

**CITY OF SUGAR HILL  
COUNCIL MEETING MINUTES  
MONDAY, JULY 14, 2014, 7:30 P.M.  
CITY HALL COUNCIL CHAMBERS  
5039 WEST BROAD STREET  
SUGAR HILL, GEORGIA**

**CALL TO ORDER** – The meeting was called to order by Mayor Edwards at 7:30 p.m. Present were Mayor Steve Edwards, Mayor Pro Tem Marc Cohen, Council Members Brandon Hembree, Susie Gajewski, Curtis Northrup and Mike Sullivan. Also present were City Manager Paul Radford, Assistant City Manager Troy Besseche, City Clerk Jane Whittington and City Attorneys Frank Hartley and Lee Thompson.

**PLEDGE OF ALLEGIANCE TO THE FLAG  
INVOCATION**

**APPROVAL OF AGENDA** – Mayor Pro Tem Cohen motioned to approve the Agenda as submitted. Council Member Gajewski seconded the motion. Approved 5-0.

**APPROVAL OF MINUTES** – Council Meeting June 9, 2014, Work Session June 2, 2014 – Council Member Hembree motioned to approve these minutes as written. Mayor Pro Tem Cohen seconded the motion. Approved 5-0. Mayor Pro Tem Cohen motioned to approve the June 26, 2014 Special Called Meeting Minutes. Council Member Gajewski seconded the motion. Approved 4-0-1 with Council Member Sullivan abstaining because he was not in attendance.

**CITY ATTORNEY'S REPORT  
COUNCIL REPORTS  
MAYOR'S REPORT  
CITY CLERK'S REPORT  
CITY MANAGER'S REPORT**

**CITIZENS AND GUESTS COMMENTS** – Tommy Brightwell spoke regarding concerns about parking

**CONSENT AGENDA**

**Ryland Final Plat Remove Storm Drain Easements  
Street Right of Way Acceptance Barrington Estates Phase 2  
Players Guild @ Sugar Hill, Inc. Agreement**

The City Manager, Paul Radford, explained the three items on the Consent Agenda. Mayor Pro Tem Cohen motioned to approve the Consent Agenda. Council Member Sullivan seconded the motion. Approved 5-0.

**OLD BUSINESS**

**Zoning Ordinance Amendment Alcohol Sales** – the Planning Director explained that this amendment would be for Article 4, Use Provisions and Article 10, overlay Districts of the Zoning Ordinance. This revision would add language for alcohol related uses such as brew pubs, growlers, microbreweries and wine bars. They would be an allowed use under Article 4 in HSB, BG, LM, HM1 and HM2 zoning classifications provided all local, state and federal requirements and licenses are observed. The revision under Article 10 adds language similar to Article 4 under the Central Business District CBG overlay zoning classification. Mayor Pro Tem Cohen motioned to approve the zoning ordinance amendment for Alcohol Sales under Articles 4 and 10. Council Member Sullivan seconded the motion. Approved 5-0.

**Alcohol Ordinance Amendment Growlers, Micro Breweries, etc.** – Request to Table – Mayor Pro Tem Cohen motioned to table. Council Member Hembree seconded the motion. Approved 5-0.

**Sugar Hill Youth Council** – Council Member Sullivan updated the history of the creation of this Youth Council. The by-laws were passed at the June Council Meeting and the Youth Council is back on the Agenda tonight for passage of their Charter. There was some discussion from the City Council to change to membership requirements. Council Member Northrup stated that the requirements should be the same as the City Council. Two of the membership could be non-city residents but these two members could not vote. Mayor Edwards re-stated the motion to amend Article II to allow two non-resident members and the two would be non-voting members. Council Member Sullivan stated to change the Youth Charter, Article II where there is the word exception change that to read and there can also be up to two non-resident members and the non-residents members shall not have the authority to vote. Council Member Sullivan motioned to approve the Youth Council @ Sugar Hill Charter as amended. Mayor Pro Tem Cohen seconded the motion. Approved 5-0.

**CBD Design Review – Peachtree Industrial Blvd., Entrance Drive** – Request to Table – Council Member Sullivan motioned to table this item until the August Council Meeting. Mayor Pro Tem Cohen seconded the motion. Approved 5-0.

**Public Hearing, RZ-14-001, Tax Parcel 7-255-015, 13 Acres, Jeff Harman, Rezone from BG to RS-100/SRD for a Senior Residential Subdivision** – Planning Director Awana explained that the City received an application from Jeff Herman representing FSC BP III Westbrook, LLC to rezone 13.02 acres at the intersection of Westbrook Rd. and Buford Hwy. to medium density single family residential (RS-100) with a senior residential development (SRD) overlay classification. Their intent is to develop a 43 home subdivision with 26 detached units and 17 attached units. The applicant is also requesting several variances to the SRD standards (Zoning Ordinance Section 1000.E) and to reduce the required 75 ft. zoning buffer between the RS100 portion of the development. The public hearing was opened and Jeff Herman spoke for the applicant. They are requesting a variance on the number of units that have to be handicap assessable. They want to be able to build handicap units upon request. They are also requesting a variance to allow a 3' side setback with a minimum of 7' between houses. A traffic study was performed in 2013 on the intersection of Westbrook Rd. and Buford Hwy. and the study did not warrant a traffic signal.

Garland Hitchcock spoke stating that he was not against the development but was concerned about the traffic. A lot of the traffic including the school busses travel through Ruby Forest to get to Buford Hwy. The intersection at Westbrook and Buford Hwy does not allow a good line of sight.

The public hearing was closed and the Mayor asked the City Manager to look into a collective cooperation with the City of Suwanee and Gwinnett DOT, to slow the traffic and allow safe exit onto Buford Hwy. Mayor Pro Tem Cohen motioned to approve RZ-14-001 with the twelve conditions of the Planning Commission in addition to #7 adding that up to ten homes may be reduced to a 3' side setback for the purposes of ADA compliance. Council Member Sullivan seconded with comment. The 3' side setback was supposed to state with a 7' total between homes. Mayor Pro Tem amended the motion to include the 7' total. Council Member Sullivan's second stands. Motion approved 5-0.

**Public Hearing, VAR-14-002, Tax Parcel 7-255-015, 1.95 Acres, Currently Zoned BG Variance to reduce the front set back from 40' to 20'** – Planning Director Awana explained that this variance request is to reduce the front setback of the commercial portion along Buford Hwy from 40 feet to 20 feet. The staff cannot support granting approval because of the variance criteria. This is the same development just heard in RZ-14-001, the senior residential development. The public hearing was opened and Jeff Herman explained the variance request is for aesthetic reasons. They want to make this commercial section look more like the cottage look than the strip retail look. There were no other

comments so the public hearing was closed. Mayor Pro Tem Cohen motioned to approve VAR-14-002 with a reduction in the front setback from 40' to 30'. Council Member Hembree seconded the motion. Approved 5-0.

## **NEW BUSINESS**

**3rd PUBLIC HEARING, 2014 Millage Rate** – The City Manager explained that this is the third public hearing as required by state law. If the digest grows by more than 3% then the City has to advertise a tax increase and hold three public hearings. The millage rate is recommended at the same 3.8 mills. The five year history of levy has been negative for the past five years but the Council still kept the rate at 3.8 mills. The public hearing was opened and there were no comments from the public so the hearing was closed. Mayor Pro Tem Cohen motioned to approve the 2014 millage rate at 3.80 mills. Council Member Sullivan seconded the motion. Approved 5-0.

**Resolution Development Authority. Oath of Office** – the City Manager explained that state law allows for the creation of a Development Authority. The Sugar Hill Downtown Development Authority members who qualify will serve on both boards. They will work hand in hand on the downtown developments. Council Member Hembree motioned to approve the Resolution creating the Development Authority with the following members: Post 1 Dawn Gober, Post 2 Nick Thompson, Post 3 Taylor Anderson, Post 4 Brandon Hembree, Post 5 Mark Orcutt, Post 6 Steve Graessle, Post 7 Craig Schmidle. Mayor Pro Tem Cohen seconded the motion. Approved 5-0. The oath of office will be administered at a future meeting.

**Public Hearing, RZ-14-003, Tax Parcels 7-339-140, 18, 46, & 65, 2.95 Acres, Sampson Property, Inc.** – Planning Director Awana explained that in 2008 this property was annexed into the City and given a zoning of BG with conditions. A Zaxby's restaurant is planned for the site, with adequate space for additional development. The applicant is requesting to be allowed a drive through kiosk with customary intercom and to eliminate the 40' enhanced zoning buffer next to Joseph Cheeley's undeveloped tract. There was a condition placed on the original zoning that prohibited drive through speakers. Twin Creek residents have submitted comments expressing opposition. The reasons for objection include: fast food development, proximity to dumpsters, light pollution, drive-thru speaker and general noise. The staff recommends approval with conditions and approval of Concept C presented along with other concepts. There were nine staff conditions recommended. The public hearing was opened and Greg Sampson, Sampson Property, Inc. spoke in favor of the application. He explained that Concept C reduced the size of the building to a seventy seat model which reduces the depth. The distance and decibels of at the speakers reduces the noise. The lighting is conditioned to prevent glare and directed as such that they should not be a factor at the property line.

The following spoke in opposition to the application: Brett Warbach, Chad Hall, Cecil Whitaker, Jean Mann, Dr. Chande. Their concerns were for fast food being adjacent to their property, speakers, noise, quality of life lighting. They asked for a raise of hands for people in the room who were in opposition. There were a number of hands raised. Mr. Warbach thought that if outdoor speakers were granted then a precedence would be to grant for all properties along this section of Highway 20. The Mayor stated and the City Attorney agreed that if we approve this then it is case by case, parcel by parcel and zoning by zoning for the other properties. There was considerable discussion regarding sound issues, the dumpster enclosure, the buffer and lighting. The Mayor and Council thanked everyone for coming out tonight and let them know that they are trying to find a balance between the commercial growth and the residents. They take all of their considerations very seriously.

The staff took the original nine conditions and modified them to submit nine new conditions for consideration. The City Attorney clarified that the Council needed to take the nine staff conditions and modify or amend those conditions for the point of clarification. Council Member Sullivan stated the amendments: condition #3 change from 40' enhanced buffer to 30' enhanced buffer to read allow 40'

enhanced buffer as shown on the attached buffer diagram dated 7/14/14 labeled Exhibit C. Condition #4 Change 6' trees at time of planting to 8' trees at time of planting and staff to inspect and approval by Planning Department with the fence at the back of the property line (see clarification of motion stated below). Condition #5 shall be modified to read change trespass in excess of 0.0 foot candles at the property line with the rest of the condition the same. Condition #6 leave strikethrough on item s. no intercom or speakers. Condition #7 the dumpster hours are to be limited to 7:00 a.m. until 7:00 p.m. Condition #8 shall read Proposed architecture shall match Concept C. Condition #9 strike direction of speaker add sound measurement shall be limited to measurement at 25 db or less at property line. The rest of the condition stays the same in addition to adding that this is for the Zaxby's development only. Also adding staff recommendation with a condition 4.5 specifying that the landscaping of the island behind the speaker shall be approved by the Planning Department and have plantings that are 6' high at time of planting to grow to no more than 12' high at maturity. Add to condition #3 instead of a staggered double row make it a triple row.

Council Member Sullivan motioned to approve RZ-14-003 with the staff conditions as presented and modified tonight. Council Member Northrup seconded the motion. Approved 4-1 with Council Member Gajewski voting nay.

**Public Hearing, VAR-14-006, Sampson Property, Inc., Reduce Stream buffer for properties along Cumming Hwy.** – Planning Director Awana explained the application. The public hearing was opened and there were complaints from the Twin Creek residents that there would be flooding of the stormwater between this property and their back yards. The residents include: Dr. Chande, Kevin Thompson, Hernando Rosa, Brett Warbach. There was discussion of a berm and placement of the fence. The public hearing was closed. Council Member Sullivan motioned to approve per the staff recommendation. Council Member Northrup seconded the motion. The motion was denied with a vote of 2-3 with Council Member Sullivan and Northrup voting yea and Council Members Hembree, Gajewski and Mayor Pro Tem Cohen voting nay. The City Attorney stated that there could be an additional motion to table this item if desired to allow clarification. Council Member Hembree motioned to table VAR-14-006 until the August Council Meeting because the discussion and questions were confusing. Mayor Pro Tem Cohen seconded the motion. Approved 5-0.

**Clarification of Motion for RZ-14-003** – Council Member Sullivan amended his previous motion in condition #4 instead of location of fence to location of fence per staff recommendation. Mayor Pro Tem Cohen seconded the motion. Approved 5-0.

**Public Hearing, RZ-14-004, Tax Parcels 7-253-007 & 12, 23.5 Acres, CEO Development, LLC, Rezone from HM-1 to RM for Residential Development** – Planning Director Awana explained that this application is from Marty Orr, representative for Lincoln Marlborough, LP as the property owner. They are requesting to rezone this property from HM1 to RM for a mixed use development. This 25 + acres along Peachtree Industrial Blvd. would consist of 108 townhomes and 51 single family detached homes. They are requesting several variances to include reducing the (1) minimum road width, (2) the minimum alley width, (3) the minimum zoning buffer, (4) the side yard, (5) the landscape buffer, (6) the minimum lot size and (7) the minimum detach lot size. The plat has been modified from the request at the work Session to do away with the commercial portion and increase the recreation or amenities. The public hearing was opened and Mitch Peavy spoke for the applicant. They saw no demand for commercial in the area so they enlarged the recreation area to now include pool and tennis courts. The total count now is 117 townhomes and 55 detached single family units. No one spoke in opposition so the public hearing was closed. There was some discussion regarding the size of the alleyways.

Mayor Pro Tem Cohen motioned to approve RZ-14-004 with the following conditions #1 to include the site plan dated today's date as Exhibit C; #2 rear loaded lots have 18' alleys with 15' front setback; #3 5' sidewalks on both sides; #4 the zoning buffer for RM zoning adjacent to single family residential

may be substituted for a 35' buffer. Said buffer shall consist of at least a staggered double row of evergreen and semi-evergreen trees and shrubs native or adapted to the areas. Trees shall be 6' tall at time of planting. Plantings shall be arranged to provide an effective visual screen of at least 20' in height at maturity. Buffer must not contain more than 30% of a single species and must be shown on a landscape plan to be approved by Planning and Development prior to receiving any permits. Council Member Gajewski seconded the motion. Approved 4-1 with Council Member Sullivan voting nay

**Public Hearing, RZ-14-005, CEO Development, LLC Rezone from HM-1 to BG for Commercial Development** – Planning Director Awana explained that this is the second portion of the development along with RZ-14-004. The request is now to rezone from HM1 to RM. The public hearing was opened and no one spoke in favor or in opposition so the hearing was closed. The same four conditions apply. Mayor Pro Tem motioned to approve RZ-14-005 from HM1 to RM with the same four conditions as RZ-14-004. Council Member Hembree seconded the motion. Approved 4-1 with Council Member Sullivan voting nay.

**EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL** – Mayor Pro Tem Cohen motioned to enter Executive Session at 12:30 p.m. Council Member Sullivan seconded the motion. Approved 5-0.

**PUBLIC ACTION TAKEN OUT OF EXECUTIVE SESSION** – The meeting was reconvened at 12:30 p.m. The City Manager, Paul Radford, explained that they have one item out of Executive Session. The Mayor and Council are to approve a memorandum of agreement (MOA) between Community Development Partners, Inc. and the Downtown Development Authority. The City will transfer the property that they own on Temple Avenue to the DDA and they will work with Community Development Partners for a development plan of this property. There is no cost to the City and the final approval of the development plan is a Council decision. Council Member Hembree motioned to approve this MOA as stated and presented tonight. Mayor Pro Tem Cohen seconded the motion. Approved 5-0.

**ADJOURNMENT:** Mayor Pro Tem Cohen motioned to adjourn at 12:31 a.m. Council Member Sullivan seconded the motion. Approved 5-0.

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Steve Edwards, Mayor

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Jane Whittington, City Clerk