

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, OCTOBER 12, 2015, 7:30 P.M.
CITY HALL COUNCIL CHAMBERS
5039 WEST BROAD STREET
SUGAR HILL, GEORGIA**

CALL TO ORDER – by Mayor Edwards at 7:30 p.m. Present were Mayor Steve Edwards, Mayor Pro Tem Brandon Hembree, Council Members Susie Gajewski, Curtis Northrup and Mike Sullivan. Council Member Marc Cohen was not present. Also present were City Manager Paul Radford, Assistant City Manager Troy Besseche, City Clerk Jane Whittington and City Attorney Frank Hartley.

PLEDGE OF ALLEGIANCE TO THE FLAG – led by Boy Scout Troop 513.

INVOCATION – given by Mayor Edwards.

APPROVAL OF AGENDA – Council Member Sullivan motioned to approve the agenda as submitted. Mayor Pro Tem Hembree seconded the motion. Approved 4-0.

APPROVAL OF MINUTES – Council Meeting September 14, 2015; Work Session September 8, 2015; Special Called Meeting September 8, 2015 – Mayor Pro Tem Hembree motioned to approve the minutes as written. Council Member Gajewski seconded the motion. Approved 4-0.

REPORTS

**CITY ATTORNEY
COUNCIL
MAYOR
CITY CLERK
CITY MANAGER**

CITIZENS AND GUESTS COMMENTS – there were no comments from citizens or guests.

**CONSENT AGENDA
OLD BUSINESS**

NEW BUSINESS

RZ-15-009 5208 & 5214 Nelson Brogdon Blvd, 5228 North Avenue, & 5174 West Broad Street. Solomon Development Services LLC is requesting to rezone to BG for a mixed use Development with a Special Use Permit for a Nursing Home, and request to expand the boundaries of the Central Business District to include the subject area, and seeking Design Review approval – the Planning Director explained that the City received an application from Solomon Development Services, LLC requesting to rezone 8.1 acres from General Business District (BG) and Mobile Home Park District (MH) to General Business (BG) with a Special Use Permit for a Nursing Home. The mixed use development will include assisted living, independent senior living, long term care, retail and restaurant uses. The applicant chose to defer the request for Design Review Board (DRB) consideration and is planning to enter their DRB application upon approval of zoning. The staff and the Planning Commission recommended approval. The public hearing was opened and Taylor Anderson, Chairman of the DDA spoke in favor of the project and development. DDA is in full support of this type of development. There were no other comments for or against the application so the hearing was closed. The Mayor thanked staff and the DDA for their efforts regarding this great product. Council Member Sullivan motioned to approve RZ-15-009 rezoning to BG with a Special Use Permit for a nursing home and expansion of the Central Business District boundary with the following condition: Development plans shall substantially resemble the attached concept plan labeled Exhibit 1. Council Member Northrup seconded the motion. Approved 4-0.

AX-15-005 combined with public hearing AX-15-004, 5608 Suwanee Dam Road, Holt Persinger with Ridgeline Land Planning, is requesting to Annex 5.019 Acres to OI – the Planning Director explained the city received an application for annexation of a 5.019 acre portion of the tract at 5608 Suwanee Dam Rd. and they are requesting Office Institutional District (OI) zoning classification. The property is contiguous to the city and annexation would not create any unincorporated islands. This is for Gwinnett Metro New Church and is an existing church. The public hearing will be combined with AX-15-004. After the public hearing, Council Member Sullivan motioned to approve AX-15-005 to rezone to OI zoning district and approve the buffer variance with the following condition: the buffer between the proposed subdivision and the new parcel containing the existing church shall be eliminated. All other buffers shall remain in full force and effect. Mayor Pro Tem Hembree seconded the motion. Approved 4-0.

Public Hearing, AX-15-004 combined with public hearing AX-15-005, 5608, 5722, & 5872 Suwanee Dam Road, Holt Persinger with Ridgeline Land Planning, is requesting to Annex 25.971 Acres to RS-100/CSD – Planning Director Awana explained that this is the second portion of the tract. The staff is recommending approval of the annexation with a rezoning of RS-100/CSD with five conditions. The Planning Commission recommended approval of the annexation and rezoning to RS-100 with a CSD overlay with five conditions including a dedicated left-turn lane to be installed on Suwanee Dam Rd. at the developer's expense, in conjunction with Gwinnett County DOT. The staff's condition #5 called for a warrant analysis for a dedicated left turn lane on Suwanee Dam Rd. The public hearing was opened and the applicant spoke in favor of providing a warrant study for the left turn lane. No one else spoke in favor or in opposition so the hearing was closed. Mayor Pro Tem Hembree stated that he feels strongly that there is a need to a dedicated left turn lane and read an amendment to condition #5. Council Member Sullivan motioned to approve AX-14-004 with the approval of the first four staff conditions with amending condition #5 to read as follows: the developer shall install at their expense a left turn lane on Suwanee Dam Rd. (northbound entrance into proposed subdivision) subject to coordination with Gwinnett County DOT prior to ratification of the final subdivision plat. A new condition #6 will be included to read as follows: a 50' zoning buffer adjacent to the church will be included on the residential side. Council Member Gajewski seconded the motion. Approved 4-0.

Public Hearing, SUP-15-001, First Avenue & Peachtree Industrial Blvd. RaceTrac Petroleum Inc. has filed an application for Special Use Permit on the property known as 7-292-139, 7-292-141 & 7-292-074 for a convenience store with fuel pumps and associated variances, and Central Business District Design Review approval – Planning Director Awana explained that the city received an application from RaceTrac Petroleum, Inc. for a Special Use Permit to allow a convenience store with fuel pumps at the corner of Peachtree Industrial Blvd. and GA Highway 20 along with 16 variances and Design Review Board approval. The property is currently zoned General Business (BG) and located within the Central Business District CBD overlay. The CBD Design Review has been deferred to next month to allow more defined drawings. Director Awana explained that if the Council considers First Avenue an alley, then five variances are needed and six conditions are recommended by staff. The public hearing was opened and Attorney Lee Tucker spoke for the applicant. A short video regarding RaceTrac was shown. Mr. Tucker requested that condition #4 be deleted that states no sign on the canopy. This should be considered in the design review process. The City Attorney, Frank Hartley, stated that condition #4 is addressed in the Zoning Ordinance already where no sign shall be allowed on the canopy or fuel dispensers. The Council would also need to deny the original 16 variances if they are approving the staff conditions.

Allen Jorgenson spoke against the project. His property is adjacent to this proposal and is between Alton Tucker Blvd., and First Avenue. His concerns included safety of the cars entering and leaving onto Peachtree Industrial Blvd. Mr. Lee property owner at the corner of Highway 20 and West Broad Street spoke against the project. He stated that when he built his new building he was told that he could not have gas pumps in the Central Business District.

Mayor Pro Tem Hembree stated that he struggled with this project from the beginning including the 16 variances. The decision made today is independent of the past. The traffic concerns still need to be looked at. He motioned to approve SUP-15-001 with the six conditions of staff, minus condition #4, including denial of all of the 16 original variances. Council Member Northrup seconded for discussion

to clarify the proposed conditions. The six recommended conditions by staff were displayed and Council Member Northrup's second stands. The motion was tied with Mayor Pro Tem Hembree and Council Member Northrup voting for and Council Member Gajewski and Sullivan voting against. The Mayor broke the tie with a vote in favor. The motion carries.

Public Hearing, RZ-15-008 1068, 1080, & 1090 Old Cumming Road, Doug Duffee is requesting to rezone to HM-1 for Auto Body Repair and Painting Facility, and seeking Design Review approval – the Planning Director explained that the city received an application from Doug Duffee to rezone 2.72 acres from low density Single Family Residential (RS-100) and General Business District (BG) to Heavy Manufacturing District (HM-1) for an auto body repair and painting facility. This property is also within the Town Center Overlay (TCO) so design review is required. The staff is recommending approval limited to only that use with tailored conditions. The Planning Commission recommended approval with conditions that differed from staff.

The public hearing was opened and Doug Duffey spoke regarding the proposal. He stated that he had no problems at his current location with complaints of noise or light. The EPA regulates the painting with required filters.

Scott Pryor spoke against the rezoning. He and his wife Nancy live at 1052 Old Cumming Rd. They feel that this will not enhance their property value and it may decrease it. With the Solomon project approved across the street, it would be more impressive to mirror the development on this side.

Gina Thomoff, 1071 Shelby Lynn Ct., stated that they do not feel this is the right move for this property. There are more properties suitable for this type business. They would prefer the bays to be in front of the building facing Highway 20 not toward the residences. A list of 15 residents presented a petition opposing this development to the City Clerk for the record.

The public hearing was closed and the Council had questions and concerns regarding the fence, plantings, landscaping and safety. Council Member Gajewski motioned to table this until the next Council meeting to allow more time for review. Council Member Northrup seconded the motion. Approved 4-0.

Budget Amendment Bowl Improvements – the Assistant City Manager Troy Besseche requested that this be tabled to the next regular or called Council Meeting. Council Member Sullivan motioned to table this until the next meeting. Council Member Northrup seconded the motion. Approved 4-0.

Intergovernmental Agreement Gwinnett County, Buford Hwy. at Westbrook Intersection Improvements – Assistant City Manager Besseche explained that the City's share of the project would be \$60,000 and reallocated within the Capital Improvement Plan as a part of a budget amendment. The County will absorb the balance of the cost of the project, expected to total \$120,000 during project implementation. The final verbiage of the agreement will be approved by the City Attorney. Council Member Sullivan motioned to approve the intergovernmental Agreement with Gwinnett County to establish the cost-sharing details of the improvements to the Buford Highway at Westbrook Rd. intersection. The final form of the agreement will be reviewed and approved by the City Attorney. Council Member Gajewski seconded the motion. Approved 4-0.

EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL – Council Member Sullivan motioned to enter Executive Session. Council Member Gajewski seconded the motion. Approved 4-0.

PUBLIC ACTION TAKEN OUT OF EXECUTIVE SESSION – the meeting was reconvened and there was no action taken out of Executive Session.

ADJOURNMENT – Council Member Gajewski motioned to adjourn. Council Member Northrup seconded the motion. Approved 4-0.

Steve Edwards, Mayor

Jane Whittington, City Clerk