



LAWRENCEVILLE

GEORGIA

CITY COUNCIL REGULAR MEETING MINUTES

Monday, July 25, 2022
7:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

PRESENT

Mayor David Still

Mayor Pro Tem Glenn Martin

Council Member Victoria Jones

Council Member Austin Thompson

Council Member Marlene Taylor-Crawford

Prayer

Clay Jones was present to provide the invocation.

Pledge of Allegiance

Mayor David Still led the group in the Pledge of Allegiance.

Agenda Additions / Deletions

Staff requested that the heading of Proclamations and item 21, RZC2022-00040, be deleted from the agenda.

Motion to approve the agenda as amended made by Council Member Thompson, Seconded by Council Member Jones.

Voting Yea: Mayor Still, Mayor Pro Tem Martin, Council Member Jones, Council Member Thompson, Council Member Taylor-Crawford

Recognitions

1. Police Department - Officers Cumbie, Barnes, and Elliott

Mayor Still recognized Officer Elliot for his service to the citizens of Lawrenceville and for being named VFW Post 5255 Officer of the Year. Officers Cumbie and Barnes were not able to attend and would be rescheduled for recognition at a later date.

2. Lawrenceville Summer Internships

Mayor Still then recognized the summer interns that have participated in two inter programs with the City.

Summer of Impact Interns

- Rahima Coulibaly: Marketing Intern
- Aissata Hann : Community Relations Intern
- Nicole Egwuatu : Community Relations Intern
- Ayesha Herrera : Planning & Development Intern
- Alexa Melendez : Fleet Intern

Human Resources Internships

- Kennan Perkins : Police Intern
- Mason Bishop : Community Relations Intern
- Khalil Braswell : Engineering Intern

Approval of Prior Meeting Minutes

Motion to approve minutes as amended made by Mayor Still, Seconded by Mayor Pro Tem Martin.
Voting Yea: Mayor Still, Mayor Pro Tem Martin, Council Member Jones, Council Member Thompson, Council Member Taylor-Crawford

3. 04/25/2022 Budget Work Session, Regular Meeting and Executive Session
4. 04/28/2022 Special Call and Executive Session
5. 05/02/2022 Special Call
6. 05/11/2022 Budget Work Session, Work Session and Executive Session
7. 05/23/2022 Regular Meeting and Executive Session
8. 06/08/2022 Budget Work Session and Work Session

Announcements

Council Member Austin Thompson recognized the minority community and the diversity of immigrants that make up Lawrenceville and the celebration of Independence of the Countries that those immigrants come from.

Council Member Glenn Martin announced that he wanted to thank the staff and those that make the City events happen.

Council Member Victoria Jones reiterated the thank you to the citizens, staff, and Council of the City of Lawrenceville.

Council Member Marlene Taylor-Crawford announced that about 90% of the phone calls she received concern the deplorable conditions that some landlords, slumlords, are providing to their tenants and that more needs to be done in the future by the City, County and State.

Mayor Still announced that the City has two individuals that will be serving on the Leadership Gwinnett Class this year. Those individuals are Council Member Jones and Events Coordinator Jasmine Billings.

Mayor Still then read from the slides for upcoming City events.

Public Comment

To participate in the Public Comment part of the Agenda, you must register with the City Clerk prior to the beginning of the meeting. Presentations will be limited to 2 minutes per person and Council will not respond to the comment.

State Representative Donna McLeod came forward to speak on the topic of sexual harassment.

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 the Consent agenda made by Mayor Pro Tem Martin, Seconded by Council Member Taylor-Crawford.

Voting Yea: Mayor Still, Mayor Pro Tem Martin, Council Member Jones, Council Member Thompson, Council Member Taylor-Crawford

9. On-Demand Installation of New Gas Services on an Annual Contract
10. On-Demand Installation of New Gas Mains on an Annual Contract
11. Residential Curbside Recycling Collection Services on an Annual Contract
12. Trittech Software Systems
13. 2040 Comprehensive Plan 5-year Update and Comprehensive Transportation Plan
14. ReCAST Advisory Board Appointments
15. Approval of changes to retirement plan

16. Approval of Resolution Creating Indemnification Policy

Public Hearing Old 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.

17. Resolution to Adopt Year 2022 Millage Rate

Chief Financial Officer Keith Lee presented the third public hearing for this item. The Mayor opened the Public Hearing and seeing and hearing no one come forward the public hearing was closed.

Motion to adopt the Resolution as presented in the packet made by Mayor Still, Seconded by Mayor Pro Tem Martin.

Voting Yea: Mayor Still, Mayor Pro Tem Martin, Council Member Jones, Council Member Thompson, Council Member Taylor-Crawford

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.

18. RZC2022-00037 SUP2022-00068; David Waters; 1026 & 1004 Lawrenceville Highway

Planning and Development Director Todd Hargrave presented this item and answered questions from Council. The applicants representative Rob Ponder was present to answer questions from Council. The Mayor opened the public hearing and seeing and hearing no one come forward the public hearing was closed.

Motion to approve with the updated conditions made by Mayor Pro Tem Martin, Seconded by Council Member Jones.

Voting Yea: Mayor Still, Mayor Pro Tem Martin, Council Member Jones, Council Member Thompson, Council Member Taylor-Crawford

19. RZC2022-00038; City of Lawrenceville; Portion of R7011 015 (Right-of-Way Abandonment)

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

Motion to approve as presented made by Council Member Jones, Seconded by Council Member Thompson.

Voting Yea: Mayor Still, Mayor Pro Tem Martin, Council Member Jones, Council Member Thompson, Council Member Taylor-Crawford

20. RZC2022-00039; City of Lawrenceville; Property located at the northwest intersection of Collins Hill Road and Hurricane Shoals Road

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

Motion to approve as presented made by Mayor Still, Seconded by Council Member Jones.

Voting Yea: Mayor Still, Mayor Pro Tem Martin, Council Member Jones, Council Member Thompson, Council Member Taylor-Crawford

21. RZC2022-00040; City of Lawrenceville; Property located along the southerly right-of-way of State Route 316 along Ramp "X", also known as Eastbound Connector Road, with the northeasterly right-of-way of Lightning Access Road.

This item was removed under additions and deletions.

Council Business New Business

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

22. Third Amendment to the Intergovernmental Agreement - Hotel Loan

City Manager Chuck Warbington presented this item.

Motion to approve Intergovernmental Agreement for the Hotel Loan made by Mayor Pro Tem Martin, Seconded by Council Member Jones.

Voting Yea: Mayor Still, Mayor Pro Tem Martin, Council Member Jones, Council Member Thompson, Council Member Taylor-Crawford

23. Acceptance of a donation of property at 17 East Crogan Street, tax parcel R5147 062

City Attorney presented this item.

Motion to approve the acceptance of deed for 17 East Crogan tax parcel R5147 062 as presented made by Council Member Jones, Seconded by Mayor Pro Tem Martin.

Voting Yea: Mayor Still, Mayor Pro Tem Martin, Council Member Jones, Council Member Thompson, Council Member Taylor-Crawford

Final Adjournment

Motion to adjourn made by Council Member Thompson, Seconded by Council Member Taylor-Crawford.

Voting Yea: Mayor Still, Mayor Pro Tem Martin, Council Member Jones, Council Member Thompson, Council Member Taylor-Crawford

Minute Signatures

David R. Still, Mayor

Karen Pierce, City Clerk

RESOLUTION RES-2022-5

A RESOLUTION OF THE CITY COUNCIL TO ADOPT A POLICY FOR THE INDEMNIFICATION AND DEFENSE OF ELECTED OFFICIALS, APPOINTED OFFICIALS, AND EMPLOYEES SUED FOR ACTIONS TAKEN IN THE COURSE AND SCOPE OF THEIR EMPLOYMENT OR OFFICIAL CAPACITY, TO ESTABLISH PARAMETERS UNDER WHICH SUCH INDEMNITY AND DEFENSE WILL APPLY, AND FOR OTHER PURPOSES

- WHEREAS,** the Charter of the City of Lawrenceville empowers the City Council to take actions necessary to protect the health, safety, and welfare of the citizens, residents, and visitors within the City of Lawrenceville; and
- WHEREAS,** Article 2 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated (O.C.G.A. § 45-9-20 et seq.) authorizes the City to enact a policy of indemnification and defense for officials and employees of the City who act within the course and scope of their engagement for or on behalf of the City; and
- WHEREAS,** the City Council finds and concludes that providing such defense and support for the officials and employees of the City is an important safeguard for the retention and recruitment of City officials and employees; and
- WHEREAS,** the City Council finds that the person or persons receiving the benefit of the policy must be acting in the course and scope of their job or position for the city, must act without selfish motive or intent, and must not act for their own personal gain or advancement; and
- WHEREAS,** the City Council further finds and concludes that it is important for the officials and employees of the City that each of them understand and have the Council's commitment that when the City's officials and employees are performing the work of the City as determined by the Council through its legislation, policies, and procedures, that the City will stand behind that work and the official or employee need not worry or be concerned about personal liability for their work on behalf of the City.

NOW THEREFORE, BE IT RESOLVED AND DETERMINED that the findings and conclusions above are made a part of this Policy and are expressly adopted and found to be true by the City Council.

BE IT FURTHER RESOLVED AND DETERMINED that the following shall be the Policy of the City and may be referred to or cited as "Lawrenceville Indemnity Policy:"

Section 1. Immunity of city and its officials and employees not waived.

Nothing in this policy shall be construed to constitute any waiver by the city of any immunity or privilege of any kind now or hereafter enjoyed by the city or any elected official, appointed official, or employee of the city. Any sovereign immunity, official immunity, governmental immunity, qualified immunity, judicial immunity, prosecutorial immunity, or other immunity or privilege afforded to the city or any of its officials or employees under the laws and constitution of the state or federal government shall remain in full force and affect and shall not be waived.

Nothing in this policy shall be construed in any way to reduce or eliminate the rights of any official or employee against any other party.

Section 2. Indemnity and Defense.

It shall be the policy of the City of Lawrenceville that wherever any civil litigation is instituted in or before a court of this state or of the United States against any official (including any elected official or appointed official) or employee asserting personal liability for damages arising out of the performance of the official duties of such official or employee or in any way reasonably related thereto, whether based upon negligence, violation of contract rights or violation of civil, constitutional, common law, or other statutory rights, whether federal, state or local, the city, upon written notice to the city by any such official or employee and as a part of such official's or employee's compensation or terms of employment, subject to the limitations and exclusions as set forth in this policy will undertake to defend the civil action on behalf of any such official or employee by and through the office of the city attorney. Subject to the terms and restrictions of this policy, the City will provide an indemnification and defense for any part or all of the damages awarded by, or resulting from, any court or agency of competent jurisdiction for any action taken by any official and any employee, who at the time of the alleged actions or omissions was performing work for and on behalf of the City, was acting within established policies, procedures, or guidelines or was acting pursuant to express authority from the City Council, and was not acting for their own personal advantage or advancement.

Section 3. Expenditures for defense.

The city may expend funds for such purposes, including but not limited to, attorney's fees, court costs, deposition costs, witness fees and compensation, and all other like costs, expenses, and fees.

Section 4. Notice to city attorney.

This policy shall not apply unless the official or employee or the department head of such official or employee has given notice in writing of any such pending civil action to the city attorney within ten days after the official or employee has received notice thereof or has been served with any such summons and complaint.

Section 5. Grounds for refusal of defense.

The city shall refuse to undertake to defend civil actions brought against any official or employee if it is determined by the City Council in consultation with the city attorney that:

- (1) The act or omission did not arise out of and in the course of the employment of such official or employee nor was the act or omission reasonably related to such employment.
- (2) The official or employee acted or failed to act because of actual or intentional misconduct, fraud, corruption, malice, or bad faith.
- (3) The defense of any such civil action by the city would create a conflict of interest between the city and the official or employee.
- (4) The litigation is for the purpose of criminal prosecution.
- (5) Undertaking to defend against any such civil action would not be in the best interest of the city.
- (6) The official or employee acted or failed to act as a result of impaired judgment caused by the voluntary consumption of alcohol or by the voluntary illegal use of any controlled substance as defined by the laws of the state.
- (7) Except in an emergency situation or upon the existence of extenuating circumstances, the official or employee acted or failed to act contrary to the advice of the city attorney.
- (8) The official or employee acted or failed to act in such a manner as to constitute a criminal offense involving theft, embezzlement or other like crime with respect to the property or money of or in which the city has an interest.
- (9) The official or employee fails to fully cooperate with the city attorney (or other attorney hired to represent the interests of the official or employee) or any other entity hired by the city in the conduct of the investigation and/or defense of the matter and/or litigation.
- (10) The official or employee fails or refuses to follow the advice of the city attorney (or other attorney hired to represent the person) in any matter related to the claim made or action brought against said official or employee.
- (11) The official or employee conceals or misrepresents any facts or circumstances concerning the occurrence upon which the claim or cause of action is based.
- (12) The occurrence upon which the claim is based is otherwise covered by a policy or contract of insurance purchased by the city.

Section 6. Conflict of interest between officials or employees.

Any official or employee represented under this policy shall execute a written waiver of any and all actual or potential conflicts of interest with the city and any other official or employee of the city.

Nothing in this policy shall be construed to prohibit the city from undertaking to defend against any such civil action on behalf of any official or employee where there exists a conflict of interest with another official or employee. If, at the initiation of or during the course of any

such civil litigation, a conflict of interest arises as to the representation of any officials or employees, the city attorney shall provide representation pursuant to the following:

- (1) As between elected officials and appointed officials and employees, the city attorney shall represent the elected officials;
- (2) As between appointed officials and employees, the city attorney shall make the determination, subject to the approval, by resolution duly adopted and approved, of the council and the mayor; and
- (3) As between elected officials, the determination shall be made by a resolution duly adopted and approved by the council and the mayor.

Further, where any such conflict of interest exists and a determination has been made as to which officials or employees shall be represented by the city attorney, the city in its discretion may by a resolution duly adopted and approved, authorize those officials or employees not represented by the city attorney to employ counsel at the expense of the city. However, the selection and compensation of such other counsel shall be subject to the prior approval by the city.

Section 7. Indemnification limits.

The City will indemnify any official or employee of the city under this policy subject to the following monetary limitations:

Bodily Injury:	\$100,000 each Claimant
	\$500,000 each Occurrence
Property Damage:	\$100,000 each Claimant
	\$500,000 each Occurrence
Other (not excluded below):	\$100,000 each Claimant
	\$500,000 each Occurrence

The city shall not provide indemnification for any claims for emotional harm, mental harm, or punitive damages.

The city shall not be obligated to pay any claim or judgment or defend any cause of action on behalf of an official or employee of the city after the indemnification limits, as set out above, have been exhausted.

No sum shall be paid where the city has terminated the official or employee's entitlement to a defense or to indemnification under this policy prior to trial or settlement.

No sum shall be paid pursuant to this policy unless the official or employee and all claimants unconditionally and forever release and discharge the city and each and every official and employee of the city from any and all liability, suits, claims, actions, causes of action, demands, damages, costs, expenses, and compensation on account of or in any way arising out of or related to any such single or continuing incident or occurrence.

Section 8. Disbursements paid from city funds.

Any such payment or disbursement as provided in this policy shall be deemed to be for public purposes and may be paid from state, federal or local funds.

Section 9. Resolution of Disputes Over Application of Policy

If a question arises about the application of this policy to a particular set of facts or circumstances, such question shall be resolved by the City Council, acting pursuant to law and its rules, within the discretion of the legislative body.

Section 10. Applicability

This policy shall apply to any claim for which the City or any official or employee has received an ante litem notice, summons and complaint, or other notice of administrative action as of the time this policy is adopted by the Council.

Section 11. Right and authority of Council to direct the purchase of insurance

The Council shall have the option and discretion to direct the City Manager to purchase such insurance as deemed appropriate and sound to provide a defense and/or indemnity for the City and its officials and employees. This policy shall apply in excess of any applicable insurance policy or in cases where insurance is determined not to provide coverage.

Section 12. Effective date

This policy shall take effect upon passage by the City Council.

SO RESOLVED and EFFECTIVE, this 25 day of July 2022.



David R. Still
Mayor

Attest:



Karen Pierce,
City Clerk

RESOLUTION RES-2022-6

**RESOLUTION OF THE CITY OF LAWRENCEVILLE
TO SET THE MILLAGE RATE FOR 2022**

WHEREAS, the City of Lawrenceville depends upon revenue derived from various sources; and

WHEREAS, the City of Lawrenceville is dependent upon revenues generated from property taxes;

NOW, THEREFORE, BE IT RESOLVED that the City of Lawrenceville hereby sets its 2022 tax rate at 2.228 mills.

IT IS SO RESOLVED this 25th day of July, 2022.



David R. Still, Mayor

ATTEST:



Karen Pierce, City Clerk

MAYOR AND COUNCIL

CITY OF LAWRENCEVILLE, GEORGIA

ORDINANCE

READING AND ADOPTION:

At a 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> , Council Member	<u>Yes</u>
<u>Glenn Martin</u> , Mayor Pro Tem	<u>Yes</u>
<u>Marlene Taylor-Crawford</u> , Council Member	<u>Yes</u>
<u>Austin Thompson</u> , Council Member	<u>Yes</u>

On motion to APPROVE the requested zoning by Mayor Pro Tem Martin, seconded by Council Member 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 to Amend the Official Zoning Map from BG (General Business District) - unconditional to BG (General Business District) - conditional by David Waters for the proposed use of Commercial Retail 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 July 25, 2022 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 July, 2022, that the aforesaid application to amend the Official Zoning Map from BG (General Business District) to BG (General Business District) is hereby APPROVED WITH CONDITIONS.

Approval as BG (General Business District) for a commercial/retail development, subject to the following enumerated conditions:

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

A. Retail service-commercial uses and accessory uses. The following uses shall be prohibited:

- Adult Entertainment Facility
- Auction House
- Automobile Accessories Sales and Installation
- Automobile Body Repair, Painting or Rebuilding
- Automobile Broker
- Automobile Manufacturing Plant
- Automobile, Truck or Vehicle Storage Lot (excl. junk/wrecked vehicles)
- Automobile Parts Store (with/without installation)
- Automobile Repair and Maintenance (Principal Use)
- Automobile Sales or Auction and Related Service (indoor/outdoor sales)

- Automobile Wash (Carwash)
- Bail Bonding
- Building Materials Sales (indoors/outdoors)
- Depot / Passenger Terminal (bus or rail)
- Dollar or Variety Store
- Hookah/Vapor Bar or Lounge
- Machine Shop
- Maintenance Shop (fleet vehicles)
- Motorcycle and Personal Watercraft Sales and Related Service
- Motorcycle and Personal Watercraft Service and Repair
- Motorcycle Parts, Accessories and Apparel Store
- Pawn Shop
- Smoke or Novelty Shop
- Tobacco or Novelty Shop
- Tattoo and Body Piercing
- Title Loan Facility

B. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-twirlers or sign walkers shall be prohibited;

C. Peddlers and/or any parking lot sales unrelated to the rezoning shall be prohibited;

D. 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.** The development shall be constructed in conformity with the “Rezoning Exhibit, prepared by Dovetail Civil Design, Inc., dated May 4, 2022” presented to the City of Lawrenceville Planning Commission during the July 5, 2022 public hearing and in conformity with the City of Lawrenceville Zoning Ordinance and Development Regulations. Final design shall be subject to the review and approval of the Director of Planning and Development.
- B.** Buildings shall be designed and constructed in conformity with Zoning Ordinance, Article 6 Architectural and Design Standards, and International Building Code (IBC). Final building elevations shall be subject to the review and approval of the Director of Planning and Development.
- C.** Woven or knitted shade fabrics made from polypropylene, polyethylene or polyolefin shall be allowed to provide shade to an area described as a “COVERED SHADE AREA” as shown on a “Rezoning Exhibit, prepared by Dovetail Civil Design, Inc., dated May 4, 2022.”
- D.** Greenhouses shall be allowed to incorporate the use Plastic Films, Polycarbonate, Glass, Fiberglass and Metal to provide shade to an area described as a “GREENHOUSE” as shown on a “Rezoning Exhibit,

prepared by Dovetail Civil Design, Inc., dated May 4, 2022.”

- E.** Landscape shall be designed and installed to meet the conditions of zoning, requirements of the Zoning Ordinance and Development Regulations. Final design shall be subject to the review and approval of the Director of Planning and Development.
- F.** Provide a ten (10) foot landscape strip adjacent to all public right-of-ways.
- G.** Provide a five (5) foot landscape strip adjacent to all internal property lines.
- H.** Maintain a five (5) foot concrete sidewalk adjacent to Lawrenceville Highway right-of-way.
- I.** Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or right-of-ways;
- J.** Dumpsters screening shall be subject to the review and approval of the Director of the Planning and Development Department.
- K.** Natural vegetation shall remain on the property until the issuance of a development permit.
- L.** Any utility relocations shall be the responsibility of the developer.

ORDINANCE NO: ZON-ORD-2022-11

CASE NO: RZC2022-00037

David R. Still, Mayor

Date Signed: _____

ATTEST:

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> , Council Member	<u>Yes</u>
<u>Glenn Martin</u> , Mayor Pro Tem	<u>Yes</u>
<u>Marlene Taylor-Crawford</u> , Council Member	<u>Yes</u>
<u>Austin Thompson</u> , Council Member	<u>Yes</u>

On motion to APPROVE the requested Special Use Permit by Mayor Pro Tem Martin, seconded by Council Member Jones, which carried 5-0, the following ordinance was ADOPTED:

AN ORDINANCE TO APPROVE 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 David Waters for the proposed use of Outdoor Storage and Sales 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 July 25, 2022 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 July, 2022, that the aforesaid application for a Special Use Permit is hereby APPROVED WITH CONDITIONS.

Approval of Special Use Permit for allowing outdoor storage and sales, subject to the following enumerated conditions:

1. Satisfy the following site development considerations:

A. Allow outdoor sales and display shall be limited to an areas described as “COVERED SHADE AREA”, “GREENHOUSE” and “OUTDOOR RETAIL SPACE” as shown on the “Rezoning Exhibit, prepared by Dovetail Civil Design, Inc., dated May 4, 2022” presented to the City of Lawrenceville Planning Commission during the July 5, 2022 public hearing.

B. Outdoor storage shall be limited to an area described as a “30’ LANDSCAPED BUFFER WITH 8’ OPAQUE FENCE TO BE MAINTAINED IN LIEU OF 75’ ZONING BUFFER” as shown on a “Rezoning Exhibit, prepared by Dovetail Civil Design, Inc., dated May 4, 2022” presented to the City of Lawrenceville Planning Commission during the July 5, 2022 public hearing.

2. The following variance is granted:

A. A variance to allow a reduction in buffers from seventy (75) feet in width

ORDINANCE NO: ZON-ORD-2022-12

CASE NO: SUP2022-00068

to thirty (30) feet in width as shown on the “Rezoning Exhibit, prepared by Dovetail Civil Design, Inc., dated May 4, 2022” presented to the City of Lawrenceville Planning Commission during the July 5, 2022 public hearing.

David R. Still, Mayor

Date Signed: _____

ATTEST:

Karen Pierce, City Clerk

LEGAL DESCRIPTION

Overall

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Lawrenceville, Land Lots 110 & 111, 5th District, Gwinnett County, Georgia, and being more particularly described as follows:

COMMENCING at the intersection of the southeasterly R/W line of Lawrenceville Highway (aka U.S. Highway No. 29) (100' R/W) with the westerly R/W line of Camden Hill Road; **THENCE** running along said R/W line of Lawrenceville Highway in a southwesterly direction a distance of 711.37 feet to a 1/2" rebar found; said point being the **POINT OF BEGINNING**;

THENCE leaving said R/W line of Lawrenceville Highway South 41 degrees 19 minutes 49 seconds East a distance of 350.19 feet to a 1.5" open top pipe found; **THENCE** South 48 degrees 44 minutes 31 seconds West a distance of 210.05 feet to an iron pin set; **THENCE** South 48 degrees 39 minutes 39 seconds West a distance of 289.30 feet to a 1" open top pipe found; **THENCE** North 39 degrees 43 minutes 21 seconds West a distance of 305.05 feet to an iron pin set on the southeasterly R/W line of Lawrenceville Highway; **THENCE** running along said R/W line of Lawrenceville Highway the following courses and distance: North 43 degrees 55 minutes 14 seconds East a distance of 331.51 feet to a point; **THENCE** North 42 degrees 24 minutes 36 seconds East a distance of 161.38 feet to a 1/2" rebar found; said point being the **POINT OF BEGINNING**.

Said tract or parcel of land containing 161,322 square feet, or 3.703 acres.

MAYOR AND COUNCIL

CITY OF LAWRENCEVILLE, GEORGIA

ORDINANCE

READING AND ADOPTION:

At a 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>
David R. Still, Mayor	<u>Yes</u>
Victoria Jones, Council Member	<u>Yes</u>
Glenn Martin, Mayor Pro Tem	<u>Yes</u>
Marlene Taylor-Crawford, Council Member	<u>Yes</u>
Austin Thompson, Council Member	<u>Yes</u>

On motion to APPROVE the requested zoning by Council Member Jones, seconded by Council Member Thompson, 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 to Amend the Official Zoning Map from BG (General Business District) – unconditional to BG (General Business District) - conditional by City of Lawrenceville for the proposed use of Commercial Retail 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 July 25, 2022 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 July, 2022, that the aforesaid application to amend the Official Zoning Map from BG (General Business District) – unconditional to BG (General Business District) - conditional is hereby APPROVED WITH CONDITIONS.

Approval as BG (General Business District) for a commercial/retail development, subject to the following enumerated conditions:

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

A. Retail service-commercial uses and accessory uses. The following uses shall be prohibited:

- Adult Entertainment Facility
- Auction House
- Automobile Accessories Sales and Installation
- Automobile Body Repair, Painting or Rebuilding
- Automobile Broker
- Automobile Manufacturing Plant
- Automobile, Truck or Vehicle Storage Lot (excl. junk/wrecked vehicles)
- Automobile Parts Store (with/without installation)
- Automobile Repair and Maintenance (Principal Use)
- Automobile Sales or Auction and Related Service (indoor/outdoor sales)

- Automobile Wash (Carwash)
 - Bail Bonding
 - Building Materials Sales (indoors/outdoors)
 - Depot / Passenger Terminal (bus or rail)
 - Dollar or Variety Store
 - Garden Supply Center
 - Hookah/Vapor Bar or Lounge
 - Machine Shop
 - Maintenance Shop (fleet vehicles)
 - Motorcycle and Personal Watercraft Sales and Related Service
 - Motorcycle and Personal Watercraft Service and Repair
 - Motorcycle Parts, Accessories and Apparel Store
 - Pawn Shop
 - Smoke or Novelty Shop
 - Tobacco or Novelty Shop
 - Tattoo and Body Piercing
 - Title Loan Facility
- B.** No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-twirlers or sign walkers shall be prohibited;
- C.** Peddlers and/or any parking lot sales unrelated to the rezoning shall be prohibited;
- D.** Outdoor storage shall be prohibited;
- E.** 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.** The development shall be constructed in conformity with the City of Lawrenceville Zoning Ordinance and Development Regulations. Final design shall be subject to the review and approval of the Director of Planning and Development.
- B.** Buildings shall be designed and constructed in conformity with Zoning Ordinance, Article 6 Architectural and Design Standards, and International Building Code (IBC). Final building elevations shall be subject to the review and approval of the Director of Planning and Development.
- C.** Landscape shall be designed and installed to meet the conditions of zoning, requirements of the Zoning Ordinance and Development Regulations. Final design shall be subject to the review and approval of the Director of Planning and Development.
- D.** Provide a ten (10) foot landscape strip adjacent to all public right-of-ways.
- E.** Provide a five (5) foot landscape strip adjacent to all internal property lines.
- F.** Provide a six (6) foot concrete sidewalk adjacent to all public right-of-ways.
- G.** Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or right-of-ways;
- H.** Dumpsters shall be screened by solid masonry walls matching the building, with an opaque metal gate enclosure.
- I.** Natural vegetation shall remain on the property until the issuance of a development permit.
- J.** Any utility relocations shall be the responsibility of the developer.

ORDINANCE NO: ZON-ORD-2022-13

CASE NO: RZC2022-00038

David R. Still, Mayor

Date Signed: _____

ATTEST:

Karen Pierce, City Clerk

DEED B: 58146 P: 00276
12/08/2020 10:15 AM Pgs: 13 Fees: \$25.00
TTax: \$0.00
Richard T. Alexander, Jr., Clerk of Superior Court
Gwinnett County, GA
PT-61 #: 0672020034522
ERECORDED
eFile Participant IDs: 4935967122,

**GEORGIA DEPARTMENT OF TRANSPORTATION
QUITCLAIM DEED**

STATE OF GEORGIA
COUNTY OF FULTON

PROJECT: MSL00-0004-00(086)
GWINNETT COUNTY
PARCEL 115R, PI # 004086
PM # 3352 & 3353; TRACT 1 AND 2

THIS INDENTURE, made this 11 day of August, 2020, between the DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia (herein called "Grantor") and DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF LAWRENCEVILLE, GEORGIA (herein called "Grantee").

WITNESSETH: that the Grantor for and in consideration of the sum of ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold, and does by these presents bargain, sell, remise, release, and forever QuitClaim to Grantee all the right, title, interest, claim or demand which Grantor has or may have had in and to all that parcel of land as described in Exhibit "A" and shown on the attached plat marked as Exhibit "B".

TO HAVE AND TO HOLD the said described premises, together with all and singular the rights, privileges and appurtenances thereto, or in anywise appertaining, to the only proper use, benefit and behoof of the Grantee, his heirs and assigns, forever.

THIS CONVEYANCE IS MADE SUBJECT TO any easement of record.

THIS CONVEYANCE IS MADE SUBJECT TO any utilities facilities permitted by the Department of Transportation, and any utilities existing on the property at the time of this transfer.

PM QCD Revised 8/2/2017

RZC2022-00038

Received: May 26, 2022

Planning and Development Department

STATE OF GEORGIA
COUNTY OF FULTON

PROJECT: MSL00-0004-00(0863)
GWINNETT COUNTY
PARCEL 115R, PI # 004086
PM # 3352 & 3353; TRACT 1 AND 2

IN WITNESS WHEREOF, the Grantor, acting by and through the Commissioner of the Department of Transportation, has hereunto caused the hand and seal of the Department of Transportation to be set to these presents the day and year first above written.

DEPARTMENT OF TRANSPORTATION
An agency of the State of Georgia

Signed, Sealed, and Delivered this the
11 day of August, 2020 in the
Presence of

BY: Russell R. McMurry (Seal)
Russell R. McMurry, P.E.
Commissioner

Witness

Notary Public



ATTEST:

Angela O. Whitworth (Seal)
Angela O. Whitworth
Treasurer



PM QCD Revised 8/2/2017

RZC2022-00038
Received: May 26, 2022
Planning and Development Department

EXHIBIT "A"

PROJECT NO.: MSL00-0004-00(086)
P. I. NO.: 004086
PARCEL NO.: 115R
P.M. #: 3352 AND 3353
TRACT 1 = PM 3352
AREA: 1.134 ACRES
TRACT 2 = PM 3353
AREA: 3.442 ACRES

GWINNETT COUNTY:

TRACT 1

All that tract or parcel of land lying and being in Land Lot 11 of the 7th Land District of Gwinnett County, Georgia, as shown on Exhibit "B" and being more particularly described and designated as follows:

BEGINNING at a point 32.00 feet left of and opposite Station 322+89.44 on the construction centerline of Park Access Drive per the Georgia Dept. of Transportation Project MSL-0004-00(086);

Thence **N 52° 50' 41" W** a distance of **332.07 feet** to a point 312.56 feet left of and opposite Station 332+38.39 on said construction centerline laid out for Park Access Drive;

Thence **N 63° 27' 26" E** a distance of **46.15 feet** to a point 305.18 feet left of and opposite Station 331+92.83 on said construction centerline laid out for Park Access Drive;

Thence **N 81° 26' 31" E** a distance of **70.71 feet** to a point 262.37 feet left of and opposite Station 324+44.90 on said construction centerline laid out for Park Access Drive;

Thence **S 18° 37' 51" E** a distance of **23.09 feet** to a point 247.19 feet left of and opposite Station 324+27.50 on said construction centerline laid out for Park Access Drive;

Thence **N 71° 22' 23" E** a distance of **247.50 feet** to a point 44.70 feet left of and opposite Station 326+13.11 on said construction centerline laid out for Park Access Drive;

Thence **N 71° 22' 24" E** a distance of **13.10 feet** to a point 32.00 feet left of and opposite Station 326+17.12 on said construction centerline laid out for Park Access Drive;

Thence southwesterly along a curve to the right an arc length of **80.261 feet** having a radius of **168.000 feet** subtended by a chord bearing of **S 08° 47' 13" W** for a chord distance of **79.500 feet** to the point 32.00 feet left of and opposite Station 325+21.57 on said construction centerline laid out for Park Access Drive;

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Thence S 22° 28' 24" W a distance of 232.13 feet back to the point of beginning.

Said Tract 1 contains 1.134 acres and is a portion of a tract of land previously conveyed from Stovall Properties, Inc., (successor through name change to S & K Properties, Inc., a Georgia Corporation) to the Ga. Dept of Transportation in Deed Book 50460 Pages 751-756 of Gwinnett County, Georgia, records.

This conveyance is made subject to any easement of record and any utilities facilities permitted by the Department of Transportation.

PERMANENT EASEMENT AREA 3

EXCEPTING AND RESERVING, a permanent easement in favor of the Ga. Dept. of Transportation along the western right of way of Park Access Drive for the entire frontage of Parcel 115R, Tract 1, designated as Easement Area 3, for the maintenance of slopes and placement of utilities with the following description;

All that tract or parcel of land lying and being in Land Lot 11 of the 7th Land District, of Gwinnett County, Georgia, being more particularly described and designated as a permanent easement for the maintenance of slopes along the entire eastern boundary of Parcel 115R, Tract 1, designated and shown as Easement Area 3, described as follows:

Beginning at a point being a concrete right of way marker located at a point 32.00 feet left of and opposite Station 322+85.00 on said construction centerline laid out for Park Access Drive per the Georgia Dept. of Transportation Project MSL-0004-00(086);

Thence leaving the r/w of Park Access Drive proceeding northwesterly a bearing of N 67° 31' 36" W for a distance of 28.00 feet to a concrete marker monumenting the southwest corner of said permanent easement Area 3. Said point being located 60.00 feet left of and opposite Station 322+85.00 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B".

Thence proceeding northeasterly along the westerly limits of said permanent easement Area 3, a bearing of N 22° 20' 43" E for a distance of 305.20 feet to a concrete marker designated and shown as the northwest corner of said permanent easement Area 3 and shown on attachment Exhibit "B" and r/w plans for the above referenced GDOT project. Said point being located 44.70 feet left of and opposite Station 326+13.11 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B".

Thence proceeding northeasterly toward the r/w of Park Access Drive and along the northern boundary of Parcel 115R, Tract 1, a bearing of N 71° 22' 24" E for a distance of 13.10 feet to a

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concrete r/w marker along the westerly r/w of Park Access Drive monumenting the northeast corner of Parcel 115R, Tract 1 as shown on attachment Exhibit "B" and r/w plans for the above referenced project. Said point also being the northeast corner of said permanent easement Area 3. Said point being located 32.00 feet left of and opposite Station 326+17.12 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B".

Thence southwesterly along the westerly r/w of Park Access Drive following the curvature thereof of a curve to the right having a radius of 168.000 feet subtended by an arc length of 80.261 feet and a chord bearing of S 08° 47' 13" W for a chord distance of 79.500 feet to a point monumenting the Point of Curvature of said curve along the r/w and shown on attachment Exhibit "B" and r/w plans for the above referenced GDOT project. Said point being located 32.00 feet left of and opposite Station 325+21.57 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B".

Thence continuing southwesterly along the westerly r/w of Park Access Drive a bearing of S 22° 28' 24" W for a distance of 236.57 feet to a concrete r/w marker and **THE TRUE POINT OF BEGINNING**, monumenting the southeast corner of easement Area 3 as well as the southeast corner of Parcel 115R, Tract 1 and as shown on attachment Exhibit "B" and r/w plans for the above referenced GDOT project. Said point being located 32.00 feet left of and opposite Station 322+85.00 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B".

Said "**Permanent Easement for the Maintenance of Slopes**", Area 1, being located on Parcel 115R, Tract 1, as depicted on above referenced Right of Way Plans and attachment Exhibit "B", contains 0.192 acres or 8,381.27 square feet, is a portion of a tract of land previously conveyed from Stovall Properties, Inc., (successor through name change to S & K Properties, Inc., a Georgia Corporation) to the Ga. Dept of Transportation in Deed Book 50460 Pages 751-756 of Gwinnett County, Georgia, records.

TRACT 2

All that tract or parcel of land lying and being in Land Lot 11 of the 7th Land District of Gwinnett County, Georgia, as shown on Exhibit "B" and being more particularly described and designated as follows:

BEGINNING at a point 32.00 feet right of and opposite Station 321+49.53 on the construction centerline of Park Access Drive per the Georgia Dept. of Transportation Project MSL-0004-00(086);

Thence northeasterly along a curve to the left an arc length of 122.857 feet having a radius of 532.000 feet subtended by a chord bearing of N 29° 42' 41" E for a chord distance of 122.584 feet to the point 32.00 feet right of and opposite Station 322+65.00 on said construction centerline laid out for Park Access Drive

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Thence **S 66° 54' 16" E** a distance of **28.00 feet** to a point 60.00 feet right of and opposite Station 322+65.00 on said construction centerline laid out for Park Access Drive;

Thence northeasterly along a curve to the left an arc length of **6.081 feet** having a radius of **560.000 feet** subtended by a chord bearing of **N 22° 47' 04" E** for a chord distance of **6.081 feet** to the point 60.00 feet right of and opposite Station 322+70.43 on said construction centerline laid out for Park Access Drive

Thence **N 22° 28' 24" E** a distance of **14.57 feet** to a point 60.00 feet right of and opposite Station 322+85.00 on said construction centerline laid out for Park Access Drive;

Thence **N 67° 31' 36" W** a distance of **28.00 feet** to a point 32.00 feet right of and opposite Station 322+85.00 on said construction centerline laid out for Park Access Drive;

Thence **N 22° 28' 24" E** a distance of **236.57 feet** to a point 32.00 feet right of and opposite Station 325+21.57 on said construction centerline laid out for Park Access Drive;

Thence northeasterly along a curve to the left an arc length of **161.58 feet** having a radius of **232.000 feet** subtended by a chord bearing of **N 02° 31' 16" E** for a chord distance of **158.334 feet** to the point 32.00 feet right of and opposite Station 326+60.86 on said construction centerline laid out for Park Access Drive;

Thence **N 72° 34' 08" E** a distance of **137.45 feet** to a point 169.45 feet right of and opposite Station 326+60.86 on said construction centerline laid out for Park Access Drive;

Thence **S 35° 13' 01" E** a distance of **66.72 feet** to a point 194.97 feet right of and opposite Station 326+28.55 on said construction centerline laid out for Park Access Drive;

Thence **S 27° 10' 60" E** a distance of **450.81 feet** to a point 483.40 feet right of and opposite Station 324+31.07 on said construction centerline laid out for Park Access Drive;

Thence **S 80° 48' 06" W** a distance of **93.32 feet** to a point 403.98 feet right of and opposite Station 323+82.08 on said construction centerline laid out for Park Access Drive;

Thence **S 80° 48' 06" W** a distance of **455.25 feet** back to the point of beginning.

Said Tract 2 contains **3.442 acres** and is a portion of a tract of land previously conveyed from Stovall Properties, Inc., (successor through name change to S & K Properties, Inc., a Georgia Corporation) to the Ga. Dept of Transportation in Deed Book 50460 Pages 751-756 of Gwinnett County, Georgia, records.

This conveyance is made subject to any easement of record and any utilities facilities permitted by the Department of Transportation.

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PERMANENT EASEMENT AREA 2

EXCEPTING AND RESERVING, a permanent easement in favor of the Ga. Dept. of Transportation along the eastern right of way of Park Access Drive located in the southwest corner of the frontage of Parcel 115R, Tract 2, designated as Easement Area 2, for the maintenance of slopes and placement of utilities with the following description;

All that tract or parcel of land lying and being in Land Lot 11 of the 7th Land District, of Gwinnett County, Georgia, being more particularly described and designated as a permanent easement for the maintenance of slopes along part of the frontage of Parcel 115R, Tract 2, in the southwest corner of said parcel designated and shown as Easement Area 2, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B" described as follows:

Beginning at a point located at a point 32.00 feet right of and opposite Station 321+49.53 on said construction centerline laid out for Park Access Drive per the Georgia Dept. of Transportation Project MSL-0004-00(086). Said point also being located at the intersection of the easterly r/w of Park Access Drive and the centerline of the Colonial Pipeline Easement in the southwest corner of Parcel 115R, Tract 2;

Thence proceeding northeasterly along the easterly r/w of Park Access Drive following the curvature thereof of a curve to the left having a radius of 532.000 feet subtended by an arc length of 122.857 feet and a chord bearing of **N 29° 42' 41" E** for a chord distance of **122.584** feet to a concrete marker monumenting the northwest corner of said permanent easement Area 2. Said point being located 32.00 feet right of and opposite Station 322+65.00 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B";

Thence leaving the easterly r/w of Park Access Drive, a bearing of **S 66° 54' 16" E** for a distance of **28.00** feet to a concrete marker designated and shown as the northeast corner of said permanent easement Area 2 and as shown on attachment Exhibit "B" and r/w plans for the above referenced GDOT project. Said point being located 60.00 feet right of and opposite Station 322+65.00 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B";

Thence proceeding southwesterly along the easterly limits of permanent easement Area 2 a bearing of **S 26° 49' 11" W** for a distance of **72.75** feet to a point along the easterly limits of permanent easement Area 2 as shown on attachment Exhibit "B" and r/w plans for the above referenced project. Said point being located 60.00 feet right of and opposite Station 322+00.00 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B";

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Thence continuing southwesterly along the easterly limits of permanent easement Area 2 a bearing of **S 41° 25' 50" W** for a distance of **34.03 feet** to a point along the easterly limits of permanent easement Area 2, monumenting the southeast corner of permanent easement Area 2 as shown on attachment Exhibit "B" and r/w plans for the above referenced project. Said point being located 54.58 feet right of and opposite Station 321+69.85 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B". Said point also being located at the centerline of the Colonial Pipeline Easement in the southwest corner of Parcel 115R, Tract 2;

Thence southwesterly toward the easterly r/w of Park Access Drive along the centerline of the Colonial Pipeline Easement a bearing of **S 80° 48' 06" W** for a distance of **31.58 feet** to a point monumenting the southwest corner of permanent easement Area 2 and the southwest corner of Parcel 115R, Tract 2 and **THE TRUE POINT OF BEGINNING**. Said point being on the easterly r/w of Park Access Drive and as shown on attachment Exhibit "B" and r/w plans for the above referenced GDOT project. Said point being located 32.00 feet right of and opposite Station 321+49.53 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B".

Said "**Permanent Easement for the Maintenance of Slopes**", Area 2, being located on **Parcel 115R, Tract 2**, as depicted on above referenced Right of Way Plans and attachment Exhibit "B", contains **0.069 acres** or **2,997.13 square feet**, is a portion of a tract of land previously conveyed from Stovall Properties, Inc., (successor through name change to S & K Properties, Inc., a Georgia Corporation) to the Ga. Dept of Transportation in Deed Book 50460 Pages 751-756 of Gwinnett County, Georgia, records.

PERMANENT EASEMENT AREA 4

EXCEPTING AND RESERVING, a permanent easement in favor of the Ga. Dept. of Transportation along the eastern right of way of Park Access Drive located in the southwest corner of the frontage of Parcel 115R, Tract 2, designated as Easement Area 4, for the maintenance of slopes and placement of utilities with the following description;

All that tract or parcel of land lying and being in Land Lot 11 of the 7th Land District, of Gwinnett County, Georgia, being more particularly described and designated as a permanent easement for the maintenance of slopes along part of the frontage of Parcel 115R, Tract 2, in the northwesterly corner of said parcel designated and shown as Easement Area 4, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B" described as follows:

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Beginning at a point located at a point 32.00 feet right of and opposite Station 322+85.00 on said construction centerline laid out for Park Access Drive per the Georgia Dept. of Transportation Project MSL-0004-00(086);

Thence proceeding northeasterly along the easterly r/w of Park Access Drive a bearing of **N 22° 28' 24" E** for a chord distance of **236.57 feet** to a point monumenting the Point of Curvature along the easterly r/w of Park Access Drive and the westerly limits of the permanent easement Area 4. Said point being located 32.00 feet right of and opposite Station 325+21.57 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B";

Thence northwesterly along the easterly r/w of Park Access Drive following the curvature thereof of a curve to the left having a radius of 232.000 feet subtended by an arc length of 256.576 feet and a chord bearing of **N 09° 12' 33" W** for a chord distance of **243.699 feet** to a point monumenting the northwest corner of said permanent easement Area 4 and Parcel 115R, Tract 2. Said point being located 32.00 feet right of and opposite Station 327+42.75 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B";

Thence leaving the easterly r/w of Park Access Drive, a bearing of **S 79° 34' 54" E** for a distance of **36.74 feet** to a point along the north property line of Parcel 115R, Tract 2 and permanent easement Area 4 and as shown on attachment Exhibit "B" and r/w plans for the above referenced GDOT project. Said point being located 56.58 feet right of and opposite Station 327+20.35 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B";

Thence proceeding northeasterly along the northerly limits of permanent easement Area 2 and the north property line of Parcel 115R, Tract 2, a bearing of **N 85° 33' 39" E** for a distance of **15.38 feet** to a point monumenting the northeast corner of permanent easement Area 4 as shown on attachment Exhibit "B" and r/w plans for the above referenced project. Said point being located 70.00 feet right of and opposite Station 327+14.65 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B";

Thence southeasterly along the easterly limits of permanent easement Area 4 a bearing of **S 12° 45' 19" E** for a distance of **150.14 feet** to a point along the easterly limits of permanent easement Area 4, as shown on attachment Exhibit "B" and r/w plans for the above referenced project. Said point being located 60.00 feet right of and opposite Station 326+00.00 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B";

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Thence southwesterly along the easterly limits of permanent easement Area 4, a bearing of **S 13° 12' 14" W** for a distance of **122.54 feet** to a point as shown on attachment Exhibit "B" and r/w plans for the above referenced GDOT project. Said point being located 60.00 feet right of and opposite Station 325+00.00 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B";

Thence continuing southwesterly along the easterly limits of permanent easement Area 4 a bearing of **S 22° 28' 24" W** for a distance of **215.00 feet** to a concrete marker along the easterly limits of permanent easement Area 4, monumenting the southeast corner of said permanent easement Area 4 as shown on attachment Exhibit "B" and r/w plans for the above referenced project. Said point being located 60.00 feet right of and opposite Station 322+85.00 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B";

Thence northwesterly toward the r/w of Park Access Drive and along the southerly limits of permanent easement Area 4 a bearing of **N 67° 31' 36" W** for a distance of **28.00 feet** to a point along the easterly r/w of Park Access Drive and monumenting the southwest corner of permanent easement Area 4 and **THE TRUE POINT OF BEGINNING**, as shown on attachment Exhibit "B" and r/w plans for the above referenced project. Said point being located 32.00 feet right of and opposite Station 322+85.00 on the centerline of Park Access Drive, per r/w plans for above mentioned GDOT Project and as shown on attachment Exhibit "B".

Said "**Permanent Easement for the Maintenance of Slopes**", Area 4, being located on **Parcel 115R, Tract 2**, as depicted on above referenced Right of Way Plans and attachment Exhibit "B", contains **0.297 acres** or **12,917.32 square feet**, is a portion of a tract of land previously conveyed from Stovall Properties, Inc., (successor through name change to S & K Properties, Inc., a Georgia Corporation) to the Ga. Dept of Transportation in Deed Book 50460 Pages 751-756 of Gwinnett County, Georgia, records.

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<https://search.gosccc.org/Imaging/HTML5Viewer.aspx?id=77556827&key1=58146&key2=276&county=67&countyname=GWINNETT&userid=109350...> 1/1

<https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=77556827&key1=58146&key2=276&county=67&countyname=GWINNETT&userid=109350...> 1/1

MAYOR AND COUNCIL

CITY OF LAWRENCEVILLE, GEORGIA

ORDINANCE

READING AND ADOPTION:

At a 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, Council Member</u>	<u>Yes</u>
<u>Glenn Martin, Mayor Pro Tem</u>	<u>Yes</u>
<u>Marlene Taylor-Crawford, Council Member</u>	<u>Yes</u>
<u>Austin Thompson, Council Member</u>	<u>Yes</u>

On motion to APPROVE the requested zoning by Mayor Still, seconded by Council Member 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 to Amend the Official Zoning Map from BG (General Business District) – unconditional to BG (General Business District) - conditional by City of Lawrenceville for the proposed use of Commercial Retail 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 July 25, 2022 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 July, 2022, that the aforesaid application to amend the Official Zoning Map from BG (General Business District) – unconditional to BG (General Business District) - conditional is hereby APPROVED WITH CONDITIONS.

Approval as BG (General Business District) for a commercial/retail development, subject to the following enumerated conditions:

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

A. Retail service-commercial uses and accessory uses. The following uses shall be prohibited:

- Adult Entertainment Facility
- Auction House
- Automobile Accessories Sales and Installation
- Automobile Body Repair, Painting or Rebuilding
- Automobile Broker
- Automobile Manufacturing Plant
- Automobile, Truck or Vehicle Storage Lot (excl. junk/wrecked vehicles)
- Automobile Parts Store (with/without installation)
- Automobile Repair and Maintenance (Principal Use)
- Automobile Sales or Auction and Related Service (indoor/outdoor sales)

- Automobile Wash (Carwash)
 - Bail Bonding
 - Building Materials Sales (indoors/outdoors)
 - Depot / Passenger Terminal (bus or rail)
 - Dollar or Variety Store
 - Garden Supply Center
 - Hookah/Vapor Bar or Lounge
 - Machine Shop
 - Maintenance Shop (fleet vehicles)
 - Motorcycle and Personal Watercraft Sales and Related Service
 - Motorcycle and Personal Watercraft Service and Repair
 - Motorcycle Parts, Accessories and Apparel Store
 - Pawn Shop
 - Smoke or Novelty Shop
 - Tobacco or Novelty Shop
 - Tattoo and Body Piercing
 - Title Loan Facility
- B.** No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-twirlers or sign walkers shall be prohibited;
- C.** Peddlers and/or any parking lot sales unrelated to the rezoning shall be prohibited;
- D.** Outdoor storage shall be prohibited;
- E.** 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.** The development shall be constructed in conformity with the City of Lawrenceville Zoning Ordinance and Development Regulations. Final design shall be subject to the review and approval of the Director of Planning and Development.
- B.** Buildings shall be designed and constructed in conformity with Zoning Ordinance, Article 6 Architectural and Design Standards, and International Building Code (IBC). Final building elevations shall be subject to the review and approval of the Director of Planning and Development.
- C.** Landscape shall be designed and installed to meet the conditions of zoning, requirements of the Zoning Ordinance and Development Regulations. Final design shall be subject to the review and approval of the Director of Planning and Development.
- D.** Provide a ten (10) foot landscape strip adjacent to all public right-of-ways.
- E.** Provide a five (5) foot landscape strip adjacent to all internal property lines.
- F.** Provide a six (6) foot concrete sidewalk adjacent to all public right-of-ways.
- G.** Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or right-of-ways;
- H.** Dumpsters shall be screened by solid masonry walls matching the building, with an opaque metal gate enclosure.
- I.** Natural vegetation shall remain on the property until the issuance of a development permit.
- J.** Any utility relocations shall be the responsibility of the developer.

ORDINANCE NO: ZON-ORD-2022-14

CASE NO: RZC2022-00039

David R. Still, Mayor

Date Signed: _____

ATTEST:

Karen Pierce, City Clerk