

City of Lawrenceville

Planning Commission

Minutes

May 12, 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

Mr. Johnson called the meeting to order at 7:02 PM and declared a quorum present.

APPROVAL OF AGENDA

Mr. Johnson stated that the Item 2, Review of Permitted Land Uses within the Business-Neighborhood (BN) Classifications, and Item 3, Zoning Classification related to Group Homes (not state regulated) should be discussed at a work session. He suggested that item 1 be acted upon, then close the meeting for a work session, and re-open the meeting for other business. A motion was so made and carried 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 had three corrections. He stated that the minutes of the March meeting should state that the minutes of the February meeting were approved 4-0, not 3-0. He noted two spelling errors that needed corrections. Mr. Norton made the motion to approve the minutes with the corrections, Mr. Merrill seconded the motion, and it was carried 4-0.

NEW BUSINESS

Amendments to the Zoning Ordinance related to Small Financial Institutions

Mr. Johnson called upon Mr. Leonard to present the issue. Mr. Leonard explained that it is the City's intent to regulate the location of firms providing loans on auto titles. Thus, the City passed regulations that allowed title loan companies as Special Uses in the BG zone. After the enacting of the regulation, a firm applied to the City to locate an auto equity loan office in the City, stating it was not a Title Loan Facilities, but a small

financial institution. After conversation between the auto equity loan attorneys and the City attorneys, it was determined that the applicant was a small financial institution and not a title loan company as defined by state law. Therefore the company was allowed to locate in the City. Mr. Leonard explained that the amendments before the Planning Commission are written to treat small financial loan companies the same as title loan companies.

The Planning Commission is to consider the creation of the definition of a Small Financial Institution, where they should be allowed and under what conditions.

Mr. Leonard presented the definition as prepared by the City Attorney. Mr. Merrill and Mr. Childers asked the difference between title loan companies and small financial loan companies. Mr. Leonard stated it was a fine line on how the companies are chartered by the state, and since the state recognizes a difference, the City must do also. Mr. Moore stated that the loophole is allowing title loan and pawn shops to get around the current regulations.

Mr. Norton inquired if the definition would apply to firms such H&R Block, Citi-financial and similar companies. After some discussion it was agreed that these firms would be covered by the definition.

Discussion then followed about the traditional location of these firms, and as to the appropriate place to allow small financial institutions. Mr. Leonard explained that the amendment as proposed would prohibit the companies in Office-Institutional (OI) District, and allow the companies in Business General (BG) District as a special use. Mr. Norton stated that if companies like H&R Block and Citi-financial come under this definition, then it would be appropriate to allow small financial institutions to locate in the OI district.

Mr. Johnson asked if there were any additional questions. There were none. He then asked if there were any motions.

Mr. Merrill made a motion to recommend the following definition to be added to the zoning ordinance:

SMALL FINANCIAL INSTITUTIONS: A company that specializes in consumer loans of any type, and 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 these transactions are treated separately. This definition shall also exclude full service banking institutions and licensed credit unions

The motion unanimously passed 4-0.

A motion was then made by Mr. Norton to allow Small Financial Institutions as a Special Use in the OI District. It was seconded by Mr. Childers and passed by 3-2, with Mr. Norton, Mr. Childers and Mr. Johnson voting "YES," and Mr. Moore and Mr. Merrill voting, "NO,"

A motion was then made by Mr. Norton to allow Small Financial Institutions as a Special Use in the BG District. It was seconded by Mr. Merrill and passed 4-0.

Mr. Johnson then recessed the Regular Meeting at 7:38 PM for the Commission to hold a work session on the BN zoning and group homes.

Work Session on Business Neighborhood (BN) Zoning

Mr. Leonard explained that a developer stated to City Council that the categories presently in the BN are out of date. This was stated after the developer had been refused BG zoning, with a goal to attract a restaurant that could serve alcohol and a fitness center.

Mr. Leonard then proceeded to review each use presently allowed in the BN zone. It was agreed that several uses should be dropped as allowed uses:

Mr. Leonard then reviewed the uses allowed in the OI and BG zones to determine if any of these uses should also be allowed in the BN zone. It was agreed that several uses should be added as allowed uses:

In addition, it was agreed that restaurants that serve alcohol should be allowed as a Special Use in the BN Zone.

Mr. Leonard then stated that a proposed amendment with the changes would be prepared for consideration at the Planning Commission's June meeting.

Work Session on the definition of Group Homes (not state regulated)

Mr. Leonard stated that the recent application for rezoning by the Quinn House (Signs and Wonders Ministries) initiated a discussion by City Council as to the proper definition for facilities such as the Quinn House - facilities that house people but are not hotels, boarding houses or traditional residential homes, and, in addition, are not regulated by the State of Georgia Department of Human Resources (DHR).

It was asked why the state does not regulate such as facility. With the available information this could not be determined. Staff was asked to investigate the type of facilities regulated by DHR. Staff was also asked to investigate and provide a copy of the state regulations which this category of Group Home would not have to comply with.

Much discussion followed. It was asked how the building codes, fire safety codes, and the health codes would classify such a facility. The International Building code was consulted. Various definitions were read with many based upon the number of people

occupying a facility. The staff is to investigate the manner further, and provide information to the Planning Commission prior to a work session to be called by the Chairman.

Mr. Johnson called the Regular Meeting back order at 10:05 PM.

Mr. Johnson asked if the Planning Commission had any additional business and if the staff had any additional reports, being none, Mr. Johnson adjourned the meeting.

The Meeting adjourned at 10:08 PM.

Richard Johnson, Chairman

G. William Kingsbury, Secretary