City of Lawrenceville

Planning Commission
Minutes
June 9, 2008

Richard Johnson	Present & Presiding
John Merrill, Vice Chairman	Present
Eron Moore	Present
Dennis Norton	Present
Bill Childers	Present

Staff Present:
Brad Leonard, Director of Planning and Zoning
Bill Kingsbury, Planner
Tony Powell, City Attorney

Mr. Johnson called the meeting to order at 6:03 PM and declared a quorum present.

APPROVAL OF AGENDA

Mr. Johnson asked for a motion to approve the agenda; Mr. Merrill so moved, Mr. Norton seconded the motion, and it passed 4-0.

APPROVAL OF PREVIOUS MINUTES

Mr. Johnson asked if there were any changes to the previous meeting's minutes and the minutes of the Work Session. Mr. Merrill and Mr. Norton pointed out spelling errors. Mr. Merrill then moved to approve the minutes with corrections, Mr. Moore seconded the motion, and it passed 4-0.

OLD BUSINESS

1. **RZ -08-03 and SU-08-04**
   The Quinn House (Signs & Wonders, Inc.)
   555 Hurricane Shoals Road
   7-009-003
   RS-150 TO BG
   (Second Consideration; remanded to the Planning Commission by the City Council)

Mr. Johnson asked Mr. Leonard explain why the City Council is asking the Planning Commission to address this case again. Mr. Leonard explained that the City Council questions if Highway Service (HSB) is the proper designation, and askedhow the City

properly address the zoning and special use for the Quinn House. Therefore, the Planning Commission is to examine the issue again.

Mr. Johnson asked if anyone was present to speak in favor of the project. Mr. Gene Brinkley from Signs and Wonder came forth. Mr. Brinkley gave a brief summary of his remarks of March 10 before the commission.

Mr. Johnson then asked if members of the Planning Commission had any questions. Mr. Norton asked about the number of occupants that will be at the house. Mr. Brinkley stated that he would like to see 16-20 guest and 4 staff. However, it is more likely to be a total of 12-16 guest and 4 staff. Mr. Norton asked if Mr. Brinkley had talked to the fire marshal, and was he aware of that sidewalk, traffic, sanitary sewer lines and other improvements were going to be required. Mr. Brinkley stated he had talked to the fire marshal's office and was aware of the need to make improvements required by the City and County.

Mr. Norton asked Mr. Brinkley if there was a zoning classification that would be appropriate for the Quinn House. Mr. Brinkley indicated he did not know.

Mr. Norton raised a concern about the safety of children living nearby. Mr. Brinkley stated that the guest are supervised and do not wander away from the home.

Mr. Moore asked Mr. Brinkley if he has any problems with any additional restrictions and requirements. Mr. Brinkley stated he does not, but is concerned about the cost of any required improvements.

Mr. Johnson asked if the members of the Commission had any other questions. Hearing none, he then asked if there was any opposition.

Mr. Virginia Humphrey came forth. She is one of the owners of the children's day-care at 420 Hurricane Shoals Road. She opposes housing men who just came out of prison with drug and alcohol problems being housed close to children. She stated that she runs an awarding winning day-care facility, and believes that parents would have second thoughts about placing their children so close the Quinn House. She pointed out that her business was there before the Quinn house made the request for the zone change and special use.

Mark McNally then spoke. He lives on Hurricane Shoals with his family, including young children. His family has owned the property since 1972. While he thinks the Quinn House does good work, he does not think this is a good location for it is too close to residential areas where young children live. He further stated that if approval were given, he would hope the City would place restrictions on the use.

Hearing no more opposition, Mr. Johnson called for staff a report. Mr. Tony Powell, City Attorney, stated that he had been working with both sides to find a compromise. He believes he has the agreement of Mr. Brinkley, but that the opposition still opposes the

Quinn House in this location. He recommends that the property remain zoned RS-150 and that a Special Use Permit be given with conditions, he then read a list of conditions, stating there were a few points that would be new to Mr. Brinkley. He also stated that he tried to address the concerns of the neighbors.

Mr. Johnson then asked for questions from the Planning Commission. There was a brief discussion, after which Mr. Merrill stated he would like to see a written copy of Mr. Powell's proposal before voting.

Mr. Merrill then made a motion to table the case to a work session. This was seconded by Mr. Norton, and passed three to one, with Mr. Merrill, Mr. Moore and Mr. Norton voting, "Yes," and Mr. Childers voting, "No."

Later in the meeting, Mr. Johnson stated he would call a Special Meeting rather than a work session to consider the manner.

2. ZONING CLASSIFICATION RELATED TO MULTIPLE RESIDENT STRUCTURES

Mr. Johnson called on staff to introduce the issue. Mr. Leonard stated that this issue has grown out of the Quinn House case. There is no place in the current zoning regulations that addresses Quinn House type facilities, dormitories, personal care homes or group homes other than those regulated by the state.

The Fire Code and the International Building Code has many definitions related to facilities that house those other than the typical family. It is the desire of the City to provide regulations that addresses various types of housing, particularly as the city grows. The presences of the college and future college housing were given as an example for the need to up-date definitions and regulations.

After Mr. Leonard's presentation, Mr. Johnson stated that this issue would best be handled at a work session, and stated he would call such a meeting.

3. AMENDMENTS TO THE ZONING ORDINANCE RELATED TO USES WITHIN THE BUSINESS-NEIGHBORHOOD (BN) CLASSIFICATION

Mr. Johnson called on staff to introduce the issue. Mr. Leonard presented a draft of the proposed changes resulting from the Planning Commission last work session. Discussion followed.

Mr. Merrill saw a conflict in the provision that states, "Health service clinics (limit 2 practioners)," and the Conditional Use, "Medical and dental clinics established to provide service to the inhabitants of the local neighborhood and limited to two (2) practitioners in any one building."

Mr. Merrill also saw a problem that a religious facility was not limited in size. Mr. Childers stated that 2,400 square feet would be appropriate.

Hearing no more questions from the Commission, Mr. Johnson asked for comments from the audience.

Mr. Steve Maxey, one of the owners of property at the corner of Bellbrook and Sugarloaf, had a number of concerns. He asked why gymnastics and martial arts studios were to be removed from the BN zone. He thought these were appropriate for the BN zone. Mr. Norton explained that the BN is for businesses that serve the immediate neighborhood and these uses draw customers from a much larger area.

Mr. Maxey also questioned the maximum size of 1,200 square feet for a number of uses. He thought this should be 1,400 square feet (20' x 70') since this is now a standard in the construction and leasing of commercial space.

Mr. Chris Harpenau owner of property in the 2600 block of Sugarloaf Parkway (east of Scenic Highway) stated that he thought real estate offices should be allowed in the BN district since small real estate offices serve the immediate area.

Hearing no more comments, Mr. Johnson asked for a motion. **Mr. Merrill made a motion to approve the changes to the Business Neighborhood (BN) zone as presented with the following changes: Under Conditional Uses eliminate the words, "Medical and dental clinics established to provide service to the inhabitants of the local neighborhood and limited to two (2) practitioners in any one building;" and for paragraph on Religious Facilities to read; "Religious facilities with worship space of a maximum of 2400 square feet." (See Attachment A) Mr. Norton seconded the motion and it passed 4-0.**

3. AMENDMENTS TO THE ZONING ORDINANCE RELATED TO SMALL FINANCIAL INSTITUTIONS.

Mr. Johnson asked staff to present the issue. Mr. Leonard stated that since the last meeting of the Planning Commission, it had been brought to the city's attention that there a number of financial businesses that can be formed under state statutes that are similar to the small financial institution such ase title/pawn shops but are not covered by the current zoning ordinance. Therefore, City Council has asked the Planning Commission to consider the inclusion of these other definitions.

Mr. Leonard presented a revised amendment to the zoning ordinance that includes additional definitions and other changes that consolidate the applicable sections of the zoning ordinance.

Mr. Johnson asked if the commission had any questions. Mr. Norton asked why there was a need to be so specific since it is the intent to regulate all small financial intuitions and businesses similar to them, regardless of what they are called. Mr. Leonard says that the fact the state has separately defined each of the financial businesses, the City, if it wishes to regulate the businesses, must include the definitions of each of the financial businesses to assure that they can regulated.

Mr. Johnson asked Ms Mary Thompson if she would address the Commission. Ms Thompson had brought this issue to the City, researched the topic and had prepared the suggested definitions. Ms Thompson explained that those who which to operate small financial institutions were looking for ways to avoid local regulations that were first used to regulate title/pawn shops. They are set up businesses under different sections of the state code, each with their own definitions. Thus to regulate these businesses, the various definitions as set forth in the state law needs to be in the City's regulations. She further stated that other cities, such as Sandy Springs, are having to address this issue.

4. **Mr. Johnson then asked for a motion. Mr. Moore made the motion to approve the amendment as submitted (SEE ATTACHMENT B). This was seconded by Mr. Merrill; and passed 4-0.**

NEW BUSINESS

1. Amendment to the Zoning Ordinance related to Accessory Uses

Mr. Johnson called on staff to present the item. Mr. Leonard explained that the City Council has placed a 90-day moratorium on accessory uses while the Planning Commission can study the issue. This issue arose when an accessory use (storage building) was built in a side yard of a double lot and in full view of the street, This raised the questions of what is an accessory use and where should be allowed in a yard.

Mr. Leonard introduced the discussion of accessory uses and definition of yard (front, side, and rear). Drawings were presented showing how yards can be defined. Discussion then followed on the definition of yards, and what occurs when there is a double lot. It was determined that these issues are best discussed in a work session.

Mr. Norton moved that the issue be tabled so a work session can be called; seconded by Mr. Childers and passed, 4-0.

Mr. Johnson asked for addition reports and comments by members and the staff, hearing none, he adjourned the meeting at 9:05 PM.

Richard Johnson, Chairman

G. William Kingsbury, Secretary

ATTACHEMENT 1

CITY OF LAWRENCEVILLE
PLANNING COMMISSION RECOMMENDATIONS
PROPOSED CHANGE IN LAND USE REGULATIONS
(As per the Planning Commission Meeting of June 9, 2009)

Added Uses = ***Bold and underlined***

Deleted Uses = ~~**Bold and strike-through**~~

→ = Correction

Section 7.8 (BN) NEIGHBORHOOD BUSINESS DISTRICT

PURPOSE: This zone is designed to provide for limited commercial uses serving the common and frequent needs of the residents of the immediate vicinity. It is not the purpose of this district to encourage strip development to serve convenience needs of neighborhood populations.

PRINCIPAL PERMITTED USES:

Retail and service stores of the following types provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight-obscuring enclosure:

Apparel store, tailor shops, dressmaker.

Bakery, customer selling all production at retail on the premises or as retail customer order for delivery.

Self-service automatic dry-cleaning establishments of not more than ten (10) cleaning units.

Bank, savings and loan association.

Barber, beauty shops.

Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery.

Child care center.

Computer sales & service (max 1200 sqft).

Dry-cleaning pick-up station with custom pressing and repair, including cleaning on the premises, not to exceed 1200 square feet except for self-service laundry or dry-cleaning as permitted herein.

~~**Drug or drug-variety store.**~~

Eating places without the service of beer or intoxicating beverages and without dancing.

Drive-in type restaurants, ice cream stands, sandwich shops and similar establishments. Where it is intended that food or drink be consumed in cars or otherwise in the area surrounding the establishment shall be prohibited except in sidewalk or patio cafes where service is provided to tables only.

Florist shop.

Gift and card shop.

Health service clinics (limit 2 practioners).

~~**Convenience grocery stores, but not supermarkets.**~~

~~**Gymnastics Academy.**~~

~~**Hobby and craft shops. (max. 2,000 sqft).**~~

Jewelry store.

~~**Martial Arts Studio.**~~

News and tobacco store.

Pet shops & dog grooming shops (max 1,200 sqft).

Photographer, artist, photo finishing, and camera store.

~~**Real estate sales office.**~~

Religious facilities with worship space, a maximum of 2400 square feet

Shoe repair shop.

~~**Television, radio and small appliance repair.**~~

Veterinary clinics (no outdoor runs, nor boarding).

Other light retail and service establishments which may be determined by the City Council, upon recommendation of the Planning Commission, to be similar to the above-listed principal permitted uses and which are in harmony with the purpose of this zone, but not including those uses which are not mentioned in this zone but are specifically enumerated in another zone.

Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.

Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall conform with all space limits of this district and shall be of such exterior design as to harmonize with nearby properties.

Public and quasi-public buildings including utilities and facilities.

EXCLUDED USES:

The following uses are hereby declared incompatible with the purpose of the BN district and are hereby expressly excluded:

Any use not enumerated as permitted in this zone, but which is specifically provided for in another zone.

PERMITTED ACCESSORY USES:

Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.

CONDITIONAL USES:

~~**Medical and dental clinics established to provide service to the inhabitants of the local neighborhood and limited to two (2) practitioners in any one building.**~~

SPECIAL USE:

~~**Group Home.**~~

Eating establishments that serve alcoholic beverages

SPACE LIMITS:

Minimum lot area: 5,000 square feet.

Minimum width of lot: fifty (50) feet. Parking and landscaped areas may be included in this calculation.

Maximum height of building: twenty-five (25) feet, including roof signs and pylons.

Minimum front yard: fifty (50) feet.

Minimum rear yard: twenty (20) feet.

Minimum side yard: ten (10) feet.

Minimum side yard on street side of corner: twenty-five (25) feet. Twenty (20) feet of a required corner side yard adjacent to the building may be used for the parking of automobiles.

Maximum ground coverage: 70 percent (70%).

MISCELLANEOUS PROVISIONS:

Off-street parking and loading shall be provided for all uses established in this zone.

No business building shall be constructed on a zoning lot occupied by a residence.

ATTACHMENT 2

CITY OF LAWRENCEVILLE
PLANNING COMMISSION RECOMMENDATIONS
SMALL FINANCIAL INSTITUTIONS
June 9, 2008

Additions = Bold and Underline

Deletions = ~~Bold and Strikethrough~~

SMALL FINANCIAL INSTITUTIONS

Section 6.2 DEFINITIONS

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

(80) SMALL FINANCIAL INSTITUTIONS: a company that specializes in consumer loans of any type, and that may accept as security an interest in personal property (e.g. a lien on an automobile, tax refunds, checks, notes, or any other chattel or intangible property). This definition shall exclude institutions engaged in pawn or title pawn transactions as those transactions are treated separately. This definition shall also exclude full service banking institutions and licensed credit unions. **These shall include, but not limited to Pawn Shops, Check Cashing Facility, Title Loan Facility, Small Loan Lender,**

Sub-definitions:

Check Cashing Facility - Any business that cashes checks for a fee, excludes "Financial Institutions". This does not include companies that do tax return preparation and offer "refund anticipation" loans.
[note: this exempts grocery stores that do not charge a fee to cash a check. Cashing customer's checks as a convenience is incidental to their main business of selling food and household items. The second sentence exempts H&R Block-type services.]

Pawn Shop - An establishment engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property.

Small Loan Lender - An establishment which is engaged exclusively in the business of making consumer loans of $3000 or less.
[note: refer to the GA Industrial Loan Act, O.C.G.A. 7-3-1]

Title Loan Lender - Establishments which engage in the business of providing money to customers on a temporary basis, where such loans are secured by a car title or a lien against a car title. Includes Title Pawn Lenders.

(XX) Financial Institution - A state or federally chartered bank, savings association, credit union, or industrial land company located in a building, or portion of a building, which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up customer service facilities on the same premises. This does not include small loan lenders or check cashing facilities.

Section 7.7.1 (OI) OFFICE INSTITUTIONAL DISTRICT

PRINCIPAL PERMITTED USES:

Financial Institution

EXCLUDED USES:

The following uses are hereby declared incompatible with the purpose of the OI district and are hereby expressly excluded:

Small Financial Institution

Section 7.9 (BG) GENERAL BUSINESS DISTRICT

SPECIAL USE:

New and Used Automobile and Pickup Sales Dealers, provided the following further imposed standards apply to new development:

(1) Fifteen (15) foot landscaped buffer fronting street, except for existing uses.

Automobile Repair Shops, provided the establishment meets the following further imposed standards:

(1) Automobile service bays are not permitted to face the street;

(2) Fifteen (15) foot landscaped buffer fronting street;

(3) Overnight parking is permitted in side and rear yard but the parking must be screened from view with minimum six (6) foot opaque fencing;

No work shall be conducted on the outside grounds of the establishment;

No metal building facades; and

Automobile Wash Service (Automatic Car Washes with Interior Detail Service), provided the establishment meets the following further imposed standards:

No metal building facades; and,

Pre-fabricated awning type structures are permitted.

Automobile Wash Service (Self-Service), provided the establishment meets the following further imposed standards:

No metal building facades; and,

Pre-fabricated awning type structures are not permitted.

Billiard Rooms

Group home

Helicopter Landing Pads

Mobile Home Sales Lots, provided the establishment meets the following further imposed standards:

No mobile home sales lots are permitted within one hundred (100) feet of any residential property;

No lots smaller than twenty-five thousand (25,000) square feet;

All lots must have a permanent building made of brick, stone or wood frame of no less then one thousand (1000) square feet;

No metal building facades;

Fifteen (15) foot landscaped buffer fronting street; and,

Outdoor storage of materials which are normally appurtenant to a permitted use provided such storage meets the following requirements:

No material shall be stored in the front yard.

Stored materials shall be screened by a fence at least six (6) feet in height.

Under no circumstances shall an owner or occupant of any property keep any junk, scrap, metal, rags, paper, abandoned, wrecked, or junked or scrap material or any parts thereof.

~~**Pawn Shops, provided the establishment meets the following further imposed standards:**~~

~~**The use shall be permitted only on a parcel of land which has direct access to a major thoroughfare;**~~

~~**The establishment shall not be permitted within one thousand (1,000) feet of an existing pawn shop;**~~

~~**The establishment may not be within one hundred (100) feet of any residential property; and,**~~

Small Financial Institutions, provided the establishment meets the following further imposed standards:

The use shall be permitted only on a parcel of land which has direct access to a major thoroughfare;

The establishment shall not be permitted within one thousand (1,000) feet of an existing Small Financial Institution;

The establishment may not be within one hundred (100) feet of any residential property; and,

~~**Stand Alone Check Cashing Facilities, provided the establishment meets the following further imposed standards:**~~

~~**The use shall be permitted only on a parcel of land which has direct access to a major thoroughfare;**~~

~~**The establishment shall not be permitted within one thousand (1,000) feet of an existing stand alone check cashing facility;**~~

~~**The establishment may not be within one hundred (100) feet of any residential property; and,**~~

~~**Title Loan Facilities, provided the establishment meets the following further imposed standards:**~~

~~**The use shall be permitted only on a parcel of land which has direct access to a major thoroughfare;**~~

~~**The establishment shall not be permitted within one thousand (1,000) feet of an existing title loan facility;**~~

~~**The establishment may not be within one hundred (100) feet of any residential property; and,**~~

Used Car Sales Lots, provided the establishment meets the following further imposed standards:

No used car lots are permitted within one hundred (100) feet of any residential property;

No lots smaller than twenty-five thousand (25,000) square feet;

All lots must have a permanent building made of brick, stone or wood frame of no less then one thousand (1000) square feet;

No metal building facades;

Fifteen (15) foot landscaped buffer fronting street.