

**Planning Commission
Minutes
August 9, 2010**

John Merrill	Present
Eron Moore	Present
William Childers	Present
Leon Smith	Present
Charlie Roberts	Present

Mr. Merrill called the meeting to order.

Mr. Merrill determined that a quorum was present.

Minutes were approved for July 12th 2010. A motion was made by Mr. Smith and seconded by Mr. Childers. 4-0

OLD BUSINESS
None

NEW BUSINESS

- 1. Amendment to Zoning Ordinance** **Sections 7.1 and 7.4**
Special Use Permit Requirement for
Churches located in Residential districts

Mr. Merrill asked Mr. Billew to give the presentation from the Planning Department.

Mr. Billew gave the presentation and stated that he had researched other jurisdictions to see the requirements they place on churches that are located in residential zoning districts. He said that after his research, he recommended the ordinance be changed to remove churches as a Principal Permitted Use and place them under a new Special Use category for all residential zoning districts, with the following minimum standards:

1. The proposed facility is located on a Major Arterial or Collector Street or a State Highway with a minimum of two hundred (200) feet of frontage on the subject street or highway.
2. The proposed site contains at least five (5) acres of land with at least four (4) acres lying outside of any 100-year FEMA Flood Hazard area.
3. Proposed buildings are setback not less than fifty (50) feet from any street and not less than twenty (20) feet from any side or rear property line. Note: If an abutting property is zoned non-residential, the minimum side and rear yard setbacks for the “place of worship” shall match the minimum setbacks required of the adjacent zoning category where it abuts the non-residential category.
4. Parking is not to be located within the fifty (50) foot front yard setback.
5. When adjacent to a property zoned for a single family detached residential use, a buffer of at least forty (40) feet shall be provided along the common property line(s).
6. The 5-acre minimum tract shall be one contiguous zoning classification.

Mr. Merrill then asked if the commission had any questions. Mr. Smith asked for clarification of the minimum buffer requirements. Mr. Billew clarified the buffer requirements. Mr. Childers spoke stating that he did not believe that the commission needed to make these changes at the time and was curious of why the Planning Department had brought this before the commission. Mr. Billew explained that after the Planning Commission's last work session, the Planning Department was charged with researching the issue and presenting a solution to the Planning Commission. The result of his research was before the commission. Mr. Roberts stated that he agreed with the action of requiring a church to obtain a special use permit in order to locate within a residential zoning district but did not agree with imposing the conditions that the Planning Department is recommending.

Mr. Merrill then asked if there was anyone who wished to speak in favor or in opposition to the proposed amendment. There were none.

Mr. Merrill then asked Mr. Billew which municipalities were researched when the Planning Department compiled the suggested conditions. Mr. Billew said that they were all located within Gwinnett County but an exact list was not readily available. After much discussion, Mr. Merrill asked for a motion. Mr. Smith made a motion to recommend approval of the amendment as presented by the Planning Department. Mr. Moore seconded the motion. Mr. Smith and Mr. Moore voted in favor. Mr. Roberts and Mr. Childers voted in opposition. Mr. Merrill cast the deciding vote in favor of the motion. The motion carried. 3-2

2. Amendment to Zoning Ordinance
Airport Operations Standards

Sections 7.12 and 7.20

Mr. Merrill asked Mr. Billew to give the presentation from the Planning Department. Once Mr. Billew had read the Planning Department's recommendation of the amendment to the Zoning Ordinance Section 7.12 (LM District), Mr. Merrill suggested to the Planning Commission that they treat each section as independent amendments. Mr. Merrill then asked if the Planning Commission had any questions or discussion. Mr. Roberts asked how the City plans to enforce noise violations from the airport. Mr. Billew stated that this would be a challenge the city would eventually face. Mr. Merrill then gave his understanding as a pilot of noise abatement. After some discussion, Mr. Merrill asked if there was anyone who would like to speak either in favor or opposition of the proposed amendment to Section 7.12. Mr. Mike Crow of 320 Craig Drive spoke in favor of the amendment. Mr. Crow stated that he believed that after looking at the proposed amendment, he believed that in paragraph (i) the word "over" should be replaced by the word "in". He also gave his opinion of noise monitoring for the benefit of the commission.

After much discussion, Mr. Merrill asked for a motion. Mr. Moore made a motion to recommend the approval of the amendment of Section 7.12 as presented by the Planning Department. Mr. Childers seconded the motion. Mr. Merrill asked if there was any further discussion and Mr. Roberts asked if Mr. Moore would amend his motion to include the addition of "/in" after the word "over" in paragraph (i). Mr. Moore agreed to amend his motion and Mr. Childers agreed to amend his second. The motion carried. 4-0

Mr. Billew gave the report from the Planning Department of the addition of Section 7.20 (T) TRANSPORTATION OVERLAY DISTRICT. Mr. Merrill made note to the Planning Commission that there was a discrepancy in the numerical and written numbers in paragraph (1)(a) under the heading BUFFERS: as it relates to the required distances of the buffers. Mr. Billew read the corrections to the Planning Commission.

Mr. Merrill suggested that the following sentence be added to paragraph (3) under the heading BUFFERS: "Plant materials used as buffer screening shall be at time of original planting a minimum of ten (10) feet in height and a minimum of ten (10) feet on center.

Mr. Merrill then asked for a motion. Mr. Smith made a motion to approve the amendment as presented by the Planning Department. Mr. Roberts seconded the motion. Mr. Merrill asked if there was any further discussion. Mr. Moore asked if the motion could be amended to include the addition to paragraph (3) that Mr. Merrill had proposed. Mr. Smith agreed to amend his motion and Mr. Roberts agreed to amend his second. The motion carried. 4-0

REPORTS BY STAFF AND COMMITTEES AND OTHER NEW BUSINESS

1. Scheduling Report – Meeting Dates

Mr. Merrill asked for a report from the Planning Department. Mr. Billew gave the report outlining the changes needed in the General Code of Ordinances regarding the monthly meeting dates of the Planning Commission. Mr. Merrill asked Mr. Moore, who is also the chairman of the Board of Zoning Appeals, if he felt there would be any opposition to the change from the Board of Zoning Appeals members, because the Planning Commission meeting date would now conflict with the Board of Zoning Appeals. Mr. Moore felt there would not be opposition but asked if the General Code of Ordinances would have to be changed regarding the Board of Zoning Appeals meetings as well. Mr. Billew stated that the ordinance reads that the Board of Zoning Appeals meetings are on an "as needed" basis and therefore would not need to be changed. The Planning Commission meetings will be changed to the third Monday of every month under the new plan.

Mr. Merrill then asked for a motion. Mr. Moore made the motion to approve as presented by the Planning Department. Mr. Roberts seconded the motion. The motion carried. 4-0

Mr. Childers asked to make comments to the Planning Commission. Mr. Childers stated that due to personal matters, he would be resigning as Planning Commissioner effective at the adjournment of the night's meeting. Mr. Childers then submitted a letter of resignation to Mr. Merrill and Mr. Billew and asked Mr. Billew to forward the letter to the Mayor and Council.

Mr. Childers made a motion to adjourn. Mr. Smith seconded. The motion passed 4 – 0.

John Merrill, Chairman
Planning Commission

Dennis Billew, Director
Planning and Zoning