

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, JULY 11, 2016, 7:30 P.M.
CITY HALL COUNCIL CHAMBERS
5039 WEST BROAD STREET
SUGAR HILL, GEORGIA**

CALL TO ORDER – by Mayor Edwards. Present were Mayor Steve Edwards, Mayor Pro Tem Brandon Hembree, Council Members Marc Cohen, 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 Attorney Frank Hartley.

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION – given by Mayor Edwards.

APPROVAL OF AGENDA - Council Member Cohen motioned to approve the agenda with the amendment of moving agenda item #5 up to after the Consent Agenda. Council Member Sullivan seconded the motion. Approved 5-0.

APPROVAL OF MINUTES – Council Meeting June 13, 2016; Work Session June 6, 2016; Special Called Meeting June 6, 2016; Special Called Meeting June 22, 2016 – Council Member Gajewski motioned to approve the minutes as written. Mayor Pro Tem Hembree seconded the motion. Approved 5-0.

AWARDS/PRESENTATIONS/PROCLAMATIONS

REPORTS

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

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

CONSENT AGENDA

5. Public Hearing, RZ-16-002, Change in Conditions & Multiple Variances, Bellagio Properties, 5769, 6001 & 5711 Cumming Hwy. & 5705 Old Cumming Rd. for a 36,170 sq. ft. Grocery Store – Director Awana explained that the city received an application April 1, 2016 from Bellagio Properties, c/o Nick Thompson requesting to change the conditions of zoning on five parcels on 5.15 acres. The property is currently zoned General Business District (BG). The applicant proposed to change several conditions of zoning to accommodate a 36,170 square foot grocery store. The applicant also requested variances to allow for a monopitch roof, to change the monument sign height from 12’ to 14’ and to allow the requested building materials. An updated application was received on June 8, 2016 after the Planning Commission tabled the application at the May 16, 2016 meeting. The applicant withdrew the variances regarding the signage and parking and submitted a request to allow the loading dock and

dumpster along the front façade and a variance regarding building materials. The location of the loading dock is on the current plan. The applicant also requested that staff not require screening of grocery cart corral areas. The applicant proposed painting the roof grey or cream to be less visible from the residential areas. The existing conditions were placed on this property during a 2004 application AX-04-025 and RZ-04-007. The staff recommendation was to delete all existing conditions and replace them with five new conditions.

The public hearing was opened and Nick Thompson spoke for the applicant. He stated that a letter was sent to the residents of Emerald Lakes regarding the application. This property does have Highway 20 frontage and is already zoning for commercial use. This project is of better quality than other things that could go there. His client is willing to build a fence thirty feet inside of the commercial side of the eighty-two feet that would exist between the proposed store and the common line. He noted that the staff said that the 2004 conditions placed on the property were rendered impossible. Mr. Thompson requested that the City Clerk note the applicants Constitutional objections due to the fact that a change in conditions is being required. The Lidl representative spoke briefly about the concept and what they are proposing at this store.

Brent Mileur spoke regarding the opposition of Emerald Lake residents to this project. Some of their concerns were odors, rats, buffers, traffic concerns, noise bright lights, decrease in property values and the fact that a nearby stream feeds into the neighborhood lake. He requested that the city continue to grow smartly and not put this project on that site.

The public hearing was closed and Council Member Cohen motioned to deny RZ-16-002, change in conditions. Council Member Northrup seconded the motion. Approved 5-0.

OLD BUSINESS

1. Public Hearing, RZ-16-001, Home South Communities, 11.1 acres proposed rezoning from BG/OI/RS/100/RS150 to Residential Multi-Family (RM) for 79 unit townhome development – Susan Puri, City Planner, explained that the city received an application dated February 8, 2016, from Home South Communities c/o Mitch Peevy with Millcreek Consulting requesting to rezone five parcels on 11.13 acres, their current zoning is (1) BG, (1) OI, (1) RS-100 and (2) RS-150. The applicant proposes to rezone the parcels to Residential Multi-Family District (RM) with a variance to reduce the undisturbed buffer along the RS100 property from 50' to 25' enhanced buffer for a townhome development. It does not meet the land use plan for the area which shows this area as Office Institutional OI corridor and this project has a density of 7.7 per acre. The staff is recommending denial of the rezoning and denial of the variance. After the Planning Commission Public Hearing held on March 21, 2016, the applicant revised the site plan with the units directly adjacent to White Oak Drive eliminated from the plan.

The public hearing was opened and Mitch Peevy spoke for the applicant. He stated that the digital commute has reduced the demand for office space. The applicant is willing to put up an eight foot fence as an added buffer.

Kaipo Awana requested a buffer of 25' to 30' bordering White Oak Drive.

Council Member Sullivan motioned to deny RZ-16-001 and the variance. Mayor Pro Tem Hembree seconded the motion. Approved 5-0.

NEW BUSINESS

2. Riverside Manor Final Plat Ratification – Director Awana explained that Kerley Family Homes requested ratification of the final plat for the Riverside Manor Subdivision. The development includes 14 lots for attached, residential single family homes in 4.94 acres. The Planning staff has reviewed all documentation, coordinated inspections by the Street and Storm Water Departments and determined that the site development meets the city’s final plat application requirements. Council Member Cohen motioned to ratify the Riverside Manor Subdivision final plat dated 2-24-16, as approved by the City Manager. Council Member Gajewski seconded the motion.

3. Public Hearing, AX-16-004, MTI Whirlpools, 612 North Price Rd. – Director Awana explained that the city received an application for annexation of a 1.5 acre tract owned by MTI Whirlpools, Inc. The parcels are currently zoned Single Family (R100) and Light Industry District (M1) in unincorporated Gwinnett County. They are requesting Heavy Manufacturing District (HM-1) in the city. The staff and the Planning Commission both recommend approval. The public hearing was opened and Matt Pranter of MTI Whirlpools spoke on behalf of this request. He explained that this rezoning is for future growth of the company. There were no other comments so the hearing was closed. Council Member Cohen motioned to annex AX-16-004 and to rezone to Heavy Manufacturing District (HM-1). Council Member Sullivan seconded the motion. Approved 5-0.

4. Public Hearing, VAR-16-005, Stream Buffer Variance, 227 Woods Creek Dr. – Director Awana stated that the city received an application from Goeffrey Berrios requesting relief from the Stream Buffer Protection Ordinance to construct a 10’ X 14’ storage shed, retaining walls, pavers, fire pit and a fence. The request does not meet the criteria for a variance that staff can approve. The Mayor opened the public hearing and Mr. Berrios spoke regarding the improvements and how they ended up as they are. He started with cleaning the area and then found that it was the only level site in his yard to put the shed. It became a project with his son. He did seek Homeowner’s Association approval for his fence and was not aware of the city’s requirements on fencing. He was trying to make the overgrowth and the area better. There were no other comments so the hearing was closed.

Council Member Northrup motioned to table this item until next month to allow Mr. Berrios time to get with the Planning Director and work some of these issues out. He can learn what can and can’t be approved and then come back before the Mayor and Council. Mayor Pro Tem Hembree seconded the motion. Approved 5-0.

6. Public Hearing, Central Business District Design Review Board, Mixed Use Project, JWM Ventures, LLC, block of Hillcrest Dr., Nelson Brogdon Blvd., Temple Dr. & West Broad St. Director Awana explained that the city received an application from JWM Ventures, LLC requesting design board approval for a mixed-use project at the block of Hillcrest Drive, Nelson Brogdon Blvd., Temple Drive, and West Broad Street, located within the Central Business District Overlay. The CBD location requires approval of the Design Review Board. The building height exceeds the currently allowable heights and will require modification of the Central Business District overlay standards. The application otherwise adequately addresses the overlay design standards. Some elements are not included in the design yet and will require separate consideration once completed, parking garage, aesthetics, and grocery store for example. The staff recommends approval of the material and general design. The Mayor opened the public hearing and Matthew Mitchell of Wakefield Beasley and Associates explained that the condo element will be designed at a later date. The façade material is stone.

Dr. Thomas Lavont, 809 Whitehead Road, spoke against this application. The people that live in this

area are already concerned about the traffic situation. It is too close to a residential area. The public hearing was closed.

Mayor Pro Tem Hembree motioned to approve the Central Business District Overlay Design Review 16-01022 as presented. Council Member Sullivan seconded the motion. Approved 5-0.

7. SPLOST 2016 Resolution & Intergovernmental Agreement – Assistant City Manager Besseche explained that the proposed SPLOST set for the November election will generate additional funds for local projects and joint projects with Gwinnett County. He submitted a list of both projects by category. Council Member Cohen motioned to approve the Resolution for the SPLOST project allocation and allow the Mayor and City Attorney to sign to sign the Intergovernmental Agreement with Gwinnett County. Council Member Northrup seconded the motion. Approved 5-0.

8. On-Call Engineering Services Contract Award – Mayor Edwards requested that this be tabled to allow more discussion. Council Member Sullivan motioned to table this item until next month. Council Member Gajewski seconded the motion. Approved 5-0.

9. Historic Preservation Society Appointment – Mayor Pro Tem Hembree nominated Erin Stachowiak to replace the seat vacated by Haley Tolbert. There were no other nominations so Erin Stachowiak is appointed to the Historic Preservation Society.

10. Development Authority Appointment – Mayor Pro Tem Hembree nominated Aaron Aliaga to fill the vacant seat of Craig Schmidle. There were no other nominations so Mr. Aliaga is appointed to the Development Authority.

11. 2016 Millage Rate 2nd Public Hearing – the City Manager explained that the City has maintained the millage rate at 3.8 mills for over twelve years. The state law requires three public hearings if the increase in tax revenue exceeds 3%. The growth in the digest has caused the increase in revenue, not a tax increase. The staff recommends maintain the millage rate at 3.8 mills. The Mayor opened the second public hearing. There were no comments so the hearing was closed. The third and final hearing will be held at the Special Called Meeting on July 18, 2016. Council Member Cohen explained that the city portion is a small percentage of the total tax bill that is sent by Gwinnett County.

EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL – Council Member Cohen motioned to enter Executive Session. Council Member Gajewski seconded the motion. Approved 5-0.

PUBLIC ACTION TAKEN OUT OF EXECUTIVE SESSION – Mayor Pro Tem Hembree motioned to approve the Authorizing Resolution approving the sale of a 4.5 acre site by the city to the Downtown Development Authority which has a development agreement totaling \$4,800,000.

ADJOURNMENT – Council Member Gajewski motioned to adjourn. Council Member Sullivan seconded the motion. Approved 5-0.

Steve Edwards, Mayor

Jane Whittington, City Clerk