

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
MAY 16, 2006**

Meeting Location: Suwanee City Hall

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

Absent: Nick Masino, Mayor

**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 Pro Tem Rispin opened the Public Hearing at 6:34 P.M. Hardin Watkins, City Manager, read the procedures for Public Hearings for the record.

- 1. RZ-2006-006 - Applicant: Ascot Investment Company, Inc. Owner(s): Mary Ann Folger, Donald R. Johnson, Mildred M. Johnson, Sharon Adams Nollen, Teresa D. Kimble, Beverly B. Long, Essie Mae Grissom, Bobby Williams, and Linda J. Cochran. Applicant requests rezoning from C-2 (General Commercial District) and R-100 (Single Family residential) to PMUD (Planned Mixed Use Development District) to construct 173 single family residential units and a 12,600 square foot commercial building. Site is located in Land Lots 209 and 210 of the 7th District along Highway 23 north of McGinnis Ferry Road and contains approximately 31.29 acres. [P2]**

Marty Allen presented the staff analysis as follows: The applicant seeks rezoning on an approximately 31.29-acre tract to allow for the construction of a planned mixed-use village. The applicant seeks rezoning from C-2 (General Business District) and R-100 (Single-Family Residence District) to PMUD (Planned Mixed-Use Development District). The subject property is located on the northwest corner of Buford Highway and McGinnis Ferry Road along both sides of White Street and White Lane. The proposed project indicates access onto

White Street and Buford Highway via a reconstructed White Lane. The proposed plan also shows a road terminating into the adjacent city owned parcel.

The R-100 portion of the property has been zoned R-100 since 1986 (the earliest zoning in the City). The C-2 zoned portion was rezoned from R-100 to C-2 in 1997, pursuant to case numbers RZ-97-002 and RZ-97-003 for a commercial/retail shopping center.

The subject property totals approximately 31.29 acres. The proposed project is an assemblage of several parcels. The commercial use is an approximately 9,000 square foot shopping area located near the corner of Buford Highway and McGinnis Ferry Road. A total of 168 single family residential units are proposed with 65 of those units being single family detached units and the remaining 103 units proposed as single-family attached units. The net residential density of the site is 5.37 units per acre.

The applicant proposes to create a mixed-use project similar to the Shadowbrook Development at Town Center. The applicant is the same residential developer and proposes a similar design and architectural character.

White Street/White Lane extends through the site. It currently connects to Buford Highway near McGinnis Ferry Road. The applicant proposes to realign White Lane significantly. It would connect into Buford Highway farther north and back into White Street near the railroad. The entrance from White Lane onto Buford Highway would be the primary project entrance. White Street along the railroad would be a secondary entrance point.

The development's proposed residential acreage is divided into two housing types (attached and detached) with a net density of 5.37 units per acre. The commercial/retail component is a separate approximately 4 acre site with approximately 9,000 square feet of space (approximately 6,000 square feet per acre).

The applicant proposes to set aside 6.39 acres, or 20.4 percent, of the site as open space. The plan indicates a large conservation area along an existing stream that runs parallel to McGinnis Ferry Road. Two, approximately half-acre to one-acre, passive park locations are shown on the concept plan.

The applicant proposes a 5-foot wide "landscape/hardscaped" strip and 5-foot wide sidewalk. In front of the single-family detached units the landscape strip would be planted with grass and trees on 40-foot centers. In front of the townhouse units, the landscape strip would be hard surfaced with trees planted on 40-foot centers with tree grates. All of the units in the project are proposed to be accessed via 16-foot wide asphalt alleys located within a 20-foot wide access easement.

Lightly developed residentially zoned parcels predominantly surround the subject property with some nearby undeveloped non-residentially zoned parcels. To the east, across Buford Highway, is an undeveloped commercially zoned (C-2) parcel at the corner of Buford Highway and McGinnis Ferry Road, an undeveloped R-100 zoned parcel. There is also an O-I zoned tract that contains two new professional office buildings. To the south, across

McGinnis Ferry Road, is a truck terminal (M-1) currently under development, with a remnant of the same parcel being located on the same side of McGinnis Ferry Road as the subject property. To the north of the subject parcel is an undeveloped tract that was purchased by the City as part of its open space program.

The subject property is shown as Office/Professional on the city's Future Land Use Map. The requested PMUD is not consistent with the office professional designation.

It is also worth noting that recent changes to the stream buffer regulations significantly affect the likelihood of the property being developed entirely with office uses. Because of the steep topography, the width of stream buffers, and the proximity of state waters running parallel to McGinnis Ferry Road, it is unlikely the site will be able to use the frontage along McGinnis Ferry Road. It is also worth noting that the subject property is near the Old Town Character Area and falls within the Old Town Overlay District. The Old Town Overlay District encourages mixture of uses, more compact development, and more attention to design detail.

The applicant proposes residential units with deep front porches, rear accessed garages, and three sided architecture. The units would have reduced setbacks. The streetscape would include narrow drive lanes with on-street parking and street trees planted on 40 foot centers. The applicant proposes to set aside at least 20 percent of the site as open space with all of the open space being located within 500 feet of all residential units. Many of the design elements of the project are based on the Shadowbrook at Town Center mixed-use project.

The proposed project does not integrate the commercial uses with the residential uses very well. The commercial tract is basically a commercial/retail extension at the front of a neighborhood. No real provision for integration have been provided.

In conclusion, the proposed development has a number of positive features. A well-designed, primarily residential, project adjacent to a city park could be appropriate. However, the proposed mixed-use village is not consistent with the office/professional designation of the Comprehensive Plan. The Comprehensive Plan designates this area along Buford Highway as a professional office corridor. Additionally, the proposed site does not fully integrate the non-residential uses with the rest of the development. A refined plan that includes more integrated professional office uses could be more compatible and consistent with City policies. Therefore, the Planning Department recommends Denial as proposed of the request. The Planning Commission met and recommends Denial.

Support:

- Corbitt Woods, 6650 Sugarloaf Parkway, Duluth, GA, represented the applicant. Mr. Woods stated that the applicant requests the rezoning be postponed for 30 days in order to work through the issues raised by the Planning Commission to include: more of a focal point; to address connectivity; to address issues with White Street; and, address greenspace. The plan will result in fewer units.
- Sandra Gasaway, Associate Pastor, Christian Worship Center, 753 White Street, Suwanee, GA. Ms. Gasaway stated the development would be advantageous to Suwanee

and the church. She stated White Street is a little country street totaling about 16 feet wide and has been poorly paved. There are pot holes and a lot of roots coming up out of the road. Anything that can be done would be very advantageous to the church.

Councilmember Foster asked if the applicant has expressed an interest in widening White Street to the church. Ms. Gasaway stated this is something Mr. Woods had stated they would think about. Mr. Woods stated no resolution has been made to date. The roadway has issues beyond the scope of the project.

There was no opposition and no further comment.

2. AN-2006-001 – Smithtown Area Unincorporated Island Annexation [P19]

This is the public hearing for the annexation of the Smithtown Area unincorporated island. Marty Allen stated this is a proposed annexation which is complemented by the next item on the agenda which deals with the zoning of the area. This area includes Avonlea Crossing, Morningside and additional single-family homes, Suwanee Tree Farm and other properties along the area.

There were no questions and no audience participation.

3. RZ-2006-009 - Applicant: City of Suwanee. Pursuant to House Bill 1439 and Chapter 36 of Title 36 of the Official Code of Georgia Annotated, the City of Suwanee proposes to annex and zone a tract of land from R-100, R-100 modified, R-75 modified, R-60, and RA-200 (Gwinnett County) to GC-A (Gwinnett County Annexed - City of Suwanee) for continuation of the same uses. Site is located in Land Lots 170, 171, 192, 193, 212, and 213 of the 7th District in the Smithtown Road area and contains approximately 270 acres. [P25]

Marty Allen stated this is the second component pursuant to State law should the City Council choose to annex property; we need to zone the property to the City of Suwanee zoning classification. The City is considering an unincorporated island annexation. The annexation area includes two single-family subdivisions, a tree farm, a church, part of Suwanee Elementary and a number of other developed and undeveloped single-family residential parcels. The property is annexed from one jurisdiction to another and the affected property must be zoned within the new jurisdiction. The City recently created the Gwinnett County Annexed District (GC-A). The GC-A zoning district is intended to allow the City to zone annexed parcels in a manner that allows them to retain land use rights they have in the County. The new district takes into account any variances or conditions or zoning pertaining to the property.

According to the GC-A district “properties in the GC-A district shall continue to enjoy the use or uses specifically conferred by formal zoning or special use permit action of the Gwinnett County Board of Commissioners immediately prior to annexation.”

As such, if the Council chooses to annex the property, then the Planning Department recommends rezoning all the property to the Gwinnett County Annexed (GC-A) zoning category. The Planning Commission reviewed this at their regular meeting and also recommended approval as a GC-A designation.

There were no questions and no audience participation.

4. MRPA-2006-001. Request for a Metropolitan River Protection Act (MRPA) Certificate. Site is located in Land Lots 238 and 250 of the 7th District at the corner of Peachtree Industrial Boulevard and Moore Road and contains approximately 11 acres. [P51]

Marty Allen stated part of the recently zoned Moore Road Tract sits in the 2000 foot Chattahoochee River Corridor. Before a development permit can be issued, a public hearing has to be held and a Metropolitan River Protection Act certificate issued by the City.

There were no questions and no audience participation.

The Public Hearing closed at 6:50 P.M.

7:00 P.M.
CITY COUNCIL MEETING

1. Call To Order

Mayor Pro Tem Rispin called the meeting to order at 7:04 P.M.

2. Announcements

- The Event Season at Town Center Park is in full swing! Upcoming events include:
 - ✓ The Suwanee-Duluth Farmers Market starts back on Saturday, May 20th at Town Center Park. It runs from 8 am to 12:00 noon and will be in Suwanee every other Saturday through September.
 - ✓ On Friday, May 26th the U.S. Air Force Band will return to Suwanee for a free concert. The concert starts at 7:00 pm.
 - ✓ Arts in the Park will be on Saturday, June 3 from 1:00 pm to 8:00 pm. The celebration will include art demonstrations, make-and-take crafts and entertainment throughout the day including Thaddeus Rex and Lori O'Brien and the Victory Jazz Orchestra.
 - ✓ Suwanee's Big Splash - The Grand Opening for the Interactive Fountain and Fundraiser for Long Beach, MS will be Saturday, June 17th from 1:00 pm to 10:00 pm. The ribbon-cutting will be at 1:00 pm to be followed with water games. Several fundraising opportunities will be available throughout the day to raise money for Long Beach, MS, a city still recovering from Hurricane Katrina, so

bring your wallets! Rhythm and Rain, a Jimmy Buffet cover band, will perform that evening and a live auction will be held between sets of their concert.

- Don't forget Art of a Limb is going on now through the end of the month. Each day, at least two limited-edition pieces of art are being placed along the greenway. Those who find these unique trail treasures get to keep them.

For more 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 6:30 pm, at City Hall.
- Councilmember Burnette announced that he and Elvira Rogers attended a luncheon today sponsored by the UMC North Georgia Conference Board of Church & Society where they received a check in the amount of \$1500 toward the Jackson Street Cemetery project. These funds were from a grant titled – Peace with Justice. Pastor Araminta Lett, Chair of the Jackson Street Cemetery committee, applied for the grant through the United Methodist Church. The funds will be transferred from Suwanee Parish to the Jackson Street Cemetery fund.

3. Pledge of Allegiance

4. Approval of Minutes

A. 4/25/06 Council Meeting

Motion by Councilmember Foster to approve the 4/25/06 Council Meeting Minutes with modifications as provided to the City Clerk, second by Councilmember Brooks and so carried 4-0-1 (Councilmember Landers).

5. Adoption of Agenda as Presented

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

6. Special Recognition

A. Collins Hill High School Girls Basketball Team

Tracy Tipton, head girls' basketball coach at Collins Hill High School received a proclamation from the City on behalf of the team. The teams record this year was 31-1. The team has been recognized in USA Today, Sports Illustrated, and No. 2 in the nation. Council proclaimed May 17, 2006 as Lady Collins Hill Basketball Team Day.

B. Joe Fang, North Gwinnett High School Senior

Joe Fang a 15-year old who is graduating from North Gwinnett High School was recognized with a Proclamation. Council proclaimed May 22, 2006 as Joe Fang Day.

7. Audience Participation – None.

8. OLD BUSINESS – None.

9. NEW BUSINESS

- A. RZ-2006-006 - Applicant: Ascot Investment Company, Inc. Owner(s): Mary Ann Folger, Donald R. Johnson, Mildred M. Johnson, Sharon Adams Nollen, Teresa D. Kimble, Beverly B. Long, Essie Mae Grissom, Bobby Williams, and Linda J. Cochran. Applicant requests rezoning from C-2 (General Commercial District) and R-100 (Single Family residential) to PMUD (Planned Mixed Use Development District) to construct 173 single family residential units and a 12,600 square foot commercial building. Site is located in Land Lots 209 and 210 of the 7th District along Highway 23 north of McGinnis Ferry Road and contains approximately 31.29 acres. [P2]

Staff Recommendation: Denial. Planning Commission Recommendation: Denial.
ACTION: Consider the rezoning.

Motion by Councilmember Brooks to deny without prejudice RZ-2006-006, second by Councilmember Landers and so carried 5-0.

- B. AN-2006-001 – Smithtown Area Unincorporated Island Annexation [P19]

This item is the official action to take place to annex the Smithtown Area unincorporated island. ACTION: Consider the annexation.

Motion by Councilmember Burnette to adopt the Ordinance/Resolution of the City Council of the City of Suwanee to annex certain land comprising an unincorporated island of the City of Suwanee pursuant to a resolution and as set forth in Exhibit A of the Resolution, second by Councilmember Foster and so carried 5-0.

- C. RZ-2006-009 - Applicant: City of Suwanee. Pursuant to House Bill 1439 and Chapter 36 of Title 36 of the Official Code of Georgia Annotated, the City of Suwanee proposes to annex and zone a tract of land from R-100, R-100 modified, R-75 modified, R-60, and RA-200 (Gwinnett County) to GC-A (Gwinnett County Annexed - City of Suwanee) for continuation of the same uses. Site is located in Land Lots 170, 171, 192, 193, 212, and 213 of the 7th District in the Smithtown Road area and contains approximately 270 acres. [P25]

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

Motion by Councilmember Landers to approve with conditions RZ-2006-009, second by Councilmember Burnette and so carried 5-0.

- D. MRPA-2006-001. Request for a Metropolitan River Protection Act (MRPA) Certificate. Site is located in Land Lots 238 and 250 of the 7th District at the corner of Peachtree Industrial Boulevard and Moore Road and contains approximately 11 acres. [P51]

Part of the recently zoned Moore Road Tract sits in the 2000 foot Chattahoochee River Corridor. Before a development permit can be issued, a public hearing has to be held and a Metropolitan River Protection Act certificate issued by the City. The public hearing was held at 6:30 pm. ACTION: Consider issuing the MRPA Certificate.

Motion by Councilmember Foster to approve MRPA-2006-001, second by Councilmember Brooks and so carried 5-0.

- E. Consideration of a Resolution to Accept a Donation of Two Defibrillators from Mitsubishi Electric to the Suwanee Police Department [P59]

Mitsubishi Electric would like to donate 2 defibrillators to the Suwanee Police Department. City Council needs to formally accept this donation. ACTION: Consider the resolution.

Motion by Councilmember Brooks to approve a Resolution to accept a donation of Two Defibrillators from Mitsubishi Electric to the Suwanee Police Department, second by Councilmember Burnette and so carried 5-0.

- F. Consideration of Issuance of a Temporary Alcohol Permit to Wild Wing Cafe for the Interactive Fountain Grand Opening and Fundraiser for Long Beach, MS

The City is sponsoring an Interactive Fountain Grand Opening on June 17th. In conjunction with this event, the City is also holding a fundraiser for the City of Long Beach, MS to assist them in recovery from Hurricane Katrina. Rhythm and Rain, a Jimmy Buffet Cover Band will be performing that evening and the City will hold a live auction in between sets of their performance. City Council has to approve the license for alcohol to be sold at events. Wild Wing is proposed as the license holder. ACTION: Consider issuing the temporary alcohol permit.

Motion by Councilmember Foster to approve Issuance of a Temporary Alcohol Permit to Wild Wing Café for the Interactive Fountain Grand Opening and Fundraiser for Long Beach, MS, second by Councilmember Burnette and so carried 5-0.

- G. Consideration of Rescheduling the June 20, 2006 City Council Meeting to June 29, 2006

Councilmembers requested the June 20 City Council Meeting be rescheduled for Thursday, June 29. ACTION: Consider rescheduling the June 20th Council Meeting.

Motion by Councilmember Landers to approve rescheduling the June 20, 2006, City Council Meeting to June 29, 2006, second by Councilmember Brooks and so carried 5-0.

10. CONSENT AGENDA

- A. Consideration of a Resolution to Approve Speed Zones as Requested by the Georgia Department of Transportation on the Two State Routes Located Within Suwanee City Limits [P61]

The Georgia Department of Transportation has requested the City pass a speed zone ordinance for the two state routes within the city limits. The two roads are Highway 23 and Highway 317 and the speed limits for both are set at 45 mph. The approval of this ordinance will enable us to use speed detection devices on these roads. ACTION: Consider the resolution.

- B. Consideration of Authorizing the Mayor to Enter into Certificate of Ownership Agreement and Contract Agreement with the Georgia Department of Transportation for the 2006 Local Assistance Resurfacing Program [P63]

GaDOT has approved funding assistance of approximately \$32,838.54 for resurfacing work on Cherokee Trail and Saint Martin Drive as part of the 2006 Local Assistance Resurfacing Program (LARP). Once the agreement and contract are signed, a notice to proceed letter will be issued for the project. ACTION: Consider authorizing the Mayor to enter into a certificate of ownership agreement and contract agreement with GaDOT.

- C. Consideration of Authorizing the Mayor to Execute a Community Development Block Grant Application for ADA Accessibility Improvements at the Buford Highway/Lawrenceville-Suwanee Road Intersection

Staff is considering submitting a grant application to the CDBG program to make ADA accessibility improvements to the intersection of Buford Highway and Lawrenceville-Suwanee Road. The Mayor's signature will be needed on the grant application. ACTION: Consider authorizing the Mayor to execute a CDBG grant application.

- D. Consideration of Authorizing the Mayor to Sign an Agent of Record Letter Naming Garner & Glover as Broker Consultant for Employee Benefits [P69]

The Administrative Services Department issued an RFP for benefit consultant broker services and received seven bids. A review team made up of HR and Finance staff has conducted interviews with four of those companies and are recommending a change from our current broker, MSI Benefits Group, to the Garner & Glover Company. ACTION: Consider authorizing the Mayor to sign an agent of record letter naming Garner & Glover as broker consultant for employee benefits.

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

11. City Manager's Report

- A. FY 05-07 Proposed Budget Available to the Public on May 17 at 8:00 am
 - Copies of the Budget will be distributed to City Council tonight for review. Copies will be available at the front desk at City Hall tomorrow for public review. A copy will also be available at the Suwanee Library. The budget is scheduled for adoption at the June 29th City Council meeting.

- B. The Smithtown Annexation area will be supported by City police services immediately. All other city services will begin tomorrow at 8 A.M. These residents will not owe taxes to the City of Suwanee until December 2007.

12. Adjournment – Time: 7:35 P.M.

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

Approved June 29, 2006