

City of Lawrenceville

Planning Commission Minutes

- Work Session -

August 11, 2008

Richard Johnson, Chairman	Present
John Merrill	Present
Eron Moore	Present

William Childers	Absent
Leon Smith	Absent

Staff Present:

Brad Leonard, Director of Planning and Development
Bill Kingsbury, Planner

The meeting began at 6:10 PM

GROUP HOMES

The meeting was held to discuss amendments to the zoning ordinance related to Group Homes. Mr. Leonard reviewed a Group Homes chart with three classifications of facilities. There was agreement as to the classifications and the zoning districts in which each category would be placed.

Mr. Merrill asked if the restrictions in the Congregate Living Facility designation were as strict as they are now for Group Homes. Mr. Leonard stated that they are the same as for presently existing for Group Homes. Mr. Johnson asked if state approval was required for any of the facilities listed prior to obtaining City approval. Mr. Leonard stated that Assisted Living Facilities and Personal Care Homes would, as they do now, require state approval. Mr. Merrill asked if there was a definition for each of the categories. Mr. Leonard stated that the main categories are defined.

Mr. Merrill asked if there were any state controls on the facilities under Nursing Homes. Mr. Leonard stated that there are controls through the Fire Marshall's office.

Mr. Johnson asked if there were any other concerns or changes that the members had. There were none.

ACCESSORY USE BUILDINGS

Mr. Kingsbury introduced the subject stating that at the last work session questions were raised as to the size and number of Accessory Use Buildings that would be allowed on large lots. After discussion, it was determined that because more than one accessory use building could be allowed on a lot this should not be problem. Mr. Johnson added, in practicality this regulation will apply only to RS-150 and RS-180.

Mr. Merrill asked if there could be a variance from the regulations for Accessory Buildings. Mr. Moore stated that a hardship would have to be shown for a variance to be given.

Mr. Johnson asked if the members had any additional comments or concerns. There were none.

Mr. Johnson adjourned the meeting at 6:51 PM

Richard Johnson, Chairman

G. William Kingsbury, Planner

**Planning Commission
Minutes
August 11, 2008**

Richard Johnson	Present & Presiding
John Merrill, Vice Chairman	Present
Eron Moore	Present

William Childers	Absent
Leon Smith	Absent

Staff Present:
Bill Kingsbury, Planner

Mr. Johnson called the meeting to order at 7:03 PM and declared a quorum present.

Mr. Johnson asked if there were any changes to the agenda. There were none.

OLD BUSINESS

1. Group Homes

Mr. Johnson asked for discussion on Group Homes. There was none. He then asked for public comments; there was none.

Mr. Johnson asked for a motion from the Planning Commission. Mr. Moore made a motion to recommend the changes to the Group Home regulations as presented by the staff (see Attachment 1). This was seconded by Mr. Merrill, and passed 2-0.

2. Accessory Use Buildings

Mr. Johnson asked for discussion on Accessory Use Buildings. There was none. He then asked for public comments; there was none.

Mr. Johnson asked for a motion from the Planning Commission. Mr. Moore made a motion to recommend the changes to the Accessory Use Buildings regulations as presented by the staff (see Attachment 2). This was seconded by Mr. Merrill, and passed 2-0.

NEW BUSINESS

1. Special Exception

Mr. Johnson asked Mr. Kingsbury to present the issue. Mr. Kingsbury stated that the Mayor and City Council has asked the Planning Commission to consider eliminating Special Exception from the Zoning Ordinance. Only three uses in the General Business District (BG), Crematorium, Funeral Homes and Outdoor Theaters, are designated Special Exceptions. They are the only changes in land use that do not go through the Planning Commission and decided upon by the Mayor and Council.

Mr. Johnson asked if the Planning Commission Members had any comments or questions. Mr. Merrill asked Mr. Moore if the Board of Appeals had many cases concerning Special Exceptions. Mr. Moore stated they do not and the only ones he could recall dealt with crematoriums.

Mr. Johnson then asked for comments from the public; there were none

Mr. Johnson then asked for a motion from the members. Mr. Merrill made a motion to recommend the elimination of the Special Exception category in the Zoning Ordinance as presented by the staff (see Attachment 3). This was seconded by Mr. Moore, and passed 2-0.

2. Crematorium, Funeral Homes, and Outdoor Theaters

Mr. Johnson stated that Crematoriums, Funeral Homes and Outdoor Theaters have been Special Exceptions in the General Business (BG) District. Without the Special Exception Category it needs to be determined how to classify these uses. Staff recommends that they become Special Uses in the BG District.

Mr. Johnson asked if the Planning Commission Members had any comments. There were none.

Mr. Johnson then asked for comments from the public; there were none

Mr. Johnson then asked for a motion from the members. Mr. Merrill made a motion to recommend that Crematoriums, Funeral Homes and Outdoor Theaters be classified as Special Uses in the General Business District. This was seconded by Mr. Moore, and passed 2-0.

Report by Staff

Mr. Kingsbury reported that Gwinnett County Planning Commission had only two zoning cases before it in the last month.

Comments by Planning Commissioners

Mr. Merrill stated that with the lull in zoning cases, the Commission might consider looking at needed up-dates to the zoning ordinance.

Mr. Johnson then adjourned the meeting at 7:36 PM

Richard Johnson, Chairman

G. William Kingsbury, Planner

ATTACHMENT 1

CITY OF LAWRENCEVILLE PLANNING COMMISSION RECOMMENDATIONS AMENDMENTS TO THE ZONING ORDINANCE August 11, 2008

GROUP HOMES

Amendment to Zoning Ordinance

By adding to

Section 6.2

DEFINITIONS

ASSISTED LIVING FACILITY: Also called **PERSONAL CARE HOME:** A building or part thereof housing persons, on a 24 hr basis, who because of age, mental disability or other reasons live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This use is regulated by the Office of Regulatory Services of the State of Georgia Department of Human Resources. The owner and operator of and applicant for a group home shall operate a non-profit business chartered or incorporated by the Secretary of State of the State of Georgia. This definition **does not** include: halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent homes.

An Assisted Living Facility/Personal Care Home shall only be authorized as a special use pursuant to the special use permit procedure in this ordinance. Before a special use permit application is accepted by the City, an Assisted Living Facility/Personal Care Home shall meet the following requirements:

(a) An Assisted Living Facility/Personal Care Home shall have a maximum of six (6) total residents which number shall include at least one (1) live-in caregiver; however, an Assisted Living Facility/Personal Care Home located on a zoning lot of five (5) acres or more may have a maximum of eight (8) total residents.

(b) An Assisted Living Facility/Personal Care Home shall at all times have at least one (1) employee on-site staffing the group home.

(c) If developed as a subdivision, an Assisted Living Facility/Personal Care Home shall not exceed five percent (5%) of the total subdivision lots in any unit or block of the subdivision.

(d) All real and personal property of an Assisted Living Facility/Personal Care Home shall be owned in fee simple by the Non-Profit Corporation that owns and operates the Assisted Living Facility/Personal Care Home business.

(e) An Assisted Living Facility/Personal Care Home shall be at least one thousand (1,000) feet away from childcare centers, schools and churches as measured from property line to property line.

(f) The lot size must be larger than one (1) acre unless the Assisted Living Facility/Personal Care Home is located on a Major Collector street, as that term is defined in Section 3.2 of the 1986 Subdivision Regulations of the City of Lawrenceville.

(g) An Assisted Living Facility/Personal Care Home is not permitted on Minor Collector and Local Streets, as those terms are defined in Section 3.2 of the 1986 Subdivision Regulations of the City of Lawrenceville.

(h) If the Assisted Living Facility/Personal Care Home is located in a zoning district other than a residential district, the buffer between the group home and a surrounding residential district shall be a minimum of one hundred (100) feet and the buffer between the group home and the surrounding non-residential uses shall be fifty (50) feet.

CONGRERATE LIVING FACILITY: A residence that house persons, on a 24hr basis, who because of age, mental disability, or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This definition includes: halfway houses, group homes, social rehabilitation facilities, alcohol and drug abuse centers.

A Congregate Living Facility shall only be authorized as a special use pursuant to the special use permit procedure in this ordinance. Before a special use permit application is accepted by the City, a Congregate Living Facility shall meet the following requirements:

(a) A Congregate Living Facility shall have a maximum of six (6) total residents which number shall include at least one (1) live-in caregiver; however, a Congregate Living Facility located on a zoning lot of five (5) acres or more may have a maximum of eight (8) total residents.

(b) A Congregate Living Facility shall at all times have at least one (1) employee on-site staffing the group home.

(c) If developed as a subdivision, Congregate Living Facilities shall not exceed five percent (5%) of the total subdivision lots in any unit or block of the subdivision.

(d) All real and personal property of the Congregate Living Facility shall be owned in fee simple by the Non-Profit Corporation that owns and operates the group home business.

(e) A Congregate Living Facility shall be at least one thousand (1,000) feet away from childcare centers, schools and churches as measured from property line to property line.

(f) The lot size must be larger than one (1) acre unless the Congregate Living Facility is located on a Major Collector street, as that term is defined in Section 3.2 of the 1986 Subdivision Regulations of the City of Lawrenceville.

(g) A Congregate Living Facility is not permitted on Minor Collector and Local Streets, as those terms are defined in Section 3.2 of the 1986 Subdivision Regulations of the City of Lawrenceville.

(h) Congregate Living Facility shall have a buffer between the Congregate Living Facility and any surrounding residential district a minimum of one hundred (100) feet and the buffer between the Congregate Living Facility and the surrounding non-residential uses shall be a minimum of fifty (50) feet.

NURSING HOME also called INTERMEDIATE CARE or SKILLED NURSING or CONVALESCENT facility: A building or part thereof housing persons, on a 24 hr basis, who because of age, mental disability or other reasons live in a supervised residential environment which provides chronic, convalescent, medical or nursing care services. The occupants may not be capable of responding to an emergency situation without physical assistance from staff.

PERSONAL CARE SERVICE: The care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility.

Amendment Zoning Ordinance to sections: 7.2, 7.3, 7.3.1, 7.5, 7.5.1, 7.5.3, 7.7.1, 7.8, 7.9, 7.10, 7.11, 7.13, 7.15

Change in sections 7.2, 7.3, 7.3.1, 7.5, 7.5.1, 7.5.3, 7.7.1, 7.9, 7.11 under “Special Use” by replacing “GROUP HOME” with “ASSISTED LIVING FACILITY/PERSONAL CARE HOME”

And by

Deleting in sections 7.8, 7.10, 7.13 and 7.15 under “Special Use” by deleting the use “GROUP HOME”

And by

Adding to sections 7.9, 7.11 by adding under “Special Use” the use of CONGREGATE LIVING FACILITY.

And by

Adding to sections 7.7.1, 7.9, 7.11 by adding under "Principal Permitted Use" the uses of NURSING HOME; INTERMEDIATE CARE FACILITY; SKILLED NURSING FACILITY and CONVALESCENT FACILITY.

ATTACHMENT 2

CITY OF LAWRENCEVILLE PLANNING COMMISSION RECOMMENDATIONS AMENDMENTS TO THE ZONING ORDINANCE August 11, 2008

ACCESSORY USE BUILDINGS

Section 6.2 DEFINITIONS

For the purpose of this Ordinance, certain words and terms used herein shall be defined and interpreted as follows:

- (XX) ACCESSORY USE BUILDINGS: a structure that is subordinate to the primary structure on a piece of residential property and to be used exclusively by the residents and for use on the residence. This would include, but not limited to: storage shed, hobby workshop, pool house/changing rooms, gazebo,

Section 7.1 USES COMMON TO ALL RESIDENTIAL DISTRICTS

PERMITTED ACCESSORY USES:

ACCESSORY USE BUILDINGS

Maximum square footage shall be 800 sq.ft.

Located only within in the rear yard. As defined by diagram Y-1 or Y-2

A setback of 10 feet from the rear property line

A setback of 5 feet from the side property line

Must be screened from the road right-of-way

Façade must have the same architectural characteristics of the house

ATTACHMENT 3

CITY OF LAWRENCEVILLE PLANNING COMMISSION RECOMMENDATIONS AMENDMENTS TO THE ZONING ORDINANCE August 11, 2008

SPECIAL EXCEPTIONS

PRINCIPAL CHANGES

1. Section 6.2 Definitions (82) Removal of Definition of Special Exception
2. Section 7.9 (BG) General Business District Changing Crematories, Funeral Homes and Outdoor Theaters from Special Exceptions to Special Uses

RELATED CHANGES

1. Rewording of the following Section to change “Special Exceptions” to “Special Use”, and removing reference to the “Board of Appeals”
 - A. Section 5.3(3) Non-conforming Uses of Structures or of Structures and Premises in Combination
2. Removal of the term Special Exception in the following Sections:
 - A. Section 11.2 Building Permits Required
 - B. Section 16.3 Unlawful Acts

CORRECTIONS

1. Make changes to the following Sections, changing “Special Exception to “Special Use”.
 - A. Section 7.11(2) (a) (ii) within (HSB) Highway Service Business District {related to applications for Special Use Permits for adult book stores, adult entertainment and adult theaters}
 - B. Section 7.13 (3) within (HM) Heavy Manufacturing {related to applications for Special Uses for adult bookstores, adult entertainment and adult theaters}