

July 23, 2012

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

Mr. Merrill called the meeting to order.

Mr. Merrill determined that a quorum was present.

Mr. Merrill called for approval of prior minutes. Mr. Strickland made the motion to approve the minutes of the June 18, 2012 meeting as presented. Mr. Roche seconded the motion. The motion carried. 3-0

OLD BUSINESS

2. **RZ-12-02** **RS-150 to BG**
Alessandro V. Salvo
530 Lyle Circle
Lawrenceville, GA 30046
5-176-035B

Mr. Merrill asked if the applicant was present. Mr. Salvo was present. Mr. Merrill asked if the applicant would like to give a presentation. Mr. Salvo stated that he would like to perform clearing, grading and storm utility work on the property in the immediate future to which would enhance the property from the present state. Mr. Salvo said the commercial project for this site had not been determined and would not be completed at this time.

Mr. Merrill asked if the commission members had any questions from the applicant. Mr. Roche asked about noise violations at Mr. Salvo's current operation which is located directly adjacent to the proposed site. Mr. Salvo stated that no business operations occur prior to 7:00 am.

Mr. Strickland asked if the residential house would be demolished. Mr. Salvo confirmed that it would. Mr. Merrill asked Mr. Salvo what he anticipates the time frame for completion of the grading and utility improvements to be. Mr. Salvo stated approximately 6 to 10 months depending on available fill material.

Mr. Merrill asked if there was any opposition. Ms. Judy Walters of 535 Reba Road stated that she had concerns over the proposed rezoning. Her primary concerns were related to noise, disturbance of the existing creek, stormwater runoff, truck traffic earlier than 6:00 am and that the applicant had a history of lack of completion of projects in a timely manner.

Mr. Roche asked Mr. Ferguson about the proposed stormwater improvements particularly the Outlet Control Structure. Mr. Ferguson asked Mr. Billew, Director of Public Works, to explain to the commission about the stormwater detention. Mr. Billew stated that the proposed facility has been reviewed by the City Engineer and meets the requirements. Mr. Ferguson also stated that the City Engineer had made the determination that the "creek" is not waters of the state but just a drainage ditch.

Mr. Merrill asked if there was any other opposition. Mr. Ken Penman of 535 Reba Road spoke with the same concerns as Ms. Walters.

Mr. Merrill then asked for a motion. Mr. Strickland made a motion to recommend approval of the rezoning with the two (2) Planning Department proposed conditions and to add the condition that proposed work be completed within nine (9) months of the City Council approval. Mr. Moore seconded the motion.

Mr. Merrill asked for discussion. Mr. Moore requested to add the condition that no business activities to occur between the hours of 9:00 pm and 7:00 am. Mr. Merrill asked if Mr. Moore was making an amendment to the original motion in the form of a motion. Mr. Moore confirmed that he was. Mr. Merrill asked if there was a second to the amendment to the motion. Mr. Strickland seconded the amendment. The amendment to the motion carried 2-1 with Mr. Roche voting in opposition to the amendment.

Mr. Merrill then asked Mr. Strickland to restate the motion with the amendment added. Mr. Strickland stated that the motion was to recommend approval with the following 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. Stevens 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. Stevens Holly and 50% 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) 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.
- 4) No business activities to occur between the hours of 9:00 pm and 7:00 am any day of the week.

Mr. Merrill stated that the motion had been made along with a second by Mr. Moore and then called for the vote. The motion carried 2-1. Mr. Roche voted in opposition.

NEW BUSINESS

- 1. Amendment to Zoning Ordinance Section 7.8
Distilled Spirits by the drink in
BN (Business Neighborhood) zoning district
as a Special Use Permit**

Mr. Merrill asked for a report from the Planning Department. Mr. Ferguson gave the report stating that staff recommends approval of the amendment to the Zoning Ordinance Section 7.8.

Mr. Merrill asked if there was any opposition to the amendment present. There was none. Mr. Merrill then asked the pleasure of the commission. Mr. Roche made a motion to recommend approval of the amendment. The motion was seconded by Mr. Moore. The motion carried. 3-0

Mr. Merrill entertained a motion to adjourn. Mr. Strickland made a motion for adjournment. Mr. Moore seconded the motion. The motion carried. 3-0

John Merrill, Chairman
Planning Commission

Joshua M. Ferguson, Department Head
Planning and Zoning Department