

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

CASE NUMBER: SUP2019-00018
APPLICANT: JON STEWART
CONTACT: JON STEWART
PHONE NUMBER: 770.309.7972
LOCATION: 905 GRAYSON HWY
PARCEL ID: R5139 043
ACREAGE: 2.03
PROPOSED DEVELOPMENT: OUTDOOR RECREATION
DEPARTMENT RECOMMENDATION: **DENIAL**

ZONING HISTORY:

The property has been zoned BG (General Business District) since 1971.

PROJECT DATA:

The applicant requests a Special Use Permit of a 2.03-acre property, zoned BG (General Business District), to allow a practice ball field. The subject property is located along the western right-of-way of Grayson Highway, just north of its intersection with Plantation Blvd.

The property is currently developed with a brick building, parking lot, and associated driveway. The athletic field is located immediately adjacent to the existing building on the southern portion of the property. Construction of the athletic field was done without the necessary approvals and permits from the City, and based on the physical location of the field the construction may have encroached into the required 25-foot undisturbed natural vegetation buffer and 25-foot impervious setback. The application is the result of a Code Enforcement investigation; which concluded with the applicant submitting an application for Special Use permit.

The City of Lawrenceville 2040 Comprehensive Plan and Future Development Map indicate the subject property is located within the Neighborhood Mixed-Use Area. The vision for this character area is to provide centers of activity, public gathering spaces, and recreational facilities. Although the proposed athletic field may be considered consistent with the intent of the 2040 Comprehensive Plan, the applicant did not demonstrate Best Management Practices (BMP's), obtain the necessary permits or consult with the city before beginning construction. Therefore,

the requested Special Use Permit allowing outdoor recreations may be considered inconsistent with policies and procedures of the City of Lawrenceville.

The surrounding area is characterized by a mix of commercial and single-family uses. Immediately to the north, are properties zoned BG (General Business District) located within the city limits. To the east across Grayson Highway, are properties zoned BG and RS-150 (Single Family Residence District) which are used for various commercial and institutional uses. To the south, is an undeveloped parcel of land zoned BG. To the west, is the Oakdale Woods single-family subdivision, zoned R-75 (Single Family Residence District) located in unincorporated Gwinnett County.

In conclusion, the applicant's failure to obtain the necessary permits and approval from the City, and the encroachment in the required undisturbed buffer and impervious setback does not necessarily warrant support from the Department. Therefore, the Planning and Development Department recommends **Denial** of the Special Use Permit.

CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS:

ENGINEERING DEPARTMENT

Any portion of adjoining Pugh's Creek that is not piped will possibly require a 50' undisturbed buffer.

ELECTRIC DEPARTMENT

No comment.

GAS DEPARTMENT

No comment.

WATER DEPARTMENT

No comment.

DAMAGE PREVENTION DEPARTMENT

No comment.

CODE ENFORCEMENT

In 2019, there was a case for prohibited use in the BG district for outdoor activity associated with the ball field. Owner was advised to obtain a Special Use Permit.

**PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS**

SUP2019-00018

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

Approval of Special Use Permit for Outdoor Recreation, subject to the following enumerated conditions:

1. The site shall be brought into compliance with all applicable building, development, and zoning rules and regulations.
2. Provide and maintain the required 25-foot undisturbed natural vegetation buffer and 25-foot impervious setback. The buffer and setback shall be reestablished to provide adequate screening from neighboring properties.
3. Remove existing Pole Sign from the subject property or bring the existing sign into compliance with the rules and regulations of the Zoning Ordinance. Subject to the review and approval of the Planning and Development Director.
4. Ground Signage shall be limited to a maximum height of 12 feet and shall be setback from the right-of-way a minimum of 12 feet. The maximum sign display area shall be limited to 32 square feet.
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. 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.
7. Peddlers and/or any parking lot sales unrelated to the Special Use shall be prohibited.
8. Outdoor storage shall be prohibited.
9. Dumpsters shall be screened by solid masonry walls matching the building, with an opaque metal gate enclosure.
10. The owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

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

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

ZONING ORDINANCE SECTION 13.3 SPECIAL USE PERMIT PROCEDURE:

1. **What are the existing uses and zoning of nearby property?**
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2. **What is the extent to which the property values are diminished by the particular zoning restrictions of the current zoning?** *None.*
3. **What is the extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public?** *None*
4. **What is the relative gain to the public, as compared to the hardship imposed upon the individual property owner?** *The proposed use is compatible with the recommendations of the 2040 Comprehensive Plan and Future Development Map.*
5. **What is the suitability of the subject property for its current zoning?** *It is suitable.*
6. **What is the suitability of the subject property for the proposed zoning?** *The property is at a location that makes the development viable.*
7. **How long has the property been vacant as zoned considered in the context of land development in the area in the vicinity of the property?** *NA*
8. **How does the property conform with or diverge from the Land Use Plan or other applicable local, state laws and ordinances?** *The property meets the intent of the character are, however, the applicant began development without the correct reviews or permits.*
9. **What is the availability of adequate sites for the proposed use in districts that permit such use?** *Other commercially-zoned sites are available in the city.*
10. **What is the suitability of the site for the proposed use relative to the requirements set forth in the zoning ordinance (such as off-street parking, setbacks, buffer zones and open space)?** *The development may be encroaching into buffers that are required to be undisturbed.*