

**Planning Commission  
Minutes  
November 19, 2012**

John Merrill	Present
Eron Moore	Present
Keith Roche	Present
Bob Strickland	Present
Charlie Roberts	Present

Mr. Merrill called the meeting to order.

Mr. Merrill determined that a quorum was present.

Mr. Merrill called for the approval of prior minutes. Mr. Merrill pointed out one error in the minutes that needed to be revised. Mr. Strickland made the motion to approve the minutes of the October 15, 2012 meeting with one correction. Mr. Roche seconded the motion. The motion carried. 4-0

Mr. Ferguson informed the Planning Commission that he had spoken with the applicant of RZ-12-02 and he was running late. Mr. Merrill said if there were no objections he would move into New Business. There were none.

**NEW BUSINESS**

**1. 2013 Meeting Schedule**

Mr. Merrill asked if the Commissioners had any questions regarding the proposed schedule. Mr. Strickland asked why the meeting date was on a Tuesday in January. Mr. Ferguson explained that it was because of MLK Day. Mr. Roberts asked why the September meeting was proposed for the fourth Monday. Mr. Ferguson explained that it was due to the Labor Day altering the City Council regular schedule. Mr. Roberts asked if the meeting could be moved back to the third Monday. Mr. Ferguson said that it could.

Mr. Merrill asked for a motion. Mr. Roberts made a motion to approve the 2013 meeting schedule with the change that the September meeting would be on the 16<sup>th</sup>. Mr. Strickland seconded the motion. The motion carried. 4-0

**2. Amendment to Zoning Ordinance  
Section 8.9 Pitched Roofs**

Mr. Merrill asked for a report from the Planning Department. Mr. Ferguson explained that at the October meeting the Commissioners had asked him to research requirements that the City of Alpharetta have regarding pitched roofs. Mr. Ferguson presented the information that he found and stated that it only pertains to residential properties. Mr. Ferguson stated that he contacted the City of Alpharetta Planning Director and he was not aware of any requirements for pitched roofs. Some discussion was had about the direction of the proposed amendment. Mr. Roberts stated that he would send Mr. Ferguson the contact

information of the City of Sandy Springs Community Development Director. Mr. Merrill asked for a motion. Mr. Moore made a motion to request the Planning Director to conduct further research to find out if there are any other cities in the area that have pitched roof requirements. Mr. Roberts seconded the motion. The motion carried. 4-0

Mr. Merrill then called for a brief recess.

Mr. Merrill then called the meeting to order. Mr. Merrill moved the meeting back into Old Business.

### **OLD BUSINESS**

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| <b>2. RZ-12-02</b><br><b>Michael and Alessandro V. Salvo</b><br><b>530 and 526 Lyle Circle</b><br><b>Lawrenceville, GA 30046</b><br><b>5-176-035B, 5-176-035A and 5-176-174</b> | <b>RS-150 to LM</b><br><b>BG to LM</b> |
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Mr. Merrill asked for a report from the Planning Department. Mr. Ferguson gave the report. Mr. Ferguson stated that the rezoning application came before the Planning Commission previously and the Planning Commission recommended approval with conditions. At a City Council Work Session the City Council instructed Mr. Ferguson to go through the process again to include Mr. Salvo's existing BG lot and to explore rezoning both properties LM. Mr. Ferguson recommended approval with four conditions:

1. Ten (10) foot replanted and undisturbed buffer along the western property line which abuts the RM-12 zoning district. Replanted buffer to consist of a single row of Nellie R. Steven Holly planted 20' on center and 6' in height at time of planting.
2. Thirty (30) foot replanted and maintained buffer along the south western property line which abuts any RS-150 zoning district. Replanted buffer to consist of a double row of Virginia Pine planted 20' on center and 6' in height at time of planting along the proposed graded slope, and a single row of 50% Nellie R. Steven Holly and 50% of Southern Magnolia planted 20' on center and 6' in height at time of planting along the top of the proposed graded slope. The three rows of trees are to be staggered to provide adequate visual and acoustical screening.
3. Designated area to be located on both properties for Outdoor Storage of construction materials including but not limited to fill dirt and concrete debris, located in the rear of the property behind the principal permitted structure within an eight (8) foot tall wood privacy fence.
4. Parking of Commercial vehicles must occur in the rear of the property behind the principal permitted structure.

Mr. Merrill asked if there were any questions from the Planning Commissioners. Mr. Strickland stated that he recalled at the previous meeting there were two other conditions that the Planning Commission recommended that were not included in the staff recommendation. Mr. Ferguson stated that he could find those in the previous meeting minutes. Mr. Merrill stated that condition 1. from the staff recommendation should actually read the "northern property line which abuts the RM-12 zoning district". Mr. Ferguson agreed.

Mr. Merrill pointed out that the applicants letter of intent called for a fifty (50) foot undisturbed buffer but the staff recommendation was for a thirty (30) foot buffer. Mr. Ferguson stated that the recommendation could change to require a fifty (50) foot buffer. Mr. Ferguson then read the two conditions that were previously recommended:

1. All proposed clearing, grading, utility and landscaping work to be completed within nine (9) months of the final approval of the City Council or the rezoning becomes invalid.
2. No business activities to occur between the hours of 9:00 pm and 7:00 am any day of the week.

Mr. Merrill asked if the applicant was present. Mr. Michael Salvo gave the presentation stating that he was requesting the rezoning in order to perform grading work to improve the property.

Mr. Merrill asked if there was any opposition to the rezoning. Mr. Yusuf Ali of 527 Reba Road spoke in opposition stating primary concerns of stormwater protection and excessive noise which occurs prior to 7:00 am.

Mr. Merrill asked if the applicant would like to rebut. Mr. Salvo stated that previous stormwater problems were caused by downstream pipe failures. Mr. Salvo stated that his crews do not work prior to 7:00 am and that he has security cameras that could prove his claim. Mr. Salvo also stated that the noise could come from an adjacent property where large trucks are being parked. Mr. Ferguson confirmed that there has been a complaint regarding the trucks being parked at an adjacent property and that his department is working to resolve that issue.

Mr. Ken Penman of 531 Reba Road spoke in opposition to the rezoning and claimed that he is certain the excessive noise is not from the adjacent property.

Mr. Merrill then asked for a motion. Mr. Strickland made a motion to approve the rezoning request with the four conditions recommended by the Planning Department but to change condition 2. from requiring a thirty (30) foot buffer to require a fifty (50) foot buffer and to include the two other conditions previously recommended by the Planning Commission. Mr. Moore seconded the motion. Mr. Merrill asked if there was any discussion. Mr. Roche proposed an amendment to the motion concerning the last condition. Mr. Roche made a motion that the last condition restricts the hours of operation on weekdays from 7:00 am until 9:00 pm on weekdays and from 9:00 am until 5:00 pm on Saturday and Sunday. Mr. Strickland seconded the amendment to the motion. The amendment to the motion carried. 4-0

Mr. Merrill then read the motion into the record for clarity. The motion was for approval with the following conditions:

1. Ten (10) foot replanted and undisturbed buffer along the northern property line which abuts the RM-12 zoning district. Replanted buffer to consist of a single row of Nellie R. Steven Holly planted 20' on center and 6' in height at time of planting.

2. Fifty (50) foot replanted and maintained buffer along the south western property line which abuts any RS-150 zoning district. Replanted buffer to consist of a double row of Virginia Pine planted 20' on center and 6' in height at time of planting along the proposed graded slope, and a single row of 50% Nellie R. Steven Holly and 50% of Southern Magnolia planted 20' on center and 6' in height at time of planting along the top of the proposed graded slope. The three rows of trees are to be staggered to provide adequate visual and acoustical screening.
3. Designated area to be located on both properties for Outdoor Storage of construction materials including but not limited to fill dirt and concrete debris, located in the rear of the property behind the principal permitted structure within an eight (8) foot tall wood privacy fence.
4. Parking of Commercial vehicles must occur in the rear of the property behind the principal permitted structure.
5. All proposed clearing, grading, utility and landscaping work to be completed within nine (9) months of the final approval of the City Council or the rezoning becomes invalid.
6. No business activities are to occur between the hours of 9:00 pm and 7:00 am Monday through Friday and no business activities are to occur between the hours of 5:00 pm and 9:00 am Saturday and Sunday.

Mr. Merrill called for a vote. The motion carried. 3-1 with Mr. Roberts voting in opposition to the motion.

Mr. Merrill entertained a motion to adjourn. Mr. Roberts made a motion for adjournment. Mr. Roche seconded the motion. The motion carried. 4-0

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John Merrill, Chairman  
Planning Commission

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Joshua M. Ferguson, Department Head  
Planning and Zoning Department