

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
AUGUST 15, 2006**

Meeting Location: Suwanee City Hall

Attendees: Nick Masino, Mayor
Jeannine Rispin, Mayor Pro Tem
Jimmy Burnette, Councilmember
Alan Landers, Councilmember
Hardin Watkins, City Manager
Elvira Rogers, City Clerk
Gregory Jay, City Attorney

Absent: Jace Brooks, Councilmember
Dan Foster, Councilmember

**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 6:30 P.M. City Manager, Hardin Watkins, read the Public Hearing procedures for the record.

- 1. RZ-2006-014 - Applicant: SP Reddy. Owner: VS Properties, LLC. Applicant requests rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District - Alcoholic Beverage Sales) to construct a 3-story office building and retail center with alcohol sales. Site is located in Land Lots 168 and 195 of the 7th District at the northeast intersection of Satellite Boulevard and Burnette Road and contains approximately 2.34 acres.**
- 2. SUP-2006-002 - Applicant: SP Reddy. Owner: VS Properties, LLC. Applicant request a special use permit to allow for a building height increase from 35 feet to 40 feet for a three story office/retail building. Site is located in Land Lot 168 and 195 of the 7th District at the northeast intersection of Satellite Boulevard and Burnette Road and contains approximately 2.34 acres.**

Marty Allen presented the staff analysis as follows: The applicant seeks rezoning on an approximately 2.34-acre tract from C-2 (General Commercial District) to C-2A (Special

Commercial District) to allow for approximately 14,000 square feet of retail uses including alcohol sales and a special use permit to allow for a building height increase for a proposed 3 story, 40 to 50 foot tall, approximately 18,800 square foot office building. The site indicates the proposed retail building located closest to the Burnette Road/Satellite Boulevard intersection with the office building located further down Satellite Boulevard. Access is indicated via driveways onto both Satellite Boulevard and McGinnis Ferry Road.

The subject property was annexed into the City in November of 2003 along with the adjacent approximately 12 acre M-1 site. The site was graded in 2004. Therefore, the topography is level and there is no vegetation on the site. Access is proposed via drives onto both Satellite Boulevard and Burnette Road. The property is suitable for retail and office uses.

The surrounding area consists of undeveloped and existing light industrial uses. To the north of the subject property is an undeveloped M-1 zoned parcel. To the east of the subject parcel is a parcel zoned light industry in unincorporated Gwinnett County. This site is being developed with an office/warehouse building. To the south of the subject parcel, across Burnette Road, is an M-1 zoned parcel developed with an office/warehouse building. To the west, across Satellite Boulevard, is a large light-industrial zoned parcel (M-1) developed with a cosmetics distribution facility.

The City of Suwanee 2020 Future Land Use Map indicates commercial uses for the subject property. The proposed rezoning is consistent with the 2020 Future Land Use Plan recommendation for commercial uses.

A building height increase is proposed for a three story professional office building (50-feet tall). This increase would be 15 feet higher than typically allowed in the C-2A zoning district. Gwinnett County anticipates extending McGinnis Ferry Road over nearby I-85. The proposed site is located along the intensively developed Satellite Boulevard corridor. Many of the nearby buildings are allowed to be up to 40 feet tall. A 15-foot taller professional office building should not negatively impact the area.

In conclusion, approval of the requests with conditions would be appropriate. The proposal is consistent with the Future Land Use Plan's commercial designation, the tract is located in the heart of a commercial and industrially developed area, and there are no residential uses in the immediate area. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of RZ-2006-014 and SUP-2006-002. The Planning Commission reviewed the rezoning at the regular meetings and voted to recommended approval of the requests.

Support

SP Reddy, 3100 Breckinridge Boulevard, Suite 100, Duluth, GA 30096. Mr. Reddy stated he recently moved to the City of Suwanee is looking forward to working with the City.

Opposition – None.

- 3. RZ-2006-015 - Applicant: Byron Arceneaux. Owner: Dan Morris. Applicant requests rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District - Alcoholic Beverage Sales) to construct an office building and retail center with alcohol sales. Site is located in Land Lot 239 of the 7th District on Peachtree Industrial Boulevard south of McGinnis Ferry Road and contains approximately 21.51 acres.**

Marty Allen presented the staff analysis as follows: The applicant requests rezoning on a 21.51-acre site from C-2 (General Commercial District) to C-2A (Special Commercial District-Alcohol Sales) to allow for office and retail uses with alcohol sales. The property is located on Peachtree Industrial Boulevard, southwest of the intersection with McGinnis Ferry Road. The applicant proposes to develop a 140,000 square foot office and retail development. There are a total of 4 buildings. All of the buildings would be 1-2 splits with grade level access for both floors. The site was zoned from M-1 to C-2 with conditions in February of 1999 in anticipation of being used as a church.

The subject property is an undeveloped tract that totals 21.51 acres. The site is heavily vegetated, including a number of potential specimen trees. The site is encumbered by creeks, floodplains, and wetlands towards the front of the site and steep topography towards the rear of the site. The site plan proposes access directly onto Peachtree Industrial Boulevard via a median break. The applicant indicates they are seeking to include access to the adjacent church site and mixed-use project. The site is suitable for a office and retail uses.

The subject property is surrounded by a mixture of commercial, residential mixed-use, and industrial uses and zoning districts. To the north of the subject parcel is an undeveloped tract zoned C-2 (General Commercial) and M-1 (Light Industrial). There is also an RM-8 site developed with an apartment complex. Just north of that is a developed tract zoned C-3 (Special Commercial). To the east of the subject property is Suwanee Station, a Planned Mixed Use District. The portion of Suwanee Station adjacent to the subject property is undeveloped, but townhouses and single-family residences are planned for the area. A majority of the parcels at the intersection of McGinnis Ferry Road and Peachtree Industrial Boulevard are zoned C-3. There are a number establishments in the area that sell alcohol or will be shortly, including Fresh Market, a Mexican restaurant (at Suwanee Jubilee) and an Eckerd's.

It should be noted that the City's Alcohol Beverage Regulations require distance separation from places that sell alcohol and certain other land uses. The regulations prohibit alcohol sales within 300 feet of a church or 600 feet of a school. The City is not aware of any potential conflicts with these separation requirements.

The City of Suwanee Future Land Use Plan recommends Mixed-Use Villages for the subject property. The subject property is located in a rapidly emerging commercial corridor along Peachtree Industrial Boulevard. The proposed C-2A zoning and planned use of the property as an office and retail development with alcohol sales is not entirely consistent with the Future Land Use Plan, but it should be noted that the developer is planning to integrate the proposed development with the adjacent Mixed-Use Development and the Special Commercial Districts.

In conclusion, the requested C-2A zoning would be appropriate at this location. Peachtree Industrial Boulevard is emerging as a commercial corridor. There are several sites in the area that sell alcohol and several more that are zoned to allow for alcohol sales. Although the requested C-2A zoning district is not entirely consistent with the Future Land Use Plan, the proposed project is attempting to integrate with the neighboring Planned Mixed-Use Development. There are no extraordinary conditions present that should prohibit such a use. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of the request. The Planning Commission reviewed the request and voted to recommend approval of the request.

Support

Vince Catanzaro, 5755 Northpoint Parkway, Suite 42, Alpharetta, GA 30022. Mr. Catanzaro stated he sees this project as a great opportunity to work in the City of Suwanee.

Opposition – None.

4. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Cinco Mexican Cantina Restaurant, 1500 Peachtree Industrial Blvd, Suite 300 A. Applicant: Michael R. Brosiua.

Hardin Watkins stated Cinco Mexican Cantina has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Michael R. Brosiua will be the licensee. Staff has completed the analysis of the request and recommends approval.

Note: correct spelling of last name: "Brosius"

There was no public comment.

5. Application for License to Sell Beer, Wine and Distilled Spirits to be Consumed on the Premises: Astoria Restaurant, 95 Crestridge Drive. Applicant: Dana Cochran.

Hardin Watkins stated Astoria has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Staff has completed the analysis of the request and recommends approval.

There was no public comment.

6. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Indigo Joe's Sports Pub & Family Restaurant, 3890 Lawrenceville-Suwanee Road, Suite 1-4. Applicants: Christopher E. Linkowski, Mark Linkowski, and Margaret A. Linkowski.

Hardin Watkins stated Indigo Joe's has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Currently Christopher E. Linkowski and

Mark Linkowski are licensees. The owners have requested to add Margaret A. Linkowski as licensee. Staff has completed the analysis of the request and recommends approval.

There was no public comment.

Public Hearing Closed – Time: 6:45 P.M.

7:00 P.M.
CITY COUNCIL MEETING

1. Call To Order

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

2. Announcements

- The Star 94 Petapalooza and Concert will be held at Town Center Park on Saturday, August 19th from 3:00pm to 10:00pm. Pet demonstrations will be held throughout the afternoon, so bring your dog with you. Four local bands will take the stage starting at 5:30pm and the evening will conclude with a performance by American Idol contestant Kimberly Locke.
- The Suwanee Day 5K Classic, sponsored by BodyPlex, is on Friday, September 8th at 7:00pm.
- Suwanee Day 2006 will be Saturday, September 16th. The parade starts at 10:00am. Vendors will be available from 10:00am to 5:00pm. Entertainment will be on stage throughout the day. The Atlanta Rhythm Section will perform a concert that night starting at 8:00pm.

For more information on Suwanee Events go to www.suwanee.com.

3. Pledge of Allegiance

4. Approval of Minutes

A. 6/29/06 Council Meeting

Motion by Councilmember Burnette to approve the 6/29/06 Council Meeting Minutes, second by Mayor Pro Tem Rispin and so carried 4-0.

B. 7/6/06 Called Meeting

Motion by Mayor Pro Tem Rispin to approve the 7/6/06 Council Meeting Minutes, second by Councilmember Burnette and so carried 4-0.

C. 7/18/06 Council Meeting

Motion by Councilmember Burnette to approve the 7/18/06 Council Meeting Minutes, second by Mayor Pro Tem Rispin and so carried 4-0.

5. Adoption of Agenda as Presented

Motion by Councilmember Landers to Adopt the Agenda removing new business item 10.G., second by Mayor Pro Tem Rispin and so carried 4-0.

6. Special Presentation: Alternative Transportation Plan Update

Representatives from StreetSmarts (Keith Hogsed and Martha Bowmar) were present and provided an overview of the Alternative Transportation Plan Update. Citizens were invited to participate in the on-line survey.

7. Appointments to Boards

The URA has two vacancies and one term expiration.

Alex Stone's (Chair) term expires in August of this year. Alex is interested in continuing in this position. The terms would expire in August 2008. The first vacant position has a term that expires in August of this year so it would be a full 2-year term. Jerry Little has expressed an interest in serving on this board. The term would expire in August 2008. The second vacant position has a term that expires in August 2007. Carol Hassell has expressed an interest in serving on this board. The term would expire in August 2007. **ACTION: Consider the appointments to the URA.**

Motion by Councilmember Landers to re-appoint Alex Stone to URA with a term to expire August 2008, second by Councilmember Burnette and so carried 4-0.

Motion by Mayor Pro Tem Rispin to appoint Jerry Little to the URA with a term to expire August 2008, second by Councilmember Burnette and so carried 4-0.

Motion by Councilmember Burnette to appoint Carol Hassell to the URA with a term to expire August 2007, second by Mayor Pro Tem Rispin and so carried 4-0.

8. Audience Participation - None

9. OLD BUSINESS

A. Consideration for Acceptance of Land Donation: Property along Suwanee Creek in the Shadowbrook Subdivision

Bowen Family Homes would like to donate approximately 11.7 acres along Suwanee Creek in the Shadowbrook Subdivision. This is land where the pedestrian bridge will be constructed. Staff is awaiting the completion of a Phase I Environmental on the property and is recommending acceptance of the donation pending the return of a satisfactory Phase I. **ACTION: Consider acceptance of the land donation with the stipulation that a satisfactory Phase I Environmental is received.**

Motion by Councilmember Landers to accept the land donation: Property along Suwanee Creek in the Shadowbrook Subdivision pending receipt of a satisfactory Phase I Environmental report, second by Mayor Pro Tem Rispin and so carried 4-0.

10. NEW BUSINESS

- A. RZ-2006-014 - Applicant: SP Reddy. Owner: VS Properties, LLC. Applicant requests rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District - Alcoholic Beverage Sales) to construct a 3-story office building and retail center with alcohol sales. Site is located in Land Lots 168 and 195 of the 7th District at the northeast intersection of Satellite Boulevard and Burnette Road and contains approximately 2.34 acres.

Motion by Councilmember Burnette to approve RZ-2006-014 with conditions, second by Mayor Pro Tem Rispin and so carried 4-0.

- B. SUP-2006-002 - Applicant: SP Reddy. Owner: VS Properties, LLC. Applicant request a special use permit to allow for a building height increase from 35 feet to 40 feet for a three story office/retail building. Site is located in Land Lot 168 and 195 of the 7th District at the northeast intersection of Satellite Boulevard and Burnette Road and contains approximately 2.34 acres.

Motion by Mayor Pro Tem Rispin to approve SUP-2006-002 with conditions, second by Councilmember Burnette and so carried 4-0.

- C. RZ-2006-015 - Applicant: Byron Arceneaux. Owner: Dan Morris. Applicant requests rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District - Alcoholic Beverage Sales) to construct an office building and retail center with alcohol sales. Site is located in Land Lot 239 of the 7th District on Peachtree Industrial Boulevard south of McGinnis Ferry Road and contains approximately 21.51 acres.

Motion by Councilmember Burnette to approve RZ-2006-015 with conditions, second by Councilmember Landers and so carried 4-0.

- D. Consideration of Issuance of an Alcohol License: Cinco Mexican Cantina Restaurant. Applicant: Michael R. Brosius.

Cinco Mexican Cantina has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Location: 1500 Peachtree Industrial Blvd, Suite 300A. Applicant: Michael R. Brosius. Mr. Brosius' fingerprint report has been returned with a clean record and the Finance Department is recommending approval. ACTION: Consider issuance of the alcohol license.

Motion by Councilmember Rispin to approve Issuance of an Alcohol License: Cinco Mexican Cantina Restaurant. Applicant: Michael R Brosius, second by Councilmember Burnette and so carried 4-0.

- E. Consideration of Issuance of an Alcohol License: Astoria Restaurant. Applicant: Dana Cochran.

Astoria has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Location: 95 Crestridge Drive. Applicant: Dana Cochran. Ms. Cochran's fingerprint report has been returned with a clean record and the Finance Department is recommending approval. ACTION: Consider issuance of the alcohol license.

Motion by Mayor Pro Tem Rispin to approve Issuance of an Alcohol License: Astoria Restaurant. Applicant: Dana Cochran, second by Councilmember Burnette and so carried 4-0.

- F. Consideration of Issuance of an Alcohol License: Indigo Joe's Sports Pub & Family Restaurant. Applicants: Christopher E. Linkowski, Mark Linkowski, and Margaret A. Linkowski.

Indigo Joe's has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Location: 3890 Lawrenceville-Suwanee Road, Suite 1-4. Applicants: Christopher E. Linkowski, Mark Linkowski, and Margaret A. Linkowski. Christopher and Mark Linkowski were approved for a license at the April Council Meeting. At that time, Margaret Linkowski had been included on the application, but her fingerprint reports had not been returned. The Linkowski's wanted to move forward with their license and requested Margaret be removed from their request. Margaret's fingerprint reports were received in May, showing a clean record, and the Linkowski's have requested she be added as a licensee. The Finance Department is recommending approval. ACTION: Consider issuance of the alcohol license.

Motion by Councilmember Landers to approve Issuance of an Alcohol License: Indigo Joe's Sports Pub & Family Restaurant. Applicant: Christopher E. Linkowski, Mark Linkowski and Margaret A. Linkowski, second by Councilmember Burnette and so carried 4-0.

- G. Consideration of Issuance of a Temporary Alcohol Permit to Wild Wing Cafe for the September Smooth Jazz 107.5 Concert (Extension of the Summer Concert Series)

The City has cosponsored a Jazz Concert Series with the Smooth Jazz 107.5 WJZZ Radio Station. The series began in April and was scheduled for the first Friday of each month through August. The radio station would like to add one more concert to their series. The concert is tentatively scheduled for September 22. City Council has to approve the license for alcohol to be sold at this event.

Removed from the agenda.

H. Consideration of Authorizing the Mayor to Enter into Agreement with Ross + Associates for Completion of a Planned Mixed-Use Development Analysis and an Optional Housing Affordability Study

Bill Ross and Paul Muldawer have submitted a proposal to complete a planned mixed-use development analysis and an optional housing affordability study. The purpose of the planned mixed-use development analysis is to develop a “report card” that assess the successes and/or failures of each approved PMUD project relative to achievement of the goals and guidelines contained in the Town Master Plan and realization of the principals of good design and the creation of a desirable built environment. Staff is still finalizing the scope of work for this analysis, but the fee is approximately \$10,000. The purpose of the housing affordability study is to analyze the extent to which affordable housing units exist in the City and the contribution, or lack thereof, of new development to the affordable housing supply. The fee for this study is \$4,800. Council needs to vote on both parts of the proposal. ACTION: Consider authorizing the Mayor to enter into agreement with Ross + Associates for completion of a Planned Mixed-Use Development Analysis to include the Housing Affordability Study.

Motion by Councilmember Landers to approve the Mayor to enter into an Agreement with Ross + Associates for completion of a Planned Mixed-Use Development Analysis to include the Housing Affordability Study, second by Mayor Pro Tem Rispin and so carried 4-0.

11. CONSENT AGENDA

A. Authorize the Mayor to Enter into Agreement with a Firm for Design Build Services for Renovations to the Police Department and City Hall Meeting Room and Enhancements to the Town Center Park Performance Stage

Two SPLOST projects identified for this year are minor renovations to the Police Department and enhancements to the rooms behind the performance stage at Town Center Park. Another project identified in this year’s budget is renovation to the City Hall Council Meeting Room to add office space. These three projects were bid together and prices were received on August 4th. Mark Guleserian, Capital Improvement Projects Manager, has recommended C.B. Summer Construction Co., Inc. ACTION: Authorize the Mayor to enter into agreement with C.B. Summer Construction Co., Inc. for design build services for renovations to the Police Department and City Hall Meeting Room and Enhancements to the Town Center Park Performance Stage.

B. Authorize the Mayor to Enter into a Subrecipient Agreement with Gwinnett County for the Granting of Justice Assistance Grant Funds

Gwinnett County received funding from the U.S. Department of Justice through the Edward Byrne Justice Assistance Grant Program FY 2005. The City of Suwanee is receiving \$12,000 from this program to be spent on crime prevention activities and programs. This is a reimbursement program and requires a subrecipient agreement with

Gwinnett County. A copy of the agreement is included in your packet. ACTION: Authorize the Mayor to enter into a subrecipient agreement with Gwinnett County for the granting of Justice Assistance Grant Funds.

- C. Authorize the Mayor to Enter into Agreement with the State of Georgia for \$50,000 from the Local Assistance Grant Fund for the Pedestrian Bridge Project

The City has received \$50,000 from the State of Georgia from the Local Assistance Grant Fund to construct the pedestrian bridge from the Town Center development to the Suwanee Creek Greenway. The disbursement of these funds requires an agreement with the Department of Community Affairs. A copy of the agreement is included in your packet. ACTION: Authorize the Mayor to enter into agreement with the State of Georgia for \$50,000 from the Local Assistance Grant Fund for the pedestrian bridge project.

- D. Adopt a Resolution Regarding Retirement Benefits for Certain Long-Term Employees

Miss Minnie Rogers has retired from the City. Due to her 40 plus years of service to the City, she will receive a pension benefit for the next ten years or until her death, whichever occurs first. A resolution to provide such benefit to long-term employees is included in your packet. ACTION: Adopt a resolution regarding retirement benefits for certain long-term employees.

Motion by Councilmember Burnette to approve the Consent Agenda, second by Mayor Pro Tem Rispin and so carried 4-0.

12. City Manager's Report

Hardin Watkins stated since February 1997, 115 regular scheduled Council Meetings have been held at the 373 Highway 23 location. This is the last meeting in this meeting space, as the room will soon be renovated for office space. All City Council Meetings will be held at Suwanee Crossroads Center, 323 Highway 23, Suwanee, GA 30024.

13. Adjournment – Time: 7:30 P.M.

Motion by Councilmember Burnette to Adjourn, second by Mayor Pro Tem Rispin, and so carried 4-0.

Approved 09/19/2006