

**Planning Commission
Minutes
April 21, 2014**

Charlie Roberts	Present
Eron Moore	Absent
Marshall Boutwell	Present
Bob Strickland	Present
Sandy Futch	Present

Mr. Roberts called the meeting to order.

Mr. Roberts determined that a quorum was present.

Mr. Roberts called for the approval of prior minutes of March 17, 2014. Mrs. Futch made a motion to approve the minutes. Mr. Strickland seconded the motion. The motion carried. 3-0.

Mr. Roberts called for the approval of prior minutes of March 24, 2014 Special Call Meeting. Mr. Strickland made a motion to approve the minutes. Mr. Boutwell seconded the motion. The motion carried. 3-0.

OLD BUSINESS

- 1. RZ-14-01 HSB to BG**
Steven Mills on behalf of
Texaco Food Mart, Inc.
662 Duluth Highway
Lawrenceville, GA 30046
7/009/006B

Mr. Roberts asked for a report from the Planning Department. Mr. Ferguson gave the report and stated that at the time the property was last rezoned, the applicant had requested a rezoning to the HSB district in order to construct a hotel complex. The project was never began. Mr. Ferguson stated that the current use of the property as a convenience store with gas pumps is a principle permitted use in the BG zoning district and his recommendation was for approval as requested.

Mr. Roberts asked if the applicant was present. Ms. Sabrina Sharifali gave the presentation on behalf of the applicant. Ms. Sharifali stated that the applicant wished to rezone the property to BG in order to make the special use permit requests that were next on the agenda.

Mr. Roberts asked if there was any opposition. There was none. Mr. Roberts called for a motion. Mr. Boutwell made a motion to recommend approval of the rezoning request. The motion was seconded by Mr. Strickland. The motion carried. 3-0

2. **SU-14-03**
Steven Mills on behalf of
Texaco Food Mart, Inc.
662 Duluth Highway
Lawrenceville, GA 30046
7/009/006B

To allow:

- 1) Automobile Wash Service (Automatic with Interior detail service)**
- 2) Automotive Repair (Emissions testing)**

Mr. Roberts asked for a report from the Planning Department. Mr. Ferguson gave the report and stated that the proposed uses do not conform with or support the desired development strategies of the Medical Services Character Area and therefore the Planning Department recommendation is for denial of the request but if approved Mr. Ferguson suggested five conditions be placed on the special use permit. The conditions are as follows:

1. The 2030 Master Plan suggests the installation of 8' – 10' sidewalk/multiuse trails to improve the walkability to and around the medical complex. In consideration of existing adjacent sidewalks, a requirement of the installation of a minimum 4' sidewalk along the frontage of the property should be adequate.
2. The applicant shall be required to submit site improvement plans that address customer waiting area, employee parking, traffic flow, and where and how proposed services will be conducted. Required plans should be submitted and reviewed by the City Council prior to approval of the Special Use Permit.
3. No work or business activities to be conducted outside.
4. The applicant will be required to bring the property into conformity with the City of Lawrenceville Landscape Ordinance.
5. Sign twirling is prohibited on the property.

Mr. Roberts asked if the applicant was present. Ms. Sharifali asked for a copy of the proposed five conditions and consulted with her client and additional legal counsel. Mr. Roberts informed the applicant and representation that the time they spent reviewing the staff conditions would count towards the allotted ten minutes. Ms. Sharifali stated she understood.

Once the applicant and legal counsel reviewed the conditions, Ms. Sharifali and Mr. Justyn Alioto of Mills and Hoopes addressed the Planning Commission. Mr. Alioto stated that he had concern over staff conditions 1, 3 and 4 and he did not understand the plan that staff requested as part of condition 2. Ms. Sharifali stated that it was her belief that the car wash use was a grandfathered use because an automatic car wash facility had been there previously and that building is still there.

Mr. Ferguson addressed the applicant and stated that the use is not legal non-conforming because the use was not in operation for more than six months and the applicant requested a use that was different than an automatic car wash (hand car wash). Mr. Ferguson also stated that the sidewalk and landscape conditions 1 and 2 are part of the development requirements and that the applicant had not submitted any plans addressing how the operations would be handled.

Mr. Alioto stated that if the applicant was required to comply to literal interpretation of condition 3, they would have to construct a building with four walls and a roof.

Mr. Roberts asked if the Planning Commissioners had any questions of the applicant. Mr. Strickland stated that he visited the site and that the area for the proposed operation was quite small. Some discussion was had.

Mr. Roberts asked if there was any opposition present. There was none. Mr. Roberts called for a motion. Mr. Boutwell made a motion to approve the recommendation of the Planning Department. The motion was seconded by Mr. Strickland. Mr. Roberts asked for clarification because the Planning Department recommendation was for denial but if approved, the five conditions should be restricted to the special use permit. Mr. Boutwell confirmed that that was the intent of his motion. Mr. Strickland stated that was his understanding of the motion as well. Mr. Roberts restated the motion for clarity. The motion was to recommend denial of the special use permit application but if approved to recommend the conditions included in the staff report. The motion carried. 3-0

NEW BUSINESS

- | | |
|---|--|
| 1. SU-14-08
Catalin Amariei on behalf of
Gabriela and Laurentin Amariei
1035 Cripple Creek Drive
Lawrenceville, GA 30046
7/028/021 | To allow:
Automotive Repair |
|---|--|

Mr. Roberts asked for a report from the Planning Department. Mr. Ferguson gave the report and explained that after a site inspection of the property had been made, it was determined that the property owner had been allowing a junk/salvage yard to operate on the property. Because the requested use is automotive and there would be the potential for the owner to allow a similar junk/salvage yard, the Planning Department recommendation was for denial but if approved the following conditions should be included:

1. Approval will be subject to the removal of all junk vehicles, junk equipment, trash and debris, removal of unpermitted lift equipment and maintenance of landscape areas within thirty days of the public hearing.
2. The applicant shall install a double row evergreen screen plant material that is staggered along the frontage of the property immediately adjacent to the existing chain link fence. Plant material must be a minimum of six feet in height at time of planting spaced fifteen feet on center.

3. All parking must occur on paved surfaces. If the applicant wishes to enlarge the paved parking areas, he will be required to apply for any appropriate development permits through the Planning and Zoning Department. Parking spaces on an approved surface must be striped according to size requirements of Article IX. Employee parking and customer vehicles to be worked on must all be parked in a designated, striped parking space.
4. Outdoor storage is prohibited.
5. The removal of all unpermitted signs along the existing chain link fence is required.

Mr. Roberts asked if the applicant was present. Mr. Catalin Amariei gave the presentation and explained that the junk material and vehicles are owned by a previous tenant that he is in the process of evicting. He was advised by the Gwinnett County Sheriff's office to stay away from the property until the eviction deadline which will be April 25th. Mr. Amariei stated that if the tenant does not remove all the junk by the 25th he will have everything removed by April 29th. Mr. Amariei stated that the property was constructed as and automotive repair shop facility and he wished to be allowed to continue that kind of operation. Mr. Amariei stated that he had seen the proposed staff conditions and would be willing to comply.

Mr. Roberts asked if there was any opposition. There was none. Mr. Roberts then called for a motion. Mrs. Futch made a motion to recommend approval of the application with the proposed staff conditions. The motion was seconded by Mr. Strickland. The motion carried. 3-0

2. SU-14-09
David Manchester
2665 & 2675 Sugarloaf Parkway
Lawrenceville, GA 30046
5/107/015 & 5/108/020

To allow:
1) Outdoor Storage
2) Commercial
Vehicle Parking
(Tractor and/or
Trailer)
3) Gravel Parking
4) Transportation
Rental

Mr. Roberts asked for a report from the Planning Department. Mr. Ferguson gave the report and explained that the applicant requested special use permit approval at two adjacent properties. Both properties were zoned BG but the property with parcel number 5/108/020 is the applicant's primary residence. Mr. Ferguson stated that his recommendation was different for each parcel and was as follows.

5/108/020 –

1. Even though the property is zoned BG, Mr. Manchester, as stated in the letter of intent, resides in the home located on the property. For Mr. Manchester to continue his landscape consulting business at this location, he will be required to apply for and be issued an occupational tax certificate for a home occupation.

2. *The Planning and Zoning Department recommends denial of all special use permit requests at parcel 5-108-020 because no commercial improvements have been made to the property and the use remains residential.

5/107/015 – Approval with conditions.

1. As indicated in the letter of intent, the applicant is willing to install screening plant material and a berm to improve the view into the site. The applicant shall be required to construct outside of the right-of-way a minimum six foot tall earthen berm with a minimum width of four feet at the top of slope. Along the top and front of the earthen berm the applicant shall install evergreen trees which are a minimum of six feet in height at the time of planting. Evergreen trees shall be planted in a double staggered row fifteen feet on center and no one species shall comprise more than 33% of the total number required.
2. Section 7.9 of the Zoning Ordinance requires that no material shall be stored in the front yard and that stored materials shall be screened by a fence at least six feet in height. Due to the orientation of a legal nonconforming structure (office trailer), the Planning and Zoning Department recognizes that these requirements will be difficult to meet. In lieu of a literal enforcement of these requirements, the Planning and Zoning Department recommends allowance of outdoor storage in the front yard as long as berm and screening requirements of condition 1 are maintained.
3. A maximum of six Commercial Vehicles (Tractor and/or Trailer) shall be allowed on the site at one time. Commercial Vehicles shall be for the purpose of landscape materials only and approval of the special use permit shall in no way allow Mr. Manchester, his tenant or any future tenants or owners to lease or rent parking spaces for the storage of Commercial Vehicles.
4. All employee and customer parking must occur on existing gravel. No parking on unapproved grass surfaces shall be permitted. No gravel parking, access drives or outdoor storage areas are to be expanded without approval of a development permit from the Planning and Zoning Department. Gravel must be maintained and free of vegetation at all times.
5. All work, storage, tree removal, etc. that is occurring in required stream buffers must cease immediately. The applicant may be required to present a survey to the Planning and Zoning Department that denotes stream and buffer locations in order to ensure no violation of the requirement.
6. The applicant shall provide a parking plan which outlines the location of all Uhaul vehicles.
7. Under no circumstances shall an owner or occupant of any property keep any junk, scrap, metal, rags, paper, abandoned, wrecked, or junked or scrap material or any parts thereof. The occupant of the property currently has multiple violations of this provision and the appearance of the property is that of a junk yard. Approval of the special use permit shall be conditioned on the requirement that all junk, junk equipment and materials or equipment not associated with the approved business shall be removed within three months of approval.
8. A site visit indicated that a second business, a concrete contractor, is using the property for storage of equipment, however, the Planning and Zoning Department

has no record of this business operation. Approval of the special use permit shall be conditioned on the requirement that the concrete contractor cease all storage and operations at this location unless a permanent office facility and associated site work has been constructed pursuant to all required building and development permits and the issuance of an occupational tax certificate.

Mr. Roberts asked if the applicant was present. Mr. David Manchester gave the presentation. Mr. Manchester stated that he had submitted a response to the staff report and that he was informed the Planning Commission Members had a copy of that (see Exhibit A). Mr. Manchester stated that he had been directed by the City of Lawrenceville in 1988 to apply for a rezoning to BG and has been using his property in this manner since that time. Mr. Manchester stated that he will obtain all necessary business licenses for each business operating at his location.

Mr. Roberts asked if the Planning Commissioners had any questions of the applicant. Mr. Strickland asked how many different businesses were being operated at the two properties. Mr. Manchester stated he operated a landscape consulting business and a plant sales and storage business from his home and that he leases the property next door to a landscape supplier and a concrete contractor. Mr. Strickland asked if Mr. Manchester also sells firewood from his home. Mr. Manchester confirmed that he did. Mr. Roberts asked if one of Mr. Manchester's tenants rents Uhauls. Mr. Manchester confirmed that his tenant does.

Mr. Roberts then called for a motion. Mrs. Futch made a motion to recommend approval of the request with the Planning Department conditions except for the first condition number 2 of the staff report*. Mr. Boutwell seconded the motion. The motion carried. 3-0

**3. Amendment to Zoning Ordinance
Article VII Sections 7.12 and 7.13**

**Recommendation
concerning uses listed
in LM and HM zoning
classifications**

Mr. Roberts asked for a report from the Planning Department. Mr. Ferguson gave the report and stated that the City Council had passed an amendment to the LM and HM zoning classifications in February. Mr. Ferguson explained that there were numerous LM and HM property owners that had expressed concern of the limited uses that were outlined in the new ordinance. Mr. Ferguson stated that City Council Members had met with property owners to listen to concerns and propose changes to the ordinance that would benefit all parties involved. Mr. Ferguson recommended approval of the amendment.

Mr. Roberts asked if the Planning Commissioners had any questions of Mr. Ferguson. There were none. Mr. Roberts asked if there was any opposition to the proposed amendment. There was none. Mr. Roberts then called for a motion. Mr. Boutwell made a motion to recommend approval of the amendment. Mr. Strickland seconded the motion. The motion carried. 3-0

**4. Amendment to Zoning Ordinance
Article VII**

**Recommendation
concerning Kennels
(indoor) with limited**

outdoor use

Mr. Roberts asked for a report from the Planning Department. Mr. Ferguson stated that a specific applicant, Camp Bow Wow, requested that the use of Kennels (indoor) with limited outdoor use be listed in the HM zoning district in order to operate a daycare for dogs. Mr. Ferguson recommended an amendment to the ordinance to allow Kennels (indoor) as a Principal Permitted Use in HM and Kennels (outdoor) as a Special Use in HM which would be consistent with the LM zoning district requirements.

Mr. Roberts asked if the Planning Commissioners had any questions of Mr. Ferguson. There were none. Mr. Roberts asked if there was any opposition to the proposed amendment. There was none. Mr. Roberts then called for a motion. Mrs. Futch made a motion to recommend approval of the motion. The motion was seconded by Mr. Boutwell. The motion carried. 3-0

Having no further business, Mr. Roberts entertained a motion to adjourn. Mr. Boutwell made a motion to adjourn. Mr. Strickland seconded the motion. The motion carried. 3-0

Charlie Roberts, Chairman
Planning Commission

Joshua M. Ferguson, Director
Planning and Zoning Department

EXHIBIT A

Thank you for the information you forwarded to me. Please consider the following comments/ proposal and pass on to all involved. Again thank you for your consideration.

Zoning Recommendation

1. Agreed
2. Do not agree with recommendation

We should not be denied any opportunity to derive income from parcel 5-108-020. In 1988 the Mayor and City Council urged me to apply for 'BG' zoning because that was

appropriate for my business. This 'BG' zoning was voted on by the Mayor Rhodes Jordan and all city council members. This agreement can be found in the city records.

There were no improvement requirements/demands other than allowing for gravel parking, which had been established and can be renewed with little effort.

Planning and Zoning Department recommends approval for: parcel 5-107-015

Item 1-3 Agreed

4. Some parking is on Bermuda grass with a gravel base to control run off/erosion and aesthetics. Parking on the Bermuda keeps it in check along with light mowing/weed eating. A similar process was introduced by me and still in use at Gwinnett County Public Schools during my employment there for 18 years as the Grounds Department Site Development/Project Manager. This application is also used for overflow parking at the Mall of Georgia with good success.

5. Will mark out stream buffer at 25 ft.

6. Agreed

7&8 What appears as 'junk' is actually materials used(chain link fence, drainage pipe gravel and other items) on an ongoing basis by the contractor who works for Gwinnett County Schools on a daily basis. Often times he is called on to use these materials after hours, holidays and weekends, for the safety of the children and the general public, and for emergency purposes.

This entire area is at the back of the property hidden from public view, specifically from Sugarloaf Parkway.

Contractor has proof of a business license from the City of Suwanee, where he resides.

Please be assured that any junk on site is not what we want and we require that all such junk materials be removed from the property on a ongoing basis.

If you have any questions or comments please call me at: 678-963-8811.

Thank you,

David manchester