



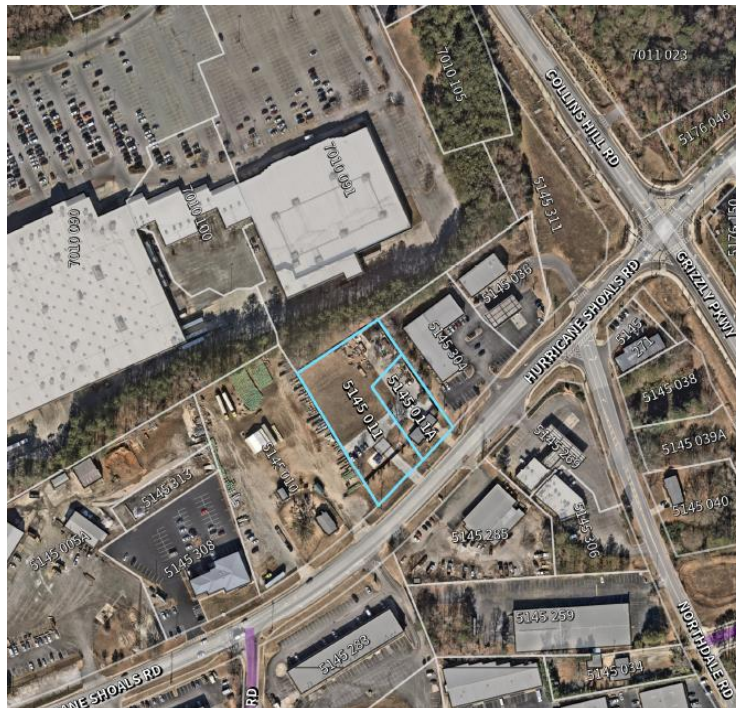
LAWRENCEVILLE

Planning & Development

REZONING

CASE NUMBER:	RZC2025-00063
APPLICANT:	MARVIN CRUZ ALVAREZ
OWNER:	MARVIN CRUZ ALVAREZ
LOCATION(S):	65 AND 79 HURRICANE SHOALS ROAD
PARCEL IDENTIFICATION NUMBER(S):	5145 011A AND 5145 011
APPROXIMATE ACREAGE:	1.64 ACRES
CURRENT ZONING:	RS-150 (SINGLE-FAMILY RESIDENTIAL DISTRICT)
ZONING PROPOSAL:	LM (LIGHT MANUFACTURING DISTRICT)
PROPOSED DEVELOPMENT:	LANDSCAPE COMPANY
DEPARTMENT RECOMMENDATION:	DENIAL

VICINITY MAP





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ZONING HISTORY

According to the earliest available zoning records on file with the city, the subject property has been zoned RS-150 (Single-Family Residential District) since 1960.

PROJECT SUMMARY

The applicant seeks to rezone an approximately 1.64-acre parcel assemblage from RS-150 (Single-Family Residential District) to LM (Light Manufacturing District) to allow the operation of a landscape company. The subject properties are located along the northern right-of-way of Hurricane Shoals Road, west of its intersection with Collins Hill Road.

Since early 2024, modifications have been made to the properties without the necessary permits, including:

- Installation of a seven-foot wooden fence along the front, east, and north sides of the property, which requires a permit.
- Construction of a new gravel driveway and path to the rear of the property, which requires a Special Use Permit in the LM zoning district.
- Demolition of an accessory structure on parcel 5145 011.
- Removal of trees.
- Enclosed carport

The site includes outdoor storage of vehicles and landscaping materials. However, the properties fall within the Downtown Development Authority boundary, where outdoor storage is prohibited under the Zoning Ordinance, ARTICLE 2, Section 200.3.55: Outdoor Storage – Industrial.

On February 29, 2024, a code enforcement case (CEU2024-011390) was opened for a zoning violation. The case was reassigned to a new officer in August 2024 and later closed on February 20, 2025, marked as "Court Case Adjudicated." The property owner entered a negotiated plea agreement with the City Solicitor and was instructed by the Court to contact the Code Enforcement Manager if the rezoning request is denied.



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According to ARTICLE 8, Section 804(D)(1) of the Zoning Ordinance, enforcement begins with a written notice of violation issued to the owner and/or occupant. This notice may be delivered personally or sent by first-class mail and must provide a compliance deadline of no less than one day and no more than twenty days. The Director may extend this deadline for good cause on a case-by-case basis. However, there is no documented request for an extension in this case.

In July 2024, the property owner submitted a permit application to the Planning and Development Department for an 18-foot-wide, 77-foot-long concrete driveway. The application was rejected with instructions to contact the department and meet with the Director to discuss zoning issues.

To date, the applicant has not followed up or made any contact with the Planning and Development Department; obtained the required permits (e.g., electrical, mechanical, plumbing, structural), provided the required reports relating to demolition permits (Georgia Asbestos Rule) and obtained the required Occupational Tax Certificates.



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NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)

According to NAICS a Landscape Company would be described as follows:

“NAICS Code Description 561730 - Landscaping Services: (1) establishments primarily engaged in providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens and (2) establishments primarily engaged in providing these services along with the design of landscape plans and/or the construction (i.e., installation) of walkways, retaining walls, decks, fences, ponds, and similar structures.

ZONING AND DEVELOPMENT STANDARDS

The property includes a single-family dwelling of approximately 1,300 square feet, along with an accessory structure that may be located less than five feet from the western property line.

The Planning and Development Department recommends denial of the request, however, if the City Council decides to approve the request, the Department recommends approval as BG (General Business District). If approved as BG, the proposal will require variances and/or reductions from the minimum standards as follows:

Article 1 Districts, Section 102.13 BG General Business District, Subsection B. Lot Development Standards

<i>Standard</i>	<i>Requirement</i>	<i>Proposal</i>	<i>Recommendation</i>
Minimum Lot Area	None	1/.64 acres	N/A
Minimum Lot Width	None	245 feet	N/A
Minimum Front Setback	50 feet	25 feet	<i>Variance</i>
Minimum Side Setback	10 feet	20 feet	N/A
Minimum Rear Setback	10 feet	feet	N/A



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Impervious Surface Coverage	95% (0.61 acres)	N/A	N/A
Maximum Building Height	35 feet	N/A	N/A

Front Yard Setback. The setback is intended to establish a safe distance between the structure and the property line or right-of-way to provide adequate space for emergency access and avoid hazards associated with vehicle traffic and public utilities. Therefore, the applicant would be responsible for seeking approval for a Variance allowing a twenty five-foot (25 ft.) encroachment into the required Front Yard Setback.

Article 4 Buffers, Section 403 Buffers Table

<i>Standard</i>	<i>Requirement</i>	<i>Proposal</i>	<i>Recommendation</i>
BG-BG	0 ft	0 ft	N/A
BG-LM	0 ft	0 ft.	N/A

Article 5 Parking, Section 508 Number of Off-Street Parking Spaces Required, Table 5-3

<i>Standard</i>	<i>Gross Square Footage ¹</i>	<i>Requirement</i>	<i>Proposed or Existing</i>	<i>Recommendation</i>
Contractor's Office	1,300 gsf	1 space per 250 gsf (5.2 spaces)	0	Provide marked parking spaces

¹ GSF – Gross Square Footage

The property does not have lined parking spaces as they are using the graveled area for parking.



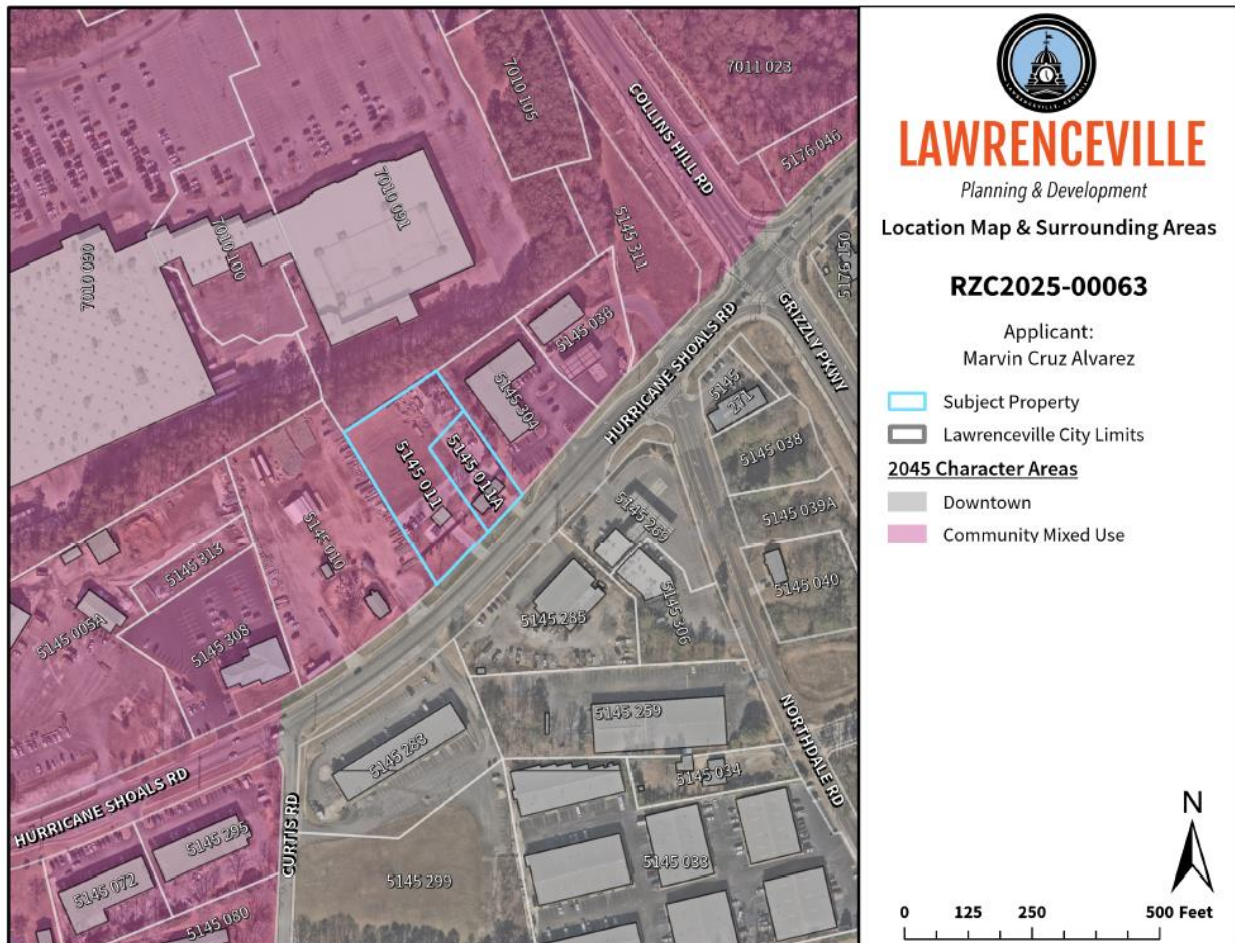


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be required to conduct all operations indoors, construct a new building to accommodate all equipment and materials, and upgrade existing structures to meet commercial code requirements.

LAWRENCEVILLE 2045 COMPREHENSIVE PLAN – FUTURE LAND USE PLAN MAP



2045 COMPREHENSIVE PLAN

The City of Lawrenceville 2045 Comprehensive Plan and Future Development Map indicates the subject property is located within the Community Mixed Use Character Area. It capitalizes on Lawrenceville's economic strengths and diverse population by fostering vibrant and walkable neighborhoods. This integration of residential, commercial, and recreational spaces caters to the needs and



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preferences of a dynamic and growing community. The area should seamlessly integrate a diverse array of residential options with a dynamic blend of commercial spaces, promoting walkability and enhancing the overall accessibility and convenience of the neighborhood. Pedestrian-centric streets, green parks, and inviting public spaces foster social interaction and serve as venues for cultural events. Rooted in sustainable principles and carefully curated urban design, this character area promotes a walkable and interconnected neighborhood, enriching the lives of its residents and visitors by encouraging people to live, work, and play in the same area.

STAFF RECOMMENDATION

The property owner has made unpermitted modifications, including the demolition of a dilapidated structure (Georgia Asbestos Rule), fencing, gravel driveway installation, and outdoor storage, violating zoning regulations. While a code enforcement case was adjudicated, compliance issues remain unresolved, and the applicant has not followed up on prior permit rejections. Additionally, the property is within the Downtown Development Authority (DDA) boundary, where outdoor storage is prohibited. Furthermore, the request conflicts with the 2045 Comprehensive Plan, which prioritizes pedestrian-friendly, mixed-use development over industrial uses like a landscape company with outdoor storage. Therefore, the Planning and Development Department recommends **DENIAL** of the rezoning request.



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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

CEU2024-11390- Zoning Violation

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;**

While the requested zoning and proposed use may initially appear compatible with the surrounding area, the property falls within the Downtown Development Authority boundary, where outdoor storage is explicitly prohibited. The applicant's intended use, which relies on outdoor storage, conflicts with these regulations, making the proposal unsuitable without significant modifications..

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

Approving the rezoning could negatively impact nearby properties, as outdoor storage of vehicles and landscaping materials would be inconsistent with the intent of the Downtown Development Authority's regulations. If the business is unable to operate entirely indoors, it could lead to visual clutter, potential code enforcement issues, and decreased property values in the area.

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

The property has reasonable economic use as currently zoned. While the applicant seeks rezoning for a commercial use, the existing zoning does not preclude its potential use for residential purposes or other permitted activities under RS-150.

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

Impacts on public facilities may be anticipated in the form of traffic, parking, and stormwater runoff. The developer would have to take the necessary precautions to ensure that these do not overwhelm local systems.

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



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The proposal does not align with the policy and intent of the Comprehensive Plan, which governs the long-term development vision for the area. The Downtown Development Authority's regulations prohibit outdoor storage, reinforcing the area's intended character and development strategy. The proposed use contradicts these objectives, making the rezoning inconsistent with the 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;

Several factors support the denial of the rezoning request, including the property's location within the Downtown Development Authority boundary, the prohibition of outdoor storage, and multiple unpermitted modifications to the site. Additionally, there is no evidence that existing structures have been upgraded to meet commercial code, nor has the applicant taken steps to address zoning concerns following the rejection of a permit application. These ongoing compliance issues further support disapproval of the request.



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RECOMMENDED CONDITIONS

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

RZC2025-00062

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

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

- 1.** Retail Service and Commercial Uses only, with no outdoor storage. Outdoor storage is strictly prohibited.
- 2.** All outstanding violations shall be resolved prior to the issuance of required permits, inspections, and certificates (e.g., occupancy and occupational tax) before operating
- 3.** The applicant must construct a fully enclosed building large enough to accommodate all business operations, equipment, and materials.
- 4.** All existing structures must be upgraded to meet commercial building code requirements, including obtaining the necessary permits and inspections.
- 5.** 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;
- 6.** Peddlers and/or any parking lot sales unrelated to the rezoning shall be prohibited;
- 7.** The owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours;

B. To satisfy the following site development considerations:



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- 1.** The applicant must obtain all required permits for previous and future modifications, including fencing, tree removal, and driveway installation.
- 2.** The development shall be constructed in conformity with the City of Lawrenceville Zoning Ordinance and Development Regulations. The final design shall be subject to the review and approval of the Director of Planning and Development.
- 3.** Electrical, Mechanical, Plumbing or Structural modifications shall be subject to the rules and regulations of the International Building Code (IBC). Plans shall be subject to the review and approval of the Director of Planning and Development.
- 4.** Any unpermitted work must be brought into compliance with city codes before business operations commence.
- 5.** The existing seven-foot fence shall be either removed or modified to comply with height, placement, and permitting regulations.
- 6.** Landscape shall be designed and installed to meet the conditions of zoning, requirements of the Zoning Ordinance and Development Regulations. The final design shall be subject to the review and approval of the Director of Planning and Development.
- 7.** Provide a minimum of one (1) parking space per 300 square feet gross floor area, all parking must be on an approved surface and stripped.
- 8.** Provide a ten (10) foot landscape strip adjacent to all public rights-of-way.
- 9.** Provide a five (5) foot concrete sidewalk adjacent to all public right-of-way.
- 10.** Lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to shine directly into adjacent properties or right-of-way;
- 11.** Dumpsters shall be screened by solid masonry walls matching the building, with an opaque metal gate enclosure.