

**CITY OF SUWANEE, GEORGIA  
CITY COUNCIL MEETING  
AUGUST 28, 2007**

Meeting Location:

*Called Meeting – City Hall Conference Room (373 Highway 23)*

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

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

Attendees: Nick Masino, Mayor  
Jimmy Burnette, Mayor Pro Tem  
Jace Brooks, Councilmember  
Dan Foster, Councilmember  
Kevin McOmber, Councilmember  
Jeannine Rispin, Councilmember  
Kristi McCarley, Interim City Manager  
Elvira Rogers, Administrative Services Director  
Gregory Jay, City Attorney

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**4:00 P.M.  
CALLED MEETING**

1. Call To Order

Mayor Masino called the meeting to order at 4:23 P.M.

(Note: Gregory Jay, City Attorney, was not present for the Called Meeting.)

2. Executive Session: Personnel Issues

***Motion by Mayor Pro Tem Burnette to ENTER Executive Session, second by Councilmember Rispin and so carried 6-0. Time: 4:23 P.M.***

***Motion by Councilmember Foster to EXIT Executive Session, second by Councilmember McOmber so carried 6-0. Time: 5:57 P.M.***

No Action Taken

3. Adjournment – Time: 5:57 P.M.

***Motion by Mayor Pro Tem Burnette to Adjourn, second by Councilmember Brooks and so carried 6-0.***

**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 Masino opened the Public Hearing at 6:35 P.M. Interim City Manager, Kristi McCarley, read the procedures for public meetings for the record.

1. **AN-2007-002- Applicant: Mahaffey Pickens Tucker, LLP. Owner: Lawrenceville Suwanee Associates, Inc. Requests annexation and rezoning from R-100 (Unincorporated Gwinnett County, Single Family Residential District) to R-100 (City of Suwanee, Residential Single Family District) for a single family residence. Site is located on parcels 023 and 026 in Land Lot 168 of the 7th District on Burnette Road west of Autumnbrooke Way and contains approximately 4.59 acres.**
2. **RZ-2007-004 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Lawrenceville Suwanee Associates, Inc. Requests annexation and rezoning from R-100 (Unincorporated Gwinnett County, Single Family Residential District) to R-100 (City of Suwanee, Residential Single Family District) for a single family residence. Site is located on parcels 023 and 026 in Land Lot 168 of the 7th District on Burnette Road west of Autumnbrooke Way and contains approximately 4.59 acres.**
3. **AN-2007-003 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Jun & Jenny Investment, LLC and Suwanee Station Group, LLC. Requests annexation and rezoning from C-2 (Unincorporated Gwinnett County, General Business District) to C-2A (City of Suwanee, Special Commercial District - Alcoholic Beverage Sales) to allow for an existing commercial center. Site is located on a portion of parcel 040 in Land Lot 152 of the 7th District at the intersection of Lawrenceville-Suwanee Road and Old Peachtree Road and contains approximately 8.0 acres.**
4. **RZ-2007-005 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Jun & Jenny Investment, LLC and Suwanee Station Group, LLC. Requests annexation and rezoning from C-2 (Unincorporated Gwinnett County, General Business District) to C-2A (City of Suwanee, Special Commercial District - Alcoholic Beverage Sales) to allow for an existing commercial center. Site is located on a portion of parcel 040 in Land Lot 152 of the 7th District at the intersection of Lawrenceville-Suwanee Road and Old Peachtree Road and contains approximately 8.0 acres.**

Marty Allen stated the applicant has requested postponement of items 1-4. There was no audience participation.

5. **RZ-98-007 (AMD) Applicant/Owner: Tabas, LLP. Requests rezoning from R-100 (Residential Single Family District) to O-I (Office-Industrial District) to allow for a retirement community with independent living and assisted living. Site is located in Land Lot 210 of the 7<sup>th</sup> District on Buford Highway, north of McGinnis Ferry Road and contains approximately 25.28 acres.**
6. **SUP-2007-003 - Applicant/Owner: Tabas, LLP. Requests a special use permit to allow for a building height increase up to 4 stories for buildings in a retirement community within the O-I (Office-Institutional District) Zoning District. Site is located in Land Lot 210 of the 7th District on Buford Highway, north of McGinnis Ferry Road and contains approximately 25.28 acres.**

Marty Allen presented the staff analysis as follows: The applicant requests a rezoning on an undeveloped 25-acre site from R-100 (Single Family Residential District) to O-I (Office-Institutional District) with a Special Use Permit to allow for a senior housing campus including assisted living and independent living. As part of the project the applicant requests a Special Use Permit for an associated building height increase up to 4 stories. The subject property is located on Buford Highway just north of its intersection with McGinnis Ferry Road.

The applicant proposes to develop three buildings totaling approximately 275,000 square feet with a total of 300 residential units on the 25.28-acre site. Three separate buildings are proposed that would contain various housing types. Building A is proposed as a 3-story or 3/4 split "independent living" building with 130 units. Building B is proposed as a 3-story independent living building with 80 units. Building C is proposed as a 2-story licensed assisted living facility with 90 units. Access is proposed via two drives onto Buford Highway.

If building A is developed as a 3/4 split, then it is likely the height of the building would exceed the 35 foot building height maximum for the O-I district. Therefore, the applicant requests the Special Use Permit to allow for building A to exceed the maximum building height for the O-I district to 4 stories.

The proposed project would be a multi-building project under a single management organization that specializes in senior housing.

The subject property is an undeveloped tract that totals 25.28 acres with an abandoned single family dwelling. The site is heavily vegetated. The site rises slightly off Buford Highway and then drops around 100 feet towards a large wetlands/floodplain area adjacent to Suwanee Creek. There are approximately 8.5 acres of developable land with the remaining area being floodplain or wetlands (visible from McGinnis Ferry Road). Provided impacts to the wetlands and floodplain are minimized, the site is appropriate for the proposed institutional use.

The subject property is surrounded by a mixture of uses in the lightly developed portion of Buford Highway north of McGinnis Ferry Road. To the north of the subject property, along Buford Highway, is an O-I zoned parcel developed with office buildings. To the east of the subject property, along McGinnis Ferry Road, is an M-1 zoned parcel, which belongs to the City, developed with a section of the Suwanee Creek Greenway. To the south of the subject property, along Buford Highway, is an undeveloped parcel zoned a combination of C-2 and M-1. With suitable conditions, the proposal should not adversely impact the use or usability of the surrounding or nearby uses.

The City of Suwanee Future Land Use Plan recommends office/professional uses for the subject property. The proposed institutional use is generally consistent with this designation.

In conclusion, the requested O-I zoning would be appropriate at this location. The Future Land Use Plan calls for office uses in the area and the proposed institutional use is generally consistent with this designation. Additionally, the subject property is directly adjacent to two commercially zoned parcels and an O-I zoned tract. The applicant indicates that if the 3/4 split is needed the height of the building from Buford Highway would appear to meet the building height requirements. There are no extraordinary conditions present that should prohibit such a use. Therefore, the Planning Department recommends approval with

conditions of RZ-98-007 and SUP-2007-003. The Planning Commission reviewed the case and recommended approval also.

Applicant: Robert Foust, 2794 South Cherokee Lane, Woodstock, GA. Mr. Forest stated he is an architect and land planner who has specialized in senior housing for seventeen years. The project proposed for Suwanee will be independent living and dependent living. The target population will be those who are “frail”.

The independent living residents targeted will average 82 years of age. The prototypical resident will be an 82 year old widowed female who has begun to experience issues with health, memory, medications or daily activities. There will be 24-hour staffing. This project will be very different from assisted living. The amenities of the independent building will include a restaurant style dining facility, hospitality quality/hotel quality interior common spaces, activity directors, 24-hour staff to include care staff.

The assisted building will include staff that is more medically oriented. It will also include amenities to include barber/beauty space, on-site medical personnel (doctor’s offices), and postal service.

Mr. Foust stated that assisted living is regulated by the State of Georgia as well as the federal government. It is proposed there will be 300 suites on the campus ranging from 550-1,000 sq. ft. The operation of the campus will be a single management entity.

The Special Use Permit is requested due to the 100-foot grade change of the property from Buford Highway to the floodplain line. This grade change will impact the construction of Building A.

Councilmember Foster asked if the entrances would be gated? Mr. Foust responded, that determination has not been made.

Albert Ashkouti, 50 Old Stratton Chase, Atlanta, GA, owner of Tabas LLP, stated he is hopeful the project will be something everyone will be happy with.

Michael Nollen, 3881 White Lane, Suwanee, GA. Mr. Nollen stated he is not opposed to this request, but concerned about the two entrances. He would like to see at least one entrance with a signal.

7. **MRPA Certificate – MRPA-2007-001. The applicant requests a Metropolitan River Protection Act Certificate for a proposed commercial/retail development located in Land Lot 238 of the 7th District on the southeastern corner of the intersection of Peachtree Industrial Boulevard and McGinnis Ferry Road.**

Marty Allen stated in May, Gwinnett Prado submitted an application to the City for a Metropolitan River Protection Act Certificate. In June, the ARC completed their review and forwarded the determination to the City. This request is consistent with the Chattahoochee River corridor plans and no modifications are required. The Metropolitan River Protection Act requires that any projects closer than 2000 feet of the river follow the Act’s rules that require higher level of review. The applicant is proposing a project that totals approximately 40 acres and would include various retail uses and out parcels. One item of particular note on this piece of property, would require that a large portion of the site along Peachtree Industrial Boulevard would remain undisturbed due to the Act. ARC reviewed the request with no

issues. The MRPA requires the City conduct a public hearing prior to taking any action regarding the application. This hearing is to satisfy that requirement.

Councilmember Foster asked if a concrete wall would be constructed to support the parking lot and building on the side with a significant grade change? Mr. Allen stated the plans reflect such.

**Applicant:** Tom Wheeler, Gwinnett Prado, Box 957209 Duluth, GA 30095. The site is proposed for a boutique shopping center. Due to the grade of the property, the site will be two levels. Private road with traffic. There will be a private road with a traffic circle. Mr. Wheeler stated there will be one retaining wall. An irrigation well is proposed to be drilled near the creek at the sewer line. Well water is proposed to be used for internal irrigation.

Councilmember McOmber inquired as to the location of the family recreation center. Mr. Wheeler defined locations on the plan.

Councilmember Rispin inquired about development at the front of the family recreation center. Mr. Wheeler stated 2-3 buildings to include a bank and retail. Currently, the concentration is on the shopping center.

Councilmember Foster inquired about roads in the center. Mr. Wheeler highlighted a 28 ft. wide road with a traffic circle.

There was no opposition and no additional audience participation.

**8. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Kaysons Grille Restaurant, 1039 Peachtree Industrial Blvd., Suite A-122.  
Applicant: Kathy H. Kim.**

Kaysons Grille Restaurant has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Kathy H. Kim will be the licensee. Interim City Manager Kristi McCarley stated there is a correction to the Suite number. The number should be changed from A-122 to A102. All checks have come back positive to receive the license.

Applicant: Kathy Kim, 5140 Aldeburgh Court, Suwanee, GA. Ms. Kim stated the restaurant is a neighborhood grill.

Public Hearing Closed – Time: 7:05 PM

**7:00 P.M.  
CITY COUNCIL MEETING**

**1. Call To Order**

Mayor Masino called the meeting to order at 7:15 P.M.

**2. Announcements**

- The Suwanee Smooth Jazz Concert Series continues next Friday, September 7<sup>th</sup>, with *Jeff Sparks & Nils* at 7 p.m. at Town Center Park. Bring blankets, chairs, picnics, and friends

to the concert; however, no alcohol may be brought into Town Center Park. Food, beer, and wine will be available for purchase, with vendors set to open at 5:30 p.m.

- Next Saturday, September 8<sup>th</sup>, the Suwanee Day 5K Classic & Kids Carnival starts at 8:00 a.m. This year's race will begin at Town Center Park. The modified course avoids some of the hills that have slowed runners down in previous years. The entry fee is \$17 if received by Saturday, September 1, and \$20 thereafter. T-shirts are guaranteed for all runners registered by September 1 and will be available while supplies last to all others. To register, download the application from the [www.suwaneeday.com](http://www.suwaneeday.com) website or register online at [www.active.com](http://www.active.com). Rides for kids, music, group fitness classes, food, and more will be available at Town Center Park throughout the morning as well.
- Suwanee Day 2007 will be on Saturday, September 15<sup>th</sup>. The Suwanee Day festival features arts and crafts exhibitors, children's activities, parade, food vendors, and free entertainment. The parade starts at 10:00 a.m. Vendors will be available from 10:00 a.m. to 5:00 p.m. Entertainment will be on stage throughout the day. The Suwanee Day headline entertainer is Average White Band, widely considered one of the finest soul and funk bands ever. Average White Band will take the Town Center stage at 8 p.m. to be followed by a fireworks display.
- North Gwinnett Schools Foundation event at Edinburgh, Bear's Best on October 6, 2007.

For information on all upcoming events, please visit [www.suwanee.com](http://www.suwanee.com)

### **3. Pledge of Allegiance**

### **4. Approval of Minutes**

#### **A. July 5, 2007 Called Meeting**

*Motion by Mayor Pro Tem Burnette to approve the July 5, 2007 Called Council Meeting Minutes, second by Councilmember Brooks and so carried 6-0.*

#### **B. July 7, 2007 Called Meeting**

*Motion by Councilmember Brooks to approve the July 7, 2007 Called Council Meeting Minutes, second by Mayor Pro Tem Burnette and so carried 6-0.*

#### **C. July 12, 2007 Called Meeting**

*Motion by Councilmember Foster to approve the July 12, 2007 Called Council Meeting Minutes, second by Councilmember McOmber and so carried 5-0-1 (Brooks).*

#### **D. July 24, 2007 Council Meeting**

*Motion by Councilmember McOmber to approve the July 24, 2007 Council Meeting Minutes, second by Councilmember Foster and so carried 5-0-1 (Burnette).*

### **5. Adoption of Agenda as Presented**

*Motion by Councilmember Foster to adopt the Agenda with the following changes: Item 12. Executive Session add Legal Matters, second by Councilmember Rispin for discussion. Councilmember Rispin requested adding Item 5A. Special Recognition. Councilmember Foster amended the motion, Councilmember Rispin amended the second and so carried 6-0.*

**5a. Special Recognition**

Council recognized Kristi McCarley for 5 years of service and her tenure serving as Interim City Manager.

**6. Appointments to Boards**

**A. Downtown Development Authority**

The Downtown Development Authority has two open positions with unexpired terms (Kevin McOmber and David Sergio) that end in January 2009. The DDA is recommending Karla Manners, an attorney, and Nicholas Keith, a landscape architect with Clark Patterson.

*Motion by Councilmember Mayor Pro Tem Burnette to appoint Karla Manners and Nicholas Keith to fill the unexpired terms of the DDA, second by Councilmember McOmber and so carried 6-0.*

**B. Ethics Board**

Due to Kevin McOmber being the successful candidate in the June 19th Special Election, his wife, MaLisa McOmber resigned her position from the Ethics Board. Kevin McOmber is recommending Tom Griffin for this position.

*Motion by Councilmember McOmber to appoint Tom Griffin to the Ethics Board, second by Councilmember Brooks and so carried 6-0.*

**C. Suwanee Crossroads, Inc.**

Suwanee Crossroads, Inc., a 501(c)3, has one open position with the resignation of Paul Radford. The DDA is recommending Kevin McOmber for this position.

*Motion by Councilmember Foster to appoint Kevin McOmber to Suwanee Crossroads, Inc., second by Mayor Pro Tem Burnette and so carried 5-0-1 (McOmber).*

**7. Audience Participation – None**

**8. OLD BUSINESS**

A. AN-2007-002- Applicant: Mahaffey Pickens Tucker, LLP. Owner: Lawrenceville Suwanee Associates, Inc. Requests annexation and rezoning from R-100 (Unincorporated Gwinnett County, Single Family Residential District) to R-100 (City of Suwanee, Residential Single Family District) for a single family residence. Site is located on parcels 023 and 026 in Land Lot 168 of the 7th District on Burnette Road west of Autumnbrooke Way and contains approximately 4.59 acres.

B. RZ-2007-004 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Lawrenceville Suwanee Associates, Inc. Requests annexation and rezoning from R-100 (Unincorporated Gwinnett County, Single Family Residential District) to R-100 (City of Suwanee, Residential Single Family District) for a single family residence. Site is located on parcels 023 and 026 in Land Lot 168 of the 7th District on Burnette Road west of Autumnbrooke Way and contains approximately 4.59 acres.

- C. AN-2007-003 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Jun & Jenny Investment, LLC and Suwanee Station Group, LLC. Requests annexation and rezoning from C-2 (Unincorporated Gwinnett County, General Business District) to C-2A (City of Suwanee, Special Commercial District - Alcoholic Beverage Sales) to allow for an existing commercial center. Site is located on a portion of parcel 040 in Land Lot 152 of the 7th District at the intersection of Lawrenceville-Suwanee Road and Old Peachtree Road and contains approximately 8.0 acres.
- D. RZ-2007-005 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Jun & Jenny Investment, LLC and Suwanee Station Group, LLC. Requests annexation and rezoning from C-2 (Unincorporated Gwinnett County, General Business District) to C-2A (City of Suwanee, Special Commercial District - Alcoholic Beverage Sales) to allow for an existing commercial center. Site is located on a portion of parcel 040 in Land Lot 152 of the 7th District at the intersection of Lawrenceville-Suwanee Road and Old Peachtree Road and contains approximately 8.0 acres.

***Motion by Councilmember Foster to postpone Old Business Items 1-4, second by Councilmember McOmber and so carried 6-0.***

- E. Consideration of Authorizing Mayor to Renew Contract with American Integrated Services for Information Technology Services

This item was tabled at the July Council Meeting. The annual contract renewal is included in the FY 2007-2008 Budget. A copy of the contract has been provided in your packet. ACTION: Consider authorizing the Mayor to enter into agreement with American Integrated Services.

***Motion by Councilmember Brooks to authorize the Mayor to renew the contract with American Integrated Services for Information Technology Services, second by Mayor Pro Tem Burnette and so carried 6-0.***

## 9. NEW BUSINESS

- A. RZ-98-007 (AMD) Applicant/Owner: Tabas, LLP. Requests rezoning from R-100 (Residential Single Family District) to O-I (Office-Industrial District) to allow for a retirement community with independent living and assisted living. Site is located in Land Lot 210 of the 7th District on Buford Highway, north of McGinnis Ferry Road and contains approximately 25.28 acres.

***Motion by Councilmember Foster to approve RZ-98-007 (AMD), second by Councilmember Rispin for discussion. Councilmember Rispin requested the following conditions be added:***

***#6 – Provide a 5-foot wide sidewalk along the right of way of Buford Highway.  
#7 – A minimum of 20% of any residential units in Phase I shall be licensed assisted living units. No. C. O. Shall be issued for “independent living units” without a simultaneous C. O. for said “assisted living units.” All assisted living units shall be accompanied by all staffing and amenities required by Federal and State regulatory entities for such institutional occupancy.***

***Councilmember Foster amended the motion, Councilmember Rispin amended the second and so carried 6-0.***



- B. SUP-2007-003 - Applicant/Owner: Tabas, LLP. Requests a special use permit to allow for a building height increase up to 4 stories for buildings in a retirement community within the O-I (Office-Institutional District) Zoning District. Site is located in Land Lot 210 of the 7th District on Buford Highway, north of McGinnis Ferry Road and contains approximately 25.28 acres.

***Motion by Councilmember Brooks to approve SUP-2007-003, second by Mayor Pro Tem Burnette and so carried 6-0.***

- C. MRPA Certificate – MRPA-2007-001. The applicant requests a Metropolitan River Protection Act Certificate for a proposed commercial/retail development located in Land Lot 238 of the 7th District on the southeastern corner of the intersection of Peachtree Industrial Boulevard and McGinnis Ferry Road. [P35]

Gwinnett Prado, LP submitted an application for a Metropolitan River Protection Act (MRPA) Certificate. As only the Atlanta Regional Commission (ARC) has the authority to determine if a land disturbance plan is consistent with the Chattahoochee Corridor Plan, the City forwarded the determination to ARC. On July 18, 2007 the ARC completed their review and determined that the request is consistent with the Chattahoochee Corridor Plan. It is the responsibility of the enforcing authority (the City) to approve or deny the application. ACTION: Consider the application.

***Motion by Councilmember Rispin to approve MRPA-2007-001, second by Councilmember Foster and so carried 6-0.***

- D. Consideration of Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Kaysons Grille Restaurant, 1039 Peachtree Industrial Blvd., Suite A-122. Applicant: Kathy H. Kim

Kaysons Grille Restaurant has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Location: 1039 Peachtree Industrial Blvd., Suite A-122. Applicant: Kathy H. Kim. Ms. Kim's fingerprints have been returned with a clean record and the Finance Department is recommending approval. ACTION: Consider the application.

***Motion by Mayor Pro Tem Burnette to approve the application for license to sell beer, wine and distilled spirits to be consumed on the premises: Kaysons Grille Restaurant, 1039 Peachtree Industrial Blvd, Suite A-102. Applicant: Kathy H. Kim, second by Councilmember Rispin and so carried 6-0.***

- E. Consideration of Town Center Concept Plan Amendment

Madison Retail has proposed a revised Town Center Concept Plan. Marty Allen, Director of Planning and Community Development, has written a memo describing their proposed changes. Both original and revised drawings are included in your packet. ACTION: Consider the amendment.

***Motion by Councilmember Foster to approve the Town Center Concept Plan Amendment, second by Mayor Pro Tem Burnette and so carried 5-0-1 (McOmber).***

F. Consideration of Employment Agreement with Interim City Manager

An employment agreement has been drafted with Marty Allen to serve as Interim City Manager. ACTION: Consider the employment agreement.

***Motion by Councilmember McOmber to approve Employment Agreement with Interim City Manager, Marty Allen, second by Councilmember Rispin and so carried 6-0.***

**10. CONSENT AGENDA**

A. Approve Pre-Qualified Contractors for Construction of New City Hall

The 100% Construction Documents are nearing completion for the construction of New City Hall. The four contractors that have been pre-qualified to bid on the project are Mathias, Hogan, Turner, and Choate. Once all Construction Documents have been finalized they will be able to bid on the project. ACTION: Approve the pre-qualified contractors.

B. Authorize Mayor to Enter into Agreement with Norfolk Southern Railroad Company for Jackson Street/Calaboose Street Storm Drainage Improvement Project

The existing 18 inch diameter storm water pipe that is along the southwest side of Calaboose Street which extends onto the railroad right-of-way is not adequate in size to support the new development along Jackson Street. The developer, Main Street Builders, is in agreement to replace the storm water pipe and cover the insurance/license fee amount of \$34,000. Since the City of Suwanee would be the owner and provide maintenance of the storm water facility after installation, the City will need an agreement with the railroad to access the right-of-way. A copy of the agreement has been included in your packet. ACTION: Authorize the Mayor to enter into agreement with Norfolk Southern.

***Motion by Councilmember Brooks to approve the Consent Agenda, second by Mayor Pro Tem Burnette and so carried 6-0.***

**11. City Manager's Report**

The Auction held on August 25<sup>th</sup> was a success.

12. Executive Session: Personnel Issues and Legal Matters – No Action Taken

***Motion by Councilmember Rispin to ENTER Executive Session, second by Councilmember Foster and so carried 6-0. Time: 7:46 P.M.***

***Motion by Councilmember McOmber to EXIT Executive Session, second by Councilmember Foster and so carried 6-0. Time: 10:23 P.M.***

13. Adjournment – Time: 10:23 P.M.

***Motion by Councilmember Brooks to Adjourn, second by Mayor Pro Tem Burnette and so carried 6-0.***

***Approved 9/25/2007***