

**MINUTES
CITY OF SUWANEE, GEORGIA
PUBLIC HEARING & CITY COUNCIL MEETING
SEPTEMBER 23, 2008**

Meeting Location:

Dinner Session – City Hall Conference Room (373 Highway 23)

Public Hearing and City Council Meeting - Crossroads Center (323 Highway 23)

Attendees: Dave Williams, Mayor
Jimmy Burnette, Mayor Pro Tem
Kevin McOmber, Councilmember
Jeannine Rispin, Councilmember
Marty Allen, City Manager
Elvira Rogers, City Clerk
Gregory Jay, City Attorney

Absent: Jace Brooks, Councilmember
Dan Foster, Councilmember

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

1. 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 PM
PUBLIC HEARING**

Mayor Williams opened the Public Hearing at 6:32 P.M. and read the procedures for public meetings for the record.

- 2. SUP-2008-010 - Applicant: Georgia SPCA. Owner: River Partners One. Requests a special use permit for a pet adoption center in the C-2 zoning district. The site is located in Land Lot 237 of the 7th District on Eva Kennedy approximately a half mile east of Peachtree Industrial Boulevard and contains approximately 2.8 acres.**
Planning Department and Planning Commission Recommendation: Denial

Josh Campbell, Planning Director, presented the staff analysis as follows: The applicant requests a Special Use Permit to open a pet adoption center in the C-2 Zoning District. The applicant proposes to construct an approximately 5,000 square foot building on the site. The site is a vacant lot on Eva Kennedy Road. The C-2 Zoning District permits some limited animal related uses such as veterinary clinics or dog grooming shops. Uses that require

extended onsite care of animals, such as an animal hospital or a pet adoption center, are allowed only as a Special Use in the C-2 Zoning District.

The proposed project includes an approximately 5,000 square foot pet adoption center that would involve caring for dogs and cats, related storage and office administration. The property will also serve as the corporate home office for the Georgia SPCA (Society for the Prevention of Cruelty to Animals). Though the site plan does not include any outdoor play areas, the photo documentation submitted with the letter of intent indicates that these areas will exist. The development of this site, as proposed by the applicant, will require stream buffer variances. These variances must be reviewed by the Zoning Board of Appeals.

The subject property is a 2.8 acre parcel located approximately .5 mile east of the intersection of Peachtree Industrial Boulevard and Eva Kennedy Road. The site is currently undeveloped and includes physical and environmental building constraints. These constraints include a 100' Georgia Power Easement, 50' Georgia Transmission Corporation Easement, a sewer force main and a stream. The stream requires 75' of stream buffers, which include a 25' Georgia EPD (Environmental Protection District) buffer, a local 25' no disturb buffer and a local 25' buffer prohibiting impervious surfaces. Development of this site will require variances for both local stream buffers. Due to these constraints, it does not appear that the site can support the proposed use.

The subject property is located in a residential area along Eva Kennedy Road. The City's current Future Land Use Plan recommends single family residential uses for this site. The proposed pet adoption center conflicts with this designation. The 2030 Comprehensive Plan designates the area as part of the Historic Old Town Character Area. The proposed special use conflicts with the current Future Land Use plan for the city and the recommendations included in the 2030 Comprehensive Plan.

Because the proposed use will include extended kenneling of animals, the property will likely produce noise, odor and other negative impacts. As such, locating such uses in or near a residential area would not be appropriate. Additionally, the concentration of animal waste could impact the environmentally sensitive areas within or near the property. The zoning ordinance specifically states that the special use permit is designed to be used when, "the special use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood and would not be in conflict with the overall objective of the Comprehensive Plan."

In conclusion, the requested Special Use Permit for a pet adoption center is not appropriate at this location. While the proposed use is permitted as a special use within the current zoning, the single family residential designation indicated in the Future Land Use Plan does not accommodate the request. The site does not appear to support the proposed land use due to physical and environmental constraints. The requested special use is not compatible with the neighborhood and is in conflict with the overall objectives of the Comprehensive Plan. As such, the Planning Department recommends denial of the request. The Planning Commission recommended denial of the request by a vote of 4-0.

Support:

- Natalie Guthrie, Rutledge Drive, Suwanee, GA, Public Relations Director for SPCA. Many of the concerns mentioned have been addressed in the planning stage of the project. The team has focused on sound abatement technology, landscaping, sanitation, city, county and state regulations. The building is designed to be a green building. The property will include a dog exercise yard (fenced) and the back of the property will be fenced. Related to vicious animals, no unadoptable animals will be on the property. Animals dropped off will go to animal control. Staff will be at the facility 9 AM – 7 PM, 7 days a week.

There have been concerns about rats. Food storage is mandated by the Georgia Department of Agriculture. It has to be covered and sealed. As for sanitation, all equipment will be washed inside. Sanitation measures are mandated by the Department of Agriculture. Facility outdoor lighting will be face down so as not to aggravate the neighbors.

There will not be outdoor kenneling. There should not be a problem with noise. The only time the dogs bark would be if they are disturbed.

Oppositon:

- LeAnne Manning, 703 Eva Kennedy Road, Suwanee, GA. Ms. Manning stated she lives adjacent to the proposed site. The proposed building would be next to and in back of her house. She expressed concerns related to air quality, insect problems that this number of dogs would create. She expressed concern of being downhill from the proposed site and concern that rains would create runoff impacting the safety and sanitary of her back yard. The odor, insects and noise from the proposed facility housing over 200 dogs would be a disruption to residential enjoyment of her home and nearby homes and economically impair marketability of the nearby homes. Backyard activities would be hampered by this facility. She also expressed concern about sick and vicious dogs being left on or close to her home and her children. Some dogs are crated and some are not. The Georgia SBCA building would situate 75 feet from where her family sleeps. The grounds are 25 feet from her house and abut both the side and back yard of the house. The business is open 7 days a week with extended business hours. She stated she considers GSPCA a disruptive neighbor.
- Peter Noone, 5233 Moore Road, Suwanee, GA. Mr. Noone stated he owns property along Eva Kennedy Road next door to Ms. Manning. He stated he supports the SBCA but Eva Kennedy Road is not a good location. Mr. Noone stated he visited the Gwinnett Animal Center in Lawrenceville and the attendant informed him the staff does not have 15 minute of peace and quiet ever, because of barking dogs. He echoed Ms. Mannings comments relate to aggressive dogs, property values, noise, traffic, etc.
- Jean Connelly, 792 Eva Kennedy Road, Suwanee GA. Ms. Connelly stated she lives directly across the street and has concerns related to the lot topography and the impact on the bordering creek. 30% of the 5,000 sq. ft. building would be in the creek buffer. There is also potential for excessive noise from barking dogs. Previously there has been

issues with natural runoff on the property and silt going into the small creek. Because this is a residential area, the introduction of a commercial building would not be in the best interest of the residents on Eva Kennedy Road. Even though the parking would be at the rear of the building, because of the placement of the building parallel to the power line easement, the back of the building will be visible from Eva Kennedy Road. Tree plantings will be difficult due to the power line easement. This being a residential area, this facility would not be a good use in this area.

Ms. Guthrie stated that the concerns expressed are regulated by the EPA. Odor will be addressed with fans that circulate and ventilate the air. Related to dogs barking, they may bark when they are outside, but at night the dogs sleep most of the night unless they hear something. Sound abatement technology should take care of the noise. She stated the facility does not seem to be an impact on the residential area and would be great for the community.

3. **AMD-2008-003- A proposed amendment to the City of Suwanee Zoning Ordinance to modify Article III Definitions and Article XVI Signs including but not limited to Section 1604 and 1611 to amend the regulations regarding electronic signs.**

Planning Department and Planning Commission Recommendation: Approval

Josh Campbell, Planning Director, stated this amendment changes some of the definitions in the sign ordinance and definitions in the Zoning Ordinance. The Amendment addresses the definition of electronic signs and limits their usage for traffic and government use.

There was no audience participation and the Public Hearing closed at 7:01 P.M.

7:00 PM **COUNCIL MEETING**

4. **Call To Order**

Mayor Williams called the meeting to order at 7:07 P.M.

5. **Announcements**

a) *The City of Suwanee is planning a grand opening celebration for Sims Lake Park from 2-5 pm Saturday, November 8. Look for more details about the celebration in CrossRoads and online at www.suwanee.com. But you don't have to wait until then to enjoy Suwanee's newest park - 62 idyllic acres at Suwanee Dam and Tensch Roads. We anticipate that the park will be opened to the public by the end of this month. The park features more than a mile of walking trails, a streamscape, picnic pavilion, playground, and two meadow areas for free play. So plan to join us at Sims Lake Park November 8 and/or get a sneak peek at this great new park on your own sometime next month.*

- b) *The City is currently accepting letters of interest from residents who would like to serve on one of the City's planning and zoning boards. Appointees must reside in the City of Suwanee. To be considered, send a resume and letter of interest by September 30 to Planning Director Josh Campbell or e-mail these items to him at campbell@suwanee.com.*
- c) *The City of Suwanee is seeking nominations for new construction or renovation projects that elicit a "wow" reaction. The Swan-ee Awards program is the City's way of recognizing folks who've achieved excellence in creating aesthetically attractive facilities. Recognized projects may include, but are not necessarily limited to, new construction, renovated buildings, landscaping, sustainable/long-term developments, "clean-up" projects, and public art. Projects must be within the City of Suwanee limits and preferably completed within the last year, but older projects may be eligible as well. Nomination forms are available online at www.suwanee.com. The deadline for submitting nomination forms is October 17. For more information, contact Toni Shrewsbury.*
- d) *The Georgia Downtown Association has selected Suwanee as its recipient of the 2008 award for "Best Problem Solving in Economic Restructuring". In considering the award, the Association was particularly interested in the Town Center project - the solution for the need for an identifiable locus for downtown Suwanee and the desire for a community gathering space. Suwanee will be presented with the award at the GDA annual conference, on October 2 in Douglasville.*
- e) *Suwanee has once again received a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA). The award is for Suwanee's Comprehensive Annual Financial Report (CAFR) and this is the fifth consecutive year Suwanee has received this Certificate. Suwanee's fiscal year 2007 CAFR, prepared by the City's financial services department, was judged by an impartial panel as meeting the highest standards, clearly communicating the City's financial story, and demonstrating a constructive "spirit of full disclosure." The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and, according to GFOA, "represents a significant accomplishment by a government and its management."*

6. Pledge of Allegiance

7. Approval of Minutes

- a) **August 14, 2008 Called Council Meeting**
Motion by Mayor Pro Tem Burnette approve the August 14, 2008 Called Council Meeting Minutes, second by Councilmember McOmber and so carried 4-0.
- b) **August 26, 2008 Public Hearing and Council Meeting**
Motion by Councilmember Rispin to approve the August 26 Council Meeting Minutes, second by Mayor Pro Tem Burnette and so carried 4-0.

8. Adoption of Agenda as Presented

Motion by Councilmember McOmber to adopt the Agenda as presented, second by Councilmember Rispin. Mayor Williams called for discussion to clarify Item #18. Executive Session for Legal Updates. The vote carried 4-0.

9. Special Recognition

a) ZEBRA Construction, Inc.

Employees from ZEBRA Construction, Inc. had a volunteer work day in Town Center Park during August. The employees, or “Zebras” as they call themselves, painted the black metal structures in the park (light poles, benches, trash receptacles, hand rails, etc.). ZEBRA Construction is located on Swiftwater Park Drive in Suwanee.

10. Appointments to Boards/Committees

a) Downtown Development Authority

The Downtown Development Authority has nominated Pete Piedra, Jr. and Julie Perdue to fill their two vacant positions.

Motion by Mayor Pro Tem Burnette to appoint Pete Piedra, Jr., and Julie Perdue to fill the vacancies on the Downtown Development Authority (DDA) with terms to be determined by the DDA, second by Councilmember McOmber and so carried 4-0.

Note for the record: Julie Perdue – term expires Jan 2009; Pete Piedra – term expires Jan 2011.

11. Audience Participation – None

NEW BUSINESS

12. SUP-2008-010 - Applicant: Georgia SPCA. Owner: River Partners One. Requests a special use permit for a pet adoption center in the C-2 zoning district. The site is located in Land Lot 237 of the 7th district on Eva Kennedy approximately a half mile east of Peachtree Industrial Boulevard and contains approximately 2.8 acres.

Planning Department and Planning Commission Recommendation: Denial

Motion by Councilmember Rispin to deny SUP-2008-010, second by Councilmember Mayor Pro Tem Burnette and so carried 4-0.

13. AMD-2008-003- A proposed amendment to the City of Suwanee Zoning Ordinance to modify Article III Definitions and Article XVI Signs including but not limited to Section 1604 and 1611 to amend the regulations regarding electronic signs.

Planning Department and Planning Commission Recommendation: Approval

Motion by Councilmember McOmber to approve AMD-2008-003, second by Councilmember Rispin and so carried 4-0.

14. Consider Adoption of City Donation Policy

The City occasionally receives requests from citizens who wish to give commemorative gifts in honor or memory of a person or event. Additionally, the City receives donations to support some of its programs. Staff recommends adopting a policy to define how the City reviews and responds to these requests.

Motion by Councilmember McOmber adopt the City Donation Policy, second by Mayor Pro Tem Burnette and so carried 4-0.

15. Consider Authorizing Mayor to Execute a Contract for Professional Services to Conduct Mapping and Prepare a Draft Comprehensive plan for Three Historic City Cemeteries

The Cemetery Preservation Committee has issued an RFQ for selection of a professional consulting firm to map present marked and unmarked grave sites and provide a recommended Comprehensive Plan for marking said unmarked grave sites, community outreach, improvements to landscaping, ongoing maintenance, security, etc. for the City's cemeteries. The Committee is currently reviewing the four proposals received now and anticipates have a recommendation for Council to consider at the September 23 meeting. James Miller will follow up with more details prior to the meeting.

Motion by Mayor Pro Tem Burnette to authorize the Mayor to execute a contract for professional services with Chicora Foundation, Inc., for \$19,484.00, to conduct mapping and prepare a draft comprehensive plan for the three historic City Cemeteries, second by Councilmember Rispin and so carried 4-0.

16. Consent Agenda

a) Renewal of Contract with American Integrated Services for Information Technology Services

Renewal of the one-year contract with American Integrated Services to provide Information Technology Service. The contract renewal is included in the FY 09 Budget. The cost for performing the services outlined in the contract is \$7,845 per month through December 31 and \$8,645 beginning January 1, 2009. The increase is associated with the move to the new City Hall and providing services to an additional facility.

b) Approval of Contract with AT&T for Internet Service

For the past eight years, all City departments have been sharing 1.5 mb/s for all Internet browser access, e-mail, and remote access activities. The city has doubled the number of computers and devices connected to Internet in the past five years, with individual usage now higher than ever before. At peak times, the Internet speed is very slow and in some cases, unusable. AT&T is offering an increase in bandwidth to 3.0 mb/s at a cost of \$1,048.40 per month for a three-year term, which is approximately \$150 less than the City currently pays for the 1.5 mb/s service.

c) Execution of Lease with Cannon USA for Municipal Court Copier

Execution of a five-year lease with Canon USA for a Canon iR4080i color copier for the Municipal Court. The lease will be \$387.89 per month.

Motion by Councilmember Rispin approve the Consent Agenda, second by Councilmember McOmber and so carried 4-0.

17. City Manager's Report – None

18. Executive Session: Legal

Motion by Councilmember McOmber to Enter Executive Session, second by Mayor Pro Tem Burnette and so carried 4-0. Time 7:27 P.M.

Motion by Mayor Pro Tem Burnette to Exit Executive Session, second by Councilmember McOmber and so carried 4-0. Time: 9:24 P.M.

No Action Taken

19. Adjournment – Time: 9:24 P.M.

Motion by Mayor Pro Tem Burnette to Adjourn, second by Councilmember Rispin and so carried 3-1 (Williams opposed).

Approved 10/28/2008