



LAWRENCEVILLE

GEORGIA

CITY COUNCIL REGULAR MEETING MINUTES

Monday, October 25, 2021
7:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

PRESENT

Mayor David Still
Council Member Glenn Martin
Mayor Pro Tem Victoria Jones
Council Member Bob Clark
Council Member Keith Roche

Bicentennial Fact

Mayor David Still delivered the Bicentennial Fact and picture.

The Lawrenceville First Baptist Church as seen in 1951 before construction of the new sanctuary. Services were first held in this building on October 14, 1900. This church was organized on May 2, 1840, when a number of members from Redlands Baptist Church left to found a new church. Steeples, brickwork and stained glass have been removed or altered to conform with contemporary architecture of later additions. (Photo from GHS Collection Vanishing Gwinnett Pictorial History of

Bygone Days

W. Dorsey Stancil

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Prayer

Pastor Adam Hilderbrandt provided the invocation.

Pledge of Allegiance

Mayor Still led the group in the Pledge of Allegiance.

Agenda Additions / Deletions

Mayor Still requested that the minutes be tabled to the November 13th regular meeting.

Motion to accept the agenda as amended made by Mayor Pro Tem Jones, Seconded by Council Member Clark.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Recognitions

1. SOAR Recognition - Gas Department

Mayor Still recognized the members of the Lawrenceville Gas Department for their service and safety to the community. The Gas Department has once again won the SOAR award, 7 years in a row.

2. Officer Receives Purple Heart Ribbon - Lawrenceville Police Department

Mayor Still recognized Officer Shawn Humphrey and K9 Ali for a call for service where Officer Humphrey sustained a 14-stitch injury to his arm. Mayor Still presented Officer Humphrey with the Purple Heart Ribbon.

Approval of Prior Meeting Minutes

3. October 13, 2021 Special Call

4. October 13, 2021 Work Session

The minutes were tabled to the November 17th Regular meeting during the agenda addition/deletion section of the meeting.

Announcements

Mayor Pro Tem Victoria Jones announced that October is Breast Cancer Awareness month and acknowledged everyone has been wearing pink to show support. Mayor Still went over the announcement PowerPoint slide and to get out and vote and mentioned the early voting schedule and the date of November 2nd for regular voting.

Public Comment

Presentations will be limited to 2 minutes per person and Council will not respond to the comment.

Mr. Daniel Baruch founder of Rise Up Recovery introduced himself and provided information on his company.

Mr. Gerold Martin issued a thank you to the men and women in blue for all they do for the citizens. He also thanked the City Council for allowing the Lawrenceville Neighborhood Alliance (LNA) to hold a candidate forum in the assembly room this month.

Consent Agenda

These are items on which the Mayor and Council are in agreement to approve and are placed on the agenda to be approved in one vote.

City Attorney Lee Thompson read the consent agenda into record.

Motion to approve consent agenda as read into the record made by Council Member Martin,
Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark,

Council Member Roche

5. Purchase of Natural Gas Materials on a Six-Month Contract
6. Acquisition of First Baptist Church Parking Lot at the Lawrenceville Lawn
7. Honest Alley Parking & Dumpster Enclosure Project
8. Trittech Software Systems
9. Virtual Academy Training

Public Hearing New Business

Discussion will be limited to 7 minutes per side including rebuttal. Discussions on Zoning issues will be limited to 10 minutes per side including rebuttal. Questions and answers from Council Members will not infringe on the time limit.

10. APPL2021-00004; Hoang Diem Thuy Vo; 180 Canterbury Lane

Planning and Development Director Todd Hargrave presented information on the appeal for 180 Canterbury Lane. The applicant, Hoang Diem Thuy Vo, and her translator were present to provide information. Mayor Still opened the public hearing and hearing and seeing no one come forward the public hearing was closed.

Motion to deny APPL2021-00004 and approve the decision of the Zoning Board of Appeals made by Council Member Roche, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

11. SUP2021-00049; A 2nd Chance Bail Bond; 366 Reynolds Drive

Planning and Development Director Todd Hargrave presented this item. The applicant was present to provide information and answer questions from the Council. Mayor Still opened the public hearing and hearing and seeing no one come forward the public hearing was closed.

Motion to deny SUP2021-00049 for a Special Use Permit allowing a Bail Bonding Facility as recommended by Staff and the Planning Commission made by Council Member Clark, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

12. SUP2021-00047; Safwad Hussain; 634 Collins Hill Road

Planning and Development Director Todd Hargrave presented this item. The applicant's attorney, Terry Baily with Taylor, Feil, Harper & Lumsden, P.C., was present to provide

information and answer questions from the Council. Mayor Still opened the public hearing and hearing and seeing no one come forward the public hearing was closed.

Motion to deny SUP2021-00047 for a Special Use Permit allowing a Smoke and Novelty Shop as recommended by Staff and the Planning Commission made by Council Member Roche, Seconded by Council Member Clark.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

13. CIC2021-00009; Karla Maria Mejia Cruz; 330 Buford Drive

Planning and Development Director Todd Hargrave presented this item. The applicant was present to provide information and answer questions from Council. Mayor Still opened the public hearing and hearing and seeing no one come forward the public hearing was closed.

Motion to approve CIC2021-00009 allowing a Change-in-Conditions of RZC2019-00009 with Staff recommended conditions, along with the following exception. Condition Number 1 shall read as follows: The use of the property shall be limited to a Certified Public Accountants office only made by Council Member Martin, Seconded by Mayor Pro tem Jones.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

14. Lawrenceville Downtown Livable Centers Initiative (LCI) Plan Update

Planning and Development Director Todd Hargrave presented this item and answered questions from the Council. Mayor Still opened the public hearing and hearing and seeing no one come forward the public hearing was closed.

Motion to approve the Resolution as found on page 14 of the Agenda Packet made by Mayor Pro Tem Jones, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Council Business Old Business

There is no public comment during this section of the agenda unless formally requested by the Mayor and the Council.

15. Co-Responder Presentation

Police Chief Tim Wallis presented this item along with Officer Jacob Baird. Officer Baird was hired as a community engagement officer. Officer Baird presented a power point presentation and answered questions from the Council.

16. Ethics Ordinance Adoption for GMA Recertification for City of Ethics

City Clerk Karen Pierce presented this item and answered questions from the Council.

Motion to approve the Ordinance as presented by staff and submit to the Georgia Municipal Association (GMA) made by Council Member Martin, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Council Business New Business

There is no public comment during this section of the agenda unless formally requested by the Mayor and the Council.

17. Approval of Fiscal Year 2022 Budget Amendment 355-10-25

City Manager Chuck Warbington presented this item.

Motion to approve Fiscal Year 2022 Budget Amendment 355-10-25 in the amount of \$17,599,000.00 made by Council Member Roche, Seconded by Council Member Clark.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

18. Acquisition of 1 parcel located at 73 Gwinnett Drive

City Manager Chuck Warbington presented this item.

Motion to approve the acquisition of 1 parcel located at 73 Gwinnett Drive in the amount of \$399,000.00 made by Mayor Pro Tem Jones, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

19. Acquisition of 3 parcels located at 534 W. Crogan Street, 503 Gwinnett Drive, and 79 Gwinnett Drive

City Manager Chuck Warbington presented this item.

Motion to approve the acquisition of 3 parcels located at 534 W. Crogan Street, 503 Gwinnett Drive, and 79 Gwinnett Drive in the amount \$1,500,000.00 by Council Member Martin, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

20. Acquisition of 4 parcels located at 35 Gwinnett Drive, 436 and 451 Huff Street, and 179 Plainview Drive

City Manager Chuck Warbington presented this item.

Motion to approve the acquisition of 4 parcels located at 35 Gwinnett Drive, 436 and 451 Huff Street, and 179 Plainview Drive in the amount of \$15,700,000.00 made by Council Member Roche, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

21. Intergovernmental Agreement with the Downtown Development Authority of Lawrenceville (DDA) to transfer properties identified as Central Block for redevelopment purposes

City Manager Chuck Warbington presented this item.

Motion to approve the Intergovernmental Agreement with the Downtown Development Authority of Lawrenceville that transfers the properties identified as the Central Block in Exhibit A to the DDA for redevelopment purposes upon the approval of the agreement by the City Attorney made by Council Member Roche, Seconded by Council Member Clark.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

22. Purchase of Pad Mount Transformers

Assistant City Manager Barry Mock presented this item.

Motion to Award Purchase of Pad Mount Transformers to low bidder, JCL Energy, LLC in the amount of \$435,800.00. Authorization for City Manager to approve price adjustments due to market volatility made by Mayor Pro Tem Jones, Seconded by Council Member Clark.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Executive Session – Personnel, Litigation, Real Estate

Motion to enter executive session made by Council Member Clark, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Motion to adjourn executive session made by Council Member Clark, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Report of items discussed in Executive Session

3 Litigation

No Votes Taken

Final Adjournment

Motion to adjourn made by Mayor Pro Tem Jones, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark,
Council Member Roche

Minute Signatures

David R. Still, Mayor

Karen Pierce, City Clerk

MAYOR AND COUNCIL

CITY OF LAWRENCEVILLE, GEORGIA

ORDINANCE

READING AND ADOPTION:

At the regular meeting of the Mayor and Council of the City of Lawrenceville, held at City Hall, 70 S. Clayton Street, Lawrenceville, Georgia.

<u>PRESENT</u>	<u>VOTE</u>
<u>David R. Still</u> , Mayor	<u>Yes</u>
<u>Victoria Jones</u> , Mayor Pro Tem	<u>Yes</u>
<u>Bob Clark</u> , Council Member	<u>Yes</u>
<u>Glenn Martin</u> , Council Member	<u>Yes</u>
<u>Keith Roche</u> , Council Member	<u>Yes</u>

On motion to DENY the requested Appeal of a Board of Appeals Decision by Council Member Roche, seconded by Council Member Martin, which carried 5-0, the following ordinance was adopted:

AN ORDINANCE TO DENY AN APPEAL OF A BOARD OF APPEALS DECISION

WHEREAS, the Planning Commission of the City of Lawrenceville has held a duly advertised public hearing and has filed a formal recommendation with the Mayor and Council of the City of Lawrenceville upon an Application from Hoang Diem Thuy Vo of an Appeal of a Board of Appeals Decision denying an impervious surface exceeding 35 percent in a Front Yard Area on a tract of land described in the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of the City of Lawrenceville; and

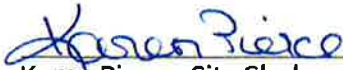
WHEREAS, a public hearing was held by the Mayor and Council of the City of Lawrenceville on October 25th, 2021 and objections were filed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lawrenceville this the 25th day of October, 2021, that the aforesaid application for an Appeal of a Board of Appeals Decision is hereby DENIED.


David R. Still, Mayor

Date Signed: 10/29/2021

ATTEST:


Karen Pierce, City Clerk

LEGAL DESCRIPTION
180 Canterbury Lane

All that tract or parcel of land lying and being in Land Lot 172 of the 5th District of Gwinnett County, Georgia, and being Lot 8, Block A in Quinn Ridge Forest Subdivision recorded in Plat Book 44, Page 193 and being more particularly described as follows:

BEGINNING at the intersection of the easterly right of way of New Hope Road (80' R/W) and the northerly right of way of Canterbury Lane (60 R/W) thence easterly along the northerly right of way of Canterbury Lane a distance of 214.17 feet to a point thence South 41 degrees 58 minutes 29 seconds West a distance of 4.80 feet thence proceeding easterly along the northerly right of way of Canterbury Lane (50' R/W) a distance of 784.74 feet to an iron pin set; and said point being the **TRUE POINT OF BEGINNING**; from said the **POINT OF BEGINNING** as thus established;

Thence, North 38 degrees 20 minutes 05 seconds West a distance of 125.00 feet to a found ½" rebar;

Thence, North 51 degrees 39 minutes 55 seconds East a distance of 70.00 feet to a found nail;

Thence, South 38 degrees 20 minutes 05 seconds East a distance of 125.00 feet to a found ½" rebar;

Thence, South 51 degrees 39 minutes 55 seconds West a distance of 70.00 feet to an iron pin set;

Said point being the **TRUE POINT OF BEGINNING** as shown as 180 Canterbury Lane on a survey prepared by Keystone Land Surveying dated 7-13-2021.

MAYOR AND COUNCIL
CITY OF LAWRENCEVILLE, GEORGIA
ORDINANCE

READING AND ADOPTION:

At the regular meeting of the Mayor and Council of the City of Lawrenceville, held at City Hall, 70 S. Clayton Street, Lawrenceville, Georgia.

<u>PRESENT</u>	<u>VOTE</u>
<u>David R. Still</u> , Mayor	<u>Yes</u>
<u>Victoria Jones</u> , Mayor Pro Tem	<u>Yes</u>
<u>Bob Clark</u> , Council Member	<u>Yes</u>
<u>Glenn Martin</u> , Council Member	<u>Yes</u>
<u>Keith Roche</u> , Council Member	<u>Yes</u>

On motion to DENY the requested Special Use Permit by Council Member Clark, seconded by Council Member Martin which carried 5-0, the following ordinance was adopted:

AN ORDINANCE TO DENY A SPECIAL USE PERMIT

WHEREAS, the Planning Commission of the City of Lawrenceville has held a duly advertised public hearing and has filed a formal recommendation with the Mayor and Council of the City of Lawrenceville upon an Application for a Special Use Permit from A 2nd Chance Bail Bond for the proposed use of Bail Bond Facility on a tract of land described in the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official

Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of the City of Lawrenceville; and

WHEREAS, a public hearing was held by the Mayor and Council of the City of Lawrenceville on October 25th, 2021 and objections were not filed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lawrenceville this the 25th day of October, 2021, that the aforesaid application for a Special Use Permit is hereby DENIED.


David R. Still, Mayor

Date Signed: 10/29/2021

ATTEST:


Karen Pierce, City Clerk

EXHIBIT "A"

OK 9802 PG 0166

ALL THAT TRACT or parcel of land lying and being in Land Lot 12 of the 7th District of Gwinnett County, Georgia, in the City of Lawrenceville, containing 1.08 Acres, more or less, according to plat of survey for West End Enterprises, Inc. prepared by Georgia Land Surveying Co., Inc. (Josh L. Lewis, III, Georgia Registered Land Surveyor No. 1751), dated November 12, 2004, and more particularly described as follows:

BEGINNING at a 1/2-inch rebar set at the point of intersection of the northeasterly side of Reynolds Road with the southeasterly side of Wimberly Way, and run thence along the southeasterly side of Wimberly Way North 61 degrees 02 minutes 25 seconds East a distance of 195.29 feet to a 1/2-inch rebar set at the northwest corner of property now or formerly owned by McGee; run thence South 25 degrees 10 minutes 14 seconds East along said McGee property a distance of 274.67 feet to a 1/2-inch rod located on the northwesterly side of Reynolds Road; run thence South 55 degrees 53 minutes 36 seconds West along the northwesterly side of Reynolds Road a distance of 98.41 feet to a nail set on the northeasterly side of Reynolds Road; run thence North 32 degrees 57 minutes 20 seconds West along the northeasterly side of Reynolds Road a distance of 44.42 feet to a 1/2-inch rebar set on the northerly side of Reynolds Road; run thence northwesterly along the northeasterly side of Reynolds Road an arc distance of 147.96 feet to a 1/2-inch rebar set, said arc having a radius of 139.20 feet and a chord bearing and distance of North 64 degrees 34 minutes 15 seconds West 141.09 feet; run thence North 40 degrees 17 minutes 21 seconds West and continuing along the northeasterly side of Reynolds Road a distance of 28.63 feet to a 1/2-inch rebar set; run thence North 24 degrees 27 minutes 26 seconds West and continuing along the northeasterly side of Reynolds Road a distance of 95.29 feet to the 1/2-inch rebar set at the point of beginning.

LESS AND EXCEPT any portion of the above described property lying within the existing easements or rights-of-way of Reynolds Road and Wimberly Way.

5002021-00049

MAYOR AND COUNCIL
CITY OF LAWRENCEVILLE, GEORGIA
ORDINANCE

READING AND ADOPTION:

At the regular meeting of the Mayor and Council of the City of Lawrenceville, held at City Hall, 70 S. Clayton Street, Lawrenceville, Georgia.

<u>PRESENT</u>	<u>VOTE</u>
<u>David R. Still</u> , Mayor	<u>Yes</u>
<u>Victoria Jones</u> , Mayor Pro Tem	<u>Yes</u>
<u>Bob Clark</u> , Council Member	<u>Yes</u>
<u>Glenn Martin</u> , Council Member	<u>Yes</u>
<u>Keith Roche</u> , Council Member	<u>Yes</u>

On motion to DENY the requested Special Use Permit by Council Member Roche, seconded by Council Member Clark, which carried 5-0, the following ordinance was adopted:

AN ORDINANCE TO DENY A SPECIAL USE PERMIT

WHEREAS, the Planning Commission of the City of Lawrenceville has held a duly advertised public hearing and has filed a formal recommendation with the Mayor and Council of the City of Lawrenceville upon an Application for a Special Use Permit from Hurricane/316, LLC for the proposed use of Smoke or Novelty Shop on a tract of land described in the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official

Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of the City of Lawrenceville; and

WHEREAS, a public hearing was held by the Mayor and Council of the City of Lawrenceville on October 25th, 2021 and objections were filed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lawrenceville this the 25th day of October, 2021, that the aforesaid application for a Special Use Permit is hereby DENIED.

A handwritten signature in blue ink, appearing to read "D. R. Still", written over a horizontal line.

David R. Still, Mayor

Date Signed: 10/29/2021

ATTEST:

A handwritten signature in blue ink, appearing to read "Karen Pierce", written over a horizontal line.
Karen Pierce, City Clerk

Lawrenceville Crossing Shopping Center

LEGAL DESCRIPTION

SHOPS "E" TRACT

All that tract or parcel of land lying and being in Land Lots 10 of the 7th District, City of Lawrenceville, Owinnett County, Georgia, and being more particularly described as follows:

Commencing at a point at the intersection of the southwesterly right of way of Collins Hill Road (variable right of way) and the northwesterly right of way of Hurricane Shoals Road (100' right of way);
thence along the southwesterly right of way of Collins Hill Road North 14 degrees 35 minutes 13 seconds West, a distance of 205.23 feet to a point;
thence continuing along said right of way North 07 degrees 44 minutes 39 seconds West, a distance of 36.13 feet to a point;
thence leaving said right of way South 52 degrees 42 minutes 14 seconds West, a distance of 31.09 feet to a point;
thence North 26 degrees 44 minutes 46 seconds West, a distance of 197.00 feet to a point;
thence South 71 degrees 41 minutes 14 seconds West, a distance of 91.76 feet to a point;
thence North 25 degrees 28 minutes 52 seconds West, a distance of 179.17 feet to a point;
thence North 37 degrees 36 minutes 22 seconds West, a distance of 42.85 feet to a point;
thence North 25 degrees 28 minutes 52 seconds West, a distance of 87.57 feet to a point;
thence North 25 degrees 28 minutes 52 seconds West, a distance of 349.72 feet to a point;
thence North 16 degrees 24 minutes 32 seconds East, a distance of 16.74 feet to a point;
said point being the POINT OF BEGINNING.
thence South 58 degrees 17 minutes 55 seconds West, a distance of 165.03 feet to a point;
thence South 45 degrees 12 minutes 27 seconds West, a distance of 212.05 feet to a point;
thence North 25 degrees 28 minutes 52 seconds West, a distance of 21.22 feet to a point;
thence South 64 degrees 31 minutes 08 seconds West, a distance of 280.05 feet to a point;
thence North 30 degrees 33 minutes 47 seconds West, a distance of 396.21 feet to a point;
thence North 59 degrees 26 minutes 13 seconds East, a distance of 614.66 feet to a point;
thence South 31 degrees 08 minutes 18 seconds East, a distance of 46.67 feet to a point;
thence South 64 degrees 26 minutes 11 seconds East, a distance of 40.06 feet to a point;
thence South 31 degrees 02 minutes 11 seconds East, a distance of 33.16 feet to a point;
thence South 30 degrees 58 minutes 30 seconds East, a distance of 214.68 feet to a point;
thence South 77 degrees 58 minutes 17 seconds East, a distance of 27.69 feet to a point;
thence North 58 degrees 17 minutes 55 seconds East, a distance of 128.34 feet to a point;
thence North 13 degrees 17 minutes 55 seconds East, a distance of 30.00 feet to a point on the southwesterly right of way of Collins Hill Road;
thence along said right of way South 31 degrees 13 minutes 59 seconds East, a distance of 50.99 feet to a point;
thence continuing along said right of way South 30 degrees 40 minutes 36 seconds East, a distance of 37.74 feet to a point;
thence leaving said right of way North 79 degrees 28 minutes 34 seconds West, a distance of 40.93 feet to a point;
thence South 58 degrees 17 minutes 55 seconds West, a distance of 130.99 feet to a point;
said point being the POINT OF BEGINNING.

Said tract contains 265,403 sf. (6.09 acres), more or less, and being designated as "Tract Four Area (Shops "E")" on that certain ALTA/ASCM Land Title Survey for Bank of America, N.A., Hurricane/316, LLC, Chicago Title Insurance Company, dated August 11, 1999, last revised August 31, 2000, prepared by Armstrong Land Surveying, Inc., bearing seal and certification of Robert T. Armstrong, Georgia Registered Land Surveyor No. 1901, said survey incorporated herein by reference thereto.



TFH | LEGAL

TAYLOR | FEIL | HARPER | LUMSDEN
ATTORNEYS AT LAW

Terry Bailey, Esq.
TBAiley@TFHlegal.com

October 4, 2021

Lawrenceville Office of Planning & Development
70 S Clayton St.
Lawrenceville, GA 30046

Re: SUP2021-00047 Constitutional assertions

My firm represents Safwad Hussain, the applicant for conditional use permit SUP 2021-00047.

Accordingly, the Applicant contends that the application of the applicable development standards of Lawrenceville's Zoning Ordinance to this particular piece of property would create an unnecessary hardship and that the Conditional Use Permit requested herein would do substantial justice while preserving the spirit of the chapter shall, securing the public welfare and safety and not causing substantial detriment to the public good or impair the purpose and intent of Zoning Ordinance of the City of Lawrenceville.

Further, the Applicant respectfully submits that the Zoning Ordinance of the City of Lawrenceville, Georgia, as amended from time to time and known as the "Lawrenceville Zoning Ordinance," is expressly intended to grant Conditional Use Permits in instances such as these described herein. Further, to forbid the requested variances in this instance would be unlawful,

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arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

For these reasons, we request the variances sought herein from the stated restrictions as set out in the Lawrenceville Code of Ordinances.

Safwan Hussein respectfully submits that the Zoning Ordinance and maps of the Lawrenceville, Georgia, as amended from time to time, are unconstitutional to the extent that they do not allow the requested variances for the construction of the proposed improvements on the Subject Property.

Accordingly, the Applicant, on behalf the owner of the property respectfully submits that the denial of the Conditional Use Permit proposed herein on the Subject Property would constitute an arbitrary and unreasonable use of the zoning and police powers because it will bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Applicant. Additionally, issuance of the requested variances is required because it fully satisfies all standards applicable to it. A denial would constitute a taking of the Applicant's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

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Further, the Applicant respectfully submits that the failure to approve the requested Conditional Use Permit would be unconstitutional and would discriminate in an arbitrary and capricious and unreasonable manner between the Property owner and the owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

This Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power, Guhl v. Holcomb Bridge Road, 238 Ga. 322 (1977).

For the foregoing reasons, the Applicant respectfully requests that the Conditional Use Permit application be approved.

Respectfully submitted,



Terry Bailey

Attorney for Applicant

SUP2021-00047

Received: October 4, 2021

Planning and Development Department

MAYOR AND COUNCIL

CITY OF LAWRENCEVILLE, GEORGIA

ORDINANCE

READING AND ADOPTION:

At the regular meeting of the Mayor and Council of the City of Lawrenceville, held at City Hall, 70 S. Clayton Street, Lawrenceville, Georgia.

<u>PRESENT</u>	<u>VOTE</u>
<u>David R. Still, Mayor</u>	<u>Yes</u>
<u>Victoria Jones, Mayor Pro Tem</u>	<u>Yes</u>
<u>Bob Clark, Council Member</u>	<u>Yes</u>
<u>Glenn Martin, Council Member</u>	<u>Yes</u>
<u>Keith Roche, Council Member</u>	<u>Yes</u>

On motion to APPROVE the request to amend the Official Zoning Map by Council Member Martin, seconded by Mayor Pro Tem Jones, which carried 5-0, the following ordinance was adopted:

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Planning Commission of the City of Lawrenceville has held a duly advertised public hearing and has filed a formal recommendation with the Mayor and Council of the City of Lawrenceville upon an Application for a Change-in-Conditions by Karla Maria Mejia Cruz for the proposed use of a Certified Public Accountant on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of the City of Lawrenceville; and

WHEREAS, a public hearing was held by the Mayor and Council of the City of Lawrenceville on October 25th, 2021 and objections were not filed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lawrenceville this the 25th day of October, 2021, that the aforesaid application for a Change-in-Conditions is hereby APPROVED WITH CONDITIONS.

Approval as BG (General Business) subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

- A.** The use of the property shall be used as a Certified Public Accountant only.
- B.** Any new construction or exterior renovations shall be finished with architectural treatments of brick, glass and/or stacked stone on the front facade and side and rear elevations. At a minimum, the existing building shall be repainted in neutral/earth tone color. Final exterior architectural treatments and colors shall be subject to the review and approval of the Director of Planning and Development.
- C.** The existing double-post sign shall be removed from the site, and replaced with a Ground Sign consisting of a minimum two-foot high brick base. The base and structure shall be constructed, and consist of materials consistent with the minimum requirements of the Article 7 Signs, subject to the review and approval of the Director of Planning and Development.
- D.** Billboards shall be prohibited.
- E.** Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or required by the city, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.

- F.** No tents, canopies, temporary banners, streamers or roping decorated flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No balloons hot air balloons shall be displayed on the site. Yard and/or bandit signs, sign-twirlers or sign walkers shall be prohibited.
 - G.** Peddlers and/or parking lot sales shall be prohibited.
 - H.** Outdoor storage and overnight parking shall be prohibited.
 - I.** The owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
- 2.** To satisfy the following site development considerations:
 - A.** Obtain all necessary development and building permits within 180 days of the date of this approval, subject to the review and approval of the Director of Planning and Development.
 - B.** The site and structure shall be brought into compliance with all applicable building, development and zoning codes prior to business occupancy, and within 12 months of the date of this approval, subject to the review and approval the Director of Planning and Development.
 - C.** Provide and maintain a 10-foot enhanced buffer along all property lines. Sparsely vegetated area shall be enhanced.
 - D.** The property shall have a 10-foot wide landscape strip along the right-of-way fronting Buford Drive except for ingress and egress in compliance with Article VIII of the Development Regulations and subject to the review and approval by the Director of Planning and Development.
 - E.** No more than one entrance/exit onto Buford Drive.
 - F.** Dumpsters shall be screened by solid masonry walls with an opaque metal gate enclosure.
 - G.** Lighting shall be contained in cut-off type luminaries and shall be directed in towards the property so as not to shine directly into adjacent properties or right-of-ways.

ORDINANCE NO.: ZON-ORD-2021-22

CASE NO.: CIC2021-00009

A handwritten signature in blue ink, appearing to read "David R. Still", written over a horizontal line.

David R. Still, Mayor

Date Signed: 10/29/2021

ATTEST:

A handwritten signature in blue ink, appearing to read "Karen Pierce", written over a horizontal line.
Karen Pierce, City Clerk

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 176, 5TH LAND DISTRICT, CITY OF LAWRENCEVILLE, STATE OF GEORGIA AND BEING SHOWN AS A 0.205 ACRE TRACT OF LAND ON PLAT OF SURVEY FOR SAM SIMS BY W. T. DUNAHOO, GEORGIA R.L.S. NO. 1577 DATED NOVEMBER 28, 2007 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT THE POINT WHERE THE WESTERLY RIGHT-OF-WAY OF GEORGIA HIGHWAY NO. 20 (80 FOOT R/W) INTERSECTS THE SOUTHERLY RIGHT-OF-WAY OF NORTH CLAYTON STREET; PROCEED THENCE IN A SOUTHERLY DIRECTION ALONG THE WESTERLY RIGHT-OF-WAY OF GEORGIA HIGHWAY NO. 20 509.87 FEET TO AN IRON PIN SET AND THE TRUE POINT OF BEGINNING; PROCEED THENCE SOUTH 04 DEGREES 12 MINUTES 59 SECONDS EAST 70.16 FEET TO AN IRON PIN SET; THENCE NORTH 63 DEGREES 01 MINUTES 15 SECONDS WEST 169.53 FEET TO AN IRON PIN FOUND; THENCE NORTH 28 DEGREES 16 MINUTES 15 SECONDS EAST 58.43 FEET TO AN IRON PIN FOUND; THENCE SOUTH 63 DEGREES 42 MINUTES 56 SECONDS EAST 131.87 FEET TO THE IRON PIN SET AND THE TRUE POINT OF BEGINNING. BEING PROPERTY KNOWN AS 330 BUFORD DRIVE, LAWRENCEVILLE, GEORGIA .

CIC2021-00009

Received: August 11, 2021

Planning and Development Department

RESOLUTION RES-2021-11

**RESOLUTION TO ADOPT THE DOWNTOWN LIVABLE CENTERS INITIATIVE (LCI)
MASTER PLAN 5-YEAR UPDATE AND CONTINUE TO PARTICIPATE IN THE LCI PROGRAM**

WHEREAS, the City of Lawrenceville supports regional efforts to develop a balanced transportation system to reduce dependence upon the automobile, enhance access, improve safety, encourage continued prosperity, and promote quality of life; and

WHEREAS, the City of Lawrenceville concurs that improvements in the quality of life from a well-planned downtown area will enhance the economic position of Lawrenceville; and

WHEREAS, the City of Lawrenceville adopted the Lawrenceville Downtown Livable Centers Initiative Master Plan on July 25, 2005.

NOW THEREFORE BE IT RESOLVED, that the City of Lawrenceville hereby adopts the City of Lawrenceville Downtown LCI Master Plan 5-Year Update and continues its participation in the Livable Centers Initiative (LCI) program for an additional five years as a major step in preserving health, well-being and economic vitality of our community.

IT IS SO RESOLVED this 25th day of October, 2021.



David R. Still, Mayor

ATTEST:



Karen Pierce, City Clerk