

**CITY OF SUGAR HILL  
MINUTES COUNCIL MEETING  
MONDAY, OCTOBER 13, 2003  
7:30 PM COMMUNITY CENTER**

**Call to Order** – Mayor Pirkle called the meeting to order at 7:30 p.m. Present were Mayor Pirkle, Council Members Edwards, Hall, and Johnson. Mayor Pro Tem Avery was not present. Also present were City Manager Bob Hail, City Attorney Assistant Bryan Johnson and City Clerk Jane Whittington.

**Pledge of Allegiance to the Flag** – Mayor Pirkle led the pledge of allegiance.

**Invocation** – The invocation was given by Janet Whitaker, Sugar Hill United Methodist Church Youth Minister.

**Approval of Agenda** – Council Edwards motion to amend the agenda to table item no. 11 (Public Hearing RZ-03-010) and to add Recognition of Joe Clarino for Planning & Zoning. Council Member Johnson seconded the motion. **Approved 3-0.**

**Approval of Minutes**

The Minutes of the Council Meeting of September 8, 2003 were approved with corrections. Council Member Johnson motioned to approve the minutes with two changes, change principal's name to Levent and RES to RSE in his council report. Council Member Hall seconded the motion. **Approved 3-0.**

The Minutes of the Special Called Meeting of September 23, 2003 were approved as submitted. Council Member Hall motioned to approve the minutes as written. Council Member Johnson seconded the motion. **Approved 3-0.**

**City Attorney's Report** – Bryan Johnson, no report.

**Council Reports**

**Council Member Edwards** reminded everyone to vote on November 4<sup>th</sup>, Tuesday. Please exercise the privilege. Apologized for canceling Shrek, it is his son's and his favorite movie. Look forward to the fall festival coming up. Thanks to Kelly and the band of volunteers. Also, he has been keeping his eye on the widening of Hwy. 20 in Sugar Hill, and he heard that on October 31<sup>st</sup> Governor Purdue might sign off to widen the highway between Peachtree Industrial and the Forsyth County line. He will keep everyone abreast of the information he gets.

**Council Member Hall** had no planning and zoning report for this month.

**Council Member Johnson** reported that the golf course is still doing about 2,000 rounds a month. It is keeping an even keel. The RFP has been sent out to redo 9 holes this year and redo 9 holes next year. He would also like to remind everyone to come out and vote. The polling place will be the Community Center.

### **Mayor's Report**

Mayor Pirkle reported that there will be a Budget Meeting October 21, 2003 at 7:00 p.m. and everyone is welcome to attend. Volunteers are still needed for the Fall Festival. The meeting for volunteers will be October 22nd at 7:00 p.m. in the Community Center. Hope Curtis will be coordinating the meeting. Volunteers will be working October 25<sup>th</sup> at the Fall Festival.

### **City Clerk's Report**

The City Clerk reported that Jeanne Ferguson Election Superintendent needs poll workers for the upcoming election. If you are a city resident and interested in working please contact the clerk at City Hall. There are two candidates for the Special Election for the council seat vacated by Tom Rhodes Post 4 who resigned. There will be something called Advanced Voting the week before the election Monday – Friday from 8:00 a.m. to 5:00 p.m. You can come to City Hall and cast an absentee ballot for any reason. You don't have to be out of town on election day to exercise that option.

### **City Manager's Report**

The City's 2003 Road Improvement is complete and we are now addressing drainage issues in the city. We are currently working on installation of drainage and sidewalks on Frontier Drive and that project is about 50% complete. Construction of City Hall is complete and about 95% of the furniture is in place. Over the next few weeks furniture will finish being delivered and then we will concentrate on wall decorations. For planning and zoning we have had about 250 construction permits issued in the month of September. The fall festival is the 25<sup>th</sup> and again volunteers are needed. The tennis courts are now refurbished for all ALTA folks to practice on. He has received all the RFP's for the construction on the new community center. They are under review by Precision Planning and in the next few weeks a bid winner will be selected. They have to make sure their contract meets federal standards because we are using some federal money. In August the gas company installed over 4,500 feet of new service. There were 39 new gas services in August and we purchased 80% of our hedging for this coming winter. This last billing period the price per therm was 74 cents.

### **Unfinished Business:**

#### **PUBLIC HEARING: RZ-03-007, T & B LLC – Harmit Bedi**

Map Reference# 7-292-139, PIB & Pinecrest Drive, Acreage: 4.50

Current Zoning: LM, Requested Zoning: BG

Purpose: Convenience Store with Retail

This was tabled from the last meeting per the applicant's request. Harmit Bedi, Director of Planning & Development, presented staff recommendations and read conditions as attached to these minutes.

Council Member Hall motioned to enter Public Hearing, Council Member Johnson seconded the motion.

**Approved 3-0.**

Michael Sullivan, Attorney for T&B, LLC stated that 2 different Directors of Planning & Development have looked at this and made recommendations of approval. Also, the Planning Commission made unanimous approval with conditions which all are fine with his client. This piece of property is although 2 separate zoning, one piece of property and one group of sellers. The zonings are linked because his

client can't buy one without the other. His client is the contract purchaser on this piece of property and they have a contract that only allows purchase if both pieces are zoning and developed cohesively.

Council Member Hall motioned to exit the Public Hearing. Council Member Johnson seconded the motion. **Approved 3-0.**

Council Member Hall motioned to approve this request with the conditions as set forth by staff. Council Member Edwards seconded the motion. **Approved 3-0.**

**Recognition of Joe Clarino for his service on the Planning & Zoning Board** – Mayor Pirkle asked him to step forward and he was presented with a plaque. Council Member Johnson thanked him also. Council Member Hall recognized his wife and thanked her for all the work she has done for the city.

### **Citizens and Guests Comments**

#### **New Business:**

**Appointment of Planning & Zoning Commission Members** to replace Marc Cohen, Post 3 & Rand Franklin, Post 2 – Mayor opened the floor for nominations. Council Member Johnson nominated John Postell for Post 2. **Approved 2-1 with Council Member Hall voting nay.** Mayor Pirkle swore him in.

Council Member Edwards nominated Morgan Hudgens for Post 3. **Approved 2-1 with Council Member Hall voting nay.** Mayor asked the City Clerk to contact him so he can be sworn in at the next Planning & Zoning Commission meeting.

**Appointment of Board of Appeals Member** to replace Renya Eurek – Council Member Johnson nominated Charlene Kerry. He spoke to her today and she is interested in serving on the appeals board. Council Member Johnson withdrew his motion upon request of Council Member Hall. Council Member Hall motioned to **table this appointment until the November Council meeting** to allow review of the applicants. Council Member Edwards seconded the motion. **Approved 3-0.**

**Appointment of DDA member** to replace Nick Thompson – Mayor opened the floor for nominations. Council Member Johnson nominated Robert Kaufman. **Approved 3-0** and Mayor swore him in.

**Resolution to submit Transportation Enhancement Program Application for 2004-2005** – Harmit Bedi explained the resolution. It is from Georgia DOT and is a two-year cycle. It is a million dollar grant. Council Member Hall explained that the funds will be for approving the road from Alton Tucker Blvd. and Peachtree Industrial Blvd. to West Broad Street and Highway 20, with the possibility of improving the intersection there. Harmit Bedi explained that part of it is streetscape improvements and sidewalk improvements along West Broad Street and installing all overhead utilities aboveground to underground. Council Member Hall motioned for approval of the resolution and to allow Harmit Bedi and the City Manager to apply for the grant with matching funds. Council Member Johnson seconded the motion. **Approved 3-0.**

**Resolution Amendments to Development Regulations** – Harmit Bedi read the amendments as attached to these minutes. The main change is that sidewalks be 4' instead of 3'. Council Member

Johnson motioned to approve the resolution. Council Member Hall asked the legal counsel if the sections that are being changed should be stated. He said that if they are part of the record then they do not need to be verbalized. Council Member Edwards seconded the motion. **Approved 3-0.**

**Resolution Livable Centers Initiative- Harmit Bedi** explained that the Atlanta Regional Commission has a grant available called the Livable Centers Initiative of LCI. This would be to develop a plan for the West Broad Street and the surrounding area. It is a matching grant of 80% to 20%. Council Member Edwards motioned to approve the resolution. Council Member Hall seconded the motion. **Approved 3-0.**

**Resolution Quality Growth Grant Program** – Harmit Bedi explained that the grant is from Department of Community Affairs or DCA. It is a 50% to 50% match up to \$40,000. It is for developing mixed-use development for especially West Broad Street and the surrounding areas. The City Manager stated that he has put the necessary matches in the proposed budget for 2004. Council Member Johnson motioned to approve the resolution. Council Member Edwards seconded the motion. **Approved 3-0.**

**PUBLIC HEARING, RZ-03-008, T & B LLC** – Harmit Bedi

Map Reference #: 7-272-001, 138, 140, PIB & Pinecrest Drive, 23.94 Acres

Current Zoning: LM & RS-100, Requested Zoning: RM

Purpose: Residential Townhome Development

Council Member Hall motioned to enter Public Hearing, Council Member Edwards seconded the motion. **Approved 3-0.**

Harmit Bedi explained the case and staff recommendations and read the conditions and to deny 188 townhomes but to approve 165 with staff conditions. He read the 29 conditions. Number 18 should read right turn lane. Council Member Edwards asked him to explain the fence condition. Council Member Hall asked Mr. Bedi what the Land Use Plan Map specifies for this property long term? He said it reflects commercial uses along Peachtree Industrial Blvd. and to add to the information the land use plan is 6 or 7 years old now. The Mayor stated that it was updated this last year for Peachtree Industrial. Council Member Hall asked him why would we want to give up commercial base property for townhomes? Mr. Bedi replied that looking along Peachtree Industrial Blvd. accessible limits, and the existing infrastructure shows it can handle a higher density. Staff feels if all of these conditions are met it could bring a quality development to the City. Council Member Hall stated that it probably would be a quality development but there is not sewer in the area, so the infrastructure is not in place for 188 townhomes. Industrial zoning usage would use significantly less water and sewer than 188 townhomes. That would be more applicable to the infrastructure that is in place. Mr. Bedi replied that they should keep in mind that someone can come in tomorrow and apply for an occupational permit and start a business here and we would not be able to say anything. Council Member Hall stated that while this is true we have implemented architectural overlays standards that significantly would control what is built under those guidelines. Council Member Edwards asked how far it is from PIB to the first townhome. This will have to be looked up. The City Manager stated that the back portion is zoned RS100.

Michael Sullivan responded that he would like to amend the application with the standard constitutional objection. He would also like to submit letters from homeowners immediately adjoining the property and let the record reflect that 3 of those homeowners previously spoke in opposition at the hearings. Also he had an overlay showing the property. The applicant intends to rezone the property as a single-

family townhome development with a small commercial development adjoining what was approved moments ago. He explained the amenity package of clubhouse, swimming pool, etc. All common areas will be owned and maintained by the homeowners association through mandatory dues paid by the homeowners. The townhomes will be marketed in the \$140,000 to \$200,000 range. His client wants a high quality townhome development such as Fairview Park near the Sugar Hill Golf Course only better. The site plan that was submitted months ago has been modified to fit the conditions and considerations of the concerns of the neighbors. They have made significant changes including reducing the number of townhomes from 188 to 165. They also agreed to move the main entrance to Peachtree Industrial to decrease the traffic on Pinecrest. Also have agreed to make them owner occupied not rental properties. In addition to the stream buffer there is significant greenspace. Even at 188 units they were not maximizing the number allowed. The Director of Planning & Development read to you the 21 conditions staff set forth and the 8 by the Planning Commission. His client agrees to all 29 conditions except 3. The condition requiring all 4 sides to be brick, stone or stucco at 60% is not acceptable to his client because of the density. They were like to request 40% all 4 sides brick, stone or stucco. The Planning Commission added a condition of 2 story only along the side of the property next to the homeowners on Pinecrest. There is an engineering dilemma, where there is square footage requirement; you can't build a 1,400 sq ft at 2 stories. They ask that you either eliminate this condition or allow a 3 story with the basement or garage underground. The other condition objected to is the fence along the property line of Pinecrest be eliminated. He further stated that the current pumping station is substandard. There is not any sewer service at all. They will take the current pump station down and replace it to service the area more efficiently.

Council Member Edwards again asked how far is it to the first townhome from Peachtree Industrial Blvd. The City Manager stated it is about 500 feet.

Janet England, spoke regarding the development. The people at Pinecrest have not been notified about this. Those that signed the agreement signed a two edged sword. Commercial development is a better idea. There already are 100 homes built on the other side of Pinecrest. There is nowhere for the children to play. She feels the whole thing is a joke.

Jennifer Berry, thanked Council Member Hall for bringing up the residential verses commercial. She does not shop in Sugar Hill, Suwanee gets every bit of her business. Recently the city sent out a letter about a liquor license. The Council informed her the city did not send out this letter. At 165 homes there could be 300 cars. Will all these people shop in Sugar Hill? Security has recently become a problem. She would like a fence for privacy and noise reduction. The railroad tracks are a safety hazard. The schools would be overloaded.

Carl Berry, 4668 Pinecrest Drive, responded to the comment made a while ago. Is that residential portion of the property always been residential? In his personal opinion this development is the lesser of the 2 evils. He had rather see this than single-family homes on this property. Ideally he would like to see the whole thing go commercial, but if its not he would rather see this.

Lisa Ramsey, 4265 Hidden Meadows Circle, stated they live down from this but she asked about the railroad crossing. At one time it was proposed closed and it is a real hazard. She has no opinions about the townhomes.

Council Member Hall stated that she was the Council Member that originally proposed closing of the crossing and the Pinecrest residents were angry with her. She thinks it is a horrible crossing. The railroad company will not improve the intersection because they think it does not warrant it. CSX will not put in a crossing gate there. She will still like to close it. Mayor reminded everyone that it is a public hearing not about the railroad crossing. Council Member Hall stated that school buses and fire trucks will not cross it.

Hope Curtis asked about the entrance to the development.

Michael Sullivan stated that there are a lot of places for the children to play. There is a lot of green space and walking trails too. The right turn lane on Pinecrest Drive will help with traffic and also the entrance on PIB. Also he performed his own traffic study where he stood out in the middle of the road in one hour there were 3 cars. In order to build the homes they have to make the sewer improvements.

Council Member Hall asked about the street width and onstreet parking. Mr. Bedi stated that since there are not any variances on this they would stick with the requirement. Council Member Edwards stated that there was no onstreet parking overnight.

Council Member Hall motioned to exit Public Hearing, Council Member Johnson seconded the motion. Approved 3-0.

Council Member Edwards, after careful consideration, motioned to approve the rezoning with staff recommendations changing #7 from 60% to 40%, #18 inserting right turn, #26 striking, #29 have discretion of staff. He amended the motion #26 two story only visible from the road. Council Member Johnson seconded. **Approved 2-1 with Council Member Hall voting nay.** Mayor Pirkle stated that he plans to **veto** because it is not consistent with the land use plan. He has ten days to present it to the city clerk and it will go back to Council at the next meeting.

**PUBLIC HEARING, RZ-03-005, Gene Duncan – Harmit Bedi**

Map Reference #: 7-292-123 & 196, 4719 East Broad Street, 2.003 Acres

Current Zoning: RS-100, Requested Zoning: LM

Purpose: Mini-Storage & Boat Storage Facility

Council Member Hall motioned to enter Public Hearing, Council Member Edwards seconded. **Approved 3-0.**

Mr. Bedi explained that the mini storage would be on the front of the property and the boat storage in the rear. Staff recommended approval with the conditions as read by Mr. Bedi. Applicant requested that one condition be removed, eliminating a decel lane.

Council Member Hall motioned to exit Public Hearing, Council Member Edwards seconded. **Approved 3-0.**

Council Member Hall motioned to approve with conditions as presented by staff recommendation, Council Member Edwards seconded. **Approved 3-0.**

**PUBLIC HEARING, RZ-03-009, Delmar Reidelberger – Harmit Bedi**

Map Reference#: 7-320A-010, 5559 Highway 20, 1.39 Acres  
Current Zoning: OI, Requested Zoning: LM  
Purpose: Trucking Business & Landscape Contractors Office  
Staff recommends Special Use Permit. Council Member Edwards motioned to enter Public Hearing, Council Member Johnson seconded. **Approved 3-0.**

Council Member Hall motioned to exit Public Hearing, Council Member Johnson seconded. **Approved 3-0.**

Council Member Edwards motioned to approve the Special Use Permit as staff recommended, Council Member Johnson seconded. **Approved 3-0.**

**PUBLIC HEARING, RZ-03-010**, Ronnie Humphrey – Harmit Bedi  
Map Reference#: 7-291-026, 981 Level Creek Road, .83 Acre  
Current Zoning: RS-150, Requested Zoning: RS-100 w/Special Use Permit  
Purpose: Montessori School - **TABLED**

**Executive Session: Legal, Real Estate and/or Personnel:**  
Council Member Johnson motioned to enter Executive Session, Council Member Edwards seconded. **Approved 3-0.**

Mayor Pirkle called the meeting back to order.  
Council Member Johnson motioned to approve a 1% 2003 end of year salary adjustment for the employees, Council Member Edwards seconded. **Approved 3-0.**

**Adjournment:** Council Member Johnson motioned to adjourn at 10:30 p.m., Council Member Edwards seconded the motion. **Approved 3-0.**

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Gary Pirkle, Mayor

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Jane Whittington, City Clerk

ATTACHMENT #1 – Stipulations to rezoning RZ-03-009  
ATTACHMENT #2 – Stipulations to rezoning RZ-03-008  
ATTACHMENT #3 – Stipulations to rezoning RZ-03-005