

**CITY OF SUGAR HILL  
COUNCIL MEETING MINUTES  
MONDAY, MARCH 13, 2006  
7:30 PM COMMUNITY CENTER  
1166 CHURCH STREET, SUGAR HILL**

**Call to Order** - Present were Mayor Gary Pirkle, Mayor Pro Tem Nick Thompson, Council Members Marc Cohen, Steve Edwards, Mike Sullivan and Clint Thompson. Also present were City Manager Bob Hail, City Clerk Jane Whittington and City Attorney Lee Thompson.

**Pledge of Allegiance to the Flag**

**Invocation** – Mayor Pirkle gave the invocation.

**Approval of Agenda** – Council Members Edwards motioned to approve the Agenda as submitted. Council Member Sullivan seconded the motion. Approved 5-0.

**Approval of Minutes** - Minutes Council Meeting February 13, 2006; Minutes Council Retreat February 11, 2006. Council Member Edwards motioned to approve both minutes as written. Council Member N. Thompson seconded the motion. Approved 5-0.

**City Attorney's Report** – Lee Thompson had no report for Regular Session and nothing to take up in Executive Session.

**COUNCIL REPORTS:**

**Council Member Mike Sullivan** reported that this past Tuesday a Public Hearing for the expansion of Highway 20 was held. He thanked everyone for participating. The meeting was well attended and well received.

**Council Member Steve Edwards** had no report.

**Mayor Pro Tem Nick Thompson** reported that the last DDA meeting was a special meeting with the Council in attendance jointly with the DDA. It was almost 100% attended and this was the first time a meeting of this type was held. This was a goal setting meeting and some of the topics were a product of the Council's recent retreat. There was a lot of positive energy coming out of this meeting, and the DDA now feels it is an extension of the Mayor and Council. This months DDA meeting will be held Tuesday, March 28<sup>th</sup> at 6:30 p.m. at the Community Center.

**Council Member Marc Cohen** thanked everyone for coming out tonight and exercising their right to assembly to petition and to free speech. He reminded everyone of the Gwinnett Heroes Campaign for the American Red Cross. The collection program is winding down and the goal is to collect \$100,000. The funds would be used for victims of disaster right here in Gwinnett County. If anyone wants to contribute checks, they can be dropped off at City Hall. At the last Planning Commission meeting there was a lot of interesting interaction. He just wanted to remind everyone that there is a Standard of Conduct in place for elected and appointed officials. The applicants and citizens should be given respect. He apologized on behalf of himself if anyone was not treated with respect by any board

member. He also apologized on behalf of the elected officials if anyone feels that the public outcry that will be heard tonight was politically motivated. There is a former council member that not everyone agreed with but this is what democracy is all about. We cannot blame everything on this person. We have a great Council that is moving on and accomplishing great things. In Planning & Zoning 56 construction permits were issued, 242 building inspections, 24 erosion control inspections and 56 new house permits.

**Council Member Clint Thompson** had no report.

### **Mayor's Report**

**Mayor Gary Pirkle** reminded everyone that rezoning is not a matter of personalities. It is not a matter of who owns the property but rather proper land use. He asked Council Member Sullivan to update everyone on the Easter Egg Hunt.

Council Member Sullivan reminded everyone that this is the first Easter Egg Hunt and it will be held Saturday, April 15<sup>th</sup>, the day before Easter. It will be for children ages 2 – 9 at E.E. Robinson Park from 10 a.m. until 12 p.m. Flyers went out to the schools.

The Mayor asked Council Member Edwards to update everyone on the Fall Festival. The Fall Festival Committee met February 23<sup>rd</sup> and some people volunteered to help plan this year's festival. The Festival will be held October 21<sup>st</sup>. Some of the volunteers are 5K Race Steve Quinn from the First Baptist Church, Arts and Crafts Recruitment Meg Avery, Advertisement Robert Kauffman from the DDA, organization of the Parade Steve Edwards, for Children's Activities Rosanna Teta, Entertainment and Chili Cook Off Mike Sullivan, Mary Jane McCloud from Sycamore Elementary, Sandra Levent Sugar Hill Elementary, Nancy Coddell Lanier Middle, Tara Tyler Lanier Middle, Janet Whitaker Sugar Hill United Methodist Church, and Gary Pirkle as Judge of the Chili Cook Off. The committee is moving in the right direction to make this the best Fall Festival ever.

**City Clerk's Report – Jane Whittington, City Clerk,** had no report.

**City Manager's Report - Bob Hail, City Manager** reported the following: See Attachment #1.

### **Unfinished Business**

**PUBLIC HEARING AX-05-010**, Tax Parcel: 7-321-018 & 028, Jarod A. "Jay" Stephens request to annex and rezone 2.87 acres to HSB with a Special Use Permit for a landscaping business. Property located at 5442 GA Hwy 20 and currently zoned R-75 in Gwinnett County. - Schultz explained the application. The Public Hearing was held at February's meeting so no public hearing was necessary for tonight's meeting. Council Member Cohen motioned to approve AX-05-010 with the staff conditions as outlined with two changes; replace number 5 under staff conditions with Planning Commission recommendation #5, accept all other conditions as written and add that the Conceptual Landscape plan be entered in as a condition. At the discretion of the Planning Director, the applicant needs to abide by it. Council Member Edwards seconded the motion. Approved 3-2 with Council Members Clint Thompson and Nick Thompson voting nay.

## **Citizens and Guests Comments**

Mark Mospan, 1061 Shelby Lynn Ct., discovered during the recent rezoning process that the residents have concerns. He will be keeping the website that they formed active but under a new name with new information.

Meg Avery, 4575 Forest Green Dr., stated that she was impressed with the Fall Festival meeting. This will be the 6<sup>th</sup> Annual Festival and will be the best one yet.

David Hill, 965 Whitehead Rd., expressed concerns about safety in the neighborhood and traffic. He requested signs for Children at Play and officers to monitor the speeding.

### **New Business:**

**PUBLIC HEARING, SUP-06-001, TAX PARCEL: 7-320A-010**, Suzy's Cottage, Susana Luciani requested a Special Use Permit for the property located at 5559 Cumming Highway for the storage of recreation equipment and materials. The property is currently zoned HSB and contains .69 acre Schultz explained the Special Use Permit application. The staff recommendation is for denial because of the safety hazard to the traveling public on Highway 20. The Planning Commission recommended approval with three conditions. The Public Hearing was opened and Ms. Luciani explained that she had modified her request for outdoor items. She will no longer request to put wooden playgrounds out. She wants to put out 5 or 6, 2 to 3 feet wide and 5 to 6 feet tall silhouettes between the hours of 11 a.m. to 7 p.m. One day a week she wants to inflate the bouncing things for party rental. The bouncy house would have a net screen where no one could crawl in it and play. She had a petition with 98 signatures stating that they do not mind the items being placed on her lot. Donna Moreno spoke in favor of the request by the applicant. She stated that her store is very organized and neat and any outside displays would be the same.

Frank Guerro, Representative for the Arbor Clos Homeowners group stated that their concern is the safety since the entrance to their subdivision is right at the store in question. Diane Miley, 510 Silverberry Lane stated that she thought that this was for more of garden type equipment, bistro. She thought that a bouncy house would be very distracting.

The Public Hearing was closed. Council Member Clint Thompson stated that this is a bad area for accidents and some of them have been fatal. These type of items would facilitate more accidents. Council Member Edwards stated that he agrees that this would add to the distractions. The Mayor stated that residents turning left into Arbor Clos could be distracted by even the yard decorations. Council Member Cohen motioned to deny SUP-06-001. Council Member C. Thompson seconded the motion. Motion to deny approved 5-0.

**PUBLIC HEARING, AX-06-001, TAX PARCEL: 7-364-003**, Tara Home requested to annex and rezone 2.59 Acres located off Suwanee Dam Road. The property is currently zoned R-100 in Gwinnett County, and the applicant is requesting a RS-150, Single Family Residential zoning classification to develop four Single Family Residential homes. – Schultz explained the application. The staff recommends approval with four staff conditions and the Planning Commission added three more

conditions. The Public Hearing was opened and the applicant was not present. No one spoke in opposition or for the project so the Public Hearing was closed. Council Member Edwards motioned to approve AX-06-001 with the staff conditions. Council Member Cohen seconded the motion. The City Attorney stated that they needed to clarify in the motion if they intend to include the Planning Commission's three conditions. Council Member Edwards amended the motion to include the Planning Commission three conditions. Council Member Cohen seconded the amended motion. Approved 5-0.

**PUBLIC HEARING, RZ-06-001, TAX PARCEL: 7-306-048, 049, 050, 051, 052, 047, 102, 261, 046, 260, & 045** Franklin Investment Group is requesting to rezone 14+/- acres at Georgia Highway 20 and Sycamore Road. The properties are currently zoned RS-100, RS-150, & MH and the proposed zoning is for BG for a Commercial Retail Center. – Council Member Nick Thompson has an interest in the property and excused himself from the building. He presented the City Clerk with a Memo for the Record presenting the facts of his abstention from any discussion on this case.

The City Manager Bob Hail explained the application and the staff recommendations. He explained the standard buffer, the applicant's request and the staff recommendation. He read the Finding of Fact and Zoning Analysis. He explained the boundaries and buffer and showed them on the site plan. The City Attorney explained that the Council would need to place a stipulation that the architectural standards are the same as the Town Center Overlay if they want this to be included in the District.

The Public Hearing was opened and Lee Tucker, Attorney for the Applicants, explained the application and requests. He presented the City Clerk with a statement for the record and the current Rezoning Exhibit Site Plan. He explained that the property is not large enough for a mixed use development. The survey that the City sent to the residents in 2003 confirmed that everyone unanimously requested to have a grocery store in town. He requested that the Council approve the rezoning application with a few modifications to the stipulations; #7 consider 12 – 15 parking spaces before a landscaped island instead of 8 spaces, #10 a 25' buffer, #14 delete in its entirety as to not limit the square footage of the building,

Council Member Cohen questioned whether the City's downtown could support this much retail space and still support a downtown. He read the square footage of different grocery stores and Wal Marts etc. He asked the applicant target date for opening. He responded late 2007 or early 2008.

There was some discussion regarding clarification of the buffer, the fence and the berm.

Mark Mospan, 1061 Shelby Lynn Court, spoke in opposition to the project and cited the residents concerns. He had a power point presentation with pictures of the area bordering the project, and traffic on Highway 20. They would like to see a 75 foot buffer or greater along the whole perimeter of the development. The lighting was also a big concern. He presented a petition to the City Clerk with signatures in opposition to the development. They would like to see the following stipulations: No big box, no 24/7, a 75' buffer, fence should be 10' chain link located on top of the berm and a privacy fence on the property line, defused lighting, no fast food, high end retail, underground detention facilities and the dumpster service restricted.

Mayor Pirkle explained that the Council has tried to keep residential off of the commercial space and commercial off of the space reserved for residential. He feels this area is appropriate and suited well for business. When Highway 20 is expanded it will be a 4 lane road with a 45' median for future growth. The concern should be an adequate buffer to protect the residents. A buffer is not required adjacent to the OI zoned property but they should add one.

Council Member C. Thompson stated that it should be consistent with the Downtown Overlay District standards. Council Member Cohen stated that it is a great project 3 years down the road. There was some discussion about increasing the berm to 10 feet. The City Manager explained that a 10 foot berm would be 40 feet wide. There was some discussion regarding placing the fence in the center of the enhanced buffer. The City Attorney confirmed that it did need to be on the property line to keep the 2 properties separate. Maintenance and encroachment are issues.

Council Member Sullivan reviewed the changes in the stipulations to have a consensus from the Council. He went through each change in the stipulations. (See Attached changes as Staff Recommendation: RZ-06-001). Council Member Sullivan motioned to approve RZ-06-001 with noted changes in the Staff Recommendations as attached. Council Member C. Thompson seconded the motion. Approved 3-1 with Council Member Cohen voting nay.

**Executive Session: Legal, Real Estate and/or Personnel:** No Executive Session was held.

**Adjournment:** Council Member Cohen motioned to adjourn at 10:30 p.m. Council Member Sullivan seconded the motion. Approved 4-0.

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Gary Pirkle, Mayor

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Jane Whittington, City Clerk