

City of Lawrenceville

Planning Commission

Minutes

February 11, 2008

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| John Merrill, Vice Chairman | Present & Presiding |
| Eron Moore | Present |
| Dennis Norton | Present |
| Bill Childers | Present |

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| Richard Johnson | Absent |
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Staff Present:

Bill Kingsbury, Planner

David Gussio, City Attorney's Office

Mr. Merrill called the meeting to order at 7:00 PM and declared a quorum present.

APPROVAL OF AGENDA

Mr. Merrill asked if there were any proposed changes for today's agenda. Hearing none, he asked for a motion to approve the agenda. The motion was made; seconded and carried 3-0.

APPROVAL OF PREVIOUS MINUTES

Mr. Merrill asked if there were any changes to the previous meeting's minutes. Hearing none, he asked for a motion to approve the previous meeting's minutes. Mr. Moore made a motion to approve the minutes; this was seconded by Mr. Norton, and was approved 3-0.

NEW BUSINESS

SU-08-03

Dr. Shelia Smith

696 Grayson Highway

5-149-023

Helipad in a BG District *(Planning Commission Recommendation: Denial, 2-1)*

Mr. Merrill introduced the case and asked Dr. Smith to present her case. Dr. Smith stated that she wants to use the rear portion of her property for a helipad so that her clients could land at her offices to receive physicals needed to retain their certifications to pilot

aircraft. She is seeking the City's approval so she can apply for Federal Aviation Administration (FAA) approval of the site.

The Commission asked questions as to the use of the site, if there would be lighting and hours of operation. Dr. Smith stated that the site is and will be for private use by her clients, sometimes by herself, and has been used for emergency purposes by medi-vac units. Dr. Smith stated that lighting is not planned and operations would be during daylight hours. On questioning, Dr. Smith stated that the helicopters using the facility weigh less than 3,000 pounds.

Members of the commission raised safety issues. Dr. Smith stated that the approach path was not over homes and there were no barriers, wires or other objects to interfere with the helicopters. Also, FAA will not approve a site they consider unsafe. Mr. Norton presented statistics from the FAA and others stating that the incidents of helicopter accidents are higher than that of other aircraft.

Mr. Merrill then asked if there was any opposition to the Special Use Permit. There was none.

Mr. Merrill asked for the staff recommendation. Mr. Kingsbury read the recommendation for approval subject to FAA regulations and approval.

Mr. Merrill then asked for a motion. Mr. Norton made the motion to deny the Special Use Permit. This was seconded by Mr. Childers; and carried by 2 to 1, with Mr. Moore voting, "No."

Mr. Norton then made a motion to send to City Council the safety statistics he presented with the Planning Commission's recommendation. Mr. Childers seconded the motion, and it carried by 2 to 1, with Mr. Moore voting, "No."

RZ-08-01

Mill Creek Consulting for Retail Capital Partners

Northwest Corner of Sugarloaf Parkway & Bellbrook Lane

5-085-699

BN to BG

(Planning Commission Recommendation: Denial, 3-0)

Mr. Merrill introduced the case and asked the applicant to present their case. Mr. Mitch Peevy of Mill Creek Consulting presented the case. Mr. Peevy stated that Retail Capital Partners is requesting BG zoning so they could attract additional businesses that would add to the quality of the development, and would help make it successful. He stated they are not asking for all BG uses, but for selected uses including full service restaurants that will allow for on-premise consumption of alcohol; non-fast food establishments with a drive-thru and/or patio, gymnastics, karate and/or fitness center; offices of health service practitioners; and dry cleaner with plant. Mr. Peevy stated that the applicant does not have any plans for a convenience store with gas pumps.

Mr. Merrill asked the Commission members if they had any questions for Mr. Peevy. Concerns were raised as to the noise and chemicals used in a dry cleaning establishment, hours of operation, and landscaping.

Mr. Peevy stated that today's dry cleaners do not make the noise of the older dry cleaning plants. The hours of operation of the center would be from approximately 7:00 AM to 11:00 PM. The screening landscaping would be of Leyland Cypress along the rear property line, and additional lower plants between the rear drive and the service area in the back of the building.

Questions were raised as to the legal requirements of placing a restaurant serving alcohol near a children's day-care. Staff stated that it would be legal to place such a restaurant in the proposed development.

Mr. Merrill asked if there was any opposition. Opposition was present from the adjacent children's day care center, the Bellbrook subdivision and a homeowner from across Sugarloaf Parkway in the Tanners Point Subdivision.

The representative from the children's day care center opposed the rezone because it would allow alcohol to be served near the facility. She stated that the day care operators presently have a facility in a strip center that has a restaurant serving liquor. This arrangement has it caused problems; the area is littered and requires pickup of "personal" items each morning that should not been seen by children.

The Bellbrook neighborhood representatives expressed concern about the hours of operation and traffic. They also stated that the applicant knew the zoning when he started to develop the property. If it is not the appropriate zoning to attract the users the applicant wants, the neighborhood should not be asked to accept another land use that reduces the developer's risk. Too, they stated that the Planning Commission should be consistent with the City's previous action not to rezone the property on the other side of the child care center from BN to BG.

The Tanner Point resident expressed concern over the numerous strip centers being built and the vacancies within these centers.

At the end of this discussion, Mr. Merrill asked if the applicant had met with the neighbors. He replied that he had not but others with the development firm had met with approximately 35 of the neighbors to try to arrive at an agreement.

Mr. Merrill asked for the staffs' recommendation. Mr. Kingsbury stated the staff recommends denial because conditions in the area have not significantly changed to justify a change in the zoning.

Mr. Merrill then asked Mr. Kingsbury to read the full Staff Report; it was then read.

Being no more discussion, Mr. Merrill asked for a motion. Mr. Norton moved to deny the zone change; this was seconded by Mr. Moore, and carried 3-0.

RZ-08-02

Sains Associates for Regions Bank

1385 Five Forks-Trickum Road (at Sugarloaf)

5-084-022& 023

R75 (County) to BN (*Planning Commission Recommendation: Approval with Conditions*)

Mr. Merrill introduced the case and asked the applicant to present their case. Mr. Michael Lynch with Sain Associates made the presentation. Regions Bank wants to build 3,800 square foot facility on the property in question. It would have a brick façade and drive-in facilities. Mr. Lynch presented a rendering of a bank that is similar to the facility to be built.

The planning commission members expressed their pleasure with the rendering and the plans.

Mr. Merrill asked if there was any opposition. There was none.

Mr. Merrill then asked for the staffs' recommendation. Mr. Kingsbury stated the staff recommends approval with site conditions. These are: A 15-foot vegetative screening buffer be placed adjacent to the residential zoned property to the rear and side of the parcel; and a 15-foot landscaped buffer be placed along Five Forks-Trickum Road and Sugarloaf Parkway. Detention ponds should not be allowed within the buffers.

Mr. Merrill then asked for a motion. Mr. Moore made the motion to approve the zoning request with the following conditions: That the building has a brick façade and be similar to the rendering submitted; that a 15-foot vegetative screening buffer be placed adjacent to the residential zoned property to the rear and side of the parcel and a 15-foot landscaped buffer be placed along Five Forks-Trickum Road and Sugarloaf Parkway; and that detention ponds not be placed within the buffers. Mr. Norton seconded the motion and it was carried 3-0.

AMENDMENTS TO THE ZONING ORDINANCE

Section 7.1 Uses Common To All Residential District

Mr. Merrill recognized David Gussio from the City Attorney's office. Mr. Gussio explained that the changes are a result of a meeting with various City staff to clarify parts of the City codes related to property maintenance so as to make enforcement clearer. Discussion began. At that time Mr. Gussio stated it was hard to have a full discussion without having Section VI of the Zoning Ordinance and the recent changes for that Section before the Planning Commission.

Discussion continued. Members of the Planning Commission had specific suggestions. This included allowing only one recreational vehicle to be placed in the side or rear yard (Par. (2)); and to allow one Watercraft of 20 feet in the side or rear yard (par. (4)). It was questioned why freezers would be allowed in Outdoor Storage (Par. (6)). Paragraph (7) was discussed including the meaning of Temporary Storage Facility and what could be stored in such facility.

After much discussion, a motion was made by Mr. Norton and seconded by Mr. Moore to table the item and to direct staff and the City Attorney's office to clarify the paragraphs in question and to return to the Planning Commission with their findings at the next Planning Commission meeting. The motion carried 3-0.

OTHER BUSINESS

Mr. Merrill asked if there was any other business. Mr. Norton stated that used car lots are parking so many vehicles within their lots that vehicles cannot be moved causing both an unsightly and dangerous situation. He stated that car sale lots should have marked and designated spaces for the vehicles offered for sale and open aisles to access the vehicles and buildings.

A motion was made by Mr. Norton and seconded by Mr. Moore to have the staff develop a policy and amendment to the Zoning Ordinance that would require marked spaces and access aisles similar to that required for other parking lots. The motion carried 3-0.

STAFF REPORTS

Mr. Merrill asked for any staff comments or reports. Mr. Kingsbury stated that Mr. Johnson wants the Commission members to be aware that at the next meeting there will be elections of officers – President, Vice President and Secretary.

The Meeting adjourned at 9:37 PM.

John Merrill, Vice Chairman

G. William Kingsbury, Planner