

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
SEPTEMBER 21, 2004**

Meeting Location: Suwanee City Hall

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

Absent: Nick Masino, Mayor
Jeannine Rispin, Councilmember

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

The Public Hearing was opened by Mayor Pro Tem Hassell at 6:35 P.M. City Manager, Hardin Watkins, read the procedures for public meetings.

- 1. 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, read the staff analysis as follows: The applicant requests a change in zoning conditions on an approximately 2.8 acre C-1 zoned tract to develop an approximately 21,000 square foot retail/commercial center. The subject property is located on the northwest corner of Suwanee Dam Road and Brogdon Road at the edge of the City's designated Old Town district. The subject property was rezoned from M-1 to its current C-1 designation with conditions in May of 2001 (RZ-2001-005).

RZ-2001-005 was approved with conditions requiring four sided brick construction, traditional architecture; monument style ground signs; a unified wall signage plan; buildings pushed up to the front of the site with parking at the rear; and interparcel vehicular access.

The current applicant proposes a different plan that would require a change of conditions. The proposed plan is for a 21,000 square foot commercial/retail center with parking located along Suwanee Dam Road. Access is still proposed onto both Brogdon and Suwanee Dam Road. The proposed site plan includes 98 parking spaces most of which would be located in front of the building. The applicant provided color renderings of the style of architecture they would like to use for the building which seeks to emulate the architecture of historic small town train depots. The building includes a sharply pitched roof, a clock tower and a combination of brick and siding.

The subject property is an approximately 2.8-acre tract located on the northwest side of the intersection of Brogdon Road and Suwanee Dam Road. The applicant proposes a 21,000 square foot commercial/retail center with adequate parking to support the use. The property has been partially cleared. A large power line easement extends along the rear of the property. The subject property is suitable for a small retail shopping center project.

The surrounding area consists of a mixture of commercial, industrial and undeveloped land. Adjoining the property to the north and west is undeveloped M-1 zoned property. To the east, across Brogdon Road and the railroad, is a C-2A zoned barbeque restaurant and an M-1 zoned lumber yard. To the south, across Suwanee Dam Road, are numerous C-2 zoned commercial uses including Suwanee Realty. Farther south is the location of the Gwinnett County library currently under construction and the Suwanee City Hall Complex. With appropriate conditions, a C-1 zoned shopping center would be compatible with existing nearby uses.

A number of shopping centers have been constructed in the City of Suwanee in the last few years. The Atlanta Bread Company shopping center, the Tanner's shopping center, and the shopping center across Suwanee Dam Road are all examples where parking lots along the road have been minimized. The applicant proposes four rows of parking adjacent to Suwanee Dam Road. However, the shopping centers listed above all provide only two rows of parking adjacent to the road. The shopping centers also have parking available to the rear and/or sides of the buildings. Like the proposed shopping center, the cited shopping centers are also located along major arterials.

The subject property is located at the far edge of the Old Town District. It is separated from other similar uses by roads and a railroad track. Flexibility of some of the stringent Old Town Design standards may be warranted and likely would not negatively impact the intention of the City's overall goals for the area.

The subject property is located within the Old Town area, which means parking to the front of the building should be minimized. However, some amount of parking in the front would be consistent with similarly situated shopping centers throughout the City. The subject property is located within the Old Town area; therefore, particular attention should be paid to the design of the project. Therefore, the Planning Department recommends approval of the request with conditions that allow limited off-street parking in the front of the building. The Planning Commission reviewed the case at the regular meeting and the applicant pointed out some new information concerning the on-site stormwater retention, which influenced their recommendation. The Planning Commission recommended approval with modified conditions.

Support

Applicant: Dan Green, 2346 Perimeter Park Drive, Suite 201, Atlanta, GA 30341. Intent was to pull the buildings forward as far as possible to allow for underground retention. The area was redesigned to allow for vehicular access for ample parking in the rear. Right-in/right-out curb cut plans will be submitted to Gwinnett County. Two curb cuts will be requested. The product will have a residential architectural feel with pitched roofs.

Mayor Pro Tem Hassell asked if the building has been pulled as far forward as possible and all angles of orientation investigated. Mr. Green stated to straighten the building on the sight would cause a loss of square footage. The orientation of the building on the site is such as to not impact the power line easement.

Opposition

None.

- 2. RZ-2004-008 - Applicant: Bowen Family Homes. Owner: David R. Bowen. Requests rezoning from PMUD (Planned Mixed Use Development District) to PMUD (Planned Mixed Use Development District) with a change of conditions to allowed for an additional 1,600 square feet for a commercial shopping center. The site is located in Land Lots 211, 212, 235 and 236 of the 7th District on the northwest corner of the intersection of Suwanee Avenue and Lawrenceville-Suwanee Road and contains approximately 1.36 acres.**

Marty Allen, read the staff analysis as follows: The applicant seeks a change of zoning conditions on a portion of a larger tract zoned PMUD (Planned Mixed Use Development District) to allow for construction of 14,400 square feet of commercial/retail space. The overall project (partially developed and known as Shadowbrook) was rezoned to its current PMUD designation last year pursuant to RZ-2003-008. At the time, the entire project was zoned to allow for a maximum of 100 single family attached units, 100 single-family detached units, 200 multi-family units, 12,800 square feet of commercial/retail and 10,000 square feet of amenity/civic space. The applicant now seeks to modify the conditions to allow for 14,400 square feet of commercial/retail space.

The subject property is currently under development. The applicant has already final platted one phase of the project. The portion of the overall project which is affected by this rezoning request is a 1.36 acre lot located on the northwest corner of the intersection of Lawrenceville-Suwanee Road and Suwanee Avenue. By condition, the property is limited to 12,800 square feet of commercial development. The applicant is seeking to increase the overall commercial square footage to 14,400 square feet.

The proposed site plan for the 1.36 acre site indicates two buildings, each 7,200 square feet. Access is provided onto Suwanee Avenue and Boston Common Street, with an additional driveway that connects Boston Common Street to Lawrenceville-Suwanee Road.

As part of the current rezoning submittal, the applicant included preliminary architectural renderings of their proposed buildings. An initial review of said renderings indicates that they are not consistent with the quality and overall architectural style of the overall Town Center development. The proposed buildings are one-story commercial buildings that are typical of a conventional suburban shopping center. The Suwanee New Town Center Master Plan envisions a much higher quality design with buildings that have (or emulate) a multi-story appearance, first-class materials, and enhanced detailing. The city has approved preliminary architecture for another of the parcels fronting Town Center Avenue (see attached). Although that site will contain a three-story building, the city anticipates the entire project will follow the quality and styling of that building. The applicant's current rendering will require substantial changes to obtain design approval.

The subject property is 1.36 acres out of an approximately 43.7 acre site rezoned in 2003. Access is available onto Lawrenceville-Suwanee Road, Suwanee Avenue, and Boston Common Street. The site was graded as part of the overall site development.

The subject property is surrounded by a mixture of uses. To the north of the subject property is property owned by the City zoned PMUD (Planned Mixed Use District). To the east of the subject property, across Lawrenceville-Suwanee Road, is predominantly residentially zoned property developed in the 1970's and early 1980's. To the south and west of the subject property is the remainder of the property zoned as part of RZ-2003-008.

The Future Land Use Plan identifies the subject property as part of the Old Town Character Area. The subject property is indicated as mixed-use center. The requested addition of 1,600 square feet of commercial square footage is consistent with the Future Land Use Plan. However, the Old Town Master Plan provides more detailed guidance regarding land use related policy decisions in the Old Town Area.

The Old Town Master Plan includes among other items: a Future Land Use Map, a Master Plan, and table that shows the estimated building square footages for the Old Town area. The Future Land Use Map adopted with the Old Town Master Plan shows both mixed-use village and mixed use center for the area. While the table does not breakdown the square footages by lot, this table used in combination with the Master Plan provides a sense of what is anticipated for the subject property and

the area. The plan anticipates 299,000 square feet of commercial. Most of the square footage is indicated on the subject properties for both RZ-2003-007 and RZ-2003-008 of which the current request is a part.

As noted above, the quality of architecture for this site is vital. The parcel is not only located in the Old Town Character Area, it is part of the Suwanee New Town Center Project. The City has worked diligently to ensure quality construction in the new town center. The quality of architecture on the subject property is also likely to influence the success of the town center project. When the City completed the Old Town Master Plan, the project consultant was engaged to produce recommendations for Architectural Guidelines in the Old Town Area. The guidelines were adopted by the City to guide the quality of architecture in this area. Therefore, the applicant must be prepared to comply with the vision for the area.

Staff noted in the analysis for RZ-2003-008 that the site could support additional commercial square footage than originally proposed by the applicant. The project is consistent with the spirit and intent of the Comprehensive Plan and the Old Town Master Plan. While the architecture submitted as a rezoning exhibit does not meet the high standards the City is setting for the area, with conditions to ensure quality architecture staff can support the request. Therefore, the Planning Department recommends approval with conditions of the request. The Planning Commission reviewed the case at the regular meeting and recommended approval of the request.

Support:

Applicant: Mike Evans, 765 Peachtree Parkway, Suite 1, Cumming, GA 30041. The applicant stated that they seek to increase the square footage from 12,800 to 14,000. He stated their architect is meeting with staff to work out architectural issues.

Mayor Pro Tem Hassell asked if the type of architectural issues for the project have been approached to provide an aesthetically pleasing product. Mr. Evans stated they want to conform to the City's guidelines. The City's concept is a great one and it would be beneficial to the project to make the concept work. The architect has been given full editorial control. Mr. Evans did not have anything to offer tonight for Council's review regarding architecture.

Opposition: None.

- 3. SUP-2004-003 - Applicant: Interstate Battery Systems. Owner: Embry Motorsports, LLC. Requests a special use permit to allow for automotive services, including battery installation, within the C-2 (General Commercial District) zoning district. The site is located in Land Lot 254 of the 7th District on the west side of Buford Highway just north of the intersection with Ruby Forest Parkway and contains approximately 3.9 acres.**

The applicant requests a Special Use Permit on an approximately 3.9 acre tract to allow for automotive service uses on a tract zoned C-2 (General Commercial District). The site is located on Buford Highway north of Ruby Forest Drive. The subject property is an undeveloped C-2 zoned tract. The applicant proposes to construct a 10,660 square foot facility that would engage in the retail sale of vehicle batteries including a limited amount of on-site installation of car batteries. The retail sales of car batteries is allowed in the C-2 district. However, the removal and installation of car/truck batteries constitutes an automotive service and therefore requires a Special Use Permit.

The proposed project includes a 10,660 square foot building, with 2,000 square feet dedicated to office/retail sales, 8,000 square feet dedicated to warehousing the batteries, and approximately 600 to 700 square feet dedicated to removal and installation of car/truck batteries.

The subject property is an approximately 3.9 acre undeveloped site. The applicant is proposing to locate a battery sales and installation facility on the southern most two acres of the site. Access is provided via Buford Highway. The site plan attempts to minimize the amount of parking with 6 spaces located in front of the building and 6 spaces located on the side of the building. The site can support the proposed uses.

The subject property is surrounded by a mixture of uses and zoning districts in Suwanee and Sugar Hill. The site adjoins the Norfolk-Southern rail line along its western boundary. On the other side of this right-of-way are light industrial uses in unincorporated Gwinnett County. To the north of the subject property is a light industrial business park in Sugar Hill. To the south of the subject property, on the same side of Buford Highway, is an existing casket manufacturing facility. To the east, across Buford Highway, is vacant property and two existing and one developing single family residential subdivision.

The undeveloped area to the east of the subject property, across Buford Highway, includes two undeveloped tracts that were recently annexed into the city of Sugar Hill. The owner of one of the parcels initially sought to zone the land for light industrial uses. The city of Suwanee raised objections and offered alternatives. Sugar Hill subsequently rezoned the property to allow for limited retail uses along Buford Highway and medium density residential uses behind it. At the request of Suwanee and nearby residents, Sugar Hill included conditions on the commercial uses that prohibited automotive sales and service uses.

The City's Future Land Use Plan recommends commercial uses for this site. The proposed use of the site for retail battery sales is consistent with this designation. However, the automotive service component of the project is not consistent with where the City has been attempting to steer this type of use. In previous special use permit requests for automotive services requests located in the I-85 business district have been approved, while those located outside the I-85 business district have been denied.

In conclusion, the requested Special Use Permit to allow for an automotive service is not consistent with Suwanee's or Sugar Hill's recent decisions. Sugar Hill recently approved a rezoning across the street that does not allow automotive uses along Buford Highway. And Suwanee's policies generally attempt to guide automotive sales and service uses to the more commercially intensive areas of the City. The subject property is not a commercially intensive area. Therefore, the Planning Department recommends denial of the request. The Planning Commission reviewed the case at the regular meeting and recommended approval of the request with modifications to the staff recommended conditions.

Support:

Applicant: Larry Genn, LBG, Associates, Inc., 1498 Buford Highway, Suite C244, Buford, GA 30518. Mr. Genn stated his customer understands the sensitivity in the area, which precludes automotive activities. He also stated the case is proposed for passenger vehicles only. Consideration has been given to conditions and the roll-up doors have been reduced to one door. A site plan was distributed for review.

Opposition: None.

4. Exemption of the City Manager's City Vehicle from OCGA Section 36-80-20

Hardin Watkins stated that OCGA Section 36-80-20 states that all city-owned vehicles should have a decal that identifies the government entity it belongs too. To be exempt from this section, a public hearing has to be held to notify the public that a certain vehicle will not have the decal. This public hearing is to take comment on exempting the City Manager's vehicle from having a decal.

There was no audience comment regarding this issue.

The Public Hearing closed at 6:55 P.M.

7:00 P.M.
CITY COUNCIL MEETING

1. Call To Order

The meeting was called to order by Mayor Pro Tem Hassell at 7:01 P.M.

2. Announcements

- Suwanee Creek Park Grand Opening will be held Saturday, October 23. We will hold a community cookout from 12:00noon to 2:00pm at the Alder Pavilion.
- Suwanee Branch Library Grand Opening will be Saturday, October 30 at 9:00am.
- The City has received several awards recently. The Governor’s Office of Highway Safety has recognized the Suwanee Police Department with the Occupant Protection Award for the best programs to protect vehicle occupants. The Police Department has placed safety at the top of the list. The Department also received the First-Time Entry Award for having the highest score among first-time entries. The City-County Communications & Marketing Association awarded the Suwanee Soiree with a Silver Circle Award (second place) in the “special event” category and an Award of Excellence (third place) in the “most creative activity with the least dollars spent” category. Suwanee’s “We Want You” playground volunteer brochure also won a Silver Circle Award (second place) in the “other publications” category. Marcia Lampe designed the brochure and Pre-Press to Printing printed the brochure.
- The Police Department has received an American Flag from Major William Stoessel. He is a Suwanee resident and member of the 701st Airlift Squadron. He flew the flag into Baghdad aboard a C-17A Aircraft to provide support to Operation Iraqi Freedom. The flag is displayed at the Police Department.

3. Pledge of Allegiance

4. Approval of Minutes

A. 8/5/04 Called Meeting

Motion by Councilmember Landers to approve the 8/5/04 called Meeting Minutes, second by Councilmember Burnette and so carried 4-0.

B. 8/17/04 Council Meeting

Motion by Councilmember Brooks to approve the 8/17/04 Meeting Minutes with one change: Item H – second by Councilmember Brooks, second by Councilmember Burnette and so carried 4-0.

5. Adoption of Agenda as Presented

Motion to adopt the Agenda as presented by Councilmember Burnette, second by Councilmember Brooks and so carried 4-0.

6. Special Presentations

A. Proclamation: North Gwinnett Mad Dogs, World Series Champions in Class A Girls 12 and Under Fast Pitch Travel Softball

The North Gwinnett Mad Dogs are a 12 and under, girls travel softball team out of George Pierce Park. They attended a tournament in Panama City where they went undefeated in bracket play, making them the World Series Champions in Class A Fastpitch Softball for their age bracket. Assistant Coach Alan Freedman and the team will be present. September 22, 2004 will be proclaimed "North Gwinnett 12 and Under Mad Dogs Day." Coaches Alan Fredman, Pat Barber and Ken Smith were present.

B. Police Department Report on the ATM Thefts

Detective Shane Edmisten provided a brief report on the ATM thefts that occurred in Suwanee and surrounding areas. Detective Edmisten was the lead in this investigation. Chief Jones presented Detective Edmisten with two (2) Merit Awards. One for each case. He was also presented with the Suwanee Star Award for his outstanding work in this investigation and the 8 smash and grab cases.

7. Audience Participation – None.

8. OLD BUSINESS

A. 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.

This item was postponed at the August 17, 2004 Council Meeting. Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the rezoning.

Motion by Councilmember Landers to approve RZ-2004-006 with conditions, second by Councilmember Brooks and so carried 4-0.

9. NEW BUSINESS

A. RZ-2004-008 - Applicant: Bowen Family Homes. Owner: David R. Bowen. Requests rezoning from PMUD (Planned Mixed Use Development District) to PMUD (Planned Mixed Use Development District) with a change of conditions to allowed for an additional 1,600 square feet for a commercial shopping center. The site is located in Land Lots 211, 212, 235 and 236 of the 7th District on the northwest corner of the intersection of Suwanee Avenue and Lawrenceville-Suwanee Road and contains approximately 1.36 acres.

Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the rezoning.

Motion by Councilmember Burnette to postpone RZ-2004-008 to the October Council Meeting, second by Councilmember Brooks and so carried 4-0.

- B. SUP-2004-003 - Applicant: Interstate Battery Systems. Owner: Embry Motorsports, LLC. Requests a special use permit to allow for automotive services, including battery installation, within the C-2 (General Commercial District) zoning district. The site is located in Land Lot 254 of the 7th District on the west side of Buford Highway just north of the intersection with Ruby Forest Parkway and contains approximately 3.9 acres.**

Staff Recommendation: Denial. Planning Commission Recommendation: Approval with conditions. ACTION: Consider issuing the special use permit.

Motion by Councilmember Landers to deny SUP-2004-003, second by Councilmember Brooks and so carried 4-0.

- C. Authorization for the Mayor to Terminate the Agreement with Phillips State Prison for Use of an Inmate Work Crew**

The City Manager and Public Works and Inspections Director are interested in gaining the Council's input on their recommendation to terminate the contract with Phillips State Prison for inmate work crews. Problems, both historic and recent, that staff has experienced with directing the crew's corrections officer leads to this recommendation. Staff would like to explore the option of terminating the contract and redirecting resources to hiring contract laborers (primarily from a staffing agency that we utilize now) to fill the gaps and help out when the workload is heavy.

ACTION: Consider authorizing the Mayor to terminate the agreement with Phillips State Prison for the use of an inmate work crew.

Motion by Councilmember Burnette to authorize the Mayor to terminate the agreement with Phillips State Prison for the use of an inmate work crew, second by Councilmember Landers and so carried 4-0.

- D. Consideration of Exempting the City Manager's City Vehicle from OCGA Section 36-80-20**

OCGA Section 36-80-20 states that all city-owned vehicles should have a decal that identifies the government entity it belongs too. To be exempt from this section, a public hearing has to be held to notify the public that a certain vehicle will not have the decal. A public hearing was held at 6:30 p.m. to exempt the City Manager's vehicle from having a decal. This exemption will be good for one year.

ACTION: Consider exempting the City Manager's city vehicle from OCGA Section 36-80-20.

Motion by Councilmember Brooks to approve exempting the City Manager's city vehicle from OCGA Section 36-80-20, second by Councilmember Burnette and so carried 4-0.

- E. Consideration of Changing the October City Council Meeting Date from Tuesday, October 19 to Thursday, October 21**

Due to scheduling conflicts, the regular October Council Meeting needs to be rescheduled to Thursday, October 21. ACTION: Consider changing the October City Council Meeting to Thursday, October 21, 2004

Motion by Councilmember Burnette to approve changing the October City Council Meeting to Thursday, October 21, 2004, second by Councilmember Brooks and so carried 4-0.

10. City Manager's Report – None.

11. Land Acquisition Update (Possible Executive Session) – None.

12. Adjournment – Time: 7:35 P.M.

Motion by Councilmember Landers to adjourn, second by Councilmember Burnette and so carried 4-0.

Approved 10/21/2004