

Minutes

CITY COUNCIL MEETING
TUESDAY, JANUARY 25, 2022

Meeting Location: City Hall, 330 Town Center Avenue, Council Chambers

Attendees: James M. Burnette, Jr., Mayor
Larry Pettiford, Mayor Pro Tem
Heather Hall, Councilmember
Linnea Miller, Councilmember
Beth Hilscher, Councilmember
Peter Charpentier, Councilmember
Marty Allen, City Manager
Robyn O'Donnell, City Clerk
Gregory Jay, City Attorney

DINNER SESSION – 5:30 PM
BIG SPLASH ROOM

City Council Informal Session

Agenda review and informal discussion among City Councilmembers and staff. Food provided for Elected Officials and staff. No action to be taken during the session.

COUNCIL MEETING – 6:30 PM
COUNCIL CHAMBERS

A. Call to Order

Mayor Burnette called the meeting to order at 6:31 p.m.

B. Oath of Office

Ceremonial Oath of Office for Councilmember Linnea Miller (Post 3), Councilmember Beth Hilscher (Post 4), and Councilmember Peter Charpentier (Post 5).

Gregory Jay, City Attorney, administered the Oath of Office to Councilmember Linnea Miller, Councilmember Beth Hilscher, and Councilmember Peter Charpentier.

C. Adoption of Rules and Procedures

In accordance with Section 2.19 of the City Charter, the City Council shall each year adopt its rules of procedure and order of business. Staff recommends adopting the current edition of Robert's Rules of Order.

Motion by Councilmember Pettiford to adopt Robert's Rules of Order, second by Councilmember Hall and so carried 6-0.

D. Selection of Mayor Pro Tempore

In accordance with Section 2.27 of the City Charter, by a majority of the vote, the City Council shall elect a Councilmember to serve as Mayor Pro Tempore for that ensuing

year. The Mayor Pro Tempore shall assume duties and powers of the Mayor during the Mayor's disability or absence.

Mayor Pro Tem Miller motioned to select Councilmember Pettiford as Mayor Pro Tempore, second by Councilmember Charpentier and so carried 6-0.

E. Public Hearing

1. SUP-2022-001 – Building Height Increase. Owner: JTM Development. Applicant: Jason Aboneaaj

The applicant requests a Special Use Permit to allow for a building height increase for a condominium building in the PMUD (Planned Mixed-Use Development) zoning district. The site is located on Boston Common Street near Town Center Avenue and contains approximately 0.40 acre. The Planning Department and Planning Commission recommend approval. No one spoke in support of the application.

Mr. Jake Gleghorn, 665 Village Field Court, spoke in opposition to the application noting concerns that the additional height of the building could be a fire safety risk for the occupants.

2. RZ-2022-001 – Rezoning from R-100 to RM-8. Owner: Franklin Property Group LLC and Jennifer Winters Thompson. Applicant: Bruce Rippen, DR Horton (postponed by Planning Commission)

The applicant requests a rezoning from R-100 (Residential Single-Family District) to RM-8 (Residential Multi-Family Duplex District) to allow for townhomes. The site is located at the intersection of Suwanee Avenue and Lawrenceville-Suwanee Road and contains approximately 3.06 acres. The Planning Department recommends approval with conditions.

Mayor Burnette stated that this item has been postponed by the Planning Commission, therefore the public hearing is postponed until a recommendation is received from the Planning Commission.

3. RZ-2022-002 – Rezoning from R-140 to R-100. Owners: The Larkabit Partnership LP, Elizabeth Rees, TJR Walsh Trust, and Thomas Frithjoff Rees Revocable Trust. Applicant: Toll Brothers

The applicant requests a rezoning from R-140 (Residential Single-Family District) to R-100 (Residential Single-Family District) to allow for the construction of an approximately 174-unit detached single-family neighborhood. The site is located at the end of Settles Bridge Road and contains approximately 121.1 acres. The Planning Department recommends approval with conditions. Josh Campbell stated that the Planning Department recommends approval with conditions and the Planning Commission also recommends approval with conditions, with a modification to condition #1. Mr. Campbell noted that if Council chooses to approve the request, staff recommends using the Planning Commission conditions.

Applicant Mitch Peevy, 4525 South Lee Street, Buford, addressed Council. Mr. Peevy detailed the history of the request, noting the various developmental changes from the inception of the original application to the current application before Council. He described features of the development stating there will be 1.43 units per acre, there are approximately 16 acres of open space that will be dedicated and maintained by the HOA, and there will be an active recreation area that will have three tennis courts, a pool, and cabana clubhouse area. Mr. Peevy explained that 25% of the homes will be approximately 4,000 square feet, built on a slab, and be priced beginning at \$800,000; and 75% of the homes will be approximately 5,000 square feet with a basement and will be priced at an average of \$1.2 million. All lots will be a minimum of 18,500 square feet.

Mr. Peevy explained that per state law the development will not connect to through to the north with a roadway. Mr. Peevy noted that an existing cemetery on the site will need to be protected.

Councilmember Charpentier asked if the 15 acres between this neighborhood and the Edinburgh neighborhood could be developed or would it be too difficult due to the topography of the land. Mr. Peevy explained that it could be developed, however, the topography of the land would make development economically unfeasible.

Speaking in opposition:

Cris Koenigs, 4695 Settles Bridge Road – Ms. Koenigs noted several reasons she feels this development should not be approved. These reasons encompass ownership and corporate rights, purely free-market derived buyer and seller data, contradictions within the city’s assessments and policies, evidence that this application is likely not what it is proposing to be regarding the application’s true intentions and the number of homes planned, and how the application does not align with the city’s comprehensive plan for the Suwanee North Charter area. She desires to keep the subject property zoned at R-140.

Heather Paulin, 687 Rio Vista Court – Ms. Paulin stated that it would be inconsistent with the city’s 2040 Comprehensive Plan for this land not to remain zoned R-140 with 30,000 square feet per lot. She stated that Suwanee North is mostly comprised of R-140 and per the Comprehensive Plan and that future development of this area is to be maintained as low-density, residential, and adhere to the character of the surrounding communities, noting that rezoning to R-100 would not be consistent with this. Ms. Paulin stated that she believes that there is market profitability without changing the zoning from R-140. Additionally, she noted concerns about the removal of trees and green space, wildlife displacement, noise, and increased traffic.

Tom McConnell, 3795 Smithtown Road – Mr. McConnell noted that there are several R-140 homes whose property adjoins the Larkabit Farm development [the name of the proposed development], supporting the reason why this development should remain R-140. Mr. McConnell stated that the application should be deemed defective by legal

standards as he feels it includes misleading and incorrect statements. He stated that it is not the duty, obligation, or right for the city to intervene and settle the wants and wishes of the seller and the developer, that it is a private business matter, and concerns not the voters or citizens of the city. Mr. McConnell also expressed concern for increased traffic in the surrounding areas of the development.

Michael Sutherland, 4668 Settles Bridge Road – Mr. Sutherland stated that the rezoning document is defective, includes mistakes and falsehoods, as well as contradictory statements. Mr. Sutherland referred to the statements made by Mr. McConnell and stated that he would like the land to remain R-140. Councilmember Charpentier asked Mr. Sutherland to give concise examples of what was incorrect in the document. Mr. Sutherland responded with concerns regarding density calculations.

Mr. Peevy, in rebuttal, offered a response to the concerns expressed by stating it is acceptable to them if the conditions need to be updated to allow for no more than 174 lots. He restated the application terms noting that this is a low-density development, while also stating that it is a good product with a good builder with a price point above what is in most of the area. Councilmember Charpentier asked Mr. Peevy to confirm the request is a 1.44-acre lot, 121 acres total, with 174 homes. Mr. Peevy confirmed this.

F. Announcements

1. Snap – and share – your photos of the Suwanee community through the City's annual Snap Suwanee photo competition. **Snap Suwanee Photo Contest ends on January 31st**. Winning photographs will be exhibited, beginning in March, for an approximate one-year period at City Hall. Visit Suwanee.com for more information on how to enter.
2. Donate blood at City Hall in the **Red Cross Blood Drive on February 11th from 10:00 AM to 3:00 PM.** Those who donate will receive a \$10 Amazon gift card by email as a thank you.
3. Suwanee's **Winter Farmers Market** is happening twice monthly. Come and enjoy the great outdoors at Town Center Park from 9am – noon. Stop by and enjoy fresh local winter produces such as lettuces, greens, potatoes, carrots baked goods and a variety of other delicious local flavors. Upcoming Farmers Market dates are January 29th and February 12th.
4. The Rotary Club of Buford/North Gwinnett is pleased to host the **11th Annual Suwanee Sweetheart Sprint 5k and Fun Run.** The race is a Peachtree Road Race qualifier and boasts tons of fun including, medals for each age group, fastest dog, most senior finisher and a Valentine themed costume contest. Come early and take part in DJ and mascot fun and a great pre-race warm up. After the race enjoy some hot chocolate, post-race snacks and some fun with your friends and family at the photo booth.

5. Join us for the **8th annual Suwanee Half Marathon and Old Town 5k** on February 20th presented by Performance Race Services along with the City of Suwanee. To register visit SuwaneeHalf.com. These races will benefit the Suwanee Public Arts Program.

G. Pledge of Allegiance

H. Approval of Agenda

Motion to approve the Agenda by Councilmember Miller, second by Mayor Pro Tem Pettiford and so carried 6-0.

I. Approval of Minutes

1. **December 9, 2021 Council Workshop**
2. **December 21, 2021 Council Meeting**

Motion to approve both sets of Minutes by Councilmember Charpentier, second by Councilmember Hilscher and so carried 6-0

J. Presentation: FY 21 Audit

The audit for FY 2021 is complete. Mr. Josh Carroll from Mauldin & Jenkins presented the results. The audit is a clean audit with no findings to report.

K. Audience Participation

Jake Gleghorn, 665 Village Field Court – Mr. Glenhorn requested the city add bathrooms near the caboose, as well as increase lighting and add fresh rock under the caboose for safety. Additionally, he requested the city repave the basketball court.

Richard Plumer, 4094 Stonecypher Road – Mr. Plumber expressed concern regarding the roundabout on Buford Highway at Russell Street, noting the difficulties he has seen with drivers maneuvering the area. He would like the city to become more familiar with Georgia law regarding roundabouts and recommended the city erect a sign on surrounding streets to assist drivers.

Denise Phillips, 4985 Meadowbrook Circle – Ms. Phillips stated that several years ago she submitted a request to the city to put a sidewalk on Settles Bridge Road between Moore Road and Short Street, as this is the only section of the road with no sidewalk. She has not heard back from the city on this request but feels the request is still necessary.

NEW BUSINESS

L. Consider SUP-2022-001 Special Use Permit to Allow for Height Increase in PMUD Zoning District

Motion to approve by Councilmember Charpentier, second by Councilmember Hall and so carried 6-0.

- M. Consider RZ-2022-001 Rezoning from R-100 to RM-8 of approximately 3 acres at the Intersection of Suwanee Avenue and Lawrenceville-Suwanee Road (postponed by Planning Commission)**

Councilmember Miller motioned to postpone this request until the February Council Meeting, second by Mayor Pro Tem Pettiford and so carried 6-0.

- N. Consider RZ-2022-002 Rezoning from R-140 to R-100 of approximately 121 acres in the 4800 Block of Settles Bridge Road**

Councilmember Hilscher motioned to approve this request subject to the Planning Commission's conditions and subject to two additional conditions which shall read as follows:

Additional Condition 1 – Residential lots adjacent to or within 100 linear feet of River Club or Suwanee Farms homes adjacent to Meadowbrook Circle shall comply with minimum lot size and lot width requirements for the R-140 zoning district.

Additional Condition 2 – Open space shall be maintained approximately as shown as Exhibit A, a total minimum of 21 acres. The acreage includes the cemetery and active amenity area.

The motion was second by Councilmember Miller, the motion carried 5-1 (opposed by Councilmember Hall).

- O. Consider Smithtown Road Easement**

The City has received a request for an easement through city-owned property located along Smithtown Road to provide access to a parcel located behind the city parcel.

Motion to approve by Councilmember Hall, second by Mayor Pro Tem Pettiford and so carried 6-0.

- P. Arbor Day Proclamation**

The City will celebrate Arbor Day on February 26, 2022.

Councilmember Miller motioned to approve February 26, 2022 as the Arbor Day celebration, second by Councilmember Charpentier and so carried 6-0.

- Q. 2nd Quarter Budget Adjustments**

The proposed 2nd quarter budget adjustments reclassify general fund appropriations and close out the water fund resources to the master plan implementation fund.

Motion to approve by Councilmember Charpentier, second by Councilmember Hall and so carried 6-0.

R. Consider Annual Council Board Re-Appointments

There are various annual appointments for multiple city boards and commissions expiring

Motion to approve by Mayor Pro Tem Pettiford, second by Councilmember Hilscher and so carried 6-0.

S. Executive Session: Legal, Personnel, and/or Real Estate (if needed)

Motion to enter Executive Session at 7:26 p.m. for Personnel by Councilmember Charpentier, second by Councilmember Miller and so carried 6-0.

Motion to exit Executive Session at 8:50 p.m. by Councilmember Hall, second by Councilmember Hilscher and so carried 6-0.

T. Zoning Board of Appeals Appointment

After interviews of candidates, the Council may consider an appointment to the Zoning Board of Appeals.

Councilmember Hilscher motioned to appoint Beth Lembo to the Zoning Board of Appeals, second by Councilmember Hall and so carried 6-0.

U. Adjournment

Motion to adjourn at 8:51 p.m. by Councilmember Miller, second by Mayor Pro Tem Pettiford and so carried 6-0.

Approved February 22, 2022