

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
APRIL 25, 2006**

Meeting Location: Suwanee City Hall

Attendees: Nick Masino, Mayor
Jace Brooks, Councilmember
Jimmy Burnette, Councilmember
Dan Foster, Councilmember
Jeannine Rispin, Councilmember
Hardin Watkins, City Manager
Elvira Rogers, City Clerk
Gregory Jay, City Attorney

Absent: Alan Landers, Councilmember

**5:30 P.M.
DINNER SESSION**

City Council Informal Session

Informal discussion among City Councilmembers and staff. Food provided for Elected Officials and staff. No action to be taken during session.

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

Mayor Masino called the Public Hearing open at 6:30 PM. City Manager, Hardin Watkins, read the procedures for Public Hearings for the record.

- 1. RZ-2006-004 - Applicant: Precision Design & Development Co., Inc. Owner: Annandale at Suwanee, Inc. Requests rezoning from O-I (Office - Institutional District) to PMUD (Planned Mixed Use Development District) to allow for single-family residential and institutional development. The site is located at 3500 Annandale Lane in Land Lots 194, 195, and 210 of the 7th District and contains approximately 127.5 acres.**

Marty Allen presented the staff analysis as follows: The applicant requests rezoning for an approximately 124 acre tract from O-I (Office-Institutional District) to PMUD (Planned Mixed Use Development District) to allow for the modification of the existing institutional facility and the construction of a new 184 unit single-family residential subdivision. The site is located off Annandale Lane and McGinnis Ferry Road.

The subject property contains Annandale Village. Annandale Village is an institutional/residential community for adults with developmental disabilities. It has been in operation for over 30 years at this location. Residents live and work there full-time and are supported by counselors, maintenance workers, office staff and others. Annandale Village and the applicant propose to consolidate the institutional portion of their facility on approximately 50 acres of the property and develop the remaining approximately 75 acres with a single-family neighborhood. As part of this consolidation new institutional, maintenance, and other associated buildings would be added, updated, and reconstructed.

The single-family neighborhood would be located on the western portion of the property adjacent to McGinnis Ferry Road and an existing 23-acre lake. The applicant proposes 184 residential units over approximately 75 acres for a gross density of 2.45 units per acre.

The project proposes approximately 25 acres of open space or 20 percent of the project. All of this open space is found in the residential portion of the project. Annandale's existing community would be modified as part of the project. Eleven buildings would be removed from the single-family residential portion of the project. The 11 buildings would be consolidated into 6 new buildings.

The residential portion of the project is proposed to have its primary access off McGinnis Ferry Road via a bridge over the pond. A second emergency access point is also proposed off the end of Annandale Lane through the project amenity area.

The surrounding area consists of a mixture of existing single-family residential homes, offices, developing commercial and light industrial uses. To the south of the subject property, along Satellite Boulevard, are a couple of large office/warehouse uses zoned M-1 (Light Industry District) in unincorporated Gwinnett County. To the north is the City's Suwanee Creek Greenway and Suwanee Creek with its wide floodplain/wetland areas. To the east of the subject property are numerous single-family residential units zoned R-100. With the appropriate conditions, designed to protect the existing area, a consolidation of the Annandale facility onto a small area combined with a new 184 lot single-family neighborhood could be appropriate at this location.

The Future Land Use Plan calls for Institutional/Public uses on the subject property. The proposed single-family neighborhood is not consistent with this designation. However, it should be noted that this Future Land Use designation was intended to represent the anticipated continued use of the property with the existing institutional facility (Annandale Village). It is not intended to indicate that office uses are appropriate at this location. The City's Comprehensive Plan did not anticipate that the facility would consolidate and split into smaller tracts as proposed. In any event, a substantial portion of the property would remain, and actually be enhanced, as an institutional use.

It should be noted that the character of the area is defined by both the Annandale facility and the lightly developed area of single-family residences off Annandale Lane. All of the non-residential uses adjacent to the subject property access Satellite Boulevard or Buford Highway. Preserving the character of the area should be a priority. The existing O-I zoning

on the subject property could create a potential threat to the lightly developed single-family residential character of the area by introducing more intensive non-residential uses to the area. The proposed development, although somewhat different than what is anticipated by the Future Land Use Plan, appears to be a reasonable land use given the surrounding area.

Although, the project is not entirely consistent with the Institutional/Public Future Land Use designation, staff can support the current proposal with some modifications. The proposed use of the property for a mix of an institutional facility and a single-family neighborhood is compatible with the surrounding area. Additionally, use of the property as proposed would prevent most of the area from being used as an office park as would be allowed by the current zoning. Conditions should be included which help insure the long-term integrity of the project given its close proximity to the Suwanee Creek Greenway and the nearby residences off Annandale Lane. Therefore, the Planning Department recommends approval with conditions of the request. The Planning Commission reviewed the case at the regular meetings and recommended denial of the request as proposed.

Support/Applicant: Corbitt Woods, 6650 Sugarloaf Parkway, Duluth, GA. David Bowen, 6650 Sugarloaf Parkway, Duluth, GA. Rob Ponder, 3146 Lakeview Drive, Duluth, GA, represented Annandale.

Mr. Ponder stated that Annandale Village has found itself in a condition that they knew someday might come to pass in that there is a financial need. Two major things need to be done. Major work needs to be completed on the dining hall and the administrative building. Also, funds are needed for an endowment fund to aid in running the nursing home facility. An offer has been made to sell the land as a result of a bid process. The bid process was to obtain information from developers that would assist in a decision to maximize what would be next to Annandale as the changes were made. Bowen provided a favorable plan. This plan included low density, detached family housing and they agreed to a fence that would protect the villagers. Mr. Ponder stated that they do not want office and O-I uses next to the villagers. Office uses would provide empty parking lots on the weekend. The remaining 51 acres will be the life of Annandale Village. The development will aid in entrenching Annandale in the city.

Mr. Woods stated since the Planning Commission denial they have been working to address areas of concern voiced by the Planning Commission. A better plan is presented as a result of the process. Some major changes have been made to the plan to include increase in lot width, the addition of pocket parks and removal of the bridge. Mr. Woods stated their desire is to maintain the integrity of the lake. Mr. Woods stated they have tried to address all comments from the Planning Commission.

Mr. Woods stated there is no intention to impact Annandale Lane beyond Satellite Boulevard. The access at the rear where the bollards currently exist will only be used in dire emergency. There have been easement negotiations with Annandale Village for construction traffic. There will be enhancements to the dam on the Satellite side, which will include some clean up. Mr. Woods stated there is no desire to impact the trail and detract from the current trail system.

In order not to impact the trail, the plan is to shift the road about 30 feet toward Satellite Boulevard. This will allow the owner to give 50 feet from the centerline of the trail to the City. After that the first 25 feet in those lots will be an undisturbed buffer. 75 feet to be undisturbed from the centerline of the trail to the beginning of the yards in the development. There are no plans for construction to get near the trail or to disrupt the daily activities of the trail.

Architecturally, all homes will be a minimum of 3-sides brick. The homes that abut the trail and the lake will be 4-sides brick. Any homes with a daylight basement to the back will have brick to the water table.

Councilmember Foster asked what type of material would the fence between the development and Annandale Village be made of. Mr. Woods stated a wood privacy fence.

Councilmember Burnette inquired about distances along the trail. Mr. Bowen and Mr. Woods explained the frontage using a map and explained there will be a protective buffer. Councilmember Burnette stated he needs to see the plan drawn out.

Councilmember Burnette inquired about the construction access to the property. Mr. Ponder stated the developer will go behind Annandale's Program Center to access the land. The construction easement will remain the property of Annandale after the construction is complete. Councilmember Burnette stated that earlier in the discussions there was talk of a second entrance. Mr. Ponder stated Annandale does not want a second entrance off Annandale Lane. This was a safety issue.

Councilmember Foster inquired about the Certificate of Occupancy for the buildings in relation to the construction at the dam. The agreed understanding is that there will be no Certificate's of Occupancy provided until the road over the dam is complete.

Councilmember Burnette asked how many total houses will be included in the development. Mr. Woods stated 175 or higher.

Opposition – Dave Williams, 4379 Yosemite Court, Suwanee, GA. Mr. Williams stated he owns a business at 450 Satellite Boulevard. His concern is encroachment along Suwanee Greenway. PMUD category for the development is also a concern. Required core principles are not met by this application in many areas: (1) The development does not fall near the character area; and, (2) it fails to design and incorporate together a harmonious transition from one use to another. Mr. Williams stated he appreciates the applicants desire to separate the institutional uses from the residential uses however it is entirely incompatible with the City's planned mixed use development which requires circulation, requires it to be heterogeneous as opposed to separated and segregated. The planned mixed use fails to provide a functional town center, community dream park or other focal point to create character and identity. The initial plan did include a bridge which has since been removed from the focal point. Now there have been more than 20 houses added that will screen the lake, which is supposed to be the focal point. Mr. Williams stated he gives the developer

credit for removing the bridge. The plan fails to provide interconnection to adjoining property, which is a core fundamental. Mr. Williams stated that the applicant is slicing off part of an O-I tract and building an R-75 neighborhood with smaller lots. Mr. Williams read from the Zoning Ordinance the appropriate designations for an O-I zoning. He stated that staff has an obligation to protect O-I. In conclusion, Mr. Williams stated if this plan passes, it would open the door to other inappropriate PMUD rezonings. He stated he agrees with the P&Z denial of the request.

Mr. Woods responded that the focal point will remain the lake and several areas in the neighborhood will have a view of the lake. The plan has been reduced to two cul-de-sacs. As for the O-I, Mr. Woods stated they have tried to yield to Annandale as a partner.

Mr. Ponder stated Annandale is a special situation. O-I would allow structures with empty parking lots on the weekend. The residential development would help look out for the villagers. For that reason this case warrants a special exception.

- 2. RZ-2006-005 - Applicant: Stonecypher, LLC. Requests rezoning from R-100 (Residential Single Family District) to PMUD (Planned Mixed Use Development District) to allow for a small addition to a single family residential and mixed use development. Site is located in Land Lot 236 of the 7th District along Stonecypher Road and contains approximately 0.21 acres.**

The applicant requests rezoning of an approximately 0.21 acre tract from R-100 (Single Family Residential District) to PMUD (Planned Mixed Use Development District) to allow for a small addition to a previously approved mixed-use project. The site is located on Stonecypher Road north of Eva Kennedy Road.

The subject property is part of the original concept plan submitted when the project was rezoned, but was not part of the rezoning application. The applicant did not acquire the property until after the remainder of the project was rezoned.

The Future Land Use Plan recommends mixed-use village for the subject property. The 0.21 acres would contain a small pocket park, the entrance to the neighborhood and a portion of the two townhouses that were previously approved. Therefore, staff recommends approval with conditions. The Planning Commission also recommended approval.

Support/Applicant: Lee Williams, 4402 Chamblee Tucker Road, Chamblee, GA.

There were no questions from Council and no audience participation. Mayor Masino stated this is a neighborhood that is almost complete. This rezoning is necessary to complete the development.

- 3. RZ-2006-007 - Applicant: Easlan Capital. Owner: Sentinel Partners, LLP c/o Newleaf Corporation. Requests rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District - Alcoholic Beverage Sales) to allow for retail uses including restaurants with alcohol sales and a change in conditions of zoning. Site is**

located in Land Lot 238 and 250 of the 7th District at the corner of Peachtree Industrial Boulevard and Moore Road and contains approximately 11.46 acres.

Marty Allen presented the staff analysis as follows: The applicant requests rezoning on an approximately 11.46-acre undeveloped site from a conditional C-2 (General Commercial District) to C-2A (Special Commercial District-Alcohol Sales) to allow for development of a retail shopping center with outparcels potentially including a restaurant(s) with alcohol sales. The applicant proposes to construct two 15,400 square foot retail buildings with two additional stand alone buildings. The subject property is located on the southwest corner of the intersection of Moore Road and Peachtree Industrial Boulevard.

The proposed development includes 2 access points onto Moore Road. One of the proposed driveways would line up with the entrance to Lansfaire Subdivision and would provide access for both directions, while the second proposed access point is closer to Peachtree Industrial Boulevard and indicates right-in access only. The proposal also includes 2 access points onto Peachtree Industrial Boulevard. One of the drives is shared with the adjacent Burger King site. This driveway includes an existing median cut. The other drive, closer to Moore Road, would provide right-in/right-out access.

The subject property totals 11.46 acres and is proposed to include approximately 36,600 square feet of retail, commercial, and restaurant uses. The site is heavily wooded and undeveloped. The site largely constrained by requirements of the Metropolitan River Protection Act which limit the amount of disturbance and impervious surface on the site.

The subject property is located along the emerging Peachtree Industrial Boulevard commercial corridor between existing commercial nodes at Suwanee Dam Road and McGinnis Ferry Road, but it is also directly adjacent to residentially zoned property. North of the subject property, across Moore Road, is an undeveloped commercially zoned (C-2) tract and a single-family residential subdivision zoned R-85. East of the subject property, across Peachtree Industrial Boulevard is the C-3 zoned Publix shopping center with a number of out parcels. West of the subject property, along Moore Road, are single-family homes within River Laurel Subdivision in unincorporated Gwinnett County. Much of the nearby commercial developments are zoned to allow for alcohol sales. Given the commercial character of the Peachtree Industrial Boulevard corridor and considering other similar uses in the area, with suitable conditions to mitigate the impacts of development on nearby residential uses, approval of the subject request would be appropriate.

It should be noted that the City's Alcohol Beverage Regulations require distance separation requirements from places that sell alcohol and certain other land uses. The regulations prohibit alcohol sales within 300 feet of a church or 600 feet from a school. There do not appear to be any uses in the area that would affect the ability of the subject property to include alcohol sales.

The City of Suwanee Future Land Use Plan indicates subject property is part of the Chattahoochee Crossing Character Area and mixed-use center would be appropriate. Mixed-use centers are primarily commercial in nature. The Comprehensive Plan anticipates

medium density commercial (8,000 square feet per acre) and medium density residential uses (8 units per acre) development on the site. Given the presence of the river corridor regulations the site is proposed to be developed much less intensively. The submitted site plan provides for only about 3,100 square feet of commercial space per acre with no residential uses.

Some of the conditions included in 1997 would force the project to be oriented towards Peachtree Industrial Boulevard with the rear of the project adjacent to residential uses. Commercial projects generally put the most aesthetically pleasing portion of the project on the front, while the least pleasing portion of the project is located to the rear. Reorienting the building toward Moore Road would allow for better design along Moore Road.

In conclusion, the subject property is located on the rapidly developing Peachtree Industrial Commercial corridor; however, the project also fronts on the highly residential Moore Road corridor. The subject property is appropriate for a commercial development with alcohol sales, but conditions should be included to mitigate the impacts of the commercial uses and require the project to incorporate the character of the area. Therefore, the Planning Department recommends approval with conditions. The Planning Commission recommended approval with conditions also.

Support/Applicant: Jessie Shannon, 272 Broadland Road, Atlanta, GA 30342.

Mr. Shannon stated it is their desire to proceed with the project and believe that it meets the needs of the neighborhood and reflects the design and intent of the regulations. In reviewing the Planning staff recommendation regarding the conditions placed on the zoning, there are a few conditions that would need to be clarified or omitted. Mr. Shannon stated they had no issue with items 1-5 as listed by the Planning staff. Item #6 – clarification that the set back 150 feet from residences instead of residentially zoned parcels; Item #7 – clarification that the road that T's with Lansfaire Terrace is not a roadway but a drive to be used by the users of the retail services. Instead of 5 foot sidewalks, they propose to provide pedestrian access to be approved by the Planning Commission; #8 – referring to the left turn in off Moore Road. The applicant feels this is unnecessary and will address matters with the County DOT to make any recommended changes they may have; #9 & #7 – decorative lighting and plantings will be approved by the Planning staff. There are no problems; #10 – This is a major concern. There was a request from staff to provide a 50-foot landscape area on the corner of Peachtree Industrial and Moore Road. The problem is 70 feet of right of way has already been dedicated to Gwinnett DOT for future road improvements to occur on Moore Road and Peachtree Industrial Boulevard. To give up an additional 50 feet would eat up a row of parking. The proposed compromise is the section of the corner that is not developed would be landscaped; #12 – some of the dumpster enclosure will be seen from Moore Road; #15 – regarding evergreen trees along the property line, the applicant has agreed to a double row of six foot high evergreens positioned 10 feet apart; #16 – Traffic and pedestrian plan will be provided to City staff for review and approval.

Councilmember Foster asked if there would be a median break at the intersection. Mr. Shannon stated no. There will be a right-in only at Moore Road. There is an existing median break at the Burger King and this development will tie in to the Burger King median break.

Support: Jason Kilgore, 951 Traditions Way, Jefferson, GA, added that the evergreen trees would be limited to areas where there are residents.

Opposition: Diane Shaggot, 1095 River Laurel. Ms. Shaggott stated her concerns address the trees. Her understanding is there is a 50 foot undisturbed buffer and there will be an additional 50 foot buffer totalling a 100 foot buffer between any building and the property line. She also requested that evergreen trees be planted along the line of several houses that actually abut the project. Those houses would be looking at the detention. Another area of concern is the road problem. She requested there be an agreement between City Council, the homeowners and the developer regarding the dangerous intersection. A left turn signal is needed at Moore Road and Peachtree Industrial Boulevard. With this added traffic pattern, a meeting of the minds needs to occur to determine how to address this concern with Gwinnett DOT.

Councilmember Foster confirmed with Ms. Shaggot's and Mr. Shannon the area on the map where the double row of trees would be most beneficial. Mr. Shannon stated there was no problem with the request.

4. RZ-2006-008 - Applicant/Owner: Byungho Kim. Requests rezoning from C-2 (General Commercial District) to OTCD (Old Town Commercial District) to allow for the expansion of an existing church. Site is located in Land Lot 236 of the 7th District at 401 Main Street and contains approximately 2.35 acres.

Marty Allen presented the staff analysis as follows: The existing Evergreen Presbyterian Church on Main Street is seeking to expand their facility. They would like to take advantage of the newly created Old Town overlay district which would give them more flexibility with building set backs. They propose to develop additional phases on their site over multiple years. They are not proposing to construct any more spaces that require parking. The Planning Department recommended approval. The Planning Commission reviewed the case and also recommended approval.

Support/Applicant: Mike Dominey, 2390 Muscogee Lane, Braselton GA. Mr. Dominey stated the church plans three new additions to include a dining room, a multipurpose building and classrooms. The Old Town Commercial Overlay District allows the applicant to take full advantage of the property that the church has.

Mayor Pro Tem Rispin asked if there are conceptual drawings to reflect the architecture of the proposed construction. The building as it stands right now is not compatible with the Old Town Overlay District. Mr. Dominey stated no building elevations are currently available. The original building was the Post Office. This building will be torn down in Phase 3 for the multipurpose building. The most recent building, the church, will essentially be hidden by

the building that will be Phase 2, which will be the classroom building. It is anticipated that a building permit will be acquired for the first building in a couple of months.

Mayor Pro Tem Rispin asked if the congregation is aware that the architecture of the building will be changing. Mr. Dominey responded, absolutely.

Mayor Masino asked if this construction will relieve the parking challenge the church currently has. Mr. Dominey stated this will relieve the parking challenge as they can move the parking lot further south and restripe the current parking lot. The parking lot can accommodate a few more vehicles once these changes are made.

Councilmember Foster inquired about the timeline for each phase of the project. Mr. Dominey stated there have been no discussions in great detail, but the project could be more than 5 and less than 10 years.

There was no opposition to this request.

5. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Indigo Joe's Sports Pub & Family Restaurant, 3890 Lawrenceville-Suwanee Road, Suite 1-4. Applicants: Christopher E. Linkowski and Mark Linkowski.

Hardin Watkins stated Indigo Joe's Sports Pub and Family Restaurant has applied for a license to serve beer, wine and distilled spirits to be consumed on the premises. Christopher E. Linkowski and Mark Linkowski are the licensees. They had added their mother, Margaret Linkowski to the application as well, but due to the delay of her GBI and FBI fingerprint reports being returned, they have requested she be removed for consideration as a licensee.

There was no audience participation.

6. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Los Cantaros Mexican Restaurant, 3255 Lawrenceville-Suwanee Road, Suite U. Applicant: Rodolfo Sotelo Valadez.

Hardin Watkins stated Los Cantaros has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Los Cantaros has changed management and is requesting a new licensee, Rodolfo Sotelo Valadez.

There was no audience participation and the Public Hearing closed at 7:30 P.M.

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
APRIL 25, 2006
7:00 P.M.**

Meeting Location: Suwanee City Hall

Attendees: Nick Masino, Mayor
Jace Brooks, Councilmember
Jimmy Burnette, Councilmember
Dan Foster, Councilmember
Jeannine Rispin, Councilmember
Hardin Watkins, City Manager
Elvira Rogers, City Clerk
Gregory Jay, City Attorney

Absent: Alan Landers, Councilmember

1. Call To Order

Mayor Masino called the meeting to order at 7:58 P.M.

2. Announcements

- The Suwanee Smooth Jazz 107.5 Concert Series continues on Friday, May 5th at 7:00pm at Town Center Park. The series will be held the first Friday night of each month through August.
- The City of Suwanee is putting Art on a Limb again this year—and making creative use of its old water tower. The old tower, which was constructed in 1954 and dismantled last year when the City installed a new water tower, has been cut into pieces that will serve as canvases for this year’s Art on a Limb program. The canvases have been painted by award-winning artist [Melody Orr](#) and will be “hidden” along the four-mile Suwanee Creek Greenway throughout the month of May. Each day, at least two of these limited-edition pieces, which are about 5 x 5 inches in size, will be placed along the greenway. Those who find these unique trail treasures get to keep them.

For information on all of the events coming up this season, visit www.suwanee.com.

- A Town Hall Meeting hosted by Representative Brooks Coleman will be held on Thursday, May 25th at 6:30pm, at City Hall.

3. Pledge of Allegiance

4. Approval of Minutes

A. 3/21/06 Council Meeting

Motion by Councilmember Foster to approve the 3/21/06 Council Meeting Minutes with a correction on Page 1 of 8 to reflect 5000 square foot bank building, second by Councilmember Brooks and so carried 5-0.

B. 4/6/06 Called Meeting

Motion by Councilmember Burnette to approve the 4/6/06 Called Council Meeting Minutes, second by Councilmember Foster and so carried 5-0.

5. Adoption of Agenda as Presented

Motion by Councilmember Burnette to Adopt the Agenda as presented, second by Councilmember Brooks and so carried 5-0.

6. Special Recognition

- Carol A. Terry, Chief Medical Examiner, Gwinnett County

7. Audience Participation - None

8. OLD BUSINESS

- A. RZ-2006-004 - Applicant: Precision Design & Development Co., Inc. Owner: Annandale at Suwanee, Inc. Requests rezoning from O-I (Office - Institutional District) to PMUD (Planned Mixed Use Development District) to allow for single-family residential and institutional development. The site is located at 3500 Annandale Lane in Land Lots 194, 195, and 210 of the 7th District and contains approximately 127.5 acres.

This item was postponed at the March Council Meeting. A revised concept plan has been submitted by the applicant. Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Denial. ACTION: Consider the rezoning.

Motion by Mayor Pro Tem Rispin to approve RZ-2006-004 subject to staff recommended conditions with the following changes, second by Councilmember Brooks and so carried 4-1 (Councilmember Burnette):

Condition #1: Modified to add Develop in accordance ...“titled Dam Concept Plan Option #3 and dated March 14, 2006...” The condition also says “If needed, due to the conditions of zoning, within 120 days of approval, submit a revised plan(s) to the City that reflects the changes required herein by the conditions of zoning. Said plan shall be subject to the review and approval of the City Council.”

Condition #2: Modified 2.a. Minimum lot width from 60 feet to 65 feet. Delete item 2.g. Minimum Buffer 25 feet where adjacent to the Suwanee Creek Greenway.

Condition #4: Delete

Condition #5: Modified to change the date from 2/22/06 to 3/14/06.

Condition #7: Modified to include “Except that all houses which back up to McGinnis Ferry Road or the Suwanee Creek Greenway shall be constructed of four sides brick/stone or other approved masonry product and all basement homes shall have four sides masonry water tables.

Condition #9: Delete.

Condition #10: Modified to change the date from 2/22/06 to 3/14/06.

Add Condition #11: In order to mitigate the impact on the City’s greenway, the owner/applicant shall at no cost to the City of Suwanee dedicate a 50-foot wide strip of land from the common property line along Suwanee Creek Greenway.

Add Condition #12: After dedication, maintain an additional 25-foot wide undisturbed construction buffer.

Add Condition #13: All homes shall be a minimum of 95 feet from the centerline of the Suwanee Creek Greenway.

9. NEW BUSINESS

- A. RZ-2006-005 - Applicant: Stonecypher, LLC. Requests rezoning from R-100 (Residential Single Family District) to PMUD (Planned Mixed Use Development District) to allow for a small addition to a single family residential and mixed use development. Site is located in Land Lot 236 of the 7th District along Stonecypher Road and contains approximately 0.21 acres.

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

Motion by Councilmember Burnette to approve RZ-2006-005 with conditions, second by Councilmember Brooks and so carried 5-0.

- B. RZ-2006-007 - Applicant: Easlan Capital. Owner: Sentinel Partners, LLP c/o Newleaf Corporation. Requests rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District - Alcoholic Beverage Sales) to allow for retail uses including restaurants with alcohol sales and a change in conditions of zoning. Site is located in Land Lot 238 and 250 of the 7th District at the corner of Peachtree Industrial Boulevard and Moore Road and contains approximately 11.46 acres.

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

Motion by Councilmember Foster to approve RZ-2006-004 with modified conditions, second by Councilmember Burnette with a request to amend the motion to reflect RZ-2006-007. Councilmember Foster amended the motion, Councilmember Burnette amended the second and the vote carried 5-0.

Condition #7: Modified to read, "Provide a pedestrian access plan to be approved by the City along the proposed driveway that extends between Peachtree Industrial Boulevard and Moore Road.

Condition #8: Modified to read, "Subject to the review and approval of Gwinnett DOT, provide a left-turn lane on Moore Road traveling west from Peachtree Industrial Boulevard at the development's main entrance opposite Lansfaire Terrace."

Condition #9: Modified to read, "If provided, the proposed connecting drive between Moore Road and Peachtree Industrial Boulevard shall have decorative light fixtures and plantings."

Condition #10: Modified to read, "Provide enhanced landscaped and hardscaped features at the intersection of Moore Road and Peachtree Industrial Boulevard. Said features shall include enhanced plantings and other features (such as trellises, benches, walls, etc.) to create a substantial focal point. The Plan shall be subject to the review and approval of the City."

Condition #12: Modified to read, "Dumpsters shall not be visible from Moore Road. Dumpsters shall be provided in brick enclosures that may be visible from Moore Road."

Condition #15: Modified to read, "Where land disturbance is proposed adjacent to residential buffer areas that are sparsely vegetated, provide double staggered rows of 6-foot tall evergreen trees planted on 10-foot centers. Plantings shall be specifically provided around any detention facility."

Condition #16: Modified to read, "Provide traffic calming surfaces along proposed street (such as cobblestone, textured pavement, traffic circles, speed humps, etc.) Said features shall be subject to the review and approval of the City."

- C. RZ-2006-008 - Applicant/Owner: Byungho Kim. Requests rezoning from C-2 (General Commercial District) to OTCD (Old Town Commercial District) to allow for the expansion of an existing church. Site is located in Land Lot 236 of the 7th District at 401 Main Street and contains approximately 2.35 acres.

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

Motion by Councilmember Burnette to approve RZ-2006-008 with conditions, second by Mayor Pro Tem Rispin and so carried 5-0.

- D. Consideration of Issuance of an Alcohol License: Indigo Joe's Sports Pub & Family Restaurant. Applicants: Christopher E. Linkowski and Mark Linkowski.

Indigo Joe's Sports Pub and Family Restaurant has applied for a license to serve beer, wine and distilled spirits to be consumed on the premises. Christopher E. Linkowski and Mark Linkowski are the licensees. They had added their mother, Margaret Linkowski to the application as well, but due to the delay of her GBI and FBI fingerprint reports being returned, they have requested she be removed for consideration as a licensee. The GBI and FBI fingerprint reports have been returned on both applicants, indicating the violations that Christopher Linkowski referenced on his application. The violations occurred in 1994 and 1995. There were no violations from Mark Linkowski. The Finance Department recommends approval. ACTION: Consider issuance of the alcohol license.

Motion by Councilmember Foster to approve Issuance of an Alcohol License: Indigo Joe's Sports Pub & Family Restaurant, second by Councilmember Burnette and so carried 5-0.

- E. Consideration of Issuance of an Alcohol License: Los Cantaros Mexican Restaurant. Applicant: Rodolfo Sotelo Valadez.

Los Cantaros has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Location: 3255 Lawrenceville-Suwanee Road, Suite U. Applicant: Rodolfo Sotelo Valadez. Los Cantaros has changed management and is requesting a new licensee. Mr. Valadez's fingerprints have been returned with a clean record and the Finance Department is recommending approval. ACTION: Consider issuance of the alcohol license.

Motion by Mayor Pro Tem Rispin to approve Issuance of an Alcohol License: Los Cantaros Mexican Restaurant, second by Councilmember Burnette and so carried 5-0.

- F. Consideration of a Resolution to Accept a \$500 Donation from Walmart to the Suwanee Police Department

The Suwanee Walmart would like to donate \$500 to the Suwanee Police Department for baseball cards for the Park Police. Staff is recommending acceptance of the donation. ACTION: Consider acceptance of the \$500 donation to the Suwanee Police Department.

Motion by Councilmember Foster to approve a Resolution to accept a \$500 Donation from Wal-Mart to the Suwanee Police Department, second by Councilmember Burnette and so carried 5-0.

G. Consideration of Amendments to the Alcohol Ordinance

Staff has revised the Alcohol Ordinance Section 6-7, Temporary Permit for Special Event Sales. The changes deal with defining 'structure' in terms of the area where alcohol can be served at special events and allowing for more than one entrance into the alcohol area if specific conditions exist. The intent of the change to multiply entry points is to improve pedestrian traffic flow at our larger events. ACTION: Consider approval of the amendments to the alcohol ordinance.

Motion by Councilmember Brooks to approve Amendments to the Alcohol Ordinance, second by Mayor Pro Tem Rispin and so carried 4-1 (Councilmember Foster).

10. CONSENT AGENDA

A. Consideration of a Resolution to Accept the Old Town Gateway Sign Design

In 2002-2003, City Council approved a gateway sign design. Signs have not been constructed, though one is scheduled by Richport Properties. Recently, the DDA worked with Richport to revise the design. Marty Allen, Planning and Community Development Director, presented the new design at the April Workshop. Staff is recommending acceptance of the new design. ACTION: Consider approval of the resolution.

B. Consideration of Change Orders #2 and #3 to the Interactive Fountain Project

Change Order #2 for the Interactive Fountain is in the amount of \$7,920. The two granite seat walls on the outer ends of the fountain need to be lengthened by 15 feet each. The grade difference of the sidewalk and the fountain floor is greater than allowable to meet ADA standards on one end. The discrepancy exists because field conditions differ from the topography on the plans. The details of this change are included in your packet.

Change Order #3 is to add lighting to the Town Center Park sign on the corner of Lawrenceville-Suwanee Road and Buford Highway. Bids were requested for this project, but the prices were higher than expected (approximately \$6,800). James Miller, Public Works and Inspections Director, requested that ValleyCrest, the contractor for the fountain project, submit a bid for the lighting. James suspects the price will be lower given that ValleyCrest is already mobilized onsite. Their bid has not been received to date, but if it is returned lower than the other three, staff is requesting to make it change order #3 to the contract already in place. If the bid is not returned, the item will not be ready for a vote and can be removed from the agenda. ACTION: Consider approval of change orders #2 and #3 for the interactive fountain project.

C. Consideration of the Third Quarter Budget Adjustments

The Third Quarter Budget Adjustments include (a) a revenue and expenditure increase due to the Howard Gross donation for trees, (b) reclassification of line items that cross departmental functions within the General Fund with no increase or decrease in

expenditures, (c) creation of a Confiscated Asset Fund to account for monies received through confiscated assets, including funds received from Gwinnett County due to our assigned officer in the Gwinnett County Drug Task Force, (d) moving the approved funds for paving Main Street out of the General Fund and into the Paved Streets Capital Budget so the project can cross fiscal years, (e) reclassification of line items within the Water Fund with no increase or decrease in expenditures and (f) reclassification of line items within the Municipal Court Fund to account for red light camera system revenues and expenditures with no increase or decrease in expenditures.

Motion by Councilmember Brooks to approve the Consent Agenda, second by Councilmember Foster and so carried 5-0.

11. City Manager's Report - None

12. Adjournment – Time: 8:15 P.M.

Motion by Councilmember Foster to Adjourn, second by Councilmember Burnette and so carried 5-0.

Approved 05/16/2006