

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

*Meeting Location: Suwanee City Hall*

Present: Nick Masino, Mayor  
Carol Hassell, 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: Alan Landers, Councilmember

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

Public Hearing opened by Mayor Masino. Hardin Watkins, City Manager, read the procedures for public meetings for the record.

- 1. 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. [P2]**

Marty Allen stated this case was postponed from the meeting last month due to issues with the applicant related to design of the building and orientation of the building to the site. The applicant has conflicts and cannot attend the meeting tonight. They have requested this case be postponed to a future City Council Meeting Workshop or Council Meeting in November.

There was no audience comment.

- 2. RZ-2004-009 - Applicant/ Owner: Milam Properties, LLC. Requests rezoning from R-75 (Single Family Residence District) to R-75 (change of conditions) to allow for changes to the timing and width of a required trail and to change the location of some required street trees. The site is located in Land Lot 235 of the 7th District on Buford Highway between Ruby Forest Parkway and Dollar Circle and contains approximately 33.16 acres. [P18]**

Marty Allen presented the staff analysis as follows: The applicant requests a change of zoning conditions on an approximately 33.5 acre tract zoned R-75 (Single-Family Residence District). The subject property is located on the east side of Highway 23 (Buford Highway) just south of Ruby Forest Subdivision and north of Dollar Acres. Access is proposed via a single road onto Buford Highway.

The applicant is in the process of developing a 74 lot single family subdivision. In December of 2002 the subject property was rezoned from R-100 to R-75 with certain conditions. The conditions included a requirement to install street trees located between the sidewalk and the back of curb for the length of the road; and a requirement to install a 10 foot wide trail from Buford Highway to George Pierce Park prior to approval of a Final Plat. The applicant requests changes to the conditions of zoning related to the width of the trail and the location of some of the street trees.

Specifically, the applicant seeks to address the width and timing of a trail required to connect Buford Highway to George Pierce Park through the subject property. A condition of zoning for RZ-2002-020 requires a 10-foot wide trail to be completed prior to approval of a final plat. The applicant seeks to reduce the width of the trail from 10 feet to 8 feet and allow for the installation of the trail as each residential unit is completed.

During the zoning process, the applicant agreed to construct a 10-foot wide trail during the construction process. At the time, the developer believed that the trail could be located to the rear of some of the residential parcels near and along an existing creek. During final engineering of the project, it became apparent that in order to remain out of the stream buffer, the trail would have to be closer to the rear of the residential units than originally anticipated. As such, the applicant relocated the trail to the front of the units along the street.

Although allowed by the conditions of zoning, relocating the trail to the front of the homes residences creates other practical implementation problems. A 10-foot wide sidewalk in front of homes in a suburban environment is disproportionately wide – particularly with these homes setback only 20 feet from the edge of the right-of-way. Second, installing the trail prior to the final plat and prior to the construction of any homes would likely result in damage to the sidewalk during the construction of the homes. To avoid this problem with required sidewalks, the City typically bonds the sidewalks or ties the issuance of a residential certificate of occupancy to the completion of the portion of the sidewalk in front of the residential unit. As such, the developer proposes to reduce the width of the sidewalks from 10 feet to 8 feet and construct the sidewalk on a lot-by-lot basis concurrent with the houses.

The second issue relates to the condition of zoning requiring the installation of street trees between the sidewalk and the curbing for the road. Street trees are situated in this manner to increase the comfort of pedestrians using the sidewalk. A 5-foot wide landscape strip is planned giving pedestrians a sense of separation and protection from the nearby vehicular traffic. During construction of the project, the applicant noted that if the sidewalk were placed as originally proposed the sidewalk would be at the top of a large slope. Where the

road crosses a small tributary and runs adjacent to a detention pond, a 600 foot stretch of sidewalk would be located directly adjacent to a 30 foot tall 2:1 slope.

The applicant seeks to allow this 600-foot section to provide a 2-foot landscape strip, in order to maintain some separation from the road, and plant the trees outside the sidewalk. The 2 feet of separation proposed is consistent with what is allowed in subdivisions without street trees, and moving the sidewalk closer to the road provides some separation from the nearby slope. The provision of the trees on the outside of the sidewalk should still allow for an effective tree canopy in time. A decorative ornamental fence would also increase pedestrian comfort when using the sidewalk.

In conclusion, because of changes to the location of the trail, some reduction in width and changes in timing is appropriate. Additionally, the applicant's proposed changes to the location of the street trees, although not as desirable if implemented on a large scale, should have a minimal impact in the overall development if the extent of the deviation is limited. The changes should not impact any of the surrounding neighborhoods and are not inconsistent with the future land use plan. Therefore, the Planning Department recommends approval with conditions of the request. The Planning Commission reviewed the case and recommends approval with conditions.

Mayor Masino asked if the Planning Commission added or deleted any conditions. Mr. Allen stated no.

APPLICANT: Miles Milam, 1198 Whisper Wood Lane, Lawrenceville. Mr. Milam stated that Mr. Allen did an excellent job explaining the technical aspect of the request. He stated he would entertain any questions by Council.

There was no audience comment regarding this case.

- 3. RZ-2004-010 - Applicant: Asaif Premji. Owner: Rollins Leasing, LLC. Requests a rezoning from M-1 (Light Industry District) to C-2 (General Commercial District) to allow for an indoor soccer facility with accessory retail uses. The site is located in Land Lot 209 of the 7th District on the northern corner of Buford Highway and Swiftwater Park Drive and contains approximately 5.39 acres. [P27]**

Marty Allen presented the staff analysis as follows: The applicant requests rezoning from M-1 (Light Industry District) to C-2 (General Commercial District) to allow for an indoor soccer facility with accessory retail uses. The applicant seeks to develop an indoor soccer facility totaling 85,000 square feet on a parcel totaling 5.39 acres. The site is located at the corner of Swiftwater Park Drive and Buford Highway near the entrance to Suwanee Creek Park. The applicant proposes a single access point onto Swiftwater Park Drive.

The majority of the building would be dedicated to (2) two youth and adult indoor soccer fields. However, the applicant also proposes approximately 5,000 square feet of retail space (divided into 4 tenant spaces), 4,600 square feet to for a "pro shop" and restaurant/concession

area, and approximately 2,300 square feet of office space. The proposed site includes approximately 145 parking spaces.

The subject parcel totals 5.39 acres. The property is a small assemblage of undeveloped lots in an industrial park.

The subject property is located in the heart of a highly industrialized area. Several light industrial (M-1) parcels located in a smaller lot industrial park border the subject property to the north. All of the parcels are developed. To the east of the subject property is an undeveloped light industrial parcel (M-1) located in Swiftwater Park. Across Swiftwater Park Drive, to the south, is a developed light industrial site in the same industrial park. To the west of the subject property, across Buford Highway, are developed light industrial parcels (M-1) located at the entrance to another industrial park. Nearby non-industrial uses include a C-2 zoned shopping center (currently under construction) and Suwanee Creek Park, both located to the south.

The subject property is shown as light industrial on the City's Future Land Use Map. The proposed use of the site as an indoor soccer facility with accessory retail uses is not entirely consistent with this designation. However, there have been other situations where the city determined indoor recreation facilities could be appropriate.

Parking is an issue that should be managed effectively. The city's parking regulations do not address such a situation (indoor soccer facilities). However, with appropriate conditions 145 parking spaces should be sufficient. The commercial/retail and offices uses would require 46 parking spaces. Given the applicant's information, the facility could support up to 96 players at any one time (12 players per team, 4 teams and overlapping times). Even if each player drove alone, there would be just enough parking to accommodate the players.

Although not entirely consistent with the industrial designation on the Future Land Use Plan, the proposed use as an indoor soccer facility would not be entirely out of the character with the area. There is a commercially zoned shopping center and recreational park in the nearby vicinity. Additionally, the city has rezoned similarly situated industrial tracts for similar indoor recreational uses (Suwanee Sports Academy). With appropriate conditions, parking concerns and issues should be managed. Therefore, staff recommends approval with conditions of the request. The Planning Commission reviewed the case and recommended approval with conditions.

**APPLICANT:** Asif Premji, 4813 Tomahawk Court, Lilburn, GA 30047. Mr. Premji presented a PowerPoint demonstration of the soccer facility plan.

Mayor Masino asked if the retail fronting Buford Highway will be related to the soccer facility. Mr. Premji stated that the retail is proposed to include a pro shop, restaurants, as well as recreation type shops that will compliment the facility. The spaces will be subleased with access from the exterior and interior.

Mr. Premji stated he has talked with neighboring businesses and some have expressed concern regarding increased traffic and children in the industrial park. He stated that evening hours of operation will keep traffic to a minimum. There will be additional traffic no matter what happens on the property.

Mr. Premji stated there are other facilities in the area include Brogdon Road in Suwanee, Marietta and Lilburn. This will be a state of the art facility which will exceed facilities in Georgia and Canada.

Councilmember Hassell asked if the concept of a fence between this facility and adjacent industrial facilities as a buffer cause a problem, if this would resolve the concern of safety issues. Mr. Premji stated no, there is no problem with erecting a fence. There is a two acre buffer. He stated he is purchasing two acres between his property and adjacent facility.

OPPOSITION: Al Lundin, 373 Lombard Drive, Lawrenceville, GA 30044. Mr. Lundin stated he was the developer of this tract 10 years ago. The tract was developed with the intent of light industrial use. The concern with a recreational facility is the safety issue. Several tenants have factories that use compressed gases, liquid nitrogen and chemicals. This is a concern. Another concern is a lot of traffic in and out of the industrial area. When the site was developed, the DOT was quite concerned about having anything but industrial traffic going in and out of the location. The sight line is not the best coming in and out of the park. The current entrance was determined by DOT. Mr. Lundin stated, fortunately, there have been no accidents. However, that could be alleviated by a traffic light, but they are very difficult to get from the State. He stated it is a very attractive building.

**4. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on Premises: Back Drafts Food & Spirits, 300 Peachtree Industrial Boulevard. Applicant: Terry Maddox.**

Hardin Watkins stated Mr. Maddox is owner of Back Drafts Food & Spirits (formerly Fire House Food and Spirits), and has applied for an alcohol license. A public hearing is required for all alcohol license applications prior to the vote by City Council. City staff has reviewed the application and recommend approval of the license.

**APPLICANT:** Terry Maddox, 797 North Price Road, Buford, GA.

There was no audience comment.

The Public Hearing closed at 6:58 P.M.

**7:00 P.M.**  
**CITY COUNCIL MEETING**

**1. Call To Order**

Meeting called to order by Mayor Masino at 7:06 P.M.

**2. Announcements**

- **Suwanee Creek Park Grand Opening** will be held Saturday, October 23. We will hold a community cookout from 12:00 noon to 2:00 pm at the Alder Pavilion. This is the fourth park completed in the City. This is also the trailhead for the expanded 4-mile Suwanee Creek Trail.

Your Kids are going to want to be there to bob for apples, munch on dangling doughnuts and "trek or treat" along the trail! There will be free hotdogs, provided by Beef O'Brady's, and those who participate in the activities have a chance to win a trail bike from Mama's Board-N-Bike.

- **Suwanee Branch Library Grand Opening** will be Saturday, October 30 at 9:00 am.
- The Suwanee Police Department is accepting applications for the **Suwanee Police Academy**. This is a seven-week program that provides insight into Police work and the Suwanee Police Department. It is open to all Suwanee residents and those who work in Suwanee. It will be held on Tuesday nights starting on November 9<sup>th</sup>. The application deadline is tomorrow, October 22<sup>nd</sup>. Contact Sgt. Elias Casanas at the Police Department for more information.
- There will be an information session for the public to gain information and offer input on the **Sims Lake Dam Repair** Project on Thursday, October 28 at 6:30 pm – 8:00 pm. The session will be conducted in a drop-in format. The dam is located on the Hewell property on Suwanee Dam Road. Construction is expected to begin in mid-November.
- Councilmember Rispin has completed the Regional Leadership Institute.

**3. Pledge of Allegiance**

**4. Approval of Minutes**

A. 9/21/04 Council Meeting

**Motion by Mayor Pro Tem Hassell to approve the 9/21/04 Council Meeting Minutes, second by Councilmember Brooks and so carried 5-0.**

**5. Adoption of Agenda as Presented**

**Motion by Councilmember Brooks to adopt the agenda and add item 9.D. Authorization for the Mayor to Execute Land Transaction Documents with Ernest**

**Brooks for property exchange and easements concerning water tank construction as presented, second by Councilmember Burnette and so carried 5-0.**

City Manager, Hardin Watkins, explained the Consent Agenda process. He stated action items can be included on a consent agenda except for items that were included in the Public Hearing. All items on the consent agenda will be voted on at once, with one vote, without discussion. Any item on the consent agenda can be pulled off and added to the regular agenda by request of one Councilmember. This will occur under "Adoption of Agenda as Presented." At the request of a Councilmember, staff can provide a brief description of any item on the Consent Agenda after the vote occurs.

**6. Auditor's Report from Mauldin & Jenkins, LLC**

Joel Black presented results of the City Audit. He stated that the objective was to determine the reasonable accuracy of the financial statements. He stated City Management is to be commended for their work at the City of Suwanee.

**7. Audience Participation – None.**

**8. OLD 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. [P2]**

This item was postponed at the September 21, 2004 Council Meeting. Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the rezoning.

**Motion by Mayor Pro Tem Hassell to postpone RZ-2004-008 to the November 4, 2004 Council Workshop, second by Councilmember Brooks and so carried 5-0.**

**9. NEW BUSINESS**

**A. RZ-2004-009 - Applicant/ Owner: Milam Properties, LLC. Requests rezoning from R-75 (Single Family Residence District) to R-75 (change of conditions) to allow for changes to the timing and width of a required trail and to change the location of some required street trees. The site is located in Land Lot 235 of the 7th District on Buford Highway between Ruby Forest Parkway and Dollar Circle and contains approximately 33.16 acres. [P18]**

Please review Planning Commission Report included in your packet. Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the rezoning.

**Motion by Councilmember Brooks to approve RZ-2004-009 with conditions, second by Councilmember Burnette and so carried 5-0.**

- B. RZ-2004-010 - Applicant: Asaif Premji. Owner: Rollins Leasing, LLC. Requests a rezoning from M-1 (Light Industry District) to C-2 (General Commercial District) to allow for an indoor soccer facility with accessory retail uses. The site is located in Land Lot 209 of the 7th District on the northern corner of Buford Highway and Swiftwater Park Drive and contains approximately 5.39 acres. [P27]**

Please review Planning Commission Report included in your packet. Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the rezoning.

**Motion by Mayor Pro Tem Hassell to approve RZ-2004-010 with conditions, second by Councilmember Brooks and so carried 5-0.**

- C. Consideration of the Issuance of an Alcohol License: Back Drafts Food & Spirits. Applicant: Terry Maddox.**

Terry Maddox, owner of Back Drafts (formerly Firehouse Food & Spirits), has applied for an alcohol license. The Finance Department is recommending approval of the alcohol license. ACTION: Consider issuing the alcohol license.

**Motion by Councilmember Burnette to approve Issuance of an Alcohol License: Back Drafts Food & Spirits. Applicant: Terry Maddox, second by Mayor Pro Tem Hassell and so carried 5-0.**

- D. Authorize the Mayor to Execute Land Transaction Documents for Water Tank Construction**

**Motion by Councilmember Burnette to Authorize the Mayor to execute the necessary documents with Ernest Brooks to consummate property exchange and easements concerning water tank construction, second by Councilmember Brooks and so carried 5-0.**

## **10. CONSENT AGENDA**

- A. Authorization for the Mayor to Enter into Agreement with Waste Pro of GA, Inc. for Roll-off Dumpster Services, and with Advanced Disposal, Inc. for Commercial Dumpster Service [P42]**



Bids were received for roll-off dumpster and commercial dumpster services. The lowest bid for each service was submitted by Waste Pro and Advanced Disposal, respectively. A copy of each contract is included in your packet.

ACTION: Consider authorizing the Mayor to enter into agreement with Waste Pro of GA, Inc. for roll-off dumpster services and with Advanced Disposal, Inc. for commercial dumpster services.

**B. Authorization for the Mayor to Enter into Agreement with ER Snell Contractor, Inc. for Patching and Paving Services**

Bids were requested for patching and paving services. The bids that were received were found by staff to be unsatisfactory. Gwinnett County had gone to bid for the same services and received satisfactory numbers from ER Snell Contractor, Inc. ER Snell is willing to enter into contract with the City for the same prices as Gwinnett County. Staff is recommending entering into an annual contract with ER Snell for these services.

ACTION: Consider authorizing the Mayor to enter into agreement with ER Snell Contractor, Inc. for patching and paving services.

**C. Authorization for the Mayor to Enter into Agreement with Ross Consulting Engineers for Construction Monitoring of Sims Lake Dam Rehabilitation [P52]**

This is an agreement for professional services, meaning that the service did not have to be bid out. Ross Consulting Engineers conducted the original study on the dam and designed the rehabilitation. They submitted a proposal to conduct the construction monitoring for the rehab work at an estimated total of \$136,000. This is strictly an estimate and all invoices will be billed on actual man-hours expended. Staff is recommending entering into agreement with Ross Consulting for these services. A copy of the contract is included in your packet.

ACTION: Consider authorizing the Mayor to enter into agreement with Ross Consulting Engineers for construction monitoring services for the Sims Lake Dam Rehabilitation.

**D. Consideration of Change Order #8 for Town Center Park [P58]**

Change order #8 should be the last change order for Town Center Park. Credits to the City include: deletion of concrete steps, striping problems in the parking lot, unused fertilizer, and liquidated damages. Additional charges to the City include: removing a section of concrete and adding in structural soil, replacing two sections of stairs (shared cost between contractor and City), additional landscaping, additional material cap flashing (for the roof), grounding of structural steel, replacing irrigation heads, additional granite facing in the breezeways (shared cost), materials for fertilization, sand, and sod replacement. The total increase to the contract amount is \$10,536.71.

An additional 11 days were granted due to rain in June and July. Twelve days were added for the various changes listed above. A copy of the change order is included in your packet.

ACTION: Consider approval of change order #8 for Town Center Park.

**Motion by Mayor Pro Tem Hassell to approve consent agenda as presented, second by Councilmember Burnette and so carried 5-0.**

**11. City Manager's Report – None.**

**12. Land Acquisition Update (Possible Executive Session) – None.**

**13. Adjournment – 7:30 PM.**

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

*Approved 11/16/04*