

# City of Lawrenceville

## Planning Commission

### Minutes

March 10, 2008

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

#### Staff Present:

Bill Kingsbury, Planner

David Gussio, City Attorney's Office

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

#### **APPROVAL OF AGENDA**

Mr. Johnson stated that the Old Business, Amendments to the Zoning Ordinance, should be placed before New Business. Mr. Moore made a motion to approve the agenda with this one change; Mr. Childers seconded the motion; it was approved 4-0.

#### **APPROVAL OF PREVIOUS MINUTES**

Mr. Johnson asked if there were any changes to the previous meeting's minutes and the minutes of the Work Session. Hearing none, he asked for a motion to approve the previous meeting's minutes. Mr. Merrill made a motion to approve the minutes of the February 11 meeting; this was seconded by Mr. Moore, and was approved 3-0.

Mr. Moore made a motion to approve the minutes of the Work Session of February 26; seconded by Mr. Merrill; it was approved 4-0.

#### **OLD BUSINESS**

##### **Amendments to the Zoning Ordinance**

##### **Section 6.2, Definitions**

**Section 7.1, Permitted Accessory Uses** (*Planning Commission Recommendation: Approval, 3-1*)

Mr. Gussio and Mr. Kingsbury briefly presented the amendments. Members of the Commission questioned Mr. Gussio and Mr. Kingsbury as to the definition of back yard and side yard. It was explained that the back yard is that portion of the yard behind a line drawn along the rear the house and extended to the lot lines on either side of the house. It was further explained that the proposed amendments places set backs from the back and side lot lines that apply to both recreational vehicles and watercraft. The setbacks are 10 feet from the rear yard property line, and five feet from the side lot property line.

Mr. Merrill stated that he believes that the amendments needed additional work and that the Planning Commission should further study the amendments prior to recommending them to City Council. **Mr. Merrill made a motion to table the items. Mr. Moore seconded the motion; the motion failed 3-2 with Mr. Merrill and Mr. Moore voting for the motion; and Mr. Childers, Mr. Norton and Mr. Johnson voting against the motion.**

**Mr. Norton then made a motion to approve the amendments to Section 6.2 and 7.1 of the Zoning Ordinance as presented by staff. Mr. Childers seconded the motion; the motion was approved 3-1 with Mr. Moore voting, “No.”** (The Amendments are attached as EXHIBITS A and B.)

## **NEW BUSINESS**

### **RZ-08-03 and SU-08-04**

**The Quinn House (Signs & Wonders, Inc.)**

**555 Hurricane Shoals Road**

**7-009-003**

**RS-150 to BG**                    *(Planning Commission Recommendation: HSB Zoning with conditions, 3-2)*

Mr. Johnson introduced the case and asked Mr. Kingsbury to read the staff’s recommendation. The staff recommended HSB, excluding all BG uses, except “motel, motor hotels and extended stay hotels.” Other secondary recommendations were made.

Mr. Johnson called up the applicant, Gene Brinkley, to state the case for The Quinn House. Mr. Brinkley stated that The Quinn House’s propose is to provide housing for those seeking to return to society to become a productive part of society. He said that The Quinn House also provides other services including providing meals to seniors, which the residents prepare.

The Quinn House plans to purchase the property in question and move their men’s residence from 184 Culver Street to the Hurricane Shoals location. The women will remain at 120 Perry Street location until they can sell the property for an acceptable price. They have no current plans to move from the Perry Street location. The meal programs

would be moved the Hurricane Shoals location. This would alleviate traffic problems at the Perry Street location.

Mr. Johnson next asked if any of the Planning Commission members have any questions for Mr. Brinkley. Mr. Childers asked if they had another location. Mr. Brinkley stated they have a home at 596 Springlake Road. Mr. Childers then asked, "Whose idea is it to move? Is there a need to get out of downtown?" Mr. Brinkley replied that no one is forcing them out, but recognizes that pressure will come for them to move. He does not want The Quinn House to be come a burden on the downtown.

Mr. Merrill raised the questions as to the number of people who will be at the Hurricane Shoals facility. Mr. Brinkley stated that they could put up to 30 beds in the facility, but more likely the number will be 20 to 24. They have 16 to 20 residents in their downtown locations. Mr. Merrill also asked about the condition of the Hurricane Shoals house. Mr. Brinkley stated that it in good basic condition and they will improve the house for their needs.

Mr. Kingsbury was asked why The Quinn House fits into the category of "motel, motor hotel or extended stay hotel" since those staying there do not pay. Mr. Kingsbury stated that this definition, as found in the Zoning Ordinance, best describes The Quinn House; and even if those staying there do not pay, someone, such as donors and charities, pay the cost.

Being no more questions for Mr. Brinkley, Mr. Johnson asked if anyone present wish to speak against the request. Three area residents and two who own property or have businesses in the area spoke against the proposed re-zoning.

Mr. Charles Whitehead of 523 Hurricane Shoals spoke against the proposal. He stated that he is not opposed to The Quinn House, but the location was not the place to put homeless men. The lot is next to an apartment complex with many children and a day care center.

A representative of Gwinnett Clinic spoke stating that this type of facility would limit new development in the area, and he did not what type of people would be at the home.

Mr. Navin Shah then spoke stating that his wife has a practice nearby whose clients includes children. He thought the housing of homeless men in the area would be harmful to his wife's practice.

Mr. Norman Blackstock who lives at the corner of Belmont and Hurricane Shoals spoke. He stated that he too felt it was not a place for homeless men because of the children in the area.

Mr. Mark McNalley, 526 Hurricane Shoals, stated that the location of The Quinn House would not help the area attract professional offices. He stated that he currently has his home for sale and is zoned BG.

Mr. Johnson then asked if the applicant had a rebuttal. Mr. Brinkley stated he recognizes the concerns of those who spoke, but there are misconceptions about those who are at The Quinn House. He stated that they are not homeless. The residents are those who have made mistakes and want to return to a normal life in society. Those who come to The Quinn House are professionally screened and agree to abide by the rules established for them. Mr. Brinkley stated that in the fifteen years he has been associated with The Quinn House the police have never had to come to make an arrest. He stated The Quinn House is teaching “the love of Christ” and strive to make the residents a productive part of the community.

Mr. Childers thanked Mr. Brinkley for his explanation and that he had been struggling with the zoning request. He stated that 2000 years ago a man said, “What ever you did to the least, you did unto me.” With that in mind, he had to support The Quinn House’s request.

Mr. Johnson asked if the Planning Commission had any other questions for Mr. Brinkley; hearing none, he asked for a motion. **Mr. Moore made the motion to approve the zone change from RS-150 to HSB with uses on the parcel limited to motel and motor hotels and extend stay hotels, and any principal uses permitted allowed in the BG District. All other uses in the HSB zone are prohibited. Further, that in lieu of providing the required 100-foot buffer between the use and adjoining residential district, the applicant construct and maintain an eight (8) foot high privacy fence along the rear and side yards, and that the rear yard set back be a minimum of forty (40) feet. All parking requirements shall be met, based on the requirements for “motel and motor hotels and extend stay hotels”; and all driving and parking surfaces be paved. Mr. Childers seconded the motion.**

Mr. Johnson asked for discussion on the motion. Mr. Childers restated his struggle with his decision, and the reason for this decision. Mr. Norton stated that the Planning Commission needs to be concerned about the children, and that the first responsibility should be the children. He also noted that The Quinn House is not being forced out of their existing facilities and thus have the time to look elsewhere.

**Being no more discussion, Mr. Johnson called for the vote. The motion was approved 3 to 2, with Mr. Childers, Mr. Moore and Mr. Johnson voting, “Yes,” and Mr. Merrill and Mr. Norton voting, “No.”**

**RZ-08-04**

**Lance G. Nicholas**

**490 Scenic Highway**

**5-116-014**

**RS-150 to ON (Office Neighborhood) (*Planning Commission Recommendation: Approval with conditions, 4-0*)**

Mr. Johnson introduced the case and asked Mr. Kingsbury to read the staff's recommendation. The staff recommended ON with the conditions that prior to development that a landscaping plan retaining the hardwoods along Scenic Highway be submitted for staff review, and a buffer of fifteen feet (15) be retained along the rear property line.

Mr. Johnson then called upon the applicant, Mr. Lance Nicholas. Mr. Nicholas stated he wants to purchase the house as an investment and lease space to office users. He stated that he had no major plans to change the home, and he will leave the trees along Scenic Highway. On questioning, he stated that the front yard is adequate for parking without having to remove the trees. Mr. Merrill reminded the applicant that retail uses are not allowed in the ON zone.

Mr. Johnson asked if there was any opposition to the zone change. There was none.

Being no more discussion, Mr. Johnson asked for a motion. **Mr. Merritt made the following motion: Approval of the zone change from RS-150 to ON with the following conditions: A fifteen (15) foot buffer be maintained using existing vegetation along the rear property line; that one parking space be provided for each 250 square feet of finished space as per the requirements of the zoning ordinance, and that a landscaping plan be submitted for staff review prior to any site improvements. This plan should retain the hardwoods along Scenic Highways. Mr. Childers seconded the motion.** Being no further discussion, Mr. Johnson called for the vote. **The motion was approved 4-0.**

### **ELECTION OF OFFICERS**

Mr. Johnson stated that the Planning Commission's officers should be elected for 2008. With the appointment of Mr. Childers the Commission had a full compliment of members and it was now appropriate to hold elections.

Mr. Johnson first asked for the election of the Secretary. Staff Planner Bill Kingsbury was nominated for Secretary and was elected unanimously. Mr. Johnson then turned the meeting over to Mr. Kingsbury for the elections of the Chairman and Vice-Chairman.

Mr. Kingsbury called for nominations for Chairman. Mr. Richard Johnson was nominated for Chairman and was elected unanimously.

Mr. Kingsbury called for the nominations for Vice-Chairman. Mr. John Merrill was nominated for Vice-Chairman and was elected unanimously.

Mr. Kingsbury turned the meeting over to Mr. Johnson.

## **STAFF REPORTS**

Mr. Johnson asked for any staff comments or reports. Mr. Kingsbury reported that he had been conducting research on parking and overcrowding of used car lots as requested by the Planning Commission. He stated he had not been able to find another jurisdiction that had any written ordinances that specifically addresses parking in used car lots. He had looked at four ordinances in surrounding communities and two from out-of-state.

The larger car dealers have marked spaces. The width, length and aisle dimensions are similar to requirements of zoning codes. However, the markings are sometimes ignored. In some cases, this is to park more cars than allowed by the markings; and in others, to display cars in a creative manner.

Smaller lots, regardless of where they are located, do not have marked parking spaces.

If parking requirements were to be adopted, it would be best to apply the same standards as are currently applied to other uses. This would make enforcement easier and would assure access to buildings and parked vehicles.

Normally standards are set at the time of construction or when additional construction occurs. Thus, bringing current lots into compliance would be a problem. Also, Lawrenceville development ordinances only require paved parking surfaces in the front yard. Many dealers have a large portion of their lots in gravel. Marked spaces would not work on gravel

After Mr. Kingsbury's report, there was discussion. It was suggested that the Gwinnett Fire Department be contacted to see if they have any standards for access to buildings and vehicles. Too, further discussions with neighboring communities to determine if they have other regulations that control parking and storage of vehicles in used car lot should continue. It was stated that resolving the problem of overcrowding of vehicles on used car lots could be best be resolved through existing laws and regulations, if they exist.

## **OTHER BUSINESS**

Mr. Johnson reported that the situation with used cars being sold at Gwinnett Federal Credit Union downtown has been turned over to the City Attorney.

Being no other business, Mr. Johnson adjourned the meeting.

The Meeting adjourned at 8:26 PM.

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Richard Johnson, Chairman

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G. William Kingsbury, Secretary

## EXHIBIT A

### Amendment to Article 6.2 of the Lawrenceville Zoning Ordinance

#### **Definitions:**

**BUSINESS VEHICLE:** A pickup style truck in the one ton classification with a payload gross vehicle weight rating of 10,000 to 13,000 lbs and a maximum of six (6) wheels. The bed of the truck may be of the sport, flare, step, style, or dually pickup varieties, but may not be a flat bed, dump, tool side, ladder, box, or any other non-pickup style bed.

**CARPORT:** A permanent, open-sided shelter for an automotive vehicle, usually formed by a roof projecting from the side of a building. Carports shall be constructed of the same type or similar materials as the residence itself.

**GARAGE:** A permanent building or indoor area primarily for parking or storing motor vehicles. Garages shall have at least one door that encloses the storage area from the outside premises. Garages shall be constructed of the same type or similar materials as the residence itself.

**OUTDOOR STORAGE:** Storage of items or equipment that is not completely enclosed within a structure such as a garage or home.

**RECREATIONAL VEHICLE:** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use. This definition includes but is not limited to campers, class A motorhomes, bus conversions, class B campervans, class C motorhomes, truck campers, folding trailers, pop-up campers, tent campers, travel trailers, teardrop trailers, hybrid trailers, fifth-wheel trailers, park model trailers, toterhomes, toy haulers, or other like vehicles.

**TEMPORARY BUILDING OR SHED:** A foundationless, ancillary structure, open or closed, covering 250 square feet or less, primarily used for the storage or other like residential purposes of the residents of the primary structure of the lot, and not having electrical or plumbing utilities.

**WATERCRAFT:** A vessel for transport by water constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion. This definition includes but is not limited to watercraft both mounted and not mounted, as well as boats, air boats, jet skis, wave runners, sea doos, and the like

## EXHIBIT B

### Amendment to Article 7.1 of the Lawrenceville Zoning Ordinance

#### PERMITTED ACCESSORY USES:

The following accessory uses are permitted in all residential districts subject to further restrictions or liberalizations as imposed by the regulations for that specific district:

- (1) A maximum of two (2) Business Vehicles;
- (2) A maximum of two (2) Recreational Vehicles, provided that each have a maximum length of forty-five (45) feet and is stored or parked in the rear yard on a hardened surface of gravel, or on pavement as wide and long as the vehicle. The Recreational Vehicles may be connected to an outlet but may not be occupied. The setback for Recreational Vehicles shall be five (5) feet on the side lot line, and ten (10) feet in the rear yard. Recreational Vehicles may not be parked or stored where it would constitute a clear and demonstrable vehicular traffic hazard or be a threat to public health or safety;
- (3) Private swimming pools exclusively for the use of residents of the premises and their non-paying guests subject to any other regulations and Ordinances of the City of Lawrenceville.
- (4) Watercraft, provided that the Watercraft and the trailer or object upon which it rests be of thirty-five (35) feet or less in length, that only one (1) Watercraft can be longer than twenty (20) feet, and that all Watercraft must be stored or parked in the rear yard on a hardened surface of gravel, or on pavement as wide and long as the vehicle. The setback for Watercraft shall be five (5) feet on the side lot line, and ten (10) feet in the rear yard. Watercraft may not be parked or stored where it would constitute a clear and demonstrable vehicular traffic hazard or be a threat to public health or safety;
- (5) A detached residential Garage or Carport;
- (6) Outdoor Storage is not allowed as a Permitted Accessory Use except for grills, freezers, basketball goals, toys, lawn equipment, and other like equipment in good operating order that are actually used as a part of and strictly for the residential purposes of the owner;
- (7) A maximum of one (1) Temporary Building or Shed provided that the facility is located or stored in the rear yard.