



LAWRENCEVILLE

GEORGIA

PLANNING COMMISSION AGENDA

Tuesday, January 03, 2023
6:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

Approval of Agenda

Approval of Prior Meeting Minutes

- [1.](#) Approval of Prior Minutes; October 2022 through December 2022

New Business

- [2.](#) RZC2022-00043; BB Accounting Services, Inc.; 388 Scenic Highway
- [3.](#) RZC2022-00044: KRB Investments, Inc.; 142 Oak Street and 288 North Clayton Street
- [4.](#) RZM2022-00013 & SUP2022-00075; GTD Partners, LLC c/o Andersen Tate & Carr; 800 Block Grayson Highway
- [5.](#) RZM2022-00014; Metro Atlanta Recovery Residences, Inc.; 168 Constitution Blvd
- [6.](#) An Ordinance to Amend ARTICLE 5; Parking of the Zoning Ordinance
- [7.](#) An Ordinance to Amend ARTICLE 9; Administration and Enforcement of the Zoning Ordinance
- [8.](#) An Ordinance to Amend the Code of Ordinance, Chapter 10, Article II

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: APPROVAL OF PRIOR MINUTES

Item: Approval of Prior Minutes; December 2022

Department: Planning and Development

Date of Meeting: Tuesday, January 3, 2023

Presented By: Todd Hargrave, Planning and Development Director

Action Requested: Approval of Minutes

Summary: Minutes from meetings held in October, November, and December 2022.

Attachments/Exhibits:
PC MEETING MINUTES_12062022



LAWRENCEVILLE

GEORGIA

PLANNING COMMISSION MINUTES

Monday, December 6, 2022
6:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

Called to Order at 6 p.m.

Present

Board Member Bruce Hardy

Board Member Jack “Jay” Johnston, Jr.

Board Member James Nash

Board Member Jen Young

Board Member Marshall Boutwell

Approval of Agenda

Motion made to **APPROVE** the agenda as presented by Board Member Johnston, Seconded by Board Member Nash

Voting Yea: Board Member Hardy, Board Member Johnston, Board Member Nash, Board Member Young, Board Member Boutwell

Approval of Prior Meeting Minutes

Motion made **to APPROVE** the Monday, November 7, 2022, Planning Commission Meeting Minutes by Board Member Hardy, and Seconded by Board Member Nash

Voting Yea: Board Member Hardy, Board Member Johnston, Board Member Nash, Board Member Young, Board Member Boutwell

New Business

SUP2022-00076 - Applicant: Jesus Villalobos; Property Owner: Rosalia Villalobos; An application for a Special Use Permit to allow Auto Broker; Property located at 108 McConnell Drive; Parcel Identification Number 5144 017; Approximately 0.33 acres.

SUP2022-00077 - Applicant: Jesus Villalobos; Property Owner: Rosalia Villalobos; An application for a Special Use Permit to allow Outdoor Storage of Vehicles; Property located at 108 McConnell Drive; Parcel Identification Number 5144 017; Approximately 0.33 acres.

Motion made to recommend **DENIAL of SUP2022-00076 and SUP2022-00077** by Board Member Hardy, Seconded by Board Member Young.

Voting Yea: Board Member Hardy, Board Member Johnston, Board Member Nash, Board Member Young, Board Member Boutwell

Public Comment

Board Member Boutwell announced his intention to resign as Chairman of the Planning Commission effective immediately.

Final Adjournment

Motion made to **ADJOURN at 6:15 p.m.** by Board Member Nash, Seconded by Board Member Johnston

Voting Yea: Board Member Hardy, Board Member Johnston, Board Member Nash, Board Member Young, Board Member Boutwell



LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: NEW BUSINESS

Item: RZC2022-00043; BB Accounting Services, Inc.; 388 Scenic Highway

Department: Planning and Development

Date of Meeting: Tuesday, January 3, 2023

Fiscal Impact: None expected

Presented By: Todd Hargrave, Planning and Development Director

Planning and Development Recommendation: **Denial**

Summary: The applicant requests rezoning of a 0.43-acre parcel at 388 Scenic Highway from RS-180 (Single-Family Residential District) to OI (Office Institutional District). The applicant's request is to provide for a wide range of office and institutional establishments not involving the sale, storage, or processing of merchandise. The development consists of a non-conforming single-family dwelling, located at the eastern right-of-way of Scenic Highway, between Willow Road to the north and Maplewood Drive to the south.

Fiscal Impact: No expected fiscal impact. The location is already served by Streets and Sanitation

Attachments/Exhibits:

RZC2022-00043_Report

RZC2022-00043_Planning and Development Recommendations

RZC2022-00043_Application

RZC2022-00043_Letter of Intent

RZC2022-00043_Legal Description

RZC2022-00043_Site Plan

RZC2022-00043_Survey

RZC2022-00043_aerial map zoomed

RZC2022-00043_aerial map
RZC2022-00043_Zoning map zoomed
RZC2022-00043_Zoning map



LAWRENCEVILLE

Planning & Development

CASE NUMBER: RZC2022-00043

APPLICANT: BB ACCOUNTING, INC

OWNER: BENJAMIN MELO JIMENEZ

CONTACT: BRENDA CASTRO – 770-314-6260

CONTACT: ROXANA RAMIREZ – 678-480-7627

LOCATION: 388 SCENIC HWY

PARCEL ID(s): R5141 072

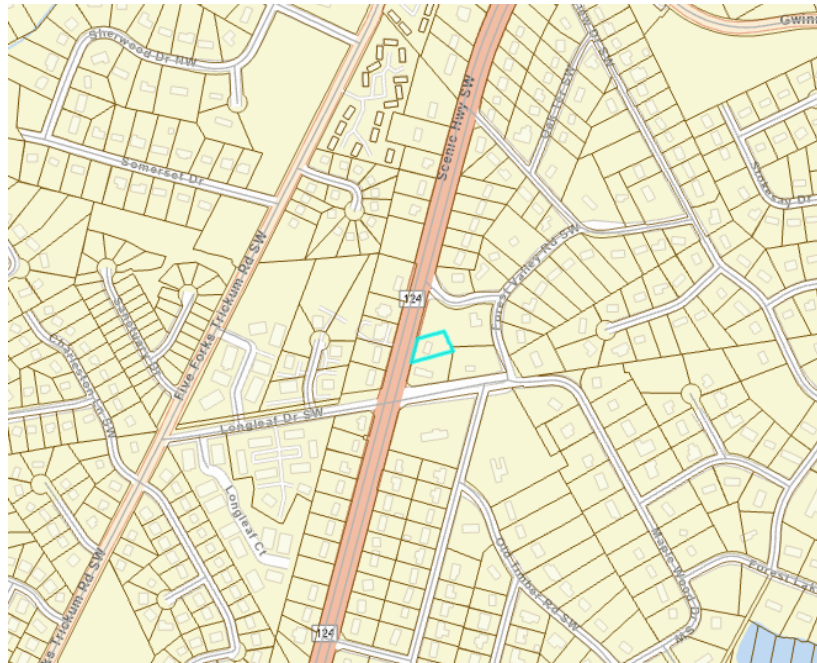
ACREAGE: APPROXIMATELY 0.43 ACRES

ZONING PROPOSAL: REZONE THE SUBJECT PROPERTY FROM RS-180 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO OI (OFFICE INSTITUTIONAL DISTRICT)

PROPOSED DEVELOPMENT: BUSINESS ACCOUNTING SERVICES OFFICE

DEPARTMENT RECOMMENDATION: **DENIAL**

VICINITY MAP





LAWRENCEVILLE

Planning & Development

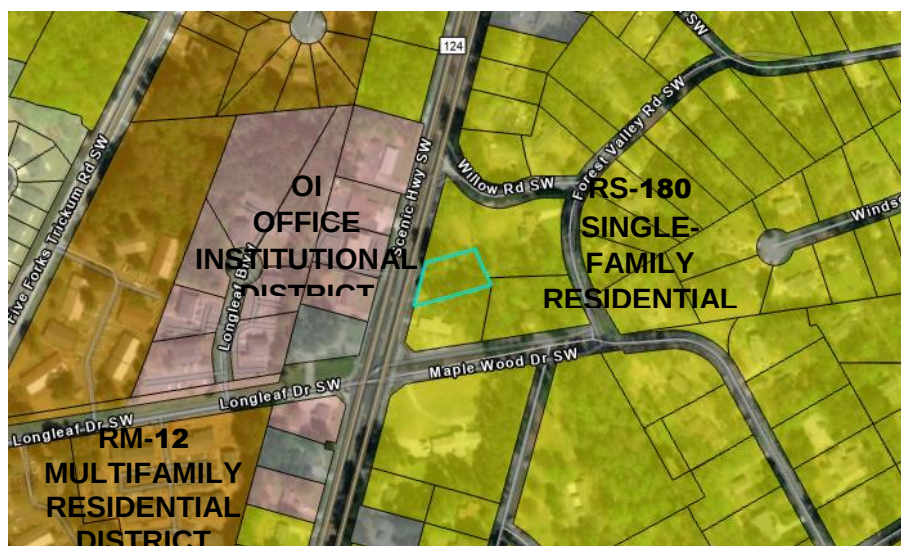
ZONING AND DEVELOPMENT STANDARDS

The development consists of a non-conforming one-story 1,311 square foot ranch house currently used as single-family residence, intended to be renovated into an office for an accounting firm. As part of this renovation, the existing noncompliant gravel driveway would be expanded from 8' to 20' and paved with concrete, bringing it into compliance with the Zoning Ordinance. With approximately one parking space per 300 SF of office space, five off-street parking spaces would satisfy the minimum parking and loading requirements of the Zoning Ordinance, Article 5 Parking.

SURROUNDING ZONING AND USE

The Scenic Highway corridor near the intersection of Longleaf Drive is a predominantly single-family residential area, with scattered pockets of homes in the area zoned for and used as offices. Most of these OI (Office Institutional District) and ON (Office / Neighborhood District) parcels are on the western side of the Scenic Highway right-of-way, across the street from the subject property. The parcels immediately adjacent to the subject property are all currently zoned RS-180 (Single-Family Residential District), the same classification as the subject property. As such, the proposed rezoning would not be consistent with the established zoning and use in this residential area.

CITY OF LAWRENCEVILLE OFFICIAL ZONING MAP





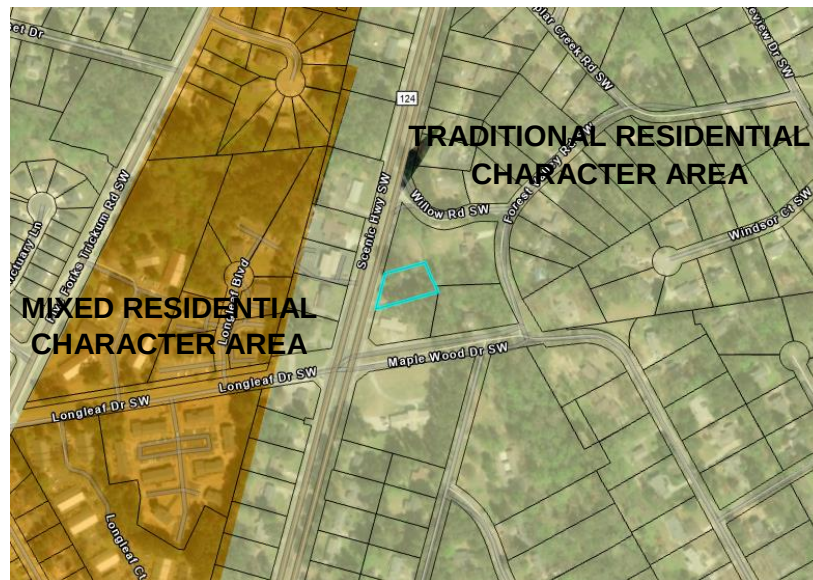
LAWRENCEVILLE

Planning & Development

2040 COMPREHENSIVE PLAN

The City of Lawrenceville 2040 Comprehensive Plan and Future Development Map indicate the subject property is located within the Traditional Residential Character Area. Traditional Residential areas are predominantly single-family, suburban-style neighborhoods located in the southern half of the city. The purpose of this character area is to preserve these traditional neighborhoods and buffer them from more intense land uses. Density is typically low (less than 3 dwelling units per acre), and most open space is in private yards.

LAWRENCEVILLE 2040 COMPREHENSIVE PLAN - FUTURE LAND USE PLAN MAP



STAFF RECOMMENDATION

In conclusion, the proposal to rezone the subject property for commercial use is not appropriate for the neighborhood. While there are already several houses rezoned for commercial use in the general area, this was done in a piecemeal fashion during a time when the city was not considering a long-term vision for development. According to the 2040 Comprehensive Plan, the eastern side of Scenic Highway where the subject property is located should remain as traditional residential. Therefore, the Planning and Development recommends **DENIAL** of the request.



LAWRENCEVILLE

Planning & Development

2.

CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS:

ENGINEERING DEPARTMENT

No comment

PUBLIC WORKS

No comment

ELECTRIC DEPARTMENT

No comment

GAS DEPARTMENT

No comment

DAMAGE PREVENTION DEPARTMENT

No comment

CODE ENFORCEMENT

No comment

STREET AND SANITATION DEPARTMENT

The property is already served by the City. No changes to the service is expected.



LAWRENCEVILLE

Planning & Development

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

1. **Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

The properties immediately adjacent to the subject property are all RS-180, the same classification that the subject property is currently zoned as. While the greater area consists of some parcels designated as OI or ON, most of these are relegated to the western side of Scenic Highway. An office development may not be suitable here considering the uses and zoning of adjacent and nearby property.

2. **Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

The area along the right-of-way of Scenic Highway has long suffered due to antiquated policies and a lack of consistency in decision-making. New decisions must be consistent with the policies relating to the long range plans for the immediate area in order for the City to flourish.

3. **Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned;**

The property has a reasonable economic use as currently zoned.

4. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

Impacts on public facilities would be anticipated in the form of traffic, utility demand, stormwater runoff and schools; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning.

5. **Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;**

Policies of the City are intended to benefit or enhance the quality of life for existing and potential members of the public choosing to reside within the city limits. A proposal that does not factor existing uses or long-term vision would not be in conformity with the policy or intent of the 2040 Comprehensive Plan.



LAWRENCEVILLE

Planning & Development

6. **Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal;**

While the Scenic Highway corridor has long been subject to neglect on the part of piecemeal, shortsighted rezonings, this case represents an opportunity to maintain consistency with both the character of the surrounding area and the City's long-term vision in the form of the 2040 Comprehensive Plan.

PLANNING AND DEVELOPMENT

RECOMMENDED CONDITIONS_07112022

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

RZC2022-00043

Approval as OI (Office Institutional District) for an Accounting Services Office, subject to the following enumerated conditions:

- 1.** To restrict the use of the property as follows:
 - A.** Uses allowed in OI (Office Institutional District).
 - 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 five (5) parking spaces, must be on an approved surface and striped.
- E.** Provide a ten (10) foot landscape strip adjacent to all public right-of-ways.
- F.** Provide a fifteen (15) foot landscape strip adjacent to all internal property lines.
- G.** Provide a six (6) foot concrete sidewalk adjacent to all public right-of-ways.
- H.** 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;
- I.** Dumpsters shall be screened by solid masonry walls matching the building, with an opaque metal gate enclosure.



LAWRENCEVILLE

GEORGIA

REZONING APPLICATION

The application and all required documents must be complete and fees must be paid or the application will not be accepted.

Documents, exhibits and fees required at the time of application submittal:

1. Application Form (signed and notarized)
2. Disclosure of Campaign Contributions Form
3. Letter of Intent describing the proposed zoning change and development
4. Typed, metes and bounds Legal Description
5. Boundary survey (sealed by a Registered Land Surveyor)
6. Property tax verification
7. Site Plan/Rezoning Exhibit: :
 - a. Prepared by a Registered Land Surveyor, Professional Engineer or Landscape Architect
 - b. One full size paper copy drawn to scale of 1" = 50' or greater
 - c. Electronic File (external hard drive)
 - d. Show property line data (metes and bounds) as well as existing infrastructure and existing site conditions, including:
 - i. Existing structures
 - ii. Full width of existing streets and intersecting streets
 - iii. Streams, stream buffers and impervious setbacks
 - iv. Flood hazard zones (reference source of data)
 - v. A vicinity map
 - e. Show proposed improvements, including:
 - i. Proposed buildings, setbacks, buffers and required screening
 - ii. Proposed streets, ingress/egress, driveways, sidewalks and parking
8. Application Fee
 - a. Payment may be made in cash, check or credit card (Visa, MasterCard). Please make checks payable to the City of Lawrenceville. One check is preferred.

Brenda Castro
(770) 314-6260
BBaccounting@hotmail.com

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



LAWRENCEVILLE

GEORGIA

NOTIFICATION REQUIREMENTS

Written Notification

The applicant is required to notify all adjoining property owners (including those across any streets) of their intention to rezone the property. The notification shall be sent by Certified Mail and be postmarked no later than the published deadline contained in the Rezoning Schedule. A sample notification letter is provided at the end of this packet.

The written notice shall include:

1. Rezoning case number
2. Dates, times and place of public hearings
3. Copy of the application
4. Applicant contact information
5. Letter of Intent
6. Site plan
7. Vicinity map

Proof that the notifications were mailed as required must be delivered to the Planning Department as soon as is feasible, but no later than 12:00 p.m. (noon) on the Wednesday prior to the Planning Commission meeting. Failure to submit the required proof of mailing will result in the application being tabled to the next month's meeting.

Notification Sign

The applicant is required to post a notification sign (provided by the Planning Department) in a clearly visible location on the property, at or near the public street, no later than the published deadline contained in the Rezoning Schedule. It is the responsibility of the applicant to insure that the notification sign remain on the property throughout the rezoning proceedings. (COPY TO BE GIVEN TO APPLICANT)

RZC2022-00043
CASE NUMBER

Brenda CASTRO
ACKNOWLEDGED BY (PRINT NAME)

10/12/2022
DATE
[Signature]
SIGNATURE

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



LAWRENCEVILLE

GEORGIA

REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>BB Accounting Services Inc</u>	NAME: <u>Benjamin Melo Jimenez</u>
ADDRESS: <u>388 Scenic Hwy</u>	ADDRESS: <u>195 Stone Mountain St</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30046</u>	STATE: <u>GA</u> ZIP: <u>30046</u>
CONTACT PERSON: <u>Roxana Ramirez</u> PHONE: <u>(678) 480-7627</u> <u>(770) 277-8646</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>R5180</u> REQUESTED ZONING DISTRICT: <u>O I</u>	
PARCEL NUMBER(S): <u>R5141072</u> ACREAGE: <u>.4574</u>	
ADDRESS OF PROPERTY: <u>388 Scenic Hwy Lawrenceville GA 30046</u>	

Bepfy 10/12/22
SIGNATURE OF APPLICANT DATE

Bepfy 10/12/22
SIGNATURE OF OWNER DATE

Benjamin Melo
TYPED OR PRINTED NAME

Benjamin Melo
TYPED OR PRINTED NAME

[Signature] 10/12/22
NOTARY PUBLIC DATE

[Signature] 10/12/22
NOTARY PUBLIC DATE





LAWRENCEVILLE

GEORGIA

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? NO Y/N

If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)
N/A	N/A	N/A

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? _____ Y/N

If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)
N/A	N/A	N/A

Attach additional sheets if necessary to disclose or describe all contributions/gifts.



LAWRENCEVILLE GEORGIA

2.

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF LAWRENCEVILLE PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

PARCEL I.D. NUMBER: 5th - 116 - R 5141072
(Map Reference Number) District Land Lot Parcel

[Signature] 10/12/22
Signature of Applicant Date

Benjamin Melo
Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONER'S OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONER'S USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

[Signature]
NAME
10/12/2022
DATE

TAX SERV. ASSOCIATE
TITLE
County taxes are due by 11/1/2022

Re: 388 Scenic Highway
Lawrenceville GA 30046

Letter of Intent

We are hereby requesting this property be rezoned from RS-180 to OI. The intended use for this proposed zoning will be to operate a Business Accounting Service. This request for rezoning would allow for usage that is similar to other properties along Scenic Highway. We do not believe this request will impede or create any hardships or dangers for surrounding properties.

Legal Description

All that tract or parcel of land lying and being Part of Lot 2, Block "H", Unit 2; Addition to Forest Hills Subdivision, PB G, Pg 148, Re-recorded in PB106, PG 73 Land Lot 116 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at the southwesterly intersection with the centerline of Maplewood Drive (FKA Longleaf Drive) and Scenic Highway (AKA GA Highway 124) (Public Variable Right-of-Way); Thence in a northeasterly direction on the easterly right of way of Scenic Highway a distance of 177 feet to a ½" Capped Rebar, being the Point of Beginning; Thence continuing along said right of way North 14 Degrees 49 Minutes 24 Seconds East a distance of 124.71 feet to a point; Thence leaving said right of way North 74 Degrees 33 Minutes 56 Seconds East a distance of 143.28 feet to a point; Thence South 29 Degrees 00 Minutes 54 Seconds East a distance of 23.42 feet to a point; Thence along the CL of a Branch South 24 Degrees 38 Minutes 07 Seconds East a distance of 51.74 feet to a point; Thence South 25 Degrees 50 Minutes 31 Seconds East a distance of 34.27 feet to a point; Thence South 74 Degrees 31 Minutes 23 Seconds a distance of 226.08 feet to a ½" Capped Rebar Found, being the Point of Beginning.

Said tract or parcel containing 19,926 Square Feet or 0.4574 Acres.

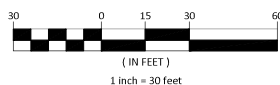
THIS BLOCK RESERVED FOR THE CLERK OF THE
SUPERIOR COURT.



Symbols & Abbreviations

PP POWERPOLE	(R) RECORD DATA
GUY WIRE	(M) MEASURED DATA
LIGHT POLE	(C) CALCULATED DATA
STREET LIGHT POLE	R/W RIGHT OF WAY
ELEC. TRANSFORMER	BSL BLDG SETBACK LINE
OHE-OVERHEAD ELECTRIC	BC BACK OF CURB
WATER VALVE	EP EDGE OF PAVEMENT
WATER METER	EC EDGE OF CONCRETE
FIRE HYDRANT	R PROPERTY LINE
SS-SANITARY SEWER PIPING	D.E. DRAINAGE EASEMENT
SEWER MANHOLE	L.E. LANDSCAPE EASEMENT
CLEAN OUT	S.S.E. SANITARY SEWER ESMT
SD-STORM DRAIN PIPING	IPS IRON PIN SET
STORM DRAIN MANHOLE	RBF REBAR FOUND
STORM INLET	CTP CRIMP TOP PIPE
CURB INLET	OTP OPEN TOP PIPE
DROP INLET	P.O.C. POINT OF COMMENCEMENT
FENCE LINE	P.O.B. POINT OF BEGINNING
SW SIDEWALK	IRON PIN FOUND
TREE	IRON PIN SET
T.B.M. TEMPORARY BENCH MARK	P.K. NAIL FOUND
	P.K. NAIL SET
	FND X MARK / SCRIBE
	SET X MARK / SCRIBE

Graphic Scale



Map or Plat Certification

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.

Furthermore, the undersigned surveyor certifies that :
IN MY OPINION, THIS DRAWING WAS PREPARED IN CONFORMITY WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. 15-6-67.

PRESENTED BEFORE ME THIS 05 DAY OF OCTOBER IN THE YEAR OF 2022.

Michael R. Shepherd
MICHAEL R. SHEPHERD, GA RLS No. 3349



Map or Plat Closure Statement & Notes

1. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 77,290 FEET.
2. ALL DISTANCES SHOWN HEREIN ARE HORIZONTAL, GROUND DISTANCES.
3. UNLESS OTHERWISE NOTED ON THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED, ALL PROPERTY CORNERS IDENTIFIED AS SET, ARE SET WITH A 1/2" REBAR (W4-REBAR) BEARING A PLASTIC CAP STAMPED WITH THE SURVEYORS REGISTRATION / LICENSE NUMBER.
4. THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS A HORIZONTAL DATUM OF GEORGIA STATE PLANES, WEST ZONE NAD83.
5. THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSON(S) OR ENTITY NAMED WITHIN TITLE BLOCK AND/OR SURVEYORS CERTIFICATION. SURVEYOR MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED, WITH RESPECT TO THE INFORMATION SHOWN HEREIN, EXTENDED BEYOND THOSE NAMED DIRECTLY.
6. THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS BEEN PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. ITEMS PERTAINING TO TITLE SUCH AS EASEMENTS, ZONING, ZONING CONDITIONS AND OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD HOWEVER MAY NOT BE SHOWN OR DEPICTED HEREIN.

Utility Notes

1. THE UTILITIES SHOWN HEREIN ARE BASED ON VISIBLE OBSERVATIONS
2. THE SURVEYOR DOES NOT WARRANT, GUARANTEE OR CERTIFY THAT THE UNDERGROUND OR ABOVE GROUND UTILITIES SHOWN COMPRISE ALL UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. UNDERGROUND UTILITIES OBSERVED OR LOCATED MAY EXIST ON THIS SITE THAT ARE NOT SHOWN OR DEPICTED, AND MAY BE FOUND UPON FURTHER EXAMINATION OR EXCAVATION. FURTHERMORE, THE SURVEYOR DOES NOT WARRANT, GUARANTEE OR CERTIFY THAT THE UNDERGROUND UTILITIES SHOWN OR DEPICTED ARE IN THE EXACT LOCATION AS INDICATED HOWEVER THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE AND TO THE BEST OF THE SURVEYORS ABILITY.
3. AT VARIOUS SANITARY OR STORM SEWER STRUCTURES SHOWN HEREIN, THERE MAY BE ADDITIONAL LINES (PUBLIC OR PRIVATE) ENTERING OR EXISTING THE STRUCTURE THAT MAY NOT BE IDENTIFIED.

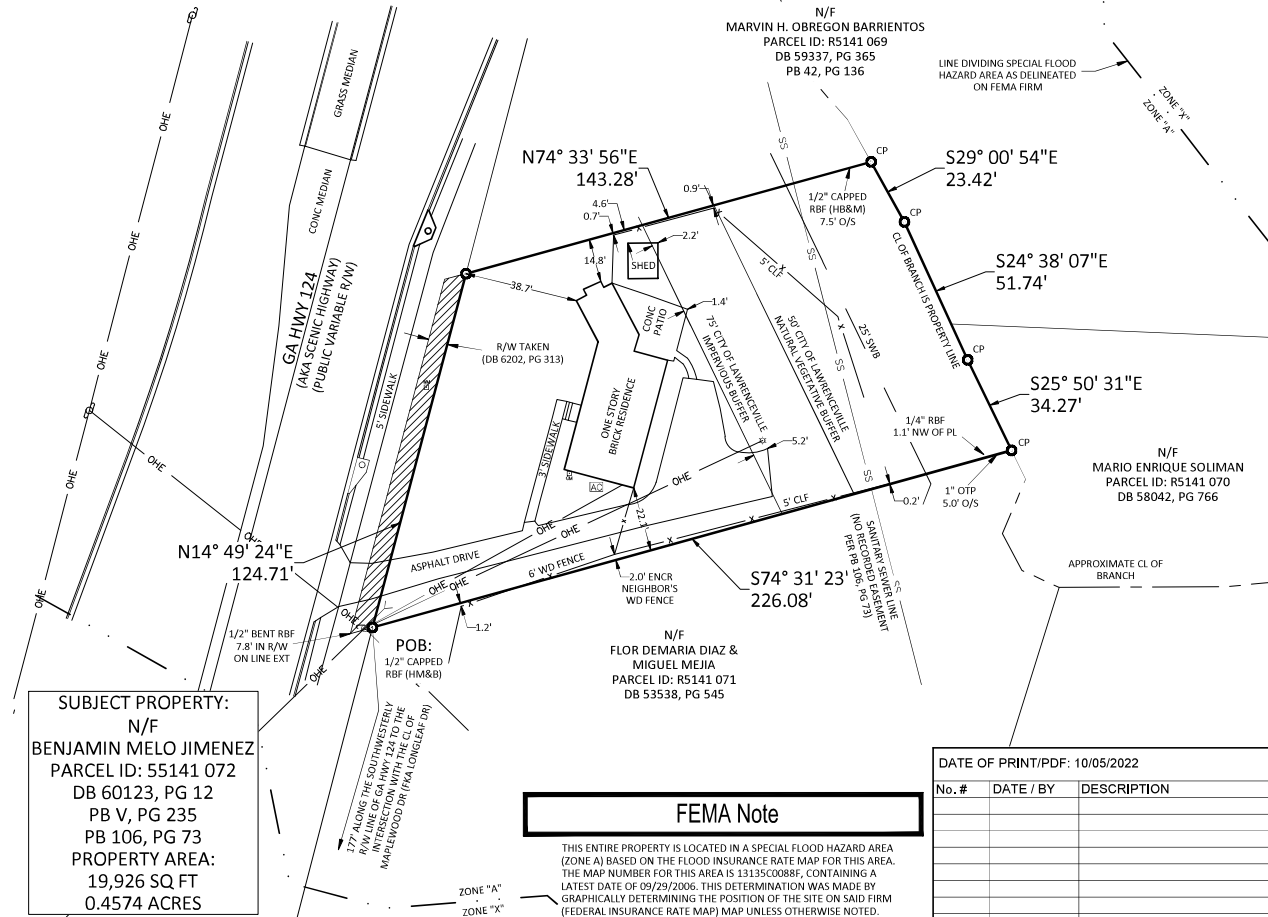
The Purpose of this Site Plan is the
rezone this property from R5180 to OI.

Field Observation Notes

1. THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED IS CLASSIFIED AS A "BOUNDARY RETRACEMENT SURVEY", AND COMPLETED ON "10/03/2022" UTILIZING A GEOMAX ZOOM 90 ROBOTIC TOTAL STATION AND/OR A CHAMPION PRO GPS NETWORK RTK (REAL TIME KINEMATIC) ROVER, CORRECTED IN REAL-TIME VIA THE eGPS GPS NETWORK.
2. THE FIELD DATA UPON WHICH THIS SURVEY, MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED EXCEEDS THE 95% CONFIDENCE LEVEL AND EXCEEDS THE MAXIMUM ALLOWABLE RELATIVE POSITIONAL ACCURACY, AS SET FORTH BY THE ALTA/NSPS STANDARDS, SPECIFICATION AND REQUIREMENTS OF 0.07+50 PPM.

Map or Plat and Survey References

1. DEED BOOK 60123, PG 12, GWINNETT COUNTY, GEORGIA, PUBLIC RECORDS.
2. DEED BOOK 6202, PG 313, GWINNETT COUNTY, GEORGIA, PUBLIC RECORDS.
3. PLAT BOOK V, PG 235, GWINNETT COUNTY, GEORGIA, PUBLIC RECORDS.
4. PLAT BOOK 106, PG 73, GWINNETT COUNTY, GEORGIA, PUBLIC RECORDS.



FEMA Note

THIS ENTIRE PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE A) BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13135C0088F, CONTAINING A LATEST DATE OF 09/29/2006. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THE SITE ON SAID FIRM (FEDERAL INSURANCE RATE MAP) MAP UNLESS OTHERWISE NOTED.

Rezoning Site Plan For: BB Accounting Services, Inc

Site Address: 388 Scenic Highway North, Lawrenceville, GA 30046 Part of Lot 2, Block "H", Unit 2 - Addition to Forest Hills Subdivision, PB G, PG 148, Re-recorded in PB 106, PG 73

Land Lot 116 of the 5th Land District
City of Lawrenceville, Gwinnett County, Georgia

Sheet / Drawing Scale	1" = 30'
Unless Otherwise Noted	
GSA Project No.	22-08-880
Drawn By / Field Crew	JWW
Crew No. 1	
Sheet No. 01	

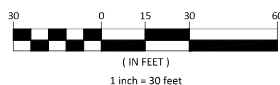
THIS BLOCK RESERVED FOR THE CLERK OF THE
SUPERIOR COURT.



Symbols & Abbreviations

PP	POWERPOLE	(R)	RECORD DATA
GW	GUY WIRE	(M)	MEASURED DATA
LP	LIGHT POLE	(C)	CALCULATED DATA
SLP	STREET LIGHT POLE	R/W	RIGHT OF WAY
ET	ELEC. TRANSFORMER	BSL	BLDG SETBACK LINE
OHE	OVERHEAD ELECTRIC	BC	BACK OF CURB
WV	WATER VALVE	EP	EDGE OF PAVEMENT
WM	WATER METER	EC	EDGE OF CONCRETE
FH	FIRE HYDRANT	P	PROPERTY LINE
SS	SANITARY SEWER PIPING	D.E.	DRAINAGE EASEMENT
SMH	SEWER MANHOLE	L.E.	LANDSCAPE EASEMENT
CO	CLEAN OUT	S.S.E.	SANITARY SEWER ESMT
SD	STORM DRAIN PIPING	IPS	IRON PIN SET
SDM	STORM DRAIN MANHOLE	RBF	REBAR FOUND
SI	STORM INLET	CTP	CRIMP TOP PIPE
CI	CURB INLET	OTP	OPEN TOP PIPE
DI	DROP INLET	P.O.C.	POINT OF COMMENCEMENT
FL	FENCE LINE	P.O.B.	POINT OF BEGINNING
SW	SIDEWALK	IP	IRON PIN FOUND
T	TREE	IPN	IRON PIN SET
T.B.M.	TEMPORARY BENCH MARK	P.K.	NAIL FOUND
		P.K.	NAIL SET
		X	FND X MARK / SCRIBE
		X	SET X MARK / SCRIBE

Graphic Scale



Map or Plat Certification

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.

Furthermore, the undersigned surveyor certifies that :
IN MY OPINION, THIS DRAWING WAS PREPARED IN CONFORMITY WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. 15-6-67.

PRESENTED BEFORE ME THIS 05 DAY OF OCTOBER IN THE YEAR OF 2022.

Michael R. Shepherd
MICHAEL R. SHEPHERD, GA RLS No. 3349



Map or Plat Closure Statement & Notes

- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 77,290 FEET.
- ALL DISTANCES SHOWN HEREIN ARE HORIZONTAL, GROUND DISTANCES.
- UNLESS OTHERWISE NOTED ON THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED, ALL PROPERTY CORNERS IDENTIFIED AS SET, ARE SET WITH A 1/2" REBAR (W4-REBAR) BEARING A PLASTIC CAP STAMPED WITH THE SURVEYORS REGISTRATION / LICENSE NUMBER.
- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS A HORIZONTAL DATUM OF GEORGIA STATE PLANES, WEST ZONE NAD83.
- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSON(S) OR ENTITY NAMED WITHIN TITLE BLOCK AND/OR SURVEYORS CERTIFICATION. SURVEYOR MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED, WITH RESPECT TO THE INFORMATION SHOWN HEREIN, EXTENDED BEYOND THOSE NAMED DIRECTLY.
- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS BEEN PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. ITEMS PERTAINING TO TITLE SUCH AS EASEMENTS, ZONING, ZONING CONDITIONS AND OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD HOWEVER MAY NOT BE SHOWN OR DEPICTED HEREIN.

Utility Notes

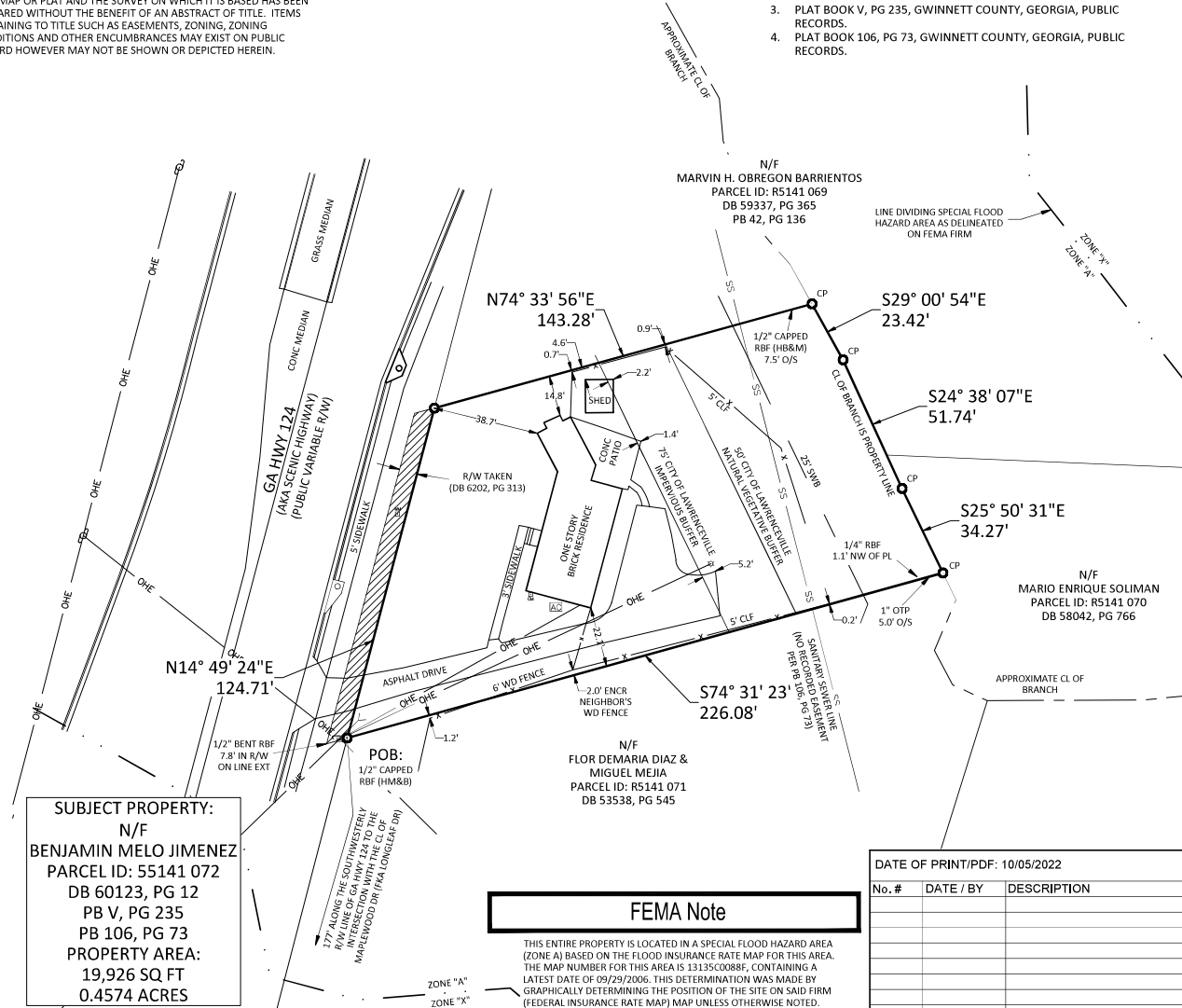
- THE UTILITIES SHOWN HEREIN ARE BASED ON VISIBLE OBSERVATIONS
- THE SURVEYOR DOES NOT WARRANT, GUARANTEE OR CERTIFY THAT THE UNDERGROUND OR ABOVE GROUND UTILITIES SHOWN COMPRISE ALL UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. UNDERGROUND UTILITIES OBSERVED OR LOCATED MAY EXIST ON THIS SITE THAT ARE NOT SHOWN OR DEPICTED, AND MAY BE FOUND UPON FURTHER EXAMINATION OR EXCAVATION. FURTHERMORE, THE SURVEYOR DOES NOT WARRANT, GUARANTEE OR CERTIFY THAT THE UNDERGROUND UTILITIES SHOWN OR DEPICTED ARE IN THE EXACT LOCATION AS INDICATED HOWEVER THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE AND TO THE BEST OF THE SURVEYORS ABILITY.
- AT VARIOUS SANITARY OR STORM SEWER STRUCTURES SHOWN HEREIN, THERE MAY BE ADDITIONAL LINES (PUBLIC OR PRIVATE) ENTERING OR EXISTING THE STRUCTURE THAT MAY NOT BE IDENTIFIED.

Field Observation Notes

- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED IS CLASSIFIED AS A "BOUNDARY RETRACEMENT SURVEY", AND COMPLETED ON "10/03/2022" UTILIZING A GEOMAX ZOOM 90 ROBOTIC TOTAL STATION AND/OR A CHAMPION PRO GPS NETWORK RTK (REAL TIME KINEMATIC) ROVER, CORRECTED IN REAL-TIME VIA THE eGPS GPS NETWORK.
- THE FIELD DATA UPON WHICH THIS SURVEY, MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED EXCEEDS THE 95% CONFIDENCE LEVEL AND EXCEEDS THE MAXIMUM ALLOWABLE RELATIVE POSITIONAL ACCURACY, AS SET FORTH BY THE ALTA/NSPS STANDARDS, SPECIFICATION AND REQUIREMENTS OF 0.07+50 PPM.

Map or Plat and Survey References

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Boundary Survey For: BB Accounting Services, Inc
Site Address: 388 Scenic Highway North, Lawrenceville, GA 30046
Part of Lot 2, Block "H", Unit 2 - Addition to Forest Hills Subdivision, PB G, PG 148,
Re-recorded in PB 106, PG 73
Land Lot 116 of the 5th Land District
City of Lawrenceville, Gwinnett County, Georgia

Sheet / Drawing Scale	1" = 30'
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GSA Project No.	22-08-880
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Crew No. 1	
Sheet No. 01	



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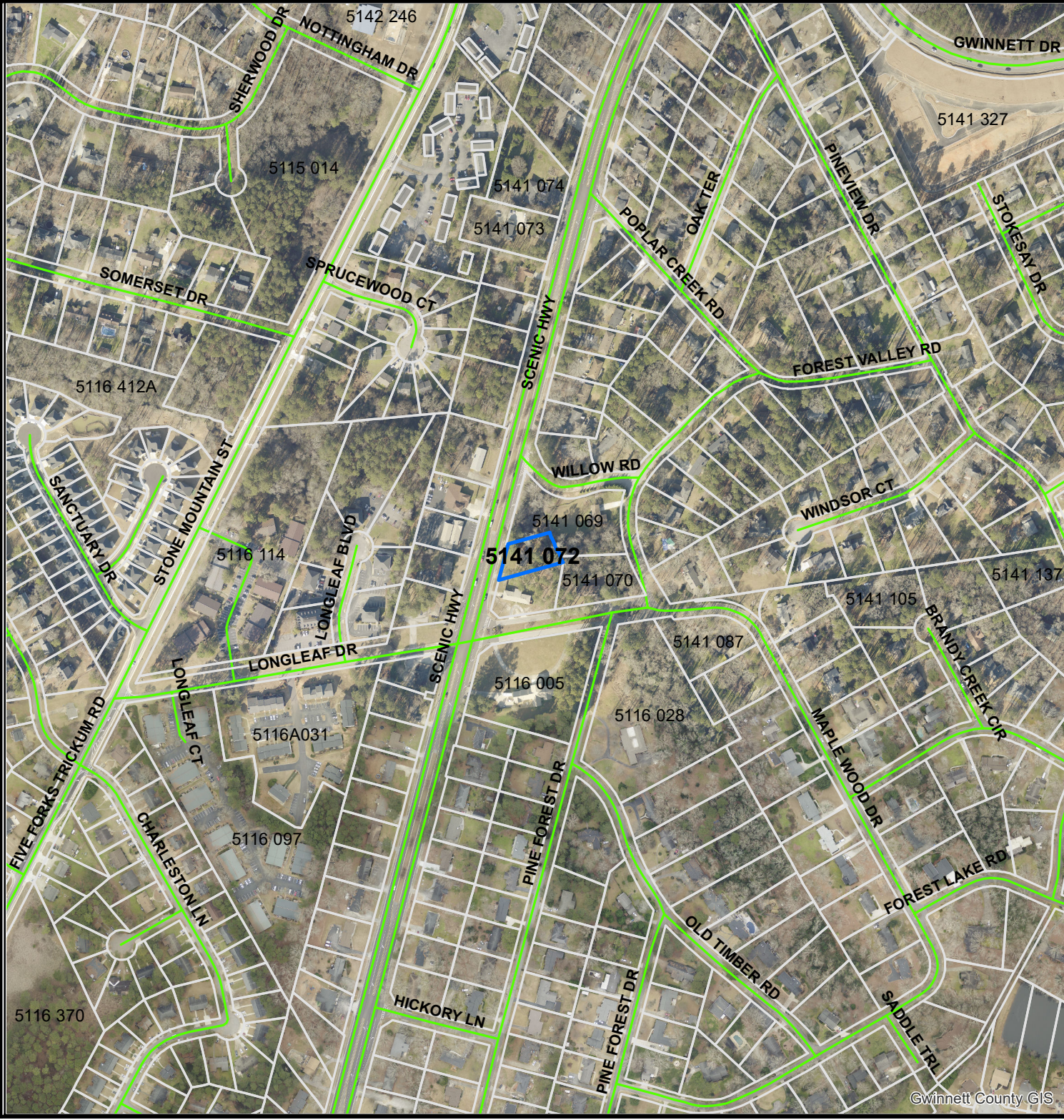
GEORGIA

The City of Lawrenceville
Planning & Development

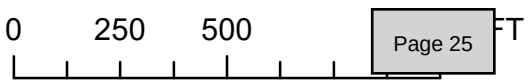
Location Map and Surrounding Zoning

File # RZC2022-00043

Applicant: BB Accounting Services Inc.



-  Subject Property
-  Parcels
-  City Maintained Streets



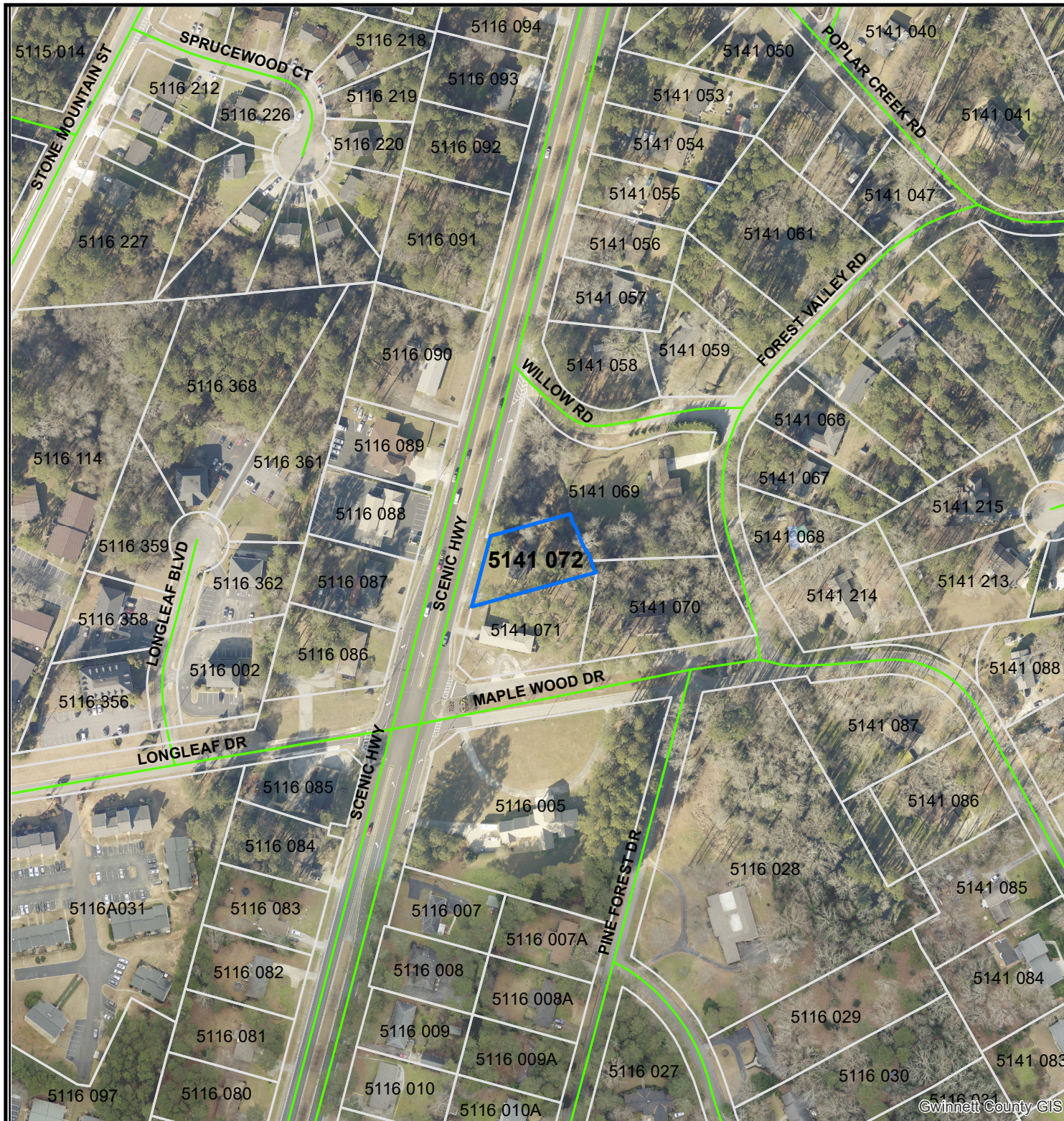
GEORGIA

*The City of Lawrenceville
Planning & Development*

Location Map and Surrounding Zoning

File # RZC2022-00043

Applicant: BB Accounting Services Inc.



☐ Subject Property

☐ Parcels

— City Maintained Streets



0 125 250



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Location Map and Surrounding Zoning

File # RZC2022-00043

Applicant: BB Accounting Services Inc.

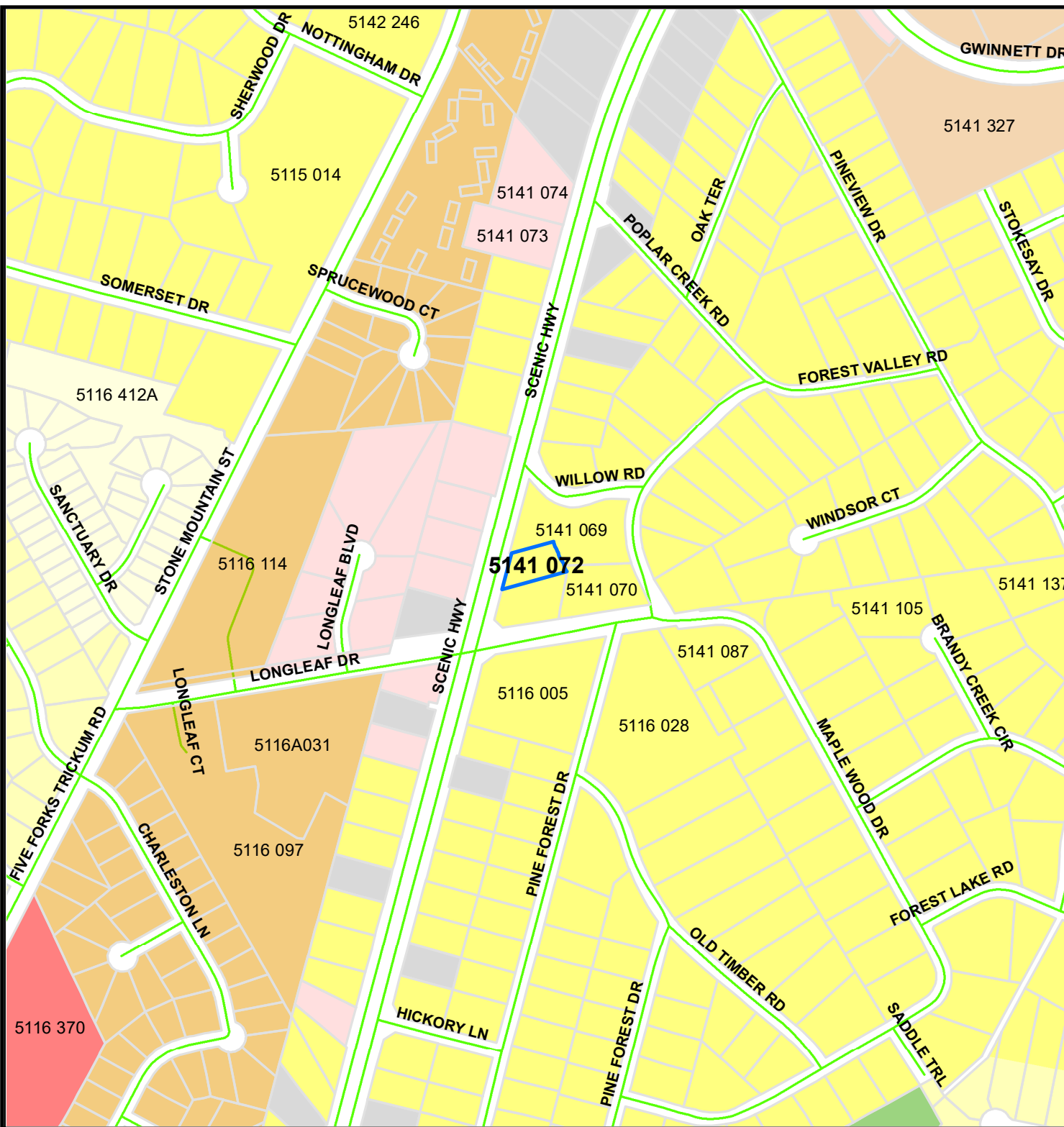
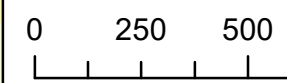
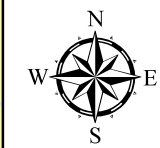
 Subject Property

 Parcels

Zoning Districts

-  RS-60 Single-Family Residential
-  RS-180 Single-Family Residential
-  RS-150 Single-Family Residential
-  RM-8 Townhouse Residential
-  RM-12 Multifamily Residential
-  ON Office/Neighborhood
-  OI Office/Institutional
-  BG General Business
-  AR Agricultural Residential

 City Maintained Streets





LAWRENCEVILLE

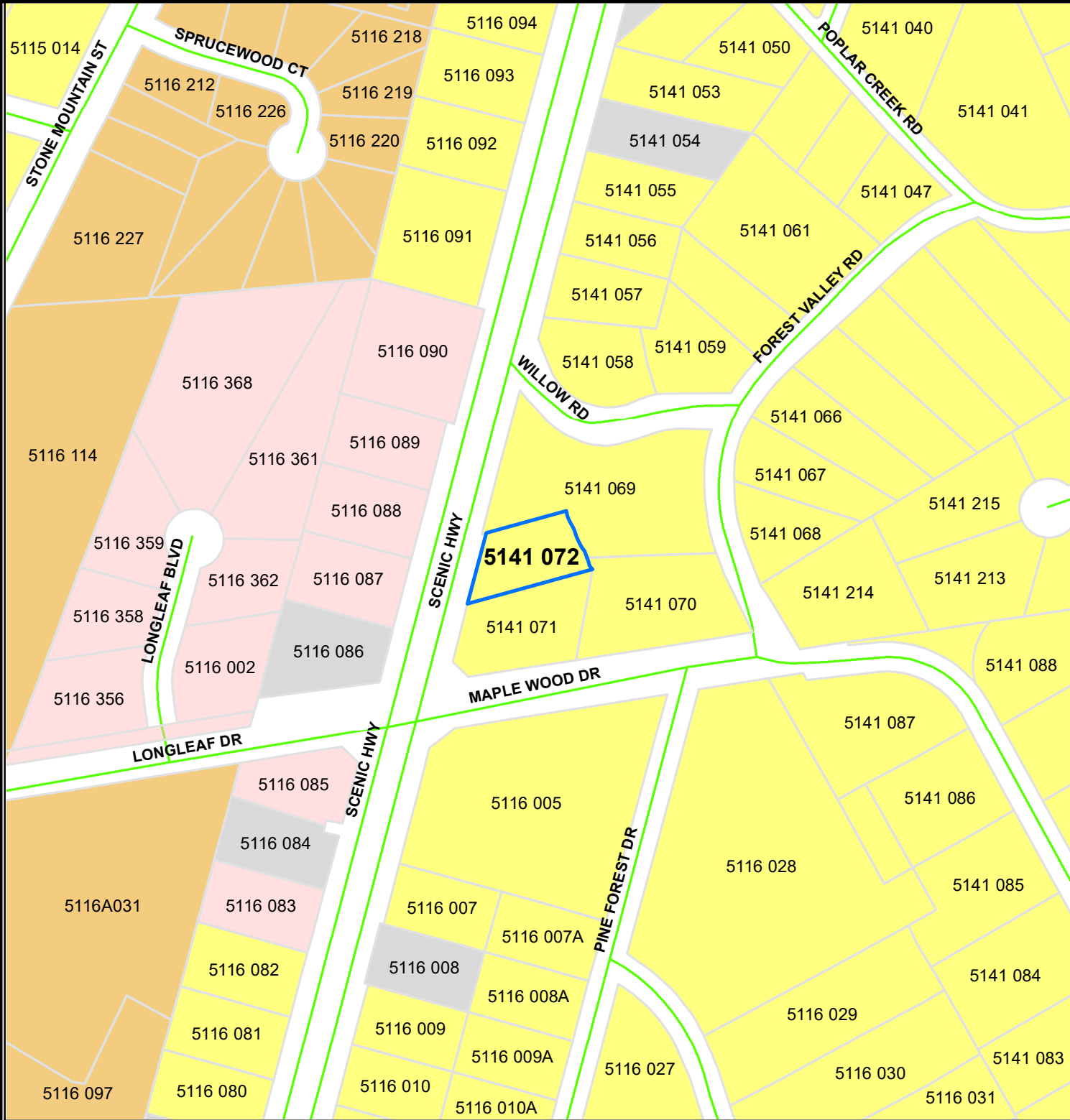
GEORGIA

The City of Lawrenceville
Planning & Development

Location Map and Surrounding Zoning

File # RZC2022-00043

Applicant: BB Accounting Services Inc.



Subject Property

Parcels

Zoning Districts

RS-180 Single-Family Residential

RM-12 Multifamily Residential

ON Office/Neighborhood

OI Office/Institutional

City Maintained Streets



0 125 250



LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: NEW BUSINESS

Item: RZC2022-00044: KRB Investments, Inc.; 142 Oak Street and 288 North Clayton Street

Department: Planning and Development

Date of Meeting: Tuesday, January 3, 2023

Fiscal Impact: None estimated

Presented By: Todd Hargrave, Planning and Development Director

Planning and Development Recommendation: **Approval with Conditions**

Summary: The applicant requests rezoning of the 0.22-acre 142 E Oak Street parcel from RS-150 (Single Family Residential District) to BGC (Central General Business District) and the 0.37-acre 288 N Clayton Street parcel from BGC (Central General Business District) with conditions to BGC (Central General Business District) with no conditions. The subject property is located at the southeastern right-of-way at the intersection of N Clayton Street and E Oak Street.

Fiscal Impact: More detail (Impact on budget, anticipated expenditure, revenues, etc.)

Attachments/Exhibits:

RZC2022-00044_Report
RZC2022-00044_Planning and Development Recommendations
RZC2022-00044_Application V1 and V2
RZC2022-00044_Letter of Intent
RZC2022-00044_Legal Description
RZC2022-00044_Survey
RZC2022-00044_Elevation V1 and V2
RZC2022-00044_Existing conditions

RZC2022-00044_Zoning V1, V2, and V3
RZC2022-00044_Aerial map zoomed
RZC2022-00044_Aerial map
RZC2022-00044_Zoning map zoomed
RZC2022-00044_Zoning map



LAWRENCEVILLE

Planning & Development

CASE NUMBER: RZC2022-00044

APPLICANT: KRB INVESTMENTS, INC

OWNER(S): 142 E OAK ST, LLC & 288 N CLAYTON ST, LLC

CONTACT: JOHNATHAN CHAE – 678-689-5517

CONTACT: BEN MORRIS – 770-522-5195

LOCATION: 142 E OAK ST & 288 N CLAYTON ST

PARCEL ID(S): R5146B060 & R5146B049

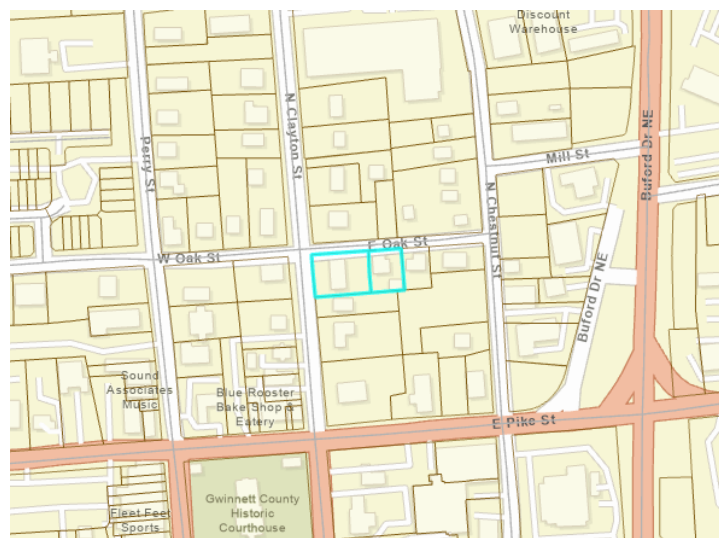
ACREAGE: APPROXIMATELY 0.59 ACRES

ZONING PROPOSAL: REZONE THE SUBJECT PROPERTIES FROM RS-150 (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND BGC (CENTRAL GENERAL BUSINESS DISTRICT - RESTRICTED) TO BGC (CENTRAL GENERAL BUSINESS DISTRICT)

PROPOSED DEVELOPMENT: THREE STORY MIXED USE WITH TWO LEVELS OF UNDERGROUND PARKING

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

VICINITY MAP





LAWRENCEVILLE

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ZONING HISTORY

In 1986, the 142 E Oak St parcel of the subject property was zoned RS-120 (Single-Family Residential District). By 2002, the parcel was rezoned to RS-150 (Single-Family Residential District), pursuant to a city-wide rezoning.

In 1986, the 288 N Clayton parcel of the subject property was zoned BGC (Central General Business District). In 2016, City Council approved RZ-16-05 and the 288 N Clayton parcel of the subject property was rezoned from BGC (Central General Business District) to RS-150 (Single-Family Residential District). In 2020, City Council approved RZC2020-00011, which rezoned the 288 N Clayton parcel of the subject property from RS-150 (Single-Family Residential District) back to BGC (Central General Business District) with conditions.

PROJECT SUMMARY

The applicant requests rezoning of the 0.22-acre 142 E Oak Street parcel from RS-150 (Single-Family Residential District) to BGC (Central General Business District) and the 0.37-acre 288 N Clayton Street parcel from BGC (Central General Business District) with conditions to BGC (Central General Business District) with no conditions. The applicant's request is to allow for a variety of uses commonly associated with the BGC zoning classification, which is intended to preserve the integrity of the historic characteristics of the Downtown Area. The subject property is located at the southeastern right-of-way at the intersection of N Clayton Street and E Oak Street; both parcels are accessed via curb cuts on the south right-of-way of E Oak Street.



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The proposed development consists of a three-story 42,000 square foot building with approximately 5,000 SF of retail on the ground level along N Clayton Street, 16,500 SF of office space on the second story, and 20,500 SF of residential space on the second and third floors. The development includes seventy-eight (78) parking spaces, including an undisclosed number of parking spaces dedicated for electric vehicles. The parking spaces would be distributed between the rear half of the ground floor (18 spaces) and two underground levels dedicated entirely to parking (30 spaces each). With an estimated 120 parking spaces needed for such a development, this would not satisfy the minimum parking and loading requirements of the Zoning Ordinance, Article 5 Parking. As such, variances regarding parking and loading requirements will be necessary.

The submitted site plan shows the proposed installation of a driveway connection and curb cut along E Oak Street. A driveway leads into a parking deck at the rear of the building, with an underground detention tank buried underneath the driveway.

VARIANCE REQUEST

Article 5 Parking, Section 502 Required Off-Street Parking and Loading

<i>Standard</i>	<i>Requirement</i>	<i>Proposal</i>	<i>Recommendation</i>
Min. Spaces Required	<i>120 spaces</i>	<i>78 spaces</i>	<i>Approval</i>

According to the recommended guidelines of the Zoning Ordinance, Article 5 Parking Table 5-3: Number of Off-Street Parking Spaces Required, the proposed development would require an estimated 120 parking spaces. Broken down by land use, 17 spaces from 5,000 SF of retail at 1 per 300 SF GFA, 55 spaces from 16,500 SF of offices at 1 per 300 SF GFA, and 48 spaces from the 12 condo units at 4 spaces per residential unit.

Considering the mixed-use nature of the proposed development and its location within Downtown Lawrenceville, there are several factors that could mitigate its overall parking requirement. Article 5, Section 507 Mixed Use Occupancy describes how mixed use buildings may have a 25% reduction in number of spaces required as long as all parking spaces on site are available for all uses in



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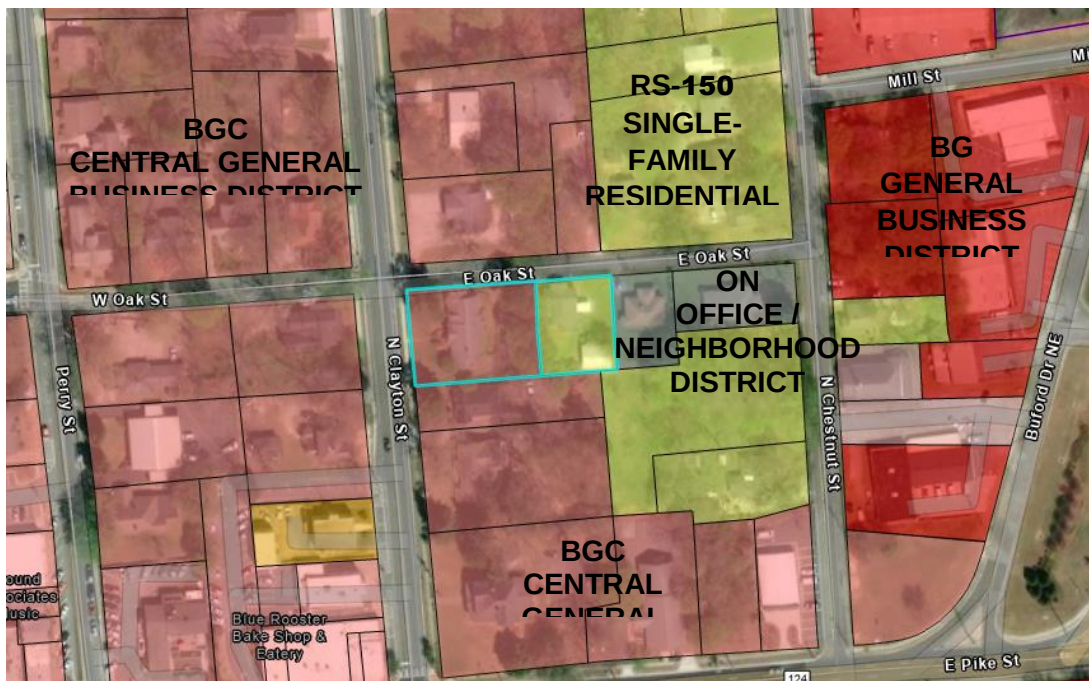
Planning & Development

that building. In addition, Article 5, Section 508 Number of Off-Street Parking Spaces Required - D. Reduction of Spaces states that 50% of off-street parking spaces can be shared between uses that have different peak periods (in this case, offices and residential). Finally, the centralized location and the low average size (approximately 1,700 SF) of the condo units justifies halving the parking requirement to 2 spaces per unit (24 spaces for 12 units). Taking at least two out of the three of these guidelines into account decreases the minimum parking requirement to no more than 72 spaces, under the proposed development's allocation of 78 spaces. In addition, installation of electric vehicle spaces would reduce this requirement further.

SURROUNDING ZONING AND USE

The intersection of N Clayton Street and E Oak Street is an established mixed-use node adjacent to Downtown Lawrenceville. The surrounding neighborhood consists primarily of offices occupying older homes, with the adjacent parcels zoned mostly BGC or ON. There are still some active single-family homes along Chestnut Street to the east, so this proposed rezoning would be consistent with the established zoning and use at this mixed-use node.

CITY OF LAWRENCEVILLE OFFICIAL ZONING MAP





LAWRENCEVILLE

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2040 COMPREHENSIVE PLAN

The City of Lawrenceville 2040 Comprehensive Plan and Future Development Map indicate the subject property is located within the Downtown Character Area. Downtown is the heart of Lawrenceville, both in terms of its location and level of activity. It is the highest-intensity district in terms of its density and mixture of uses, particularly because of its mix of businesses and single-family uses. This Character Area supports a live-work-play lifestyle, with a variety of housing, employment, and entertainment options. As proposed, the request could be consistent with the intent of the 2040 Comprehensive Plan.

LAWRENCEVILLE 2040 COMPREHENSIVE PLAN – FUTURE LAND USE PLAN MAP



STAFF RECOMMENDATION

The request could be another example of consistency with local policies intended to create positive developments throughout the city limits. Therefore, the Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.



LAWRENCEVILLE

Planning & Development

3.

CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS:

ENGINEERING DEPARTMENT

No comment

PUBLIC WORKS

No comment

ELECTRIC DEPARTMENT

No comment

GAS DEPARTMENT

No comment

DAMAGE PREVENTION DEPARTMENT

No comment

CODE ENFORCEMENT

No comment

STREET AND SANITATION DEPARTMENT

The proposal does not provide plans for a dumpster. The applicant shall provide a dumpster enclosure with a minimum of 14- feet wide opening.



LAWRENCEVILLE

Planning & Development

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

1. **Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

The immediate surrounding area predominately consist of a mix of commercial/office/residential uses and zoning. A mixed use development with a wide range of uses could be suitable in view of the uses and zoning of adjacent and nearby property.

2. **Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

The zoning proposal would not adversely affect the existing uses and zoning of adjacent or nearby properties. The plan is consistent with the policies of the City of Lawrenceville.

3. **Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned;**

The property has a reasonable economic use as currently zoned.

4. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

Impacts on public facilities would be anticipated in the form of traffic, utility demand, stormwater runoff and schools; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning.

5. **Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;**

Policies of the City recognize redevelopment opportunities present throughout the city limits. The Downtown Character Area is anticipated to be a high-intensity mixed use district that could benefit from the “halo effect” of high-quality projects such as this as well as other developments that are already happening nearby.

6. **Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal;**



LAWRENCEVILLE

Planning & Development

The existing commercial/residential parcels are underutilized due to the restrictive nature of the current RS-150 and (restricted) BGC zoning classifications. Allowing an expanded list of permitted uses could be consistent with the established development and zoning pattern in the immediate area.

PLANNING AND DEVELOPMENT

RECOMMENDED CONDITIONS_12212022

RZC2022-00044

Approval of a rezoning to BGC (Central General Business District), subject to the following enumerated conditions:

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

A. Mixed-use building with residential condominiums, professional offices, and retail.

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

- i. Adult Entertainment Facility
- ii. Auction House
- iii. Automobile Accessories Sales and Installation
- iv. Automobile Body Repair, Painting or Rebuilding
- v. Automobile Broker
- vi. Automobile Manufacturing Plant
- vii. Automobile, Truck or Vehicle Storage Lot (excl. junk/wrecked vehicles)
- viii. Automobile Parts Store (with/without installation)
- ix. Automobile Repair and Maintenance (Principal Use)
- x. Automobile Sales or Auction and Related Service (indoor/outdoor sales)
- xi. Automobile Wash (Carwash)
- xii. Bail Bonding
- xiii. Building Materials Sales (indoors/outdoors)
- xiv. Depot / Passenger Terminal (bus or rail)
- xv. Dollar or Variety Store

- xvi. Garden Supply Center
- xvii. Hookah/Vapor Bar or Lounge
- xviii. Machine Shop
- xix. Maintenance Shop (fleet vehicles)
- xx. Motorcycle and Personal Watercraft Sales and Related Service
- xxi. Motorcycle and Personal Watercraft Service and Repair
- xxii. Motorcycle Parts, Accessories and Apparel Store
- xxiii. Pawn Shop
- xxiv. Smoke or Novelty Shop
- xxv. Tobacco or Novelty Shop
- xxvi. Tattoo and Body Piercing
- xxvii. Title Loan Facility

B. The minimum heated floor area per dwelling unit shall be 1,708 square feet for the condominiums.

C. The façade, rear, and side elevations of the building shall be designed and constructed consisting of four (4) sides of brick. The final design shall be subject to the review and approval of the Director of the Planning and Development Department.

D. Access to the subject property shall be extended via an existing curb cut along the southern right-of-way of Oak Street at or near the northwest portion of the property. The final design shall be subject to the review and approval of the Director of the Planning and Development Department.

2. To satisfy the following site development considerations:

A. Maintain or provide a five (5) foot concrete sidewalk adjacent to the right-North Clayton Street right-of-way and Oak Street.

B. Natural vegetation shall remain on the property until the issuance of a development permit.

C. A centralized dumpster shall be provided; weather be service through the

city or a trash compactor.

D. Provide a loading dock in the first floor.

E. Any utility relocations shall be the responsibility of the developer.

3. To satisfy minimum parking requirements, the following variance is granted:

A. A variance from the Zoning Ordinance, Article 5 Parking, Section 502 Required Off-Street Parking and Loading to allow for a reduction of minimum parking spaces required, from 120 to 78 spaces.



LAWRENCEVILLE

GEORGIA

REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>KRB INVESTMENTS, INC</u>	NAME: <u>142 E Oak St, LLC</u>
ADDRESS: <u>465 DACULA RD</u>	ADDRESS: <u>142 E Oak St.</u>
CITY: <u>Dacula</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30019</u>	STATE: <u>GA</u> ZIP: <u>30046</u>
CONTACT PERSON: <u>BEN MORRIS</u> PHONE: <u>770-522-5195</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>RS-150</u> REQUESTED ZONING DISTRICT: <u>BGC</u>	
PARCEL NUMBER(S): <u>5146B 060</u> ACREAGE: <u>9144 SF (.21 ACRES)</u>	
ADDRESS OF PROPERTY: <u>142 (E) OAK ST, LAWRENCEVILLE, 30046</u>	

[Signature] 5/4/22
SIGNATURE OF APPLICANT DATE

[Signature] May 5, 2022
SIGNATURE OF OWNER DATE

JEFF TERRY
TYPED OR PRINTED NAME

by Genice Chae, Member May 5, 2022
TYPED OR PRINTED NAME



5/4/22
DATE



5/4/22 5/5/22
DATE

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



LAWRENCEVILLE

GEORGIA

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? _____ Y/N

If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? _____ Y/N

If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions/gifts.



LAWRENCEVILLE

GEORGIA

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF LAWRENCEVILLE PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note:** A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

PARCEL I.D. NUMBER:

(Map Reference Number)

District

Land Lot

Parcel

R5146 B 060

Signature of Applicant

Date

5/4/22

JEFF TEEMS / PRES.

Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONER'S OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONER'S USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

JMSuffe

NAME

TSA

TITLE

7/18/22

DATE



LAWRENCEVILLE

GEORGIA

REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>KRB INVESTMENTS, INC.</u>	NAME: <u>288 N Clayton St, LLC</u>
ADDRESS: <u>465 DACULA RD.</u>	ADDRESS: <u>288 N Clayton St.</u>
CITY: <u>LAWRENCEVILLE</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30043</u>	STATE: <u>GA</u> ZIP: <u>30046</u>
CONTACT PERSON: <u>BEN MORRIS</u> PHONE: <u>770-522-5195</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>BGC (Restricted)</u> REQUESTED ZONING DISTRICT: <u>BGC</u>	
PARCEL NUMBER(S): <u>5146B 049</u> ACREAGE: <u>.31 Acre</u>	
ADDRESS OF PROPERTY: <u>288 N. CLAYTON ST</u>	

[Signature] 5/5/22
SIGNATURE OF APPLICANT DATE

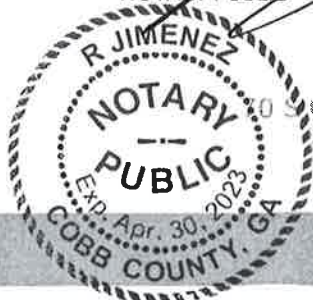
[Signature] May 5, 2022
SIGNATURE OF OWNER DATE

Jeff Tegms - Pres.
TYPED OR PRINTED NAME

by Johnathan Chae, Manager May 5, 2022
TYPED OR PRINTED NAME

[Signature] 5/5/22
NOTARY PUBLIC DATE

[Signature] 5/5/22
NOTARY PUBLIC DATE



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



LAWRENCEVILLE

GEORGIA

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? _____ Y/N

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NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? _____ Y/N

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NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)

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288



LAWRENCEVILLE

GEORGIA

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF LAWRENCEVILLE PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

PARCEL I.D. NUMBER:

(Map Reference Number)

District

Land Lot

Parcel

R5146B 049

Signature of Applicant

Date

5/5/22

Type or Print Name and Title

Jeff Teems

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONER'S OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONER'S USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Justin Duffie

NAME

TSA

TITLE

7/18/22

DATE



To whom it may concern:

We are applying for a re-zoning at 142 E Oak Street from RS-150 to BCG. For the property at 208 N Clayton, we are seeking to have the restrictions removed from the BCG zoning. The purpose of these 2 changes is to get 1 project on the property. Our plan is to build 100% Professional office space in this project as discussed with the mayor and staff. We intend to preserve the architectural consistency of the downtown area with our project.

Please let me know if you require any more information from me.

Sincerely

Jeffrey Teems

404-216-7143

C. Duration. The Company's term shall commence upon the filing of an Articles of Organization and all other such necessary materials with the state of Georgia. The Company will operate until terminated as outlined in this Agreement unless:

1. The Members vote unanimously to dissolve the Company;
2. No Member of the Company exists, unless the business of the Company is continued in a manner permitted by Georgia law;
3. It becomes unlawful for either the Members or the Company to continue in business;
4. A judicial decree is entered that dissolves the Company; or
5. Any other event results in the dissolution of the Company under federal or Georgia law.

III. Members.

A. Members. The Members of the Company (jointly the "Members") and their Membership Interest in the same at the time of adoption of this Agreement are as follows:

Kevin Emile Clark, 22.5%

Renee Jean Clark, 22.5%

Harry Daniel Parker, 10%

Wonsa Real Estate, LLC, 45%

B. Initial Contribution. Each Member shall make an Initial Contribution to the Company. The Initial Contributions of each shall be as described in Attachment A, Initial Contributions of the Members.

No Member shall be entitled to interest on their Initial Contribution. Except as expressly provided by this Agreement, or as required by law, no Member shall have any right to demand or receive the return of their Initial Contribution. Any modifications as to the signatories' respective rights as to the receipt of their initial contributions must be set forth in writing signed by all interested parties.

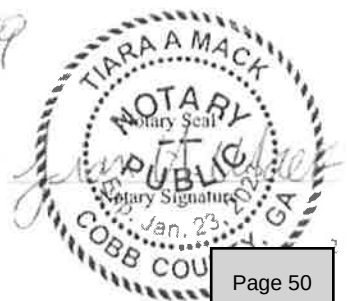
C. Limited Liability of the Members. Except as otherwise provided for in this Agreement or otherwise required by Georgia law, no Member shall be personally liable for any acts, debts, liabilities or obligations of the Company beyond their respective Initial Contribution, including

Sign Kevin E. Clark Date 8/23/19
Kevin Emile Clark

Sign Renee S. Clark Date 8/23/19
Renee Jean Clark

Sign Harry Daniel Parker Date 8/23/2019
Harry Daniel Parker

Sign Johnathan Chae Date 8/23/2019
Johnathan Chae, Manager, Wonsa Real Estate, LLC





LAWRENCEVILLE

GEORGIA

REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>KRB INVESTMENTS, INC.</u>	NAME: <u>288 N Clayton St, LLC</u>
ADDRESS: <u>465 DACULA RD.</u>	ADDRESS: <u>288 N Clayton St.</u>
CITY: <u>LAWRENCEVILLE</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30043</u>	STATE: <u>GA</u> ZIP: <u>30046</u>
CONTACT PERSON: <u>BEN MORRIS</u> PHONE: <u>770-522-5195</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>BGC (Restricted)</u> REQUESTED ZONING DISTRICT: <u>BGC</u>	
PARCEL NUMBER(S): <u>5146B 049</u> ACREAGE: <u>.31 Acre</u>	
ADDRESS OF PROPERTY: <u>288 N. CLAYTON ST</u>	

[Signature] 5/5/22
SIGNATURE OF APPLICANT DATE

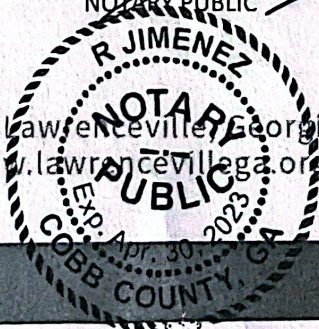
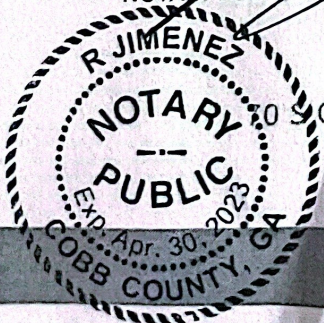
[Signature] May 5, 2022
SIGNATURE OF OWNER DATE

Jeff Teems - Pres.
TYPED OR PRINTED NAME

by Johnathan Chae, Manager May 5, 2022
TYPED OR PRINTED NAME

[Signature] 5/5/22
NOTARY PUBLIC DATE

[Signature] 5/5/22
NOTARY PUBLIC DATE



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

142 Oak Street
0.202 Acres

All that tract or parcel of land lying and being in the Land Lot 146 of the 5th Land District, City of Lawrenceville, Gwinnett County, Georgia and being more particularly described as follows;

To find the True Point of Beginning, commence at the intersection of the easterly right of way of North Clayton Street (60' right of way) and the southerly right of way of Oak Street (30' right of way); THENCE traveling on said southerly right of way of Oak Street North 86 Degrees 45 Minutes 15 Seconds East for a distance of 144.14 feet to a point, said point marked by a 1 inch open top pipe found, said point being THE TRUE POINT OF BEGINNING.

THENCE from said point as thus established, traveling on said southerly right of way of Oak Street North 86 Degrees 07 Minutes 34 Seconds East for a distance of 84.44 feet to a point, said point marked by a ½ inch rebar pin set; THENCE leaving said right of way and traveling South 04 Degrees 08 Minutes 31 Seconds East for a distance of 104.38 feet to a point, said point marked by a ½ inch rebar pin set; THENCE South 85 Degrees 09 Minutes 33 Seconds West for a distance of 83.00 feet to a point, said point marked by a 1 inch open top pipe found; THENCE traveling North 04 Degrees 55 Minutes 29 Seconds West for a distance of 105.79 feet to a point on the southerly right of way of Oak Street (30' right of way), said point marked by a 1 inch open top pipe found, said point being THE TRUE POINT OF BEGINNING.

Said property contains 0.202 Acres.

C. Duration. The Company's term shall commence upon the filing of an Articles of Organization and all other such necessary materials with the state of Georgia. The Company will operate until terminated as outlined in this Agreement unless:

1. The Members vote unanimously to dissolve the Company;
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Renee Jean Clark, 22.5%

Harry Daniel Parker, 10%

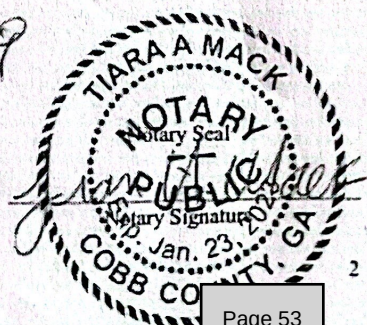
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Kevin E. Clark Date 8/23/19 Sign Renee J. Clark Date 8/23/19
 Kevin Emile Clark Renee Jean Clark
 Harry Daniel Parker Date 8/23/2019 Sign Johnathan Chae Date 8/23/2019
 Harry Daniel Parker Johnathan Chae, Manager, Wonsa Real Estate, LLC





LAWRENCEVILLE

GEORGIA

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? Y/N

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LAWRENCEVILLE

GEORGIA

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

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*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

PARCEL I.D. NUMBER:

(Map Reference Number)

District

Land Lot

Parcel

R5146 B 060

Signature of Applicant

Date

5/4/22

Type or Print Name and Title

JEFF TEEMS / PRES.

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONER'S OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONER'S USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

JMSuffe

NAME

TSA

TITLE

7/18/22

DATE



LAWRENCEVILLE

GEORGIA

REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>KRB INVESTMENTS, INC</u>	NAME: <u>142 E Oak St, LLC</u>
ADDRESS: <u>465 DACULA RD</u>	ADDRESS: <u>142 E Oak St.</u>
CITY: <u>Dacula</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30019</u>	STATE: <u>GA</u> ZIP: <u>30046</u>
CONTACT PERSON: <u>BEN MORRIS</u> PHONE: <u>770-522-5195</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): RS-150 REQUESTED ZONING DISTRICT: BGC

PARCEL NUMBER(S): 5146B 060 ACREAGE: 9144 SF (.21 ACRES)

ADDRESS OF PROPERTY: 142 (E) OAK ST, LAWRENCEVILLE, 30046

SIGNATURE OF APPLICANT

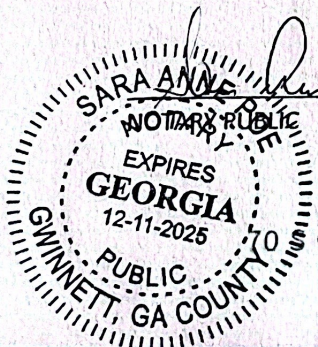
DATE

SIGNATURE OF OWNER

DATE

TYPED OR PRINTED NAME

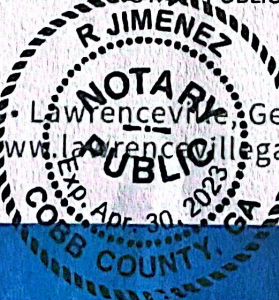
TYPED OR PRINTED NAME



DATE

NOTARY PUBLIC

DATE



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



LAWRENCEVILLE

GEORGIA

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)

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LAWRENCEVILLE

GEORGIA

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*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

PARCEL I.D. NUMBER:

(Map Reference Number)

District

Land Lot

Parcel

R5146B 049

Signature of Applicant

Date

5/5/22

Type or Print Name and Title

Jeff Teems

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONER'S OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONER'S USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

NAME

TITLE

DATE

7/18/22

TSA

288 North Clayton Street
0.362 Acres

All that tract or parcel of land lying and being in the Land Lot 146 of the 5th Land District, City of Lawrenceville, Gwinnett County, Georgia and being more particularly described as follows;

To find the True Point of Beginning, commence at the intersection of the easterly right of way of North Clayton Street (60' right of way) and the southerly right of way of Oak Street (30' right of way), said point being **THE TRUE POINT OF BEGINNING**.

THENCE from said point as thus established, traveling on said southerly right of way of Oak Street North 86 Degrees 45 Minutes 15 Seconds East for a distance of 144.14 feet to a point, said point marked by a 1 inch open top pipe found; **THENCE** leaving said right of way and traveling South 04 Degrees 55 Minutes 29 Seconds East for a distance of 105.79 feet to a point, said point marked by a 1 inch open top pipe found; **THENCE** South 83 Degrees 26 Minutes 03 Seconds West for a distance of 142.69 feet to a point on the easterly right of way of North Clayton Street (60' right of way), said point marked by a ½ inch rebar pin set; **THENCE** traveling on said right of way North 05 Degrees 39 Minutes 06 Seconds West for a distance of 114.11 feet to a point, said point being **THE TRUE POINT OF BEGINNING**.

Said property contains 0.362 Acres.

LETTER OF INTENT REZONING APPLICATION

142 E OAK STREET
288 N CLAYTON STREET

This Letter of Intent is supplemental to the Rezoning Application for the Real Property located at 142 E Oak Street, Lawrenceville, GA 30046 and the request to remove the Zoning Restrictions placed on 288 N Clayton Street, Lawrenceville, GA 30046 during the Rezoning Hearing back in year 2020. Our intent is to Rezone the property located at 142 E Oak Street from RS-150 to BGC. For the property located at 288 N Clayton Street, we are seeking to have the restrictions removed from the BGC zoning. The purpose of these two changes is to build one building on the two combined properties. Our plan is to construct a Mixed-Use Building with Residential Condos, Professional Office, and Experiential Retail (High-End Coffee Bar—Dining Establishment—Winery—Financial Institution). Our intent is to preserve the Architectural Integrity and Consistency of the Downtown Area with our Development.

The sketch on the Civil Engineer's Site Plan provided shows surface-level parking. However, the Professional Office and Residential Condo components as described below would be built on the second and third floors of the building, which are above the parking level.

Our intent is to build two levels of underground parking, with the back half of the surface level of the building away from North Clayton Street acting as a third level of parking (TOTAL PARKING SPACES: about 85), and the front half fronting North Clayton Street allocated for experiential retail establishments, such as a high-end coffee bar-restaurant-winery, and/or possibly a financial institution (a bank), with all retail on the surface-level totaling approximately 2,500 - 3,000 SF.

The second floor would be predominantly Professional Office, with perhaps two or three residential condo units which are approximately 1,300 - 2,000 SF per unit.

The third floor would be comprised entirely of Residential Condo Units. There shall be approximately twelve Residential Condo Units on the third floor which are approximately 1,000 - 2,000 SF per unit.

The footprint of the building is 18,500 SF, so each floor would be 18,500 SF, totaling approximately 40,000 SF of heated, in-door space (surface-level only includes about 3,000 SF of heated, in-door space, with the rest of the space allocated for parking). We also intend to designate certain parking spaces for electrical charging stations.

Please contact me to address any additional questions and/or concerns.

Johnathan Chae
(678) 689-5517

288 North Clayton Street
0.362 Acres

All that tract or parcel of land lying and being in the Land Lot 146 of the 5th Land District, City of Lawrenceville, Gwinnett County, Georgia and being more particularly described as follows;

To find the True Point of Beginning, commence at the intersection of the easterly right of way of North Clayton Street (60' right of way) and the southerly right of way of Oak Street (30' right of way), said point being THE TRUE POINT OF BEGINNING.

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Said property contains 0.362 Acres.

142 Oak Street
0.202 Acres

All that tract or parcel of land lying and being in the Land Lot 146 of the 5th Land District, City of Lawrenceville, Gwinnett County, Georgia and being more particularly described as follows;

To find the True Point of Beginning, commence at the intersection of the easterly right of way of North Clayton Street (60' right of way) and the southerly right of way of Oak Street (30' right of way); THENCE traveling on said southerly right of way of Oak Street North 86 Degrees 45 Minutes 15 Seconds East for a distance of 144.14 feet to a point, said point marked by a 1 inch open top pipe found, said point being THE TRUE POINT OF BEGINNING.

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Said property contains 0.202 Acres.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

142 OAK STREET- 0.202 ACRES/8,800 SQ. FT.
288 NORTH CLAYTON STREET- 0.362 ACRES/15,766 SQ. FT.
TOTAL- 0.564 ACRES/24,566 SQ. FT.

GEORGIA PREMIER LAND SERVICES, INC. IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.

THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.



NO PORTION OF SUBJECT PROPERTY LIES WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA AS DEPICTED BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY PER F.I.R.M. PANEL NO. 13135C0074F, DATED SEPTEMBER 29, 2006.

A TOPCON ES-105 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 30,146 FEET AND AN ANGULAR ERROR OF 01" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

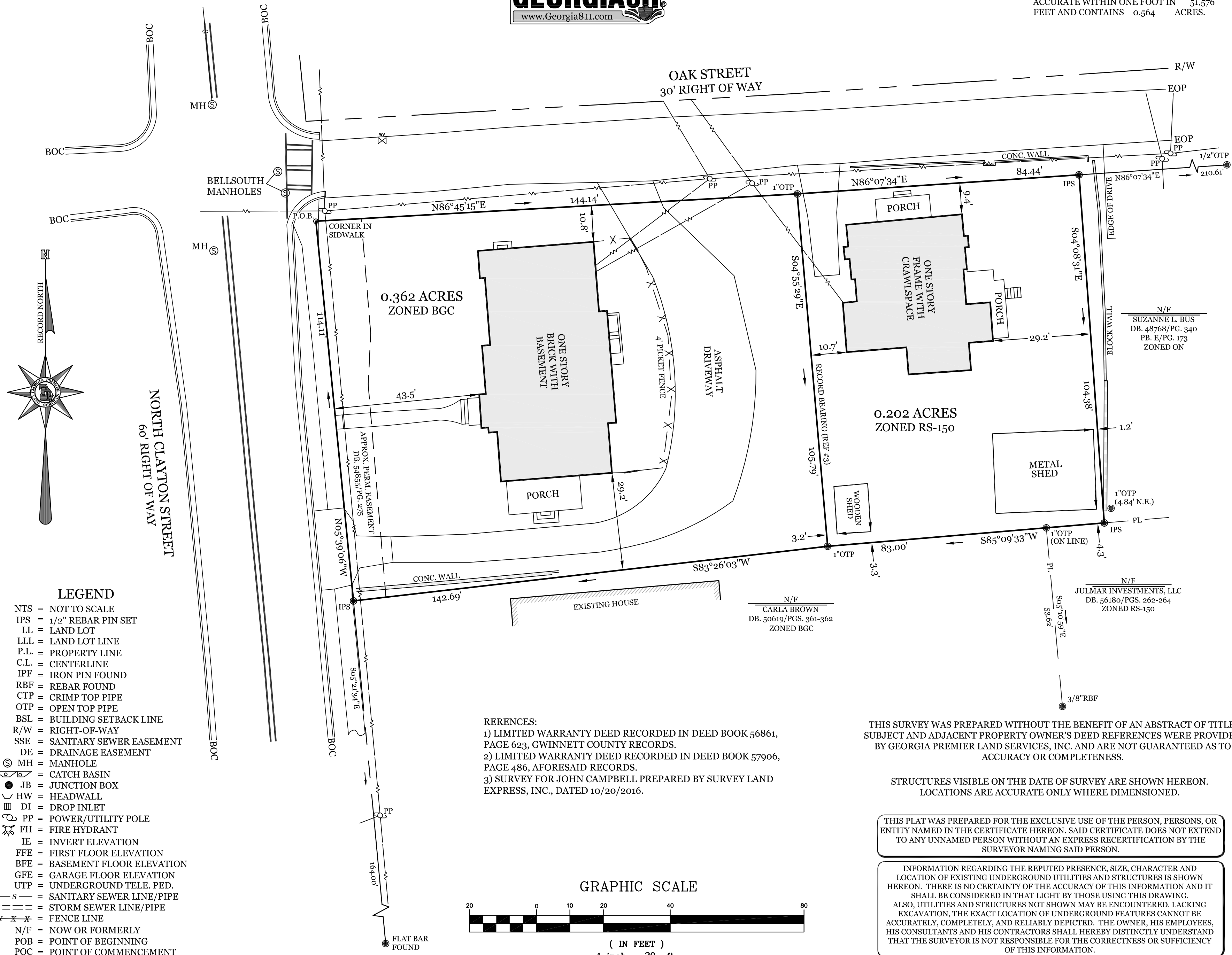
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 51,576 FEET AND CONTAINS 0.564 ACRES.

LOCATED IN THE CITY LIMITS OF LAWRENCEVILLE

RETRACEMENT SURVEY FOR:

PARAMOUNT REALTY GROUP
142 OAK STREET
288 NORTH CLAYTON STREET

Sheet No.	1 of 1
Date:	07/01/2022
Land Lot:	146
District:	5th
County:	GWINNETT, GEORGIA
Project:	22190
Drawn By:	BS/AS



GEORGIA PREMIER LAND SERVICES, INC.
PROFESSIONAL LAND SURVEYING
3010 HAMILTON MILL ROAD
BUFORD, GEORGIA 30519
(770) 614-3004 FAX (770) 614-3956
LAND SURVEY FIRM COA #1177



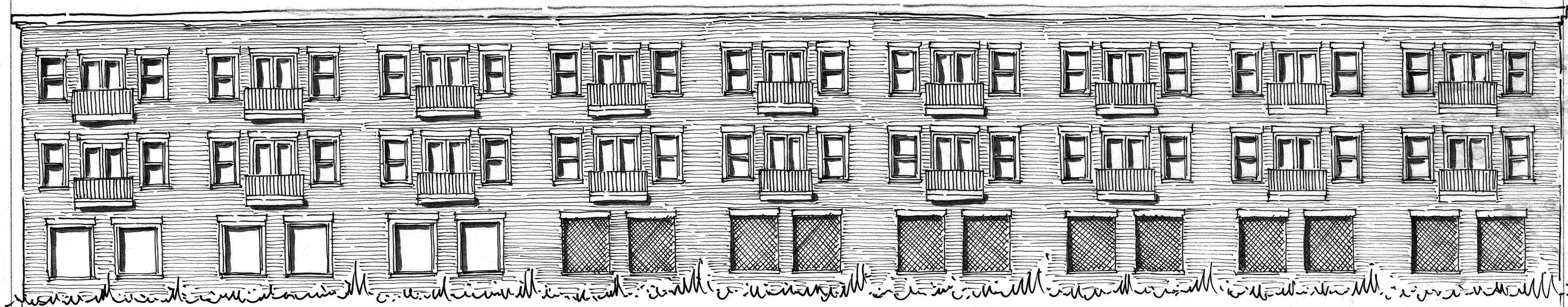
RETAIL & OFFICE STOREFRONT

GARCIA
residential design
1701 HEIGHTS CIRCLE KENNESAW GA 30152
TEL: (678) 735-2176
WWW.GARCIARESIDENTIALDESIGN.COM

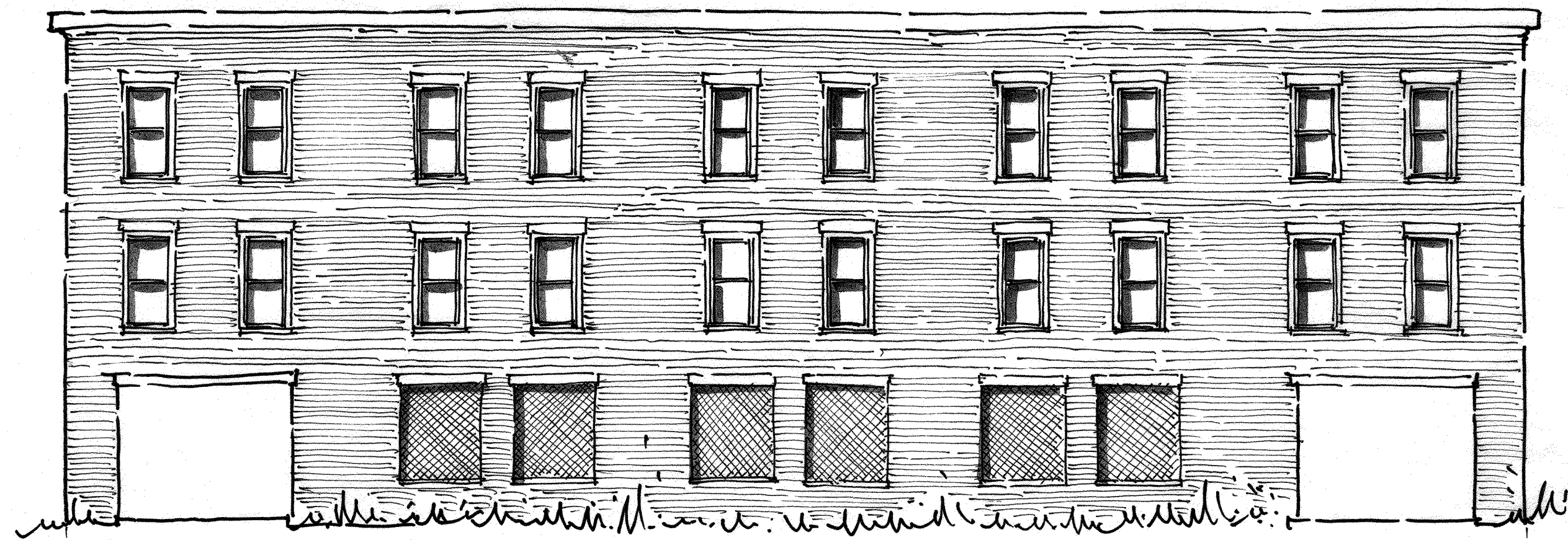




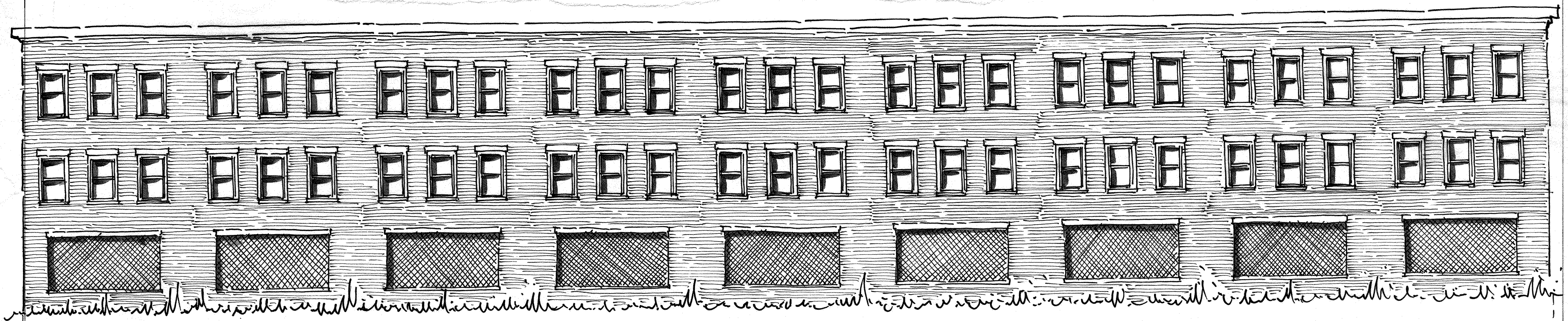
N. CLAYTON STREET ELEVATION



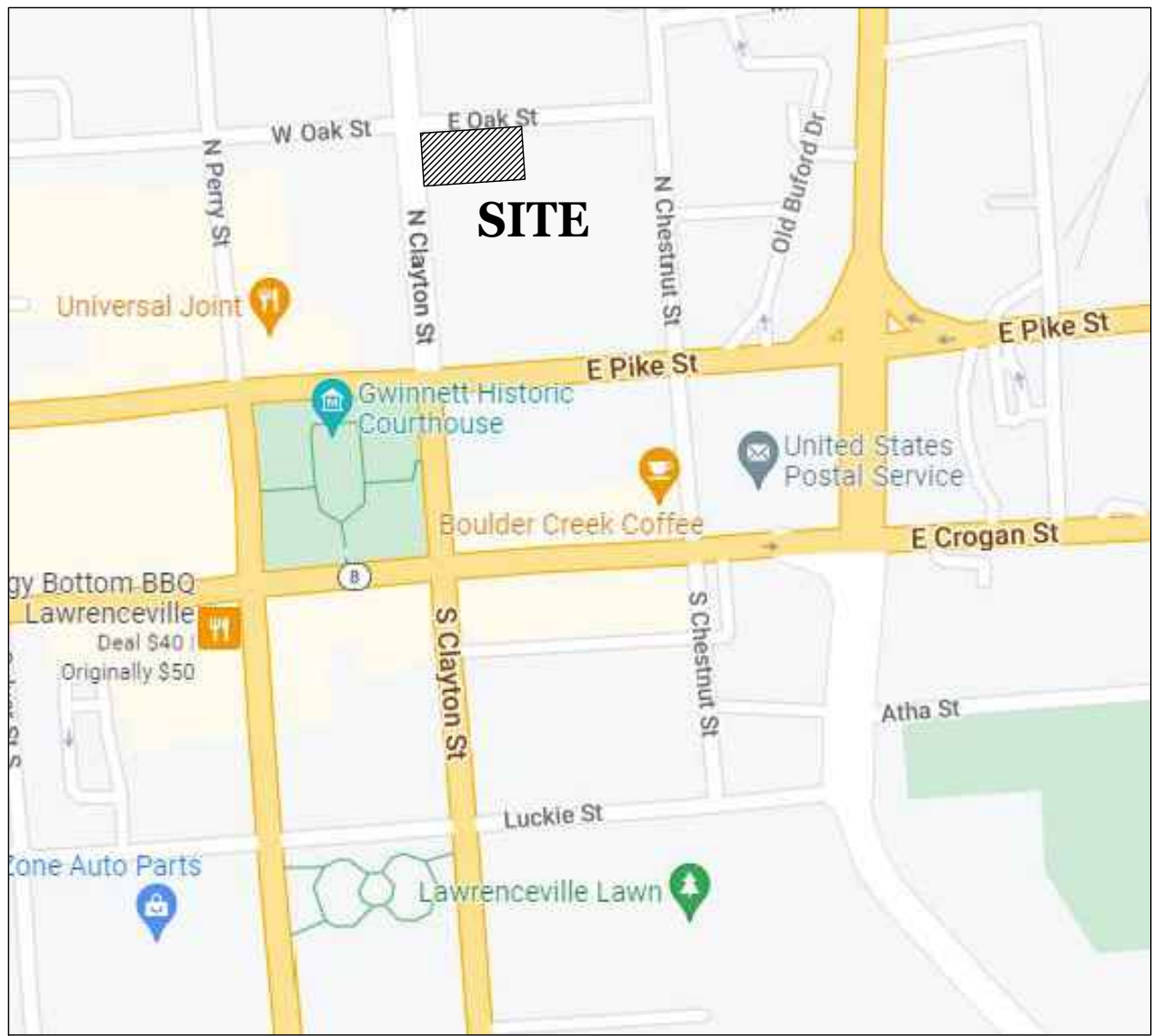
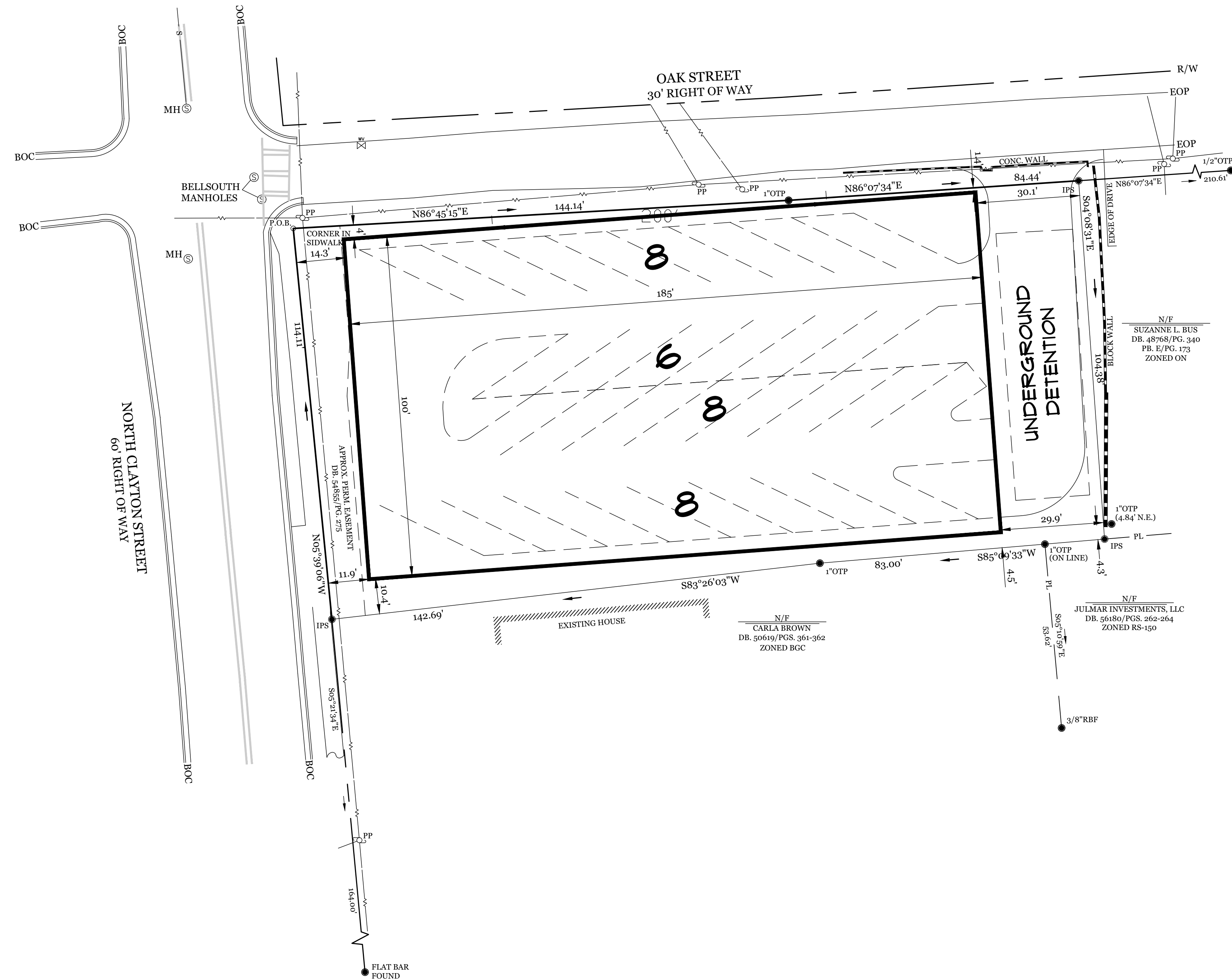
RIGHT SIDE ELEVATION



REAR ELEVATION



EAST OAK STREET ELEVATION



LOCATION MAP
NTS

SUMMARY
 PARCELS: 5146B 049 & 5146B 060

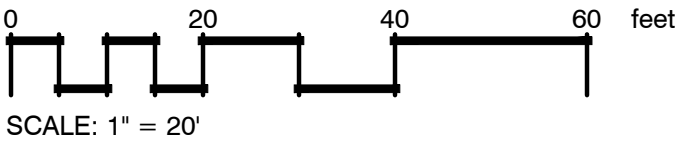
CURRENT ZONING: BCG & R9150
PROPOSED ZONING: BCG
GROSS AREA: +/- 0.564 ACRES

PROPOSED USES:
 55 - RESIDENTIAL UNITS (MIN. 800 SQFT)
 3 - 1,200 SQFT COMMERCIAL/RETAIL SPACES

MAX BUILDING HEIGHT: 40 FEET

PROPOSED PARKING:
 30- ONSITE SPACES PROVIDED.

SEE SURVEY FOR EXISTING SITE CONDITIONS



SIGNED / SEALED

GSWCC CERTIFICATION
NO. 0000035391

PREPARED FOR

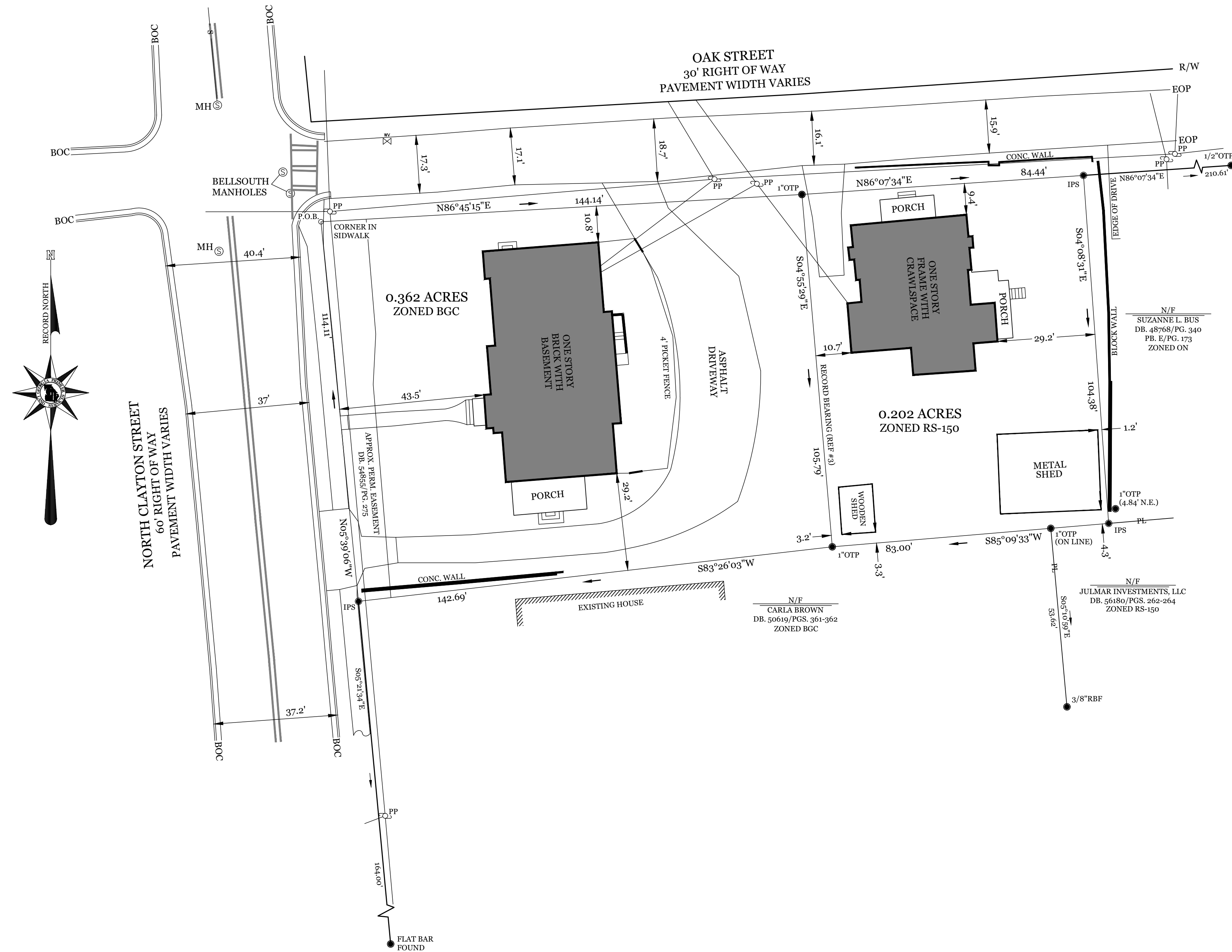
288 N CLAYTON STREET
and
142 OAK STREET
CITY OF LAWRENCEVILLE
GWINNETT COUNTY, GEORGIA

RIDGELINE
LAND PLANNING, INC.
196 BELAIRE COURT WINDER, GA 30680
PH: 678-618-2037
HOLT@RIDGELINELANDPLANNING.COM

ZONING
CONCEPT
PLAN
SHEET TITLE

DATE	NO	REVISION	DESIGNED BY: HHP	SCALE	NA
			DRAWN BY: HHP		1
			CHECKED BY: HHP		SHEET
			DATE: 7/5/2022		JOB NO.

142 OAK STREET- 0.202 ACRES/8,800 SQ. FT.
288 NORTH CLAYTON STREET- 0.362 ACRES/15,766 SQ. FT.
TOTAL- 0.564 ACRES/24,566 SQ. FT.

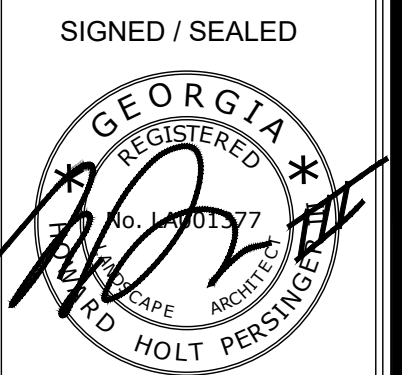
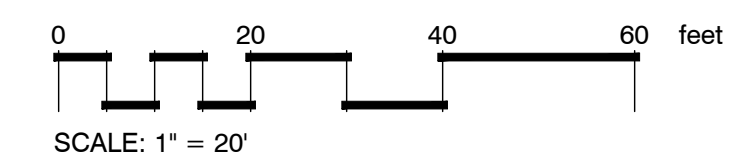


LOCATION MAP
NTS

SUMMARY
PARCELS:
5146B 049
288 NORTH CLAYTON
5146B 060
142 OAK STREET

NO STREAMS OR STREAM BUFFERS
EXIST ONSITE

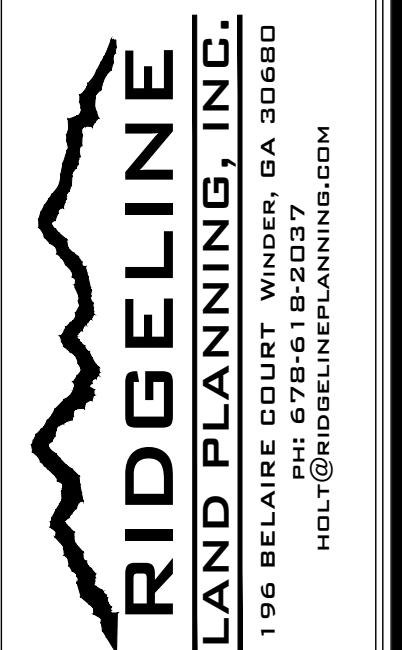
THIS SITE DOES NOT LIE IN A FLOOD HAZARD
ZONE PER FEMA FIRM PANELS 13135C0074F
EFFECTIVE 09/29/2006 AND 13135C0089F
EFFECTIVE 09/29/2006



GSWCC CERTIFICATION
NO. 0000035391

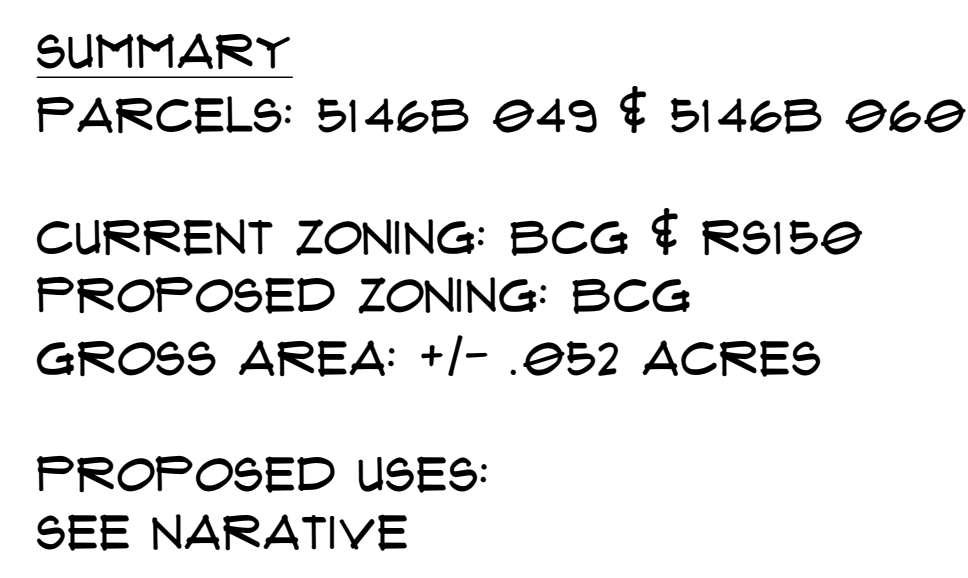
PREPARED FOR

288 N CLAYTON STREET
and
142 OAK STREET
CITY OF LAWRENCEVILLE
GWINNETT COUNTY, GEORGIA

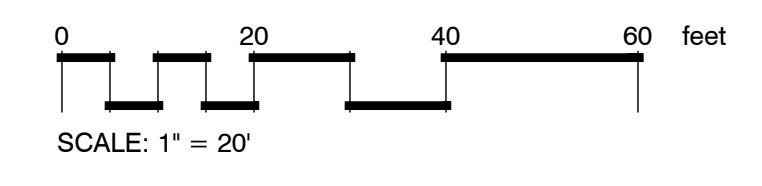


EXISTING
CONDITIONS
PLAN
SHEET TITLE

DATE	NO	REVISION
DESIGNED BY:	HHP	SCALE: NA
DRAWN BY:	HHP	1
CHECKED BY:	HHP	SHEET
DATE:	7/30/2022	JOB NO.:



THE FOOTPRINT OF THE BUILDING IS 18,500 SF, SO EACH FLOOR WOULD BE 18,500 SF, TOTALING APPROXIMATELY 40,000 SF OF HEATED, IN-DOOR SPACE (SURFACE-LEVEL ONLY INCLUDES ABOUT 3,000 SF OF HEATED, IN-DOOR SPACE).



SIGNED / SEALED



GSWCC CERTIFICATION
NO. 0000035391

PREPARED FOR

288 N CLAYTON STREET
and
142 OAK STREET
CITY OF LAWRENCEVILLE
GWINNETT COUNTY, GEORGIA

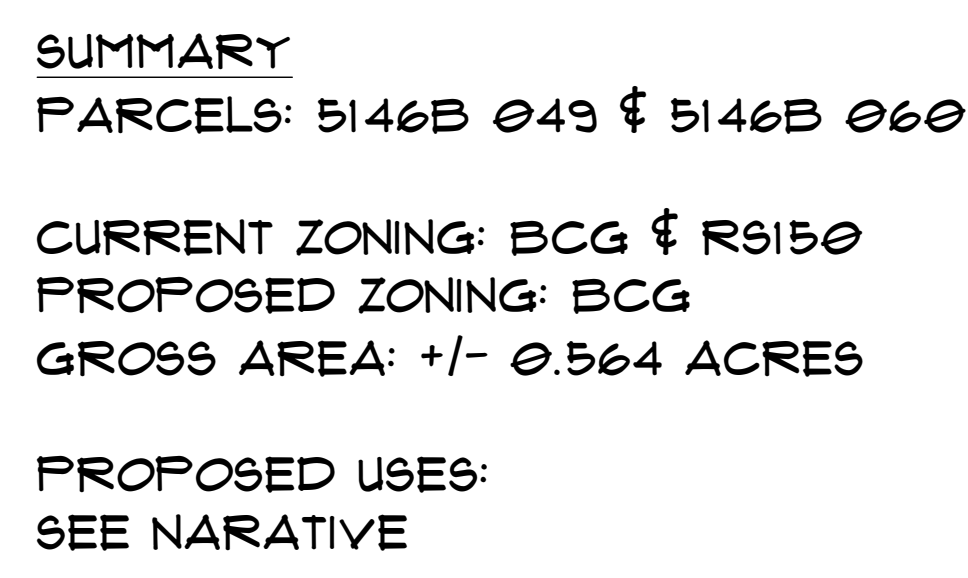
**RIDGELINE**
LAND PLANNING, INC.
196 BELAIRE COURT WINDER, GA 30680
PH: 678-618-2037
HOLY@RIDGELINEPLANNING.COM

**ZONING
CONCEPT
PLAN**

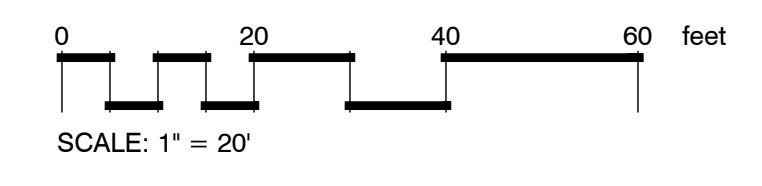
SHEET TITLE

DATE	NO	REVISION
11/4/2022	1	ADDED NARRATIVE
11/18/2022	1	REVISED NARRATIVE

DESIGNED BY: HHP	SCALE: NA
DRAWN BY: HHP	1
CHECKED BY: HHP	SHEET
DATE: 5/5/2022	JOB NO:



THE FOOTPRINT OF THE BUILDING IS 18,500 SF, SO EACH FLOOR WOULD BE 18,500 SF, TOTALING APPROXIMATELY 40,000 SF OF HEATED, IN-DOOR SPACE (SURFACE-LEVEL ONLY INCLUDES ABOUT 3,000 SF OF HEATED, IN-DOOR SPACE).



SIGNED / SEALED

GEORGIA

REGISTERED

PROFESSIONAL ENGINEER

NO. 14001377

STATE OF GEORGIA

EXPIRATION DATE 06/30/2024

R.D. HOLT PERSHING



GSWCC CERTIFICATION
NO. 0000035391

PREPARED FOR

288 N CLAYTON STREET
and
142 OAK STREET

CITY OF LAWRENCEVILLE
GWINNETT COUNTY, GEORGIA



RIDGELINE

LAND PLANNING, INC.

196 BELAIRE COURT WINDER, GA 30680

PH: 678-618-2037

HOLT@RIDGELINEPLANNING.COM

ZONING
CONCEPT
PLAN

SHEET TITLE

DATE	NO	REVISION
11/4/2022	1	ADDED NARRATIVE
11/18/2022	1	REVISED NARRATIVE
DESIGNED BY: HHP		SCALE: NA
DRAWN BY: HHP		1
CHECKED BY: HHP		SHEET
DATE: 5/5/2022		JOB NO:



LAWRENCEVILLE

GEORGIA

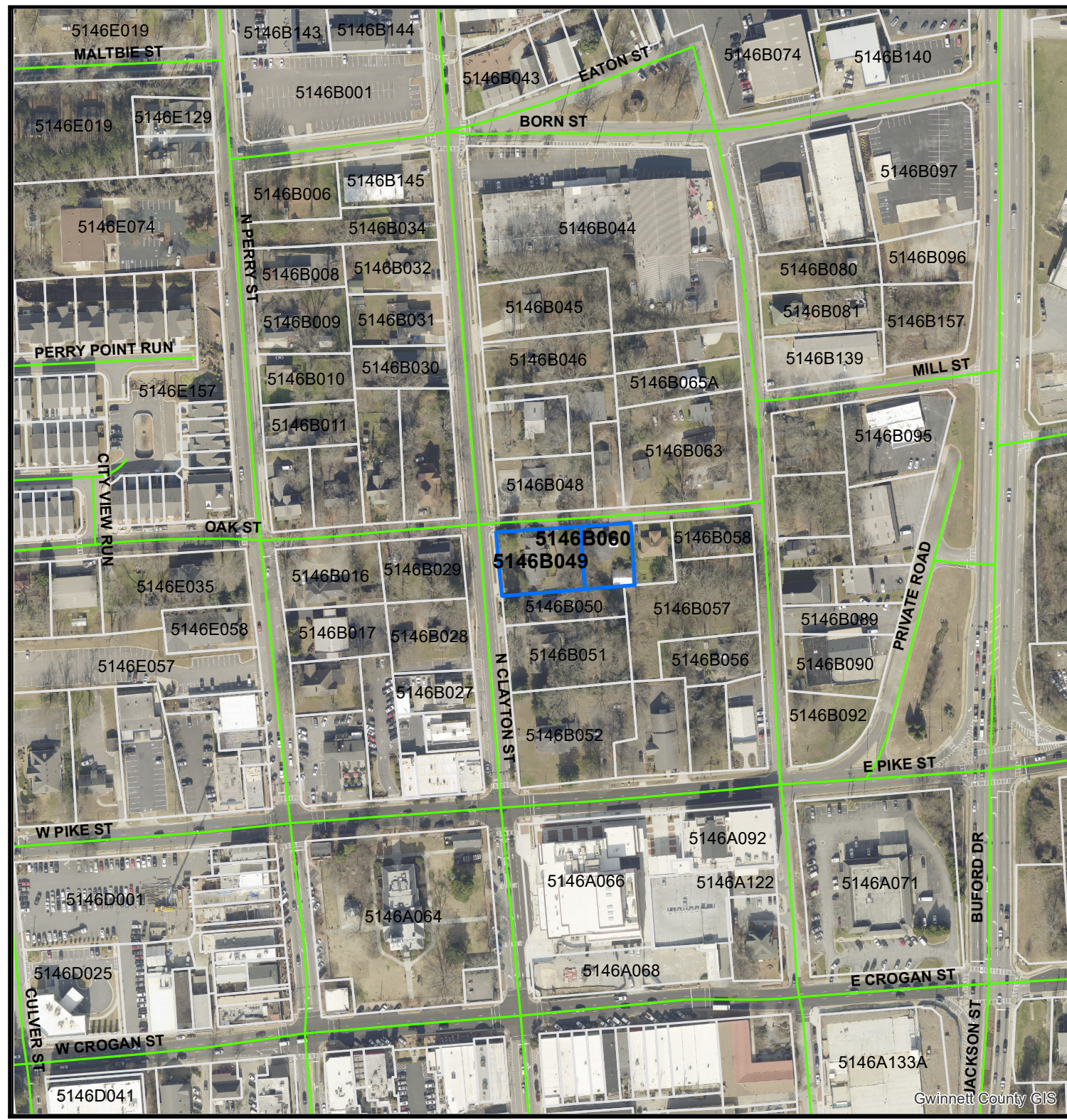
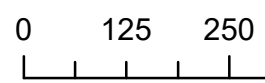
*The City of Lawrenceville
Planning & Development*

Location Map and Surrounding Zoning

File # RZC2022-00044

Applicant: KRB Investments, Inc.

-  Subject Property
-  Parcels
-  City Maintained Streets





LAWRENCEVILLE

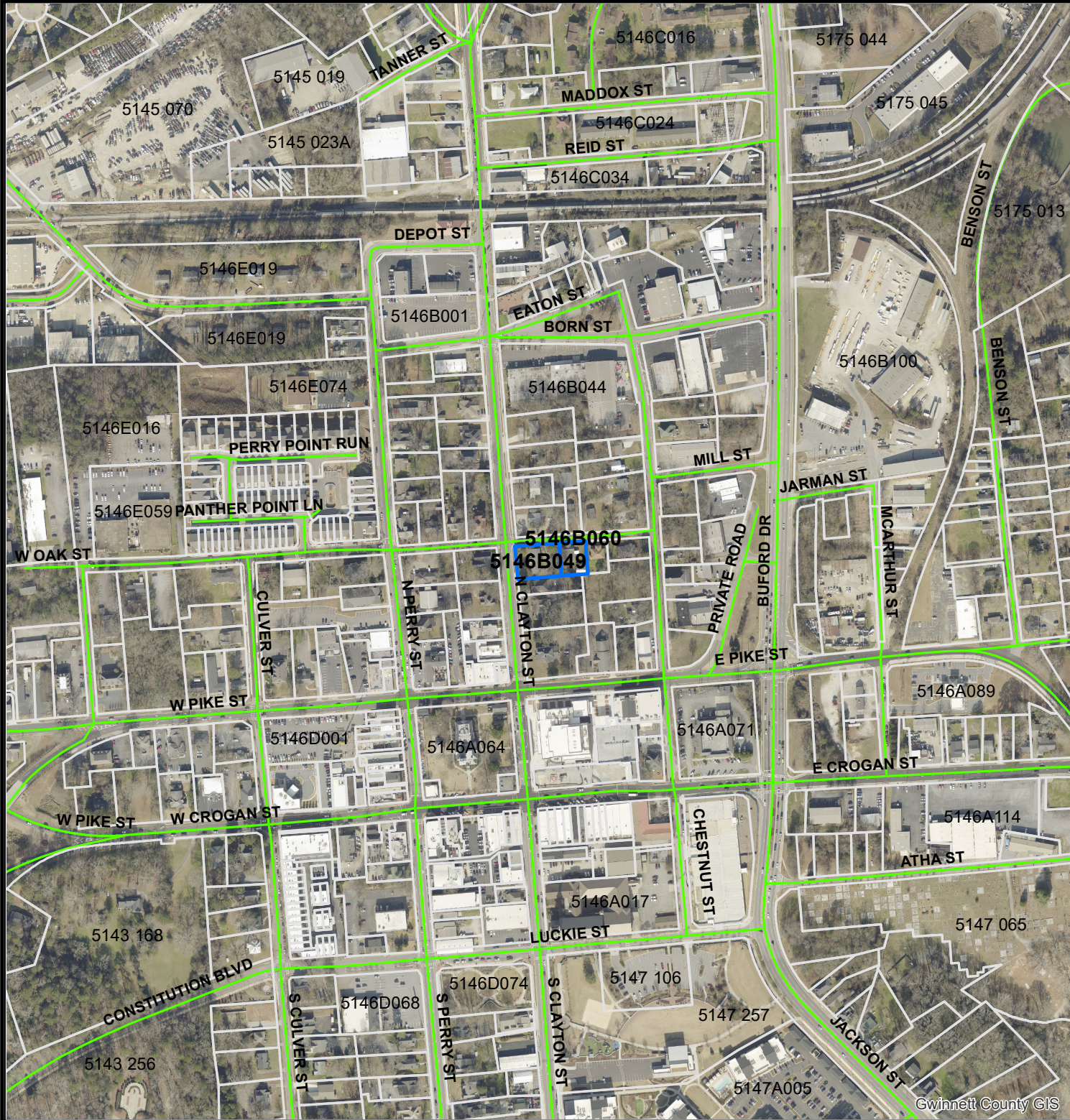
GEORGIA

The City of Lawrenceville
Planning & Development

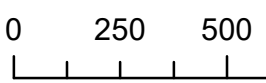
Location Map and Surrounding Zoning

File # RZC2022-00044

Applicant: KRB Investments, Inc.



-  Subject Property
-  Parcels
-  City Maintained Streets





LAWRENCEVILLE

GEORGIA

The City of Lawrenceville
Planning & Development

Location Map and Surrounding Zoning

File # RZC2022-00044

Applicant: KRB Investments, Inc.

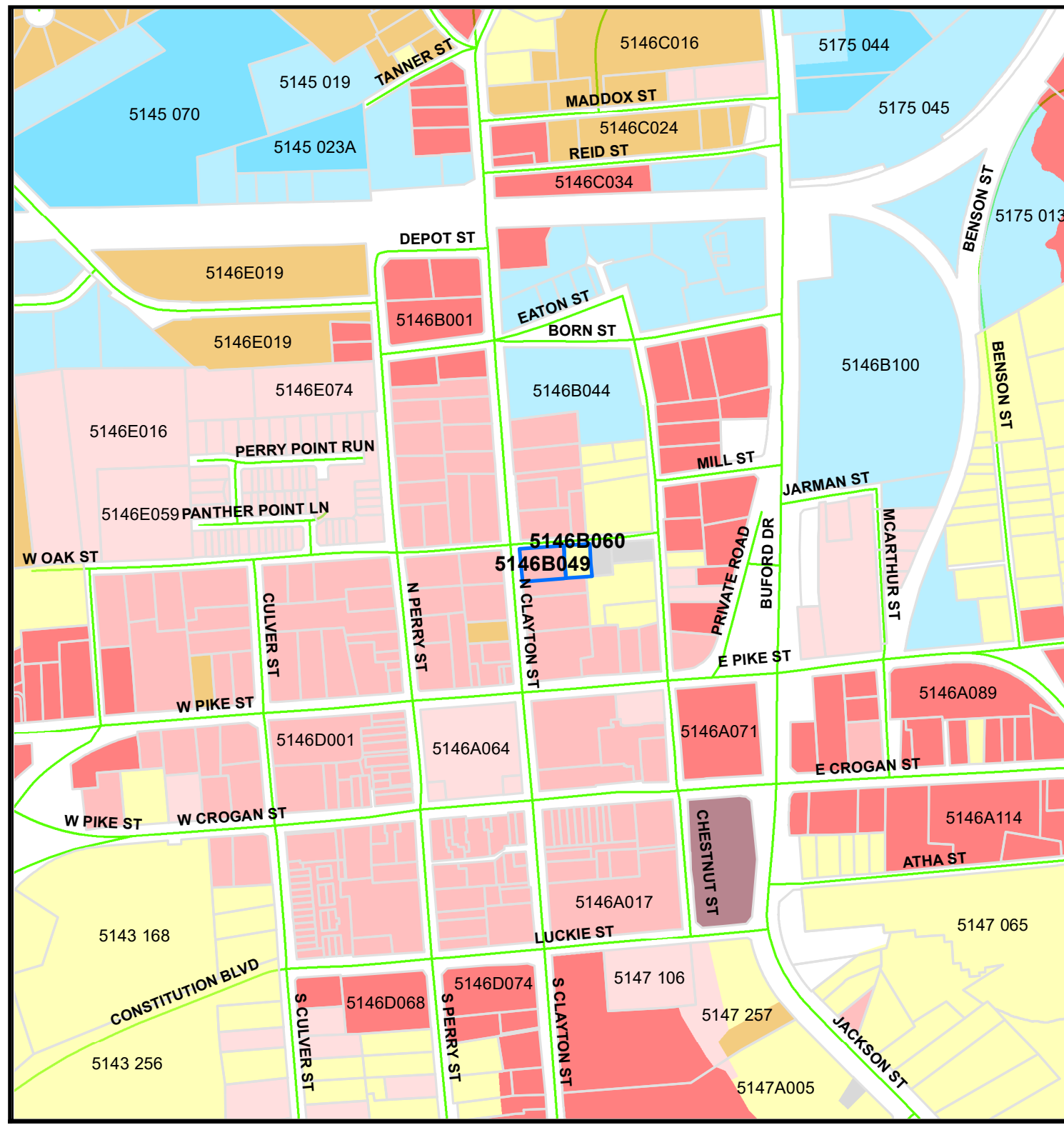
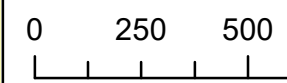
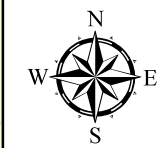
Subject Property

Parcels

Zoning Districts

- RS-150 Single-Family Residential
- RM-12 Multifamily Residential
- ON Office/Neighborhood
- OI Office/Institutional
- LM Light Manufacturing
- HSB Highway Service Business
- HM Heavy Manufacturing
- BGC Central General Business
- BG General Business

City Maintained Streets





LAWRENCEVILLE

GEORGIA

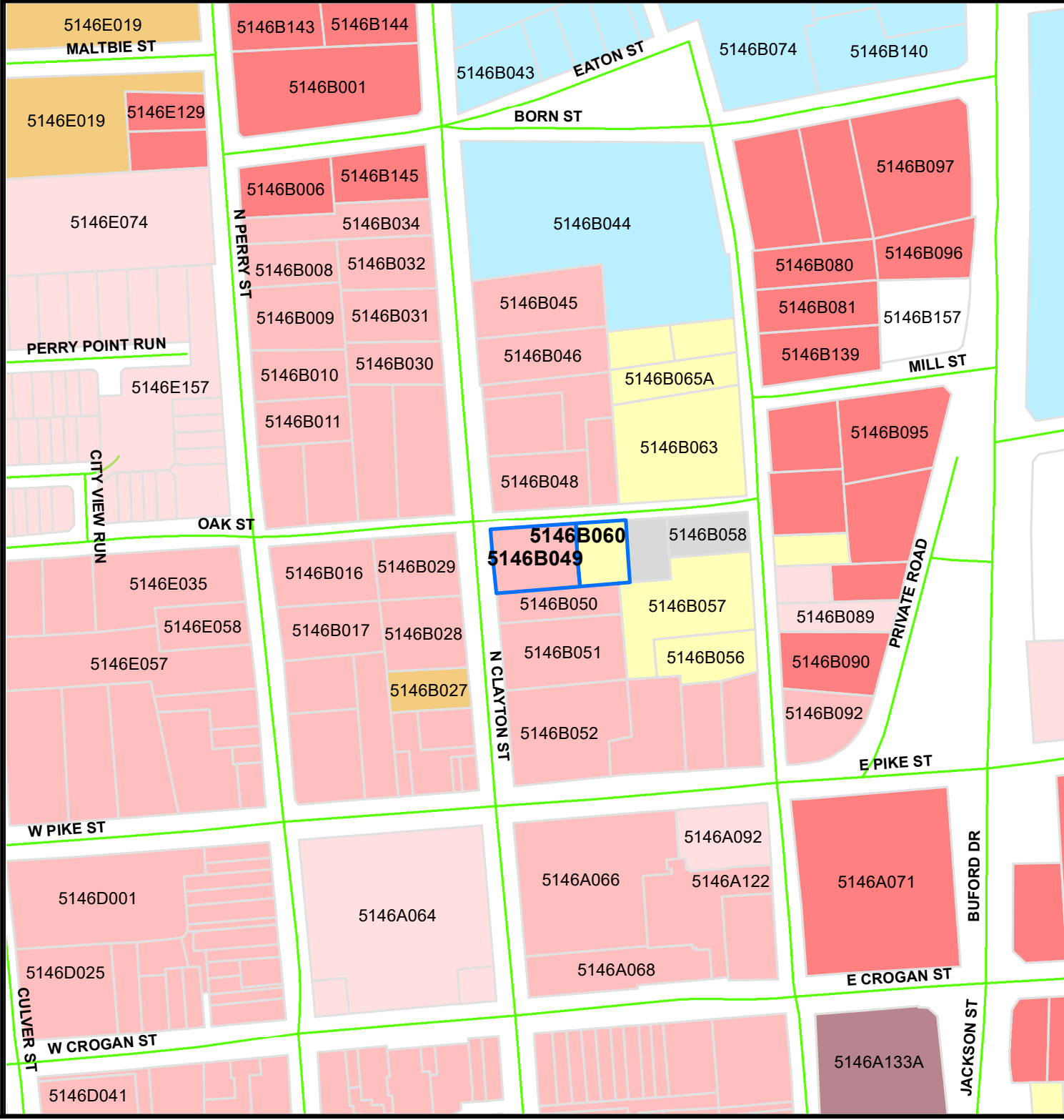
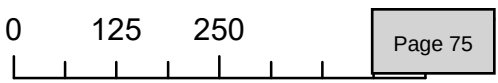
The City of Lawrenceville
Planning & Development

Location Map and Surrounding Zoning

File # RZC2022-00044

Applicant: KRB Investments, Inc.

- Subject Property
- Parcels
- Zoning Districts**
 - RS-150 Single-Family Residential
 - RM-12 Multifamily Residential
 - ON Office/Neighborhood
 - OI Office/Institutional
 - LM Light Manufacturing
 - HSB Highway Service Business
 - BGC Central General Business
 - BG General Business
- City Maintained Streets





LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: NEW BUSINESS

Item: RZM2022-00013 & SUP2022-00075; GTD Partners, LLC c/o Andersen Tate & Carr; 800 Block Grayson Highway

Department: Planning and Development

Date of Meeting: Tuesday, January 3, 2023

Applicant Request: To rezone the subject property from BG (General Business District) to RM-8 (Townhouse Residential District), along with a Special Use Permit to allow seventy-three (73) front entry townhouse units.

Presented By: Todd Hargrave, Director of Planning and Development Department

Department Recommendation: **Denial**

Planning Commission Recommendation: **Tabled to Tuesday, January 3, 2022, Planning Commission Public Hearing.**

Summary: The applicant requests the rezoning of an approximately 14.00-acre property, zoned RS-150 (Single-Family Residential District), to RM-8 (Townhouse Residential District) to allow an attached rear-entry townhouse development. The subject property is located along the eastern right-of-way of Grayson Highway, just north of its intersection with Kubol Drive. The property is undeveloped.

Attachments/Exhibits:

- RZM2022-00013_MUNICODE_09122022
- RZM2022-00013_RPRT_09122022
- RZM2022-00013_P&D RECO COND_09122022
- RZM2022-00013_SITE PLN_09062022
- RZM2022-00013_BNDY SRVY_09062022

- RZM2022-00013_LEGAL_09062022
- RZR2022-00011_LOI_02022
- RZR2022-00011_APP_07182022
- RZR2022-00011_ELEV_07072022
- PDZonedMap_RZR2022-00011
- PDZoneMapAerial_RZR2022-00011
- PDZoneMapAerial_RZR2022-00011_5000FT

CITY OF LAWRENCEVILLE
PLANNING AND DEVELOPMENT DEPARTMENT
REZONING

CASE NUMBER:	RZM2022-00013 & SUP2022-00075
APPLICANT:	GTD PARTNERS, LLC, C/O ANDERSEN TATE & CARR
CONTACT:	MELODY A. GLOUTON, ESQ.
PHONE NUMBER:	770.822.0900
LOCATION:	800 BLOCK OF GRAYSON HIGHWAY
PARCEL ID:	R5140 368 & R5149 001
ACREAGE:	11.78
ZONING PROPOSAL:	BG (GENERAL BUSINESS DISTRICT) TO RM-8 (TOWNHOUSE RESIDENTIAL DISTRICT)
PROPOSED DEVELOPMENT:	73-UNIT TOWNHOUSE DEVELOPMENT WITH SPECIAL USE PERMIT TO ALLOW FRONT-ENTRY UNITS
DEPARTMENT RECOMMENDATION:	DENIAL

ZONING HISTORY:

The property has been zoned BG (General Business District) since 1985.

PROJECT DATA

The applicant requests the rezoning of an approximately 11.78-acre property, zoned BG, to RM-8 (Townhouse Residential District) to allow a townhouse development consisting of front-entry units. The subject property is located along the eastern right-of-way of Grayson Highway, between its intersections with Simonton Road and Park Place Drive. The property is undeveloped, consisting of streams, wetlands, and woods.

The applicant is proposing to develop the property with seventy-three (73) front-entry townhouse units, resulting in a density of 6.19 Units Per Acre (UPA). The

proposed townhouse units consist of two stories, three bedrooms; ranging in size from 1,600 to 1,800 square feet. The submitted materials reflecting the proposed exterior architectural treatments are not necessarily consistent Section 102.5.D. Architectural Standards requiring alternating roof types, brick or stone facades and elevations, and outdoor living space (porch). Therefore, a variance will be required for relief from this portion of the minimum requirements and standards applying to the RM-8 zoning classification.

The plan includes the required external forty (40) foot Front Yard Setback adjacent to Grayson Highway and the required external twenty (20) foot Rear and Side Yard Setback along the eastern, southern and northern property lines. In addition, a fifty (50) foot Undisturbed Buffer is proposed along the eastern property line adjacent to single-family properties and developments zoned RS-180 (Single-Family Residential District). As proposed, the plan appears to satisfy the intent of the RM-8 zoning classification applying to Lot Development Standards and Buffer requirements.

The plan includes the installation of a private drive consisting of a street width of twenty-four (24) feet, which includes the required two (2) foot curb and gutter. In addition, the townhouse units would be setback from the required curb and gutter a distance of twenty-seven (27) feet. City regulations require Private Access Drive/Easement to be a minimum of fifty (50) feet in width, consisting of a twenty-four (24) foot roadway as measured from back-of-curb to back-of-curb. The installation of Private Access Drives is limited to “special problems created as a result of necessary unusual platting configuration, or as a result of special physical features, the property could not otherwise be developed”. As proposed, the lot configuration, streams, and wetlands may be considered unusual that may have special features hindering the development of the property. Therefore, the installation of a Private Access Drive could be considered permissible if designed and installed to the minimum standard. Alternatives to the rule or, as proposed, the development will require the approval of a variance.

The concept plan shows concrete sidewalks along portions of the proposed Utility & Access Easement or Private Road, as well as improvements to an existing concrete sidewalk along Grayson Highway. Although required by code, the installation of sidewalks along a Utility & Access Easement or Private Road could be considered as a burden rather than a luxury. The initial cost, installation, routine maintenance and potential repairs of underground utilities within Utility Access Easements or Private Roads could be considered as being cost prohibitive

to local utility providers and the public. Therefore, a variance will be required to waive the installation of sidewalks along the required Utility & Access Easements or Private Road only.

Access to the proposed development would be extended via a proposed curb cut aligned with the Crane Drive found along the western right-of-way of Grayson Highway. Improvements associated with the proposed curb cut would include a deceleration lane and the installation of sidewalk improvements along the eastern right-of-way of Grayson Highway.

The surrounding area is characterized by commercial/retail and residential uses. Immediately adjacent to the north is the Lawrenceville Village shopping center zoned BG. Immediately to the east are residential uses consisting of Chatham Woods and Trail's End single-family subdivisions zoned RS-180 (Single-Family Residential District). Immediately to the south is a BG zoned commercial/retail use occupied by turf management company Top Turf. To the west, across Grayson Highway located in unincorporated Gwinnett County are the Lockridge and Oakdale Woods single-family subdivisions zoned R-75 (Single-Family Residential District). As proposed, the plan to develop the site with seventy-three (73) townhouse units may not be consistent with the established development and zoning pattern in the immediate area.

The City of Lawrenceville 2040 Comprehensive Plan and Future Development Map indicate the subject property is located within the Neighborhood Mixed Use Character Area. The intent of the Character Area is to provide a center for local services that is walkable from nearby residential areas. In some instances, these local services could be mixed with medium density housing such as townhouses, small scale apartment buildings or perhaps a compatible single-family residential zoning classification. Although Neighborhood Mixed Use areas are predominantly on major roadways, they should be walkable and have strong pedestrian and bicycle connections to nearby residential areas. The emphasis should be on connections to the surrounding neighborhoods, rather than density and fast access onto and off arterial roadways. As proposed, the plan lacks significant details relating to policies of the 2040 Comprehensive Plan (i.e. connection, service). Therefore, to benefit from the "halo effect" it may be appropriate to consider a plan focusing on providing a variety of single-family detached dwellings to balance and improve the commercial component of the surrounding area.

As proposed, the plan would not be consistent with the minimum requirements and standards of the RM-8 zoning classification, and components of the development regulations. Therefore, approval of this request shall require variances from several of the zoning and developments standards, which are as follows:

- Variance – Zoning Ordinance, Article 1 Districts, and Section 102.5.C.a. which reads as follows: Development amenities shall include a resort-style pool, cabana, fitness center, and community room for residents. The community room shall be sized large enough for activities such as student after-school programs, etc. The common area(s)/park(s) shall be programmed with amenities to maximize use such as benches, tables, grills, etc.
- Variance - Zoning Ordinance, Article 1 Districts, Section 102.5 E.4.b., which reads as follows: A 5-foot sidewalk is required and shall be 2 feet off of the back-of-curb.
- Variance - Zoning Ordinance, Article 1 Districts, Section 102.5 E.6. Which reads as follows: Subject to review and approval by the Director of Planning and Development.
 1. Each building shall consist of a minimum of two alternating roof types, specifically, open gable, boxed gable, dormer, hip, or flat roof lines.
 2. Front, side, and rear facades shall be finished with primarily brick or stone on each elevation.
 3. Elevations shall be staggered with alternating exterior treatments such as porches, balconies, awnings, chimney, stoops, decks, patios, and terraces.
 4. Provide a unique architectural entrance with door surround.
 5. Incorporate changes in building material texture, and color.
 6. Provide elements such as shutters and roof eave brackets.
 7. Refer to Article 6, Architectural and Design Standards, for types of materials allowed in the district.

- Variance - Zoning Ordinance, Article 1 Districts, Section 102.5 E.6. Which reads as follows: All townhouses must be rear entry; driveways shall have no access to exterior streets.
- Variance - Zoning Ordinance, Article 1 Districts, Section 102.5.E.7. which reads as follows: Rear entry units shall abide by the following rules and regulations:
 - a. Rear entry units garages shall not be converted into heated interior space without being replaced with another garage within the building of the property subject to the terms of this Ordinance.
 - b. Driveway must provide two external parking spaces (9 ft. x 20 ft. each)
 - c. The rear elevation of Rear Entry Units shall be setback 27 feet from the required 24-foot Private Drive.
- Variance - Zoning Ordinance, Article 1 Districts, Section 102.5 G.3. Which reads as follows: Depending on the scale of the development, the common area shall include at least one conveniently-located public gathering area or activity center with related amenities and improvements in the form of a square, green, plaza, or similar approved element that is accessible to the residents from at least three points of entry by sidewalks. Active recreation areas, including swimming pools, tennis courts, basketball courts, clubhouses, and other recreational amenities may not be constructed in the green space.
- Variance - Zoning Ordinance, Article 1 Districts, Section 102.5 G.4. Which reads as follows: 50% of the townhouses must be adjacent to or directly across the street from a common area such as a public green, park, or square. These units shall be rear entry only.
 - a. The minimum size for a public green, park or square 3,000 square feet
 - b. Provide a mix of undisturbed natural plantings and/or formal plantings
 - c. Provide benches, tables, seat walls, planters, play structure, and/or picnic areas/shelter.
 - d. Install outdoor lighting.
- Variance – Subdivision Regulations, Section 2. Required Improvements, Subsection 2.14 Street Design Standards, B. Minimum Right-of-Way Width (Ft.) Local Street, Residential 50-feet.

- Variance – Subdivision Regulations, Section 2. Required Improvements, Subsection 2.14 Street Design Standards, C. Minimum Pavement Width (Ft.) Local Street, Residential 24-feet.

In conclusion, the proposal is centered on density, and does not factor local service, pedestrian connectivity and revitalization into the equation. Therefore, the proposal would not be consistent with the policies of the 2040 Comprehensive Plan; which are intended to improve the quality of life of the public through careful planning practice and decision making that is consistent with the long range plans of the City of Lawrenceville. Given the aforementioned factors, the Planning and Development Department recommends **DENIAL** of the rezoning and Special Use Permit request.

CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS

ENGINEERING DEPARTMENT

No comment

ELECTRIC DEPARTMENT

This property will be served by City of Lawrenceville Electric Department. Please provide panel schedules for review. A meeting with City of Lawrenceville Power is required before the start of construction.

GAS DEPARTMENT

The property will be served by the City of Lawrenceville Gas Department.

CODE ENFORCEMENT

No comment.

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

- 1. Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

As proposed the plan could be suitable in view of the use and development in the immediate area, but the proposal lacks consistency (i.e. local services, pedestrian connectivity, etc.) with the long range plans of the City of Lawrenceville.

- 2. Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

The area along the eastern right-of-way of Grayson Highway has long suffered due to antiquated policies and lack of enforcement. New decisions must be consistent with the policies relating to the long range plans for the immediate area in order for the City to flourish.

- 3. Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned;**

The property has a reasonable economic use as currently zoned.

- 4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

Impacts on public facilities would be anticipated in the form of traffic, utility demand, stormwater runoff and schools; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning.

- 5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;**

Policies of the City are intended to benefit or enhance the quality of life for existing and potential members of the public choosing to reside within the city limits. A proposal that does not factor local services, pedestrian connectivity or revitalization would not be in conformity with the policy or intent of the 2040 Comprehensive Plan.

6. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal;

The proposal may be counter to emphasis of the 2040 Comprehensive Plan; which is intended to allow the city to grow or develop in a healthy and progressive manner that is consistent with the policy or intent of the City of Lawrenceville.

PLANNING AND DEVELOPMENT

RECOMMENDED CONDITIONS_09122022

RZM2022-00013

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

Approval of a RS-60 (Single-Family Residential District), subject to the following enumerated conditions:

- 1.** To restrict the use of the property as follows:
 - A.** Single-family detached dwelling units and accessory uses and structures.
 - B.** The minimum heated floor area per dwelling unit shall be 2,000 square feet for one-story homes and 2,200 square feet for two-story homes;
 - C.** Lots shall be a minimum of 6,000 square feet at a density of four (4) Units Per Acre, subject to the rules and regulations of the Zoning Ordinance, Article 1 Districts, Section 102.4 RS-60 Single-Family Residential District.
 - D.** The façade and side elevations of all residential units shall be designed and constructed consisting of three (3) sides masonry, which could be brick, stone or a combination of brick and stone (with accents of fiber cement siding). The remaining balance or rear elevation may consist of fiber-cement siding.
 - E.** The facades of all single-family detached dwelling units shall consist of a covered front porch with metal roof. Porches shall be a minimum of five (5) feet in depth and eight (8) feet in width. Final design shall be subject to the review and approval of the Director of the Planning and Development Department.
 - F.** The rear elevation of all single-family detached dwelling units shall consist of an outdoor living space, consisting of a wood deck and porch with metal roof. Outdoor living space shall measure eighteen (18) feet in width and ten (10) feet in depth. Fifty (50) percent of the outdoor living space shall consist of a porch with metal roof.
 - G.** All facades of single-family detached dwellings shall be adjacent to a fifty (50) foot Private Access Drive (Utility & Access Easement) consisting of a

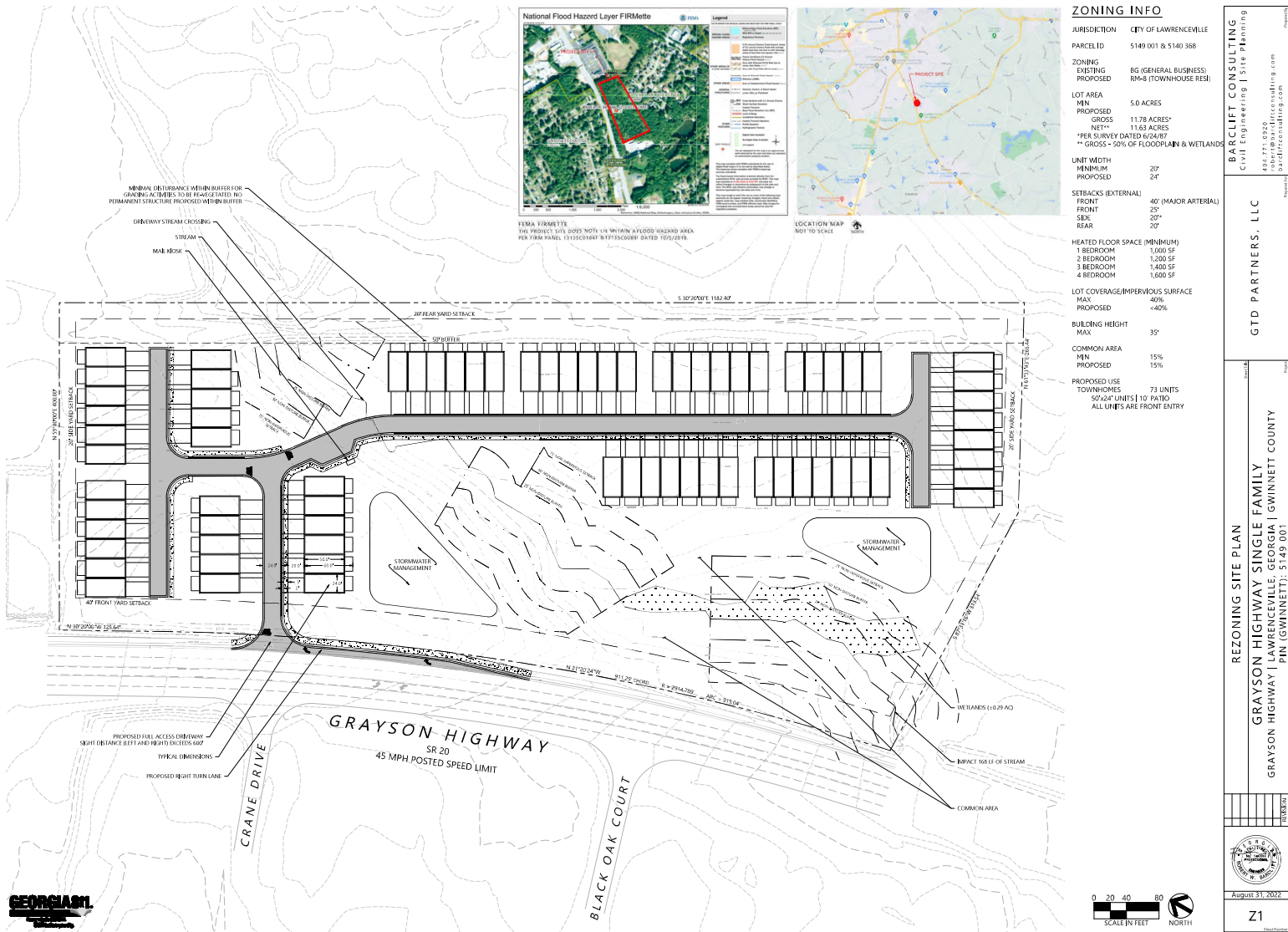
twenty-four (24) foot private drive.

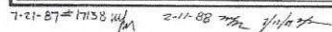
- H.** All single-family detached dwellings shall have a double car garage with carriage-style garage doors. Final design shall be subject to the review and approval of the Director of the Planning and Development Department.
 - I.** All single-family detached dwelling units shall consist of a two (2) car garages, with a driveway measuring eighteen (18) feet in width and twenty-six (26) feet in depth, providing sufficient space for two (2) passenger vehicles. Final design shall be subject to the review and approval of the Director of the Planning and Development Department.
 - J.** All single-family detached dwelling units shall be a maximum height of thirty-five (35) feet in height, as measured from the lowest elevation of the a finished floor. Final design shall be subject to the review and approval of the Director of the Planning and Development Department.
 - K.** The development shall have a mandatory community association(s) to provide maintenance for all common areas (including the maintenance of landscaping within internal rights-of-way and immediately adjacent external rights-of-way), and enforce reasonable and customary property maintenance standards through covenants on all residences within the community. The covenants, conditions, and restrictions that will be recorded with the City prior to the issuance of the first building permit. The covenants will run for 20 years and automatically renew every 20 years unless 51% of the persons owning lots in the subdivision vote to terminate the covenants as governed by O.C.G.A. 44-5-60. Subject to applicable City, local, and federal rules, laws, regulations, and rulings of courts having competent jurisdiction over the subject property, said covenants shall include a restriction that no more than 10% of the single-family units (with an additional 5% hardship) may be leased to third parties by individual owners.
 - L.** Building Setback adjacent Grayson Highway shall be forty (40) feet.
- 2.** To satisfy the following site development considerations:
- A.** The development shall be designed and constructed in general conformance with the Zoning Ordinance, Article 1 Districts, Section 102.4 Single-Family Residential District, the City of Lawrenceville Development Regulations and

Subdivision Regulations, with changes necessary to meet conditions of zoning, and development regulations. Final design shall be subject to the review and approval of the Director of the Planning and Development Department.

- B.** Detached Single-Family dwellings shall be designed and constructed in conformity with Zoning Ordinance, Article 6 Architectural and Design Standards, Section 601 Residential Minimum Architectural and Design Standards, and International Residential Code (IRC). Final building elevations shall be subject to the review and approval of the Director of Planning and Development;
 - C.** Landscaping shall be designed and installed, in general conformance with the Development Regulations, Article VIII – Landscape Ordinance, with changes necessary to meet zoning and development regulations. Final design shall be subject to the review and approval of the Director of the Planning and Development Department;
 - D.** Street lighting shall be designed and installed in general conformance with the Zoning Ordinance, Article 6 Architectural and Design Standards, Section 603 Performance Standards – Lighting, with changes necessary to meet zoning and development regulations. Final design shall be subject to the review and approval of the Director of the Planning and Development Department;
 - E.** Maintain or provide a five (5) foot concrete sidewalk adjacent to all public right-of-ways.
 - F.** Natural vegetation shall remain on the property until the issuance of a development permit.
 - G.** Any utility relocations shall be the responsibility of the developer.
- 3.** The following variance is granted:
- A.** RS-60 Single-Family Residential District – Detached Units
 - i.** A variance to allow a reduction in the Minimum Lot Area of 7,500 square feet to a Minimum Lot Area of 6,000 square feet.
 - ii.** A variance to allow a reduction in the internal Minimum Lot Width of sixty (60) feet to a Minimum Lot Width of fifty-five (55) feet.

- iii.* A variance to allow a reduction in the internal Minimum Front Yard Setback of thirty-five (35) feet to an internal Minimum Front Yard Setback of twenty (20) feet adjacent to an internal fifty (50) foot Private Access Drive (Utility & Access Easement).





0 Grayson Highway Legal Description

ALL THAT TRACT or parcel of land lying and being in Land Lots 140 and 149 of the 5th District, Gwinnett County, Georgia, in the City of Lawrenceville, and being shown as Tract 2 containing 11.7795 acres on a plat drawn for James R. Brown, et al, by Hannon, Meeks & Bagwell, Surveyors & Engineers, Inc., dated June 24, 1987, as last revised March 22, 1989, and more particularly described according to said plat as follows:

BEGINNING at a point on the northeast right of way line of Ga. Hwy No. 20 (a 100 foot right of way) at a common corner with property now or formerly owned by Gate City Oil Equipment Company; run thence North 59 degrees 40 minutes 00 seconds East 400.00 feet to a point; run thence South 30 degrees 20 minutes 00 seconds East a distance of 1,182.40 feet to a point; run thence South 61 degrees 51 minutes 43 seconds West 265.44 feet to a point; run thence South 87 degrees 31 minutes 16 seconds West 313.54 feet to a point on the east right of way line of Ga. Hwy 20; run thence north and northwest along said right of way line, and following the curvature thereof a distance of 1,040.68 feet to a point which is the true place or point of beginning.

This property is identified as Tax Map R5149 001 and Tax Map R5140 368 according to the records of the Gwinnett County Tax Assessor's Office

September 2, 2022

**COMBINED LETTER OF INTENT AND JUSTIFICATION FOR
REZONING AND SPECIAL USE PERMIT APPLICATION**

**Rezoning and Special Use Permit Applications
City of Lawrenceville, Gwinnett County, Georgia**

Applicant:
GTD Partners, LLC

Property:
Tax Parcel IDs R5149 001 and 5140 368
±11.78 Acres of Land
Located at 0 Grayson Highway, Lawrenceville, Georgia
From BG to RM-8

Submitted for Applicant by:
Melody A. Glouton, Esq.
ANDERSEN TATE & CARR, P.C.
One Sugarloaf Centre
1960 Satellite Blvd.
Suite 4000
Duluth, Georgia 30097
770.822.0900
mglouton@atclawfirm.com

I. INTRODUCTION

These Applications for Rezoning and Special Use Permit are submitted for an 11.78-acre parcel of land located Land Lots 140 and 149 of the 5th District of Gwinnett County, Lawrenceville, Georgia, and being shown as “Tract 2” on the survey prepared by Hannon, Meeks & Bagwell Surveyors & Engineers, dated June 24, 1987 (hereinafter the “Property”). The Property is located in the City of Lawrenceville and is zoned BG (General Business District).

The Property is shown on the survey prepared by Hannon, Meeks & Bagwell Surveyors & Engineers, Inc. and filed with these Applications. The Property that is the subject of this rezoning and special use permit application is owned by Ewing M&M Investments, LLLP and Meeks Land Company, LLLP, and further identified below from the Gwinnett County Geographical Information System:



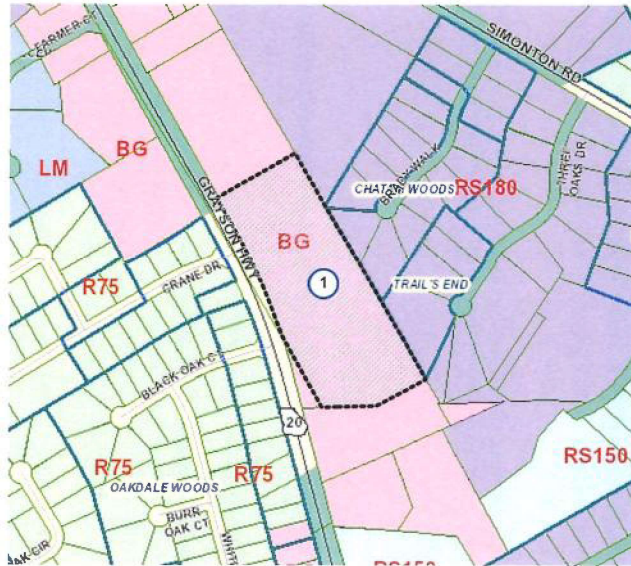
As indicated, the Property is currently zoned BG pursuant to the City of Lawrenceville Zoning Ordinance (the “Ordinance”). The Applicant, GTD Partners, LLC (the “Applicant”) now seeks approval to rezone the Property to RM-8 (Townhouse Residential District), to develop a distinctive and attractive townhome community with 73 units.

This document is submitted as the Letter of Intent, Response to Standards Governing the Exercise of Zoning Power, and other materials required by the Ordinance.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a large, rectangular tract fronting Grayson Highway in the City of Lawrenceville. The surrounding uses and zoning classifications are as follows:

Location	Land Use	Zoning
Proposed Site	Townhomes	RM-8
North	Shopping Plaza/Commercial/ Retail	BG
South	Pest Control/Lawn Management	BG
East	Single Family Residential	RS-180
West	Single Family Residential	R-75 (Gwinnett County)



The Applicant is requesting the City of Lawrenceville rezone the Property to allow for a townhome development that will be compatible with the existing commercial and residential developments. The Property is currently undeveloped and heavily wooded. The Property is surrounded by other residential uses and subdivisions, as well as in close proximity to commercial businesses and downtown Lawrenceville. As such, the Property is ideal for a townhome development.

As stated in the City of Lawrenceville's 2040 Comprehensive Plan (the "2040 Plan"), the Property lies in the Neighborhood Mixed Use Character Area. The intent of Neighborhood Mixed Use areas is to provide a center for local services that is walkable from nearby residential areas and townhomes are specifically identified as an appropriate land use within this Character Area. Examples of local services include restaurants, corner stores, drug stores, dry cleaners, and small-scale retail. The 2040 Plan further provides that these local services could be mixed with medium density housing such as townhouses or small-scale apartment buildings. As such, the proposed development of medium density residential, falls within the recommended land use for this area. Further, by providing an alternative housing option for potential residents, the City of Lawrenceville is encouraging a mix of housing that appeals to a wide variety of target markets.

III. PROJECT SUMMARY

As shown on the site plan by Barclift Consulting, dated August 31, 2022, and filed with these Applications (hereinafter the “Site Plan”), the Applicant proposes to develop the Property into a distinctive and attractive townhome community. The Applicant is proposing to rezone 11.78 acres from BG to RM-8 in order to accommodate the development of a townhome community with 73 units.¹ This proposal would equate to a gross density of 6.19 units per acre, which is well below the permitted density under the RM-8 zoning classification. Based on current market conditions, the townhomes are anticipated to range in size from 1,600 to 1,800 square feet, providing three-bedroom units with two-car garages. The proposed development would provide attractive, high-end townhomes at a size, quality, and price point commensurate with or exceeding homes in the surrounding communities. Generally, the architectural style and composition of the exterior of the townhomes would consist of brick, stacked stoned, cedar and/or cementitious shake, siding board and batten or combinations thereof. The proposed development would be served by one full access driveway onto Grayson Highway which would be landscaped and maintained by a Homeowners Association. The Applicant has included attached preliminary renderings of the townhomes.

In order to develop the Property as a townhome community shown on the site plan and as set forth in the Applications, the Applicant respectfully requests the following waivers, modifications, variances and/or conditions of zoning, as applicable:

- Variance from Section 102.5 (C) (a) to remove the requirement for development amenities such as a resort style pool, cabana, fitness center, and community room for residents from the Restrictive Covenants.
- Variance from Section 102.5 (E)(6) and (7) to allow front entry townhomes with the approval of a special use permit in general accordance with the site plan.
- Variance from Section 102.5 (G)(3) to delete “from at least three points of entry by sidewalks” and to allow the site plan to control accessibility to the common space.
- Variance from Section 102.5 (G)(4) to delete the requirement in its entirety that 50% of the townhouses must be adjacent to or directly across the street from a common area such as a public green, park, or square.

IV. SITE IMPACT ANALYSIS

The Applicant submits its written impact analysis which shows that rezoning to RM-8 satisfies the “Standards Governing Exercise of the Zoning Power,” as follows:

¹ Pursuant to Section 102.5 (E)(7) of the Ordinance, the Applicant is requesting an associated Special Use Permit to develop front-entry townhomes as shown on the Site Plan.

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The proposed rezoning is consistent and suitable with the existing use and development of adjacent and nearby properties. The Property is located along Grayson Highway near the intersection of Simonton Road. The proposed townhome development is compatible with existing commercial and residential uses and will further diversify housing options in the surrounding area.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. In fact, the proposed zoning classification is compatible with existing residential uses of adjacent property and would be a complimentary development.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No, the Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic use as currently zoned. By way of further response, the Applicant submits the rezoning of the Property would develop the site into a more viable and compatible use with surrounding properties.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to both Grayson Highway and Sugarloaf Parkway. The proposed development would complement the existing and nearby residential uses.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

The proposed rezoning application is in conformity with the policy and intent of the City of Lawrenceville Comprehensive Plan. The subject property is located within the Neighborhood Mixed Use Character Area. Encouraged land uses for this Character Area specifically include townhomes. As such, the proposed development would be compatible with and successfully co-exist with the surrounding uses.

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL:

The Applicant submits that the character of the surrounding developments and the existing uses in the area provide supporting reasons for approval of both the rezoning and special use permit application. Anticipated growth in the City of Lawrenceville and Gwinnett County based on the Comprehensive Plan suggests a strong need for this type of housing. In addition, the Applicant submits that the subject Property's location, size, and dimensions, as well as its proximity to downtown Lawrenceville, and Sugarloaf Parkway, provide further support for approval of the proposed rezoning application.

V. JUSTIFICATION FOR REZONING

The Applicant respectfully submits that “City of Lawrenceville Zoning Ordinance” (the “Ordinance”), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a townhome development, under the RM-8 zoning classification, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the City of Lawrenceville Mayor and Council to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

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

Finally, the Applicant respectfully submits that the City of Lawrenceville Mayor and Council cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

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

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that these Applications Rezone and Special Use Permit be approved. The Applicant welcomes the opportunity to meet with the City of Lawrenceville Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 2nd day of September, 2022.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/dwb



LAWRENCEVILLE

GEORGIA

REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>GTD Partners, LLC</u> <u>c/o Andersen Tate & Carr</u>	NAME: <u>see attached</u>
ADDRESS: <u>1960 Satellite Blvd</u> <u>S-4000</u>	ADDRESS: _____
CITY: <u>Duluth</u>	CITY: _____
STATE: <u>GA</u> ZIP: <u>30097</u>	STATE: _____ ZIP: _____
CONTACT PERSON: <u>Melody A. Glouton, Esq.</u> PHONE: <u>770-822-0900</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>BG</u> REQUESTED ZONING DISTRICT: <u>RM-8</u>	
PARCEL NUMBER(S): <u>R5149 001 & R5140 368</u> ACREAGE: <u>11.78 acres</u>	
ADDRESS OF PROPERTY: <u>0 Grayson Highway, Lawrenceville, Georgia</u>	

*See Attached Signature Pages

SIGNATURE OF APPLICANT _____ DATE _____

SIGNATURE OF OWNER _____ DATE _____

TYPED OR PRINTED NAME _____

TYPED OR PRINTED NAME _____

NOTARY PUBLIC _____ DATE _____

NOTARY PUBLIC _____ DATE _____

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



LAWRENCEVILLE

GEORGIA

REZONING APPLICATION

APPLICANT INFORMATION

Name: G.T.D. Partners, LLC
Address: 20 Heards Overlook Court
City: Atlanta
State: GA Zip: 30328
Phone: 404-915-3420

Parcel ID R5149 001
0 Grayson Highway
Lawrenceville, GA

Parcel ID R5140 368
0 Grayson Highway
Lawrenceville, GA



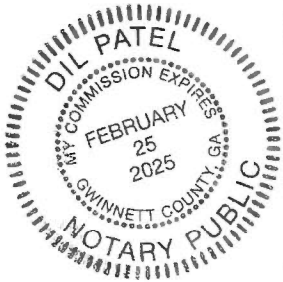
SIGNATURE OF APPLICANT 08 - 31 - 2022
DATE

Henry B. Eubanks, Manager

TYPED OR PRINTED NAME



NOTARY PUBLIC 8/31/22
DATE





LAWRENCEVILLE

GEORGIA

REZONING APPLICATION

PROPERTY OWNER INFORMATION

Name: Meeks Land Company, L.L.P.

Address: 420 Waddell Street, Unit 10

City: Athens

State: GA Zip: 30605

Phone:

Parcel ID R5140 368

0 Grayson Highway

Lawrenceville, GA

Mack Meeks

08-31-2022

SIGNATURE OF OWNER

DATE

Mack L. Meeks

TYPED OR PRINTED NAME

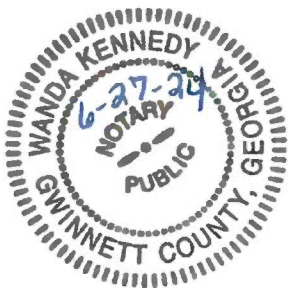
Wanda Kennedy

08-31-22

NOTARY PUBLIC

DATE

4614950-1.docx





LAWRENCEVILLE

GEORGIA

REZONING APPLICATION

PROPERTY OWNER INFORMATION

Name: Ewing M&M Investments, LLLP

Address: 4317 Alba Lane

City: Buford

State: GA Zip: 30519

Phone:

Parcel ID R5149 001

0 Grayson Highway

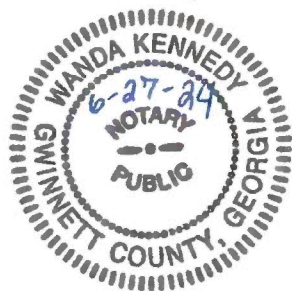
Lawrenceville, GA

Michael H. Ewing 8-31-2022
SIGNATURE OF OWNER DATE

Michael E. Ewing
TYPED OR PRINTED NAME

Wanda Kennedy 08-31-22
NOTARY PUBLIC DATE

4614950_1.docx





LAWRENCEVILLE

GEORGIA

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? N
Y/N

If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? N
Y/N

If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions/gifts.



LAWRENCEVILLE

GEORGIA

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF LAWRENCEVILLE PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

PARCEL I.D. NUMBER: 5th - 149 - 001
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton 08/31/2022
Signature of Applicant Date

Melody A. Glouton, Attorney for Applicant
Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONER'S OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONER'S USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Melissa Bono
NAME
9/2/2022
DATE

Revenue Specialist
TITLE



LAWRENCEVILLE

GEORGIA

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF LAWRENCEVILLE PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

PARCEL I.D. NUMBER: 5th - 140 - 368
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton 08/31/2022
Signature of Applicant Date

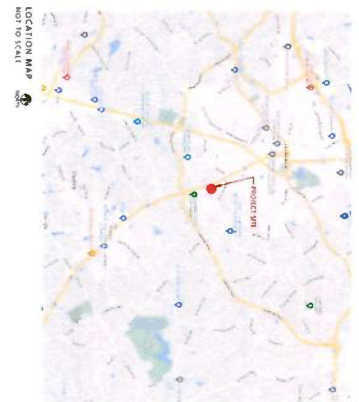
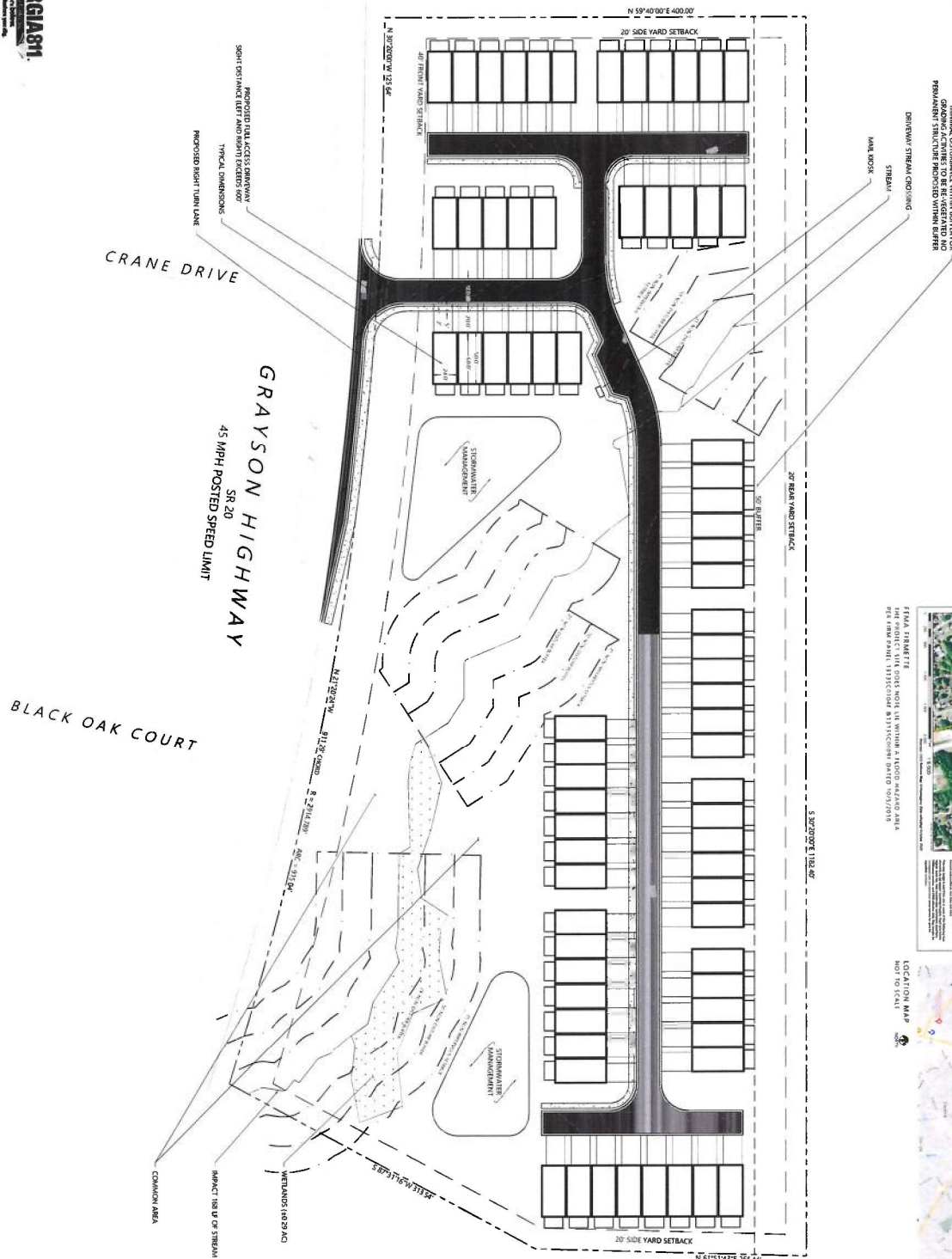
Melody A. Glouton, Attorney for Applicant
Type or Print Name and Title

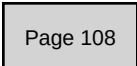
PLEASE TAKE THIS FORM TO THE TAX COMMISSIONER'S OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONER'S USE ONLY

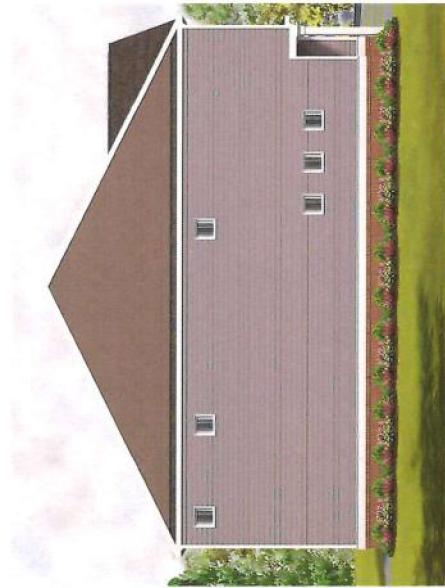
(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Melody Glouton Revenue Specialist
NAME TITLE
9/2/2022
DATE





24x50 Townhomes



M2022-00013_ELEV_09062022

24x50 Townhomes- Focal Lot





LAWRENCEVILLE

GEORGIA

The City of Lawrenceville
Planning & Development

Location Map and Surrounding Zoning

File # RZM2022-00013

Applicant: GTD Partners
C/O Andersen Tate & Carr

 Subject Properties

 Parcels

 Roads

Zoning Districts

 RS-180 Single-Family Residential

 RS-150 Single-Family Residential

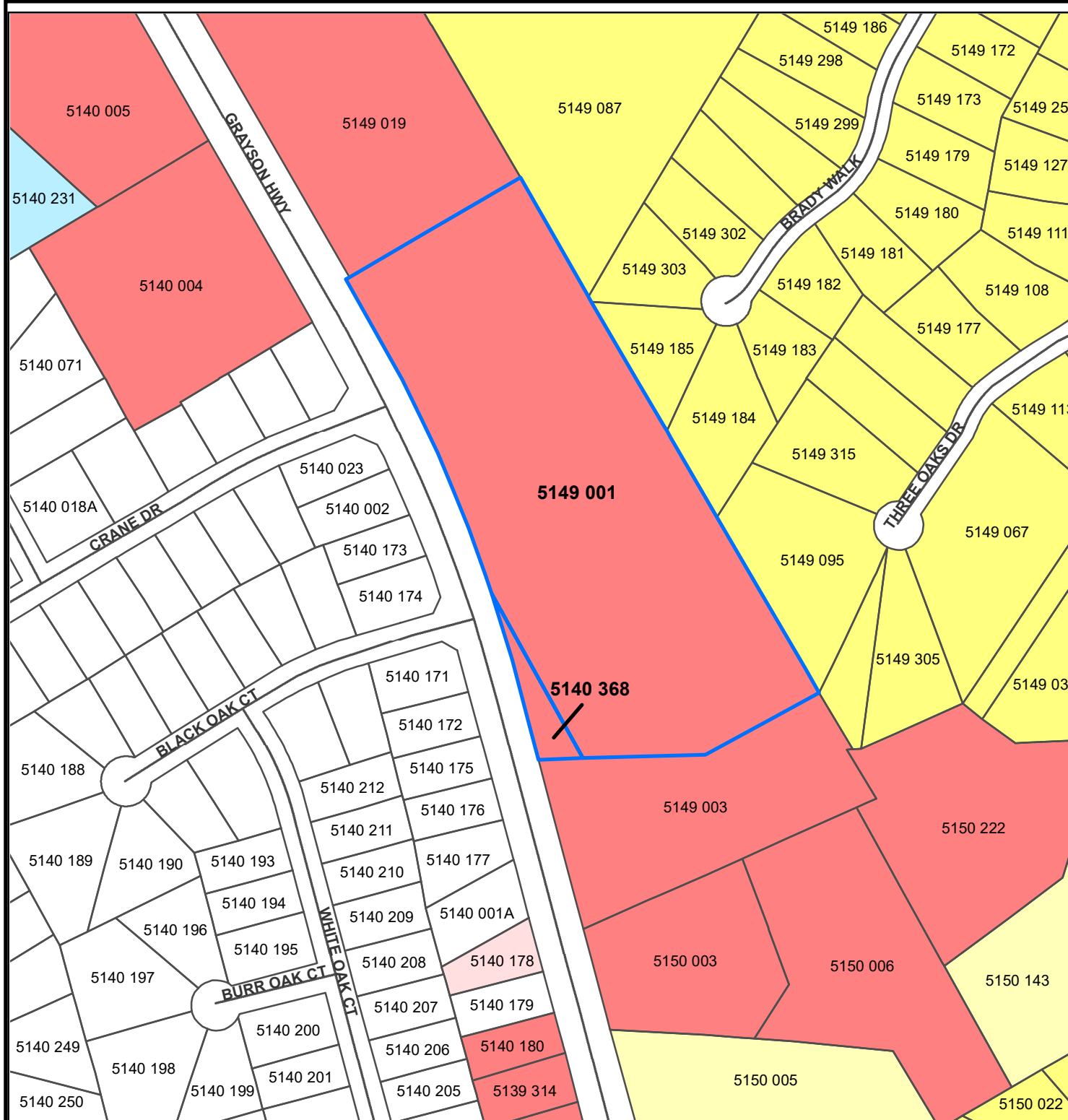
 OI Office/Institutional

 LM Light Manufacturing

 BG General Business



0 150 300





LAWRENCEVILLE

GEORGIA

*The City of Lawrenceville
Planning & Development*

Location Map and Surrounding Zoning

File # RZM2022-00013

Applicant: GTD Partners
C/O Andersen Tate & Carr

 Subject Properties

 Parcels

 Roads



0 150 300





LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: NEW BUSINESS

Item: RZM2022-00014; Metro Atlanta Recovery Residences, Inc.; 168 Constitution Blvd

Department: Planning and Development

Date of Meeting: Tuesday, January 3, 2023

Fiscal Impact: None expected

Presented By: Todd Hargrave, Planning and Development Director

Planning and Development Recommendation: **Approval with Conditions**

Summary: The applicant requests rezoning of an approximately 2.07-acre property at 168 Constitution Boulevard from RM-12 (Multifamily Residential District) to RM-8 (Townhouse Residential District). The applicant's request is intended to provide for townhome development consisting of front-entry units that will be compatible when located near and among lower-and moderate-density types of developments. The subject property is located at the northeastern right-of-way of Constitution Boulevard, just east of its intersection with Stone Mountain Street and west of its intersection with Scenic Highway. The property is currently developed with nine townhouses, with pads for an additional five townhouses completed and served with water, sewer, and utilities.

Fiscal Impact: No expected, the location is an existing development and offers private trash pick-up.

Attachments/Exhibits:

RZM2022-00014_Report

RZM2022-00014_Planning and Development Recommendations

RZM2022-00014_Application

RZM2022-00014_Letter of Intent

RZM2022-00014_Legal Description

RZM2022-00014_Survey

RZM2022-00014_Proposal

RZM2022-00014_Exhibits

RZM2022-00014_Aerial map zoomed

RZM2022-00014_Aerial map

RZM2022-00014_Zoning map zoomed

RZM2022-00014_Zoning map

PLANNING AND DEVELOPMENT

RECOMMENDED CONDITIONS_12212022

RZM2022-00014

Approval of a rezoning to RM-8 (Townhouse Residential District), subject to the following enumerated conditions:

- 1.** To restrict the use of the property as follows:
 - A.** Single-family attached dwellings.
 - B.** The maximum number of units shall be 14.
- 2.** To satisfy the following site development considerations:
 - A.** Rehabilitation of the existing Townhome dwelling units shall be subject to the review and approval of the Director of Planning and Development.
 - B.** Natural vegetation shall remain on the property until the issuance of a development permit.
 - C.** Any utility relocations shall be the responsibility of the developer.
- 3.** The following variances are granted:
 - A.** A variance from the Zoning Ordinance, Article 1 Districts, Section 102.5, Subsection B. Lot Development Standards, Minimum Development Area, allows the reduction of minimum development area to 2.1 acres.
 - B.** A variance from the Zoning Ordinance, Article 1 Districts, Section 102.5, Subsection B. Lot Development Standards, External Minimum Side Setback, allows the encroachment into the required external side yard setback along the southeastern property line thirteen (13) feet.
 - C.** A variance from the Zoning Ordinance, Article 1 Districts, Section 102.5, Subsection B. Lot Development Standards, Impervious Surface Maximum Coverage, allows the maximum impervious surface coverage to exceed 40%.
 - D.** A variance from the Zoning Ordinance, Article 1 Districts, Section 102.5, Subsection B. Lot Development Standards, Three-Bedroom Unit Restriction allows the number of three-bedroom townhouse units to exceed 40%.

- E.** A variance from the Zoning Ordinance, Article 1 Districts, Section 102.5, Subsection B. Lot Development Standards, Four-Bedroom Unit Restriction allows the number of four-bedroom townhouse units to exceed 10%.
- F.** A variance from the Zoning Ordinance, Article 1 Districts, Section 102.5, Subsection C. Mandatory Homeowners Association allows for 100% of townhouse units to be leased to third parties.
- G.** A variance from the Zoning Ordinance, Article 1 Districts, Section 102.5, Subsection C. Mandatory Homeowners Association allows development to bypass requirement to include amenities such as a resort-style pool, cabana, fitness center, or community room for residents.
- H.** A variance from the Zoning Ordinance, Article 1 Districts, Section 102.5, Subsection D. Architectural Standards allows for the newly-constructed townhomes to be built in a manner consistent with the existing townhomes.
- I.** A variance from the Zoning Ordinance, Article 1 Districts, Section 102.5, Subsection E. Development Standards allows for parking on the commonly owned and HOA maintained parking lot currently existing on the property.
- J.** A variance from the Zoning Ordinance, Article 1 Districts, Section 102.5, Subsection E. Development Standards allows for the newly-constructed townhomes to be built in a manner consistent with the existing townhomes.
- K.** A variance from the Zoning Ordinance, Article 1 Districts, Section 102.5, Subsection G. Green/Common Space allows for the existing common areas as configured to satisfy requirement.
- L.** A variance to allow a 25-foot encroachment into the stream buffer (impervious surface buffer).



LAWRENCEVILLE

Planning & Development

CASE NUMBER: RZM2022-00014

APPLICANT: METRO ATLANTA RECOVERY RESIDENCE (MARR)

OWNER: METRO ATLANTA RECOVERY RESIDENCE (MARR)

CONTACT: BILL BARNES – 404-964-8417

CONTACT: BEN MORRIS – 770-522-5195

LOCATION: 168 CONSTITUTION BLVD

PARCEL ID(s): R5142 083

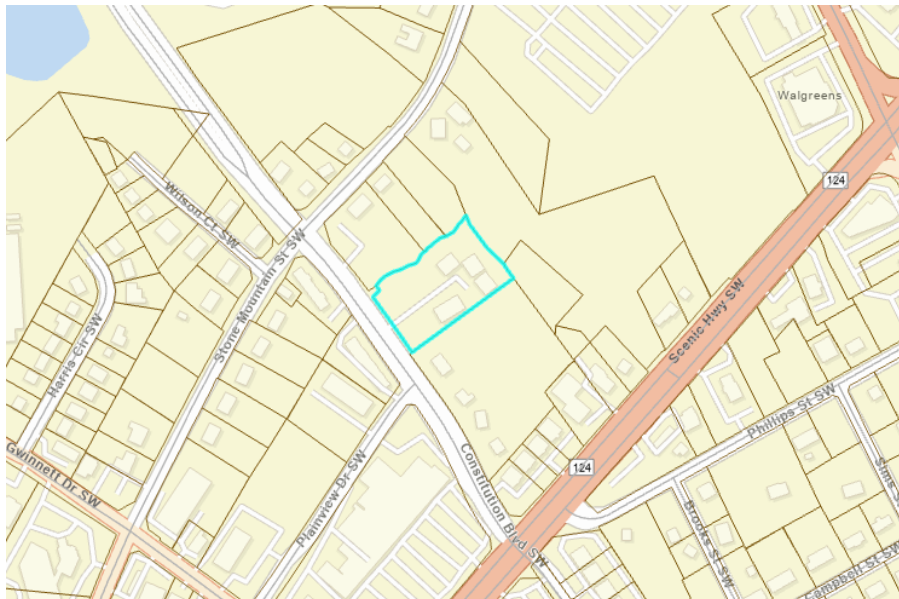
ACREAGE: APPROXIMATELY 2.07 ACRES

ZONING PROPOSAL: REZONE THE SUBJECT PROPERTY FROM RM-12 (MULTIFAMILY RESIDENTIAL DISTRICT) TO RM-8 (TOWNHOUSE RESIDENTIAL DISTRICT)

PROPOSED DEVELOPMENT: FIVE ADDITIONAL TOWNHOMES

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

VICINITY MAP





LAWRENCEVILLE

Planning & Development

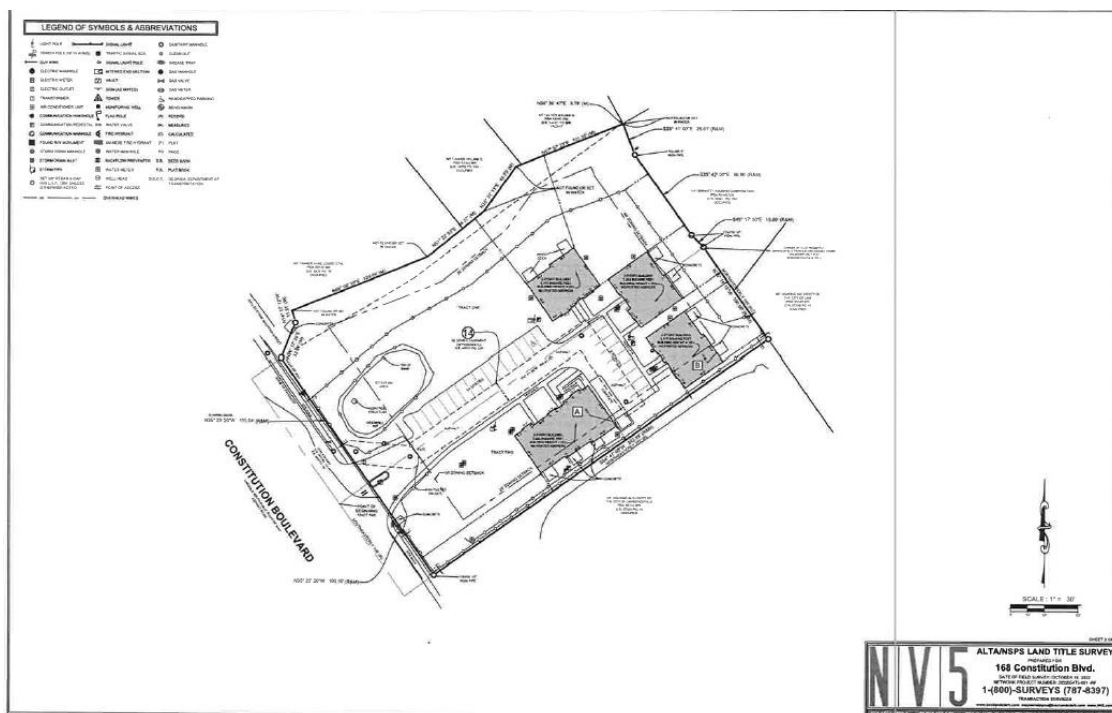
ZONING HISTORY

In 1986, the subject property was zoned RM (Multifamily Residential District). By 2002, the parcel was rezoned to RM-12 (Multifamily Residential District), pursuant to a city-wide rezoning.

PROJECT SUMMARY

The applicant requests rezoning of an approximately 2.07-acre property at 168 Constitution Boulevard from RM-12 (Multifamily Residential District) to RM-8 (Townhouse Residential District). The applicant's request is intended to provide for townhome development consisting of front-entry units that will be compatible when located near and among lower-and moderate-density types of developments. The subject property is located at the northeastern right-of-way of Constitution Boulevard, just east of its intersection with Stone Mountain Street and west of its intersection with Scenic Highway. The property is currently developed with nine townhouses, with pads for an additional five townhouses completed and served with water, sewer, and utilities.

LAND SURVEY





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ZONING AND DEVELOPMENT STANDARDS

The proposed development consists of an additional five (5) front-entry townhome units, resulting in a net density of 6.89 Units Per Acre (UPA). The proposed townhouses consist of two story, three bedrooms units approximately 1,900 square feet in size each. These five proposed townhouses will be designed in a manner that is substantially similar to that of the existing nine townhouses on the subject property. As a part of this proposal, the property owner wishes to be able to subdivide both the existing and new townhouses and lots so that they may then be sold to individual owners.

Given that the development was originally developed within the confines of the legacy RM-12 zoning district and is now considered legal non-conforming, a number of variances will need to be enacted to bring it into compliance with the minimum requirements and standards of the RM-8 zoning classification as well as components of the development code. Therefore, approval of this request shall require variances from several of the zoning and developments standards.

VARIANCE REQUESTS

Code Requirement	Variance Requested
Side setbacks must be 20 feet.	<i>Permit zero lot line setbacks in order to accommodate the subdivision of the Townhomes/Lots into separate and distinct zero lot-line lots in the dimensions set forth on the subdivision plat to be provided by the Non-Profit to the City. Reduce the side yard setback for the existing townhome building located in the northeast corner of the property from 20 to 7 feet.</i>
Minimum lot area is 5 acres.	<i>Permit (a) 2.1 Acre Minimum Lot Area to accommodate current Property size as a whole, and (b) individual lots for each Townhome and each Lot in the dimensions set forth on the subdivision plat to be provided by the Non-Profit to the City.</i>
Limits three-bedroom units to 40% and four-bedroom units to 10% of the entire townhome development.	<i>Remove this restriction as seven of the Townhomes are three-bedroom and two of the Townhomes are four-bedroom.</i>
Provides for a maximum impervious surface lot coverage of 40%.	<i>Remove this restriction in order to accommodate the subdivision of the Townhomes/Lots.</i>



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5.

Requires development amenities including a resort-style pool, cabana, fitness center, and community room for residents.	<i>Remove this requirement as the Property does not contain these development amenities.</i>
Restricts the units that may be leased by third parties to 10%.	<i>Remove this restriction so that the Townhomes and Lots can be leased as directed by each individual homeowner.</i>
Requires that all vehicles are parked on a subdivision lot on an approved hard surface.	<i>Allow for parking on the commonly owned and HOA maintained parking lot currently existing on the Property.</i>
Requires conformance with certain architectural standards.	<i>Remove these standards for the existing Townhomes and improvements and for newly constructed townhomes that are built in a manner consistent with existing Townhomes. The Property has been previously developed, permitted, and approved.</i>
Requires conformance with certain development standards.	<i>Remove these standards for the existing Townhomes and improvements and for newly constructed townhomes that are built in a manner consistent with existing Townhomes. The Property has been previously developed, permitted, and approved.</i>
Requires certain green/common space standards.	<i>Remove these standards to the extent the Property as currently constructed and to be improved are inconsistent. The common areas will be configured as shown in the site plan included with this application.</i>

The Department believes that there is sufficient hardship and/or special conditions in this case to justify adopting these variances. The non-profit purchased the property in 2005 in order to serve its clients and the community at large. The initial nine townhomes were built for this purpose in accordance with the zoning code of the time. The property in its current use is considered legal nonconforming; however, continued operation of the property as such is no longer possible for the non-profit. As such, the non-profit wishes build out the remaining five pads, subdivide the parcel, and sell off all of the townhomes individually. In order for the non-profit to do so, the subject property must be rezoned and the above variances must be adopted. Failing to do so would



LAWRENCEVILLE

Planning & Development

prevent the continued economic viability of well-built and well-maintained townhomes while at the same time creating financial hardship on a non-profit that serves the local community.

SURROUNDING ZONING AND USE

The surrounding area is characterized by a mixture of commercial/retail and residential uses, both single- and multifamily. Immediately adjacent to the southeast is the Lawrenceville Housing Authority's Thompson Square townhome development, zoned BG. Further southeast, at the intersection of Constitution Boulevard and Scenic Highway, are office and retail establishments also zoned BG. The parcels immediately across Constitution Boulevard from the subject property consist of two-story apartments zoned RM-12. The properties that border the subject property to the northwest and north are offices (zoned OI) and single-family residences (zoned RS-150) respectively, all of which front on Stone Mountain Street. Finally, bordering to the northeast are two parcels consisting of office developments zoned OI. As proposed, the plan to develop the site with five (5) additional townhouse units would be consistent with the established variety of development and zoning patterns in the immediate area.

CITY OF LAWRENCEVILLE OFFICIAL ZONING MAP





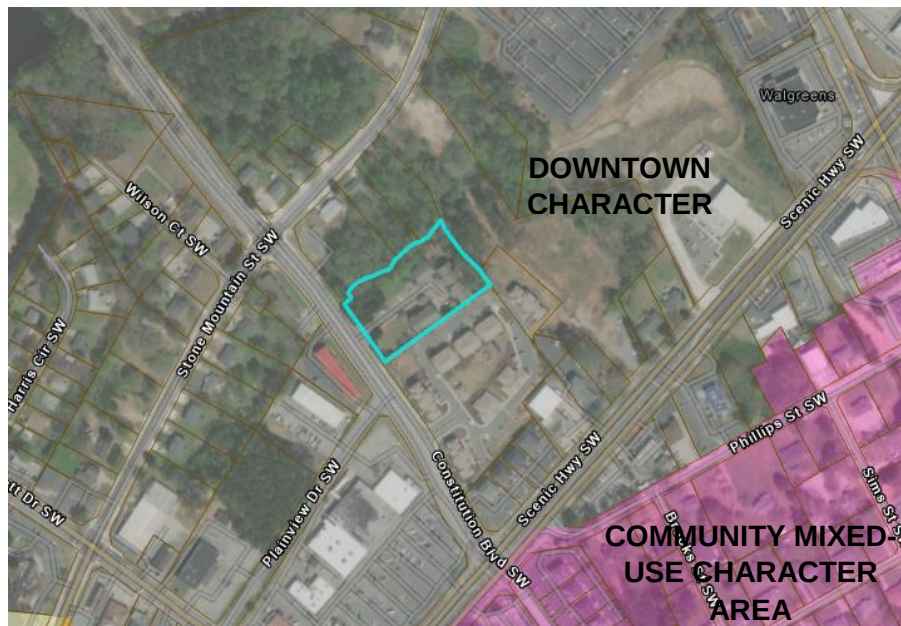
LAWRENCEVILLE

Planning & Development

2040 COMPREHENSIVE PLAN

The City of Lawrenceville 2040 Comprehensive Plan and Future Development Map indicate the subject property is located within the Downtown Character Area. Downtown is the heart of Lawrenceville, both in terms of its location and the level of activity. It is the highest intensity district in terms of its density and mixture of uses, particularly because of its mix of businesses. Development supports a live-work-play lifestyle, with a variety of housing, employment, and entertainment options. The streets are vibrant and walkable, and the sidewalks do not roll up at 5:00pm every night—it is a center for arts, culture, and music in Gwinnett County. In Downtown, there is a place for everyone: families, students, millennials, empty nesters, and seniors all feel at home and welcome.

LAWRENCEVILLE 2040 COMPREHENSIVE PLAN – FUTURE LAND USE PLAN MAP





LAWRENCEVILLE

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5.

STAFF RECOMMENDATION

In conclusion, the proposal to rezone the property from a legacy zoning district to one that more appropriately reflects its current use as well as surrounding uses aligns with the goals of the Department of Planning & Development. The proposal would be consistent with the policies of the 2040 Comprehensive Plan; which are intended to improve the quality of life of the public through careful planning practice and decision making that is consistent with the long range plans of the City of Lawrenceville. Given the aforementioned factors, the Planning and Development Department recommends **APPROVAL WITH CONDITIONS** of the rezoning and variance requests.



LAWRENCEVILLE

Planning & Development

5.

CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS:

ENGINEERING DEPARTMENT

No comment

PUBLIC WORKS

No comment

ELECTRIC DEPARTMENT

No comment

GAS DEPARTMENT

No comment

DAMAGE PREVENTION DEPARTMENT

No comment

CODE ENFORCEMENT

No comment

STREET AND SANITATION DEPARTMENT

No comment.



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

1. **Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

The immediate surrounding area predominately consist of a mix of commercial/office/residential uses and zoning. The Lawrenceville Housing Authority's Thompson Square townhome development is located directly next door. Further townhome development would be compatible with existing zoning and uses of nearby properties.

2. **Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

The zoning proposal would not adversely affect the existing uses and zoning of adjacent or nearby properties. The plan is consistent with the policies of the City of Lawrenceville.

3. **Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned;**

The property has an unreasonable economic use as currently zoned; the non-profit that controls the subject property can no longer afford to maintain it in a manner consistent with current conditions.

4. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

Impacts on public facilities would be anticipated in the form of traffic, utility demand, stormwater runoff and schools; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning.

5. **Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;**

Policies of the City recognize redevelopment opportunities present throughout the city limits. The Downtown Character Area is anticipated to be a high-intensity mixed use district that could benefit from additional homeownership.



LAWRENCEVILLE

Planning & Development

6. **Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal;**

The existing legacy multifamily zoning is not consistent with the character of townhouse development. Rezoning it for townhouse development will better reflect the property's proposed use and allow the non-profit to sell the townhomes to individual homeowners.



LAWRENCEVILLE

GEORGIA

5.

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF LAWRENCEVILLE PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

PARCEL I.D. NUMBER:
(Map Reference Number)

R51

District

142

Land Lot

083

Parcel

Patrice Alexander
Signature of Applicant

12-1-22
Date

Patrice Alexander, Chief Executive Officer
Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONER'S OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONER'S USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Jacqueleen Garcia

Tax Associate I

NAME

TITLE

12/02/2022

DATE

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

6



LAWRENCEVILLE

GEORGIA

5.

REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Metro Atlanta Recovery Residences, Inc.	NAME: Metro Atlanta Recovery Residences, Inc.
ADDRESS: 2815 Clearview Place	ADDRESS: 2815 Clearview Place
CITY: Doraville	CITY: Doraville
STATE: <u>GA</u> ZIP: 30340	STATE: <u>GA</u> ZIP: 30340
CONTACT PERSON: <u>Bill Barnes</u> PHONE: <u>404-964-8417</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>R5142 083</u> ACREAGE: <u>2.031</u>	
ADDRESS OF PROPERTY: <u>168 Constitution Blvd, Lawrenceville, GA</u>	

Patrice Alexander 12-2-22
SIGNATURE OF APPLICANT DATE

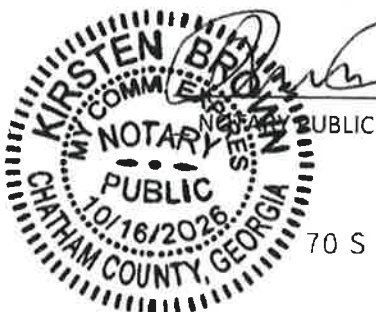
Patrice Alexander 12-2-22
SIGNATURE OF OWNER DATE

Patrice Alexander

TYPED OR PRINTED NAME

Patrice Alexander

TYPED OR PRINTED NAME



12/02/2022
DATE



12/02/2022
DATE

70 S Clayton St • PO Box 2200 • Lawrenceville, Georgia 30046-2200
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LAWRENCEVILLE

GEORGIA

5.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? NO _____ Y N

If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)
N/A	N/A	N/A

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? NO _____ Y N

If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)
N/A	N/A	N/A

Attach additional sheets if necessary to disclose or describe all contributions/gifts.

METRO ATLANTA RECOVERY RESIDENCES, INC.

2815 Clearview Place
Doraville, Georgia 30340

December 2, 2022

Lawrenceville Planning Department
70 S Clayton Street
Lawrenceville, GA 30046

Re: Letter of Intent in Support of Rezoning and Variance Application by Metro Atlanta Recovery Residences, Inc. (the "Non-Profit").

Dear Sir/Madam:

The Non-Profit owns certain real property located at 168 Constitution Boulevard, Lawrenceville, GA consisting of nine existing townhomes (the "**Townhomes**") and ~~four~~ ^{five} undeveloped lots (the "**Lots**"). The Lots and the Townhomes (collectively, the "**Property**") comprise a total of 2.031 acres and are located less than one mile from the City of Lawrenceville's vibrant downtown. The Non-Profit desires to sell the Townhomes and Lots to individuals so that they may be owned, used and enjoyed as separate and distinct residences. To permit the use described above, the Non-Profit requests that the Property be rezoned from RM-12 to RM-8 and that the appropriate variances described on Exhibit "A" (the "**Variances**") be granted.

Background

The Non-Profit is a 501(c)(3) organization that has served the Metro Atlanta community for over 45 years. In furtherance of their mission, the Non-Profit purchased the Property in 2005 and constructed first-class Townhomes to help better serve their clients and the Lawrenceville community. For a variety of reasons, continued operation of the Property as housing for its constituents is no longer suitable. As such, the Non-Profit intends to use the proceeds derived from the sale of each Townhome and Lot to support its vital work in the community.

The Townhomes were built to the then-current zoning, development and market standards and have been meticulously maintained by the Non-Profit since completion. Of the nine Townhomes constructed, three floorplan variations were utilized, each encompassing three bedrooms and totaling 1,965, 1,965 and 2,173 square feet respectively. The Townhomes have been uniformly designed in a complementary fashion with classic brick facades.

Rezoning and Variance Request

As indicated, the Non-Profit proposes to market and sell fee simple title to the individual Townhomes as well as the four Lots. The pads for each of the Lots have been completed and are currently served with water, sewer and utilities. Four new townhomes will be constructed on the Lots in a manner consistent with the kind, type and character of the existing Townhomes. In

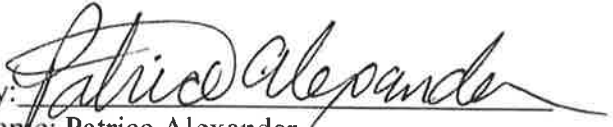
conjunction with the proposed sale of the stand-alone Townhomes and Lots, the Non-Profit will execute a declaration of covenants, conditions and restrictions (the "**Declaration**"). The Declaration will create an HOA that will ensure consistent and high design and maintenance standards throughout the community.

Following the adoption of the City of Lawrenceville Zoning Ordinance 2020, on May 20, 2020, use of the Property is permitted as a legal non-conforming use under the legacy RM-12 zoning that was in effect when the Townhomes were constructed. As such, the individual Townhomes and Lots may not be subdivided and sold given the Property's prevailing RM-12 zoning. Accordingly, in order to conform the Property's use and design with the City's current zoning ordinance and expectations, the Non-Profit requests that (a) the Property be rezoned to RM-8 (Townhome Residential District), and (b) each of the Variances described on **Exhibit "A"** be granted. Consistent with the City's guidance, attached as **Exhibit "B"** you will find the completed questionnaire demonstrating the justification for the Variances required to permit the Townhomes to be subdivided, constructed (in the case of the Lots) and sold individually.

Please feel free to contact the Bill Barnes at 404.964.8417 or Mitch Peevy at 770.361.8444 with any questions concerning this letter or its application. We very much appreciate your time and consideration on this matter.

Sincerely,

Metro Atlanta Recovery Residences, Inc.

By: 
 Name: Patrice Alexander
 Title: CEO

Legal Description

All that tract or parcel of land lying and being in Land Lot 142 of the 5th District of Gwinnett County, Georgia (and in the City of Lawrenceville) said parcel containing 2.031 acres, and being described as follows:

BEGINNING at a 1/2 inch iron pipe found located at the southeasterly corner of a lot currently owned by Metro Atlanta Recovery Residences, Inc. as more particularly shown on a plat recorded in Plat Book 6, page 2 of Gwinnett County records and being the Point of Beginning; from the Point of Beginning as thus established run thence south 35 degrees 14 minutes 15 seconds east a distance of 100.00 feet to a 5/8 inch rebar set; run thence south 54 degrees 41 minutes 00 seconds west a distance of 362.99 feet to a 1/2 inch iron pipe located on the existing right of way Constitution Boulevard; run thence northwesterly along the right of way of Constitution Boulevard north 35 degrees 23 minutes 20 seconds west a distance of 235.04 feet to a 5/8 inch rebar set; run thence north 21 degrees 37 minutes 26 seconds east a distance of 33.68 feet to a 5/8 inch rebar set; run thence north 14 degrees 17 minutes 12 seconds west a distance of 11.31 feet to a point; run thence north 68 degrees 06 minutes 39 seconds east a distance of 129.09 feet to a point; run thence north 51 degrees 22 minutes 53 seconds east a distance of 64.37 feet to a point; run thence north 35 degrees 31 minutes 13 seconds east a distance of 48.70 feet to a point; run thence north 67 degrees 57 minutes 23 seconds east a distance of 101.55 feet to a point; run thence north 58 degrees 36 minutes 47 seconds east a distance of 0.78 feet to a point; run thence south 20 degrees 41 minutes 00 seconds east a distance of 26.61 feet to a 1 inch iron pipe found; run thence south 35 degrees 42 minutes 00 seconds east a distance of 86.90 feet to a 1/2 inch iron pipe found; run thence south 45 degrees 17 minutes 00 seconds east a distance of 15.00 feet to a 1/2 inch iron pipe found and the true Point of Beginning.

Being the same property shown on that certain Survey of 168 Constitution Blvd., prepared by Bock & Clark Corporation an NV5 Company, bearing the seal and certification of Robert L. Stubbs, Jr., RLS No.LS003221, dated November 30, 2022, last revised November 30, 2022.

Being the same property of record described as follows:

Tract One

All that tract or parcel of land lying and being in Land Lot 142 of the 5th District (and in the City of Lawrenceville), Gwinnett County, Georgia, said parcel containing 1.327 acres, and being more particularly described according to a plat of survey for Progress Builders & Inv. Co., prepared by Hannon, Meeks & Bagwell, Surveyors and Engineers, dated April 22, 1977 and recorded in Plat Book 6, page 2, Gwinnett County Plat records, which plat is incorporated by reference as part of this description.

This is the same property described in a deed from Evelyn S. Stark to B. U. Franklin and Sandra Moore doing business as Progress Builders & Investment, dated April 25, 1977, and recorded in Deed Book 1260, page 124, Gwinnett County records.

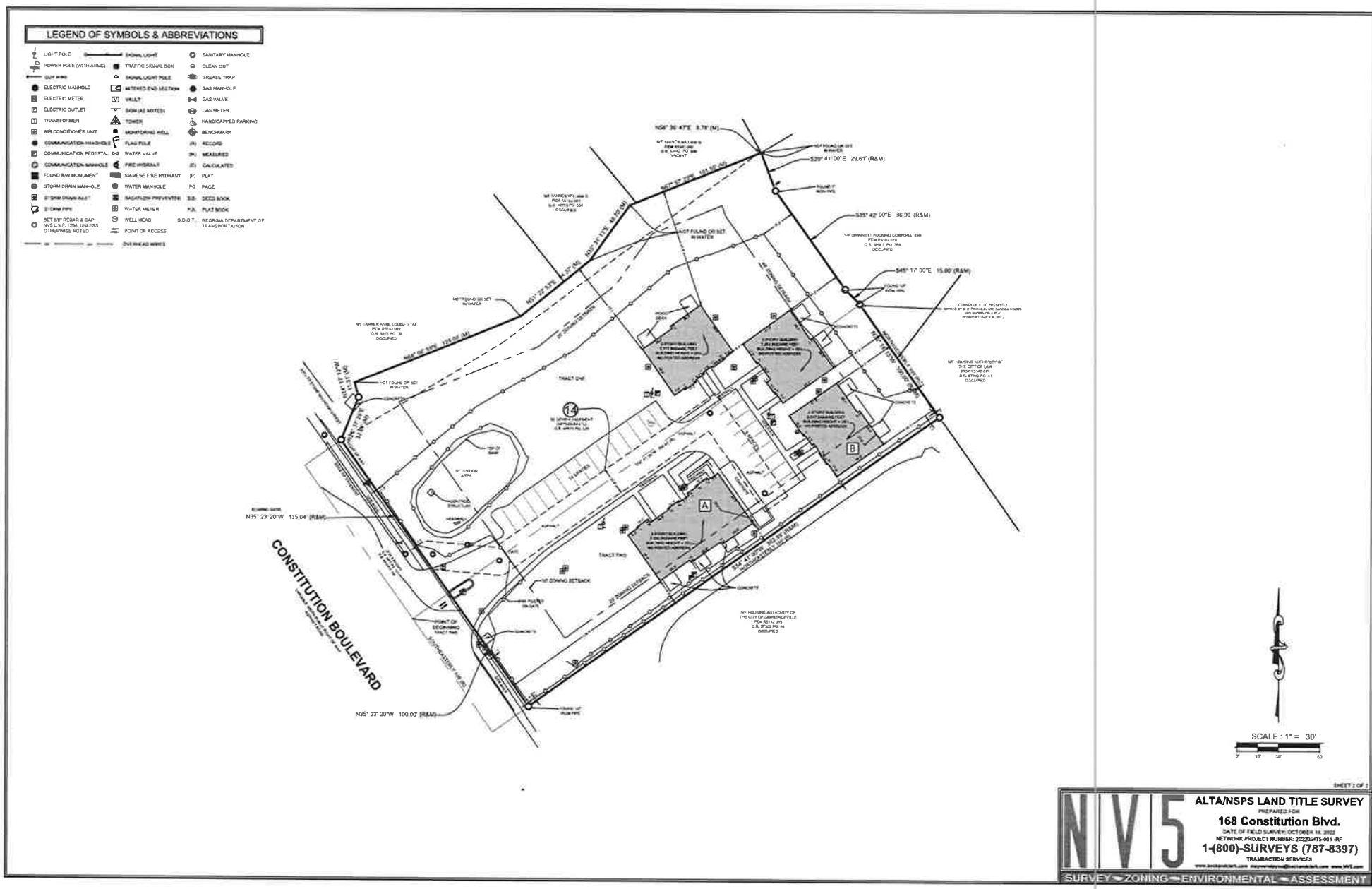
Less and Except that portion transferred by B. U. Franklin and Sandra Moore to Gwinnett County, by Right of Way Deed recorded in Deed Book 4870, page 157, and by Corrected Right of Way Deed dated June 10, 1988 and recorded in Deed Book 4952, page 152, Gwinnett County records.

Tract Two

All that tract or parcel of land lying and being in Land Lot 142 of the 5th District, Gwinnett County (and in the City of Lawrenceville), Georgia, and being more particularly described as follows:

Beginning at a point on the easterly side of Constitution Boulevard (formerly Hillside Drive), said point being the southeasterly corner of a lot presently owned by B. U. Franklin and Sandra Moore and shown on a plat recorded in Plat Book 6, page 2 of Gwinnett County records, and said point being approximately 366 feet from the center line of Stone Mountain Street; and from said point of beginning run southeasterly along the easterly side of Constitution Boulevard a distance of 100 feet to a point; thence leaving Constitution Boulevard and running Northeasterly a distance of 395 feet, more or less, to a point; thence running in a Northwesterly direction a distance of 100 feet to an iron pin at the northeasterly corner of said lot owned by B. U. Franklin and Sandra Moore (Plat Book 6, page 2, Gwinnett County records); thence running South 54 degrees 41 minutes West a distance of 395 feet, more or less to the Point of Beginning.

Being the same property described in a deed from Allen Puckett to H. E. Maughon, Jr. and Earl P Story, dated November 25, 1953 and recorded in Deed Book 114, page 227, Gwinnett County records.



ITEMS CORRESPONDING TO SCHEDULE B-II

11. Easement from B. U. Franklin to City of Lawrenceville, a political subdivision of the State of Georgia, dated February 27, 1980, recorded September 12, 1980 in Deed Book 3020, Page 532, Gwinnett County, Georgia records. THE LOCATION OF THIS ITEM CANNOT BE DETERMINED FROM THE INFORMATION PROVIDED IN THE RECORD DOCUMENT (VAGUE DESCRIPTION).

12. Right of Way Deed from B. U. Franklin and Sandra Moore, recorded May 2, 1988, in Deed Book 4870, Page 157, Gwinnett County, Georgia records, as related by: THE LOCATION OF THIS ITEM CANNOT BE DETERMINED FROM THE INFORMATION PROVIDED IN THE RECORD DOCUMENT (VAGUE DESCRIPTION).

13. Right of Way Deed from H. E. Maughon and Adelle P. Stary to Gwinnett County, a political subdivision of the State of Georgia, dated December 27, 1959, recorded Jan. 6, 1960 in Deed Book 3432, Page 300, Gwinnett County, Georgia records. THE LOCATION OF THIS ITEM CANNOT BE DETERMINED FROM THE INFORMATION PROVIDED IN THE RECORD DOCUMENT (VAGUE DESCRIPTION).

14. Easement from Morris Atlanta Recovery Resources, Inc. (MARR), Inc., to Gwinnett County Water and Sewerage Authority, dated June 16, 2005, recorded April 29, 2006 in Deed Book 4887, Page 270, Gwinnett County, Georgia records. THIS ITEM IS PLOTTED AND SHOWN HEREON; HOWEVER, THE DESCRIPTION IS VAGUE, THEREFORE THE INTENDED LOCATION MAY BE DIFFERENT FROM WHAT IS SHOWN HEREON.

15. All matters shown on the latest plat of survey recorded in Plat Book 6, Page 2, Gwinnett County, Georgia records. THIS ITEM IS LOCATED ON THE SURVEYED PROPERTY, HOWEVER THERE ARE NO PLETTABLE SURVEY ITEMS.

ZONING INFORMATION

THE SURVEYED PROPERTY IS ZONED "RM-12" (GENERAL RESIDENCE DISTRICT, CITY OF LAWRENCEVILLE, GWINNETT COUNTY, GEORGIA).

FRONT SETBACK: 50
SIDE SETBACK: 25
REAR SETBACK: 40

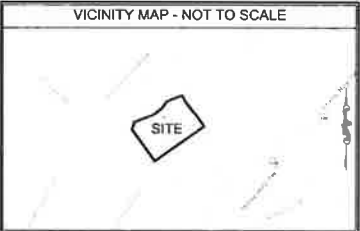
HEIGHT RESTRICTIONS: 35
MAXIMUM LOT COVERAGE: 40%

PARKING FORMULA: NOT PROVIDED IN LETTER
PARKING REQUIRED: NOT PROVIDED IN LETTER.

CONFORMANCE STATUS IS NOT PROVIDED BY ZONING COMMISSION LETTER.

THE ZONING INFORMATION SHOWN ABOVE WAS OBTAINED FROM CITY OF LAWRENCEVILLE ZONING CERTIFICATION LETTER, DATED OCTOBER 27, 2022, PURSUANT TO ITEM 8a OF TABLE A.

VICINITY MAP - NOT TO SCALE



MISCELLANEOUS NOTES

1. SURVEY PREPARED BY NVS, FIRM REGISTRATION NUMBER LS202204, 13465 TELECOM DRIVE, TAMPA, FL 33617, PHONE (800) 794-0337 OR EMAIL INFO@NVS.COM.

2. AN ADDRESS OF 168 CONSTITUTION BOULEVARD WAS POSTED ON THE SURVEYED PROPERTY.

3. THE SURVEYED PROPERTY CONTAINS AN AREA OF 2,031.8 ACRES (84,771 SQUARE FEET), MORE OR LESS.

4. ONLY OBSERVABLE SURFACE AND ABOVE GROUND STRUCTURES WERE LOCATED; NO UNDERGROUND IMPROVEMENTS, SUCH AS FOUNDATION FOOTINGS, WERE LOCATED. SOME FEATURES SHOWN ON THE PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY; ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.

5. THERE ARE 20 STRIPED REGULAR PARKING SPACES AND 1 STRIPED HANDICAPPED PARKING SPACES FOR A TOTAL OF 21 STRIPED PARKING SPACES ON THE SURVEYED PROPERTY.

6. NO DIVISION OR PARTY WALLS WERE DESIGNATED BY THE CLIENT OR LOCATED BY SURVEYOR WITH RESPECT TO ADJOINING PROPERTIES.

7. AT THE TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, BUILDING ADDITION.

8. AT THE TIME OF SURVEY, THE SURVEYOR WAS UNAWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

9. THE SURVEYED PROPERTY HAS DIRECT ACCESS TO CONSTITUTION BOULEVARD, A VARIABLE WIDTH DEDICATED PUBLIC RIGHT-OF-WAY, AS SHOWN HEREON.

10. DIMENSION OF FENCE, IF ANY, WAS NOT DETERMINED UNDER THE SCOPE OF THIS SURVEY.

11. THERE ARE NO GAPS, GORES, OVERLAPS OR MISTAKE INHERENT TO THE SURVEYED PROPERTY BASED ON THE FIELD SURVEY PERFORMED AND THE TITLE COMMITMENTS PROVIDED AND ALL PARCELS ARE CONTIGUOUS.

12. BOUNDARY SHOWN HEREON ARE BASED ON THE NORTHERLY RIGHT OF WAY LINE OF CONSTITUTION BOULEVARD, GWINNETT COUNTY, GEORGIA TO BEAN N 83° 27' 30" W, AS SHOWN HEREON.

13. THIS SURVEY IS NOT INTENDED FOR CONSTRUCTION OR CONSTRUCTION DESIGN PURPOSES.

14. THIS SURVEY CONFORMS TO THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 1847 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 16-6-64/AUTHORITY O.C.G.A.

15. THIS MAP OR PLAT HAS BEEN PROVIDED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE (1) FOOT IN 399.76 FEET.

16. FORMER R-13 VNA NETWORK EQUIPMENT WAS USED IN WEST ZONE AND 80% DATUM TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THE MAP OR PLAT.

17. CALCULATED SQUARE FOOTAGE OF THE BUILDING DOES NOT ACCOUNT FOR THE THICKNESS OF WALLS AND INTERIOR FRAMING AND IS NOT TO BE USED FOR THE INTERIOR SQUARE FOOTAGE CALCULATION.

18. THE TERMS VERIFICATION AS USED IN RULE 1845-69 AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES, AS DEFINED IN C.O.G.A. 43-5-50 AND 111, SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

19. SURVEYOR IS NOT LIABLE FOR UTILITIES OBSTRUCTED OR COVERED FROM VIEW.

20. THIS SURVEY IS BASED UPON THE TITLE COMMITMENT REFERENCED HEREON; THE SURVEYOR IS NOT RESPONSIBLE FOR DOCUMENTS OF RECORD NOT INCLUDED IN THE COMMITMENT PROVIDED.

21. ENTRY INTO SANITARY AND STORM STRUCTURES REQUIRES A CONFIRMED SPACE PERMIT WHICH IS NOT INCLUDED IN THE SCOPE OF WORK.

22. AT THE TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A BURIAL GROUND OR CEMETERY.

23. BUILDING HEIGHT IS THE ARCHITECTURAL HEIGHT TAKEN AT THE LOCATION SPECIFIED HEREON.

24. ONLY VISIBLE ABOVE GROUND EVIDENCE OF IMPROVEMENTS AND UTILITIES WERE LOCATED BY SURVEYOR; UNDERGROUND UTILITIES SHOWN HEREON PER RECORD INFORMATION.

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THE PROPERTY IS IN ZONE A UNDESIGNED OF THE FLOOD INSURANCE RATE MAP, COMMUNITY NO. 13084, MAP NUMBER 17-30-000001, WHICH BEARS EFFECTIVE DATES OF SEPTEMBER 26, 2018 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FLOOD MAPS, (HTTP://FEMA.GOV) BY FIRM 1711, CREATED ON OCTOBER 13, 2022. WE HAVE EXAMINED THE COMMUNITY DROUGHTS NOT QUANTIFIED PARTICIPANTS IN THE PROGRAM. NO FLOOD SURVEYING WAS PERFORMED TO DETERMINE THE ZONE AND A FLOOD EVALUATION CERTIFICATE MAY BE NEEDED TO VERIFY THE DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

PROJECT REVISION RECORD

DATE	DESCRIPTION	DATE	DESCRIPTION
10/20/2022	FIRST DRAFT		
10/20/2022	ISSUED		
11/20/2022	SECOND DRAFT		
11/20/2022	ISSUED		

SIGNIFICANT OBSERVATIONS

A. BUILDING LIES WITHIN THE SIDE ZONING SETBACK LINE AS SHOWN HEREON

B. BUILDING LIES WITHIN THE SIDE ZONING SETBACK LINE AS SHOWN HEREON

LEGAL

THIS SURVEY WAS PREPARED FOR THE PURPOSE OF THIS REAL ESTATE TRANSACTION ONLY AND NO FURTHER PARTIES OTHER THAN THOSE IDENTIFIED ABOVE SHALL RELY ON IT FOR ANY OTHER PURPOSE OR TRANSACTION.

RECORD DESCRIPTION

Tract One

All that tract or parcel of land lying and being in Lot 142 of the 8th District (and in the City of Lawrenceville), Gwinnett County, Georgia, said parcel containing 1,227 acres, and being more particularly described according to a plat of survey for Progress Builders & Inc., Co. prepared by Morris, Maule & Spauld, Surveyors and Engineers, dated April 22, 1977 and recorded in the Book 6, page 2, Gwinnett County Plat records, which plat is incorporated by reference as part of this description.

This is the same property described in a deed from Evelyn S. Stark to B. U. Franklin and Sandra Moore doing business as Progress Builders & Investment, dated April 25, 1987, and recorded in Deed Book 1993, page 104, Gwinnett County records.

Leas and Enter that portion transferred by B. U. Franklin and Sandra Moore to Gwinnett County, by Right of Way Deed recorded in Deed Book 4870, page 157, and by Contract Right of Way Deed dated June 15, 1988 and recorded in Deed Book 4952, page 151, Gwinnett County records.

Tract Two

All that tract or parcel of land lying and being in Lot 142 of the 8th District, Gwinnett County (and in the City of Lawrenceville), Georgia, and being more particularly described as follows:

Beginning at a point on the southerly side of Constitution Boulevard (formerly Atlanta Street), said point being the southeasterly corner of a lot previously owned by B. U. Franklin and Sandra Moore and shown on a plat recorded in Plat Book 6, page 2 of Gwinnett County records, and said point being approximately 366 feet from the corner line of Atlanta Boulevard (and from said point of beginning) on southeasterly along the southerly side of Constitution Boulevard a distance of 100 feet to a point thence bearing Southeast on Boulevard and running Northwesterly a distance of 200 feet, more or less, to a point thence running on a Northwesterly direction a distance of 100 feet to an intersection of the southeasterly corner of said lot owned by B. U. Franklin and Sandra Moore (Plat Book 6, page 2, Gwinnett County records); thence running Southwesterly a distance of 100 feet, more or less, to the Point of Beginning.

Being the same property described in a deed from Allen Puckett to H. E. Maughon, Jr. and Carl P. Stary, dated November 25, 1953 and recorded in Deed Book 114, page 227, Gwinnett County records.

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, COMMITMENT NO. G-17534 DATED SEPTEMBER 13, 2022.

ALTANSPS LAND TITLE SURVEY

168 Constitution Blvd.

NVS Project No. 202205475, 001

168 Constitution Blvd., Lawrenceville, GA

BASED UPON TITLE COMMITMENT NO. G-17534

OF COMMONWEALTH LAND TITLE INSURANCE COMPANY

BEARING AN EFFECTIVE DATE OF SEPTEMBER 17, 2022 @ 8:00 A.M.

Surveyor's Certification

To: COMMONWEALTH LAND TITLE INSURANCE COMPANY, and Bock & Clark Corporation, an NVS Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standards Detail Requirements for ALTANSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5a, 6a, 7a, 7b, 7c, 6, 9, 10, 12, 14, 15, 17, and 18 of Table A thereof. The field work was completed on October 18, 2022.



Robert L. Stubbins, Jr.
REGISTERED PROFESSIONAL SURVEYOR
IN THE STATE OF GEORGIA
DATE: 11-20-2022
REGISTRATION NO. L20003221
DATE OF LAST REVISION: NOVEMBER 26, 2022
NETWORK PROJECT NO. 202205475-001-001

SHEET 1 OF 2

Bock & Clark Corporation
an NVS Company

NVS

Transaction Services 1-800-SURVEYS (787-8397)
3550 W. Market Street, Suite 200, Akron, Ohio 44333
www.BockandClark.com mayhelpyou@bockandclark.com www.NVS.com

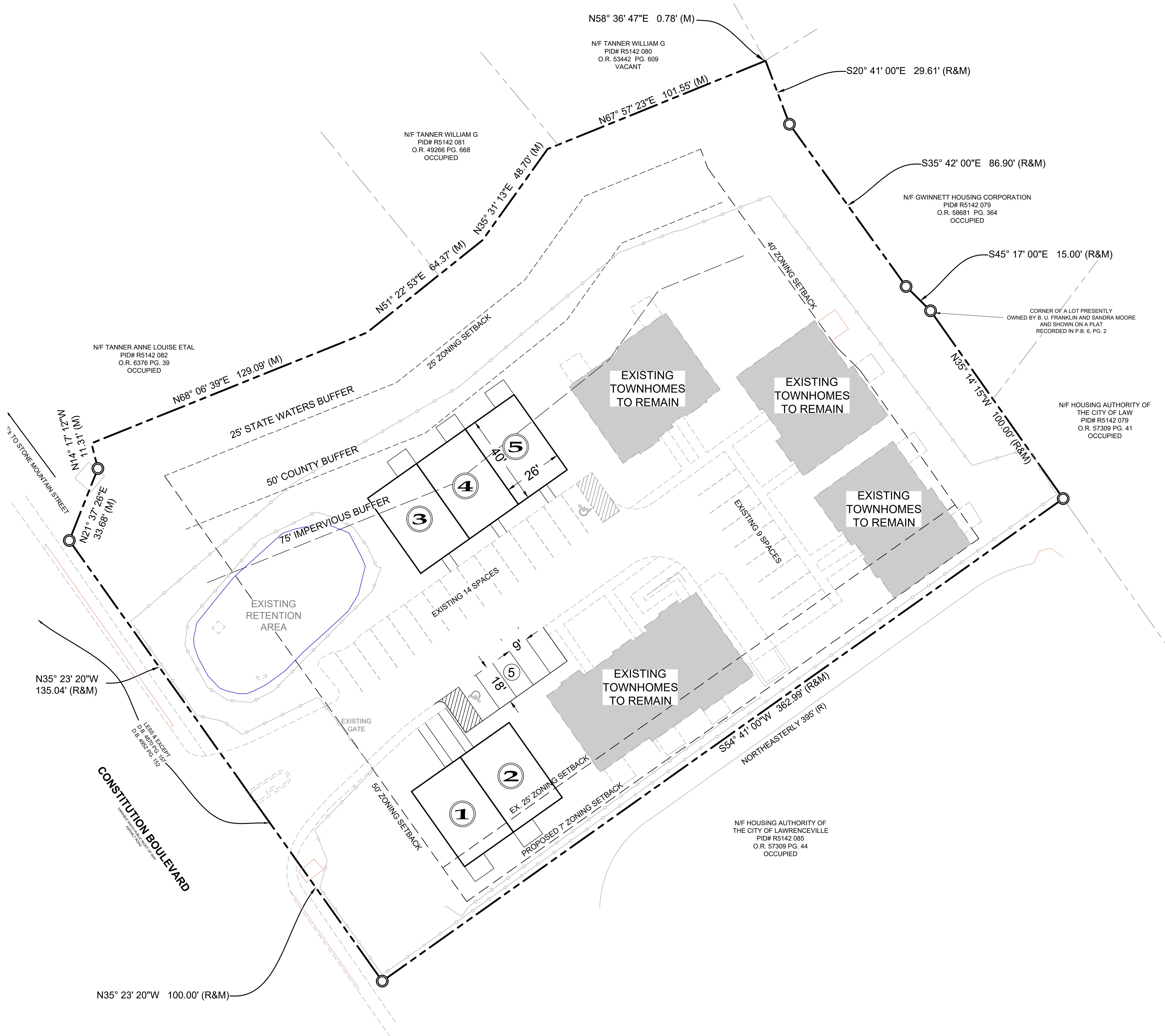
SURVEY - ZONING - ENVIRONMENTAL - ASSESSMENT

FLORIDA PROJECT NO. 202203491

Page 135



STORMWATER NOTE:
EXISTING DETENTION AREA ON SITE.



1	 ALLIANCE ENGINEERING • PLANNING • LAND SURVEYING LANDSCAPE ARCHITECTURE CIVIL ENGINEERING • LAND PLANNING • LANDSCAPE ARCHITECTURE • LAND SURVEYING 299 South Main St., Suite A Alpharetta, GA 30009 770.225.4730 www.allianceco.com	2	Copyright 2022, Alliance Engineering & Planning, Inc.							
3		This drawing is the sole property of Alliance Engineering & Planning. It is to be used for the specific project and location identified herein only. No part of this drawing may be reproduced, stored in any retrieval system, or transmitted in any form by any means, oral, electronic, mechanical, printed, photocopied, or in any way without the written permission of Alliance Engineering & Planning.	4							
4			5							
5		DEVELOPER METRO ATLANTA RECOVERY RESIDENCES, INC. 2815 CLEARVIEW PLACE, DORAVILLE, GEORGIA 30340 24 HR CONTACT: BILL BARNES, 404-964-8417	6							
7		Zoning Exhibit for 168 CONSTITUTION BLVD TRACT 168 CONSTITUTION BLVD., LAWRENCEVILLE, GA PARCEL # R5142 063	8							
9	<table border="1"> <tr> <td>Orig. Issue</td> <td>12.2.22</td> </tr> <tr> <td>Designed by</td> <td>KN</td> </tr> <tr> <td>Checked by</td> <td>BW</td> </tr> <tr> <td>Project #</td> <td>22238</td> </tr> </table>	Orig. Issue	12.2.22	Designed by	KN	Checked by	BW	Project #	22238	10
Orig. Issue	12.2.22									
Designed by	KN									
Checked by	BW									
Project #	22238									
11	 NORTH SCALE: 1" = 20' 	12								
12	ZONING PLAN 12.2.22									

EXHIBIT "A"**Requested Variances from RM-8 Zoning Classification**

Code Requirement	Variance Requested
Side Setbacks must be 20 feet.	Permit zero lot line setbacks in order to accommodate the subdivision of the Townhomes/Lots into separate and distinct zero lot-line lots in the dimensions set forth on the subdivision plat to be provided by the Non-Profit to the City. Reduce the side yard setback for the existing townhome building located in the northeast corner of the Property from 20 feet to 7 feet.
Minimum Lot Area is 5 Acres.	Permit (a) 2.1 Acre Minimum Lot Area to accommodate current Property size as a whole, and (b) individual lots for each Townhome and each Lot in the dimensions set forth on the subdivision plat to be provided by the Non-Profit to the City.
Limits three-bedroom units to 40% and four-bedroom units to 10% of the entire townhome development.	Remove this restriction as seven of the Townhomes are three-bedroom and two of the Townhomes are four-bedroom.
Provides for a maximum impervious surface lot coverage of 40%.	Remove this restriction in order to accommodate the subdivision of the Townhomes/Lots.
Requires development amenities including a resort style pool, cabana, fitness center and community room for residents.	Remove this requirement as the Property does not contain these development amenities.
Restricts the units that may be leased by third parties to 10%.	Remove this restriction so that the Townhomes and Lots can be leased as directed by each individual homeowner.
Requires that all vehicles are parked on a subdivision lot on an approved hard surface.	Allow for parking on the commonly owned and HOA maintained parking lot currently existing on the Property.
Requires conformance with certain Architectural Standards.	Remove these standards for the existing Townhomes and improvements and for newly constructed townhomes that are built in a manner consistent with existing Townhomes. The Property has been previously developed, permitted and approved.

Requires conformance with certain Development Standards.	Remove these standards for the existing Townhomes and improvements and for newly constructed townhomes that are built in a manner consistent with existing Townhomes. The Property has been previously developed, permitted and approved.
Requires certain Green/Common Space standards.	Remove these standards to the extent the Property as currently constructed and to be improved are inconsistent. The common areas will be configured as shown in the site plan included with this application.

Exhibit "B"

Demonstration Questionnaire

Demonstrate the special conditions and circumstances that exist which are peculiar to the land, structure, or building for which the variance is being requested:

The Non-Profit wishes to subdivide each Townhome and Lot in order to sell to individual owners. Given the revised RM-8 zoning, the Non-Profit requires the requested rezoning and accompanying variances for the existing and future Townhomes to be owned, used and enjoyed by individual homeowners. The owner of the Property is a 501(c)(3) non-profit. The Non-Profit purchased the Property in 2005 and built townhomes in order to serve its clients and the community at large. Continued operation of the Property in its current capacity is no longer in the best long term interest of the Non-Profit or its clients.

Demonstrate that these special conditions or circumstances are unique to this property:

As mentioned above, the owner of the Property is a 501(c)(3) non-profit that uses the Property to meet the unique needs of its mission and the community. The variances requested are required to use and sell the Property as described in this application.

Demonstrate that these special conditions or circumstances are not the result from actions of the applicant:

The Property was developed prior to the existing zoning code and with a use that is specific to the Non-Profit in mind. Updates to the zoning code and individual ownership of each Townhomes and subdivided Lot are the factors that drive the necessity for the requested variances.

Demonstrate that the variance requested is the minimum variance that will make possible the reasonable use of land, structure, or building:

As you will see on the submitted site plan and Exhibit A above, the variances requested will simply bring the existing structures into compliance with current zoning code, allow for the subdivision of the individual lots necessary to achieve the purpose described above and allow the Lots to be developed with townhomes that are consistent in kind, type and character with the preexisting structures. No variances are requested beyond what is required for the reasonable use of the Property as described.

Demonstrate that the request is in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

This ordinance was created, in part, for the purpose of alleviating unnecessary hardship created by a changing zoning code and allowing for the best use of an individual property given special circumstances. In this case, failure to obtain the requested variances will prevent the continued economic viability of well-built and well-maintained townhomes while at the same time creating

financial hardship on a non-profit that serves the community. The existing and future townhomes provide new, beautiful and affordable housing options close to downtown Lawrenceville at a time of housing shortages and increased development costs. As a result, the neighborhood and public welfare will be enriched with the granting of the requested variances.

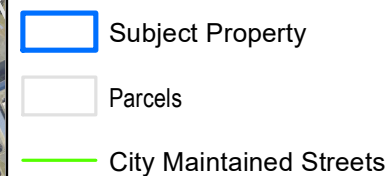
GEORGIA

*The City of Lawrenceville
Planning & Development*

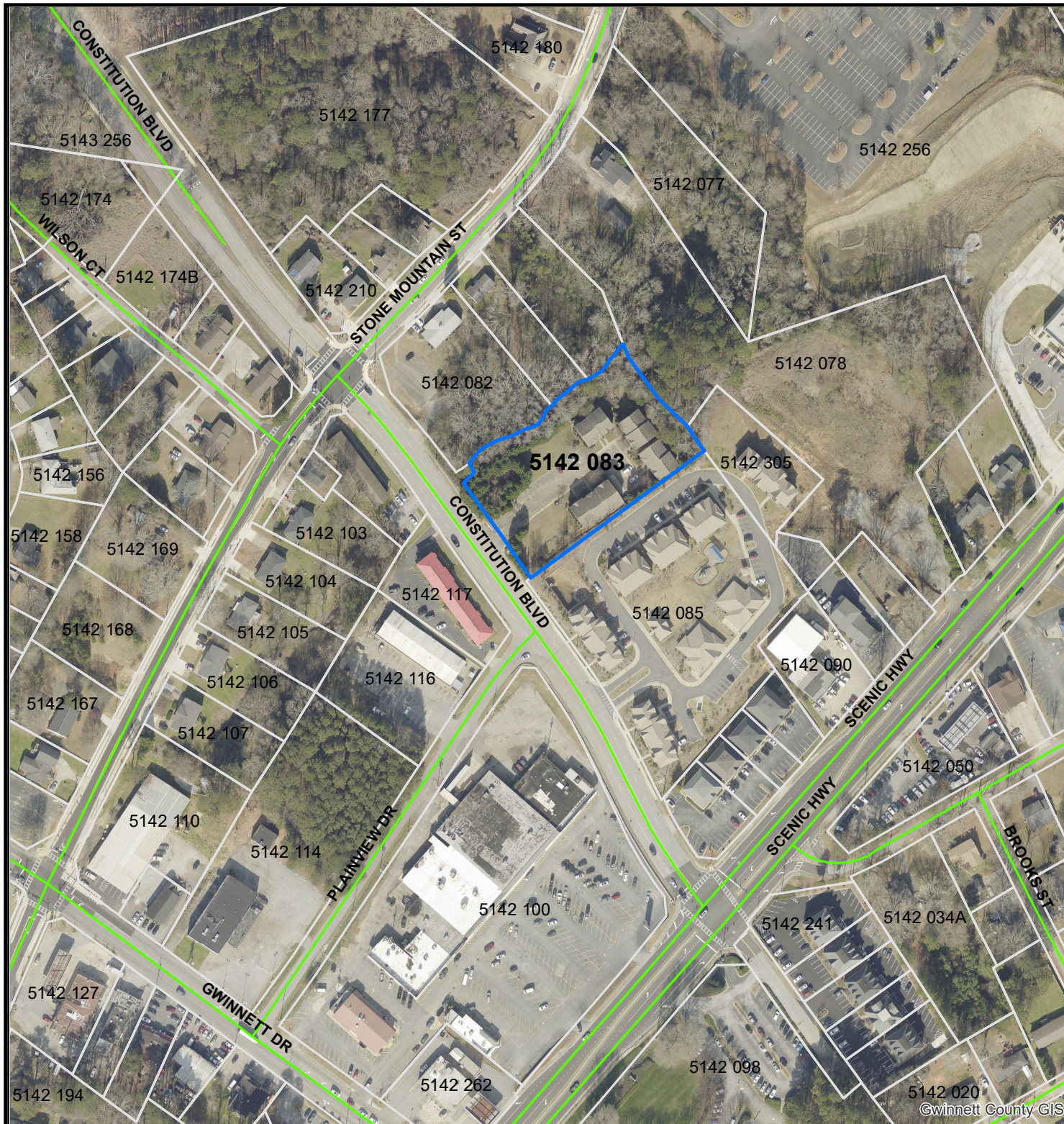
Location Map and Surrounding Zoning

File # RZM2022-00014

**Applicant: Metro Atlanta Recovery
Residences, Inc.**



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LAWRENCEVILLE

GEORGIA

The City of Lawrenceville
Planning & Development

Location Map and Surrounding Zoning

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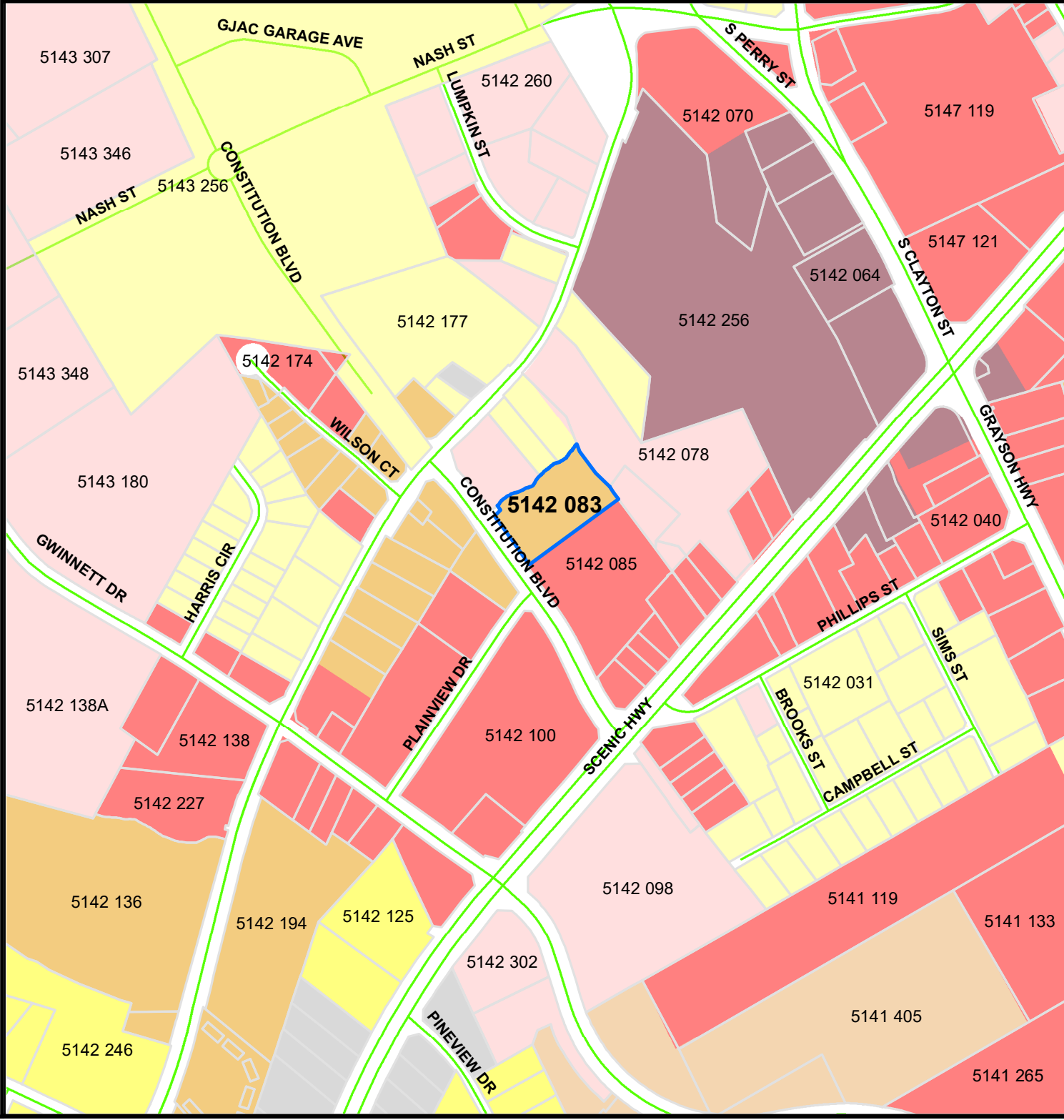
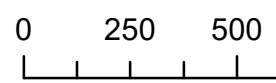
 Subject Property

 Parcels

Zoning Districts

-  RS-180 Single-Family Residential
-  RS-150 Single-Family Residential
-  RM-8 Townhouse Residential
-  RM-12 Multifamily Residential
-  ON Office/Neighborhood
-  OI Office/Institutional
-  HSB Highway Service Business
-  BG General Business

 City Maintained Streets





LAWRENCEVILLE

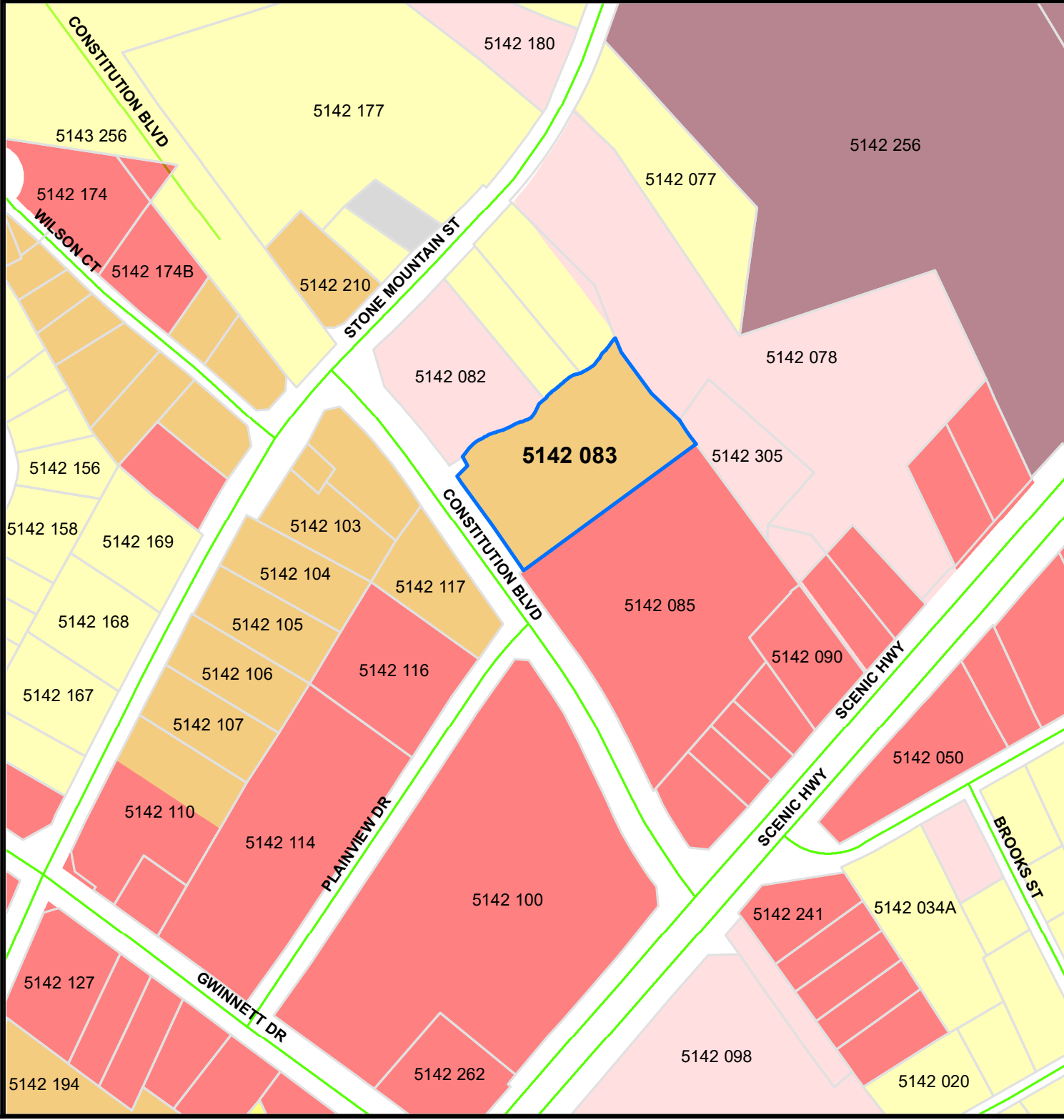
GEORGIA

The City of Lawrenceville
Planning & Development

Location Map and Surrounding Zoning

File # RZM2022-00014

Applicant: Metro Atlanta Recovery
Residences, Inc.

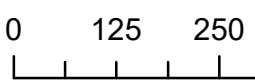


Subject Property

Parcels

Zoning Districts

- RS-180 Single-Family Residential
- RS-150 Single-Family Residential
- RM-12 Multifamily Residential
- ON Office/Neighborhood
- OI Office/Institutional
- HSB Highway Service Business
- BG General Business
- City Maintained Streets





LAWRENCEVILLE

GEORGIA

*The City of Lawrenceville
Planning & Development*

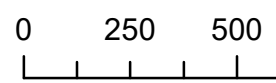
Location Map and Surrounding Zoning

File # RZM2022-00014

Applicant: Metro Atlanta Recovery
Residences, Inc.



-  Subject Property
-  Parcels
-  City Maintained Streets





LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: NEW BUSINESS

Item: An Ordinance to Amend ARTICLE 5; Parking of the Zoning Ordinance

Department: Planning and Development

Date of Meeting: Tuesday, January 3, 2023

Fiscal Impact: None

Presented By: Todd Hargrave, Planning and Development Director

Action Requested: Approval of amendment

Summary: The article is revised to clarify parking regulations and extract property maintenance regulations. The recommendation is to remove residential parking requirements from Article 5 of the Zoning Ordinance and include it in Chapter 10 of the General Code.

Attachments/Exhibits:
ARTICLE 5 Amendment Draft

**AN ORDINANCE TO AMEND ARTICLE 5 PARKING
OF THE CITY OF LAWRENCEVILLE ZONING ORDINANCE 2020**

The City Council of the City of Lawrenceville, Georgia hereby ordains that The Zoning Ordinance of the City of Lawrenceville is amended as follows:

Section 1. **Delete Article 5 Parking in its entirety and replace it as follows:**

Parking and Loading

500 Purpose

The purpose of this Article is to prevent or alleviate the congestion of the public street; to minimize any detrimental effects of off-street parking areas on adjacent properties; to enhance off-street parking areas with landscape elements for improved traffic circulation and visual amenities, and to promote the safety and welfare of the public.

501 Paving of Approved Hard Surface

A. Non-Residential Districts

- 1.** Vehicles or vessels shall be parked on an approved hard surface made of solid, impermeable material that significantly impedes or prevents the natural infiltration of water into soil such as asphalt, concrete, or traditional pavers.
- 2.** Parking on a graveled surface may be allowed in the LM and HM zoning classifications if authorized by a Special Use Permit approved by the City Council.
- 3.** All off-street parking, loading spaces, access, and aisles shall be provided with an approved hard surface.

B. Single-Family Residential Districts

- 1.** Maximum allowable impervious surface area in the front yard area:
 - a.** Single-Family Attached or Detached: thirty-five (35) percent.
- 2.** Townhouse Residential District, driveways shall be separated by a 4-foot wide grassed strip.
- 3.** All off-street parking spaces shall be provided with an approved hard surface.

502 Required Off-Street Parking and Loading

A. **Multifamily and Non-Residential Districts**

- 1. All buildings, structures, and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the demand caused by the building or use of land.
- 2. Each use of land and each building or structure hereafter constructed or established, and each addition to a structure in excess of 300 square feet, except as herein provided, shall provide off-street parking and loading according to the standards set forth herein.
- 3. When an addition is made to a building non-conforming to parking or loading requirements, a conforming amount of parking or loading spaces shall be supplied based upon the size of the addition.
- 4. No addition to an existing building shall be constructed which reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.

503 **Non-Residential Parking and Driveways**

A. **Mixed-Use and Multifamily Developments**

Shall be limited to two ingress/egress points per street frontage into the off-street parking area with a maximum width of twenty-four (24) feet, including the required two-foot curb and gutter (dimensions are back-to-back of curbs). If the ingress and egress points are one-way only, the maximum width may be decreased by fifty (50%) percent.

B. **Parking Space**

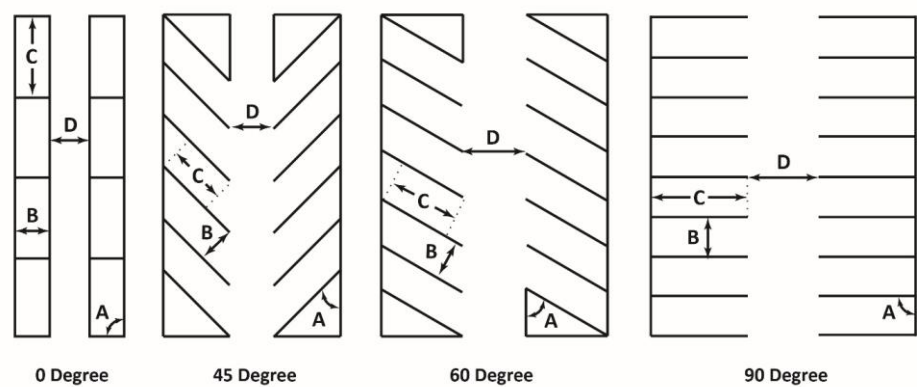
For the purpose of this Ordinance, a parking space shall be as follows:

Table 5-1: Parking Space Dimensional Requirements				
Dimension	0° Parallel (A)	45° Diagonal (A)	60° Diagonal (A)	90° Perpendicular (A)
Space Width (feet) (B)	9	9	9	9
Space Length (feet) (C)	20	20	20	18

C. Parking Space Aisles

Aisle minimums shall be as follows:

Table 5-2: Driveway Aisle Dimensional Requirements				
Dimension	0° Parallel	45° Diagonal	60° Diagonal	90° Perpendicular
One Way Drive Width (feet) (D)	12	14	15	24
Two Way Drive Width (feet) (D)	24	24	24	24



D. Parking Lot Access and Curb Cut Width

Access to an off-street parking lot is required to be a minimum of eleven (11) feet in width for one-way access and twenty-two (22) feet in width for a two-way access where off-street parking spaces are not accessed from the drive.

E. Compact Spaces

Compact spaces may be permitted if reviewed and approved by the Director of Planning and Development. Compact spaces shall not be less than eight (8) feet in width and sixteen (16) feet in length.

504 **Computation of Off-Street Parking**

For the purposes of determining off-street parking requirements, the following units of measurement shall apply:

A. Floor Area

In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, such unit shall mean the *Gross Floor Area (GFA)* used or intended to be used by occupants or for service to the public as patrons, patients, visitors, residents, or persons in attendance.

B. Places of Public Assembly

1. In stadiums, sports arenas, places of religious worship, and other places of public assembly, in which those in attendance occupy benches, pews or other similar seating facilities, each thirty (30) inches of such seating facilities shall be counted as one seat for the purpose of determining off-street parking requirements under this Article.
2. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

505 Off-Street Parking Spaces Required

- A.** Development Department with proof of adequate off-site parking by agreement with other property owners or will be required to enter into an agreement with the City through entry into the Downtown Parking **Off-Street Parking Spaces Required**

1. Required

All uses of land and buildings shall provide off-street parking and loading space on the same lot as such use or building and said parking or loading space shall have convenient and unobstructed pedestrian access across said lot to a principal entrance to the building or use as hereinafter set forth.

2. Combination of Uses

Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that found for each use.

3. Accessible spaces

Accessible parking spaces and passenger loading zones shall be provided in accordance with the building code. Passenger loading zones shall be designed and constructed in accordance with International Code Council, Standard and Commentary: Accessible and Usable Building and Facilities (ICC A117.1-2017).

Table 5-3: Number of Off-Street Parking Spaces Required

Occupancy Classification & Use	Minimum	Maximum	Downtown Entertainment District
Assembly	1 per 300 GFA	1 per 150 GFA	1 per 750 GFA
Dwelling	2 per dwelling unit	4 per dwelling unit	2 per dwelling unit
Health club	1 per 100 GFA	1 per 50 GFA	1 per 750 GFA
Hotel/motel	1 per room, plus 1 per 500 GFA common area	2 per room, plus 1 per 250 GFA common area	1 per room, plus 1 per 750 GFA common area
Manufacturing	1 per 100 GFA	1 per 50 GFA	1 per 750 GFA
Medical office	1 per 100 GFA	1 per 50 GFA	1 per 750 GFA
Office	1 per 500 GFA	1 per 250 GFA	1 per 750 GFA
Restaurant	1 per 250 GFA	1 per 100 GFA	1 per 750 GFA
Retail	1 per 250 GFA	1 per 100 GFA	1 per 750 GFA
School	1 per 300 GFA (assembly), plus 1 per faculty member	1 per 150 GFA (assembly), plus 2 per faculty member	1 per 300 GFA (assembly), plus 1 per faculty member
Warehouse	1 per 500 GFA	1 per 250 GFA	1 per 750 GFA

Commented [TH1]: Three different categories (minimum, maximum and Downtown Entertainment District) all totals based on 1,500 sq.ft.

B. Reduction of Required Parking Spaces

The reduction of required parking spaces shall only be used in parking garages or lots consisting of a minimum of thirty (30) off-street parking spaces.

Exceptions: *Sub-Section B. 2. Downtown Parking Requirements.*

1. Compact Spaces

The number of compact spaces shall not exceed fifteen (15%) percent of the minimum parking spaces required

2. Downtown Parking Requirements

- a. The Downtown Parking program is an agreement with the city to pay into a parking bank that will be used to build parking decks or lots.

The fee is per parking space required for a specific use. Fees are subject to the policy regulating the Continuance of Nonconforming Uses (see *Zoning Ordinance Article 3, Nonconformities, Section 302 Continuance of Nonconforming Uses*).

- b.** Where a parcel is located within the Downtown Parking and a proposed use is unable to meet the minimum requirements outlined in this Article, the applicant for such use shall provide the Planning and Development proof of adequate off-site parking by agreement with other property owners or will be required to enter into an agreement with the City through entry into the Downtown Parking Credit program.

3. Electric Vehicle Charging Stations

a. General

- i.* Electric Vehicle Charging Station, Private (Restricted-Access) are permitted as an accessory use to a Parking Garage or Lot – Privately Owned (Principal Use). Subject to the rules and regulations of the Zoning Ordinance, Article 1 Districts, Section 103.2 Use Table, and Article 2 Supplemental and Accessory Use Standards, Section 200.3.19.
- ii.* Electric Vehicle Charging Station, Public are permitted as accessory use to a Parking Garage or Lot – Publicly Owned (Principal Use). Subject to the rules and regulations of the Zoning Ordinance, Article 1 Districts, Section 103.2 Use Table, and Article 2 Supplemental and Accessory Use Standards, Section 200.3.19.

b. Required

- i.* All new single-family (one and two-family attached or detached) dwelling units shall be equipped with EVSE infrastructure to accommodate future installation. EVSE infrastructure shall:
 - 1.** Include the installation of Electric Vehicles Charging Stations internally to the single-family dwelling units (attached or detached).
 - 2.** Include a raceway, which is continuous from the branch circuit/feeder panel location to the future electric vehicle parking space.

- 3. include a raceway measuring a minimum of one (1) inch in size; and,
 - 4. include a raceway consisting of a pull rope or line installed for future conductor installation, with the raceway sealed and labeled for future use.
- ii.* All Electric Vehicle Charging Stations and EVSE infrastructure shall be installed per the requirements of The Code of the City of Lawrenceville, Georgia, Part I, Chapter 10 – Building and Building Regulations.
- c. Equipment***
- i.* Electric Vehicle Charging Station is removed or becomes inoperable for more than (14) fourteen consecutive business days, the reduction of the required Off-Street Parking spaces shall no longer remain in effect and the required Off-Street Parking spaces shall be provided.
 - ii.* EVSE shall be designed and located to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.
 - iii.* Wheel stops, bollards, or similar device shall be installed to separate vehicles from EVSE.
- d. Parking***
- i.* Electric Vehicle Charging Stations shall be reserved exclusively for the charging and parking of an EV connected to the EVSE for electric charging purposes.
 - ii.* Electric Vehicle Charging Stations, Public shall be reserved for parking and charging EVs.
 - iii.* EVs may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle
 - iv.* Electric Vehicle Charging Stations, Private (Restricted-Access) shall be reserved for parking and charging of EVs.
- e. Posted Information***
- i.* Information shall be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to

the Electric Vehicle Charging Stations, Private (Restricted-Access) or Public.

- ii.* Electronic Vehicle Charging Stations, Public shall be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an EV is parked at an Electric Vehicle Charging Station, Public and is connected to the battery charging station equipment.

f. Maintenance

Failure to maintain the Electric Vehicle Charging Stations, Private (Restricted-Access) and Public in all respects, including the functioning of the equipment, shall revoke the incentive and require the installation of the parking required by Section 506. B. Downtown Parking Requirements in accordance with Table 5-3: Number of Off-Street Parking Spaces Required.

g. Incentive

New proposals for the development or redevelopment of commercial, manufacturing, mixed-use, multifamily, or office-institutional zoned properties may be administratively approved to reduce the number of *Off-Street Parking Spaces Required*, subject to the review and approval of the Director of the Planning and Development Department.

- i.* Ten (10%) percent of the total *Off-Street Parking Spaces Required* shall be dedicated to *Electric Vehicle Parking Spaces*.
- ii.* Contingent upon compliance with Sub-Subsection g.i., an applicant shall be granted an administrative variance allowing a fifteen (15%) percent reduction of the total number of *Off-Street Parking Spaces Required*.

h. Final Plat

The required Final Plat (Utility Plan) shall include the location of the designated *Electric Vehicle Parking Spaces* with associated *EVSE*.

i. Compliance

Failure to maintain the conditions of this Sub-Section shall revoke the incentive and require the installation of the required Off-Street Parking spaces.

4. Off-Site Parking Spaces

a. Location on Lot

Off-Street Parking Spaces Required by this Article shall be provided on the same lot as the use or where the exclusive use of such is provided on another property not more than 500 feet as measured radially from the main entrance of the principal use of the subject property.

b. Proof of Written Agreement

Proof of adequate Off-Site Parking shall be provided to the Planning and Development Department in the form of a written agreement specifically allowing the applicant to utilize the property for Off-Site Parking Spaces.

c. Mandatory Compliance

- i.* The development of an Off-Site Parking Lot shall require mandatory compliance with all applicable City of Lawrenceville building, development, and zoning codes, ordinances, and regulations, and applicable Gwinnett County rules and regulations.
- ii.* If unable to provide adequate Off-Site Parking an applicant shall be required to enter into an agreement with the City through entry into the Downtown Parking program.

509 Off-Street Parking Design and Maintenance

Every parcel of land used as an off-street parking area shall be designed in accordance with the Development Regulations, Tree and Landscape Plan, and Off-Street Surface Parking Lot Requirements as follows:

A. Screening

Off-street parking areas for more than ten (10) vehicles shall:

- 1.** Be effectively screened by a six (6) foot high solid wall or opaque fence on each side which adjoins or faces and is within ten (10) feet of any lot situated in any residence district, unless such screening is provided by a required zoning buffer.
- 2.** The required solid wall or opaque fence shall be supplemented with plantings of shrubbery or ground cover along its base.

B. Surfacing

Off-Street Parking areas shall be constructed of an approved hard surface, consisting of cement or asphalt, and shall be provided with adequate drainage to prevent surface water run-off on adjacent properties or onto the public right-of-way.

C. Space and Directional Arrow Markings

Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in a visible condition. One-way and two-way accessways into required parking facilities must be identified by directional arrows.

D. Drainage

All off-street parking facilities shall be provided with adequate drainage facilities to prevent surface water run-off onto adjoining properties or onto the public right-of-way.

E. Separation from Public Right-Of-Way

Except in districts zoned exclusively for residential uses, all off-street parking facilities located within a front yard shall be separated from public sidewalks or the existing right-of-way by a grass area at least 10 feet in width. A minimum six-inch barrier curb shall be provided on the parking lot side of the required landscaped areas.

F. Separation from Adjoining Properties

Except in districts zoned exclusively for residential uses, all off-street parking facilities shall be separated from adjoining properties by a grass area of at least ten (10) feet in width and a minimum six (6) inch barrier curb.

G. Interior Design and Landscaping

All areas of off-street parking facilities that are unusable, either for parking, circulation, or loading, shall be landscaped with grass and/or plant material and be properly maintained.

510 Off-Street Loading Spaces**A. Required**

1. Off-Street Loading spaces shall be provided on the same lot for every building in the Commercial and Industrial zones.

2. No loading space is required if prevented by an existing lawful building.

- B.** In connection with every non-residential building, there shall be at least one off-street loading space provided and maintained as identified in Table 5-4:

Table 5-4: Number of Off-Street Loading Spaces Required			
Gross Floor Area of Structure (feet ²)	Office	Commercial	Industrial
0-5000	0	0	1
5001-9,999	0	1	1
10,000-19,999	1	1	1
20,000-49,999	1	2	2
50,000-99,999	2	3	3
100,000-499,999	2	4	4
500,000 or more	3 plus 1 per each additional 100,000 sq. ft. in excess of 500,000	5 plus 1 per each additional 100,000 sq. ft. in excess of 500,000	5 plus 1 per each additional 100,000 sq. ft. in excess of 500,000

C. Mixed-Use

In the case of mixed uses, the total requirements for off-street loading facilities shall be the sum of the various uses computed separately.

D. Surface

Loading Areas shall be constructed of an approved hard surface, consisting of cement or asphalt, and shall be provided with adequate drainage to prevent surface water run-off on adjacent properties or onto the public right-of-way.

E. Access

Each loading space shall be served by direct access to a street, service drive, or alley in a manner that will not interfere with traffic or parking lot circulation.

F. Location

Off-street loading areas shall:

- 1. Be located on the same zoning lot as the specific use to be served.
- 2. Not be located in any front yard except for areas used for the occasional drop-off or pick-up of goods by vans, step-vans, or panel trucks, or within the Downtown Entertainment District.
- 3. Not obstruct any parking space, drive aisle, or driveway unless the site constraints will not allow the complete separation of off-street loading and only when reviewed and approved by the Director of Planning and Development.

G. Screening

All operations, materials, and vehicles in any loading space that are visible from public streets or residential districts shall be screened. The screening material, upon installation, shall be at least six (6) feet in height and 100% opaque.

H. Lighting

Any light used to illuminate off-street loading facilities shall be equipped with suitable shielding designed to prevent glare on surrounding public or private property and pedestrian and vehicular traffic (See *Development Regulations, Performance Standards – Lighting*).

511 Non-Residential Off-Street Loading Construction and Dimensions

All non-residential parking lots shall be laid out, constructed, and maintained in accordance with the following requirements:

A. Dimension

- 1. The minimum area of a loading space shall be 400 square feet and the minimum dimensions shall be ten (10) feet in width and twenty (20) feet in length.
- 2. Each loading space shall have a clear height of fourteen (14) feet and shall be directly accessible through a usable door not less than three (3) feet in width and six (6) feet, eight (8) inches in height.

Minimum Dimensions of Off-Street Loading Spaces		
Description	Commercial/Office	Industrial
Parking Space Length	20 ft.	53 ft.

Parking Space Width	10 ft.	10 ft.
Outside Turning Radii	24 ft.	24 ft.
Vertical Clearance	14 ft.	14 ft.
Backing and Maneuvering Area	50 ft.	50 ft.
Loading Dock Area		Area of Truck Bed multiplied by 2
Loading Dock Width		10 ft.
Loading Dock Height		4 ft.

B. Screening

All operations, materials, and vehicles in any loading space that are visible from public streets or residential districts shall be screened. The screening material, upon installation, shall be at least six (6) feet in height and 100% opaque.

C. Surface

All loading areas shall be constructed of an approved hard surface, consisting of cement or asphalt, and shall be provided with adequate drainage to prevent surface water run-off on adjacent properties or onto the public right-of-way.

512 On-Street Parking Standards

A. Applicability

- On-Street Parking* may be used on city-maintained public streets if approved by the City Council and shall be limited to local streets internal to Mixed-Use (CMU-Community Mixed-Use District), Multifamily (RM-12 and RM-24 Multifamily Residential Districts), and RS-TH (Townhouse Single-Family Attached Residential District) zoning districts that provide pedestrian walkability within the project.
- On-Street Parking* shall be shown on the zoning exhibit and is subject to review and approval of the Director(s) of the *Engineering Department* and *Planning and Development Department* prior to submission to the *City Council*.
- On-Street Parking* shall be permitted to serve multiple buildings or parcels within a Mixed-Use, Multifamily, and Townhouse development.

On-Street Parking shall not be permitted or for the exclusive use for an individual building, business, parcel or patron.

B. Parking Space Requirements

1. *On-Street Parking* calculations shall be provided on the zoning exhibit.
2. Handicap parking shall comply with the ADA Standards, the Georgia State Law for Accessible Design and the Georgia Accessibility Code for Buildings and Facilities for all multi-family and non-residential uses.
3. A maintenance agreement for *On-Street Parking* shall be authorized between the owner/developer and the *Planning and Development Department* before the issuance of a development permit.
4. A Mandatory Property Owners Association shall be established. The Mandatory Property Owners Association shall be responsible for the maintenance of any *On-Street Parking* in the development. A maintenance responsibility statement for *On-Street Parking* shall be placed on the approved plans and the covenants shall include a section that specifically states who is responsible for maintenance and what the maintenance standards are for *On-Street Parking*.
5. On-Street Parking shall be constructed in accordance with GCDOT Standards and designed to minimize potential adverse impacts with existing or proposed traffic flow on an adjacent public right-of-way or local street.
6. Up to 100 percent of *On-Street Parking* spaces available within 500 feet of a retail use may be counted towards the minimum *Off-Street Parking* requirements for the entire development as shown on the zoning exhibit.
7. No more than twenty (25%) percent of the required *Off-Street Parking* spaces may be provided by *On-Street Parking*.

C. Pedestrian Circulation

1. Multifamily and Non-residential parking lots containing 100 spaces or more shall incorporate pedestrian access corridors into their design.
2. Pedestrian corridors shall include five (5) foot wide sidewalks with two (2) foot grassed strips along at least one side of primary driveways. The pedestrian corridors shall connect parking areas directly with buildings and adjacent public streets. These corridors shall not apply to auto sales lots.

3. Where pedestrian corridors cross a driveway, they shall be constructed as a raised, flat hump with a height of 4 inches and a 6-foot wide top with 4-foot wide ramps and marked as a crosswalk; or shall be constructed with an approved contrasting paver and marked as a crosswalk. Parking spaces shall not be located more than 200 feet from any pedestrian corridor.

D. Stacking Lanes; Spaces For Drive-Through Facilities Or Service Windows

Stacking lanes and spaces shall be designed to prevent circulation congestion, both on-site and on adjacent public streets. The circulation shall separate drive-through traffic from site circulation, not impede or impair access into or out of parking spaces, not impede or impair vehicle or pedestrian traffic movement, and minimize conflicts with physical and visual separation between pedestrian and vehicular traffic.

1. Stacking Lanes

- a. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
- b. Stacking lanes shall be a minimum of 10 feet in width, and parallel the entire length for the drive-through service area and narrowing to 8.5 feet adjacent to the service window or facility.
- c. Stacking lanes shall be a minimum of 12 feet in width along curved segments.
- d. Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians.
- e. Entrances to stacking lane(s) shall provide adequate storage length from the nearest intersection.
- f. Stacking lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement. If said separate stacking lane is curbed, an emergency by-pass or exit shall be provided.
- g. Service areas and stacking lanes shall be set back 5 feet from all lot lines and roadway right-of-way lines.

- h.* All stacking lane entrances shall provide adequate storage length from the nearest intersection.

E. Stacking Spaces

- a.* Each stacking space shall be a minimum of 20 feet in length and 10 feet in width along straight portions.
- b.* Stacking spaces shall be a minimum of 12 feet in width along curved segments.
- c.* Provide adequate queue space for a minimum of five cars per lane

F. Separate Driveway and Stacking Lane

A separate driveway and stacking lane is required for any drive-through window, bank drive-through, ATM stand-alone structure, or drop-off or pick-up area. These stacking lanes shall be separate and distinct from the required through-lane providing circulation around the building or service facility.

513 Definitions

Italicized words may be defined in the Zoning Ordinance, Article 10 Definitions.

IT IS SO ORDAINED, this ____ day of _____, 2023.

Mayor David R. Still

Attest: _____
City Clerk



LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: NEW BUSINESS

Item: An Ordinance to Amend ARTICLE 9; Administration and Enforcement of the Zoning Ordinance

Department: Planning and Development

Date of Meeting: Tuesday, January 3, 2023

Fiscal Impact: None

Presented By: Todd Hargrave, Planning and Development Director

Action Requested: Approval of amendment

Summary: The recommendation is to eliminate the Architectural Review Board and to provide clarity and eliminate contradicting language for the withdrawal process for public hearings. Staff is building relationships with developers which gives room for conversations about compliance with the rules and better decision making. In 2019, the department received five applications for variances. There were no meetings in 2020 due to the pandemic, and all meetings in 2021 were cancelled due applicants within the Downtown Entertainment District meeting and exceeding architectural design standards set forth in Article 6 of the Zoning Ordinance. The Board has only met once in 2022; in March to go over the responsibilities of the members and sign their commitment to the City. Only three of the seven members were in attendance.

Attachments/Exhibits:
ARTICLE 9 Amendment Draft

**AN ORDINANCE TO AMEND
THE ZONING ORDINANCE OF THE CITY OF LAWRENCEVILLE, GEORGIA**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the City of Lawrenceville Zoning Ordinance is amended as follows:

Section 1. Delete Article 9, Administration and Enforcement in its entirety and replace it as follows:

Administration and Enforcement

900 General Provisions

A. Decision-Making Responsibilities

The following table provides a summary of the decisions and applicable decision-makers for each of the determinations to be made in this Article.

Table 900-1: Summary Table of Procedures and Decision-Making Roles				
	Director of Planning and Development	Board of Appeals	Planning Commission	City Council
Administrative Variance	√			
Appeals		√		√
Building Permit	√			
Certificate of Occupancy	√			
Special Uses			√	√
Temporary Uses	√			
Variances		√		√
Zoning Ordinance Enforcement	√			
Zoning Ordinance Text Amendments			√	√
Zoning Map Amendments			√	√

901 Policies and Procedures

For purposes of this section the terms “zoning decision” shall have the meanings set forth in O.C.G.A. §36-66-3. Prior to making any zoning decision, the City Council shall conduct a public hearing. The public hearing shall be called, and a public notice provided in accordance with the provisions of O.C.G.A §36-66-4. At any such public hearing, the following procedures shall apply:

1. A member of the planning staff will briefly summarize the requested zoning change; and shall respond to any questions from the City Council regarding the staff recommendations related to the proposed zoning change.
2. The applicant shall be provided an opportunity to be heard, and may present any evidence, information, or materials which the applicant desires for the City Council to consider in arriving at its determination.
3. Public comments will be accepted and individuals making public comment may present any evidence, information and/or materials the individual desires for the City Council to consider in arriving at its determination.
4. The City Council may place reasonable time limitations on the presentation of the applicant and on public comments by individuals in support or opposition to the zoning decision. An equal period be allowed for presentation data, evidence, and opinion by proponents of the zoning decision and by opponents of the zoning decision, and in no event shall the minimum time period allowed for presentation be less than 10 minutes per side.
5. Persons speaking either in support of or in opposition to a zoning decision shall be recognized by the mayor, shall state their name and address for the public record, and shall present any written documents which they desire to be included in the record of the meeting to the City Clerk and Director of Planning and Development.
6. All comments shall be directed to the City Council and shall be made in an orderly manner.
7. The applicant and any opponents to the zoning decision shall acquaint themselves with the provisions of §36-67a-3 and shall comply with the provisions of that statute

902 Planning and Development Director

A. Role of the Director of Planning and Development

1. The Director of Planning and Development shall administer and enforce this Ordinance with the assistance of the Planning and Development, and Code Enforcement staff and other persons as designated by the Director of the Planning and Development Department.
2. The Director shall have the authority to approve and issue Administrative Variances, Building Permits, Certificates of Occupancy, and Temporary Outdoor Activity Permits, and to make interpretations and determinations of the Zoning Ordinance and Zoning Map in order to carry out the intent and purpose of this Zoning Ordinance.
3. If the Director finds that any of the provisions of this Ordinance are being violated, they shall notify in writing the property owner and tenant responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. The Director shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

B. ADMINISTRATIVE VARIANCES

1. The Director shall have the power to grant variances (except for density and use) from the development standards of this Ordinance where, in his or her opinion, the intent of the Ordinance can be achieved, and equal performance obtained by granting a variance. The authority to grant such variance shall be limited to variances from the following requirements:
 - a. Front yard or yard adjacent to a public street - variance not to exceed twenty (20) percent.
 - b. Side yard - Variance not to exceed ten (10) percent.
 - c. Rear yard - Variance not to exceed twenty (20) percent.

C. BUILDING PERMITS REQUIRED

No building or structure shall be erected, moved, added to, or structurally altered without a permit issued by the Director of the Planning and

Development Department. No building permit shall be issued except in conformity with the provisions of this Ordinance unless the Director receives a written order from the Board of Appeals in the form of an administrative review or variance as provided by this Ordinance.

D. APPLICATION FOR BUILDING PERMIT

1. The applicant for a building permit shall submit plans at a suitable scale showing the shape, size, and location of the lot to be built upon; the shape, size, height, use, and location of the buildings to be erected, altered, or moved and of any buildings already occupying the lot; the number of dwelling units the building is designed to accommodate; the setback line of the buildings on adjoining lots; and any other information needed to determine whether the provisions of this Ordinance are being followed.
2. If the plans conform to the provisions of this Ordinance, the City building Ordinances, and other Ordinances of the City, the permit shall be issued upon payment of the required fee. If compliance does not result, the building permit shall be refused by the Planning and Development Director stating such refusal in writing with the cause.
3. If no visible progress on construction or modification has been made within 12 months of the date that said permit is issued, the permit becomes invalid. The Director may renew the permit pending review and recommendation of the Building Inspector. A renewal fee is required to be paid by the applicant before the permit is renewed.

E. CERTIFICATE OF OCCUPANCY REQUIRED

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both until a Certificate of Occupancy has been issued by the Director of Planning and Development or their designee stating that the proposed use of the building or land conforms to the provisions of this Ordinance.
2. A record of all Certificates of Occupancy shall be kept on file in the Planning and Development Department and a copy shall be furnished, upon request, to any person.

903 Board of Appeals

A. ESTABLISHMENT AND PROCEDURE

1. COMPOSITION, APPOINTMENT, AND TENURE

A Board of Appeals (BOA) shall consist of five (5) members, appointed by the Mayor, **and** with the consent of the City Council. The terms of the members shall be for four years each with staggered terms. No member of the Board of Appeals may hold any other public office or position in the Municipality.

2. VACANCIES

Vacancies shall be filled by appointments for unexpired terms only and in the same manner as the original appointment.

3. REMOVAL

Any member of the Board of Appeals may be removed by the Mayor, with **the** consent of the City Council, for **any reason** after written notice and a public **vote**. Any member who misses more than three meetings in any one calendar quarter without excuse shall be removed from the Board by the City Council. The Director of Planning and Development shall keep an attendance record and report if a member's attendance does not meet this requirement to the mayor's office.

4. COMPENSATION

All members of the Board of Appeals shall receive compensation in an amount to be determined by the City Council.

5. OFFICERS AND RULES OF PROCEDURE

The Board of Appeals shall elect one of its members as Chairman who shall serve for one year or until such person is reelected or a successor is elected. The Director of Planning and Development **Department or their designee** shall act as Secretary for the Board of Appeals. Meetings shall be heard regularly, once a month, at the call of the Chairman and at such other times as the Board may determine. The Board of Appeals shall follow the rules adopted by the City Council in accordance with the provisions of this Section; shall keep minutes of its proceedings showing the absence, vote, or the failure to vote of each member; and shall keep records of its examination and other official actions, which minutes and records shall be filed in the Planning and Development Department and open to the public for inspection.

6. QUORUM

For the purpose of transacting business, a quorum of the Board of Appeals shall be considered to be **three (3)** of the five **(5)** members.

B. BOARD OF APPEALS HEARINGS.

The Board of Appeals shall conduct public hearings on all applications or referrals, within a reasonable time and place to advertise as required by State law. Any party in interest may appear in person, or by an agent or by an attorney, and be heard.

C. POWERS AND DUTIES

The Board of Appeals shall have the following powers and duties:

1. ARCHITECTURAL, DIMENSIONAL AND LOCATIONAL VARIANCES

If literal enforcement of the provisions of this Ordinance would result in unnecessary hardship due to special conditions and not to the intentional conduct of the requesting party, the Board of Appeals may authorize such variance if it is not contrary to the public interest. A variance from the terms of this Zoning Ordinance shall not be granted by the Board of Appeals unless and until:

- a.** A written application for a variance is submitted demonstrating that:
 - i.** Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - ii.** That the special conditions and circumstances did not result from the actions of the applicant.
 - iii.** No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings on other districts shall be considered grounds for the issuance of a variance.
- b.** Notice of a public hearing shall be given as in *Subsection 903 C.1., Architectural, Dimensional and Locational Variances.*
- c.** Where the strict application or literal enforcement of the requirements of this Zoning Ordinance would result in the applicant suffering practical difficulties, the Board of Appeals shall have the

power to authorize a variance from the terms of this Zoning Ordinance to relieve such difficulties. In granting a variance, the Board of Appeals may impose such conditions as may be necessary to comply with the factors herein to reduce or minimize potential injurious effects of such variance upon neighboring properties and to carry out the general purpose and intent of this Zoning Ordinance. In making such a determination, the Board of Appeals shall consider all the following factors, including whether:

- i.* The property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
 - ii.* The variance is substantial.
 - iii.* The essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance.
 - iv.* The variance would adversely affect the delivery of government services (i.e., water, sewer, garbage).
 - v.* The property owner purchased the property with knowledge of the zoning restriction.
 - vi.* The property owner's predicament feasibly can be obviated through some method other than a variance.
 - vii.* The spirit and intent behind the zoning requirement would be observed and substantial justice is done by granting the variance; and
 - viii.* Any other relevant factor to assist the Board of Appeals in weighing and balancing the public and private benefits and harms of the requested relief is necessary.
- d.* In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the intent of this Ordinance.
- e.* Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the provisions of this Ordinance; and

- f. Under no circumstances shall the Board of Appeals grant a variance to allow a use permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

2. APPEAL OF ADMINISTRATIVE REVIEW:

a. HEARINGS, APPEALS, NOTICE

- i. Appeals to the Board of Appeals concerning interpretation or administration of the Zoning Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision rendered.
- ii. Such appeals shall be submitted within 30 days of the Board by filing with the Director of Planning and Development a notice of appeal specifying the grounds thereof.
- iii. The Director of Planning and Development or his or her designee shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of an appeal; give due notice thereof to all parties in interest; and after hearing, decide the same within a reasonable time. At the hearing, any party in interest may appear in person, or by agent or attorney, and be heard.

b. STAY OF PROCEEDINGS

- i. An appeal stays all proceedings in furtherance of the action appealed from, unless the Director, or other person or agency from whose action the appeal is taken certifies to the Board of Appeals after the notice of appeal is filed that by reason of facts stated in such certification a stay would, in the opinion of the person making the certification, cause imminent peril to life and property.
- ii. In such case, proceedings may be stayed by a restraining order issued by the Board of Appeals, or by a court of record, on the application, on notice to the parties of interest, and for good cause shown.

c. HEARING OF APPEAL

The Board of Appeals shall conduct a public hearing as described in *Subsection 903 C.1., Architectural, Dimensional and Locational Variances.*

d. POWERS TO REVERSE OR AFFIRM

In exercising the above-mentioned powers so long as such action is in conformity with the terms of this Ordinance, the Board shall have the power to reverse or affirm, wholly or partly, or to modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Director, or other person or agency from whom the appeal is taken. The concurring vote of three members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination from which the appeal was made, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in the application of the Ordinance.

e. BOARD OF APPEALS DECISIONS.

All Board of Appeals decisions shall be in writing and shall contain findings of facts and conclusions of law. Decisions shall be mailed to the applicant and any interested parties who make a written request for a copy of the written decision without unreasonable delay after the close of the hearing. Where an application has been denied, no new application on substantially the same facts shall be filed within six months of the date the previous denial, unless the Board of Appeals, for good cause shown by the applicant, grants permission to do so.

f. APPEALS FROM THE BOARD OF APPEALS TO CITY COUNCIL.

Any person or persons severally or jointly aggrieved by any decision of the Board of Appeals may take an appeal to the City Council. Any appeal filed by the City shall be filed by the City Manager. Said appeals to the City Council shall be filed within thirty (30) days on the date of the decision of the Board of Appeals. If no appeal of the decision of the Board of Appeals is filed within thirty (30) days, said decision of the Board of Appeals shall be final. Any appeals to the City Council shall be filed with the City Clerk, and upon receipt of the appeal, the City Clerk shall place the matter on the agenda of the next regularly scheduled City Council meeting, which is scheduled at least ten (10)

days after the date the appeal is received by the City Clerk. The appeal to the City Council shall be a de novo hearing, and the parties to the appeal shall be entitled to present whatever evidence they deem appropriate to the City Council. Evidence submitted to the City Council on the appeal may be in writing or through oral presentation. However, the City Council shall have the right to limit oral presentations to no more than fifteen (15) minutes per side. Upon hearing an appeal, the City Council may render a decision at the meeting or may take the matter under advisement and render a decision at any regularly scheduled or specially called meeting in the next forty-five (45) days. Decisions by the City Council may be in writing or by oral motion but shall be approved at a regular or specially called meeting.

g. APPEALS FROM THE CITY COUNCIL TO THE SUPERIOR COURT OF GWINNETT COUNTY

Any person or persons severally or jointly aggrieved by any decision of the City Council on an appeal from a decision of the Board of Appeals may take an appeal to the Superior Court of Gwinnett County. Said appeal to the Superior Court shall be by Writ of Certiorari. Said appeal must be filed within thirty (30) days from the date of the decision of the City Council. If no appeal of the decision of the City Council is filed within thirty (30) days, the decision of the City Council shall be final. Any appeals to the Superior Court shall be an appeal based on the record created before the City Council and shall be limited to determining whether the City Council acted arbitrarily or capriciously or abused its discretion in exercising the powers granted to it.

h. DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF APPEALS, CITY COUNCIL AND COURTS ON MATTERS OF APPEAL.

It is the intent of this Ordinance that all questions of interpretation of this Ordinance shall be first presented to the Director of Planning and Development. Questions of interpretation shall be presented to the Board of Appeals only upon appeals from a decision of the Director of Planning and Development. It is further the intent of this Ordinance that any such decision by the Board of Appeals shall be appealable to the City Council, and that the only recourse from the decisions of the City Council shall be to the Courts as provided by law.

904 Planning Commission**A. ESTABLISHMENT AND PROCEDURE.**

The Planning Commission shall consist of **five (5)** members appointed by **Mayor with consent of the** City Council for terms of **four (4)** years on a rotating basis from and among the qualified electors of the City. Members of the Planning Commission shall not hold any other City office.

- 1.** The Planning Commission may make recommendations to the City Council on all matters affecting the physical growth and development of the City, shall be consulted on the Comprehensive Plan and the implementation or amendment thereof, and shall exercise all other responsibilities as may be provided by the City Ordinance, including, but not limited to, this Zoning Ordinance.
- 2.** Meetings of the Planning Commission shall be held once a month as determined by the Planning and Development Department. Hearing dates will be available online and in-person at the Planning and Development Department.
- 3.** The Planning Commission shall follow the rules and procedures adopted by the City Council and shall keep a record of its proceedings, recording the vote upon each question, and shall also keep records of its hearings and other official actions.
- 4.** Actions of the Planning Commission shall be a public record and all meetings of the Planning Commission shall be open to the public except in those instances when the Planning Commission is acting in a quasi-judicial manner; in which case the Planning Commission shall conduct a record hearing and may deliberate in private, and any matters permitted to be closed to the public under applicable Georgia law.

B. AMENDMENTS TO THE ZONING ORDINANCE AND MAP (REZONING)

- 1.** Petitions for amendments to the Zoning Ordinance or Zoning Map shall be made to the Planning Commission and City Council if the petition is City initiated or non-City initiated. If a petition is made for a Zoning Map amendment, the petition shall only be considered if one or more owners of property in the proposed area or an authorized agent are party to the petition.

2. The Planning and Development Department shall create a yearly calendar of all meetings and shall provide notice of each hearing as required by State statutes.

C. SPECIAL USES

The Planning Commission shall review and make a recommendation to the City Council regarding the establishment or material change in Special Uses as regulated in this *Section*.

1. The Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures and in authorizing a special use may impose such requirements and conditions, in addition to those expressly stipulated in this Zoning Ordinance, as it may deem necessary for the protection of adjacent properties and the public interest.
2. In deciding a special use, the Planning Commission may impose conditions as may be necessary to comply with the standards set forth herein to reduce or minimize potential injurious effects upon neighboring properties and to carry out the general purpose and intent of this Zoning Ordinance.
3. A special use shall become null and void at the expiration date recommended by the Planning Commission; set and approved by the City Council.
4. The Planning Commission shall not recommend a special use unless it, in each specific case, makes specific findings of fact directly based upon credible evidence as to all the following:
 - a. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
 - b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or will not substantially diminish and impair property value within the neighborhood.
 - c. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

- d.* Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
 - e.* Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; and
 - f.* The special use will be in a district where such use may be permitted and that all requirements set forth in this Zoning Ordinance and applicable to such conditional use will be met.
- 5.** The special use permit is designed to be used when:
 - a.* A special use listed under the zoning district is desired for development in a more intensive zoning district which contains that use as a use by right would not be appropriate for the property; or
 - b.* A special use listed under the zoning district is desired for development and no zoning district contains that use as a use by right; or
 - c.* The height of a building may affect the overall density of development; or
 - d.* The height of any structure may affect neighboring properties; and,
 - e.* The special use would be consistent with the needs of the neighborhood or the community, be compatible with the neighborhood, and would not conflict with the overall objectives of the comprehensive plan.
- 6.** To accommodate these special uses, the special use permit allows the City Council to approve a special use on a particular lot without changing the general zoning district.
- 7.** Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties.
- 8.** All special use permit applications shall be for planned developments only and shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time. A special use permit application shall be considered only if it is made by the owner of the property or his/her authorized agent.

D. DECISIONS OF THE PLANNING COMMISSION

1. The Planning Commission may, by a vote of not less than a simple majority of the members, present at a meeting:
 - a. Recommendation to City Council that the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use be **Approved as Requested**; or
 - b. Recommendation to City Council that the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use be **Approved with Conditions**; or
 - c. Recommend to City Council **Denial** of the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use; or
 - d. Recommend to City Council to **Table** the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use.
2. The recommendation shall be forwarded in writing to City Council within 30 days of the Planning Commission's vote, after which a public hearing shall be held by City Council in accordance with its rules of procedure.

905 City Council

Under this Ordinance, the City Council shall have only the following duties:

- A. Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law.
- B. Hearing and making a final determination on Special Uses as identified in *Section 904 C., Special Uses and Section 907, Rezoning and Special Use Permit Application Public Hearing Process.*
- C. Hearing and making a final determination on appeals to this Zoning Ordinance and Zoning Map amendments.
- D. Establishing a schedule of fees and charges as stated in this Ordinance; and
- E. Such other duties as may be established by laws of the State of Georgia or subsequently enacted Ordinances of the City.

906 Authority

The City Council may from time to time amend the boundaries of the zoning districts established on the official zoning map or the regulations set forth in this Ordinance **or amend the text of this Ordinance.**

- A.** Any proposed amendments shall be submitted to the Planning Commission for its recommendation. The Planning Commission shall make a recommendation to the City Council within thirty (30) days, or the Council shall be free to proceed without further awaiting the report of the Planning Commission.
- B.** When acting on an application for a rezoning or a Special Use Permit, the City Council shall have the right to grant the application, to deny the application, to grant a rezoning to less intense **zoning classification** than the **classification** requested, or to grant the application with the appropriate conditions. The City Council may also table the proposal **or allow the proposal to be withdrawn without prejudice**. In granting a rezoning application or Special Use Permit, in addition to imposing appropriate and necessary conditions, the Council shall have the authority to grant variances of the terms and conditions of **this Ordinance if an application is allowed to be withdrawn without prejudice there shall be no waiting period for the filing of a new application**. 

907 Rezoning and Special Use Permit Application Public Hearing Process

The Applicant or representative is encouraged to appear at the Planning Commission Meeting and the City Council Public Hearing. Failure to attend a meeting may result in the tabling of the application until the next meeting of that group. However, the Planning Commission and the City Council may act on the application should they so choose. Meeting dates, times, and locations are available online and in-person at the Planning and Development Department.

A. Schedule Of Events

- 1.** At least one week prior to the scheduled Planning Commission Meeting, the Planning Staff Report and Recommendation will be emailed to the applicant and will be available at the Planning and Development office.
- 2.** The applicant is encouraged to appear before the City of Lawrenceville Planning Commission to present their case in support of the rezoning application. The Planning Commission may ask questions of the applicant and the opposition. The Planning Commission is a recommending body. Their recommendation will be forwarded to the City Council.
- 3.** The applicant is encouraged to be present at the City Council Work Session. The applicant may be asked to present their case or to answer questions, at the desire of the City Council.

4. The applicant is encouraged to appear before the City Council for the Public Hearing.
5. If the rezoning application is denied by the City Council, any new application shall meet the requirements of Section 911 Lapse of Time Requirements for Reapplication.

B. Procedures

1. In the approval process for a zoning proposal application, the City Council shall consider the policies and objectives of the comprehensive plan, particularly in relation to the proposed site and surrounding area and shall consider the potential adverse impacts on the surrounding area, especially with regard to but not limited to traffic, storm drainage, land values, and compatibility of land use activities.
2. If an application is approved and zoning proposal is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. All final site plans shall be approved by the Director of Planning and Development or his or her designee prior to the issuance of any permits.
3. Once established, the zoning proposal shall be permanent unless otherwise rezoned.
4. Upon approval by the City Council, a zoning proposal shall be identified on the official zoning maps.
5. Upon approval by the City Council of zoning proposal, the owner of the property shall be issued a notice from the Planning and Development Department, which states the rezoning, the requirements of this section, and any conditions attached to the approval.
6. Any person, persons, or entities jointly or severally aggrieved by any decision of the City Council regarding a zoning proposal application may take an appeal to the Gwinnett County Clerk of Superior Court. The appeal must be filed within 30 business days of the decision of the City Council, and upon failure of such appeal, the decision of the City Council shall be final.

C. STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

The City Council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

1. Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned.
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan; and
6. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

909 Variance Public Hearing Procedures

The Applicant is required to appear at the Board of Appeals Meeting. Failure to attend the meeting may result in the tabling of the application until the next meeting of that group. However, the Board of Appeals may act on the application should they so choose. Meeting dates, times, and locations are available online and in-person at the Planning and Development Department.

A. SCHEDULE OF EVENTS

1. After confirming that the conditions for a variance as described in Section 903C.1.a are met, the applicant can apply through the Planning and Development Department.
2. The applicant must post a sign given to them by the Planning and Development Department at least 15 days prior to the public hearing.
3. The applicant shall appear before the City of Lawrenceville Board of Appeals to present their case in support of the variance application. Any

opposition to the variance application will be given equal time to present its case.

B. PROCEDURE

1. In the approval process for a variance application, the Board of Appeals shall consider all the factors listed in 903 C.1.c. before deciding.
2. Once approved, the applicant may begin development. A variance is a permanent entitlement to the land.
3. Upon approval by the Board of Appeals, the variance shall be archived by the Planning and Development Department.
4. Any person, persons, or entities jointly or severally aggrieved by any decision of the Board of Appeals regarding a variance application may take an appeal to the City Council. The appeal must be filed within 30 business days of the decision of the Board of Appeals, and upon failure of such appeal, the decision of the Board of Appeals shall be final.

910 Withdrawal of Application

Once an application for an amendment to the Official Zoning Map or an application for a Variance or Special Use Permit has been made the applicant may withdraw such application without prejudice at any time until the official withdrawal deadline published in the Public Hearing Schedule maintained by the Department has passed.

An application may not be withdrawn by an applicant or property owner under any circumstance **after the official withdrawal deadline. Once past the published withdrawal deadline** all applications shall be considered by the City Council or Board of Appeals, as appropriate, and shall receive final action, unless **the City Council or the Board of Appeals votes to allow the application to be withdrawn without prejudice. Any application that is allowed to be withdrawn without prejudice shall have no waiting period for filing a new application.**

IT IS SO ORDAINED, this ____ day of _____, 2022.

Mayor David R. Still

Attest: _____
City Clerk

DRAFT



LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: NEW BUSINESS

Item: An Ordinance to Amend the Code of Ordinance, Chapter 10, Article II

Department: Planning and Development

Date of Meeting: Tuesday, January 3, 2023

Presented By: Todd Hargrave, Planning and Development Director

Action Requested: Adoption of Amendment

Summary: Deleting the property maintenance ordinance in its entirety and replaced with the proposed changes; this includes regulations extracted from the Zoning Ordinance so that the document is more cohesive.

Attachments/Exhibits:

- **Proposed Amendment**

**AN ORDINANCE TO AMEND
THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA,
CHAPTER 10 – BUILDING AND BUILDING REGULATIONS, ARTICLE II. - PROPERTY**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia is amended as follows:

Section 1. Adopt Chapter 10 – Building and Building Regulations, Article II. – Property as follows:

Chapter 10 – Building and Building Regulations

Article I. – IN GENERAL

Sec. 10-1. Title

The title of this Chapter shall be the “City of Lawrenceville Property Maintenance Ordinance” and may be cited hereinafter as “This Chapter.”

Sec. 10-2. Purpose

The purpose of this Chapter is to establish minimum requirements and standards for premises and structures to promote and protect the public health, safety, convenience, order, and general welfare of the citizens of the City.

Sec. 10-3. Scope

This Chapter shall apply to all existing structures and premises and constitute minimum requirements and standards for existing structures and premises.

Sec. 10-4. Interchangeability

Words stated in the present tense include the future. Words stated in the masculine gender include the feminine and neuter. Words stated in the singular number include the plural and the plural singular.

Secs. 10-6—10-28. - Reserved

Sec. 10-29. Duties of Property Owner

It is the duty of every property owner located within the City of Lawrenceville, Georgia to:

- a.*** Construct and maintain such property in conformance with all applicable codes in force within the City limits, and any such ordinances which regulate and prohibit activities on property, and which declare it to be a public

nuisance to construct or maintain any property in violation of such codes or ordinances.

- b.** Keep such property reasonably clean and free of any materials or conditions which create a health or safety hazard either on such property or to surrounding persons or properties.

Sec. 10-30. Fences, Hedges and Walls (RS-180, RS-150, RS-60, RS-50, R-TH)

a. Fence, Hedge and Wall - Location

- i.* Fences, Hedges and Walls shall be prohibited within a designated private/public access/utility easement or public right-of-way.
- ii.* Fences, Hedges and Walls shall be prohibited from obstructing the view of an individual operating a vehicle while entering or exiting a designated driveway, private/public access or utility easement or a public right-of-way.

b. Fence, Hedge and Wall - Height

- i.* Fences, Hedges and Walls in required front yard areas shall not exceed four (4) feet in height.
- ii.* Fences, Hedges and Walls adjacent to an interior lot line in required rear and side yard areas shall not exceed six (6) feet in height.

c. Fence, Hedge and Wall - Exceptions

- i.* Fences, Hedges or Walls enclosing an approved stormwater management facility may be a maximum of six (6) feet in height.
- ii.* Fences, Hedges or Walls enclosing a tennis court may be a maximum of twelve (12) feet in height.
- iii.* Fences, Hedges and Walls located on lot with double frontage may have a fence, hedge, or wall up to (6) feet in height within a designated no access easement, subject to the review and approval of the Director of Planning and Development.
- iv.* The City Council may condition the approval of a Rezoning or Special Use Permit allowing an increase of the height of Fences, Hedges or Walls in excess of the minimum requirements of this Ordinance.

d. Subdivision Entrance Features

Walls or fences incorporated into a subdivision entrance feature shall not exceed ten feet in height and shall be subject to review and approval by the Director after the submission of a landscape plan, site plan, and architectural elevations to the Department.

e. Fence Materials

- i.* Any wall or fence which extends into the required front yard on property less than 3 acres in area shall be ornamental or decorative and constructed of brick, stone, wood, or wrought iron.
- ii.* No wall or fence constructed of woven wire or metal fabric (chain link, hog wire, or barbed wire) shall extend into a front yard.
- iii.* Electric and barbed wire fences shall be prohibited in residential districts except on lots that meet or exceed the minimum requirements for raising and keeping livestock (3 acres). Woven wire or metal fabric fences may extend into a front yard area, subject to the review and approval of the Director of Planning and Development.
- iv.* Exposed concrete blocks, tires, scrap metal, sheet metal, plastic/fiberglass sheeting, vinyl siding or fabric, plywood, pallet material, junk, or other discarded items shall be prohibited as fence material in residential and non-residential districts.

Sec. 10-31. Garage, Rummage, and Yard Sales

Garage, rummage, yard, and similar sales shall be permitted from an occupied residence, or group of residences in the case of a neighborhood event, subject to the following requirements and limitations:

1. Zoning

Garage, rummage, yard, and similar sales shall be permitted within the Mixed-Use, Multifamily, and Single-Family zoning classifications with the review and approval of an administrative variance by the Director of the Planning and Development Department.

2. Permit Restrictions

- a.* A Temporary Use Permit shall be required.
- b.* The person or entity seeking to conduct such a sale shall obtain the approval at least five business days before the start date of a garage or yard sale.

- c.** Garage or Yard Sales shall be limited to Friday, Saturday, and/or Sunday only, between the hours of 8 AM and 5 PM.
- d.** Garage or Yard Sales shall be limited to four events in any calendar year.
- e.** No more than one temporary outdoor activity shall be permitted simultaneously on a parcel.
- f.** An additional permit for a Garage or Yard Sale on the same property may not be applied for or renewed within 90 days from the date of any prior approval.
- g.** No evidence of the Garage or Yard Sale shall remain on a parcel of property for more than 12 consecutive hours of any calendar day.
- h.** No permit holder shall permit any loud or boisterous conduct on or near the premises.
- i.** No permit holder shall permit persons to line up or congregate, either on foot or in automobiles, before the start of the Garage or Yard Sale.

3. *Sales and Display*

- a.** An affirmative statement that the goods to be sold are owned by the person or persons conducting the sale, and that such goods were not acquired for resale.
- b.** No display shall be erected or installed, nor shall any display take place, within a City, County, or State right-of-way.
- c.** All personal property offered for sale shall be displayed within the residence, garage, and carport or rear yard area.
- d.** A Vehicle offered for sale may be displayed on the paved driveway within the front yard.

4. *Signs*

- a.** Signs shall be a maximum of four square feet.
- b.** Signs shall not be in the public right-of-way (e.g., streetlights, telephone poles, traffic signs, or any other structure).
- c.** All signs placed off-site shall have the permission of the owner of the property on which the sign is to be placed.
- d.** Signs shall only be posted during the duration of the permitted event.
- e.** Signs shall be a maximum of four square feet.

5. Temporary Structures

No temporary structure or covering shall be erected as a part of an Estate Sale. Display tables and Pop-Up Tents (max. area 100 square feet) may be used.

6. Traffic Control

- a.** A traffic and parking plan detailing the proposed method for controlling traffic to ensure the flow of vehicular traffic will not be impeded during the proposed sale.
- b.** Parking of motor vehicles is restricted to one side of the street, and where practical, shall be restricted to the same side of the street on which the sale will be conducted.
- c.** No permit holder shall allow vehicles to impede the passage of traffic on any roads or streets in the vicinity of the sale. Permit holders shall report to the Police Department any vehicles which are parked in violation of this division.
- d.** Permit holders shall keep the streets, sidewalks, and general vicinity of the sale location free from trash and litter.

7. Code Enforcement

The City of Lawrenceville Planning and Development Department, Code Enforcement Unit shall be authorized to inspect the Garage and Yard Sale for compliance with the provision of this Article.

8. Compliance

- a.** Mandatory compliance with all applicable Municipal, County, and State requirements is required.
- b.** City of Lawrenceville Planning and Development Department - Building Plan Review, Development Plan Review, Zoning - Permit Required.
- c.** City of Lawrenceville Police Department – General Safety and Welfare of the Public, Parking, Traffic Control – (Internal Staff Notification Only).

Sec. 10-32. Graffiti

It shall be a violation of this Ordinance for any person having a legal or equitable interest in a parcel of real property to permit graffiti to remain on a structure located thereon for a continuous period of more than 72 hours. For purposes of

this Ordinance, the term "graffiti" shall have the same meaning as outlined in O.C.G.A. § 17-15A-2 (see *Property Maintenance Ordinance, Sec. 10-48 Definitions Subsec. A.16.*).

Sec. 10-33. Grass, Weeds, and Uncultivated Vegetation – Commercial, Industrial, Multifamily Residential, Office Institutional, and Single-Family Residential Zoning Classifications (CMU, BG, BGC, HSB, OI, LM, HM, RM-12, RM-24, RS-180, RS-150, RS-60, RS-50, R-TH)

a. Premises and Exterior Property Maintenance

- i.* Grass shall not exceed 6 inches in height.
- ii.* Weeds or uncultivated vegetation shall not exceed 6 inches in height.
- iii.* Weeds or uncultivated vegetation shall be maintained and contained from encroaching on adjacent properties.
- iv.* Property owners of developed property adjacent to a public right-of-way shall be required to maintain the area extending from the right-of-way/property line to the back-of-curb/edge of pavement in the same manner as described above.
- v.* Undeveloped properties and portions of developed property where the intent is to leave the property in its natural state shall abide by the following:
 - 1.** Grass, weeds, or uncultivated vegetation shall be maintained to a height of six (6) inches along the right-of-way/property line at a minimum distance equivalent to fifty (50) percent of the width of the public right-of-way as measured from the centerline of public roadway.
 - 2.** Grass, weeds, or uncultivated vegetation shall be maintained to a height of six (6) inches along the side and rear property lines at a minimum distance of twenty (20) feet interior to the property when undeveloped property abuts an adjacent developed property to minimize encroachment of undesirable vegetation.
 - 3.** Exceptions to subsections (1) and (2) are required stream and zoning buffers however vegetation within buffers shall be maintained so that it does not encroach onto other properties.

Sec. 10-34. Outdoor Storage – Single-Family Residential Zoning Classifications (RS-180, RS-150, RS-60, RS-50, R-TH)

- a. Outdoor Storage in residential zoning districts shall be part of, and strictly used for the residential purpose of the owner or occupant of the residentially zoned property.

Outdoor Storage in mixed-use, multifamily, and single-family zoning classifications shall be governed by the following restrictions and requirements:

- i. Outdoor storage of appliances, building materials, construction equipment, debris, garbage, glass, junk vehicles, junk vessels, materials, merchandise, rubbish, trash, or other similar materials shall not be allowed on any residentially zoned property.
- ii. Outdoor Storage shall be stored in an approved accessory structure an enclosed garage connected to the principal structure, or in the rear or side yard areas.
- iii. Outdoor Storage stored in the rear or side yard area shall be screened with either landscaping or fencing that provides an effective year-round visual screen from neighboring properties and/or public right-of-way.
- iv. Garbage, rubbish, trash, or other similar items shall not be placed outside for collection by an authorized waste hauler not more than 24 hours before the designated collection date for a residentially zoned property.
- v. This Section is not intended to, and shall not be interpreted to, prohibit the construction of mailboxes, driveways, walkways, lampposts, decorative columns, or landscaping within the right-of-way, provided such structures are located behind the curb line and do not create a traffic hazard.

Sec. 10-35. Private or Residential Swimming Pool and Spa

A Private or Residential Swimming Pool and Spa, as defined by *International Swimming Pool and Spa Code (ISPSC)* shall be maintained in a mechanically and structurally safe, sanitary, and secure condition always.

A Private or Residential Swimming Pool and Spa shall be surrounded by a barrier, fence, or wall having a minimum height of four (4) feet. When the sides of an aboveground pool are used as the barrier the ladder or steps shall be capable of being secured, locked, or removed to prevent access; or the ladder or steps shall be surrounded by a fence or wall which meets these requirements.

In addition to any State laws, City and County ordinances and regulations, or health codes which govern the maintenance of multifamily residential swimming pools within the City of Lawrenceville, the following regulations shall apply:

- a.** Swimming pools, when uncovered, shall be maintained in such a manner that the water in the pool is kept clear and free of algae. The bottom of the pool, at its deepest point, shall be always visible.
- b.** When not covered, the filtration system must be operational either continuously or at set intervals as controlled by an electronic timing device to prevent water from becoming stagnant.
- c.** When covered, the cover shall remain securely affixed and must remain in good repair. Accumulated leaves and tree debris must be removed to ensure the pool cover is visible and to prevent damage or breach of the cover.
- d.** Stagnant water located within swimming pools or on swimming pool covers conducive to the breeding and harboring of mosquitoes or other insects shall not be permitted or maintained on any premises.

Sec. 10-36. Trees - Commercial, Industrial, Mixed-Use, Multifamily, Office Institutional, and Single-Family Zoning Classifications (BG, BGC, HSB, OI, LM, HM, CMU, RM-12, RM-24, RS-180, RS-150, RS-60, RS-50, R-TH)

a. Easements

Trees shall not be in a recorded easement defined as granting the right of a person, government agency, or public utility to use public or private land owned by another for a specific purpose (e.g., drainage, electric, gas, sewer, water).

b. Hazardous Trees

Dead, dying, damaged or diseased trees shall not be allowed to exist or to be maintained on any premises, which are hazardous to persons on adjacent property or to adjacent property.

c. Tree Stumps

- i.** Tree stumps shall not be permitted or maintained on any premises.
- ii.** Exceptions:
 - 1.** Property covered by a valid land-disturbing permit.
 - 2.** Undeveloped property and portions of developed property where the intent is to leave the property in its natural state (*see Property*

Maintenance Ordinance, Sec. 10.31. Grass, Weeds and Uncultivated Vegetation. a.v.1-3.).

d. Tree Debris

- ii.** Felled trees, slash, removed tree limbs, or other portions of any tree shall not be permitted or maintained on the ground on any premises.
- iii.** Exceptions:
 - 1.** Property covered by a valid land-disturbing permit.
 - 2.** Cut wood which is neatly stacked in lengths equivalent to one cord of wood, or four (4) feet width, eight (8) feet length, and four (4) feet height shall be neatly stacked in a rear yard area only.
 - 3.** Undeveloped property and portions of developed property where the intent is to leave the property in its natural state (*See Property Maintenance Ordinance, Sec. 10.31. Grass, Weeds and Uncultivated Vegetation. a.v.1-3.).*

Sec. 10-37. Residential Vehicle Parking

a. General

In all residential zoning districts, the parking of the following vehicles and vessels shall be as follows:

- i.** Vehicles or Vessels shall be parked on an *approved hard surface* (*see Property Maintenance Ordinance, Sec. 10.39. Residential Driveways*).
- ii.** The number of vehicles or vessels parked outside of the dwelling on any given parcel shall not exceed four.

Exceptions:

- 1.** The parking of additional Vehicles or Vessels on a permanent basis shall require the approval of Variance (*see Zoning Ordinance, Article 9 Administration and Enforcement, Section 903 Board of Appeals*).
- 2.** Any Vehicle or Vessel parked temporarily in conjunction with a Visitor for a period not lasting more than twenty (20) business days. *This exception shall not include those prohibited Vehicles or Vessels listed in Sec. 10-37. Subsect. d. Commercial Vehicles – Residential).*

b. Passenger Car, SUV, Truck or Van

In all residential zoning districts, the parking of the following vehicles shall be permitted:

Any vehicle including but not limited to vehicles defined by this *Property Maintenance Ordinance, Sec. 10.48. Definitions, A. 42. Vehicle – Residential.*

c. Recreational Vehicles, or Recreational Vessels

- i.** Recreational Vehicles or Vessels parked outside of the dwelling on any given parcel shall be parked in a Rear Yard Area on an approved hard surface.
- ii.** Recreational Vehicles or Vessels parked in the Rear Yard Area shall be parked at least fifteen (15) feet from an adjacent side or rear property line.
- iii.** Recreational Vehicles shall not exceed a length of forty-five (45) feet, a width of eight and one-half (8½) feet, and a height of thirteen and one-half (13½) feet.
- iv.** Recreational Vessels shall not exceed a length of thirty (30) feet, a width of eight and one-half (8½) feet, and a height of thirteen and one-half (13½) feet including the trailer.
- v.** Recreational Vehicles or Vessels, including a trailer, may not be parked, or stored where it would constitute a clear and demonstrable vehicular traffic hazard or be a threat to public health or safety.

d. Commercial Vehicles - Residential

In all residential zoning districts, the parking of the following Vehicles shall be prohibited:

- i.** Any vehicle-for-hire including but not limited to vehicles defined by this *Property Maintenance Ordinance, Sec. 10.48. Definitions, A. 21. Junk Vehicles and Vessels, A. 39 Vehicle – Not Defined by This Ordinance, A. 40. Vehicle – Commercial and A. 41. Vehicle – Recreational Off-Highway Vehicle.*
- ii.** In all residential zoning districts, the parking of any Vehicle or Vessel (including associated trailer) over twenty (20) feet in length, seven (7) feet in height, or seven (7) feet in width shall be prohibited.
- iii. Exceptions:**

1. Any vehicle-for-hire parked temporarily in conjunction with a delivery, sale, or service, including but not limited to a list of vehicles found in this (*Property Maintenance Ordinance, Sec. 10.37.d.i.*).
2. Vehicles used for agricultural purposes on residential property with five (5) acres or more are permitted if parked outside the required Front Yard Area. Vehicles or equipment used for agricultural purposes on residential property with five (5) or more acres may be exempt from hard surface requirements if parked outside the required Front Yard Area.

a. Commercial Vehicles – Commercial, Industrial or Office-Institutional

In all commercial, industrial, and office zoning districts, the parking of the following shall be restricted as follows:

- i. No required parking spaces or drive aisles may be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicles, vessels, or equipment, unless permitted with the approval of a Special Use Permit.
- ii. Vehicles intended for delivery, sales, or service displaying advertising shall not be parked within a Front Yard Area.
- iii. Vehicles intended for delivery, sale, or service displaying advertising shall be parked within the Side or Rear Yard Areas only.

b. Junk Vehicle or Vessel

- i. Any vehicle or vessel shall not be kept, maintained, parked, permitted, or stored on any premise or public right-of-way. Junk vehicles found to be on any public street shall be subject to immediate removal to an impound facility by the Lawrenceville Police Department.
- ii. Any vehicle or vessel of any kind or type, or contrivance or part thereof which is abandoned, disassembled, discarded, dismantled, inoperative, junked, stripped, wrecked, or incapable of being legally operated on a public highway due to flat or removed tires, missing or inoperative parts, or other defects, or which are stored outside of a building, carport, garage or similar structure for at least twenty (20) days shall be considered and defined as a Junk Vehicle or Vessel.

Sec. 10-38. Residential Driveways

In all residential zoning districts, the installation of a residential driveway shall be designed and constructed as follows:

- a.** Approved hard surface driveways shall be required for all residential uses.
- b.** One access driveway per lot, minimum width of sixteen (16) feet, and maximum width of twenty-four (24) feet.
- c.** Driveways shall extend to, and provide access to, a carport or garage.
- d.** Driveways shall intersect perpendicular to the street and may not extend along the street in a parallel or radial manner.
- e.** The maximum allowable impervious surface area in the Front Yard Areas shall be a maximum of thirty-five (35) percent.
- f.** Individual driveways adjacent to an Arterial or Collector shall not be approved for newly subdivided lots of less than five acres.

Sec. 10-39. Residential Parking Pads

In all residential zoning districts, the installation of a residential parking pad shall be designed and constructed as follows:

- a.** Parking pads shall be limited to one pad per lot measuring a maximum of nine (9) feet in width and eighteen (18) feet in length or a maximum of 162 square feet; whichever is stricter shall apply.
- b.** Parking pads shall be considered an extension of the required driveway and shall be located a minimum of eighteen (18) feet as measured from a public right-of-way/property line.
- c.** Parking pads shall be considered an extension of the required driveway and shall be located a minimum of five (5) feet as measured from a rear or side property line.
- d.** Residential Driveways to private residences accessing an Arterial or Collector Street(s) shall install a parking pad to avoid vehicles backing into an Arterial or Collector Street.

Sec. 10-40. Vending Machines (BG, BGC, HSB, OI, LM, and HM zoning classifications)

Outdoor storage of vending machines, boxes, or other similar containers used to distribute food or beverages, newspapers, propane tanks, ice, videos, or other similar consumer product, provided that the following requirements are met:

- a.* The vending machine is not greater than seven feet in height or more than four feet in width or depth and the number of vending machines, boxes, or other similar containers shall not exceed one machine for every 3,000 square feet of building area and a maximum of three machines, boxes, or other similar containers per lot.
- b.* The machines shall be located against and parallel to the building facade.

Sec. 10-41. *Buildings*

A. Exterior Surface Treatment

All exterior surfaces, including, but not limited to, siding, doors, door and window frames, cornices, porches, window shutters, gutters, and other similar exterior surfaces and trim shall be maintained in good repair and kept clean of visible signs of mold, mildew, or algae growth.

1. Exterior walls

Exterior walls of buildings shall be maintained free from holes, breaks, or loose or rotting materials, and shall be maintained weatherproof and properly surface-coated (e.g., protective covering or treatment) as needed to prevent deterioration (e.g., peeling, flaking, and chipping).

2. Roofs

Roofs of buildings shall be maintained so that they are structurally sound, in a safe condition, and have no defects, which might admit rain or cause dampness in the interior portions of a building. Roofs and gutters shall be kept free of excessive accumulations of leaves, pine straw, or other debris.

3. Exterior Stairways, Decks, Porches, and Balconies

Exterior stairways, decks, porches, and balconies, and all appurtenances attached thereto, of buildings shall be maintained a so that they are in good repair.

4. Windows

Windows of buildings shall be fully supplied and maintained with glass windowpanes or with a substitute approved by the Director of the Planning and Development Department, which are without open cracks or holes. Screens, if provided, shall be securely fastened to the window or window frame. Exceptions include a commercial business that has closed may board up the windows for security for a period not to exceed sixty (60) days.

5. Exterior Doors and Frames

Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames to substantially prevent rain and wind from entering the building. Exterior doorjamb stops, headers and moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration. Additionally, exterior doors shall be in proper working condition, with proper hardware and maintained weather-resistant or watertight caulk, sealant, and paint.

6. Decorative Features

Cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be in good repair and maintained with a weather-resistant or watertight caulk, sealant, and paint.

7. Accessory Buildings

Under no circumstances shall Accessory Buildings be constructed or repaired in whole or in part with a tarp, or any tarp-like material, vinyl, plastic, or PVC.

B. Satellite Dish Antennas

In all districts, satellite dish antennas shall be permitted as accessory structures subject to the following restrictions:

1. Located only in rear yards, unless it can be documented that reception is impaired by such a location. In this case, an antenna would be permitted in a side yard, but not a front yard.
2. Satellite dish antennae larger than 18 inches in diameter shall not be located on the roof of a residential building.
3. Except as provided herein, any variation from the requirements in this Section shall require a variance to the Board of Appeals.

C. Solar Panels

Solar panels are permitted as an accessory use in all districts to promote clean, sustainable, and renewable energy resources. These regulations intend to establish general guidelines to prevent off-site nuisances including unreasonable visual interference, light glare, and heat that the incorrect placement of solar panels may create. Furthermore, no solar panel system shall be constructed, erected, installed, or located before proper approval has been obtained according to this Section.

1. Requirements and Regulations

Solar panel systems shall conform to or be evaluated for compliance with the following standards:

- a.** The proposed system is no larger than necessary to provide 120 percent of the electrical energy requirements of the primary structure to which it is an accessory as determined by a contractor licensed to install solar and photovoltaic energy systems.
- b.** If roof-mounted, the solar panel system shall:
 - i.** Be flush mounted on the roof unless good cause is shown by the applicant that the solar panel is not at an appropriate angle to obtain sufficient sun exposure.
 - ii.** Be in the most inconspicuous location on the roof so as not to be seen from the street, if possible, and still be able to function as designed.
 - iii.** Not extend higher than the peak of a sloped roof or higher than 5 feet from the top of a flat roof.
- c.** If freestanding, the solar panel system shall:
 - i.** Not extend more than 10 feet above the existing grade in residential districts. In all other districts, the maximum height of a solar panel system will be determined on a case-by-case basis upon plan review.
 - ii.** Not be in a required front yard.
 - iii.** Not be in any required side or rear yard setback areas for accessory uses.
 - iv.** Not be positioned to reflect sunlight onto neighboring property, public streets, or sidewalks, including onto any neighboring structures.

- v. Be landscaped at the base and the back of the panel structure if the structure is visible from the neighboring properties.

d. Signs

- i. All signs, both temporary and permanent, are prohibited on a solar panel or solar collection systems, except as follows:
- ii. Manufacturer or installer's identification information on the system.
- iii. Appropriate warning signs and placards.

b. Solar Panel Systems

Shall comply with all applicable sections of the *City of Lawrenceville Building Code*, *International Building Code (IBC)*, and applicable industry standards such as the *American National Standards Institute (ANSI)*, *Underwriters Laboratories (UL)*, or an equivalent third party.

c. Utilities

All electrical transmission wires and connections on freestanding solar panel systems shall be located underground.

2. Interconnection Agreement

An Interconnection Agreement shall be required for interconnection and parallel operations of small-distributed generation equipment or facilities of 10kW or less, which includes solar panel systems proposed for connection to the local utility power grid. Adherence to corresponding statutory provisions of the Georgia Statutes shall be required.

3. Maintenance

All solar panel systems shall be maintained in good, working order.

D. Swimming Pools (Residential)

In addition to any State laws, County ordinances, or health codes governing the maintenance of residential swimming pools within the City of Lawrenceville, the following regulations shall apply:

- 1. All residential swimming pools, when uncovered, shall be maintained in such a manner that the water in the pool is kept clear and free of algae. The bottom of the pool, at its deepest point, shall be always visible.

2. When not covered, the filtration system must be operational either continuously or at set intervals as controlled by an electronic timing device to prevent water from becoming stagnant.
3. When covered, the cover shall remain securely affixed and must remain in good repair. Accumulated leaves and tree debris must be removed to ensure the pool cover is visible and to prevent damage or breach of the cover.
4. Stagnant water located within swimming pools or on swimming pool covers conducive to the breeding and harboring of mosquitoes or other insects shall not be permitted or maintained on any premises.
5. Swimming pools proposed to be in a front or side yard area shall require the review and approval of the Board of Appeals.
6. Swimming Pools (Residential) shall be subject to the rules and regulations of Article 2, Supplemental and Accessory Use Standards.

Sec. 10-42. Residential Occupancy Limitations

A. Overcrowding

1. Dwelling Units

Dwelling units shall not be occupied by more persons than permitted by area requirements outlined in the following table and elsewhere in this section:

Table of Minimum Area Requirements			
	<i>Minimum Area (in square feet)</i>		
Space	1—2 occupants	3—5 occupants	6+ occupants
Living room ¹	No Requirement	120	150
Dining room ¹	No Requirement	80	100
Kitchen	50	50	60
Bedrooms	See subsection (b) of this section, sleeping areas.		

¹Living room and dining room spaces may be combined if the total area is equal to that required for separate rooms and if the space is located to function as a combination living/dining room.

2. Sleeping Areas

a. Area for Sleeping Purposes

Every person occupying a dwelling unit shall have a sleeping area of no less than 80 square feet of floor area.

b. Prohibited Occupancy.

Kitchens, dining rooms, living rooms, bathrooms, hallways, unfinished basements, garages, and non-heated spaces shall not be used for sleeping purposes and may not be used in the calculation of required sleeping space. Furthermore, partial spaces in separate rooms may not be combined to arrive at the required 80 square feet of floor area per occupant.

3. Efficiency Units

An efficiency unit is permissible if it meets the following requirements:

- a.** The unit shall be provided with a kitchen area to include a sink, cooking appliance, and refrigeration unit each with at least 30 inches of front clearance.
- b.** The unit shall include a separate bathroom containing a toilet, sink, and bathtub or shower.
- c.** The unit shall have no more than three occupants.
- d.** The unit shall have a floor area of 220 square feet for up to 2 occupants and 320 feet for three occupants. These required floor areas are exclusive of the required kitchen and bathroom spaces listed above.

4. Short-Term Occupancy

This section shall not apply to short-term occupancy not lasting longer than one week. However, the week limitation may be extended at the discretion of the Director of Planning and Development in cases of displacement due to natural or man-made disasters.

Sec. 10-43. *Vacant, Foreclosed, and Delinquent Property*

A. Registration required

- 1.** The owner of any vacant, foreclosed, or delinquent real property shall maintain an agent for said property in the State of Georgia and shall register the property and the name of the agent with the Director within 14 days of the property becoming vacant, foreclosed, or delinquent.
- 2.** The registration shall utilize a copy of the form developed by the Georgia Department of Community Affairs, as may be amended. Generally, this form shall include the following information:
 - a.** The real property owner's name, street address, mailing address, phone number, facsimile number, and e-mail address.
 - b.** The agent's name, street address, mailing address, phone number, facsimile number, and e-mail address.
 - c.** The real property's street address and tax parcel number.
 - d.** The transfer date of the instrument conveying the real property to the owner and the recording information, including deed book and page numbers, at such time as the recording information becomes available, of said instrument.
- 3.** If the property is acquired by foreclosure under the power of sale or through a deed in lieu of foreclosure, the owner may file a copy of the deed transferring ownership of the property in lieu of submitting a registration of the required form in the following circumstances:
- 4.** The deed contains the information specified in Subsection (2) of this Section.
 - a.** The deed is filed with the Clerk of the Superior Court within sixty (60) days of the transfer.
 - b.** The filing date stamp or a receipt showing payment of the required filing fee with the Superior Court is provided along with a copy of the entire deed.
 - c.** A filing in this manner shall be exempt from the registration fee required in Subsection (5) of this Section.
 - d.** All information required in Subsection (2) or (3) of this Section shall be kept up to date, and therefore, any change to that information shall be updated through a revised filing with the Director within 30 days of the change in such information.

5. At the time of registration under this article, the owner shall pay an administrative fee as may be established from time to time.
6. The submittals required by this article shall be submitted in an electronic format (pdf, email, etc.).
7. Except for the forms created by the Georgia Department of Community Affairs, the Director shall create the forms necessary to carry out the provisions of this article. The owner shall be required to utilize the forms created by the Director.

B. Removal from Registry

The owner of a property may apply to have the property removed from registration by providing an application and proof that the property is occupied and that all pertinent utility accounts have been established and are being utilized. The City shall either grant or deny the application for removal from the registration list within thirty (30) days of the date of receipt of the application by the City. If no action is taken by the City within thirty (30) days, the application shall be deemed granted.

C. Penalties

Any person found to have violated any provision of this article shall be punished by a fine not to exceed \$1,000.00.

D. The appeal of the decision of the Director of the Planning and Development Department

1. Any decision of the Director required by this article shall be subject to appeal and review by the Municipal Court of the City of Lawrenceville.
2. Any decision required to be made by the Director by this Property Maintenance Ordinance shall be in writing, and a copy shall be provided to the owner of the property.
3. Any appeal taken under this article shall be in writing and shall be filed within 30 days of the decision in question with the Clerk of Court of the Municipal Court of the City of Lawrenceville.
4. Upon receipt of the written appeal, the Clerk of Court shall notify the Director of the appeal, and the Director shall, within ten days, transmit all papers constituting the record to the Clerk of Court. The Clerk of Court shall schedule a hearing on the appeal.

5. The Municipal Court's review shall be limited to determining whether the decision of the Director constitutes an abuse of its discretion in its application and enforcement of this Property Maintenance Ordinance.

Sec. 10-44. *Enforcement, Unlawful Acts, Notice of Violation, and Emergency Nuisances Procedure*

A. Complaints Regarding Violations

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, fully stating the causes and basis thereof, shall be filed with the Department of Planning and Development. The Director shall properly record such complaint, immediately investigate, and act thereon as provided by this Ordinance.

B. Enforcement

The Director of the Planning and Development Department or their designee shall enforce this Ordinance.

C. Unlawful Acts

1. It shall be unlawful for a person, firm, or corporation to be in conflict with, or violation of, this Ordinance, including violations of conditions and safeguards established in connection with grants of Variances, Special Use Permits, Rezoning, and Change in Conditions. Grandfathered, legal, non-conforming uses shall be permitted to continue under the rules and regulations of this Zoning Ordinance.
2. The owner and tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other people who commit, participate in, assist in, or maintain such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

D. Notice of Violation

1. Enforcement shall begin with a written notice of violation provided to the owner and/or occupant. The notice may be delivered personally or sent by first class mail. The notice shall be served at the officer's discretion and contain a deadline of not less than one day or more than twenty days for compliance. The deadline for compliance may be modified by the Director for good cause shown on a case by case basis.

2. If the violation continues past the deadline, the Director shall issue a summons, citation or accusation charging the person or persons, firm, corporation, or agent with a violation of this Ordinance or the City shall institute legal proceedings charging the person or persons, firm, corporation, or agent with a violation of this Ordinance. If a summons, citation, or an accusation is issued requiring the alleged violator(s) to appear in Municipal Court, the summons, citation, or accusation shall be conspicuously posted on the property that is the subject matter of the alleged violation and a copy shall be served in the following manner:
 - a. If each owner and party in interest is a resident of the county, service shall be either personal or by statutory overnight delivery, return receipt requested; shall occur at least fourteen (14) days before the date of the hearing; and a return of service, filed with the Clerk of Court, shall be deemed sufficient proof that the summons, citation, or accusation was served.
 - b. If any owner or party in interest is a resident of this state but resides outside of the county, service shall occur by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in county tax records and mailed at least fourteen (14) days before the date of the hearing.
 - c. Nonresidents of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, and mailed at least fourteen (14) days before the date of the hearing. For nonresidents whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks before the hearing.

E. Powers of the Court

The Municipal Court shall have the power and authority to order the violation corrected in compliance with this Ordinance and the court may require payment of restitution or impose other punishment allowed by law.

F. Penalties

Any person convicted by the Municipal Court of violating any provision of this Ordinance shall be guilty of violating a duly adopted ordinance of the City and shall be punished by a fine not to exceed One Thousand Dollars

(plus applicable fees and surcharges), impose community service work, or by a sentence of imprisonment not to exceed six months. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

G. Lien Imposition

If, after thirty (30) days from the date of the Municipal Court-imposed fine, any person or entity has not paid said fine in full, the City of Lawrenceville shall have the authority to file a lien on the property in violation for the amount of the imposed fine and shall record it with the Gwinnett County Clerk's Office.

H. Other Legal Remedies

1. In any case, in which a violation of this Ordinance has occurred, the City, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through the Municipal Court to prevent, restrain, or abate such unlawful use or activity.
2. Where a determination is made that the property is in violation of the Property Maintenance Ordinance, and any other Ordinances and laws enforced by the City of Lawrenceville, and all reasonable efforts and means to obtain compliance have been exhausted or it is in the best interest of the City and/or its citizens, the City of Lawrenceville is authorized to affect such compliance at public expense. The cost of effectuating compliance shall constitute a lien upon the property and said lien shall be recorded by the City of Lawrenceville with the Gwinnett County Clerk's Office.

Sec. 10-45. Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 10-46. Repeal of Conflicting Ordinances

All Ordinances or parts of Ordinances in conflict with this Ordinance herewith are repealed.

Sec. 10-47. Effective Date

This Ordinance shall take effect and be in force from and after the adoption of this Ordinance through Ordinance by City Council.

Sec. 10-48. Definitions

A. Definitions

Terms not defined in this section shall have their meaning as defined in the Zoning Ordinance, and the Development Regulations, or in the absence of such definition, terms shall have their common dictionary definition. Whenever the terms "dwelling unit," "premises," "building," "rooming house," "rooming unit," or "story" are stated in this Article, they shall be construed as though they were followed by the term "or any part thereof." The following definitions shall apply in the interpretation and enforcement of this chapter:

1. AGENT

An individual with a place of business in this State at which he is authorized to accept inquiries, notices, and service of process on behalf of a vacant, foreclosed, or delinquent real property owner.

2. BARRIER

A permanent fence, wall, building wall, or combination thereof that surrounds the pool or spa and obstructs access to the pool or spa. The term "permanent" shall mean not being able to be removed, lifted, or relocated without the use of a tool.

3. BATHROOM

A room containing plumbing fixtures, including a bathtub or shower.

4. BEDROOM

Any room or space used or intended to be used for sleeping purposes.

5. BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy.

6. BUSINESS DAYS

Monday through to Friday, except for Saturday, Sunday, or any Federal or State holidays.

7. CLOSING

Causing a property to be vacated and secured against unauthorized entry.

8. DELINQUENT REAL PROPERTY

Any improved or unimproved real property on which there have been repeated violations of this Code that remain uncorrected for at least 90 days.

9. DIRECTOR

The Director of the City of Lawrenceville Planning and Development Department or their designated representative.

10. DRUG CRIME

An act which is a violation of O.C.G.A. Title 16, Chapter 13, Article 2, known as the Georgia Controlled Substances Act.

11. DWELLING UNIT

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

12. EXTERIOR PROPERTY

The open space on the premises and on adjoining property under the control of owners or operators of such premises.

13. FLOOR AREA

The area of a given room as measured from wall face to wall face, or in the case where an obstruction (cabinet, appliance, etc.), the face of that obstruction.

14. FORECLOSED REAL PROPERTY

An improved or unimproved real property for which a land-disturbance permit has been issued and is held pursuant to a judicial or non-judicial foreclosure of a mortgage, deed of trust, security deed, deed to secure debt, or other security instrument securing debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor.

15. GARBAGE

The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

16. GRAFFITI

Any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of real property or improvements thereon without prior authorization of the owner or occupant of the property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick, etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface.

17. HABITABLE SPACE

Any space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

18. HARD SURFACE

A surface made of solid, impermeable material that significantly impedes or prevents the natural infiltration of water into the soil such as asphalt, concrete, or similar impervious surface.

19. HARDSHIP

Something that causes or entails suffering or privation (e.g., adversity, affliction, anguish, difficulty, discomfort, distress, dolor, martyrdom, misery, misfortune, ordeal).

20. INTERCONNECTION AGREEMENT

The interconnection and parallel operations of small-distributed generation equipment or facilities of 10kW or less, which includes solar panel systems and generators proposed for connection to the local utility power grid.

21. INTERESTED PARTY

The property owner, those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the Title Standards of the State Bar of Georgia, those parties having filed a notice in accordance with O.C.G.A. § 48-3-9, and any

other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the County Courthouse or by the Clerk of the Court. The term "interested parties" shall not include the holder of the benefit or burden of any easement or right-of-way whose interest is properly recorded which interest shall remain unaffected and persons in possession of said property and premises.

22. JUNK VEHICLE AND VESSEL

Any vehicle or vessel of any kind or type, or contrivance or part thereof which is abandoned, disassembled, discarded, dismantled, inoperative, junked, stripped, wrecked, or incapable of being legally operated on a public right-of-way due to flat or removed tires, missing or inoperative parts, and other defects regardless of if there is a valid license or registration, which are stored outside of any *building* (see Sec. 10.48. Definitions, Sub-Section 5. Building) within all zoning districts for at least twenty (20) days.

23. LICENSE PLATE

A sign affixed to a motor vehicle which displays a series of letters or numbers or both indicating that the vehicle has been registered with this state. Such sign may be in a material made of metal or paper or a device which allows information to be presented electronically in a digital format.

24. MAINTENANCE

The act of keeping property, structures, or vegetation in a proper condition to prevent their decline, failure, or uncontrolled growth.

25. OCCUPANT

Any individual living or sleeping in a building or utilizing the space within a building.

26. OPERATOR

Any person who has charge, care, or control of a structure or premises which is let or offered for occupancy.

27. OUTDOOR STORAGE

The storage, outside of a fully enclosed lawful structure, of items or objects of attention, concern, or interest. (e.g., belongings, equipment, materials, merchandise, objects, supplies, stuff, things, vehicles, vending machines, vessels, or similar items).

28. OUTSIDE

A place or region beyond a *dwelling unit* (see Sec. 10.48. Definitions, Sub-Section 10. Dwelling Unit).

29. OWNER

Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State of Georgia or Gwinnett County as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

30. PARKING PAD

An extension of the required driveway constructed of material consistent with the definition of a Hard Surface.

31. PASSENGER CAR, SUV, TRUCK OR VAN

Every motor vehicle, except an all-terrain, bus, commercial, former military motor vehicle, fully autonomous vehicle, limousine, low-speed vehicle, motor-driven cycle, multipurpose off-highway vehicle, personal vehicle, pole trailer, cycle, recreational off-highway vehicle, semitrailer, special mobile unit, taxicab, tractor, trailer, truck, truck tractor or wrecker and, designed for carrying ten passengers or less and used for the transportation of persons.

32. PLANT TRIMMINGS

Plant trimmings generated from the maintenance or alteration of public, commercial, industrial, and office institutional premises or multifamily and single-family residential premises landscapes, including, without limitation, grass cuttings, yard clippings, leaves, tree trimmings, pruning, brush, and weeds.

33. PREMISES

A lot, plot, or parcel of land, including any structures thereon.

34. PUBLIC AUTHORITY

Any member of a governing authority, any housing authority officer, or any officer who oversees any department or branch of the government of the Municipality, County, or State relating to health, fire, or building regulations or other activities concerning dwellings, buildings, or structures in the County or Municipality.

35. PUBLIC OFFICER

This Property Maintenance Ordinance shall be enforced by the Director of the Department of Planning and Development Department, or by the Director's duly authorized representative.

36. REPAIR

Altering or improving a property to bring any dwelling, building, or structure into compliance with the applicable codes in the jurisdiction where the property is located and/or the cleaning or removal of debris, trash, and other materials present and accumulated which create unsanitary and unsafe conditions which are an endangerment to the public health or safety in or about any property.

37. RUBBISH/TRASH

Combustible and noncombustible waste materials, except garbage, including paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin, cans, metals, bricks, lumber, concrete, mineral matter, glass, crockery, and including the residue from the burning of wood, coal, coke, or other combustible material.

38. STREET ADDRESS

The street or route address does not mean or include a post office box.

39. TOILET ROOM

A room containing a water closet or urinal but not a bathtub or shower.

40. VACANT REAL PROPERTY

A. The term "vacant real property" means real property that:

- i.* Is intended for habitation has not been lawfully inhabited for at least 60 days, and has no evidence of utility usage within the past 60 days: or

ii. Is partially constructed or incomplete, without a valid building permit.

B. The term "vacant real property" does not include a building or structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage.

41.VEHICLE – ALL OTHER VEHICLES NOT DEFINED BY THIS ORDINANCE

Any Vehicle or Vessel (including associated trailer) over twenty (20) feet in length, seven (7) feet in height, or seven (7) feet in width shall be prohibited.

42.VEHICLE – COMMERCIAL

a. BUS

Any motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

b. CARGO VAN – COMMERCIAL

A van which was manufactured with seats for only a driver or a driver and a front passenger, and in which the area behind the driver does not include any seating.

Exceptions:

The term "cargo van" shall not include a van manufactured as a cargo van and subsequently converted to a passenger vehicle.

c. COMMERCIAL

Any self-propelled or towed motor vehicle used on a highway in intrastate and interstate commerce to transport passengers or property when the vehicle:

- i.* Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more.
- ii.* Is designed or used to transport more than eight passengers, including the driver, for compensation.

- iii.* Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.
- iv.* Is used to transport material determined to be hazardous by the secretary of the United States Department of Transportation under 49 U.S.C. Section 5103 and transported in a quantity that requires placards under regulations prescribed under 49 C.F.R., Subtitle B, Chapter I, Subchapter C.

d. FORMER MILITARY MOTOR VEHICLE

A motor vehicle that operates on the ground, including a trailer, that was manufactured for use in any country's military forces and is maintained to represent its military design, regardless of the vehicle's size, weight, or year of manufacture. Such term shall not include motor vehicles armed for combat or vehicles owned or operated by this state, the United States, or any foreign government.

e. LIGHTWEIGHT COMMERCIAL VEHICLE

A motor vehicle which does not meet the definition of a commercial motor vehicle and which, in the furtherance of a commercial enterprise:

- i.* Is used to transport hazardous materials in a type and quantity for which placards are not required in accordance with the Hazardous Materials Regulations prescribed by the United States Department of Transportation, Title 49 C.F.R. Part 172, Subpart F, or compatible rules prescribed by the commissioner of public safety.
- ii.* Is used to transport property for compensation.
- iii.* Is used to transport passengers for compensation, other than a taxicab.
- iv.* Is a wrecker or tow truck.

f. LIMOUSINE

Any motor vehicle that meets the manufacturer's specifications for a luxury limousine with a designed seating capacity for no more than ten passengers and with a minimum of five seats located behind the operator of the vehicle, and which does not have a door at the rear of

the vehicle designed to allow passenger entry or exit; further, no vehicle shall be permitted to be operated both as a taxicab and a limousine.

g. MULTIPURPOSE OFF-HIGHWAY VEHICLE

Any motorized vehicle having features specifically intended for utility use and having the following characteristics:

- i.* Has the capability to transport persons or cargo or both.
- ii.* Operates between 25 miles per hour (40.2 kilometers per hour) and 50 miles per hour (80.4 kilometers per hour).
- iii.* Has an overall width of 80 inches (2,030 millimeters) or less, exclusive of accessories or attachments.
- iv.* Is designed to travel on four or more wheels.
- v.* Uses a steering wheel for steering control.
- vi.* Contains a non-straddle seat.
- vii.* Has a gross vehicle weight rating of less than 4,000 pounds (1,814 kilograms).
- viii.* Has a minimum cargo capacity of 350 pounds (159 kilograms).

h. POLE TRAILER

Any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle utilizing a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

i. SEMITRAILER

Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

j. SPECIAL MOBILE EQUIPMENT

Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a

highway, including but not limited to: ditch-digging apparatus, well-boring apparatus, and road construction and maintenance types of machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

k. TAXICAB

Any motor vehicle for hire which conveys passengers between locations of their choice and is a mode of public transportation for a single passenger or small group for a fee. Such term shall also mean taxi or cab, but not a bus or school bus, passenger car, or commercial motor vehicle.

l. TRACTOR

Any self-propelled vehicle designed for use as a traveling power plant or for drawing other vehicles but having no provision for carrying loads independently.

m. TRAILER

Any vehicle with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

n. TRUCK

Any motor vehicle designed, used, or maintained primarily for the transportation of property.

o. TRUCK TRACTOR

Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

p. WRECKER

Any vehicle designed, equipped, or used to tow or carry other motor vehicles utilizing a hoist, crane, sling, lift, or roll-back or slide back platform, by a mechanism of a like or similar character, or by any combination thereof, and the terms "tow truck" and "wrecker" are synonymous.

43. VEHICLE – RECREATIONAL OFF-HIGHWAY VEHICLE

Any motorized vehicle designed for off-road use which is equipped with four or more non-highway tires, and which is 65 inches or less in width.

a. ALL-TERRAIN VEHICLE

Any motorized vehicle originally manufactured for off-highway use which is equipped with three or more non-highway tires is 80 inches or less in width with a dry weight of 2,500 pounds or less and is designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

44. VEHICLE – RESIDENTIAL

Any vehicle propelled by its own motor and operating on ordinary roads. As used herein, the term includes passenger cars, motorcycles, motorized bicycles, motor scooters, SUVs, trucks, vans and the like. For purposes of this part, classes of automobiles may be separately controlled or regulated (as for example passenger cars, SUVs, trucks, and vans).

a. BATTERY ELECTRIC VEHICLE (BEV)

Any motor vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's battery and produces zero tailpipe emissions or pollution when stationary or operating.

b. ELECTRIC VEHICLE

Any motor vehicle that is licensed and registered to operate on public and private highways, roads, and streets, and operates either partially or exclusively on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. Electric vehicle includes battery electric vehicles and plug-in hybrid electric vehicles.

c. FULLY AUTONOMOUS VEHICLE

A motor vehicle equipped with an automated driving system that can perform all aspects of the dynamic driving task without a human driver within a limited or unlimited operational design domain and will not at any time request that a driver assume any portion of the dynamic driving task when the automated driving system is operating within its operational design domain.

d. GOLF CAR/CART

Any motorized vehicle designed for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf in an area designated as a golf course. For such a vehicle to be considered a golf car or golf cart, its average speed shall be less than 15 miles per hour (24 kilometers per hour) on a level road surface with a 0.5% grade (0.3 degrees) comprising a straight course composed of a concrete or asphalt surface that is dry and free from loose material or surface contamination with a minimum coefficient of friction of 0.8 between tire and surface.

e. MOPED

A motor driven cycle equipped with two or three wheels, with or without foot pedals to permit muscular propulsion, and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement shall be 3.05 cubic inches (50 cubic centimeters) regardless of the number of chambers in such power source. The power source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed 30 miles per hour (48.28 kilometers per hour) on level road surface and shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

f. MOTORCYCLE

Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, all-terrain vehicle, and moped.

g. MOTOR DRIVEN CYCLE

Every motorcycle, with a motor which produces not to exceed five brake horsepower, and every moped.

h. PASSENGER CAR, SUV, TRUCK OR VAN

Every motor vehicle, except an all-terrain, bus, commercial, former military motor vehicle, fully autonomous vehicle, limousine, low-speed vehicles, motor driven cycles, multipurpose off-highway vehicles, personal transportation vehicles pole trailer cycles, recreational off-highway vehicle, semitrailer, special mobile unit, taxicab, tractor, trailer, truck, truck tractor or wrecker and, designed for carrying ten passengers or less and used for the transportation of persons.

i. PERSONAL TRANSPORTATION VEHICLE (PTV)

Any motor vehicle having no fewer than three wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour if such vehicle was authorized to operate on local roads by a local authority prior to January 1, 2012. Such vehicles may also be referred to as “motorized carts” in such local ordinances; and any motor vehicle: With a minimum of four wheels; Capable of a maximum level ground speed of less than 20 miles per hour; With a maximum gross vehicle unladen or empty weight of 1,375 pounds; and Capable of transporting not more than eight persons.

The term does not include mobility aids, including electric personal assistive mobility devices, power wheelchairs, and scooters, that can be used indoors and outdoors for the express purpose of enabling mobility for a person with a disability. The term also does not include any all-terrain vehicle or multipurpose off-highway vehicle.

j. PLUG-IN HYBRID ELECTRIC VEHICLE (PHEV)

An electric vehicle that (1) contains an internal combustion engine and allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

k. RECREATIONAL VEHICLE

A vehicle designed for recreational use (e.g., camping, caravan, motor home, recreational vehicle, trailer, etc.)

1. Built on a single chassis.
2. 400 square feet or less when measured at the largest horizontal projection.
3. Designed to be self-propelled or permanently towable by light-duty truck.
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

45. VEHICLE GROSS WEIGHT

The weight of a vehicle without load plus the weight of any load thereon.

44. VESSEL

A watercraft, other than a seaplane on the water or a sailboard, used or capable of being used as a means of transportation on water and specifically includes, but is not limited to, inflatable rafts and homemade vessels.

a. HOMEMADE

Any vessel that is built by an individual for personal use from raw materials that does not require the assignment of a federal hull identification number by a manufacturer according to federal law. A person furnishing raw materials under a contract may be considered the builder of a homemade vessel. Antique boats, boats reconstructed from existing boat hulls, and rebuilt or reconstructed vessels are not considered homemade vessels.

b. MECHANICALLY PROPELLED

Any vessel propelled by machinery using a volatile liquid for fuel.

c. NONMOTORIZED

Any vessel, other than a sailboat which has no motor attached in a manner to make it readily available for operation.

d. POWERBOAT

Any boat, vessel, or water-going craft which is propelled by mechanical rather than manual means whether such a propulsion device forms an integral part of the structure thereof.

e. RECREATIONAL

Any vessel designed for recreational use (e.g., boating, canoeing, fishing, kayaking, rafting, trailer, etc.).

f. WATERCRAFT

A vessel for transport by water constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion. This definition includes but is not limited to watercraft both mounted and not mounted, as well as boats, air boats, jet skis, wave runners, Sea Doo, and the like.

45. VISITOR

A person visiting a person or place for a short period, or as a brief residence as a guest, especially socially.

46. WEEDS

All rank vegetative growth, including, but not limited to, kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors, other similar unsightly vegetative growths, and any invasive exotic plant species. The term "weeds" shall not include cultivated flowers, fruits and vegetables, and gardens.

47. WOODED LOT

A lot or portion of left in its natural state. A wooded lot is not meant to be manicured and usually devoid of grass.

48. YARD TRIMMINGS

All leaves, brush, grass, clippings, shrub, and tree prunings, discarded Christmas trees, and vegetative matter resulting from landscaping or maintenance activities.