



LAWRENCEVILLE

GEORGIA

PLANNING COMMISSION AGENDA

Monday, September 09, 2019
7:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

Approval of Agenda

Approval of Prior Meeting Minutes

Old Business

- [1.](#) SU-19-12, Accessory Car Wash, Enterprise Leasing Company

New Business

- [2.](#) RZR2019-00003 & SUP2019-00019; 138 Paper Mill Road; Shane Lanham
- [3.](#) SUP2019-00016; 566 West Pike Street; Anthony Brown

Public Comment

To participate in the Public Comment part of the Agenda, you must register prior to noon in the Planning and Zoning Office on Friday before the meeting. Presentations will be limited to two minutes.

Final Adjournment



LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: OLD BUSINESS

Item: SU-19-12, Accessory Car Wash, Enterprise Leasing Company

Department: Planning and Development

Date of Meeting: Monday, September 9, 2019

Fiscal Impact: None

Presented By: Todd Hargrave

Department Recommendation: Denial

Planning Commission Recommendation: Denial

City Council Recommendation: Send back to Planning Commission

Summary: The applicant is requesting a Special Use Permit to allow the expansion of an existing accessory car wash for a car rental agency. The property is a 0.49-acre parcel developed with an existing car rental agency and accessory car wash.

Attachments/Exhibits:

SU-19-12 Report
SU-19-12 Attachments

**CITY OF LAWRENCEVILLE
PLANNING AND DEVELOPMENT DEPARTMENT
SPECIAL USE REPORT**

CASE NUMBER	SU-19-12
APPLICANT	ENTERPRISE LEASING COMPANY OF GEORGIA, LLC
CONTACT	JOSH STRICKLAND
PHONE NUMBER	706.248.7421
ZONING CHANGE	-
LOCATION	176 SCENIC HWY
PARCEL ID	R5147 152
ACREAGE	+/- 0.49
PROPOSED DEVELOPMENT	EXPANSION OF CAR WASH
DEPARTMENT RECOMMENDATION	DENIAL

ZONING HISTORY:

In 2017, the property was rezoned to BG (General Business District), with a Special Use Permit for transportation rental (car) and the existing gravel parking area, pursuant to RZ-17-08 and SU-17-09.

ANALYSIS:

The applicant is requesting a Special Use Permit to allow the expansion of an existing accessory car wash for a car rental agency. The property is a 0.49-acre parcel developed with an existing car rental agency and accessory car wash. The property is located along the eastern right-of-way of Scenic Highway, north of its intersection with Grayson Highway.

According to the applicant's site plan, the existing concrete pad at the rear of the building would be expanded 5 feet by 8 feet. The expanded concrete pad would be graded to allow runoff to be collected in an oil/water separator. The overhang above the concrete pad would be replaced with a taller canopy at a height of 13 feet 2 inches. Per the letter of intent, the applicant currently uses the existing concrete pad to wash one car at a time. If the request is approved, the expanded concrete pad would allow for two cars to be washed at the same time.

The 2040 Comprehensive Plan and Future Development Map indicates the property lies within the Downtown Character Area. Policies in this character area emphasize the importance of the design of buildings and structures, encouraging well-designed, attractive

features. The overhang of the current carwash is metal, which is inconsistent with the Zoning Ordinance's minimum architectural standards. Because of its proximity to residential properties across Neal Boulevard, a replacement would remain an unattractive feature that could be seen by nearby residences and inconsistent with the Zoning Ordinance.

The surrounding area is characterized by commercial developments. To the north across Scenic Highway is a property zoned BG (General Business District) developed with a fast food restaurant. To the east and west, adjacent properties are zoned BG, developed with auto repair shops. To the rear is a parcel zoned BG and developed with a gravel parking lot owned by the property owner.

The City of Lawrenceville's Illicit Discharge and Illegal Connection Ordinance prohibits the washing of vehicles or equipment in the parking lot of commercially zoned properties, unless connected to an oil and grease separator connected to a sanitary sewer system. The existing outdoor car wash may be inconsistent with the intent of the Ordinance, which strictly prohibits and the illicit discharge of pollutants into our stormwater system.

The requested Special Use Permit may be inconsistent with the policies of the City of Lawrenceville related to use and illicit discharge of contaminants into the City's stormwater system. Given the aforementioned factors, the Planning and Development Department recommends **DENIAL** of this request.

NOTE: The following conditions are provided as a guide should the City Council choose to approve the petition of this request.

**PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS**

SU-19-12:

Approval of Special Use permit for Car Wash, subject to the following enumerated conditions:

1. The car wash may only be used to serve business inventory as an accessory use.
2. The car wash shall be developed in general accordance with the submitted site plan, with changes necessary to meet conditions of zoning, requirements of the zoning ordinance and/or development regulations, and other minor adjustments as may be approved by the Director of Planning and Development.
3. The car wash shall be limited to a maximum of 1,500 square feet.
4. The Special Use Permit will be an accessory to the primary use of the property and will end should the existing primary use cease or change to another use.

STATE CODE 36-67-3 (FMR.) REVIEW STANDARDS:

1. Will the Special Use Permit proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? *No, the proposed expansion of the non-conforming carwash may be considered to be an unsuitable accessory use of the property.*
2. Will the Special Use Permit proposal adversely affect the existing use or usability of adjacent or nearby property? *No.*
3. Does the property to be affected by the Special Use Permit proposal have a reasonable economic use as currently zoned? *Yes.*
4. Will the Special Use Permit proposal result in a use, which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools? *No.*
5. Is the Special Use Permit proposal in conformity with the policy and intent of the City of Lawrenceville comprehensive plan? *No.*
6. Are there other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the Special Use Permit proposal? *Yes, the illicit discharge of pollutants into the City's stormwater system.*

ZONING ORDINANCE SECTION 13.3 REZONING PROCEDURE:

1. What are the existing uses and zoning of nearby property?
SEE PAGE 2.
2. What is the extent to which the property values are diminished by the particular zoning restrictions of the current zoning? *None.*
3. What is the extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public? *N/A.*
4. What is the relative gain to the public, as compared to the hardship imposed upon the individual property owner? *None.*
5. What is the suitability of the subject property for its current zoning? *It is suitable.*
6. What is the suitability of the subject property for the proposed Special Use Permit? *It is not suitable.*
7. How long has the property been vacant as zoned considered in the context of land development in the area in the vicinity of the property? *N/A.*
8. How does the property conform with or diverge from the Land Use Plan or other applicable local, state laws and ordinances? *See comments above.*
9. What is the availability of adequate sites for the proposed use in districts that permit such use? *Adequate sites are available elsewhere within the city.*
10. What is the suitability of the site for the proposed Special Use Permit relative to the requirements set forth in the zoning ordinance (such as off-street parking, setbacks, buffer zones and open space)? *See comments above.*



LAWRENCEVILLE

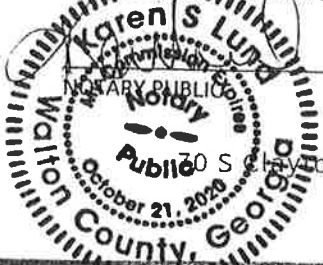
GEORGIA

SPECIAL USE PERMIT APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Enterprise Leasing Company of Georgia LLC</u>	NAME: <u>MEA Family Investments, L.P.</u>
ADDRESS: <u>5197 Stone Mountain Hwy.</u>	ADDRESS: <u>4398 Lochsa Lane</u>
CITY: <u>Stone Mountain</u>	CITY: <u>Suwanee</u>
STATE: <u>GA</u> ZIP: <u>30087</u>	STATE: <u>GA</u> ZIP: <u>30024</u>
PHONE: <u>706-248-7421</u>	PHONE: <u>770-633-5000</u>
CONTACT PERSON: <u>Josh Strickland</u> PHONE: <u>706-248-7421</u>	
CONTACT'S E-MAIL: <u>Joshua.K.Strickland@ehi.com</u>	
* If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees.	
ZONING DISTRICT(S): <u>BG</u> ACREAGE: <u>.49</u>	
PARCEL NUMBER(S): <u>R5147 152</u>	
ADDRESS OF PROPERTY: <u>176 Scenic Hwy. Lawrenceville, GA 30045</u>	
PROPOSED SPECIAL USE: <u>Car wash</u>	

[Signature] 4-24-19
SIGNATURE OF APPLICANT DATE

Josh Strickland
TYPED OR PRINTED NAME



4/24/19
DATE

[Signature] 5/2/19
SIGNATURE OF OWNER DATE

CHARLES W. ASHWORTH
TYPED OR PRINTED NAME



30 S. Clayton St. • PO Box 2200 • Lawrenceville, Georgia 30046-2200
770.963.2414 • www.lawrencevillega.org

May 3rd, 2019

City of Lawrenceville
ATTN: Planning Department
70 S Clayton St.
Lawrenceville, GA 30046

Re: Letter of Intent to Special Use Permit Application

176 Scenic Hwy. Lawrenceville, GA 30046

Planning Department Staff:

The applicant is seeking a Special Use Permit to remodel an existing car wash as a conditional use at 176 Scenic Hwy. Lawrenceville, GA 30046. The property is currently zoned in the General Business District but requires a Special Use Permit to have a car wash as a conditional use.

Enterprise Rent-A-Car has been operating here since 2001, which is when the original car wash along the back side of the building was constructed. Since this time, somewhere around 2005, an ordinance was adopted by the City of Lawrenceville that required businesses who operated car washes as a conditional use to have a Special Use Permit for such. Enterprise learned of this upon their initial research into expanding their current car wash.

The layout and use of the new car wash will largely remain the same. The car wash will remain behind the building so that it cannot be seen from Scenic Hwy. Enterprise simply hopes to expand this car wash so that they can wash 2 vehicles at the same time, versus only being able to wash 1 currently. This will greatly improve Enterprise's business flow and service to the Lawrenceville community by allowing them to clean cars faster for their customers. The new car wash will widen the current pad by 5', lengthen it by 8', and include a taller canopy, raising it to 13'2".

We appreciate your consideration of this Special Use Permit. Enterprise looks forward to better being able to serve the Lawrenceville community.

Sincerely,



Josh Strickland
Enterprise Leasing Company of Georgia, LLC
Property Development & Facilities

Exhibit "B"

LEGAL DESCRIPTION OF PREMISES

ALL THAT TRACT or parcel of land lying and being in Land Lot 147 of the 5th Land District, Gwinnett County, Georgia, in the City of Lawrenceville, being designated as 0.490 acres of land shown on a survey by McNally & Patrick, dated March 1, 2000, for Cidpro, Inc., recorded in Plat Book 84, Page 255, Gwinnett County, Georgia Records, which plat is incorporated herein by reference as a part of this description.

LESS AND EXCEPT from the above that certain tract of land containing approximately 120 square feet of right of way deeded to the State of Georgia by Right of Way Deed dated November 7, 2000, and recorded in Deed Book 21641, Page 60, Gwinnett County, Georgia Records, which deed is incorporated herein by reference

SITE PLAN

ENTERPRISE RENT-A-CAR

SCALE: 1" = 20'

0 20 40 60 Feet

1" = 20'

1/2" = 10'

1/4" = 5'

1/8" = 2.5'

1/16" = 1.25'

1/32" = 0.625'

1/64" = 0.3125'

1/128" = 0.15625'

1/256" = 0.078125'

1/512" = 0.0390625'

1/1024" = 0.01953125'

1/2048" = 0.009765625'

1/4096" = 0.0048828125'

1/8192" = 0.00244140625'

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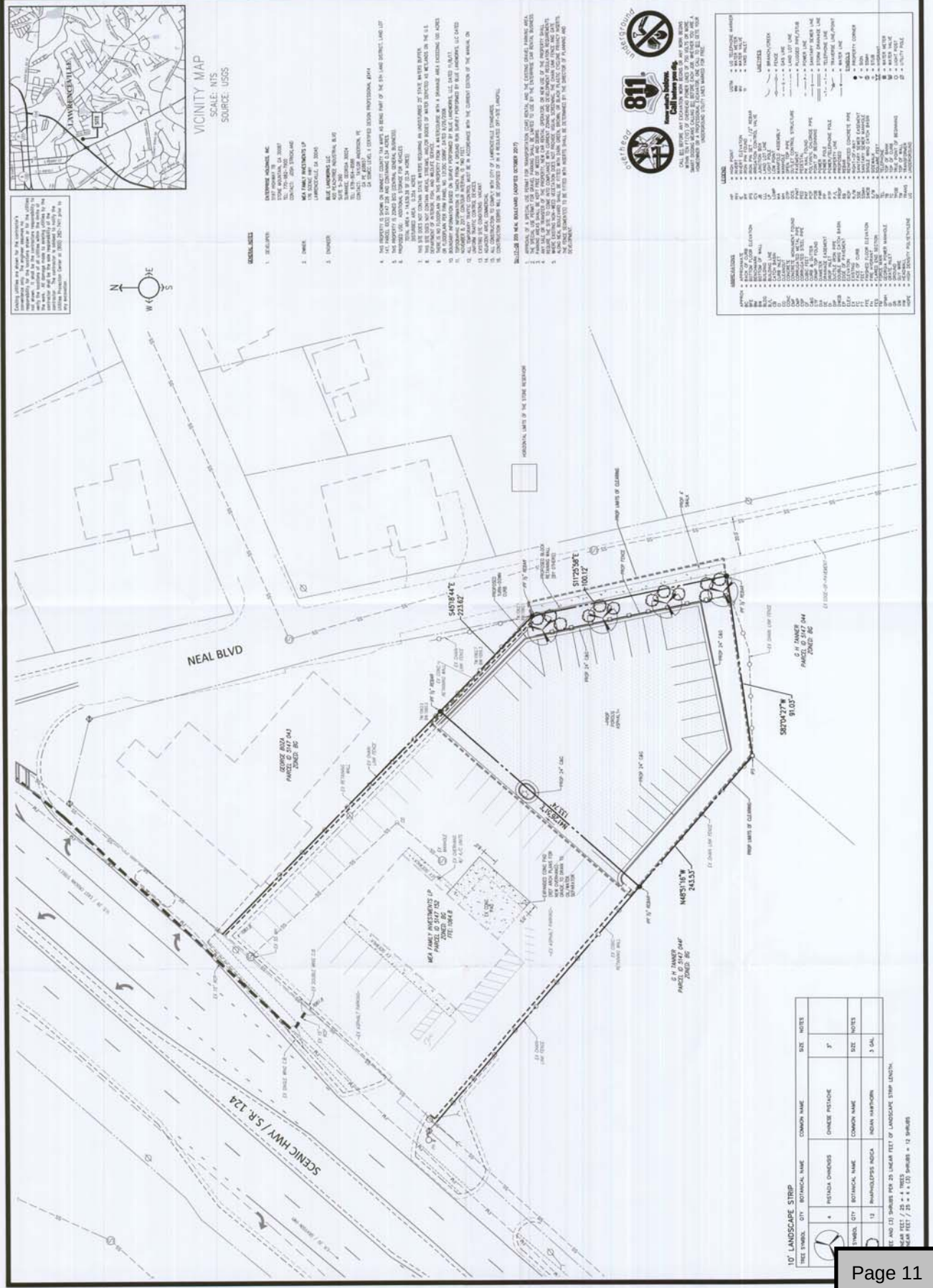
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*The City of Lawrenceville
Planning & Development*

Aerial Map and Surrounding Area File # SU-19-12

Applicant:
Enterprise Leasing Company of Georgia LLC

Legend

-  Subject Property
-  Roads
-  Parcels





*The City of Lawrenceville
Planning & Development*

Location Map and Surrounding Zoning File # SU-19-12

Applicant:
**Enterprise Leasing Company
of Georgia LLC**

Legend

 Subject Property

 Roads

 Parcels

ZONING

 BG

 HSB

 OI

 RM-12

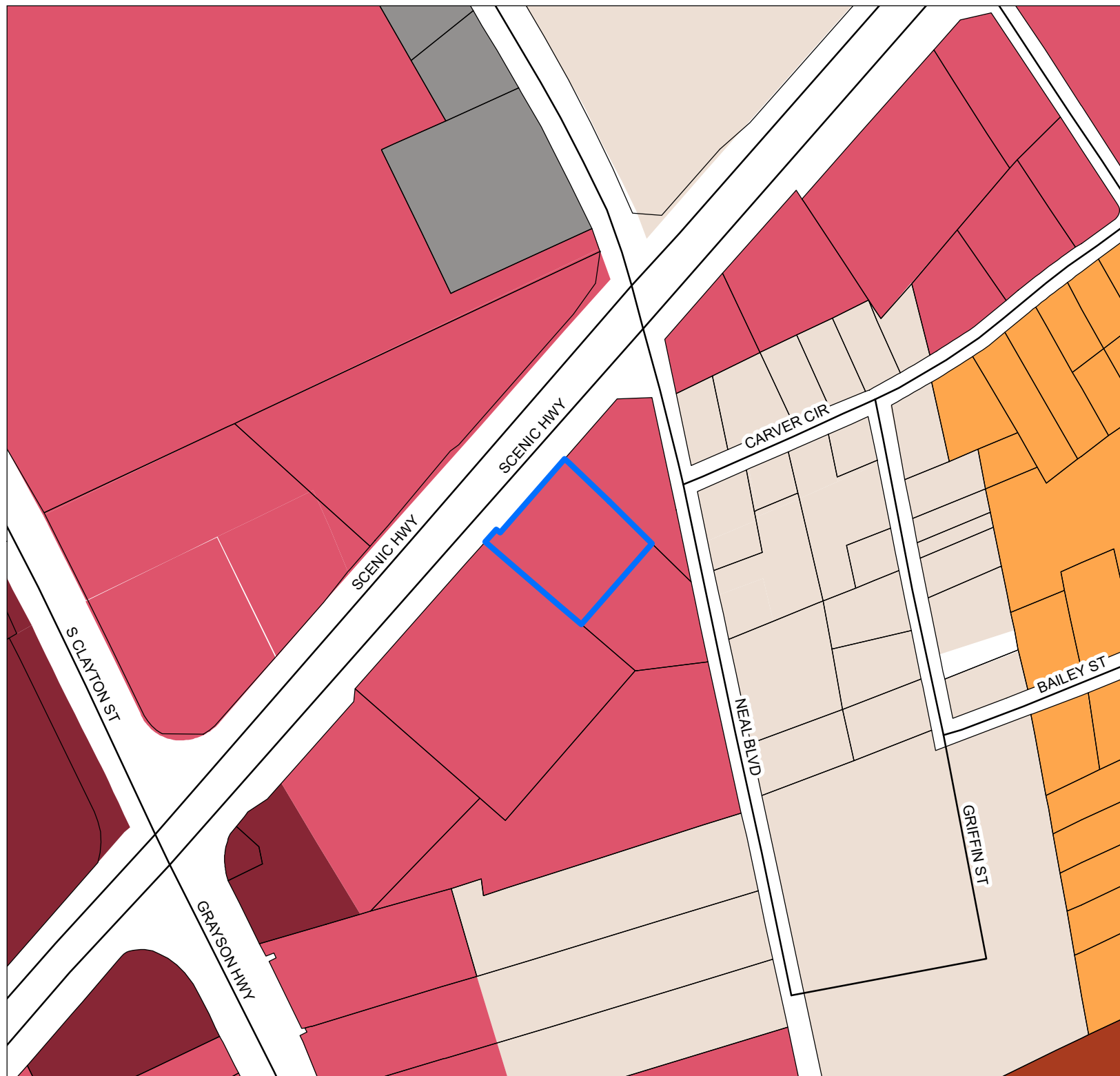
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LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: NEW BUSINESS

Item: RZR2019-00003 & SUP2019-00019; 138 Paper Mill Road; Shane Lanham

Department: Planning and Development

Date of Meeting: Monday, September 9, 2019

Applicant Request: Rezone from RM-12 to RM-8

Presented By: Todd Hargrave

**Department
Recommendation:**

**Planning
Commission
Recommendation:**

Summary: The applicant is requesting the rezoning of approximately 14.5 acres from RM-12 to RM-8 for the development of 116 townhomes. The applicant is also requesting a special use permit to allow front entry for 92 of the units.

Attachments/Exhibits:

RZR2019-00003 & SUP2019-00019 Attachments

**CITY OF LAWRENCEVILLE
PLANNING AND DEVELOPMENT DEPARTMENT
REZONING AND SPECIAL USE REPORT**

CASE NUMBER	RZR2019-00003 & SUP2019-00019
APPLICANT	TPA ACQUISITIONS 1, LLC c/o MAHAFFEY PICKENS TUCKER, LLP
CONTACT	SHANE LANHAM
PHONE NUMBER	770.232.0000
ZONING CHANGE	RM-12 TO RM-8
LOCATION	138 PAPER MILL ROAD
PARCEL ID	R5174 027
ACREAGE	14.48
PROPOSED DEVELOPMENT	116-UNIT TOWNHOUSE DEVELOPMENT WITH SPECIAL USE PERMIT TO ALLOW FRONT ENTRY UNITS
DEPARTMENT RECOMMENDATION	DENIAL

ZONING HISTORY:

The property has been zoned RM-12 (General Residence, 3,600 Square Foot District) since 1970. In 2019, the City of Lawrenceville Zoning Ordinance was amended by deleting Article VII, Section 7.5, RM-12 (General Residence, 3,600 Square Foot District) in its entirety and replacing with Article VII, Section 7.5, RM-12 (General Residence District) and adding section 7.5.01, RM-8 (General Residence, Townhouse District).

PROJECT DATA:

The applicant requests rezoning of a 14.5-acre parcel from RM-12 (General Residence District) to RM-8 (General Residence, Townhouse District) zoning, along with a Special Use Permit to allow front entry units. The subject property is located along the northern right-of-way of Paper Mill Road east of its intersection with East Crogan Street. The property is developed with a single-family dwelling and accessory structures with undisturbed wooded areas in the rear. Access to the development would be via one main entrance on Paper Mill Road.

The applicant proposes to construct a 116-townhouse community with associated amenities, driveways and parking. The development would consist of attached townhomes with a

maximum of eight units in each building. They would provide on-street parking. Rear entry units would have access to the public street via the required alley. The applicant proposes one-car garages, which do not meet the minimum two-car garage requirement. The zoning district requires 22-foot wide units. Per the letter of intent, all units would be 20 feet wide, which does not meet the minimum requirements. Additionally, in lieu of all units having views to community open spaces, the applicant intends to provide a pool and cabana towards the entrance and common areas that may be considered pocket parks throughout the development. The site plan indicates that there would be one stormwater management area on the southeast corner of the property, and a proposed undisturbed common area on the north end of the property. The entrance to the development would have an acceleration lane and deceleration lane that may need additional review by the Engineering Department. Additionally, the side setback shown in the site plan is not consistent with the dimensional requirements in the RM-8 zoning district. The proposed development may require multiple variances if approved as submitted to the Planning and Development Department on August 5, 2019.

The property lies within the Neighborhood Mixed Use Character Area of the 2040 Comprehensive Plan and Future Development Map. The Character Area encourages the development of single-family attached residential uses that contain higher density types of housing such as townhomes. However, the proposed development does not meet the minimum requirements of the RM-8 zoning district and the overall intent of the zoning district, which is to have buildings oriented towards the street, with limited parking in the front, and to have high architectural standards.

The surrounding area is characterized by single-family and multifamily developments along this segment of Paper Mill Road. Immediately to the north of the subject property is a multifamily development zoned RM-12. Adjacent to the east are the Alexander Mill apartments zoned RM-12. To the south across Paper Mill Road are several properties zoned RM-12 developed with single-family dwellings and a few multifamily developments. Immediately to the west is a property zoned BG (General Business District).

The proposed development does not meet the intent of the Zoning Ordinance and would require multiple variances to allow encroaching into setbacks, smaller units, reduced parking, and reduced vistas. Given the aforementioned factors, the Planning and Development Department recommends **DENIAL** of the requested rezoning and Special Use Permit.

CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS:

ENGINEERING DEPARTMENT

Schedule a pre-design consultation with the Engineering Department to discuss how the City's Stormwater management requirements can be met.

All Development Regulations must be met.

ELECTRIC DEPARTMENT

The electric utilities internal to the development must be placed underground.

The developer will have to sign an underground service agreement.

The developer will be required to pay the per unit fees for electric service to this development, even if they build all electric units. There will be a \$2,000 per unit fee for electric service.

The developer will be required to pay the lighting costs for this development, \$400 fee per light installation.

GAS DEPARTMENT

There is an existing 4" plastic gas main on the ROW of this property. It has ample capacity to serve the units proposed. The gas main would be installed at no cost and gas services would have to be applied for separately on our website under the "gas tap application". If the required mix of appliances is met with gas, then the tap would also be free. Additional information is available on the gas tap application.

There is also an existing house on the property with gas service. This would need to be requested to kill, if needed.

WATER DEPARTMENT

The Water Department has a 12-inch ductile iron water line located on Paper Mill Road and will provide water service for this development.

Fire hydrants will not be allowed to be installed on a water line less than 8 inches.

Demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards (City requirement) and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development and will not be provided by this department.

CODE ENFORCEMENT

No Comment.

**PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS**

RZR2019-00003:

Approval as RM-8 (General Residence, Townhouse District) for a townhouse development, subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Multifamily attached dwellings.
 - B. The maximum number of units shall be 116.
 - C. The front facades must meet the RM-8 architectural standards set forth in the Zoning Ordinance.
 - D. All dwellings shall have a double-car garage.
2. To satisfy the following site development considerations:
 - A. The development shall abide by all applicable standards of the Development Regulations, unless otherwise specified in these conditions or through approval of a variance administratively or by the Zoning Board of Appeals, as appropriate.
 - B. Natural vegetation shall remain on the property until the issuance of a development permit.
 - C. All grassed areas on dwelling lots shall be sodded.
 - D. Underground utilities shall be provided throughout the development.
 - E. Building lots shall not be located within any required stream buffer or accompanying impervious setback area.
 - F. The electric utilities internal to the development must be placed underground.

**PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS**

SUP2019-00019:

Approval of Special Use for three front entry units, subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Multifamily attached dwellings.
 - B. The maximum number of front entry units shall be 92.
 - C. The front facades must meet the RM-8 architectural standards set forth in the Zoning Ordinance.
 - D. All dwellings shall have a double-car garage.
2. To satisfy the following site development considerations:
 - A. The development shall abide by all applicable standards of the Development Regulations, unless otherwise specified in these conditions or through approval of a variance administratively or by the Zoning Board of Appeals, as appropriate.
 - B. Natural vegetation shall remain on the property until the issuance of a development permit.
 - C. All grassed areas on dwelling lots shall be sodded.
 - D. Underground utilities shall be provided throughout the development.
 - E. Building lots shall not be located within any required stream buffer or accompanying impervious setback area.

STATE CODE 36-67-3 (FMR.) REVIEW STANDARDS:

1. Will the rezoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? *Yes.*
2. Will the rezoning proposal adversely affect the existing use or usability of adjacent or nearby property? *No.*
3. Does the property to be affected by the rezoning proposal have a reasonable economic use as currently zoned? *Yes.*
4. Will the rezoning proposal result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools? *Yes.*
5. Is the rezoning proposal in conformity with the policy and intent of the City of Lawrenceville comprehensive plan? *Yes.*
6. Are there other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the rezoning proposal? *The proposed development does not meet the minimum standards for the RM-8 zoning district.*

ZONING ORDINANCE SECTION 13.3 REZONING PROCEDURE:

1. What are the existing uses and zoning of nearby property?
SEE PAGE 2.
2. What is the extent to which the property values are diminished by the particular zoning restrictions of the current zoning? *None.*
3. What is the extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public? *None.*
4. What is the relative gain to the public, as compared to the hardship imposed upon the individual property owner? *The proposed zoning change is compatible with the recommendations of the 2040 Comprehensive Plan and Future Development Map but does not meet the Zoning Ordinance requirements.*
5. What is the suitability of the subject property for its current zoning? *It is suitable.*
6. What is the suitability of the subject property for the proposed zoning? *The property is at a location that makes the development viable pending requirements being met.*
7. How long has the property been vacant as zoned considered in the context of land development in the area in the vicinity of the property? *NA*
8. How does the property conform with or diverge from the Land Use Plan or other applicable local, state laws and ordinances? *The property meets the intent of the character area but does not conform with the Zoning Ordinance.*
9. What is the availability of adequate sites for the proposed use in districts that permit such use? *RM-8 is the only district that allows townhomes.*
10. What is the suitability of the site for the proposed use relative to the requirements set forth in the zoning ordinance (such as off-street parking, setbacks, buffer zones and open space)? *Not suitable.*

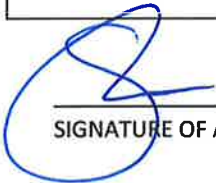


LAWRENCEVILLE

GEORGIA

REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>TPA Acquisitions 1, LLC c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Multiple--see attached</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: _____
CITY: <u>Lawrenceville</u>	CITY: _____
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: _____ ZIP: _____
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770 232 0000</u>	
* If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees.	
PRESENT ZONING DISTRICT(S): <u>RM-12</u> REQUESTED ZONING DISTRICT: <u>RM-8</u>	
PARCEL NUMBER(S): <u>5174 027</u> ACREAGE: <u>+/-14.48</u>	
ADDRESS OF PROPERTY: <u>138 Paper Mill Road</u>	

 8/1/19
SIGNATURE OF APPLICANT DATE

Shane M. Lanham, Attorney

TYPED OR PRINTED NAME

SIGNATURE OF OWNER DATE

TYPED OR PRINTED NAME

NOTARY PUBLIC DATE



Regina E. Garvin 8/1/19
DATE

RZR2019-00003

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GEORGIA

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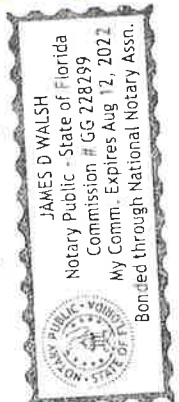
Shane M. Lanham, Attorney
TYPED OR PRINTED NAME

NOTARY PUBLIC DATE

SIGNATURE OF OWNER DATE

Jennifer M. Bird
TYPED OR PRINTED NAME

NOTARY PUBLIC DATE



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1222014 00003
SUP 2019-00



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REZONING APPLICATION

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CITY: <u>Lawrenceville</u>	CITY: _____
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CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770 232 0000</u>	
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ADDRESS OF PROPERTY: <u>138 Paper Mill Road</u>	

SIGNATURE OF APPLICANT

DATE

Shane M. Lanham, Attorney

TYPED OR PRINTED NAME

NOTARY PUBLIC

DATE

Patricia A. Kennedy
SIGNATURE OF OWNER

7/25/19
DATE

Patricia A. Kennedy

TYPED OR PRINTED NAME

Amanda Mosley
NOTARY PUBLIC

7/25/19
DATE



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GEORGIA

REZONING APPLICATION

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ADDRESS OF PROPERTY: <u>138 Paper Mill Road</u>	

SIGNATURE OF APPLICANT

DATE

Shane M. Lanham, Attorney

TYPED OR PRINTED NAME

NOTARY PUBLIC

DATE

Debra L. Cagle
SIGNATURE OF OWNER

7-25-19
DATE

Debra L. Cagle

TYPED OR PRINTED NAME

Amanda Masley
NOTARY PUBLIC

7/25/19
DATE



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22R2019-00-003
SUP2019-00018



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REZONING APPLICATION

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NAME: <u>TPA Acquisitions 1, LLC c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Multiple--see attached</u>
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CITY: <u>Lawrenceville</u>	CITY: _____
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: _____ ZIP: _____
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770 232 0000</u>	
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PARCEL NUMBER(S): <u>5174 027</u> ACREAGE: <u>+/-14.48</u>	
ADDRESS OF PROPERTY: <u>138 Paper Mill Road</u>	

SIGNATURE OF APPLICANT DATE

Shane M. Lanham, Attorney
TYPED OR PRINTED NAME

NOTARY PUBLIC DATE

Williams David Cale 7-25-19
SIGNATURE OF OWNER DATE

Williams David Cale
TYPED OR PRINTED NAME

Amanda Massey 7/25/19
NOTARY PUBLIC DATE



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22P-2019-00003
84P2019-00003



LAWRENCEVILLE

GEORGIA

REZONING APPLICATION

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SIGNATURE OF APPLICANT DATE

Shane M. Lanham, Attorney
TYPED OR PRINTED NAME

NOTARY PUBLIC DATE

Patricia Ann Cagle Kennedy 7/25/19
SIGNATURE OF OWNER DATE

Patricia Ann Cagle Kennedy, as Executor under the Will of Williams C. Cagle, Jr.

TYPED OR PRINTED NAME

Amanda Mosley 7/25/19
NOTARY PUBLIC DATE



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R2R2019-00003
SUP2019-00003

Matthew P. Benson
Gerald Davidson, Jr.*
Brian T. Easley
Kelly O. Faber
Christopher D. Holbrook
Nicholas N. Kemper
Shane M. Lanham
Austen T. Mabe

Jeffrey R. Mahaffey
Steven A. Pickens
Catherine V. Schutz
Thomas A. Simpson
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

LETTER OF INTENT FOR REZONING APPLICATION
OF TPA ACQUISITIONS 1, LLC

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Rezoning and Special Use Permit Applications on behalf of TPA Acquisitions 1, LLC (the "Applicant") to request the rezoning to the RM-8 zoning classification of an approximately 14.5-acre tract (the "Property") situated along the north side of Paper Mill Road just east of its intersection with East Crogan Street (State Route 8, U.S. Route 29). The Property is currently zoned RM-12. The Property is surrounded on all sides by land zoned either RM-12, O-I, or BG. To the east and north are additional multi-family and single-family residential developments on land zoned RS-150, RM-4, and RZT in unincorporated Gwinnett County. To the south across Paper Mill Road are existing townhome and single-family attached residential communities as well as the Pine Valley mobile home park. To the west is a mix of commercial and office and commercial uses along Stanley Court and East Crogan Street. Accordingly, the area is generally mixed-use in character and already has a diverse mix of housing types.

The Applicant proposes to develop a single-family residential community, including 116 attached single-family townhomes under the RM-8 zoning classification with a special use permit for front-entry units. The proposed development would have a density of approximately 8.0 units per acre as required by the 2005 Lawrenceville Zoning Ordinance (the "Ordinance"). The proposed single-family community would consist of homes at a size, quality, and price-point commensurate with or exceeding homes in the surrounding area. The Property is currently zoned RM-12 and the proposed downzoning represents a lower density than could be developed on the Property under its current zoning classification. The proposed development includes an attractive mix of front and rear-entry homes with a front width of 20 feet. Front and rear-entry homes would each have one-car garages with rear-entry units having access from private alleys. The proposed community would also include a pool, cabana, and areas of pocket parks and other

open space. The proposed development also includes sidewalks on both sides of the streets creating a walkable environment and would also connect to existing sidewalks on Paper Mill Road enhancing the walkability of that corridor. Residents would have convenient access to Rhodes Jordan Park via such existing sidewalks and established, striped, and signalized pedestrian crossings on East Crogan Street.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 1st day of August, 2019.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 175, of the 5th District, Gwinnett County, and being more particularly described as follows:

To find THE TRUE POINT OF BEGINNING, begin at an iron pin set at the intersection of the North line of Land Lot 175 with the south right-of-way line of Lawrenceville Highway (U.S. Highway 29), said land lot line also being the South line of Land Lot 178 thence South 29 degrees 01 minutes 38 seconds East along the common land lot line of Land Lots 175 and 178, 216.62 feet to a point; THENCE South 29 degrees 01 minutes 38 seconds East 178.77 feet to a point; THENCE South 07 degrees 09 minutes 58 seconds 50.80 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE South 29 degrees 01 minutes 38 seconds East a distance of 860.51 feet to a point;
THENCE North 60 degrees 58 minutes 22 seconds East a distance of 150.00 feet to a point;
THENCE South 29 degrees 01 minutes 38 seconds East a distance of 111.00 feet to a point;
THENCE along a curve to the left for an arc length of 75.58 feet, having a radius of 40.00 feet, being subtended by a chord bearing South 11 degrees 03 minutes 32 seconds East, for a distance of 64.83 feet to a point;

THENCE South 60 degrees 19 minutes 55 seconds West a distance of 100.01 feet to a point;
THENCE South 29 degrees 01 minutes 38 seconds East a distance of 150.01 feet to a point;
THENCE South 31 degrees 28 minutes 18 seconds East a distance of 187.00 feet to a point;
THENCE South 67 degrees 09 minutes 13 seconds West a distance of 292.41 feet to a point;
THENCE South 06 degrees 11 minutes 08 seconds West a distance of 26.17 feet to a point;
THENCE North 88 degrees 23 minutes 04 seconds West a distance of 125.00 feet to a point;
THENCE South 05 degrees 10 minutes 49 seconds East a distance of 125.00 feet to a point;
THENCE North 87 degrees 05 minutes 36 seconds West a distance of 397.57 feet to a point,
THENCE North 07 degrees 24 minutes 38 seconds East a distance of 310.05 feet to a point;
THENCE North 88 degrees 32 minutes 22 seconds West a distance of 100.00 feet to a point;
THENCE North 07 degrees 24 minutes 38 seconds East a distance of 1120.18 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said property contains an area of 14.5 acres more or less.



20' REAR ENTRY, SINGLE CAR GARAGE TOWNHOME



Front Elevation A



Front Elevation B



Front Elevation C



Front Elevation D

20' FRONT ENTRY, SINGLE CAR GARAGE TOWNHOME

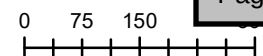




The City of Lawrenceville
Planning & Development
**Aerial Map and
Surrounding Area**
File # RZR19-00003
File # SUP19-00019
Applicant:
TPA Acquisitions 1, LLC c/o
Mahaffey Pickens Tucker, LLP

Legend

-  Subject Property
-  Roads
-  Parcels





The City of Lawrenceville
Planning & Development
**Location Map and
Surrounding Zoning**
File # RZR19-00003
File # SUP19-00019
Applicant:
TPA Acquisitions 1, LLC c/o
Mahaffey Pickens Tucker, LLP

Legend

 Subject Property

 Roads

 Parcels

ZONING

 BG

 ON

 OI

 LM

 RM-12

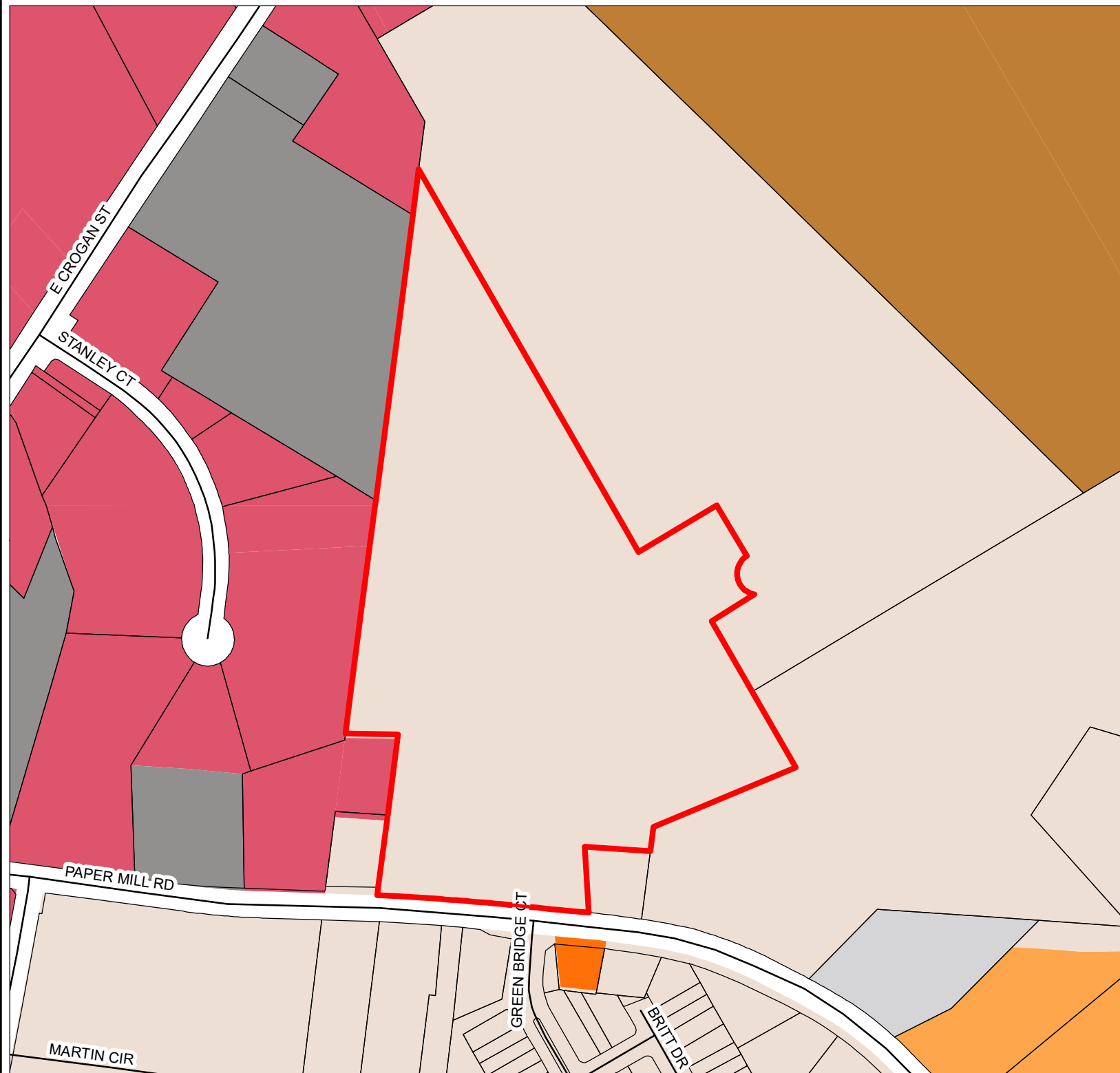
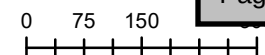
 RM-M

 RS150

 RS60



Page 36





LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: NEW BUSINESS

Item: SUP2019-00016; 566 West Pike Street; Anthony Brown

Department: Planning and Development

Date of Meeting: Monday, September 9, 2019

Applicant Request: New and Used Automobile and Pick up Sales Dealership

Presented By: Todd Hargrave

**Department
Recommendation:**

**Planning
Commission
Recommendation:**

Summary: The applicant is requesting Special Use Permit application to allow the continuance of a New and Used Automobile and Pick up sales dealership.

Attachments/Exhibits:
SUP2019-00016 Attachments

**CITY OF LAWRENCEVILLE
PLANNING AND DEVELOPMENT DEPARTMENT
SPECIAL USE PERMIT REPORT**

CASE NUMBER	SUP2019-00016
APPLICANT	ANTHONY BROWN
CONTACT	ANTHONY BROWN
PHONE NUMBER	770.616.2341
ZONING CHANGE	-
LOCATION	566 WEST PIKE STREET
PARCEL ID	R5143 040
ACREAGE	0.82
PROPOSED DEVELOPMENT	NEW AND USED AUTO SALES DEALER

DEPARTMENT RECOMMENDATION DENIAL

ZONING HISTORY: The property has been zoned BG (General Business District) since 1987. A section of the parcel was subdivided in 2004.

PROJECT DATA:

The applicant is requesting a Special Use Permit for a new and used automobile and pickup sales dealer. The property is a 0.82-acre parcel and has been in use as a used auto sales lot since 2004. The property is located south of West Pike Street, between Buchanan Street and Public Works Drive. The property is an asphalt lot with a concrete drive to two existing buildings at the rear of the property, away from view from the right-of-way. The existing buildings are used for sales and automobile maintenance. The asphalt is in a deteriorating condition. This application is the result of a proactive code enforcement unit inquiry.

The applicant is proposing to construct a new and used auto sales facility, consisting of a sales office building (approx. 600 sq. ft.) with associated driveways and 31 parking spaces fronting on West Pike Street. The entrance and exit would remain the same. According to the applicant, the existing buildings may be used for sales and routine maintenance on their stock of vehicles. A 15-foot landscape buffer adjacent the right-of-way is shown on the site plan.

The 2040 Comprehensive Plan and Future Development Map indicates the property lies within the Community Mixed Use Character Area. Policies for this character area include encouraging mixed-use redevelopment with a diversity of development types and densities. Large surface parking lots are to be discouraged. An auto sales lot may contradict this policy and may be inconsistent with the intent of revitalizing older vacant structures and under-used lots.

The surrounding area is characterized by commercial uses. Surrounding and nearby properties are zoned BG (General Business) and developed with a vacant gas station, a car rental agency, an auto service station, office warehouses and vacant commercial retail stores. Directly adjacent to the subject property is an existing legal non-conforming used auto sales lot. The subject property has a history of compliance issues related to the used auto sales lot, dating back to 2017. These include parking cars on gravel, parking in the access aisle, placing pavement without a permit, and overgrown grass, all of which have been resolved.

With the subject property's history of compliance issues, the proposed use involving auto sales may be inconsistent with the policies of the Comprehensive Plan. An approval of the request may further concentrate the auto-centric development pattern of the area. Given the aforementioned factors, the Planning and Development Department recommends **DENIAL** of this request.

CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS:

ENGINEERING DEPARTMENT

Will require additional detailed information to determine preliminary comments.

ELECTRIC DEPARTMENT

No comment.

GAS DEPARTMENT

No comment.

WATER DEPARTMENT

No comment.

CODE ENFORCEMENT

In 2017, the subject property was cited for gravel parking and parking in the access drive aisle as shown on the submitted site plan, dated August 15, 2019.

In 2019, the subject property was cited for construction without a permit and various property maintenance issues.

**PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS**

SUP2019-00016:

NOTE: **The following conditions are provided as a guide should the City Council choose to approve the petition of this request.**

Approval of Special Use permit for new and used automobile and pickup sales dealer, subject to the following enumerated conditions:

1. The property shall be developed in general accordance with the submitted site plan, dated August 15, 2019, with changes necessary to meet conditions of zoning, requirements of the Zoning Ordinance and/or Development Regulations, and other minor adjustments as may be approved by the Director of Planning and Development.
2. All vehicle parking shall be on a paved surface meeting City standards. Car risers shall not be utilized for display. The property shall be limited to 31 parking spaces and the display of 27 vehicles for sale. Interparcel connectivity along West Pike Street is to be encouraged.
3. The property shall have a 15-foot wide landscape strip along the right-of-way fronting West Pike Street 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.
4. The proposed office building shall comply with the minimum standards in Article VIII of the Zoning Ordinance and Article VII of the Development Regulations. The exterior architectural treatments are subject to the review and approval by the Director of Planning and Development.
5. Automobile and truck repair shall be prohibited.
6. Gravel driveways or parking areas shall be prohibited.
7. Existing structures shall be brought into compliance with the minimum building codes as set by Article VIII of the Zoning Ordinance and Article VII of the Development Regulations.
8. 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.

9. 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.
10. Peddlers and/or any parking lot sales unrelated to the Special Use shall be prohibited.
11. Outdoor storage shall be prohibited
12. Dumpsters shall be screened by solid masonry walls matching the building, with an opaque metal gate enclosure.
13. The owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

STATE CODE 36-67-3 (FMR.) REVIEW STANDARDS:

1. **Will the Special Use Permit proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?** *No, auto sales may be inconsistent with the policies of the 2040 Comprehensive Plan.*
2. **Will the Special Use Permit proposal adversely affect the existing use or usability of adjacent or nearby property?** *No.*
3. **Does the property to be affected by the Special Use Permit proposal have a reasonable economic use as currently zoned?** *Yes.*
4. **Will the Special Use Permit proposal result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?** *No.*
5. **Is the Special Use Permit proposal in conformity with the policy and intent of the City of Lawrenceville comprehensive plan?** *No, auto sales may be inconsistent with the policies of the 2040 Comprehensive Plan.*
6. **Are there other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the Special Use Permit proposal?** *No.*

ZONING ORDINANCE SECTION 13.3 REZONING PROCEDURE:

1. **What are the existing uses and zoning of nearby property?**
SEE PAGE 2.
2. **What is the extent to which the property values are diminished by the particular zoning restrictions of the current zoning?** *None.*
3. **What is the extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public?** *N/A.*
4. **What is the relative gain to the public, as compared to the hardship imposed upon the individual property owner?** *None.*
5. **What is the suitability of the subject property for its current zoning?** *It is suitable.*
6. **What is the suitability of the subject property for the proposed Special Use Permit?** *It is not suitable per the terms of the ordinance.*
7. **How long has the property been vacant as zoned considered in the context of land development in the area in the vicinity of the property?** *N/A.*
8. **How does the property conform with or diverge from the Land Use Plan or other applicable local, state laws and ordinances?** *See comments above.*
9. **What is the availability of adequate sites for the proposed use in districts that permit such use?** *Adequate sites are available elsewhere within the city.*
10. **What is the suitability of the site for the proposed Special Use Permit relative to the requirements set forth in the zoning ordinance (such as off-street parking, setbacks, buffer zones and open space)?** *The proposed auto sales may be inconsistent with the 2040 Comprehensive Plan.*



LAWRENCEVILLE

GEORGIA

SPECIAL USE PERMIT APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>ANTHONY BROWN</u>	NAME: <u>Anthony Brown</u>
ADDRESS: <u>3188 Highland Forge Trl</u>	ADDRESS: <u>3188 Highland Forge Trl</u>
CITY: <u>Dacula</u>	CITY: <u>Dacula GA</u>
STATE: <u>GA</u> ZIP: <u>30019</u>	STATE: <u>GA</u> ZIP: <u>30019</u>
PHONE: <u>770-616-2341</u>	PHONE: <u>770-616-2341</u>
CONTACT PERSON: <u>Anthony Brown</u> PHONE: <u>770-616-2341</u>	
CONTACT'S E-MAIL: <u>tawill4444@yahoo.com</u>	
* If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees.	
ZONING DISTRICT(S): <u>BG</u> ACREAGE: <u>0.824</u>	
PARCEL NUMBER(S): <u>5143040</u>	
ADDRESS OF PROPERTY: <u>566 W Pike St. Lawrenceville GA 30046</u>	
PROPOSED SPECIAL USE: <u>New and Used Automobile and Pickup Sales Dealer</u>	

[Signature] 7-26-19.
SIGNATURE OF APPLICANT DATE

Anthony Brown
TYPED OR PRINTED NAME

[Signature] 7-26-19
NOTARY PUBLIC DATE

Kortney Custer

70 S Clayton St. • PO Box 2500 • Lawrenceville, Georgia 30046-2200
My Commission Expires May 27, 2023
770-963-2414 • www.lawrencevillega.org

[Signature] 7-26-19.
SIGNATURE OF OWNER DATE

Anthony Brown
TYPED OR PRINTED NAME

[Signature] 7-26-19
NOTARY PUBLIC DATE

CUP2019

Letter of Intent

This letter is to request a special use permit for an automobile dealer within the underlying General Business District (BG) zoning. Section 7.9 (BG) General Business District of the City of Lawrenceville Zoning Ordinance allows for a special use as follows:

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

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

The proposed site plan exhibit shows the existing site conditions, proposed building, driveway, parking lot and fifteen (15) foot landscaped buffer along West Pike Street. Total number of parking spaces is 17.

BK 52537 PG 0462

Exhibit "A"

ALL THAT TRACT or parcel of land lying and being in Land Lot 144 of the 5th Land District, Gwinnett County, Georgia, and in the City of Lawrenceville, being more particularly described according to a plat of survey by Hannon & Meeks, Surveyors, dated June 21, 1971, recorded in Plat Book "V", Page 126, Gwinnett County Records, and more particularly described as follows:

BEGINNING at an iron pin on the southerly right of way of Georgia Highway No. 120 (West Pike Street), which iron pin is located 1107.1 feet westerly from the intersection of the southerly right of way of Georgia Highway No. 120 with Langley Drive; thence running South 13 degrees 57 minute West 181.9 feet to an iron pin; thence running South 76 degrees 02 minutes East 195.2 feet to an iron pin; thence running South 74 degrees 18 minutes East 99.4 feet to an iron pin; thence running South 14 degrees 44 minutes West 230.3 feet to an iron pin located on the South bank of Tan Yard Branch; thence running along the South bank of Tan Yard Branch 243 feet, more or less, to a point (traverse line, North 69 degrees 57 minutes West 119.7 feet to a point; thence South 72 degrees 39 minutes West 116.4 feet to a point); thence running North 29 degrees 40 minutes West 397.8 feet to an iron pin; thence running North 14 degrees 30 minutes East 166.4 feet to an iron pin located on the southerly right of way of Georgia Highway No. 120; thence running along said right of way South 78 degrees 30 minutes East 200 feet to the point of beginning.

Being the same property conveyed to Giles M. Cheek by Warranty Deed dated August 31, 1971, from John W. Bullock, and recorded in Deed Book 399, Page 95, Gwinnett County Records.

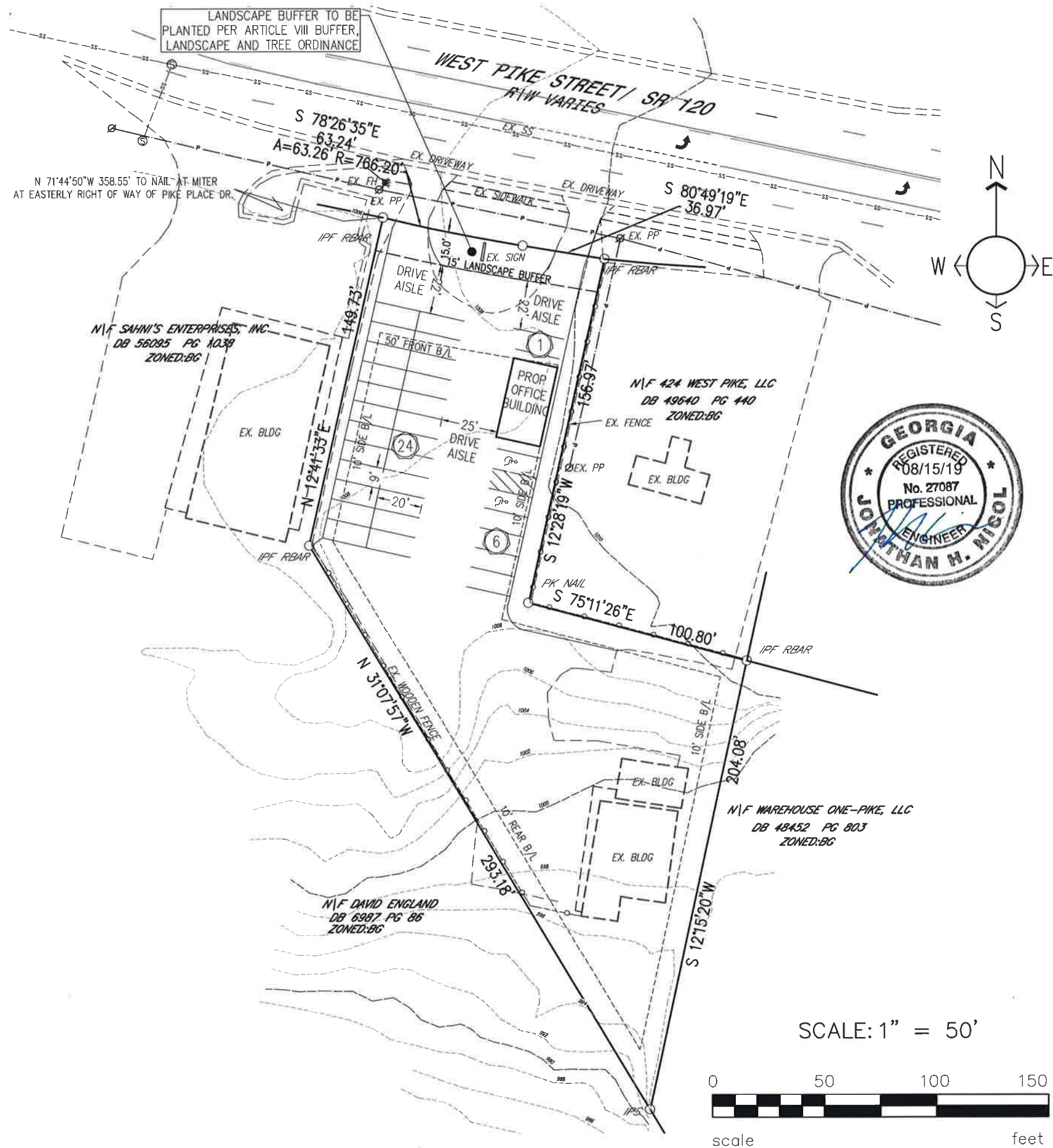
LESS AND EXCEPT THE FOLLOWING:

- (A) Any portions of the above property which have been conveyed or condemned as right of way for the widening of Georgia Highway No. 120, a/k/a Pike Street;
- (B) That tract containing 1.517 acres conveyed by Warranty Deed to Horizon Development, L.L.C. dated July 16, 1999, and recorded in Deed Book 18833, Page 226, Gwinnett County, Georgia Records.
- (C) ALL THAT TRACT or parcel of land lying and being in Land Lot 144 of the 5th Land District, Gwinnett County, Georgia, and in the City of Lawrenceville, being more particularly described according to a plat of survey by Advance Survey, Inc., Scott J. Ness, Georgia Registered Land Surveyor No. 3031, dated May 10, 2007, as follows.

To find the TRUE POINT OF BEGINNING, commence at a point marked by a nail and cap found at the southwest point of the mitered intersection of the southerly right of way of West Pike Street (S.R. 120) (right-of-way varies) with the Easterly right of way of Pike Place Drive; run thence South 73 degrees 23 minutes 57 seconds East a distance of 458.05 feet to a point on the southerly right-of-way of West Pike Street (S.R. 120), said point being the TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING thus established run along the southerly right-of-way of

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West Pike Street (S.R. 120) South 80 degrees 48 minutes 30 seconds East a distance of 58.04 feet to a point; continue thence along said right-of-way and following the arc of a curve an arc distance of 42.20 feet to a point (said arc having a radius of 5,679.58 feet and being subtended by a chord bearing South 80 degrees 35 minutes 44 seconds East a distance of 42.20 feet); thence leaving said right-of-way run South 12 degrees 15 minutes 20 seconds West a distance of 166.66 feet to a point marked by a 1/2" Open Top Found; run thence North 75 degrees 11 minutes 26 seconds West a distance of 100.80 feet to a point; run thence North 12 degrees 28 minutes 19 seconds East a distance of 156.97 feet to a point on the southerly right of way of West Pike Street, said point being the TRUE POINT OF BEGINNING.



SOURCE: USGS



*The City of Lawrenceville
Planning & Development*

Aerial Map and Surrounding Area File # SUP19-00016

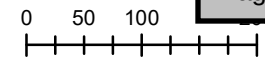
Applicant:
Anthony Brown

Legend

-  Subject Property
-  Roads
-  Parcels



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*The City of Lawrenceville
Planning & Development*

Location Map and Surrounding Zoning File # SUP19-00016

Applicant:
Anthony Brown

Legend

 Subject Property

 Roads

 Parcels

ZONING

 BG

 HSB

 LM

 RM-12

 RS150



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