



**WORK SESSION OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
JANUARY 26, 2009**

**PRESENT:** Mayor Harris, Council members Bomar, Dugan, Hall, Mundrick and Whitlock  
City Administrator, Department Directors, City Attorney

A work session was held prior to the regular scheduled meeting to allow the elected officials to discuss and ask questions of department directors regarding this evening's agenda items.

**OTHER ITEMS DISCUSSED:**

Staff reviewed proposed plans for the Taylor Park playground reconstruction.

**MINUTES OF THE  
MAYOR AND COUNCIL  
CITY OF DULUTH, GA  
JANUARY 26, 2009**

Mayor Harris called the meeting to order at 7:00 p.m.

**INVOCATION/PLEDGE:** Council member Dugan

**WELCOME RESIDENTS:** Castlemaine/Parc View North

**ANNOUNCEMENTS:** The 5<sup>th</sup> annual State of the City address will be held on Tuesday, January 27<sup>th</sup> at the KTN Ballroom in River Green Business Park.

**I. CEREMONIAL MATTER**

1. PRESENTATION OF GAME BALL – SENTINELS OF FREEDOM

Representing the Gwinnett Sentinels of Freedom, George Rhode presented the Mayor and Council with the "game ball" from this past weekend's fundraiser tournament. It will be placed on display in the trophy case at Bunten Road Park.

**II. CONSENT AGENDA**

1. APPROVAL OF JANUARY 12, 2009 MINUTES

2. ORDINANCE APPROVING FEE STRUCTURE

*[Exhibit "A"]*

Approval of this item approves an ordinance proposed request by the Planning Department which amends the current fee structure, in order to remain consistent with neighboring communities and the most recent Southern Building Code Congress International (SBCCI) Valuation Data requirements.

**A motion was made by Councilmember Hall, seconded by Councilmember Bomar, to approve the Consent Agenda as presented.**

**Those voting for: Council members Bomar, Dugan, Hall, Mundrick and Whitlock  
Motion carried.**

III. PUBLIC HEARING

1. ORDINANCES OF ANNEXATION AND REZONING – CASE A#0156-08 – PARCEL 7-207-002  
STEVE WOLCHANSKY 1645 BUFORD HWY C-1 TO C-2 AND BHOD

*[Exhibit "B"]*

Mayor Harris opened the public hearing to consider ordinances of annexation and rezoning for Case#0156-08 for approximately 1.2 acres of property located at 1645 Buford Highway.

Planning Director Clifford Cross came forward to explain the request. The applicant seeks to annex into the City of Duluth and rezone land along Buford Highway known as parcel number 7-207-002 from C-1 (County) C-2 (City) zoning in order to construct a 2-story, 14,450 ft (Gross Floor Area) retail and office building. The applicant is also requesting a reduction in the required landscape buffer.

Mr. Cross showed a map of the proposed site, which is next to the Highlands at Duluth and an M-1 industrially zoned property, across from St. Monica's Catholic Church. This request is to annex the property under the 100% method. The current plans provide 38 parking spaces, and show 43% of open space, which is more than our requirement. The FAR (footprint and floor area ratio) takes up 28% of the lot.

Mr. Cross showed a photo of the site and a land use map. He explained that the proposed development would be for the operation of a general office, coffee shop, and to hold a church service there one day a week as an accessory use. If the property is zoned C-2, it will provide more of a buffer between the Planned Residential Development and Industrial areas. Since the City recently adopted 2030 plan and the Buford Highway Overlay District, those requirements were also considered. These are factors such as protection of natural resources, ensuring energy efficiency, population, economic development, land use, urban design, and transportation. This request is in keeping with recent activities and also encourages redevelopment along Buford Highway Corridor, which is consistent with 2030 plan.

Mr. Cross pointed out an area along northeast property line in which the applicant is requesting a reduction in buffer from 35' width down to 10' due to the irregular shape of the lot. He noted there is already a 30' undisturbed strip on the PRD side, which would get a 40' total with both combined. He further noted the screening requirements and asked if, rather than installing a 6-8' fence, the planning director could be given the discretion to remove the buffer requirement but then require 6' plantings to achieve the same goal.

Councilmember Dugan asked about the relationship of the existing dirt road as far as ownership and access. He wanted to ensure that approval of this action would not be land-locking a piece of property.

Applicant/Developer Steve Wolchansky came forward and explained that there is a drive cut south of the Robert Bowen property near the cell tower which is the only usable property, all of the rest is in the 99 year floodplain.

Councilmember Hall asked for clarification on the sloped area backing up to other residential areas, and asked if those homeowners had expressed any comments. Mr. Cross said that they had not.

Mr. Cross announced that the Planning Commission recommended approval with conditions as follows:

1. This site shall be incorporated into the boundaries of the Buford Highway Corridor Overlay District and be subject to the regulations found in Article 24 of the Zoning Ordinance.
2. The applicant shall be required to provide heavy tree planting in order to ensure proper screening from the adjoining residential properties. The Director of Planning & Development shall approve a landscape plan for the site showing the required screening prior to the issuance of any permits.
3. The applicant shall be required to obtain an administrative variance to allow a 10% reduction in the minimum number of required spaces prior to the issuance of any permits.
4. The first floor of the proposed building shall not be used for any primary office use.
5. While the tenant of the first floor space is a coffeehouse/church, the church and coffeehouse shall not be open for business simultaneously on any day.
6. The detention pond to the south end of the site shall be screened from view from the point of view of Buford Highway. No chain link fencing shall be used in this screening.
7. Final site plans and architectural drawings shall be required to be reviewed for compliance with the Buford Highway Overlay regulations (Article 24) prior to the City accepting any application for permits other than Clear and Grading.

Mr. Cross also recommended the approval of landscape buffer reduction from 35' to 10' as consistent with section 1607-1.

Mr. Wolchansky came forward to explain that not only could they beautify a deplorable piece of property but also provide a great service to the community.

Councilmember Mundrick asked for clarification on the buffers and the dirt road on his property. He questioned whether the variance was even necessary, since most of the area seems to have more than enough buffer. He did not want us to require something if the ordinance does not.

Mr. Cross set that the applicant might not all need the setback in every area but felt it would be safer to ask for it.

Mr. Brian Holland came forward to ask about the relation between the topography and the drive-through area.

Councilmember Bomar said that the building looks close to the front edge of the developed area and wanted to ensure that, even with complying with requirements of BHOD, safety would be maintained.

Mr. Cross discussed the ratio of total linear footage and determining landscape requirements.

Councilmember Dugan asked about monument signage if that was covered under BHOD guidelines, and Mr. Cross confirmed.

Councilmember Mundrick asked if the County had voiced any objections, and Mr. Cross responded that they had not.

Ms. Joanne McKeon of Albion Farms came forward to request clarification on the conditions.

Mr. Cross noted that the occupant cannot have a church service at the same time the businesses are open, and that for a mixed-use development, the retail has to be on the ground floor and offices upstairs.

There being no further comments or questions, Mayor Harris closed the public hearing and called for a motion.

**A motion was made by Councilmember Bomar, seconded by Councilmember Dugan, to approve the ordinances of annexation and rezoning for Case A#0156-08 as presented with the stated conditions.**

**Those voting for: Council members Bomar, Dugan, Hall, Mundrick and Whitlock  
Motion carried.**

#### **IV. MATTERS FROM CITIZENS**

##### **1. CITY HALL BLOCK INTEREST – DESIGN CENTER**

Ms. Stacy Stamper came forward and asked Council if they had received the business plans on the proposed design center. She also noted that the Downtown Merchants had met and discussed the pros and cons of leasing the space.

Councilmember Dugan responded that most of the Council had just received the information and had not had adequate time to review it yet.

#### **V. MATTERS FROM COUNCIL/DEPT HEADS/CITY ATTORNEY**

##### **1. MAYOR'S DAY**

Councilmember Dugan announced that a majority of the Mayor and Council attended a Mayor's Day training session during the past weekend, taking classes on such topics as taxation, ethics, leadership, etc.

##### **2. CHATTAHOOCHEE ELEMENTARY SPECIAL GUEST**

Councilmember Hall announced that he would be participating as a special guest for the 2<sup>nd</sup> grade classes at Chattahoochee Elementary this week, giving a "Council 101" presentation.

**VI. ADJOURNMENT**

**A motion was made by Councilmember Mundrick, seconded by Councilmember Hall, to adjourn at 7:50 p.m.**

**All for. Motion carried unanimously.**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Mayor Nancy Harris

ATTEST:

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City Clerk Teresa S. Lynn