

**CITY OF SUWANEE, GEORGIA  
CITY COUNCIL MEETING  
SEPTEMBER 20, 2005**

*Meeting Location: Suwanee City Hall*

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

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**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. Hardin Watkins, City Manager, read the Procedures for Public Meetings for the record.

- 1. AN-2005-002 and RZ-2005-008 – Applicant: Taylor & Mathis Inc. Owner: Suwanee Peachtree Industrial Boulevard, I, LP. Requests annexation and rezoning from M-1 (Light Industry – Unincorporated Gwinnett County) to M-1 (Light Industry District – City of Suwanee) for a business park. Site is located in Land Lots 235 and 253 of the 7<sup>th</sup> District along Brogdon Road across from Capital View Drive and contains approximately 14.65 acres.**

Marty Allen presented the staff analysis as follows: The applicant requests annexation (AN-2005-002) and rezoning of an approximately 14.65 acres of land from M-1 (unincorporated Gwinnett County) to M-1 to bring an unincorporated tract into the City and develop it with a light industrial project and office condominiums. The subject area is part of a larger approximately 58-acre tract that is split between the cities of Suwanee and Sugar Hill and Unincorporated Gwinnett County. To alleviate service delivery and development problems associated with split jurisdictions, the applicant petitioned the City for annexation for a portion of the project.

The subject property is located on the western side of Brogdon Road north of Suwanee Dam Road. The annexation will bring 150,000 sq. ft. of light industrial and office uses.

DeLay Lane runs through the subject property. The applicant proposes to abandon and relocate DeLay Lane. It would be upgraded to a new three lane road (Tench Road Extension) between Peachtree Industrial Boulevard and Brogdon Road.

The surrounding area consists of a mixture of undeveloped land zoned for non-residential uses. To the northeast of the subject property, along Brogdon Road is an industrial park in Sugar Hill and an approximately 3 acre undeveloped tract in unincorporated Gwinnett County. To the northwest of the subject property, along Peachtree Industrial Boulevard, is commercially zoned property in Sugar Hill. The area to the south and west of the site consists of undeveloped land zoned M-1 within the City of Suwanee. To the north, along both sides of Brogdon Road, are numerous light industrial business zoned M-1 in unincorporated Gwinnett County and the City of Sugar Hill.

As the proposed site to be annexed is not currently located within the City limits, it is not shown on the City's Future Land Use Map. However, the Gwinnett County Future Land Use Map indicates that this entire area should be used for light industrial uses.

In light of existing and anticipated land uses in the area, M-1 zoning is the appropriate zoning category for this property. If the City Council chooses to annex the subject property, approval as M-1 would be suitable. Therefore, the Planning Department recommends approval as M-1. The Planning Commission reviewed the case and recommended approval as M-1.

**Support:** Hamilton Reynolds, 2892 River Mead Drive, Atlanta, GA represented the applicant. Mr. Reynolds stated the road between Brogdon and Peachtree Industrial Boulevard will assist with alleviating some of the congestion on Brogdon Road. The reason for the annexation is to simplify services.

**Opposition – None.**

- 2. RZ-2005-009 - Applicant: Baxley Point, LLC. Owner: Ashley Ball. Requests change in conditions to allow for a non-rear loaded unit. Site is located in Land Lot 207 of the 7th District at the corner of Baxley Pine Trace and Baxley Pine Trail and contains approximately 0.13 acres.**

Marty Allen stated the applicant has requested withdrawal of this case.

There was no audience participation.

- 3. RZ-2005-010 - Applicant: The Northpoint Group, Inc. Owner: Panattoni Development Company. Requests rezoning from M-1 (Light Industry District) to C-2A (Special Commercial District) to allow for a shopping center with retail and office uses. Site is located in Land Lot 170 of the 7th District along Satellite Boulevard east of Lawrenceville-Suwanee Road and contains approximately 8.00 acres.**

**4. SUP-2005-002 - Applicant: The Northpoint Group, Inc. Owner: Panattoni Development Company. Requests a Special Use Permit for a building height increase to allow for a four story office building. Site is located in Land Lot 170 of the 7th District and contains approximately 20.28 acres.**

Marty Allen presented the staff analysis as follows: The applicant seeks rezoning on an approximately 8-acre tract, out of an approximately 20-acre parent parcel, from M-1 (Light Industry District) to C-2A (Special Commercial District) to develop 80,000 square feet of retail and office uses. The applicant also seeks a Special Use Permit on the same 20-acre parcel to allow for a 4-story 54-foot tall office building totaling approximately 48,000 square feet. The subject property is located on the northern side of Satellite Boulevard east of Lawrenceville Suwanee Road.

The proposed commercial uses would be contained in 2 two-story buildings. No commercial outparcels that would often include fast-food restaurants, automotive repair facilities and other similar uses are proposed.

The subject property is currently zoned M-1. The office/warehouse and office buildings are allowed under the current M-1 zoning, but the proposed retail uses require a commercial zoning district. Pursuant to RZ-2005-010, the applicant proposes to rezone the front 8 acres (along Satellite Boulevard) to C-2A to allow for the commercial uses (which would also allow for the office uses above). The balance of the tract would remain industrially zoned and developed accordingly.

The applicant also proposes a 4-story office building. Office uses are allowed within the M-1 zoning district; however, buildings are generally limited to 40 feet in height in the M-1 zoning district. As such, a special use permit is required in order to construct the proposed four-story (approximately 54 foot tall, 70 feet tall including the pinnacle) building.

The site is located on the northern side of the Satellite Boulevard light industrial corridor and just east of the rapidly developing Lawrenceville-Suwanee Road commercial corridor. The surrounding area is characterized by a mixture of uses. To the north of the subject property, in unincorporated Gwinnett County, is a single family residential subdivision zoned R-60 (Avonlea Crossing). To the east of the subject property, along Satellite Boulevard, is an office/warehouse business park (M-1). To the south of the subject property, across Satellite Boulevard, is a large office/warehouse site (M-1). To the west of the subject property, along Satellite Boulevard, are a couple of undeveloped parcels encumbered by either power lines or wetlands (M-1). To the west of these undeveloped sites is an office/warehouse business park (M-1). Also to the west of the subject property, across Satellite Boulevard, is a big box retailer (Wal-Mart) and an associated multi-building shopping center (C-2A).

The subject property was annexed into the City in 2000 as part of an unincorporated island annexation initiated by the City. The proposed rezoning is not entirely consistent with the 2020 Future Land Use Plan recommendation for light industrial uses for the subject property.

However, the proposed use of the property as a commercial/retail establishment is not inconsistent with other uses along Satellite Boulevard. The proposed Special Use Permit for a building height increase for a professional office building is consistent with the 2020 Future Land Use Plan recommendation for light industrial uses for the subject property.

The subject property is topographically challenging and contains state waters. Satellite Boulevard is a significant employment corridor. Increasing the allowable building height on the subject property allows for the challenging site to be more efficiently developed, while maintaining the current zoning district and honoring the recommended future land use where the property abuts residential uses.

The building height increase proposes a fourth story for a professional office building (54-foot tall). This increase would be 14 feet higher than typically allowed in the M-1 zoning district. The proposed building is located approximately 250 feet from the adjoining residential parcels. A 14-foot taller professional office building should not negatively impact the area.

In conclusion, approval of the requests with conditions would be appropriate. The tract is not ideally suited for large office/warehouse uses and the applicant has designed the site to minimize any impacts on the adjacent residential uses. Additionally, there is some justification for commercial uses in the area based on the existing nearby commercial uses. Therefore, the Planning Department recommends approval with conditions of RZ-2005-010 and SUP-2005-002. The Planning Commission reviewed the case at the regular meeting and voted to recommend approval of both requests.

**Support:** R. Lee Tucker, 6340 Sugarloaf Parkway, Suite 200, Duluth, GA, represented the applicant. Mr. Tucker provided a rendering of the building and site plan (copy attached).

He stated the request is to rezone an 8 acre frontage of a 20 acre tract for commercial retail at the front with office warehouse at the rear. The project would comprise 230,000 sq. ft. of total space in the mix of uses. The building will be constructed as shown on the rendering. He stated his client is agreeable to staff recommended conditions.

Councilmember Hassell asked if there would be landscaping between the rear and the subdivision. Mr. Tucker stated an extensive natural undisturbed buffer exists due to streams and the drop in topography. He stated they can look at additional buffering.

Mayor Masino asked Mr. Tucker if he is aware of the sidewalk. Mr. Tucker stated yes.

**Opposition – None.**

- 5. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Suwanee Mac Restaurant, LLC, 3443 Lawrenceville-Suwanee Road.  
Applicant: Joseph Ardagna.**

Hardin Watkins stated Suwanee Mac Restaurant has requested a license to serve beer, wine, and distilled spirits on the premises. Joseph Ardagna is the licensee. Both GBI and FBI prints have been returned, showing no record. The Finance Department is recommending approval.

There was no audience participation.

The Public Hearing Closed at 6:47 P.M

**CITY OF SUWANEE, GEORGIA  
CITY COUNCIL MEETING  
SEPTEMBER 20, 2005  
7:00 P.M.**

*Meeting Location: Suwanee City Hall*

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

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**1. Call To Order**

Mayor Masino called the meeting to order at 7:03 P.M.

**2. Announcements**

- Suwanee Day was held this past weekend and was a big success. Thanks to all that attended and especially those who worked to make it happen. Mayor Masino thanked Councilmember Landers for his contribution as Council liaison.
- The City of Suwanee's comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2004 has been awarded a **Certificate of Achievement for Excellence in Financial Reporting** from the Government Finance Officers Association of the United States and Canada (GFOA). This is only the second year that the City of Suwanee has submitted its CAFR and the second straight year that it has been awarded the Certificate of Achievement, the highest form of recognition in the area of governmental accounting and financial reporting. Suwanee's CAFR was prepared by Finance Director Amie Sakmar with support from finance department staff members.
- The City will host a Trek or Treat event at Suwanee Creek Park on Saturday, October 29<sup>th</sup> from 12:00 to 2:00pm. The event will include traditional fall festival activities such as bobbing for apples and scary storytelling. As the event draws closer, more details will be available at [www.suwanee.com](http://www.suwanee.com)
- Announce results of qualifying for City Council election.
  - Post 3 – Alan Landers
  - Post 4 – Jace Brooks
  - Post 5 – Dan Foster

**3. Pledge of Allegiance**

**4. Approval of Minutes**

A. 8/4/05 Called Meeting

*Motion by Mayor Pro Tem Brooks to approve the 8/4/05 Called Meeting Minutes, second by Councilmember Landers and so carried 5-0-1 (Councilmember Hassell)*

B. 8/16/05 Council Meeting

*Motion by Councilmember Hassell to approve the 8/16/05 Council Meeting Minutes, second by Councilmember Rispin and so carried 6-0.*

**5. Adoption of Agenda as Presented**

*Motion by Councilmember Rispin to adopt the Agenda as presented, second by Councilmember Burnette and so carried 6-0.*

**6. Appointments to Boards**

A. Zoning Board of Appeals

*Motion by Councilmember Rispin to appoint Bill Thee to the Zoning Board of Appeals, second by Councilmember Hassell and so carried 6-0.*

*(Clerk's Note: This appointment is to fill the unexpired term of Dave Swanson whose term will expire 12/31/05)*

**7. Audience Participation – None.**

**8. OLD BUSINESS**

**A. AN-2005-002 – Applicant: Taylor & Mathis Inc. Owner: Suwanee Peachtree Industrial Boulevard, I, LP. Requests annexation of 14.65 acres into the City Limits. Site is located in Land Lots 235 and 253 of the 7<sup>th</sup> District along Brogdon Road across from Capital View Drive.**

This annexation request corresponds with RZ-2005-008. ACTION: Consider the annexation.

*Motion by Mayor Pro Tem Brook to approve AN-2005-002, second by Councilmember Burnette and so carried 6-0.*

**B. RZ-2005-008 – Applicant: Taylor & Mathis Inc. Owner: Suwanee Peachtree Industrial Boulevard, I, LP. Requests annexation and rezoning from M-1 (Light Industry – Unincorporated Gwinnett County) to M-1 (Light Industry District – City of Suwanee) for a business park. Site is located in Land Lots 235 and 253 of the 7<sup>th</sup> District along Brogdon Road across from Capital View Drive and contains approximately 14.65 acres.**

Staff Recommendation: Approval. Planning Commission Recommendation: Approval. ACTION: Consider the rezoning.

*Motion by Councilmember Rispin to approve RZ-2005-008, second by Councilmember Hassell and so carried 6-0.*

## 9. NEW BUSINESS

- A. RZ-2005-009 - Applicant: Baxley Point, LLC. Owner: Ashley Ball. Requests change in conditions to allow for a non-rear loaded unit. Site is located in Land Lot 207 of the 7th District at the corner of Baxley Pine Trace and Baxley Pine Trail and contains approximately 0.13 acres.**

Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Table to October Meeting. ACTION: Consider the rezoning.

*Motion by Councilmember Hassell to deny RZ-2005-009, second by Councilmember Landers and so carried 6-0.*

- B. RZ-2005-010 - Applicant: The Northpoint Group, Inc. Owner: Panattoni Development Company. Requests rezoning from M-1 (Light Industry District) to C-2A (Special Commercial District) to allow for a shopping center with retail and office uses. Site is located in Land Lot 170 of the 7th District along Satellite Boulevard east of Lawrenceville-Suwanee Road and contains approximately 8.00 acres.**

Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the rezoning.

*Motion by Councilmember Burnette to approve RZ-2005-010, second by Councilmember Landers for discussion – add staff conditions and add an additional staff condition #6 for a sidewalk along Satellite Boulevard right-of-way. Councilmember Burnette amended the motion, second by Councilmember Landers and so carried 6-0.*

- C. SUP-2005-002 - Applicant: The Northpoint Group, Inc. Owner: Panattoni Development Company. Requests a Special Use Permit for a building height increase to allow for a four story office building. Site is located in Land Lot 170 of the 7th District and contains approximately 20.28 acres.**

Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider issuing the special use permit.

*Motion by Councilmember Hassell to approve SUP-2005-002, second by Councilmember Burnette and so carried 6-0.*

- D. Consideration of Issuance of an Alcohol License: Suwanee Mac Restaurant, LLC. Applicant: Joseph Ardagna.**



Suwanee Mac Restaurant has requested a license to serve beer, wine, and distilled spirits on the premises. Joseph Ardagna is the licensee. Both GBI and FBI prints have been returned, showing no record. The Finance Department is recommending approval. ACTION: Consider issuing the alcohol license.

*Motion by Councilmember Hassell to approve Issuance of an Alcohol License: Suwanee Mac Restaurant, LLC, Applicant: Joseph Ardagna, second by Councilmember Rispin and so carried 6-0.*

**E. Consideration of a Resolution to Suspend the Definition of Family Contained Within the Zoning Ordinance Until December 31, 2005, in Light of Hurricane Katrina**

The Zoning Ordinance provides a definition of family in terms of occupancy allowed within single-family homes in Suwanee. In light of Hurricane Katrina and the need for housing for large numbers of evacuees, the City is proposing to suspend its occupancy requirements until the end of the year. ACTION: Consider approval of the resolution.

*Motion by Mayor Pro Tem Brooks to approve a Resolution to Suspend the Definition of Family Contained within the Zoning Ordinance until December 31, 2005, in light of Hurricane Katrina, second by Councilmember Burnette and so carried 6-0.*

**10. CONSENT AGENDA**

**A. Consideration of an Amendment to the 2004 Street Resurfacing Contract with E.R. Snell Contractor, Inc.**

The City entered into contract with E.R. Snell last year for street resurfacing work based on Gwinnett County's pricing for the same work. The City has several resurfacing projects and some additional work that needs to be done, including asphalt structural overlay and patching. E.R. Snell has submitted an amendment to their original contract using updated pricing from Gwinnett County's 2005 contract. These scheduled projects are already budgeted. A copy of the amended pricing is included in your packet. ACTION: Consider approval of the amendment.

**B. Consideration of a Change Order to the Contract with Caldwell Tanks, Inc. for City Water Tank Project**

The change order is for an additional \$14,145 for three items. The first item is the installation of an 8' black vinyl fence around the base of the tank for security purposes. The second is the removal of the access driveway that is located on a temporary construction easement. The property owners do not wish for the drive to remain after construction is complete. The third is the addition of stone on the site to

assist in maintenance of the site. A copy of the change order is included in your packet. ACTION: Consider approval of the change order.

**C. Consideration of a Resolution In Support of a Regional Transportation Funding Source**

This resolution is a statement of support for the State to identify a regional funding source for transportation needs in the metro Atlanta area. The ARC has requested all cities pass a similar resolution so they can be forwarded to the Governor. A copy of the resolution is in your packet. ACTION: Consider the resolution.

**D. Consideration of a Resolution to Allow Employees to Transfer Their Principal Funds and ICMA Funds to Purchase Past Service Credit Upon Electing to Participate in the GMEBS Defined Benefit Plan**

As part of the Defined Benefit Program that is being offered to employees, each employee has the opportunity to purchase his/her past government service years. Two funds they are allowed to use to make this purchase are their current principal funds and the funds they have in their ICMA Account. This resolution will allow these transfers to be made. ACTION: Consider the resolution.

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

**11. City Manager's Report - None**

**12. Adjournment – Time: 7:15 P.M.**

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

*Approved October 19, 2005*