

MINUTES
CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
TUESDAY, JULY 23, 2013

Meeting Location: City Hall, 330 Town Center Avenue

Attendees: Jimmy Burnette, Mayor
Richard I. Goodman, Mayor Pro Tem
Daniel F. Foster, Councilmember
Beth S. Hilscher, Councilmember
Doug Ireland, Councilmember
Kevin McOmber, Councilmember
Marty Allen, City Manager
Elvira Rogers, City Clerk
Gregory Jay, City Attorney

5:30 P.M.
DINNER SESSION
BIG SPLASH ROOM, #2302

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.
COUNCIL MEETING
COUNCIL CHAMBERS

A. Call to Order

Mayor Burnette called the meeting to order at 6:35 P.M. and read the procedures for Public Hearings for the record.

B. Public Hearing

- 1. RZ-2013-003 & SUP 2013-002 – Owner/Applicant: Spartan Investors 1, LLC. The applicant requests a rezoning from R-140 (Residential Single Family) to R-100 (Residential Single Family) to allow for single family homes and a special use permit in order to create a residential subdivision exceeding seven lots. The site is located in Land Lots 277, 278, 285 and 286 of the 7th District along Moore Road at Short Street and contains approximately 36.34 acres.**

Josh Campbell, Planning Director, presented the staff analysis. The rezoning request and Special Use Permit (SUP) both address a plat anticipated to exceed 7 subdivided lots in a residential area and requires a special use permit. The property is located on Moore Road between Settles Bridge Road and Short Street. The applicant is proposing to sub-divide the property into 61 residential lots zoned R-100. The surrounding area adjacent to the property is predominantly R-140. The Suwanee North Character area is a mixture of R-100 and R-140. Examples of R-100 subdivisions include the following: Barrington, Rose Moore Lake, Bayswater Common and Barony. The Comprehensive Plan recommends lower density single-family estate style lots for this area. The proposal is consistent with that recommendation. Staff recommended approval with conditions of the rezoning and the special use permit. The Planning Commission recommended denial of the rezoning and approval of the Special Use Permit with staff conditions, minus conditions 1, 2 and 6.

Gregory Jay, City Attorney, advised to handle the two cases separately. Mayor Burnette called for discussion on RZ-2013-003.

Applicant:

- Matt Reeves, Anderson, Tate, Carr Law Firm, 1 Sugarloaf Center, 1960 Satellite Boulevard, Suite 4000, Duluth, GA represented the applicant. Mr. Reeves requested approval of the request pursuant to staff conditions with a minimum of 55 lots. Mr. Reeves provided a PowerPoint presentation with copies provided to Council and for the file. Principles of Spartan Investors have provided high quality subdivisions in Suwanee. The property is surrounded by a sea of R-100 developments. There have not been R-140 zoned subdivisions in decades. Spartan provided a rezoning application with 61 lots; however, city staff reviewed the applications and recommended 120 foot wide lots. This is the current staff recommendation and yields 58 lots. Spartan has met with homeowners and city staff and has put reasonable practice into this project. There has been no critique of the quality of homes. Local builders and local subs will provide jobs in the area. R-140 is not an option – this will be a subdivision with sewer. R-140 will keep the property undeveloped. Constitutional Objections/Justification of Rezoning has been filed with the City.

Mr. Reeves stated, that the size of the lots have been a point of discussion at the Planning Commission meeting and homeowner meetings. The number of lots has not been an issue. The applicant drew up a plan with 140 foot wide lots. Mr. Reeves stated his client strongly feels that 120 foot wide lots will yield the best product for the property.

There is a condition related to street trees and a request that right of way be reduced from 50 feet to 46 feet and pavement width including curb and gutter be reduced from 28 feet to 24 feet.

The SUP component requires review of land value, comprehensive plan. This property fits into the Comprehensive Plan. Properties nearby are less in value than the proposed construction. This development will increase property values.

Spartan's request complies with the land use area.

Councilmember Foster inquired about grading. Will there be mass grading? Mike Phelps (5756 Kennedy Road, Suwanee, GA) stated the grading is proposed to be street grading based on the 120 foot wide lots. Foster asked related to condition #10 why it is necessary to reduce sidewalk right of ways. Mr. Phelps stated the client is trying to make room for utilities on the outer side of the sidewalk. Narrower streets have been proven to reduce speeding.

Councilmember Ireland asked about 28 foot pavement width being reduced. Mr. Phelps stated that wider streets are normally used for parking. The proposal is from back of curb.

Opposition:

- John Rispin, 5114 Meadowbrook Circle, Suwanee, GA. Mr. Rispin stated that a lot of variations between R-100 and R-140 have been presented. The map shown is not all in the municipal City limits. There is a lot of history in this area. Suwanee works for balanced zoning. R-100 does not belong in this area. He stated he would like to see the area remain as it is.
- Don Trawick, 4643 Moore Road, Suwanee, GA. Mr. Trawick stated he has lived in Suwanee over 20 years. He is not opposed to development but would like the area to remain R-140 with large lots. He stated he is concerned about how this project will impact or increase traffic. He stated he is also concerned about safety with smaller roads. He requested if possible that the berm include trees. Suwanee is a greenspace city and he has concerns that the site will be clear cut.
- Patricia Frost, 4974 Meadowbrook Circle, Suwanee, GA. Ms. Frost stated the roads were gravel when she came to Suwanee. She loves Suwanee and wants the area to remain R-140. She stated concern about increased traffic. She also expressed appreciation to council for what has been done in this area previously.
- Charlotte Dispain, 4875 Moore Road, Suwanee, GA. Ms. Dispain stated she does not oppose the houses but is concerned about the roadways and sidewalks proposed for this development. She stated a buffer is needed so that existing residents on Moore Road will not look at the back of the new houses.

There was no further audience comment and the public hearing closed for RZ-2013-003.

Mayor Burnette called for SUP-2013-002. Josh Campbell, Planning Director, provided an overview of the SUP process. He stated the process allows examination of large projects to mitigate adverse impacts. Staff recommended approval with conditions. The Planning Commission recommended approval with conditions minus conditions 1, 2 & 6.

Councilmember Foster asked if the conditions would follow both the rezoning and the special use permit. Mr. Campbell stated yes. The conditions are for both cases.

Councilmember Ireland asked Mr. Campbell to clarify the proposed condition addressing interior right of way. Mr. Campbell stated the applicant has been given the option to go above the width required to accommodate street trees without impacting the overall development. The development process will go through review and approval by the City Engineer.

Councilmember Hilscher requested additional information related to R-100 and R-140 zonings in the area. Mr. Campbell stated there are mixed zonings within the city (i.e., Suwanee Station and Village Grove). Village Grove is a good example of different size lots on the same street.

Councilmember Foster asked for clarification of R-100 modified zoning. Mr. Campbell stated that this is a Gwinnett County zoning category. City of Suwanee does not have this zoning category.

Support

Mr. Reeves stated that the SUP provides objective analysis. His client agrees to the 120 foot wide lot and supports the staff recommendations.

Opposition

- Don Trawick, 4643 Moore Road Suwanee, GA. Mr. Trawick stated he has concerns related to the 25 foot non-disturbed buffer. He stated he was informed by my staff that the buffer can be changed after construction by the property owner. He stated he is not opposed to development but would like the area to remain R-140. This is a very special area.
- Matt Hyatt, 5074 Meadowbrook Circle, Suwanee, GA. Mr. Hyatt stated the vast majority of R-100 zoned properties are not in Suwanee, but Gwinnett County. The R-140 shown on the map is in Suwanee. He also stated the following from the Comprehensive Plan: “The Comprehensive Plan describes the Suwanee North Character Area as one that is characterized by high –end suburban homes on large lots. The plan states future development in the Suwanee North area should maintain the characteristics present in the area today. Over time, the vacant parcels as well as the agricultural land should be developed into lower density, single family estate-style lots. According to the plan, the implementation

measure for the Suwanee North Character Area, while the Economic Development goal is to focus development on infill opportunities that maintain Suwanee North as a low density, high-end residential area.” Mr. Hyatt stated he would like to see the area mirrored by the current Comprehensive Plan.

- Linda Fleming, 527 Main Street, Suwanee, GA. Mr. Fleming stated that R-140 should remain in this area. She inquired about amenities for the homes.

Mr. Reeves provided rebuttal for the following:

- Traffic concerns – traffic concerns have been vetted and are part of the proposal.
- Amenities – No amenities are proposed due to the size of the development. There are public amenities in the area.
- Estate lots – the lot sizes and home sizes are in compliance with this designation.
- Berm – future owners will more than likely not remove trees; this would impact their privacy.
- The client proposal is in compliance with the Future Land Use Plan.

Mr. Reeves requested Council consider approval of the rezoning and special use requests.

C. Announcements

1. *We're pleased to welcome Suwanee Performing Arts back to the Town Center stage this weekend. This year's **Broadway in the Park** production, which features local youth, is Shrek: The Musical; the opening play will be Shooby Doo, an original musical mystery based on the popular cartoon series.*

Broadway in the Park, the annual fundraiser for Suwanee Performing Arts, comes to Town Center at 7 p.m. this Friday and Saturday, July 26 and 27. While the production is free and open to the public, donations will be requested.

2. *There are only two **Food Truck Fridays** left in 2013, so don't miss your opportunity to take part in this popular event. The next event will take place on Friday, August 2nd. Trucks will be set up and ready to serve beginning at 6 p.m. Trucks scheduled to be in Suwanee August 2 are: Buen Provecho, Freckled and Blue, Hail Caesar, Happy Belly, King of Pops, Mighty Meatballs, Nana G's Chicken and Waffles, and Smiley's Street Eats. Please note that truck vendors are subject to change and availability.*
3. *The fun just continues on into August, when **Eve 6** will rock Town Center Park on Saturday, August 10th with a free concert. Suwanee's annual summer concert will open with a performance by Athens, an up-and-coming rock band from our own musical capital of Georgia. Athens will perform at 7 p.m. with Eve 6 taking the stage around 8 p.m. Limited parking is available at Town Center Park and along Main Street via the pedestrian tunnel to Town Center. Food and beverages, including beer and wine, will be available for purchase from concert vendors and*

licensed Town Center merchants.

4. Registration is now open for the annual **Suwanee Day Classic**, to be held Saturday, September 14th. Participants may run a 5K route, enter the 10K race, or do the 1K Fun Run. To be guaranteed a t-shirt, please register by September 1st at www.suwanee.com. The race is hosted by the Suwanee BodyPlex.

D. Pledge of Allegiance – Led by Mark VanDyke, Troop 1830

E. Approval of the Agenda

Motion to approve the agenda as presented by Councilmember Foster, second by Mayor Pro Tem Goodman and so carried 6-0. Vote: Burnette – yes; Foster – yes; Goodman – yes; Hilscher – yes; Ireland – yes; McOmber - yes

F. Approval of Minutes

1. **June 13, 2013 Called Meeting**
2. **June 13, 2013 Council Workshop**
3. **June 25, 2013 Council Meeting**

Motion to approve by Mayor Pro Tem Goodman, second by Councilmember Ireland and so carried 6-0. Vote: Burnette – yes; Foster – yes; Goodman – yes; Hilscher – yes; Ireland – yes; McOmber - yes

G. Special Recognition

1. **Ray Stanjevich and Suzanne Cartwright**

Council recognized Mr. Stanjevich and Ms. Cartwright for purchasing the Berlin Wall piece. Marty Allen, City Manager, stated he has observed numerous people stop to see the piece as well as day care students visiting the fountain gather around the piece for teaching moments.

H. Audience Participation

- Karen Williams, 740 Hwy 23, Suwanee, GA. Ms. Williams stated in reviewing the recent issue of the *CrossRoads* Newsletter, she questions the validity of the statement that 99% of residents say Suwanee is a great place to live. She inquired about who participated in the survey, because she has talked to a number of Suwanee residents who did not receive the survey. She also stated that she is concerned that the City is interested in preserving history in some areas and not others. She stated she likes the “old town” feel of Suwanee.
- Linda Fleming, 527 Main Street, Suwanee, GA. Ms. Fleming stated she is speaking on behalf of the Main Street neighbor. She stated that the Historic Registry will hold a meeting at the State on August 23, 2013. Over 50% of the neighbors request not to be included. She stated if the request is approved, assistance has been recruited from Congressman Woodall’s office. Ms. Fleming states that Derek Corbitt (Rob Woodall’s chief of staff) has committed to working

as a liaison for the Main Street Neighbors against the creation of this district.

NEW BUSINESS

- I. Consider RZ-2013-003 – Owner/Applicant: Spartan Investors 1, LLC. The applicant requests a rezoning from R-140 (Residential Single Family) to R-100 (Residential Single Family) to allow for single family homes. The site is located in Land Lots 277, 278, 285 and 286 of the 7th District along Moore Road at Short Street and contains approximately 36.34 acres**

Councilmember McOmbler commended all parties involved in the rezoning and SUP process for their presentation. He stated this property and history go back many years. The applicant has purchased and owns the property and has a vested interest. He stated respect is given to the current land owners in the area also.

Motion to approve RZ-2013-003 with conditions as read into the record by Councilmember McOmbler, second by Councilmember Ireland and so carried 6-0. Vote: Burnette – yes; Foster – yes; Goodman – yes; Hilscher – yes; Ireland – yes; McOmbler – yes

Conditions:

1. All lots shall be subject to the requirements of the R-100 development regulations except that lots adjacent to tracts identified as Larkabit Partnership and Suwanee Farms Unit Two and the right-of-way for Moore Road and Settles Bridge Road shall have a minimum lot of 140 feet.
2. All homes shall use brick and/or stone as the primary exterior building material on three sides, unless they are adjacent to an external street, in which case brick and/or stone shall be the primary exterior material on all sides.
3. Homes shall be a minimum of 3,000 square feet in size.
4. No access shall be allowed onto Moore Road or Settles Bridge Road for individual lots. Access onto the roads shall be limited to roads serving the entire neighborhood.
5. Sidewalks shall be provided on both sides of all interior streets.
6. A decorative fence with landscaping shall be provided along Moore Road and Settles Bridge Road. Fencing, signage and landscaping shall be consistent with the treatment of other neighborhoods that back up to Moore Road and shall be subject to approval by the Planning and Inspections Director.
7. Street trees shall be provided on both sides of all interior streets. Street trees shall be located between the sidewalk and the back of curb. Street trees shall be a minimum of 3-inch caliper at the time of planting and shall be spaced on 40-foot

centers. If additional right-of-way is needed (beyond the standard 50 feet) in order to avoid conflicts between the street trees and utilities, than additional area may be deducted from the minimum lot size for adjacent lots and interior front yard setback may be adjusted accordingly or the pavement width and right-of-way width may be reduced by 4 feet, all subject to the City Engineer approval.

8. A 25-foot wide undisturbed construction buffer shall be provided. Intrusion into the construction buffer shall be limited to disturbance needed to construct access to the property, perpendicular utility crossings and storm water facilities. Along Moore Road, where the buffer is sparsely vegetated, a mix of native trees and shrubs shall be planted to supplement the buffer.
9. All utilities shall be located underground. Existing above ground utilities located on adjacent right-of-ways shall be allowed to remain.
10. Development shall be limited to a maximum of 55 single-family residential units.

J. Consider SUP 2013-002 – Owner/Applicant: Spartan Investors 1, LLC. The applicant requests a special use permit in order to create a residential subdivision exceeding seven lots. The site is located in Land Lots 277, 278, 285 and 286 of the 7th District along Moore Road at Short Street and contains approximately 36.34 acres

Motion to approve SUP-2013-002 with conditions outlined in RZ-2013-003 by Councilmember McOmber, second by Councilmember Ireland and so carried 6-0. Vote: Burnette – yes; Foster – yes; Goodman – yes; Hilscher – yes; Ireland – yes; McOmber – yes

Conditions:

1. All lots shall be subject to the requirements of the R-100 development regulations except that lots adjacent to tracts identified as Larkabit Partnership and Suwanee Farms Unit Two and the right-of-way for Moore Road and Settles Bridge Road shall have a minimum lot of 140 feet.
2. All homes shall use brick and/or stone as the primary exterior building material on three sides, unless they are adjacent to an external street, in which case brick and/or stone shall be the primary exterior material on all sides.
3. Homes shall be a minimum of 3,000 square feet in size.
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5. Sidewalks shall be provided on both sides of all interior streets.

6. A decorative fence with landscaping shall be provided along Moore Road and Settles Bridge Road. Fencing, signage and landscaping shall be consistent with the treatment of other neighborhoods that back up to Moore Road and shall be subject to approval by the Planning and Inspections Director.
7. Street trees shall be provided on both sides of all interior streets. Street trees shall be located between the sidewalk and the back of curb. Street trees shall be a minimum of 3-inch caliper at the time of planting and shall be spaced on 40-foot centers. If additional right-of-way is needed (beyond the standard 50 feet) in order to avoid conflicts between the street trees and utilities, than additional area may be deducted from the minimum lot size for adjacent lots and interior front yard setback may be adjusted accordingly or the pavement width and right-of-way width may be reduced by 4 feet, all subject to the City Engineer approval.
8. A 25-foot wide undisturbed construction buffer shall be provided. Intrusion into the construction buffer shall be limited to disturbance needed to construct access to the property, perpendicular utility crossings and storm water facilities. Along Moore Road, where the buffer is sparsely vegetated, a mix of native trees and shrubs shall be planted to supplement the buffer.
9. All utilities shall be located underground. Existing above ground utilities located on adjacent right-of-ways shall be allowed to remain.
10. Development shall be limited to a maximum of 55 single-family residential units.

K. Consider Resolution to Set 2013 Election Qualifying Dates

In accordance with O.C.G.A. 21-2-132(d)(3), qualifying dates need to be set for the November 5, 2013 Election. Qualifying will begin on Monday, August 26 at 8:30 a.m and close at 4:30 p.m. on Wednesday, August 28, 2013.

Motion to approve by Mayor Pro Tem Goodman, second by Councilmember Foster and so carried 6-0. Vote: Burnette – yes; Foster – yes; Goodman – yes; Hilscher – yes; Ireland – yes; McOmber - yes

L. Consider Adoption of New City Logo

Lynne DeWilde and Hein van der Heijden of deshein presented the proposed new City logo and an overview of the design process.

Motion to adopt by Mayor Pro Tem Goodman, second by Councilmember Foster and so carried 6-0. Vote: Burnette – yes; Foster – yes; Goodman – yes; Hilscher – yes; Ireland – yes; McOmber - yes

M. Executive Session: No Executive Session

N. Adjournment

Motion to adjourn by Councilmember McOmber, second by Councilmember Foster and so carried 6-0. Vote: Burnette – yes; Foster – yes; Goodman – yes; Hilscher – yes; Ireland – yes; McOmber – yes

Approved 8/27/2013