

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
JULY 20, 2004**

Meeting Location: Suwanee City Hall

Present: Nick Masino, Mayor
Carol Hassell, Mayor Pro Tem
Jace Brooks, Councilmember
Jimmy Burnette, Councilmember
Alan Landers, Councilmember
Hardin Watkins, City Manager
Gregory Jay, City Attorney
Billie Marshall, Office Administrator

Absent: Jeannine Rispin, Councilmember
Elvira Rogers, City Clerk

Mayor Masino opened the Public Hearing at 6:30 p.m. City Manager, Hardin Watkins, read the procedures for public meeting for the record.

**6:30 P.M.
PUBLIC HEARING**

1. Public Hearing on the FY 2004-2005 Proposed Millage Rate

This was the last of three public hearings required by state law on the proposed millage rate, which will require an increase in property taxes by 1.15%. Amie Sakmar, Finance Director, gave a brief presentation with information about the proposed millage rate. She reported that during the 2004-2005 budget process staff used the projected millage of 5.81. This is a reduction of .09 mils from the previous year's millage rate. Staff is recommending lowering the millage rate to 5.81 from 5.89. This reduction is not lower than a calculated rollback rate however. The rollback rate is used to keep revenue neutral and is caused by value reassessments or value updates. The millage rate of 5.81 will require a 1.15% increase. Copies of the five-year tax levy were available.

Mayor Masino asked for questions regarding the 2004-2005 proposed millage rate. There were none.

- 2. RZ-2003-010 (Amended) - Applicant: Suwanee Creek Station, LLC. Owner: Sidel, Inc. Requests rezoning from M-1 (Light Industrial District) to PMUD (Planned Mixed-Use Development District) to allow for a single family residential detached units, office and retail uses. Site is located in Land Lots 193 and 194 of the 7th District on the northeast side of Lawrenceville-Suwanee Road near the intersection with Satellite Boulevard and contains approximately 24.46 acres.**

- 3. RZ-2003-011 (Amended) - Applicant: Suwanee Creek Station, LLC. Owner: Sidel, Inc. Requests rezoning from M-1 (Light Industrial District) to PMUD (Planned Mixed-Use Development District) to allow for a single family residential detached units, office and retail uses. Site is located in Land Lots 193 and 194 of the 7th District on the northeast side of Lawrenceville-Suwanee Road near the intersection with Satellite Boulevard and contains approximately 24.46 acres.**

These two items were presented together. Marty Allen summarized as follows: The applicant requests rezoning on a 24.4 acre tract that was previously considered by the City in June of 2003. At the time, the applicant proposed to develop approximately 30,600 square feet of commercial/retail uses along the front 3.9 acres and a 164-unit townhouse project on the rear 20.5 acres. The City Council denied the requests. The applicant and property owner subsequently filed suit against the City over the denial.

The applicant is now proposing a unified request from M-1 (Light Industry District) to PMUD Planned Mixed-Use Development District to allow for a small mixed-use development. The subject property is located north of Satellite Boulevard on the east side of Lawrenceville-Suwanee Road.

The current project proposes to include 105 single-family detached units, 53,000 square feet of office uses, and 21,000 square feet of commercial/retail uses.

The retail component of the project totals roughly 21,000 square feet that would be divided between two one-story buildings located on 2.5 acres. One building appears to be a 6,000 square foot restaurant, while the other building appears to be an approximately 15,000 square foot shopping center.

The offices uses total 53,000 square feet divided between 4 two-story buildings located on 3.1 acres located between the proposed commercial and residential.

The residential component totals 105 single-family residential detached units located over 18.76 acres. The design includes a developed recreation amenity.

The residential component is served by a single vehicular access point off Lawrenceville-Suwanee Road. The applicant proposes publicly dedicated streets located within 44-foot right-of-ways.

The subject property adjoins R-100 single family zoning along portions of the property line. At this location our Zoning Ordinance requires a minimum 50-foot wide buffer. The applicant's submitted site plan maintains this buffer as required.

The surrounding area consists of a mixture of existing and developing industrial, commercial and single-family residential uses. To the north, east and south of the subject property are sites zoned M-1 (Light Industry District) containing existing industrial uses. These sites include a Georgia Power electric substation to the north with power lines running along the northern and eastern side of the subject property. Beyond the power line easements are

single-family residential subdivisions in both Suwanee and unincorporated Gwinnett County. To the south of the proposed residential tract, fronting Satellite Boulevard, is a large M-1 zoned office-warehouse development. Also to the south of the project, at the corner of Satellite Boulevard and Lawrenceville-Suwanee Road, is an individual parcel developed with a single-family residence (zoned R-100). The City's future Land Use Plan recommends industrial uses for the subject property.

The applicant and staff have discussed alternative proposals since the litigation was filed to develop a workable solution and compromise. Although the project is not entirely consistent with future land use, staff would support the current proposal. The single family neighborhood could offer a transition between light industrial uses in the area and existing abutting residential houses. Additionally, the commercial and office components are located along the emerging Lawrenceville-Suwanee Road commercial corridor. Conditions should be included which help insure the long-term integrity of the project given its close proximity to so many nearby commercial and industrial uses. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of the requests. The Planning Commission reviewed the conditions and recommended approval of the request. Marty noted that the Planning Commission had noted several typographical errors in the original request and these have now been corrected.

Support:

Applicant: Bryan Sullivan, Suwanee Creek Station LLC, 3 Dunwoody Park, Suite 116, Dunwoody, Georgia 30338. Mr. Sullivan reiterated that this application is a compromise settlement to the law suit which appealed the denial of the zoning requested last year. Last year's proposal included a site plan that showed retail on the front and 164 attached townhomes on the back portion of the property. The compromise site plan shows retail and office condominiums on Lawrenceville Suwanee Road and 105 detached single family lots on the back portion of the property. This new plan has gone from 164 attached to 105 detached single-family lots. Pocket parks have been added. Sixty-nine out of the 105 lots are alley-access lots. There are sidewalks connecting the residential office condos and retail. Mr. Sullivan stated that in his view, this is a much better plan than last year's plan. Mr. Sullivan has met and talked with all the surrounding property owners. Pierce Point is the most impacted subdivision and like last year, they are in support of this new plan. Mr. Sullivan presented a letter of support from the Pierce Point subdivision (attached). He also met with Mr. and Mrs. Walls, long-time Suwanee residents who live close to the project. They are not in opposition as long as the 50-foot buffer is maintained on the common property line. Mr. Walls also asked if a fence could be erected on the common property line. Mr. Sullivan agreed to do this. Mr. Sullivan stated that Suwanee Creek Station LLC is in agreement with all the conditions that Planning Staff and Planning Commission have placed on the property. Mr. Sullivan thanked Marty Allen for his hard work. He stated further that this compromise plan is a good plan. He asked Council to vote in favor of this plan.

Opposition: None

- 4. RZ-2003-022 - Applicant: Jolly Development. Owner: Peachtree/Suwanee Properties, Ltd et al. requests rezoning from R-100 (Single Family Residential District), M-1 (Light Industry District), C-2 (General Commercial District), and C-3 (Special Commercial District) to PMUD (Planned Mixed-Use Development District) to allow for a planned mixed-use development including 157 single family residential attached units, 118 single family residential detached units and 145,500 square feet of commercial and office uses. The site is located in Land Lot 252 of the 7th District north and east of the Peachtree Industrial Boulevard/Suwanee Dam Road intersection and contains approximately 61.54 acres.**

Marty Allen gave a brief presentation. The applicant for RZ-2003-022 submitted a revised site plan since the last City Council meeting. The subject property is located near the intersection of Suwanee Dam Road and Peachtree Industrial Boulevard. The project has a 2003 case number and has been going through a number of reviews attempting to incorporate comments from the planning department, the planning commission, ARC and GRTA. The applicant has worked on a number of different plans and proposals. Mr. Allen stated that he would focus on the proposal that was given to Council in their packages. The Plan generally keeps the same character and feel of the original submittal. However, it repositions many of the uses. Most notably the non-residential uses, previously located along Suwanee Dam Road, were relocated closer to the Peachtree Industrial Boulevard/Suwanee Dam Road intersection. The revised plan results in an increase in the number of residential units from the 275 to 293 (121 detached and 172 attached). The office square footage increased from 73,000 square feet to 103,840 square feet while the amount of commercial uses was reduced from 72,500 square feet to 52,400 square feet all along an approximately 60-acre tract.

The proposed plan better integrates the office and commercial uses into the site. The applicant proposes three buildings with commercial uses on the first floor and office uses above. The numerous office condominiums that were originally proposed along Suwanee Dam Road are now wrapped around the existing commercial uses located at the corner of Suwanee Dam Road and Peachtree Industrial Boulevard. Additionally, the applicant presented the anticipated non-residential architecture which is similar to traditional Main Street style architecture.

The residential portion of the project is very similar to the original application. The number of proposed units has increased by 25; however, the amount of proposed open space is the same at approximately 17 acres. The most significant change to the residential portion is the relocation of some of the townhomes to an area adjacent to Suwanee Dam Road. The units replace what was previously proposed as office use. All the residential uses are still proposed to be located on private streets with gated access.

Additionally, Mr. Allen pointed out that the applicant managed to unify ownership of the project. This unification allowed the applicant to address some site conditions/issues that were previously discussed by the citizens, the Planning Commission and staff who approved implementation of the project. Staff previously recommended denial of the project as proposed. Staff can support the current proposal.

Support: Kathy Zickert, Smith, Gambrell and Russell, 1230 Peachtree Street, Atlanta, Georgia. Ms. Zickert represents the applicant. The project as proposed represents an excellent example of how a good developer works with the community, the professional staff and Council to arrive at a mutually acceptable proposal. Ms. Zickert appeared before Council several months ago and stated that she felt that they had developed a really good mixed use design that needed “tweaking”. As it turned out, it needed more than “tweaking” and major revisions were made and a considerably better project was derived. This was due to comments from Council, staff and community.

The project presented is a true mixed used live/work community. The ability of Mr. Jolly to get the project under unified control means that it can be developed at once and thereby is much more likely to facilitate the fact that people will truly be moving into to work because everything will be developed at the same time. A considerably better job has been done to blend this community while recognizing that Peachtree Industrial is a major arterial and that Suwanee Dam is a major connector. Before there offices were much further down Suwanee Dam. The offices have now been reoriented and the townhomes have been moved back so that, except for the existing zonings, still have a true residential feel. In doing this, the commercial has been kept oriented to the roads which step down to office, which step down to townhomes and courtyard homes which step down to rear entry homes and then go into the single family detached product as one moves back onto the site. One of the most impressive characteristics is that the plan matches the vision of Council for Main Street development.

Ms. Zickert said that the applicant is willing to have pedestrian connections throughout the community and offered a 15th condition that they would consult with the Gwinnett County Board of Education as well as having internal connections to ensure that a connection is located to the school site that will be adjacent to the project in a place where they feel is appropriate.

Although a gated community is being requested, there will be still be pedestrian access throughout the community. The only reason the community will be gated is to prohibit vehicular “cut-through” traffic which makes for a more quality product. This is a very important issue to the applicant.

The applicant is amenable to the 14 other conditions.

Support: Mr. Howard Grossman, 4389 Silver Peak Parkway, Suwanee, Georgia 30024. Mr. Grossman is the homeowner’s association president of Stoneridge/Forest Plantation and was one of the first representatives of any homeowners’ association to meet with Jolly Development. As a result of that meeting, there was a meeting with representatives from six to seven homeowners’ associations. All together, there were four meetings, the last of which was the most fruitful. Mr. Grossman said that Jolly Development was very amenable to meeting the neighborhoods’ requirements (i.e. not the “same old retail”). They felt t that Suwanee deserves something better. The group feels like Jolly has come up with a fantastic plan. Hopefully there will be a choice of two restaurants and the retail will be upscale. Mr. Grossman indicated that he had visited the Palisades on Old Milton Parkway, a rear entry product that is very similar to the architecture that will be used in this project. He said that it is breathtaking and like being in Georgetown. The streetscape is fantastic and there is an

abundance of privacy. The only problem encountered was each owner having his or her own interest and this was not possible to reconcile. The office park was not possible until after Mrs. Hope passed away. The entire group is strongly in favor of this proposal exactly as presented. The group feels that the gate is a necessity because of the "cut through" traffic.

Opposition: None

5. **RZ-2004-006 - Applicant: Summerall Development Co., LLC. Owner: Olde Towne Suwanee, LLC. Requests rezoning from C-1 (Neighborhood Commercial District) to C-1 (Neighborhood Commercial District) with a change of conditions to allow for a shopping center. Site is located in Land Lot 236 of the 7th District on the northeast corner of the intersection of Suwanee Dam Road and Brogdon Road and contains approximately 2.80 acres.**

Marty Allen said that the applicant has requested a postponement.

Support: Dan Green, 2346 Perimeter Park Drive, Atlanta, Georgia 30341, Applicant. He restated that they were requesting postponement.

Opposition: None

6. **RZ-2004-007 - Applicant: Tappan Street Restaurant Group, Inc. Owner: Mountainprize, Inc. Requests rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District) to allow for a restaurant with alcohol sales. Site is located in Land Lots 193 and 194 of the 7th District on the north side of Lawrenceville-Suwanee Road near the intersection with Satellite Boulevard and contains approximately 1.17 acres.**

Marty Allen presented the following information: The applicant requests rezoning on a 1.17-acre site from C-2 (General Commercial District) to C-2A (Special Commercial District-Alcohol Sales) to allow a restaurant with alcohol sales. The property is located on Lawrenceville-Suwanee Road northwest of the intersection with Satellite Boulevard. The applicant proposes to develop a 5,900 square foot restaurant with a 1,000 square foot patio.

The subject property is located along the emerging commercial corridor along Lawrenceville-Suwanee Road near the intersection with Satellite Boulevard. The proposed use would be consistent and compatible with the surrounding area which includes other restaurants such as Beef O'Bradys, WalMart, Moe's Southwest Grill, etc.

It should be noted that the City's Alcohol Beverage Regulations require distance separation from places that sell alcohol and certain other land uses. No uses currently exist near the subject property that would prohibit such sales.

The City of Suwanee Future Land Use Plan recommends light industrial uses for the subject property. The subject property is located at the intersection of the rapidly emerging commercial corridor along Lawrenceville-Suwanee Road and the light-industrial corridor

along Satellite Boulevard. The proposed C-2A zoning and planned use of the property as a restaurant with alcohol sales offers a transition between the two corridors.

In conclusion, the requested C-2A zoning would be appropriate at this location. The majority of the commercial uses in the area are zoned to allow for alcohol sales. Although the requested C-2A zoning district is not entirely consistent with the Future Land Use Plan, the proposed project would be an appropriate use in light of the mostly commercial uses on Lawrenceville-Suwanee Road and the light industrial character of Satellite Boulevard. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of the request.

Support: Jose Hevia, 860 Yosemite Drive, Suwanee, Georgia, 30024, Applicant. Mr. Hevia is a representative of Taco Mac restaurants and is one of the owners of the proposed project. Taco Mac has done Buffalo-style chicken wings in Atlanta for about 25 years. Also one of the signature items is the beer selection to include 100 beers on-tap and 300 in bottles. Because of that and in order to open a restaurant in Suwanee, they would need to sell alcohol. This is critical to the success of this project.

Opposition: None

- 7. SUP-2004-002 - Applicant: Nikishan, Inc, Co. Owner: Reynolds Oil Company. Requests a special use permit to allow for a carwash and automotive services within the C-2 (General Commercial District) zoning district. Site is located in Land Lot 152 of the 7th District at 2966 Lawrenceville-Suwanee Road and contains approximately 1.11 acres.**

Marty Allen stated that the applicant requests a Special Use Permit on an approximately 1.11 acre tract to allow for an auto emission testing station and car wash. The site is located on Lawrenceville-Suwanee Road just east of the Northbound I-85 Exit ramp. The subject property is a C-2 zoned tract with an existing carwash and gas station on the site. Within the C-2 zoning district, Special Use Permits are required for carwashes and vehicle service facilities.

The subject property was formerly a convenience store that has been vacant and unused for several years. The existing car wash was constructed when such uses were allowed by right within the C-2 zoning district. The City has since amended the Zoning Ordinance to require Special Use Permits for car washes and vehicle service establishments.

The applicant seeks to use the existing 1,000 square foot building as a waiting area for customers. Vehicle emissions testing would be conducted underneath the gas canopy, with the equipment used for the test being stored in a small cabinet next to the convenience store building.

The site has been vacant for several years. It has deteriorated to the point where substantial maintenance, development and safety upgrades are necessary to undertake any type of business activities.

The subject property is located at the heart of the highly commercialized I-85 business district.

The City's Future Land Use Plan recommends commercial uses for this site. The proposed commercial uses (emissions testing facility and car wash) are consistent with this designation. Furthermore, the site is in the most commercialized area that of the city and is therefore, generally well-suited to such vehicle service establishments.

The site and buildings require considerable maintenance. Some of the asphalt and concrete has been removed, some asphalt is cracking, the canopy is not finished, there are a number of exposed electrical wires and the landscape areas are overgrown by weeds. Approval of the request would result in these maintenance issues being addressed which would likely benefit the overall area.

In conclusion, the requested Special Use Permit for a carwash and vehicle emissions testing facility would be appropriate at this location. The subject property is located in the heart of the I-85 business district and is surrounded by intensive commercial uses. Furthermore, given that the buildings are currently unused and in need of maintenance before they can be occupied or used, with suitable conditions it is unlikely approval of the request would have a negative impact on the surrounding area. With the recommended conditions, the Planning Department recommends **APPROVAL WITH CONDITIONS** of the request. The Planning Commission also recommends approval with conditions.

Support: Mukesh Patel, 6031 Fairburn Road, Douglasville, Georgia 30134, Applicant. Mr. Patel asked for the support of Council for the Special Use Permit for a carwash and vehicle emissions testing facility at this location. He recounted the maintenance issues (i.e. electrical wiring) and said that these issues would be addressed immediately to ensure compliance with codes and safety concerns.

Opposition: None

The Public Hearing closed at 7:15 p.m.

7:00 P.M.
CITY COUNCIL MEETING

1. Call To Order

Meeting called to order by Mayor Masino at 7:09 P.M.

2. Announcements

- The Suwanee-Duluth Farmers Market will continue this Saturday, July 24 and next Saturday, July 31 here in the City Hall Parking Lot. The market starts at 8:00am and goes until noon.

- The official grand opening for the Suwanee Creek Greenway and the Ribbon-Cutting for Suwanee Creek Park will be held on Saturday, August 7 at 10:00am. Parking will be at Suwanee Creek Park, off of Buford Hwy.
- The State of the City Address will be Wednesday, August 11 at 6:00pm. Each year, the Mayor provides an update on the City as part of the Suwanee Business Alliance's regular monthly meeting. It will be held at the Chattahoochee Run Neighborhood Clubhouse.
- The Town Center Park Grand Opening will be held Saturday, August 14. It will be an evening of concerts featuring Drivin' N' Cryin' and Shawn Mullins. The event is free and open to the public. The musical entertainment will start at 5:30pm. A variety of foods and beverages from area restaurants will be available for purchase. Included among the available beverages will be wine and beer. For this reason and for security considerations, no coolers will be allowed at the grand opening. No alcoholic beverages may be brought to the park; all beer and wine must be purchased and consumed within a designated area. For more information on this event, please visit www.suwanee.com.

3. Pledge of Allegiance

Mayor Masino recognized Boy Scouts from Troop 521, Scoutmaster Brad Beaton. Scout Michael Christian joined Mayor Masino and led the group in the Pledge of Allegiance.

4. Approval of Minutes

A. 6/2/04 Called Meeting

Motion by Mayor Pro Tem Hassell to approve 6/2/04 Called Meeting Minutes, second by Councilmember Landers and so carried 5-0.

B. 6/15/04 Council Meeting

Motion by Mayor Pro Tem Hassell to approve 6/15/04 Council Meeting Minutes, second by Councilmember Landers and so carried 4-0-1 (abstained-Councilmember Burnette).

5. Adoption of Agenda as Presented

Motion by Mayor Pro Tem Hassell to adopt the Agenda as presented, second by Councilmember Burnette and so carried 5-0.

6. Special Presentations

A. Lee Wood, Finalist for Small Business Person of the Year

Mayor and Council recognized Lee Wood of A.L. Grading with a certificate for being named a finalist for Small Business Person of the Year. Last year, Mark Tibbetts was recognized in the same way when he was named Small Business Person of the Year.

Mayor Masino presented Mr. Wood with a Certificate of Recognition for his accomplishments.

B. PlayTown Suwanee Volunteers

Kristi McCarley, Special Projects Manager recognized both the Steering Committee and the Construction Captains for their efforts in PlayTown Suwanee. She recounted that from June 9th through June 15th over 1,200 volunteers joined in the effort to build PlayTown Suwanee. The Committee Chairmen and Construction Captains were presented with a framed picture of PlayTown. The Steering Committee was: Children's Committee-Carrie Roy and Laura Spencer; Volunteer Committee-Jauxniece D'Angola and Angie O'Farrell; Tools and Materials-Heather Thomas and Neil Mason; Childcare Committee-Jennifer Spellacy; Food Committee-Benita Marshall; Design and Special Needs Committee-Dawn Seachrest; Fundraising Committee: Melissa Fernandez, Beth Wellington, Shelly Cordsen, Karen Kuchvaley; Public Relations Committee-Amy Doherty. The Construction Captains were: Amy Doherty, Shelly Cordsen, Laura Spencer, Angie O'Farrell, David Bonesteel, Fritz Kuehnel, Jim Fielder, Charlie Fowler, Stephanie Rodd, Ryan Rodd, Mike Staiger, Brad Tenney, Walt Walters.

7. Audience Participation

Marilyn Snezek, 3650 George Pierce Court, Suwanee, Georgia 30024. Ms. Snezek said that she had spoken with Rich Edinger, Public Works/Inspections Director about City drainage problems in her backyard that has caused flooding twice in the last several months. She thanked Rich for his support and help. She further stated that Rich had requested funds to alleviate this drainage problem. However, her concern was that funds will not be available to address this drainage problem for approximately one to two years. She asked Council if there was any way to escalate funding for this project.

Hardin Watkins, City Manager, responded that he had talked with Rich extensively about this issue and said that he had actually visited the site on several occasions. He told Ms. Snezek that in relation to timeline for repair there is good news. The City Council and staff will discuss at the August Council workshop some "reordering" of drainage priorities and Rich has made a recommendation that the City shift some projects so that this issue can be moved up in relation to timeline. The City Council did budget funds this year to take care of storm drainage projects all over the City. Council's intent is to take care of the most urgent projects and having seen this site, this project has now moved up the list considerably and it will be addressed with Council at the August workshop to secure their input and direction. City staff is presently looking at small counter measures in monitoring some of the drainage structures making sure they stay clean and do not become clogged.

Ms. Snezek said that one of her neighbors had actually tried to dig out the drainage ditch to alleviate flooding. She asked if crews were available to inspect, clean or widen ditch to redirect the water to temporarily help. Mr. Watkins said that staff has been directed to monitor this drainage issue.

Ms. Snezek asked if staff looks at drainage issues for surrounding properties when new buildings/businesses are proposed.

Mayor Masino said that this is absolutely part of the entire plan. He said that he had also visited her property and realized that there were immediate temporary measures that could be taken. He further stated that he had talked with Rich and assured her that she was in good hands and that this would be addressed as soon as possible.

8. OLD BUSINESS

A. RZ-2003-022 - Applicant: Jolly Development. Owner: Peachtree/Suwanee Properties, Ltd et al. requests rezoning from R-100 (Single Family Residential District), M-1 (Light Industry District), C-2 (General Commercial District), and C-3 (Special Commercial District) to PMUD (Planned Mixed-Use Development District) to allow for a planned mixed-use development including 157 single family residential attached units, 118 single family residential detached units and 145,500 square feet of commercial and office uses. The site is located in Land Lot 252 of the 7th District north and east of the Peachtree Industrial Boulevard/Suwanee Dam Road intersection and contains approximately 61.54 acres.

Motion by Councilmember Brooks to approve RZ-2003-022 with the Planning Commission conditions adding Condition 15 stated as, “The developer shall contact Gwinnett County Board of Education concerning the most appropriate location of the proposed pedestrian connection. Subject to comments by the Board of Education the location of the connection may be revised to meet needs”, second by Councilmember Burnette and so carried 5-0.

9. NEW BUSINESS

A. **RZ-2003-010 (Amended) - Applicant: Suwanee Creek Station, LLC. Owner: Sidel, Inc. Requests rezoning from M-1 (Light Industrial District) to PMUD (Planned Mixed-Use Development District) to allow for a single family residential detached units, office and retail uses. Site is located in Land Lots 193 and 194 of the 7th District on the northeast side of Lawrenceville-Suwanee Road near the intersection with Satellite Boulevard and contains approximately 24.46 acres.**

B. **RZ-2003-011 (Amended) – Applicant: Suwanee Creek Station, LLC. Owner: Sidel, Inc. Requests rezoning from M-1 (Light Industrial District) to PMUD (Planned Mixed Use Development District) to allow for a single family residential detached units, office and retail uses. Site is located in Land Lots 193 and 194 of the 7th District on the northeast side of Lawrenceville-Suwanee Road near the intersection with Satellite Boulevard and contains approximately 24.46 acres.**

Attorney Gregory Jay confirmed that it was appropriate to vote on these rezonings together.

Motion by Mayor Pro Tem Hassell to approve RZ-2003-010 and RZ-2003-011 with Planning Commission conditions and with two amendments as follows: “Item 19- Provide a minimum 6-foot tall fence along the property lines adjoining the proposed 50-foot wide buffer. Final design to be reviewed and approved prior to installation. Fence installation shall occur prior to issuance of a development permit for any tract abutting said buffer.” Second amendment: Item 13-Any space indicated as Open Space on the concept plan submitted 6/24/04 shall be permanently protected natural open space dedicated to the homeowners association through a deed restriction pursuant to, and as provided by State Law, and set forth in a conveying instrument to the homeowners association.” Second by Councilmember Burnette and so carried 5-0.

- C. RZ-2004-006 - Applicant: Summerall Development Co., LLC. Owner: Olde Towne Suwanee, LLC. Requests rezoning from C-1 (Neighborhood Commercial District) to C-1 (Neighborhood Commercial District) with a change of conditions to allow for a shopping center. Site is located in Land Lot 236 of the 7th District on the northeast corner of the intersection of Suwanee Dam Road and Brogdon Road and contains approximately 2.80 acres.

Motion by Councilmember Brooks to postpone RZ-2004-006, second by Councilmember Landers and so carried 5-0.

- D. RZ-2004-007 - Applicant: Tappan Street Restaurant Group, Inc. Owner: Mountainprize, Inc. Requests rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District) to allow for a restaurant with alcohol sales. Site is located in Land Lots 193 and 194 of the 7th District on the north side of Lawrenceville-Suwanee Road near the intersection with Satellite Boulevard and contains approximately 1.17 acres.

Motion by Mayor Pro Tem Hassell to approve RZ-2004-007, second by Councilmember Brooks and so carried 5-0.

- E. SUP-2004-002 - Applicant: Nikishan, Inc, Co. Owner: Reynolds Oil Company. Requests a special use permit to allow for a carwash and automotive services within the C-2 (General Commercial District) zoning district. Site is located in Land Lot 152 of the 7th District at 2966 Lawrenceville-Suwanee Road and contains approximately 1.11 acres.

Motion by Councilmember Burnette to approve SUP-2004-002 with staff and Planning Commission conditions, second by Mayor Pro Tem Hassell and so carried 5-0.

- F. Consideration of Ad Valorem Tax Ordinance for Fiscal Year 2004-2005

The required public hearings were held on July 8 and July 20, 2004. The millage rate is proposed at 5.81 mills to be levied and assessed on property. This is a .08 decrease from the current millage rate.

Motion by Mayor Pro Tem Hassell to approve Ad Valorem Tax Ordinance for Fiscal Year 2004-2005, second by Councilmember Brooks and so carried 5-0.

G. Consideration of Approval of Pre-qualified Bidders for the Sims Lake Dam Rehabilitation

Hardin Watkins stated that seven pre-qualification packages were received for the rehabilitation work on Sims Lake Dam. The packages were reviewed by Public Works and Inspections Director Rich Edinger, City Engineer Kevin McOmbler, and Stacey Mills of Ross Consulting Engineers. They are recommending that three of the seven companies be pre-qualified to bid on this project: Willow Construction, Phillips and Jordan, and Cline Service Corporation.

Motion by Councilmember Landers to approve Pre-qualified Bidders for the Sims Lake Dam Rehabilitation, second by Councilmember Burnette and so carried 5-0.

H. Consideration of Change Order #5 for the Suwanee Creek Greenway

The change order increases the contract amount by \$52,938.96. Credits include: a change in the foundation pile, boardwalk repair, a change in the bumper rail material, elimination of drainage boardwalk bumper rails, and the installation of 10 ft. less of fence already paid for in a previous change order. Additional charges include: extra pile lengths, extra railings, and a seal coat on the portion of Annandale Lane that is incorporated into the trail.

Motion by Councilmember Brooks to approve Change Order #5 for the Suwanee Creek Greenway, second by Councilmember Burnette and so carried 5-0.

I. Consideration of a Resolution to Authorize the Mayor to Execute a Warranty Deed and Related Documents to Sell a Certain Portion of the Town Center Property

The City entered into a Purchase and Sale Agreement with Main Street Corners, LLC in March of this year for the purchase of Tract #5 of the Town Center Property. Both parties have performed their responsibilities outlined in that agreement. This resolution authorizes the Mayor to execute all closing documents related to the sale of this property.

Motion by Mayor Pro Tem Hassell to approve a Resolution to Authorize the Mayor to Execute a Warranty Deed and Related Documents to Sell a Certain Portion of the Town Center Property, second by Councilmember Brooks and so carried 5-0.

J. Authorization for the Mayor to Enter into Agreement with Georgia Environmental Protection Division for Renewal of Drinking Water Service Contract

Hardin Watkins stated that the City contracts with the Georgia Environmental Protection Division to provide laboratory related services (testing and analysis) for drinking water. It is time to renew our three-year contract.

Motion by Councilmember Burnette to approve the Mayor to Enter into Agreement with Georgia Environmental Protection Division for Renewal of Drinking Water Service Contract, second by Mayor Pro Tem Hassell and so carried 5-0.

K. Authorization for the Mayor to Enter into Agreement with Georgia Department of Transportation Regarding the Suwanee Day Parade and 5K Run Event

The City submitted a traffic control plan for the Suwanee Day Parade and 5K Run to Georgia DOT for approval. DOT has approved the plan and is requesting release and waiver documents be signed.

Motion by Mayor Pro Tem Hassell to approve the Mayor to Enter into Agreement with Georgia Department of Transportation Regarding the Suwanee Day Parade and 5K Run Event, second by Councilmember Landers and so carried 5-0.

10. City Manager's Report

- A. June Financial Reports
- B. Other Updates

No report.

11. Land Acquisition Update (Possible Executive Session)

No Executive Session.

12. Adjournment – Time: 7:39 p.m.

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

Approved August 17, 2004