

**Planning Commission
Minutes
June 20, 2011**

John Merrill	Present
Eron Moore	Present
Larry Still	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 approval of prior minutes. Mr. Roberts made the motion to approve the minutes of the January 24, 2011 meeting as presented. Mr. Strickland seconded the motion. The motion carried. 4-0

OLD BUSINESS

None

NEW BUSINESS

- | | |
|---------------------------|-------------------------------------|
| 1. SU-11-01 | Allowance of Small Financial |
| Pawn @ 20, LLC | Institution in BG zoning |
| 141 A Buford Drive | district |
| 5/146/B095 | |

Mr. Merrill asked if the applicant was present. Ms. Sandra Garland presented the application for the allowance of a Small Financial institution to be located in a BG zoning district.

Mr. Merrill asked if there was any opposition to the special use application. There was none.

Mr. Merrill called on the Planning and Zoning Department to give a recommendation. Mr. Ferguson gave the report. Mr. Ferguson stated that the applicant meets the minimum requirements of the special use and therefore the Planning and Zoning Department recommends approval of the application. Some discussion ensued.

Mr. Merrill asked for a motion by the Commission but that if the motion was for approval he requested that the motion include the condition that the applicant would not be allowed outdoor storage of items for sale. Mr. Strickland made a motion for approval including the condition that Mr. Merrill requested. Mr. Still seconded the motion. The motion carried. 4-0

**2. SU-11-02
Lamar Advertising
365 Reynolds Road
7/012/035**

Allowance of a Billboard

Mr. Merrill asked if the applicant was present. Mr. Tim Adrian presented the application for the allowance of a Billboard. Mr. Adrian stated that the application was required by a settlement agreement dated May 29, 2009 between the City of Lawrenceville and Trinity Outdoor, LLC. The agreement allowed the location of four (4) billboards but the applicant would only be requesting the allowance of two (2), SU-11-02 and SU-11-03. Mr. Adrian stated that the timing of the application was due to the deadline that was set on the settlement agreement.

Mr. Moore questioned the applicant about the condition in the agreement requiring a 500' separation between billboards. Mr. Adrian stated that he believed there was a condemnation of a CBS billboard from GDOT that was yet to be removed and that another previously existing Lamar Advertising billboard had been taken down due to the GDOT construction. Mr. Adrian stated that if in the future, Lamar Advertising was allowed to put the original billboard back in place, they would be willing to give back the permit SU-11-02.

Mr. Still asked the applicant if he could provide proof that Lamar Advertising was a legal successor to Trinity Advertising. Mr. Adrian stated that he did not have that documentation with him but he would be happy to provide at a later date.

Mr. Merrill asked if there was any opposition to the special use application. There was none.

Mr. Merrill called on the Planning and Zoning Department to give a recommendation. Mr. Ferguson gave the report. Mr. Ferguson stated that the applicant did not show that the minimum requirements of the settlement agreement had been met, particularly the requirement of 500' separation and therefore the Planning and Zoning Department recommends denial of the application.

Mr. Merrill then called on Mr. Lee Thompson to speak on behalf of the City of Lawrenceville legal representation. Mr. Thompson stated that because some of the issues had not been completely worked out his recommendation was for the Planning Commission to request additional items to be provided by the next month meeting and for the Commission to table.

Mr. Adrian agreed to provide to the Commission the following items if the special use application was tabled until the July 18, 2011 meeting:

- 1) Proof of 500' separation between billboards
- 2) Proof that the location is within 100' of the right of way of SR 316
- 3) Proof that Lamar Advertising is the legal successor to Trinity Outdoor

Mr. Merrill asked for a motion. Mr. Roberts made a motion to table SU-11-02 until the July 18, 2011 Planning Commission meeting. Mr. Moore seconded the motion. The motion carried. 4-0

**3. SU-11-03
Lamar Advertising
185 Park Access Drive
7/011/138**

Allowance of a Billboard

Mr. Merrill asked if the applicant was present. Mr. Tim Adrian presented the application for the allowance of a Billboard. Mr. Adrian stated that the application was required by the same settlement agreement dated May 29, 2009 between the City of Lawrenceville and Trinity Outdoor, LLC that allowed the location of four (4) billboards.

Mr. Moore asked the applicant if he knew the distance between the proposed billboard and the existing landscaping supply pole sign. Mr. Adrian said that he did not but would be willing to supply that information.

Mr. Merrill told the applicant that he was concerned about the proximity of the proposed location to the adjacent property line. Mr. Merrill was particularly concerned about the fall zone and the hazard to the customers, employees and personal property of Lightning RV, the adjacent business. Mr. Adrian stated he would speak with the property owner, Mr. Randolph Meyer about moving the location further away from the property line.

Mr. Merrill asked if there was any opposition to the special use application. Mr. Gary Lewis, owner of Lightning RV spoke in opposition. Mr. Lewis cited the decreased visibility to his business as the primary reason for his opposition. Mr. Roberts asked if the billboard was moved further to the west and was allowed to be higher would Mr. Lewis be in favor. Mr. Lewis stated that while that situation would be more favorable, he would not support it.

Mr. Merrill called on the Planning and Zoning Department to give a recommendation. Mr. Ferguson gave the report. Mr. Ferguson stated that the applicant did not show that the minimum requirements of the settlement agreement had been met, particularly the requirement of 500' separation and therefore the Planning and Zoning Department recommends denial of the application.

Mr. Merrill then called on Mr. Lee Thompson to speak on behalf of the City of Lawrenceville legal representation. Mr. Thompson stated that his recommendation for this application to table was the same as SU-11-02, for the reasons stated previously.

Mr. Adrian agreed to provide to the Commission the following items if the special use application was tabled until the July 18, 2011 meeting:

- 1) Proof of 500' separation between billboards
- 2) Proof that the location is within 100' of the right of way of SR 316
- 3) Proof that Lamar Advertising is the legal successor to Trinity Outdoor

Mr. Merrill asked for a motion. Mr. Moore made a motion to table SU-11-03 until the July 18, 2011 Planning Commission meeting. Mr. Roberts seconded the motion. The motion carried. 4-0

**4. RZ-11-01
Mitch and Georgeta Maghiari
545 Scenic Highway
5/116/003A, 5/116/103, and 5/116/104**

RS-180 to OI

Mr. Merrill asked if the applicant was present. Mr. Mitch Maghiari gave the presentation. Mr. Maghiari told the Commission that he wishes to rezone the property to be able to operate his electrical engineering office at this location as well as for future marketability of the property.

Mr. Merrill asked if there was any opposition to the special use application. There was none.

Mr. Merrill called on the Planning and Zoning Department to give a recommendation. Mr. Ferguson gave the report. Mr. Ferguson stated that the Planning and Zoning Department recommended approval with the following conditions:

- 1) Screen the stormwater facility with evergreen trees.
- 2) Eliminate the buffer requirement along the northern property line.
- 3) Upon approval of rezoning, applicant must obtain a combination plat of the three parcels prior to the issuance of a development permit.

Mr. Merrill asked the applicant if he would be in favor of zoning the property ON instead of the requested OI district. Mr. Maghiari stated he did not know how the ON zoning category would affect his property and his intended use because he had not reviewed the ON classification.

Mr. Merrill asked for a motion. Mr. Roberts made a motion to approve the request with the conditions recommended by the Planning and Zoning Department as well as the condition that the applicant is to only erect an externally lit monument style sign. Mr. Moore seconded the motion. Mr. Strickland asked if Mr. Roberts would amend his motion to include the condition that the future buildings must maintain the single family architectural style as well as only being one story. Mr. Roberts amended this motion. The motion carried. 4-0

**5. RZ-11-02
Accent Landscape, LLC
635 Buford Drive
7/011/082**

BG to LM

Mr. Merrill asked if the applicant was present. Mr. Paul Tate gave the presentation. Mr. Tate told the Commission that he wishes to operate a tire shop at the property. Some discussion was had.

Mr. Merrill asked if there was any opposition to the special use application. There was none.

Mr. Merrill called on the Planning and Zoning Department to give a recommendation. Mr. Ferguson gave the report. Mr. Ferguson stated that the Planning and Zoning Department

recommended denial because the rezoning request does not conform to the 2030 Master Plan.

Mr. Merrill asked for a motion. Mr. Moore made a motion to deny the request. The motion was seconded by Mr. Strickland. The motion carried. 4-0

Comments by Staff and Planning Commissioners:

Mr. Merrill asked if there were any reports by Staff. Mr. Ferguson gave a report to the Planning Commission regarding the previous project worked on by the Commission concerning uses that require Special Use Permits. Mr. Ferguson told the Commission that the project had been placed on hold by staff because of some discrepancies that had been found in the Zoning Ordinance. Mr. Ferguson stated that the Mayor and Council had recently given direction to the City Attorney to recodify the Zoning Ordinance and that the Planning Commission would review the ordinance once completed.

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

John Merrill, Chairman
Planning Commission

Dennis Billew, Director
Planning and Zoning