environmental Facilities Authority (GEFA) to make improvements to the water system, including a new water tank and refurbishing the well house. As part of the agreement, the City has to authorize electronic debit transactions to facilitate the repayment process.

Motion by Councilmember Burnette to adopt the Resolution to Authorize and Facilitate Repayment of Georgia Environmental Facilities Authority (GEFA) Loan, second by Mayor Pro Tem Landers and so carried 5-0.

H. Authorization for the Mayor to Renew the City's Agreement with Georgia Department of Corrections for the Use of an Inmate Work Crew

The agreement with the Georgia Department of Corrections for use of the inmate work crew is due for annual renewal. The only change to the agreement is a 3% increase in the cost to the City. Staff is recommending approval.

Motion by Councilmember Rispin to approve authorizing the Mayor to enter into Agreement with GA Department of Corrections for the use of an inmate work crew, second by Councilmember Burnette and so carried 5-0.

I. Consideration of a Resolution to Adopt the Crisis/Issue Communication Plan

Councilmembers Hassell and Rispin have worked with staff to review and make changes to the draft. Staff is seeking approval. City Manager, Hardin Watkins thanked Councilmembers Hassell and Rispin and Public Information Officer, Lynne DeWilde for their contributions to this document. Mayor Masino thanked Hardin Watkins for his contributions.

Motion by Mayor Pro Tem Landers to approve the Resolution to Adopte the Crisis/Issue Communication Plan, second by Councilmember Rispin and so carried 5-0.

J. Consideration of a Resolution to Adopt a Policy for Filling Vacancies on Appointed Boards and Commissions

Councilmember Hassell drafted a policy to fill vacancies on appointed boards and commissions. The draft specified the Planning Commission and the Zoning Board of Appeals. As discussed at the workshop, the language was amended to include all boards and commissions that do not operate under their own bylaws.

Motion by Councilmember Rispin to approved the Resolution to Adopt a Policy for Filling Vacancies on Appointed Boards and Commissions, second by Councilmember Burnette and so carried 5-0.

10. City Manager's Report – None

11. Land Acquisition Update (possible Executive Session) – No Executive Session

12. Adjournment – Time:7:58 P.M.

Motion to adjourn by Councilmember Brooks, second by Councilmember Rispin and so carried 5-0.