



PLANNING COMMISSION PUBLIC HEARING AGENDA

Thursday, May 25, 2023 at 6:30 PM

Municipal Council Chambers, 4303 Lawrenceville Road

- 1. CALL MEETING TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
 - [A.](#) Approval of Minutes from 4/27/2023
- 5. NEW BUSINESS**
 - [A.](#) Amend Zoning Ordinance 119-83, 119-87
- 6. ADJOURN**

Public is welcomed to attend.



PLANNING COMMISSION PUBLIC HEARING MINUTES

Thursday, April 27, 2023 at 6:30 PM

Municipal Council Chambers, 4303 Lawrenceville Road

1. CALL MEETING TO ORDER

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PRESENT

Chairman Keith Colquitt

Commissioner Tiffany Ellis

Commissioner Barbara Forrester

Commissioner Lisa Luttrell

Commissioner Amanda Soesbe

Commissioner Alma Thomas

Commissioner William Williams II

Planning and Development Director Tim Prater

Planning and Development Assistant Director Robbie Schwartz

Administrative Assistant Sarah Black

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A. Approval of minutes from 3.23.2023

Approval of minutes from 3.23.2023 made by Commissioner Williams II, Seconded by Commissioner Luttrell.

Voting Yea: Commissioner Ellis, Commissioner Forrester, Commissioner Luttrell, Commissioner Soesbe, Commissioner Thomas and Commissioner Williams II. Motion Approved 6-0.

5. NEW BUSINESS

A. Case # A23-001 – Dina Vasquez, requests Annexation of property located at 315 Skyland Drive Loganville, GA Gwinnett County. Map/Parcel #5159 013. 0.49+/- acres.

The following four cases were tabled from the March meeting, A23-001, R23-002, A23-003 and R23-004.

Chairman Colquitt asked if the applicant was present and would like to speak about the rezone and annexation of 315 Skyland Drive. Chuck Ross, the lawyer for Dina Vasquez, spoke at the podium.

He stated that since the last meeting (March) the business ran by Dina Vasquez at 315 Skyland Drive had made some improvements. Their works/trucks were only traveling by HWY 78 and not down Skyland, no road parking was occurring and cameras were installed by Dina Vasquez to make sure none of her employees were in violations of these changes made in response to public comments from the March meeting. Mr. Ross stated that they had been speaking with GA Surgicare Holdings, the owner of Judah Crossing, to see if the property could create an easement for Dina Vasquez's business.

Chairman Colquitt opened questions up to the Planning Commission.

Commissioner Ellis asked what the business owners plans were if the City of Loganville were to deny their annexation/rezone request. Mr. Ross states that they will still run the business as regulated by the zoning laws of Gwinnett County.

Commissioner Forester asked if the trucks/employees of the business will continue to use HWY 78 as travel as not to use Skyland Drive. Mr. Ross stated that yes and that they hope the easement with Judah Crossing will work out.

Chairman Colquitt opened questioning to the public, no questions were received.

Motion made to deny annexation by Commissioner Ellis, Seconded by Commissioner Luttrell.

Voting Nay: Commissioner Ellis, Commissioner Forrester, Commissioner Luttrell, Commissioner Soesbe, Commissioner Thomas and Commissioner Williams II. Motion to deny annexation 6-0.

Case # R23-002 – Dina Vasquez - filed an application to rezone 0.49+/- acres located on 315 Skyland Drive Map/Parcel #5159 013, Gwinnett County, Georgia. The property owner is Dina Vasquez. The current zoning is O&I. The requested zoning is CH for the development of existing office with opaque fenced outdoor storage.

No vote on the rezone case since annexation was denied.

Case # A23-003 – Dina Vasquez, requests Annexation of property located at 315 Skyland Drive Loganville, GA Gwinnett County. Map/Parcel #5159 014. 0.46+/- acres.

Motion made to deny annexation by Commissioner Ellis, Seconded by Commissioner Luttrell.

Voting Nay: Commissioner Ellis, Commissioner Forrester, Commissioner Luttrell, Commissioner Soesbe, Commissioner Thomas and Commissioner Williams II. Motion to deny annexation 6-0.

Case # R23-004 – Dina Vasquez - filed an application to rezone 0.46+/- acres located on 315 Skyland Drive Map/Parcel #5159 014, Gwinnett County, Georgia. The property owner is Dina Vasquez. The current zoning is O&I. The requested zoning is CH for the development of existing office with opaque fenced outdoor storage.

No vote on the rezone case since annexation was denied.

- B. Case # R23-005 – Sevan Multi-Site Solutions - filed an application to rezone 0.71+/- acres located on 168 Lee Byrd Road Map/Parcel #LG110061, Walton County, Georgia. The property owner is GSA RE Hwy 78 Loganville. The current zoning is R-16. The requested zoning is CH for the development of the parcel to become part of larger commercial development fronting US 78.

Chairman Colquitt asked if a representative of the case was present and would like to speak about the rezone. Amy Pearce for Sevan Solutions came up to speak and present a slideshow presentation.

The case for the rezone of 168 Lee Byrd Road is to combine it with two other parcels of land to create a large lot for CH development. They specifically are wanting to build a Whataburger restaurant on the lot as well as the possibility of building two other projects (coffee shop, another restaurant, maybe a bank- no plans for these projects at the moment). The slideshow included a traffic analysis and the possibility of adding in new driveways, detention pond, sidewalks and landscaping. They also discussed a landscape buffer of about 30ft to block off the section of land that would abut to a residential area.

Chairman Colquitt opened up questioning with the Planning Commission.

Commissioner Ellis asked if there were plans for additional driveways for the remaining parcels and if the city was going to cover the cost. Assistant Director Schwartz stated that the city and the developers would work together to update those area, in accordance with GDOT, and that the project was using as a template a previous plan from the city to update Old Zion Cemetery Road to create a spur.

Commissioner Williams and Thomas were curious about the landscape buffer. One option of the buffer was a fence. They wanted to verify that it would not be a chain link fence and that the buffer would not disturb any trees that were already on that property line. Assistant Director Schwartz stated that a chain link fence is not allowed with the new storm water ordinance. Amy Pearce also stated that they would create a landscape buffer under the commissions' conditions.

Chairman Colquitt opened up comments from the public.

Chuck Vaughn, of 110 Perry Street, property abuts to the proposed parcel. He stated that his only concern was for the oak trees that lined the property line and if they would be protected within the conditions he was fine with the rezone.

Motion made by Commissioner Williams II to approve rezone, Seconded by Commissioner Forrester.

Voting Yea: Commissioner Ellis, Commissioner Forrester, Commissioner Luttrell, Commissioner Soesbe, Commissioner Thomas and Commissioner Williams II. Motion approved rezone 6-0.

6. ADJOURN

Motion made by Commissioner Williams II to adjourn meeting, Seconded by Commissioner Forrester.

Voting Yea: Commissioner Ellis, Commissioner Forrester, Commissioner Luttrell, Commissioner Soesbe, Commissioner Thomas and Commissioner Williams II. Motion to adjourn approved 6-0.

Public is welcomed to attend.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LOGANVILLE, GEORGIA, SUBPART B, LAND DEVELOPMENT AND RELATED ORDINANCES, ARTICLE II, CHAPTER 119, ZONING, ARTICLE II - ADMINISTRATION AND ENFORCEMENT, TO COMPLY WITH HOUSE BILL 1405 'ZONING PROCEDURES LAW'

THE COUNCIL OF THE CITY OF LOGANVILLE HEREBY ORDAINS:

ARTICLE I.

The Code of Ordinances of the City of Loganville, Georgia, Subpart B, Land Development and Related Ordinances, Article II, Chapter 119, Zoning, Article II – Administration and Enforcement, is hereby amended by implementing the below text amendment as follows, underlined sections are added, stricken sections are being removed.

Sec. 119-83. - Public notification.

(a) *Legal notice.* Notice of the public hearing pursuant to this division shall be published in a local paper of general circulation within the city, the legal organ in which are carried the legal advertisements of the city, advertising the application and date, time, place and purpose of the public hearing at least 15 days prior to the first public hearing but no more than 45 days prior to the date of the first hearing conducted by the planning commission. If the application is for amendment to the original zoning map, special use or major variance, then the notice shall also include the location of the property, the present zoning district of the property, and the proposed district of the property.

(b) *Signs posted.* At least 15 days prior to the planning commission public hearing, the city manager or designee shall post on a conspicuous place on the property for which the application has been submitted, a sign that shall:

(1) Be readable from each street or road on which the property fronts, or if the property has no street frontage, from each street from which access will be gained;

(2) Clearly indicate:

a. The property's present zoning classification;

b. The proposed zoning classification, special use or major variance;

c. The date of the hearing; and

d. The location of the hearing.

e. Be maintained by applicant to prevent removal from property or destruction during the public hearing process.

(c) *Letters to abutting owners.* The city manager or designee shall give notification of the requested application by regular mail to all abutting owners as shown by county tax records. Such notification shall

be mailed at least 15 days prior to the planning commission public hearing and shall include a description of the application, the date, time and place of public hearings.

(d) Notwithstanding any other provision of this chapter to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owner to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision shall follow the required notice procedures of O.C.G.A. § 36-66-4(h)(1).

Sec. 119-87. – Appeals process

~~Any person or persons, jointly or severally, aggrieved by any decision by the city council of the city, may take an appeal to the superior court according to procedures outlined in the Ga. Const. art. VI, § IV, ¶ I.~~

Any person or persons who may have a substantial interest in any decision of the Mayor and Council may appeal said final decision to the Superior Court of Walton County, Georgia. Such appeal shall be filed with the Clerk of said Court by filing a notice of appeal in writing, setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such notice of appeal shall be filed within thirty (30) days after the decision of the Mayor and Council is rendered. A copy of the notice of appeal shall be served on the Mayor and Council. Appeals to the Superior Court of Walton County shall comply with the provisions of O.C.G.A. § 36-66-5.1.

ARTICLE II.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ARTICLE III.

This ordinance shall take effect from and after its adoption by the Mayor and Council of the City of Loganville, Georgia.

This 8th day of June, 2023.

CITY OF LOGANVILLE, GEORGIA

By: _____ (SEAL)

Skip Baliles, Mayor

Attest: _____ (SEAL)

Danny Roberts, City Manager

O.C.G.A. § 36-66-4

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated TITLE 36 Local Government Provisions Applicable to Counties and Municipal Corporations (Chs. 60 — 77) CHAPTER 66 Zoning Procedures (§§ 36-66-1 — 36-66-6)

(h)

(1) Notwithstanding any other provisions of this chapter to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

(A) The zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart; and

(B) Prior to the first meeting provided for in subparagraph (A) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection (a) of this Code section. The local government shall give notice of such hearing by:

(i) Posting notice on each affected premises in the manner prescribed by subsection (b) of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

(ii) Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.