

City of Sugar Hill Council Meeting

Monday March 11, 2002

7:30 PM Community Center

The City of Sugar Hill held its regularly scheduled Council Meeting on Monday March 11, 2002 at 7:30 PM in the Community Center.

Notice of the meeting was placed on the doors of City Hall and the Community Center. Notice was placed on the board at Alton Tucker Blvd and Peachtree Industrial Blvd.

Notice was sent to the local newspapers.

Those present at the meeting included Mayor Gary Pirkle, Mayor Pro-Tem Hall, Council Members Chris Abbey, Meg Avery, Ron Johnson and Thomas Rhodes. Also present were City Attorney Lee Thompson, City Manager Bob Hail, and Assistant City Manager for Development Jim Osborn and City Clerk Shirley Gibbs.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pirkle called the meeting to order at 7:30 PM and led the Pledge of Allegiance to the Flag.

INVOCATION:

Dr. David Parker, Pastor of the First Baptist Church of Duluth, gave the Invocation.

APPROVAL OF AGENDA:

Council Member Johnson made a motion to amend the agenda. He wanted to add Item K under new business to discuss televising the council meeting. Council Member Abbey made the motion. Motion passed unanimously 5-0. Council Member Abbey made the motion to approve the amended agenda. Council Member Johnson made the second. Motion passed unanimously 5-0.

APPROVAL OF 2/11/2002 MINUTES:

Council Member Rhodes made the motion to approve the February 11, 2002 minutes. Council Member Abbey made the second. Motion passed unanimously 5-0.

OLD BUSINESS:

A: PUBLIC HEARING: Pacer Fuel Application for retail sale of beer at 4725 Nelson Brogdon Blvd fka Sam's Inc:

Council Member Abbey made the motion to enter into Public Hearing for Pacer Fuel Application for the retail sale of beer at 4725 Nelson Brogdon Blvd. Council Member Johnson made the second. Motion passed unanimously 5-0. City Manager Bob Hail explained that the three owners had made application, the background check had been done and everything had come back clean. Council Member Johnson had a question about the probation for selling to a minor and what if anything was being done to correct that. Mr. Tomaszewski, one of the owners, replied that they had started an alcohol sting of their own where they sent a person around to their stores to make sure the employees asked for identification from all the customers. In addition they have had alcohol training for their employees. Council Member Johnson asked that they put more signage in their store and contact Gwinnett County Police Department about alcohol-drug training. There were no comments from the public. Mayor Pro-Tem Hall made the motion to exit Public Hearing and return to regular session. Council Member Abbey made the second. Motion

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passed unanimously 5-0. Council Member Rhodes made the motion to grant the applicant the license for the retail sale of beer. Council Member Avery made the second. Motion passed unanimously 5-0.

CITIZENS AND GUESTS COMMENTS:

Mr. Horace Stowe of 4695 Pinecrest Drive commented on the rezoning of the property behind his house. After talking with Mr. Breedlove, he was in favor of this rezoning and would rather see houses behind him rather than trucks going up and down the street.

Robert Sims 4639 Pinecrest Drive commented he had lived there for 35 years and he would rather see houses on the property instead of warehouses. He felt like they would stand a better chance to get crossing bars at the railroad tracks if there were houses instead of warehouses.

NEW BUSINESS:

A: PUBLIC HEARING: S&A Food & Gas, Inc. Application for retail sale of beer and wine at 5243 North Avenue fka Circle K:

Council Member Avery made the motion to enter into Public Hearing for S&A Food & Gas, Inc. Council Member Johnson made the second. Motion passed unanimously 5-0. City Manager Hail explained that the Circle K store was being purchased by S&A Food & Gas, Inc. Ms Moon of that organization had made application for the retail sale of beer and wine. Several inconsistencies had been found, the applicant had been contacted and those had been corrected. Gwinnett County Police had done the background check and found no problems. Mayor Pro-Tem Hall wanted to ask some questions of the applicant and was told the applicant was not present. There were no comments from the Public. Council Member Johnson made the motion to exit Public Hearing. Council Member Avery made the second. Motion passed unanimously 5-0. Mayor Pro-Tem Hall made the motion to deny the applicant a license for the retail sale of beer and wine. Council Member Johnson made the second. Council Member Avery asked if the applicant had been informed she should be at the meeting. The clerk replied she had not spoken directly to the owner but had asked if they would be at the meeting. They had returned the call and left a voice message that they would not be at the meeting. Mayor Pirkle called for the vote. Motion passed unanimously 5-0. Mayor Pro-Tem Hall asked the City Manager, in his spare time, to amend the application especially item 13 under the personnel statement requiring references. Those references should not be all relatives or members of the corporation.

B: Accept Annexation Application AX-02-001: T&B LLC: Map Reference numbers 7-318-047, 7-318-080, a portion of 7-319-32. 3.70 acres located at Suwanee Dam Road and Kennedy Road:

Mayor Pirkle explained to the Public that this is a legal requirement for the city. They will only be accepting the annexation application then it will go before the Planning Commission and then come back to the Council for action. Planning Director Jim Osborn explained this property was located at the corner of Suwanee Dam Road and Kennedy Road. The property is currently zoned R100 Single Family Residential in

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Gwinnett County. The applicant is requesting to rezone to HSB Highway Service Business. Council Member Avery asked what the difference was between this application and the one that was withdrawn a couple of months ago. Mr. Osborn explained the property was originally twice this size but to annex all the property would have created an unincorporated island across the street. Mayor Pro-Tem Hall made the motion to accept Annexation Application Ax-02-001. Council Member Abbey made the second. Motion passed 4-1. Council Member Johnson was opposed.

C: PUBLIC HEARING: RZ-01-007 Keith Breedlove – Map Reference #'s R7-272-002, R7-272-004 & R7-272-181 46.24 Acres located at Peachtree Industrial Blvd and Pinecrest Drive. Keith Breedlove is requesting to rezone 46.24 acres at Peachtree Industrial Blvd and Pinecrest Drive. The property is currently zoned LM (Light Manufacturing District) zoning classification and the applicant request a RS-100 (Single Family Residential) zoning classification:

Council Member Avery made the motion to enter into Public Hearing for RZ-01-007. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0. City Manager Hail told the Mayor and Council and Mr. Osborn that the attorney of record had given him a Constitutional Challenge. This is just a procedural issue. Mr. Osborn explained this property is currently zoned LM Light Industrial. Mr. Breedlove is requesting a zoning classification of RS 100 Single Family Residential to construct 132 single-family homes on 46.24 acres. Mr. Osborn gave the land use and zoning for the surrounding property. In keeping with the land use plan for property located along Peachtree Industrial Blvd, the staff recommendation was for the property to remain in the LM zoning classification. This had come before the council in 2000 with basically the same layout and request. The council had denied the request at that time. In June of 2001 a grading permit had been issued for 6.9 acres and it is still an active permit. The staff recommendation was for denial but when it went before the Planning Commission in January it was tabled. The Planning Commission wanted to see two things, they wanted to see more recreation area and have the applicant reconsider the entrance to the subdivision. When the Planning Commission reheard it in February, it was approved by a vote of 3-2 with conditions as follows: provide two (2) recreational areas, install an 8 foot high privacy fence along the rear properties at Pinecrest Drive and Highland Avenue, Subdivision shall have a mandatory homeowners association, install an 8 foot high fence along the rear property lines at the railroad tracks, each house shall have at least 50% brick or stone front façade, each lot shall have an average 80 foot width and Chapel Avenue shall be brought up to standard by the applicant before Final Plat approval. Council Members had questions concerning the condition of Chapel Avenue, the grading permit, sewer capacity, and the elevation drop. Wade Beavers, Attorney and partner of Keith Breedlove, was there to make the presentation for the applicant He felt this project was similar to some other projects that been brought to the council. One was the Westbrooke project and the other was the Myrick project. He felt there were three reasons why this project should be approved: 1- it is consistent with the city's recent land use rezonings decisions, 2- there is no viable economic use for the property as it is now zoned and 3- it is in the best interest of the community and the citizens. Mr. Beavers went on to explain the changes they had made regarding the entrance to the subdivision, how it would help the tax base for the city, and the green space they were leaving.

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Comments from the council included the best access to the subdivision, fewer lots, the size of the buffer between the two properties, water and sewer access, access for the fire department and school buses, and whether or not the railroad crossing could be improved. Comments from the public came from Joe Clarino concerning access to the property and playgrounds. There were no other comments from the Public. Mayor Pro-Tem Hall made the motion to exit Public Hearing for RZ-01-007. Council Member Johnson made the second. Motion passed unanimously 5-0. Council Member Rhodes made the motion to table RZ-01-007. Council Member Abbey made the second. Motion passed 4-1. Mayor Pro-Tem Hall was opposed.

D: PUBLIC HEARING: SUP-02-001: Allen B Shin: Map Reference Number R7-271-002 4.009 Acres. Allen Shin is requesting a Special Use Permit at Nelson Brogdon Blvd and Wages Way. The property is currently zoned HSB (Highway Service Business) in the front and RS-150 (Single Family Residential) in the rear. The applicant is requesting a Special Use Permit on the HSB portion in order to allow a mini-storage warehouse facility:

Council Member Avery made the motion to enter into Public Hearing for SUP-02-001 Allen B Shin. Council Member Johnson made the second. Motion passed 4-0-1. Council Member Abbey abstained. Mr. Osborn explained where this property is located, its current zoning and the zonings of the surrounding properties. The front two-thirds is currently zoned HSB and this is the portion the applicant wants to develop. The back one-third is zoned RS-150. When there is a commercial project abutting a residential area there is a 50-foot buffer with a 30-foot setback. Originally, since the applicant was leaving a portion of the property undisturbed, which amounts to about 160 feet of buffer space, he was asking that the buffer be reduced to zero down to the zoning boundary line. Now he is asking that buffer is reduced to zero and he will keep the 30-foot setbacks. Staff recommendation was for approval with the following conditions: 1-that the RS-150 portion of the parcel remain undisturbed buffer, 2- that the rear buffer adjacent to the RS-150 zoning boundary be reduced from 50 to zero feet, 3- install an 8 foot high privacy fence adjacent to the neighboring residential property, and 4- that the exterior lighting be directed inward toward the property so as not to reflect on adjacent residential properties. The Planning Commission approved this with a vote of 4-1. Council Member Avery asked for clarification on whether some of the property was located on Wages Way, as stated on the application, or if it was located on Hidden Circle. It was determined that this should be Hidden Circle and not Wages Way. The applicant had no problem with signing another document that showed the change. John Miller gave a presentation on behalf of the applicant. Bill Reed, of ReMax Realty, stated what was on the survey is what they have on record. The applicant was leaving the RS-150 property undisturbed in addition to the 30-foot rear setback. Citizens making comments included Gary Chapman, Judy Chapman, Tony Amber and Rick January. Concerns included the buffer, sewer easements, what type of vegetation would be planted. Council Member Avery made the motion to exit Public Hearing for SUP -02-001. Council Member Rhodes made the second. Motion passed 4-0-1. Council Member Abbey abstained. Council Member Johnson made the motion to waive the 50-foot rear buffer except for an arced area from the corner pin of Mr. Chapman's lot, install an eight foot high wooden privacy fence in addition to the vegetation, put in six to eight foot tall Leland Cypress trees, plus

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conditions regarding lighting as required by the Planning Commission, the dumpster should be in the front, screened and picked up during normal business hours. Council Member Avery made the second. Motion passed 4-0-1. Council Member Abbey abstained.

A five-minute recess was taken. Mayor Pirkle called the meeting back to order at 9:30PM

E: PUBLIC HEARING: RZ-02-001 Ashton Atlanta Residential, LLC: Map Reference #R7-365-003 74.57 Acres. Ashton Atlanta Residential, LLC is requesting a Rezoning Change in Conditions only for Laurel Park Phase 4 subdivision containing 74.57 acres. The current zoning is RS-150/PUD. The applicant is requesting to change the minimum lot width from 85 feet to 70 feet, the minimum lot area from 15,000 square feet to 10,000 square feet and increase the open space/nature preserve from 45 acres to 57 acres:

City Manager Hail explained that Council Member Johnson had to recuse himself from this Agenda Item. Council Member Avery made the motion to enter into Public Hearing for RZ-02-001. Council Member Abbey made the second. Motion passed 4-0. Council Member Johnson did not participate in the discussion of this item. Mr. Osborn stated that the representative for the applicant wanted to table this item until next month in order for the residents and the applicant to discuss their options. Residents that spoke were Michael Duling, Steve Young, Walt Malardie, Robert Castillo, John McNair, Rick January, and Dave Cotton. Some of the concerns were the smaller lot sizes, the reduction in value of the property for existing homeowners, price range of the homes, marketing for 3 sided brick houses, a minimum of 2000 square feet house should be required. Speaking on behalf of the applicant was Michael Sullivan. Mayor Pro-Tem Hall made the motion to exit Public Hearing RZ-02-001. Council Member Rhodes made the second. Motion passed 4-0. Mayor Pro-Tem Hall made the motion to table RZ-02-001 until the April Council Meeting. Council Member Rhodes made the second. Motion passed 4-0.

F: Appoint Replacement for Larry Hill, Post #1 on the Planning Commission Board. Term expires 12/31/2003:

Council Member Abbey explained that Larry Hill, a member of the Planning Commission had resigned. His post was now vacant and needed to be filled. Council Member Abbey had received a resume from David Lamb, a resident of Sugar Hill for four years. Mr. Lamb had experience with commercial building and Council Member Abbey felt he would be a good addition to the Planning Commission Board. Council Member Abbey made the motion to appoint David Lamb to the Planning Commission Board, Post #1. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0. There were no other nominations.

G: Richland Crossing request for Waiver of Development Regulations, RE: Sidewalks:

Mr. Osborn explained that the Development Regulations require sidewalks in subdivisions but due to some oversights, sidewalks were not shown on the final plat nor are they required to be shown. By the time it was discovered there were no sidewalks,

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most of the homes already had their yards landscaped. Mayor Pirkle had meet with some of the residents on Sunday. The residents had presented him with a petition showing that the majority was in favor of keeping the subdivision the way it is now. Those speaking were: Beau Kay, Bill Bradley, one of the builders and several of the residents spoke in favor of keeping the subdivision like it is now. Council Member Rhodes made the motion to waive the development regulation for requiring sidewalks in Richland Crossing. Council Member Johnson made the second. Motion passed unanimously 5-0.

H: Sugar Hill Second Annual Fall Festival:

City Manager Hail explained that the city had such a successful Fall Festival; they needed to select a date for the next one. The date of October 26, 2002 was selected for the date of the Second Annual Fall Festival. Council Member Avery made a motion to accept October 26, 2002 as the Second Annual Fall Festival. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0.

I: Avon Breast Cancer 3-Day 2002:

City Manager Hail reported that the Avon Breast Cancer 3-Day Walk would be on October 4, 2002. In the past they had used EE Robinson Park as a stop over on their walk and were again requesting use of the park. Council Member Abbey made the motion to allow the use of EE Robinson Park for the Avon Breast Cancer 3-Day walk as a stop over. Council Member Johnson made the second. Motion passed unanimously 5-0.

J: Boy Scout Twilight Camp:

City Manager Hail reported he had received a request from the Boy Scouts to use EE Robinson Park for their twilight camp. This camp would be for one week in June. The Boy Scouts would be there the week of June 10-14. Council Member Rhodes made the motion to allow the Boy Scouts to use the park for their twilight camp the week of June 10-14. Council Member Abbey made the second. Motion passed unanimously 5-0.

K: Televising Council Meeting – This item was added to the Agenda:

Council Member Johnson reported that he was still looking into having the council meetings taped and shown on tape delay on the government access channel. The cost would be \$7,000 to \$10,000. There are grants available and the cable company could pay twenty-five cents of the franchise fee toward this project. He would bring this item back up next month. No action was required.

CITY ATTORNEY'S REPORT: City Attorney Thompson reported that an Executive Session was needed.

COUNCIL REPORTS:

Council Member Rhodes suggested moving council report to the beginning of the meeting.

Council Members Abbey, Avery and Hall had no report.

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Council Member Johnson reported that the road improvements were posted on the city's web site along with future roads to be improved. He was going to look into a tax reduction for the Senior Citizens.

MAYOR'S REPORT: Two meetings had been held on trash service and most people wanted to stay with the bag system, increase recycling and to have cart options. Mike Montean was our new state representative. He had attended City Court, which meets quarterly, and he felt that we had a good judge. A lot of issues got resolved, like the overcrowding at Oaks at Lanier where several families were living in one house.

CITY CLERK'S REPORT: No report.

CITY MANAGER'S REPORT: City Manager's report will be on the web site. The City has purchased 50 to 60 percent of the gas for next winter. It is at a significantly lower price than in the winter of 2000-2001.

EXECUTIVE SESSION: TO DISCUSS REAL ESTATE, LEGAL AND PERSONNEL ISSUES:

Council Member Avery made the motion to enter into Executive Session to discuss Real Estate, Legal and Personnel issues. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0.

Mayor Pro-Tem Hall made the motion to return to regular session. Council Member Avery made the second. Motion passed unanimously 5-0.

NO ACTION WAS TAKEN OUT OF EXECUTIVE SESSION.

ADJOURNMENT: Mayor Pro-Tem Hall made the motion to adjourn the meeting. Council Member Abbey made the second. Motion passed unanimously 5-0. Meeting adjourned at 11:15 PM

Date approved: _____

Mayor

ATTEST:

City Clerk