

**MINUTES
CITY OF SUWANEE, GEORGIA
PLANNING AND ZONING COMMISSION
APRIL 13, 2010**

PLANNING AND ZONING MEMBERS: Present: Anthony Manners, Larry Pettiford and Jodi Nevels. Staff members present: Josh Campbell and MaryAnn Jackson. Absent: Joy Mitchell and Pete Charpentier

CALL TO ORDER

Chairman Anthony Manners called the meeting to order at 6:57 pm.

ADOPTION OF THE AGENDA

Jodi Nevels moved to adopt the April 13, 2010 agenda as presented, second by Larry Pettiford. Motion carried 3-0.

ADOPTION OF THE MINUTES: January 5, 2010

Jodi Nevels moved to adopt the January 5, 2010 minutes, second by Larry Pettiford. Motion carried 3-0.

PROCEDURES FOR PUBLIC MEETING

Anthony Manners read the procedures for the Public Meeting for the record.

OLD BUSINESS

NEW BUSINESS

RZ-2010-002 – Applicant: American Towers, Inc. Owner: Benny R. Sims. Requests a rezoning from C-2 (General Commercial District) to M-1 (Light Industrial District) to allow for expansion of a legal nonconforming telecommunications tower. The site is located at 3185 Smithtown Town Road and contains approximately 0.47 acres.

Josh Campbell presented the staff analysis as follows: RZ-2010-002 is a request to rezone a half acre parcel on the corner of Smithtown Road and Satellite Boulevard from C-2 to M-1 to allow for additions on an existing communications tower.

The tower was built before we had adopted cell tower regulations therefore it is a legal non-conforming use. In addition to it not being zoned to the appropriate district, there are a number of variances that the applicant will need to obtain in order to make the use legal, including setback variances, minimum lot size variances, tower setbacks, etc.

The subject property is located on the northeast corner of the intersection of Smithtown Road and Satellite Boulevard. The site is surrounded by industrial and warehouse uses. To the north of the subject parcel, is a large industrial/warehouse facility (zoned C-2). To the east of the subject property, along Smithtown Road, is a warehouse facility zoned C-

2. Across Smithtown Road, to the south, is an M-1 zoned warehouse facility. To the west of the subject property, across Satellite Boulevard, is a vacant parcel zoned C-2.

Article VIII of the City of Suwanee Zoning Ordinance regulates the placement of telecommunications antennas and towers within the City. It should be noted that these regulations promote co-location of antennas on existing towers. Section 803.C states that applicants for the erection of a tower or antenna, except amateur radio operations, shall be required to co-locate with an existing tower structure. A new tower may only be pursued if the applicant adequately demonstrates that a tower does not exist that is suitable for co-location.

The City of Suwanee 2030 Comprehensive Plan recommends mixed use center for the subject property. The proposed industrial zoning is not consistent with this designation. Future transportation plans include a bridge over I-85 at Smithtown Road. This new bridge would increase accessibility to the area which would support the mixed use center designation for the intersection of Smithtown Road and Satellite Boulevard. While the proposed zoning is not consistent with the City's Future Land Use Plan, the continued use of the property as a cellular tower would not restrict the future development of a mixed use center in the vicinity. In fact, cellular service is needed to support non-residential development. In addition, the tower will not be removed if the rezoning is denied and would either remain or need to be removed prior to any future redevelopment in the area.

In conclusion, the requested M-1 zoning is suitable at this location. While the requested zoning is not consistent with the City's Future Land Use Plan, the tower is existing and is not a land use that will restrict future redevelopment. The City's Telecommunication and Antenna Tower Regulations currently require co-location if possible in order to limit the number of towers constructed within the City. The property is located along the industrial/office dominated Satellite Boulevard and has been used as a cellular tower site since 1997. Therefore, the Planning Department recommends approval with conditions of the M-1 zoning request.

Anthony Manners called upon the applicant.

Kate Bargnesi, 10 Presidential Way, Woburn, MS. Ms. Bargnesi is representing American Towers, Inc. This tower was permitted in 1997 prior to the enactment of the telecommunications tower ordinance. Under Article VIII Section 810, this tower is classified as a pre-existing legal nonconforming use and is allowed to continue in its present usage with allowances for routine maintenance. All new construction is required to comply with requirements of the ordinance. In accordance with that provision, and in the hopes of allowing additional customers to co-locate on this existing tower, Ms. Bargnesi is asking that the parent parcel be rezoned to M-1 where towers are considered a permitted use.

American Towers currently has lease rights to 3960 square feet within this parcel. Space is leased to several carriers including Fiber Tower, Bell Industries, Verizon, USA

Mobility, AT&T, Skytel, Sprint Nextel and T-Mobile. Clear Wire is proposing to co-locate on this tower should the rezoning be approved.

America Towers will apply for the necessary variances that are required by the City of Suwanee.

Pertaining to the landscaping condition recommended by staff, American Towers believes the existing landscaping is sufficient. Ms. Bargnesi presented photos to support her case.

Regarding the fencing around the tower, there is a chain link fence with barb wire around the tower. It is hidden by the vegetation.

Matt Dickison stated that the intent was not to have any significant vegetation removed from the site. Staff is willing to work with the applicant regarding landscaping.

Further discussion ensued amongst the applicant and staff regarding the landscaping.

Anthony Manners asked if the applicant would need a variance for the height of the tower. Josh Campbell stated the height is not the issue. Setbacks are determined by the height of the tower.

Jodi Nevels asked about co-locating. Kate Bargnesi explained the process of co-locating on an existing tower.

Anthony Manners asked for opposition. There was none.

Jodi Nevels moved to approve RZ-2010-002 with amended conditions, second by Larry Pettiford. Motion carried 3-0 (additions = bold, deletions = strikethrough):

1. Prior to any additions to the site, the existing tower shall be brought into conformance with the City's Telecommunications Antenna and Tower Regulations or variances must be received by the Zoning Board of Appeals unless prohibited by other conditions.
- ~~2. The existing tower shall be brought into conformance with Section 804.G. Landscaping. Approval of a variance from this section shall not be permitted.~~
- ~~3. The existing tower shall be brought into conformance with Section 804.C. Security. Approval of a variance from this section shall not be permitted.~~
2. **Prior to issuance of a building permit, the applicant shall screen the site from public right-of-way with appropriate landscaping materials as approved by the Planning and Inspection Department or Gwinnett County Department of Transportation as applicable.**

3. Allowed uses shall be limited to a cellular tower and permissible accessory structures.

AMD-2010-001 - A proposed amendment to the City of Suwanee Zoning Ordinance to modify Article III Definitions and Article V Zoning District Development and Use Regulations in order to eliminate the requirement for a Special Use Permit for Barber Shops and Beauty Shops in residential districts.

Matt Dicksion presented the staff analysis as follows: Recently an amendment creating the Home Occupation Ordinance was approved. Soon after that an amendment was created to update the City's permitted and special uses. Barber shops and Beauty shops were left in as special uses. This amendment eliminates the requirement for a special use permit for Barber Shops and Beauty Shops. All home occupation requirements will still need to be met by the business owner.

Larry Pettiford moved to approve AMD-2010-001 as presented, second by Jodi Nevels. Motion carried 3-0.

AMD-2010-002 - A proposed amendment to the City of Suwanee Zoning Ordinance to modify Article III Definitions and Article XV Parking Regulations, Section 1501 and to create Section 1509 Shared/Mixed-Use Parking to establish procedures for meeting or reducing parking requirements through shared parking arrangements and/or providing a mix of appropriate uses.

Josh Campbell presented the staff analysis as follows: This is a proposed amendment to the parking regulations. Previously we had allowed for shared parking but did not fully address the issue. This will allow someone to conduct a study to show that reducing the minimum amount of parking requirements through shared parking arrangements makes sense with certain mixes of uses. The study will be approved by the Planning Director but will also allow the request to be forwarded to the Planning Commission if necessary.

Jodi Nevels asked if there will be rules regarding maintenance of the shared parking. Josh Campbell explained there will be a shared parking operations plan required.

Larry Pettiford asked about the minimum parking requirements.

Josh Campbell stated there is an administrative variance process where someone can apply for a twenty percent reduction or they can apply for a variance.

Jodi Nevels moved to approve AMD-2010-002, second by Larry Pettiford. Motion carried 3-0.

OTHER BUSINESS

The Buford Highway Transportation Study will be presented to the City Council this month.

ANNOUNCEMENTS

ADJOURNMENT

Larry Pettiford moved to adjourn at 7:44 pm.