

Johnny Crist, Mayor  
Brian Burchik, Post 1  
Scott Batterton, Post 2



Eddie Price, Post 3  
Tim Dunn, Post 4

Small town. Big difference.

**CITY COUNCIL  
WORK SESSION AGENDA**

**CITY OF LILBURN, GA  
76 MAIN STREET  
LILBURN, GA 30047**

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**February 8, 2016**

**CITY HALL – CONFERENCE ROOM**

**6:30 p.m.**

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*As set forth in the Americans with Disabilities Act of 1990, the City of Lilburn does not discriminate on the basis of disability in the admission or access to, or treatment or employment in its programs or activities. Doug Stacks, 76 Main Street, Lilburn, GA 30047 has been designated to coordinate compliance with the non-discrimination requirements contained in section 13.107 of the Department of Justice regulations, information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.*

*The City of Lilburn will assist citizens with special needs given proper notice (seven working days). Any requests for reasonable accommodations required by individuals to fully participate in any open meeting, program or activity of the City of Lilburn should be directed to Doug Stacks, 76 Main Street, Lilburn, GA 30047, telephone number 770-921-2210.*

**I. CALL TO ORDER**

**II. ANNOUNCEMENTS**

**III. AGENDA**

1. LAN 16-01 ANNEXATION REQUEST – 212 N. RIVER DRIVE – NASH RESIDENCE – DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT
2. PUBLIC HEARING – CIC-2016 CHANGE IN CONDITIONS – PROVIDENCE CHRISTIAN ACADEMY SPECIAL USE PERMIT (SUP-02-97) & CHANGE IN CONDITIONS (LCC-03-05) FOR BASEBALL & SOCCER FIELDS – DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT
3. CITY OF LILBURN 2016 MAYOR CRIST AND COUNCIL BURCHIK APPOINTMENTS – CITY MANAGER
4. ELECTION QUALIFYING PERIOD – ORDINANCE NO. 2016-497; REDUCTION OF QUALIFYING PERIOD TO THREE (3) DAYS – CITY MANAGER
5. GEORGIA POWER EASEMENT – CITY HALL/LIBRARY PROPERTY – DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT

**IV. ADJOURNMENT**



Small town. Big difference.

City of Lilburn  
76 Main Street  
Lilburn, GA 30047

**City Council**  
**Meeting Agenda**

Auditorium  
Monday, February 8, 2016  
7:30 p.m.

**Council**

Johnny Crist, Mayor  
Brian Burchik, Post 1  
Scott Batterton, Post 2  
Eddie Price, Post 3  
Tim Dunn, Post 4

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**I. CALL TO ORDER**

**II. ROLL CALL**

**III. PLEDGE TO THE FLAG**

**IV. APPROVAL OF AGENDA**

**V. ANNOUNCEMENTS**

**VI. CEREMONIAL MATTER**

- Mayor Crist and Council Member Dunn - Recognition for Certificate of Achievement for training.

**VII. PUBLIC COMMENT – NONE**

**VIII. APPROVAL OF MINUTES**

- Consideration of the City Council Regular meeting minutes from January 11, 2015.

**IX. PUBLIC HEARING**

1. PUBLIC HEARING – LAN 16-01 ANNEXATION REQUEST – 212 N. RIVER DRIVE – NASH RESIDENCE – DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT

We received a petition from the property owner for annexation of 6.7± acres of residentially zoned land to be annexed into the city of Lilburn. The territory to be annexed abuts the existing boundary of Lilburn. The Tax Map Numbers for the two tracts of land are; 6125-012 and part of 6124-195.

The property is currently zoned R-100 (the County’s lowest density single family residential zoning) and will be zoned R1 (the City’s lowest density single family residential zoning) if annexed. The property’s use will remain a single family home and accessory uses.

**Staff recommends a motion to approve the request by adoption of Annexation Ordinance No. 2016-496**

Attachment: Annexation Request, Survey/legal description, Ordinance No. 2016-496

2. PUBLIC HEARING – CIC-2016 CHANGE IN CONDITIONS – PROVIDENCE CHRISTIAN ACADEMY SPECIAL USE PERMIT (SUP-02-97) & CHANGE IN CONDITIONS (LCC-03-05) FOR BASEBALL & SOCCER FIELDS – DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT

**APPLICANT’S INTENT**

The Applicant is requesting a Change in Conditions as they apply to a 1997 Special Use Permit (SUP-02-97) and subsequent 2005 Conditions (LCC-03-05) on the existing soccer and baseball fields located on the subject property. The owner is requesting removal of Condition #3 to allow a public address system, removal of condition #7 that restricts lighting operation to a third party from a remote location, and a revision of Condition #8, to extend hours of operation on the athletic fields as needed.

**ZONING HISTORY**

The subject property is zoned R1 Residential and developed with a high school baseball and soccer field associated with PCA in accordance with Special Use Permit (SUP-02-97). Revised conditions were approved in 2006 to allow field lighting as follows:

CONDITIONS - LCC-03-05 - Application of Providence Christian Academy for a Change of Conditions to SUP-02-97 to allow outside lighting for the baseball field only, the following conditions to apply to this actions only, and all previous conditions on SUP-02-97 to remain in effect:

1. That there will be a post installation evaluation for compliance so that lighting levels do not exceed the levels listed on the provided plans.
2. Attendees of the games do not park in the neighborhoods. Parking shall be in designated school parking only.
3. This petition does nothing to change the prohibition of a public address system.
4. Refer to Condition # 1 for SUP-02-97 which reads as follows: Provide a 20 foot wide buffer, replanted in conformance with the Lilburn Buffer, Landscape and Tree Ordinance, along the entire property frontage adjoining residentially-zoned properties, with a 40 foot planted buffer behind the baseball field.
5. Applicant is further required to plant a double row of Leyland Cypress, staggered on 10 foot centers and shall be a minimum of 8 feet in height at the time of installation. The Leyland Cypress shall run parallel to District 6, Land Lot 149, Parcels 91, 92 and 172.
6. Once the Leyland Cypress mentioned in Condition #5 have reached an average height of 12 feet from the ground, then the lights can be used for the soccer field. These Cypress are to be maintained in perpetuity.
7. These outside lights are to be controlled by a third party from a remote location.
8. To limit the hours of operation from 7:30 A.M. to 9:00 P.M. No game is to be scheduled after 7:00 P.M. No Sunday activities shall be allowed on the fields.

#### ANALYSIS OF REZONING REQUEST

The applicant is requesting the removal of conditions that limit usability of existing soccer and baseball fields so that all PCA outdoor athletic fields would operate under similar conditions. The owner has installed the conditional vegetative buffers and intends to maintain them. The desired height of trees in Condition #6 has been achieved, so the applicant will install lighting for both fields and intends to comply with Condition #1-post installation evaluation. The applicant is requesting removal of condition #7 so that staff can control the lights locally, and revision of #8 to extend the hours of operation as needed for overtime/extra innings (see letter of intent).

The applicant is also requesting deletion of Condition #3 to allow installation of a permanent outdoor sound system. The site plan provided by the applicant indicates proposed locations for speakers to be mounted on the south side of the soccer field and on either side of the existing baseball diamond. The PA system proposed is designed to direct sound down to the field/bleachers of the soccer field and to the dugout/home plate on the west side of the baseball field. The proposed PA system can be programmed to limit volume and prevent the creation of noise disturbance.

The City of Lilburn Noise Control Ordinance was adopted in 2014 to effectively limit sound levels at receiving residential properties to 70 dBA between the hours of 7:00 am and 10:00 pm and 65 dBA between the hours of 10:00 pm and 7:00 am. In addition, exemptions were provided for some school activities and sports leagues between 7:00 am and 11:59 pm. The Noise Control Ordinance provides sound measurement procedures to enforce the sound level limits of amplified sound associated with a public address system to prevent a specific prohibited act (noise disturbance). A test of a comparable speaker system was conducted December 21, 2015 by City of Lilburn Police Department and found to meet the limit requirements of the Noise Ordinance.

To ease confusion and help enforcement, staff recommends to repeal, replace, and combine conditions 1-16 associated with SUP-02-97 and conditions 1-8 associated with LCC-03-05 into a single set of zoning conditions. By unanimous vote, the Planning Commission recommended approval of the change, but deleting the limitation of school sanctioned athletic events not being allowed on Sunday from paragraph 6.

**Therefore, in accordance with the Planning Commissions' recommendation, Staff recommends a motion to approve Ordinance No. 2016-497.**

Attachment: Application, Staff Analysis, Planning Commission minutes, Ordinance No. 2016-497

#### **X. AGENDA**

##### **3. CITY OF LILBURN 2016 MAYOR CRIST AND COUNCIL MEMBER BURCHIK APPOINTMENTS – CITY MANAGER**

Mayor Crist and Council Member Burchik will be appointing the following members to various boards.

Mayor Crist Appointment:

- Yoon-Mi Hampton – Zoning Board of Appeals

Council member Burchik:

- Demetrius Galfas – Merrit Board
- Kent Suter – Board of Adjustments
- Jon Stallsmith – Zoning Board of Appeals

**Staff recommends a motion to approve the various appointments as presented.**

Attachment: N/A

##### **4. ELECTION QUALIFYING PERIOD – ORDINANCE NO. 2016-498; REDUCTION OF QUALIFYING PERIOD TO THREE (3) DAYS – CITY MANAGER**

Agenda item proposes the reduction of the current five (5) day qualifying time period to three (3) days. The majority of local municipalities have incorporated a three day period. In speaking with the City Attorney, this change can be made by local Ordinance.

**Staff recommends approval of Ordinance No. 2016-498 reducing the Mayor and Council Qualifying Period to three days.**

Attachment: Ordinance No. 2016-498

5. GEORGIA POWER EASEMENT – CITY HALL/LIBRARY PROPERTY – DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT

Georgia Power has requested an easement for power being provided to the City Hall/Library project. Gwinnett County Law Department has approved the easement as provided. Because of the joint ownership of the property, both the City and the County have to sign the document. As a result of the timing, we sign first in February and the County will sign next month.

**Staff recommends signing the easement agreement**

Attachment: Easement agreement, Easement exhibit

**XI. ADJOURNMENT**

**CITY OF LILBURN**  
**ITEM 1**  
**PUBLIC HEARING**

<b>Date:</b>	February 1, 2016	<b>To:</b>	<b>Mayor and Council</b>
<b>From:</b>	Doug Stacks	<b>Department:</b>	Planning & Econ Dev't
<b>Work Session Date:</b>	February 8, 2016	<b>Presenter:</b>	Doug Stacks
<b>Agenda Title:</b>	<b>LAN 16-01 Annexation Request –212 N. River Drive 6.7± acres - Nash residence</b>		
<b>Audio/Visual Req'ts:</b>	n/a	<b>Meeting Date:</b>	February 8, 2016

<b>Agenda Item (Background/History/Details):</b>
<p>We received a petition from the property owner for annexation of 6.7± acres of residentially zoned land to be annexed into the city of Lilburn. The territory to be annexed abuts the existing boundary of Lilburn. The Tax Map Numbers for the two tracts of land are; 6125-012 and part of 6124-195.</p> <p>The property is currently zoned R-100 (the County's lowest density single family residential zoning) and will be zoned R1 (the City's lowest density single family residential zoning) if annexed. The property's use will remain a single family home and accessory uses.</p>

<b>Staff Recommendation:</b>
Staff recommends a motion to approve the request by adoption of Annexation Ordinance No. 2016-496.

<b>Department Head Approval:</b>	
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<b>Mayor's Signature Required:</b>	YES	NO
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<b>List Attachments:</b>
<ol style="list-style-type: none"> <li>1. Annexation request</li> <li>2. Survey/Legal Description</li> <li>3. Annexation Ordinance 2016-496</li> </ol>



# City of Lilburn Lilburn, Georgia

## Ordinance #2016-496

### AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LILBURN

Date of Reading and Adoption: February 8, 2016  
At the meeting of the Lilburn City Council held at 76 Main Street Lilburn, Georgia.

#### ANNEXATION ORDINANCE LAN-16-01

- WHEREAS:** The Applicants, Elmer L. Nash did apply on January 6, 2016, to have lands annexed into the existing corporate limits of the City of Lilburn, Georgia; and
- WHEREAS:** it appears to the governing body of the City of Lilburn, Georgia, that the area proposed to be annexed is contiguous to the existing corporate limits of the City of Lilburn, that the applicants represent no less than 100% of the owners and resident electors of the land area proposed to be annexed and that said application complies with the laws of the State of Georgia; and
- WHEREAS:** a hearing was held on said application for annexation on February 8, 2016; and
- WHEREAS:** prior to said hearing the City of Lilburn, Georgia, did prepare a report setting forth its plans to provide services to the area to be annexed as required by the Official Code of Georgia Annotated Sec. 36-36-25; and
- WHEREAS;** the governing body of the City of Lilburn, Georgia, has determined, in accordance with the factors set forth in the Lilburn Zoning Ordinance of 2011, that the annexation of the area proposed to be annexed would be in the best interest of the residents and property owners of the area proposed for annexation and of the citizens of the City of Lilburn, Georgia; and

**NOW THEREFORE BE IT ORDAINED** that the following described lands and their contiguous rights-of-way be and the same hereby are, annexed to the existing corporate limits of the City of Lilburn, Georgia, and the same shall hereafter constitute a part of the lands within the corporate limits of the City of Lilburn, Georgia, to-wit:

As Per Attached Legal Description titled Exhibit "A"; and

**BE IT FURTHER ORDAINED** that the proper zoning classification for the area proposed to be annexed shall be R-1 Single Family Residential.

**BE IT HEREBY FURTHER ORDAINED** that the Clerk of the City of Lilburn, Georgia, certify a copy hereof and file the same with the Secretary of State for the State of Georgia, pursuant to the provision of the Official Code of Georgia, Sec. 36-36-28(a).

**SO ORDAINED AND EFFECTIVE** this 8<sup>th</sup> day of February, 2016.

**APPROVED:**

\_\_\_\_\_  
Johnny D. Crist, Mayor

**ATTEST/AUTHENTICATED:**

\_\_\_\_\_  
Melissa L. Penate, City Clerk

## EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 125 of the 6<sup>th</sup> District, Gwinnett County, Georgia, and being more particularly described as follows:

To find the POINT OF BEGINNING begin at the intersection of the easterly right-of-way of Arcado Road and the southerly right-of-way of North River Drive;

THENCE in a easterly direction along the southerly right-of-way of North River Drive a distance of 583.8± feet to a point being the TRUE POINT OF BEGINNING;

THENCE leaving the right-of-way of Arcado Road South 00 degrees 03 minutes 32 seconds East for a distance of 160.72 feet to a point;

THENCE South 07 degrees 56 minutes 44 seconds East for a distance of 130.43 feet to a point;

THENCE South 69 degrees 36 minutes 03 seconds East for a distance of 403.42 feet to a point at the southernmost corner of Tax Parcel R6125 012;

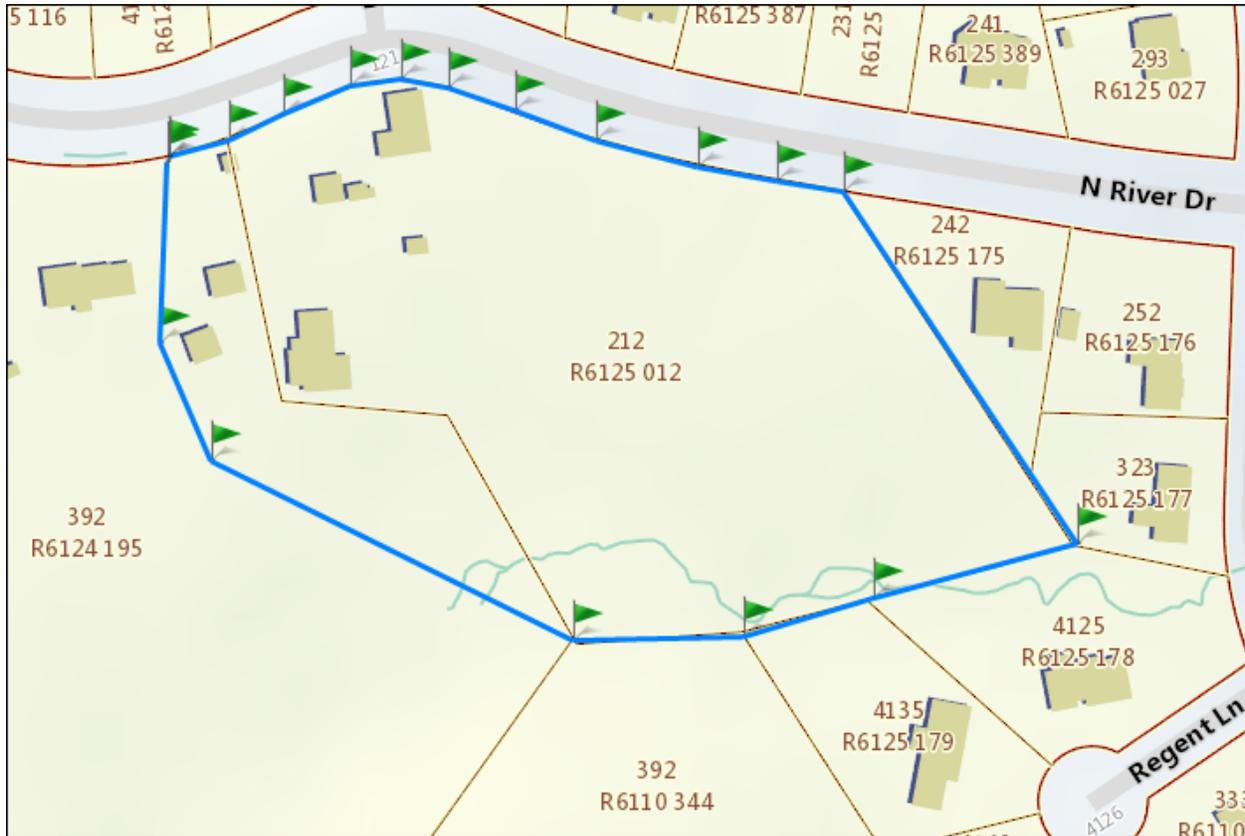
THENCE easterly 146± feet to a point;

THENCE northeasterly 318± feet to a point at the easternmost point of Tax Parcel 6125 012;

THENCE northwesterly 390± feet to a point on the southerly right-of-way of North River Drive;

THENCE westerly along the right-of-way of North River Drive 630± feet to a point being the TRUE POINT OF BEGINNING measuring 6.7± acres.

Exhibit "A"  
District 6, Land Lot 125, Gwinnett County, GA  
Tax Parcel Number R6125 012  
& Part of R6124 195



LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 125 of the 6<sup>th</sup> District, Gwinnett County, Georgia, and being more particularly described as follows:

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THENCE in a easterly direction along the southerly right-of-way of North River Drive a distance of 583.8± feet to a point being the TRUE POINT OF BEGINNING;

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THENCE westerly along the right-of-way of North River Drive 630± feet to a point being the TRUE POINT OF BEGINNING measuring 6.7± acres..



**Petition Requesting Annexation**

Date: 1/6/16

**TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF LILBURN, GEORGIA**

1. The undersigned, as owner of all real property of the territory described herein, respectfully request that the City Council annex this territory to the City of Lilburn, Georgia, and extend the City boundaries to include the same.
2. The territory to be annexed abuts the existing boundary of Lilburn, Georgia, and the description such territory area is as follows:

Address/Location of Property: 212 N. River Drive

Tax Map Number: R6125 012 Part of R6124 195  
(See attached legal deed of property's **written description**).

3. It is requested that this territory to be annexed shall be zoned R-1 for the following reasons: continue use as exists

**WHEREFORE**, the Petitioners request that the City Council of the City of Lilburn, Georgia, pursuant to the provisions of the Acts of the General Assembly of the State of Georgia, and Georgia Laws, do by proper ordinance annex said property to the City Limits of the City of Lilburn, Georgia.

Respectfully Submitted,  
Signature [Signature]  
Signature \_\_\_\_\_

Owner's Address: 212 N. River Drive  
Lilburn, GA 30047

**CITY OF LILBURN**  
**ITEM 2**  
**PUBLIC HEARING**

<b>Date:</b>	February 1, 2016	<b>To:</b>	<b>Mayor and Council</b>
<b>From:</b>	Doug Stacks	<b>Department:</b>	Planning & Econ Dev't
<b>Work Session Date:</b>	February 8, 2016	<b>Presenter:</b>	Doug Stacks
<b>Agenda Title:</b>	<b>CIC-2016-01 Change in Conditions - Providence Christian Academy Special Use Permit (SUP-02-97) &amp; Change in Conditions (LCC-03-05) for Baseball and Soccer Fields</b>		
<b>Audio/Visual Req'ts:</b>	n/a	<b>Meeting Date:</b>	February 8, 2016

**Agenda Item (Background/History/Details):**

**APPLICANT'S INTENT**

The Applicant is requesting a Change in Conditions as they apply to a 1997 Special Use Permit (SUP-02-97) and subsequent 2005 Conditions (LCC-03-05) on the existing soccer and baseball fields located on the subject property. The owner is requesting removal of Condition #3 to allow a public address system, removal of condition #7 that restricts lighting operation to a third party from a remote location, and a revision of Condition #8, to extend hours of operation on the athletic fields as needed.

**ZONING HISTORY**

The subject property is zoned R1 Residential and developed with a high school baseball and soccer field associated with PCA in accordance with Special Use Permit (SUP-02-97). Revised conditions were approved in **2006** to allow field lighting as follows:

*CONDITIONS - LCC-03-05 - Application of Providence Christian Academy for a Change of Conditions to SUP-02-97 to allow outside lighting for the baseball field only, the following conditions to apply to this actions only, and all previous conditions on SUP-02-97 to remain in effect:*

1. *That there will be a post installation evaluation for compliance so that lighting levels do not exceed the levels listed on the provided plans.*
2. *Attendees of the games do not park in the neighborhoods. Parking shall be in designated school parking only.*
3. *This petition does nothing to change the prohibition of a public address system.*
4. *Refer to Condition # 1 for SUP-02-97 which reads as follows: Provide a 20 foot wide buffer, replanted in conformance with the Lilburn Buffer, Landscape and Tree Ordinance, along the entire property frontage adjoining residentially-zoned properties, with a 40 foot planted buffer behind the baseball field.*
5. *Applicant is further required to plant a double row of Leyland Cypress, staggered on 10*

*foot centers and shall be a minimum of 8 feet in height at the time of installation. The Leyland Cypress shall run parallel to District 6, Land Lot 149, Parcels 91, 92 and 172.*

6. *Once the Leyland Cypress mentioned in Condition #5 have reached an average height of 12 feet from the ground, then the lights can be used for the soccer field. These Cypress are to be maintained in perpetuity.*
7. *These outside lights are to be controlled by a third party from a remote location.*
8. *To limit the hours of operation from 7:30 A.M. to 9:00 P.M. No game is to be scheduled after 7:00 P.M. No Sunday activities shall be allowed on the fields.*

#### **ANALYSIS OF REZONING REQUEST**

The applicant is requesting the removal of conditions that limit usability of existing soccer and baseball fields so that all PCA outdoor athletic fields would operate under similar conditions. The owner has installed the conditional vegetative buffers and intends to maintain them. The desired height of trees in Condition #6 has been achieved, so the applicant will install lighting for both fields and intends to comply with Condition #1-post installation evaluation. The applicant is requesting removal of condition #7 so that staff can control the lights locally, and revision of #8 to extend the hours of operation as needed for overtime/extra innings (see letter of intent).

The applicant is also requesting deletion of Condition #3 to allow installation of a permanent outdoor sound system. The site plan provided by the applicant indicates proposed locations for speakers to be mounted on the south side of the soccer field and on either side of the existing baseball diamond. The PA system proposed is designed to direct sound down to the field/bleachers of the soccer field and to the dugout/home plate on the west side of the baseball field. The proposed PA system can be programmed to limit volume and prevent the creation of noise disturbance.

The City of Lilburn Noise Control Ordinance was adopted in 2014 to effectively limit sound levels at receiving residential properties to 70 dBA between the hours of 7:00 am and 10:00 pm and 65 dBA between the hours of 10:00 pm and 7:00 am. In addition, exemptions were provided for some school activities and sports leagues between 7:00 am and 11:59 pm. The Noise Control Ordinance provides sound measurement procedures to enforce the sound level limits of amplified sound associated with a public address system to prevent a specific prohibited act (noise disturbance). A test of a comparable speaker system was conducted December 21, 2015 by City of Lilburn Police Department and found to meet the limit requirements of the Noise Ordinance.

#### **Staff Recommendation:**

To ease confusion and help enforcement, staff recommends to repeal, replace, and combine conditions 1-16 associated with SUP-02-97 and conditions 1-8 associated with LCC-03-05 into a single set of zoning conditions. By unanimous vote, the Planning Commission recommended approval of the change, but deleting the limitation of school sanctioned athletic events not being allowed on Sunday from paragraph 6.

**Therefore, in accordance with the Planning Commissions' recommendation, Staff recommends a motion to approve Ordinance No. 2016-497.**

<b>Department Head Approval:</b>	
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<b>Mayor's Signature Required:</b>	<b>YES</b>	<b>NO</b>
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| <b>List Attachments:</b>   |
| <ol style="list-style-type: none"><li>1. Application</li><li>2. Staff Analysis</li><li>3. Planning Commission minutes</li><li>4. Adoption Ordinance 2016-497</li></ol> |



# City of Lilburn

in Gwinnett County

State of Georgia

**Ordinance**

**Number:**

**2016-497**

Date of Reading and Adoption: February 8, 2016  
At the meeting of the Lilburn City Council held at 76 Main Street, Lilburn, Georgia.

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF LILBURN, GEORGIA, WITH  
RESPECT TO ZONING UPDATE OF OFFICIAL ZONING MAP  
CIC-2016-01**

An ordinance to amend the Official Zoning Map of the City of Lilburn approving a Change in Conditions of **Special Use Permit (SUP-02-97) & Change in Conditions (LCC-03-05)** on property located at 4495 Wynne Russell Drive; District 6, Land Lot 149, Parcel 074; containing 8.35± acres.

**WHEREAS,** the Code of the City of Lilburn entitled Official Zoning Resolution provides that the text thereof may be amended from time to time by ordinance of the City of Lilburn; and

**WHEREAS,** the Applicant, Providence Christian Academy, has applied for a Change in Zoning Conditions; and

**WHEREAS,** the City of Lilburn Planning Commission met on January 28, 2016, and recommended approval to the Mayor and City Council for action;

**NOW THEREFORE BE IT ORDAINED** that the Mayor and City Council of the City of Lilburn, Georgia hereby approves the Change in Zoning Conditions by herewith repealing, replacing and combining conditions 1-16 associated with Special Use Permit (SUP-02-97) and conditions 1-8 associated with Change in Conditions (LCC-03-05) to read as follows:

1. The owner shall provide and maintain in perpetuity a 20-foot wide planted buffer, in conformance with the Lilburn Buffer, Landscape and Tree Ordinance, along the entire property boundary, adjoining residentially-zoned properties, with a 40 foot planted buffer behind the baseball field. The landscape and buffer plan must be approved by the planning staff.
2. The owner shall provide a sidewalk designed in accordance with city regulations along the entire property frontage of Shady Drive and Wynne-Russell Drive.
3. The owner is further required to plant a double row of Leyland Cypress, staggered on 10-foot centers, and shall be a minimum of 8 feet in height at the time of installation. The Leyland Cypress shall run parallel to District 6, Land Lot 149, Parcels 91, 92 and 172 and achieve an average height of 12 feet from the ground, prior to installation of lighting and shall be maintained in perpetuity.
4. The owner shall provide a signed and executed agreement with the owner of the adjoining cemetery parcel outlining fencing, screening, access and protection of the grave sites from the public. This document should also outline proposed access arrangements to the cemetery property owners from the proposed parking lot adjacent to the cemetery. The cemetery shall be surrounded by a five-foot landscape strip.

5. Limit the use of this property to Providence Christian Academy sponsored activities including private baseball and soccer, with concessions and parking. This facility will not be available for rent or use by other groups or organizations.
6. Limit the hours of operation to from 7:30 AM TO 10:00 PM. No game is to be scheduled after 7:00 PM.
7. The property owner shall provide at least one crosswalk from the existing gymnasium site to the subject property via Wynne-Russell Drive, in accordance with the American Disabilities Act, Gwinnett County and Georgia Department of Transportation standards for crosswalks.
8. Provide curb and gutter on Wynne-Russell Drive and Shady Drive along the entire property frontage.
9. Provide adequate permanent restroom facilities for patrons. No portable sanitary facilities shall remain on site, except during construction.
10. Property owner shall be responsible for payment on any caution lights, signage, warning grooves, and crosswalks along Wynne-Russell Drive and Shady Drive. This shall include maintenance and upkeep.
11. Property owner shall be required to have "NO PARKING" signs installed along both sides of Wynne-Russell Drive and Shady Drive adjacent to the subject property.
12. Provide an eight (8) foot high fence around the entire perimeter of the subject property, with lockable gates at all ingress/egress points.
13. Provide adequate netting along the first base and third base lines to prevent baseballs from reaching Wynne-Russell Drive and Shady Drive. Provide netting along the centerfield portion of the ballfield to prevent balls from reaching the adjoining property owners.
14. Property owner shall post and maintain signage at the entrance of the property which explains operation hours, authorized usage, and conduct rules and regulations.
15. A public address system shall be permitted for use on the fields subject to hours of operation and City of Lilburn Noise Ordinance. Speakers shall be directed toward the fields and other school property to minimize impacts to adjoining residential uses.
16. Property owner shall maintain executed agreement with the city whereby the city is held harmless for any damages resulting from activities on the subject property.
17. Directional lighting shall be permitted during hours of operation for use on the fields in accordance with the approved lighting plan. A post installation evaluation for compliance, so that levels do not exceed the levels listed on the provided plans, shall be provided to the Planning Department. These lights may be controlled on site by authorized staff within the approved hours of operation.
18. Attendees of the games shall not park in the neighborhoods. Parking shall be in designated off-street parking spaces only.

**BE IT FURTHER ORDAINED** that this ordinance becomes effective upon its adoption.

**BE IT FURTHER ORDAINED** that all regulations or parts of regulations in conflict with this Ordinance are hereby rescinded to the extent of said conflict.

**SO ORDAINED** this the 8<sup>th</sup> day of February, 2016.

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Johnny D. Crist, Mayor  
City of Lilburn

ATTEST:

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Melissa L. Penate, City Clerk



**Small town. Big difference.**

**Staff Report & Recommendation  
Rezoning Case # CIC-2016-01  
Date of Report: January 22, 2016  
Report by: Joellen Wilson**

**Hearing Dates:**

**Planning Commission                      January 28, 2016  
Mayor and Council                         February 8, 2016**

**GENERAL INFORMATION**

**Applicant:** Providence Christian Academy  
**Owner:** same  
**Size:** 8.35± acres  
**Location:** 4495 Wynne-Russell Drive, PIN #6-148 and 149, Parcel 074  
**Existing Zoning:** R-1 Residential, SUP-02-97 with conditions (LCC-03-05)  
**Proposed condition change:** Removal of condition #3 and #7 and revise condition #8  
**Proposed Use:** Same as Existing -Athletic Facilities (baseball and soccer field)

**EXISTING LAND USES & ZONING DISTRICTS**

To the North: Residential R-1  
To the East: Residential R-1  
To the South: PCA School CB  
To the West: PCA Athletic Facility R-1

**APPLICANT’S INTENT**

The Applicant is requesting a Change in Conditions as they apply to a 1997 Special Use Permit (SUP-02-97) and subsequent 2005 Conditions (LCC-03-05) on the existing soccer and baseball fields located on the subject property. The owner is requesting removal of Condition #3 to allow a public address system, removal of condition #7 that restricts lighting operation to a third party from a remote location, and a revision of Condition #8, to extend hours of operation on the athletic fields as needed.

**ZONING HISTORY**

The subject property is zoned R1 Residential and developed with a high school level baseball and soccer field associated with Providence Christian Academy in accordance with Special Use Permit (SUP-02-97). Revised conditions were approved in 2006 to allow field lighting as follows:

**"Exhibit A"**

**"City of Lilburn Resolution Number: # 182-06"**

*CONDITIONS – LCC-03-05 – Application of Providence Christian Academy for a Change of Conditions to SUP-02-97 to allow outside lighting for the baseball field only, the following conditions to apply to this actions only, and all previous conditions on SUP-02-97 to remain in effect:*

- 1. That there will be a post installation evaluation for compliance so that lighting levels do not exceed the levels*

*listed on the provided plans.*

2. *Attendees of the games do not park in the neighborhoods. Parking shall be in designated school parking only.*
3. *This petition does nothing to change the prohibition of a public address system.*
4. *Refer to Condition # 1 for SUP-02-97 which reads as follows: Provide a 20 foot wide buffer, replanted in conformance with the Lilburn Buffer, Landscape and Tree Ordinance, along the entire property frontage adjoining residentially-zoned properties, with a 40 foot planted buffer behind the baseball field.*
5. *Applicant is further required to plant a double row of Leyland Cypress, staggered on 10foot centers and shall be a minimum of 8 feet in height at the time of installation. The Leyland Cypress shall run parallel to District 6, Land Lot 149, Parcels 91, 92 and 172.*
6. *Once the Leyland Cypress mentioned in Condition #5 have reached an average height of 12 feet from the ground, then the lights can be used for the soccer field. These Cypress are to be maintained in perpetuity.*
7. *These outside lights are to be controlled by a third party from a remote location.*
8. *To limit the hours of operation from 7:30 A.M. to 9:00 P.M. No game is to be scheduled after 7:00 P.M. No Sunday activities shall be allowed on the fields.*

## **ANALYSIS OF REZONING REQUEST**

The applicant is requesting the removal of conditions that limit usability of existing soccer and baseball fields so that all PCA outdoor athletic fields would operate under similar conditions. The owner has installed the conditional vegetative buffers and intends to maintain them. The desired height of trees in Condition #6 has been achieved, so the applicant will install lighting for both fields and intends to comply with Condition #1-post installation evaluation. The applicant is requesting removal of condition #7 so that staff can control the lights locally, and revision of #8 to extend the hours of operation as needed for overtime/extra innings (see letter of intent).

The applicant is also requesting deletion of Condition #3 to allow installation of a permanent outdoor sound system. The site plan provided by the applicant indicates proposed locations for speakers to be mounted on the south side of the soccer field and on either side of the existing baseball diamond. The PA system proposed is designed to direct sound down to the field/bleachers of the soccer field and to the dugout/home plate on the west side of the baseball field. The proposed PA system can be programmed to limit volume and prevent the creation of noise disturbance.

The City of Lilburn Noise Control Ordinance was adopted in 2014 to effectively limit sound levels at receiving residential properties to 70 dBA between the hours of 7:00 am and 10:00 pm and 65 dBA between the hours of 10:00 pm and 7:00 am. In addition, exemptions were provided for some school activities and sports leagues between 7:00 am and 11:59 pm. The Noise Control Ordinance provides sound measurement procedures to enforce the sound level limits of amplified sound associated with a public address system to prevent a specific prohibited act (noise disturbance). A test of a comparable speaker system was conducted December 21, 2015 by City of Lilburn Police Department and found to meet the limit requirements of the Noise Ordinance, provided below for reference:

### **ARTICLE III. NOISE CONTROL**

#### **Sec. 42-56. Sound level limitations.**

- (a) *Except as authorized elsewhere in this article, no person shall cause, allow, or permit the operation of any sound source on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the sound level limits set forth below unless otherwise noted. Such a sound constitutes a noise disturbance.*

TABLE 1 SOUND LEVEL LIMITS BY RECEIVING PROPERTY

Receiving Property	Time	Sound Level Limit
Residential, public space, institutional, or noise sensitive facility	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.	70 dBA 65 dBA

**Sec. 42-57. Exemptions.**

- (a) *The following are exempt from the sound level limits of section 42-56:*
  - (1) *Noise from public safety vehicles and emergency signaling devices;*
  - (2) *Noise from celebrations and events with amplified or unamplified sound that are operating within the parameters set forth for approved and permitted special events within the Town Center Overlay area between the hours of 7:00 a.m. and 10:30 p.m., or as otherwise allowed by the Lilburn City Council;*
  - (3) *Noise from any practice or performance sponsored by or associated with the educational process administered by a recognized institution of learning, including, but not limited to band, choir, and orchestral performances;*
  - (4) *Noise that results from the activities of a sports league between the hours of 7:00 a.m. and 11:59 p.m.;*

**Sec. 42-58. Specific prohibited acts.**

- (a) *No person shall cause, allow, or permit to be made verbally or mechanically any noise disturbance, as defined in section 42-56;*
- (b) *Notwithstanding the provisions of section 42-56, no person shall cause, suffer, allow, or permit the following acts:*
  - (1) *Operating, playing, or permitting the operation or playing of any radio, television, phonograph, or similar device that reproduces or amplifies sound in such a manner as to create a noise disturbance (as defined in section 42-56) for any person other than the operator of the device;*

As part of the rezoning process, the Applicant; the Planning Staff, Planning Commission, and the Mayor and City Council of the City of Lilburn are to analyze the application with respect to each of the matters enumerated in **Section 1003-7. Criteria for amendments to official zoning map.** *The mayor and council of the city find 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.*

The Applicant’s response is attached to this application. Staff’s response is in italics below:

**A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:**

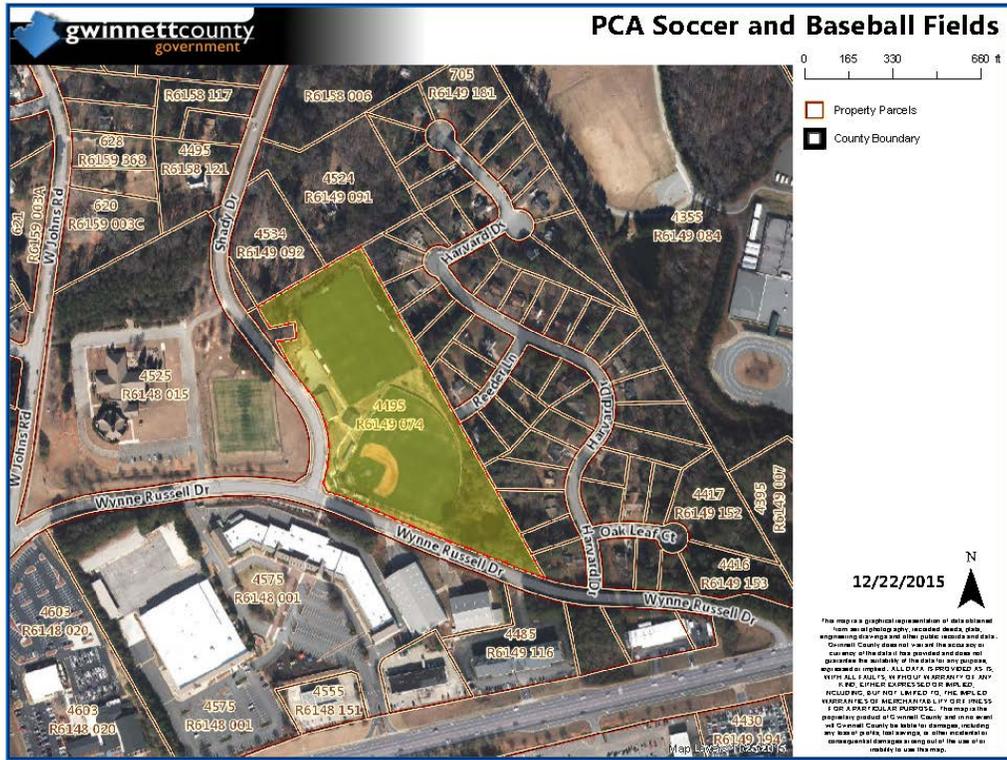
*The proposed use will be suitable in view of the surrounding properties. The site is surrounded by other Providence Christian Academy property to the south, west and north, and residential uses to the east. The PA system sound and lighting is proposed to be directed from the mid-section of the athletic fields toward school property.*

- B. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property:**  
*The change in conditions should not adversely affect the use of the surrounding properties.*
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:**  
*Yes. The subject property has a reasonable economic use as currently zoned.*
- D. 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:**  
*The proposed use will not cause a burdensome impact on existing infrastructure.*
- E. Whether the rezoning proposal is in conformity with the policy and intent of the Land Use Plan:**  
*The proposal conforms to the policy and intent of the Future Land Use Plan and Future Development Map.*
- F. 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 current conditions of zoning on this property are more restrictive than other similarly used properties, prohibiting any public address system, limiting hours of operation, and prohibiting activities on Sunday. Further the buffer conditions implemented on this property effectively screen and minimize negative impacts of lighting and sound on abutting residential property. The 2014 City of Lilburn Noise Control Ordinance provides a means for the measure and enforcement of the dBA sound level limit of the public address system. The means to enforce such limits provides reassurance to nearby residents that a noise disturbance will not be permitted and supports approval of the request.*

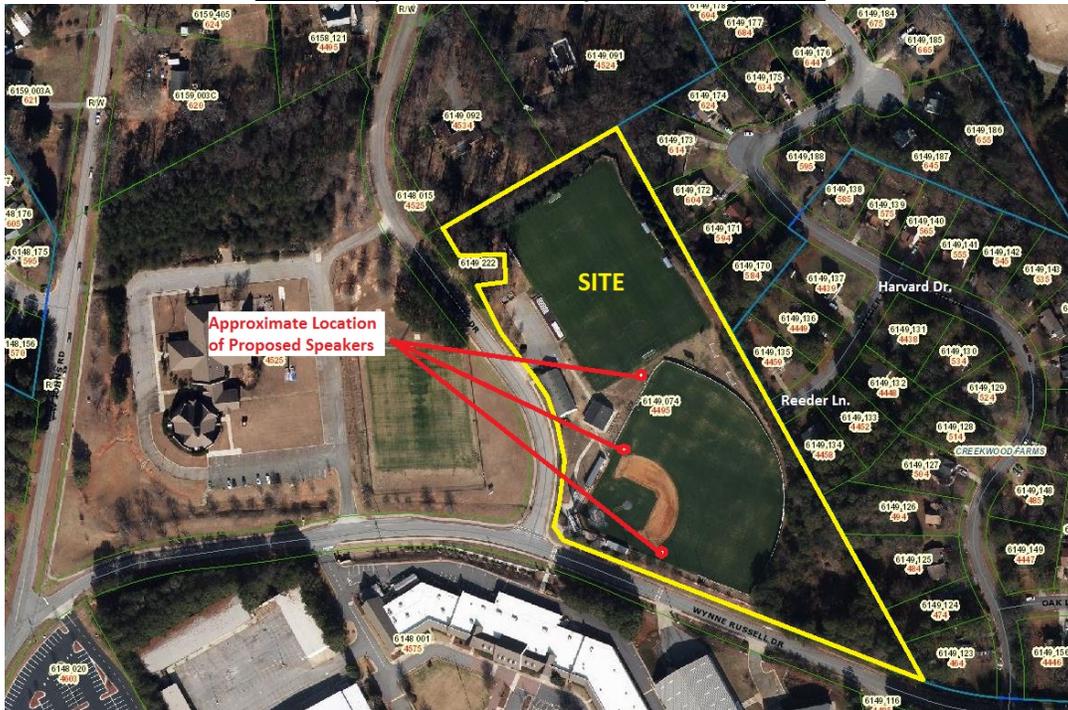
Based upon the above considerations, and the positive test results of a comparable speaker system by Lilburn Police Department staff recommends **APPROVAL** of a change in conditions, to allow the use a public address system on the subject athletic fields in accordance with the Noise Ordinance, allow local control of the lighting, and permit operations of the fields, including use of lighting and P.A. system from 7:30 A.M. to 10:00 P.M. Monday through Saturday.

“Exhibit A – Change in Conditions (CIC-2016-01)” attached provides compiled and revised conditions recommended for approval.

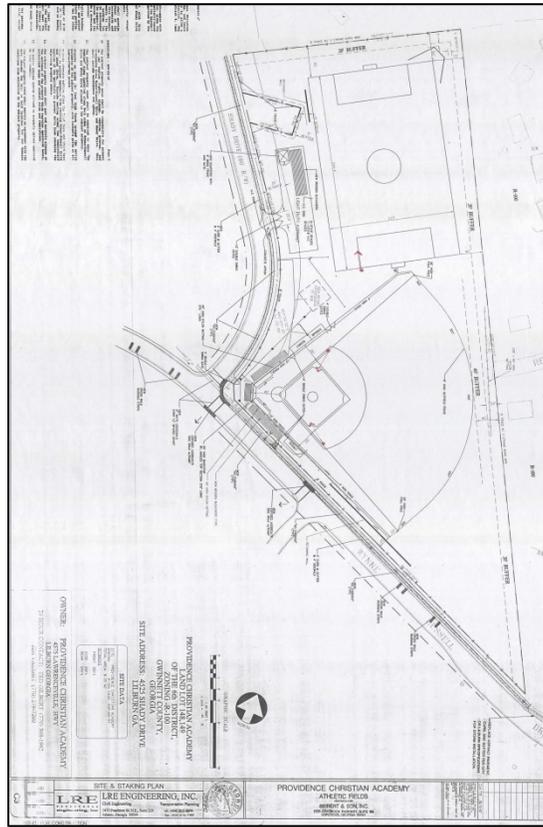
## Tax Parcel Map of Subject Area



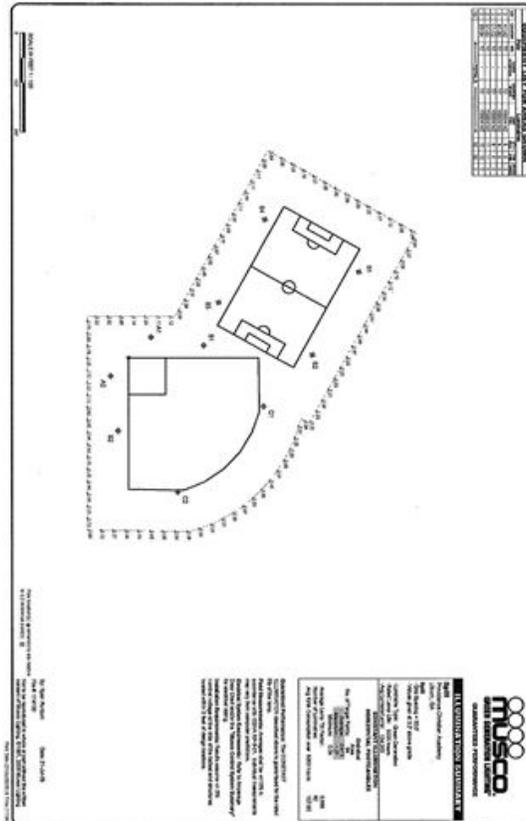
## Aerial Map of Site with Proposed PAS Speakers



**Partial Site Plan w/Proposed Speaker Pole Locations**



**Partial Site Plan with Proposed Light Pole Locations**



## Exhibit A – Change in Conditions (CIC-2016-01)

Herein proposed to repeal, replace and combine conditions 1-16 associated with Special Use Permit (SUP-02-97) and conditions 1-8 associated with LCC-03-05, more recently approved by Resolution #186-06.

Conditions shall apply to subject property owned by Providence Christian Academy, Inc. and located at 4495 Wynne-Russell Drive, District 6, Land Lot 148 and 149, Parcel 074 and contains approximately 8.35 acres. The approved SUP allows for private school athletic fields in an R-100 zoning district with conditions compiled here:

1. The owner shall provide and maintain in perpetuity a 20-foot wide planted buffer, in conformance with the Lilburn Buffer, Landscape and Tree Ordinance, along the entire property boundary, adjoining residentially-zoned properties, with a 40 foot planted buffer behind the baseball field. The landscape and buffer plan must be approved by the planning staff.
  2. The owner shall provide a sidewalk designed in accordance with city regulations along the entire property frontage of Shady Drive and Wynne-Russell Drive.
  3. The owner is further required to plant a double row of Leyland Cypress, staggered on 10-foot centers, and shall be a minimum of 8 feet in height at the time of installation. The Leyland Cypress shall run parallel to District 6, Land Lot 149, Parcels 91, 92 and 172 and achieve an average height of 12 feet from the ground, prior to installation of lighting and shall be maintained in perpetuity.
  4. The owner shall provide a signed and executed agreement with the owner of the adjoining cemetery parcel outlining fencing, screening, access and protection of the grave sites from the public. This document should also outline proposed access arrangements to the cemetery property owners from the proposed parking lot adjacent to the cemetery. The cemetery shall be surrounded by a five-foot landscape strip. (Facility should be supported, depending on whether the ground is raised or lowered, and the agreement with the cemetery owners should include a provision for a fence in front of the cemetery limiting access).
  5. Limit the use of this property to Providence Christian Academy sponsored activities including private baseball and soccer, with concessions and parking. This facility will not be available for rent or use by other groups or organizations.
  6. Limit the hours of operation to from 7:30 AM TO 10:00 PM. No game is to be scheduled after 7:00 PM. No school sanctioned athletic events shall be allowed on Sunday.
  7. The property owner shall provide at least one crosswalk from the existing gymnasium site to the subject property via Wynne-Russell Drive, in accordance with the American Disabilities Act, Gwinnett County and Georgia Department of Transportation standards for crosswalks.
-

8. Provide curb and gutter on Wynne-Russell Drive and Shady Drive along the entire property frontage.
  9. Provide adequate permanent restroom facilities for patrons. No portable sanitary facilities shall remain on site, except during construction.
  10. Property owner shall be responsible for payment on any caution lights, signage, warning grooves, and crosswalks along Wynne-Russell Drive and Shady Drive. This shall include maintenance and upkeep.
  11. Property owner shall be required to have "NO PARKING" signs installed along both sides of Wynne-Russell Drive and Shady Drive adjacent to the subject property.
  12. Provide an eight (8) foot high fence around the entire perimeter of the subject property, with lockable gates at all ingress/egress points.
  13. Provide adequate netting along the first base and third base lines to prevent baseballs from reaching Wynne-Russell Drive and Shady Drive. Provide netting along the centerfield portion of the ballfield to prevent balls from reaching the adjoining property owners.
  14. Property owner shall post and maintain signage at the entrance of the property which explains operation hours, authorized usage, and conduct rules and regulations.
  15. A public address system shall be permitted for use on the fields subject to hours of operation and City of Lilburn Noise Ordinance. Speakers shall be directed toward the fields and other school property to minimize impacts to adjoining residential uses.
  16. Property owner shall maintain executed agreement with the city whereby the city is held harmless for any damages resulting from activities on the subject property.
  17. Directional lighting shall be permitted during hours of operation for use on the fields in accordance with the approved lighting plan. A post installation evaluation for compliance, so that levels do not exceed the levels listed on the provided plans, shall be provided to the Planning Department. These lights may be controlled on site by authorized staff within the approved hours of operation.
  18. Attendees of the games shall not park in the neighborhoods. Parking shall be in designated off-street parking spaces only.
-



# Change in Condition Application

CASE NUMBER: CIC-2016-01

Date Received: 1/4/2016

Please type or print using BLACK ink

<b>Applicant:</b> Providence Christian Academy	<b>Property Owner:</b> (SAME)
<b>Address:</b> 4575 Lawrenceville Hwy	<b>Address:</b>
<b>City, State &amp; Zip:</b> Lilburn, Ga 30047	<b>City, State &amp; Zip:</b>
<b>Contact Person:</b> Brad Williams	<b>Owner Contact:</b>
<b>Business Phone:</b> 770-279-7200	<b>Business Phone:</b>
<b>Email:</b> B.williams@providencechristianacademy.org	<b>Email:</b>
<b>Cell Phone:</b> 678-414-7111	<b>Cell Phone:</b>

APPLICANT IS THE  Owner's Agent  Property Owner  Contract Purchaser

PROPERTY ADDRESS: 4495 Wynne-Russell Drive, Lilburn, Georgia 30047 (Soccer / Baseball Facility)

LAND DISTRICT: 6 LAND LOT(S): 149/148 PARCEL(S): 074 ACREAGE: 8.25 8.35

CURRENT ZONING: R1 PROPOSED ZONING DISTRICT(S): R1

PROPOSED DEVELOPMENT: Make conditions consistent with the new Lussi Complex (Athletic)

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT (Fields)
Number of Lots/Dwelling Units	Number of Buildings/Lots:
Dwelling Unit Size (sq.ft.):	Total Gross Square Feet:

Has Applicant filed or intend to file, any other variance, rezoning or waiver applications?  YES  NO

If YES, describe: \_\_\_\_\_

Please attach all REQUIRED documents. Refer to Rezoning, SUP and CIC Instructions for deadlines, fees and hearing schedule.

- STANDARDS GOVERNING EXERCISE OF THE ZONING POWER (attached)
- CONFLICT OF INTEREST CERTIFICATION/CAMPAIGN CONTRIBUTIONS (attached)
- APPLICANT/PROPERTY OWNER NOTARIZED CERTIFICATIONS (attached)
- TYPED LEGAL DESCRIPTION OF PROPERTY
- TYPED LETTER OF INTENT
- SITE PLAN/ BOUNDARY SURVEY – 1 full size (to scale) copy and 5 reductions (8.5" x 11") or electronic file
- LIST OF ADJOINING PROPERTY OWNERS – names and mailing addresses

City of Lilburn Planning and Economic Development Department (770) 279-3710 • Fax (770) 921-9822  
 98 First Ave. • Lilburn, Georgia 30047 • [www.CityofLilburn.com](http://www.CityofLilburn.com)

**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

Pursuant to Section 1702 of the 1985 Zoning Resolution, the Mayor and Council of the City of Lilburn find that the following standards are relevant in balancing interest in promoting the public health, safety, unrestricted use of property and shall govern the exercise of the zoning power.

- (A) Whether a proposed rezoning (or Special Use Permit) will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Yes. With the adjoining properties residential, Providence Christian Academy, INC. has abided by and remained in conformance with the 1997 conditions set by the City Council.

- (B) Whether a proposed rezoning (or Special Use Permit) will adversely affect the existing use or usability of adjacent or nearby property:

No. The proposed changes of conditions will not adversely affect the use of the adjoining or nearby properties. The proposed hours of operation are allowed by the City Code.

- (C) Whether the property to be affected by a proposed rezoning (or Special Use Permit) has a reasonable economic use as currently zoned:

Yes. We are not requesting a rezoning, only a change in two of the original conditions

- (D) Whether the proposed rezoning (or Special Use Permit) will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

No. There should be no change in traffic or utilities.

- (E) Whether the proposed rezoning (or Special Use Permit) is in conformity with the policy and intent of the Land Use Plan:

Yes. The zoning remains the same as called for on the Land Use Plan

- (F) 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 proposed rezoning (or Special Use Permit):

We are completing the new Lussi Complex just across the street. We are asking for all of our fields to have the same conditions.

**CHAPTER 67A**  
**CONFLICT OF INTEREST IN ZONING ACTIONS**

**SECTION 36-37A-1: DEFINITIONS**

**SECTION 36-37A-2: DISCLOSURE OF FINANCIAL INTERESTS**

**SECTION 36-37A-3: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

**SECTION 36-37A-4: PENALTIES**

Effective Date: This Chapter became effective July 1, 1984.

Cross References: Codes of ethics and conflicts of interest, T. 45, Ch. 10.

Code Commission Notes: Ga. L. 1986, p. 1269, Sec. 1 and Ga. L. 1986, p. 1496, Sec. 1, both enacted as Chapter 85 of Title 36. The chapter enacted by Ga. L. 1986, p. 1269, Sec. 1 was redesignated as Chapter 67A of Title 36 pursuant to Sec. 26-9-3.

**SECTION 36-37A-1: DEFINITIONS**

As used in this chapter, the term:

- (1) "Applicant" means any individual or business entity applying for rezoning action.
- (2) "Business entity" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.
- (3) "Financial interest" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.
- (4) "Local government" means any County or municipality of this State.
- (5) "Local government official" means any member of the governing authority of a local government or any member of a planning or zoning commission.
- (6) "Member of the family" means the spouse, mother, father, brother, sister, son, or daughter of a local government official.
- (7) "Property interest" means the direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.
- (8) "Real property" means any tract or parcel of land and, if developed, any buildings or structures located on the land.
- (9) "Rezoning action" means action by local government adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another. (Code 1981, Sec. 36-67A-1, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

**SECTION 36-37A-2: DISCLOSURE OF FINANCIAL INTERESTS**

A local government official who:

- (1) Has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote;
- (2) Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote; or
- (3) Has a member of the family having any interest described in paragraph (1) or (2) of this Code Section shall immediately disclose the nature and extent of such interest, in writing of the governing authority of the local government in which the local government official is a member. Such disclosures shall be a public record and available for public inspection at any time during normal working hours. (Code 1981, Section 36-67A-2, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

**SECTION 36-37A-3: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

- (A) When any applicant for rezoning action has made within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the governing authority of the respective local government showing:
- (1) The name of the local government official to whom the campaign contribution or gift was made; and
  - (2) The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution; and
  - (3) An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning change.
- (B) The disclosure required by subsection (1) of this Code section shall be filed within ten days after the application for the rezoning action is first filed. (Code 1981, Section 36-67A-3, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

**SECTION 36-37A-4: PENALTIES**

Any local government official knowingly failing to make a disclosure required by Code Section 36-85-2 shall be guilty of a misdemeanor. Any applicant for rezoning action knowingly failing to make any disclosures as required by Code Section 36-83-3 shall be guilty of a misdemeanor. (Code 1981, Section 36-67A-4, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

**CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS**

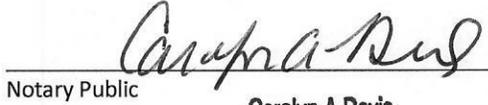
The undersigned below, making application for rezoning, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

  
\_\_\_\_\_  
Signature of Applicant/Applicant's Attorney or Representative

1-4-16  
\_\_\_\_\_  
Date

Brad Williams  
\_\_\_\_\_  
Type or Print Name

Athletic Director  
\_\_\_\_\_  
Title

  
\_\_\_\_\_  
Notary Public

1-4-16  
\_\_\_\_\_  
Date

**Carolyn A Davis**  
Notary Public, Gwinnett County, Georgia  
My Commission Expires February 1, 2019

(Seal)



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND/OR GIFTS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions or gifts of an aggregate value that is \$250.00 or more to the Mayor and Council Members or a member of the Lilburn Planning Commission?  YES  NO. If the answer is YES, please complete the following section:

NAME OF OFFICIAL	CONTRIBUTION/GIFT	DESCRIPTION	DATE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

**APPLICANT CERTIFICATION**

The undersigned below is authorized to make this application and is aware that no application or reapplication affecting the same property shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

*[Signature]*  
Signature of Applicant

1-4-16  
Date

Brad Williams  
Type or Print Name

Athletic Director  
Title

Carolyn A. Davis  
Notary Public

1/4/16  
Date

Carolyn A Davis  
Notary Public, Gwinnett County, Georgia  
My Commission Expires February 1, 2019

(Seal)

**PROPERTY OWNER CERTIFICATION**

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied by the Mayor and Council, no application or reapplication affecting the same land shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

*[Signature]*  
Signature of Owner

1/4/16  
Date

Sean Chapman  
Type or Print Name

Associate Head of School  
Title

Carolyn A. Davis  
Notary Public

1/4/16  
Date

Carolyn A Davis  
Notary Public, Gwinnett County, Georgia  
My Commission Expires February 1, 2019

(Seal)

**ADMINISTRATIVE USE ONLY**

CASE NUMBER: AZ-CIC-2016-01 DATE COMPLETE: 1/4/16 RECEIVED BY: [Signature]  
APPLICATION FEE: 400.00 PAID BY/RECEIPT#: CK#014947 HEARING DATES: PC 1/28/16 CC 2/8/16

December 15, 2015

City of Lilburn  
76 Main St.  
Lilburn, Ga 30047

Re: LETTER OF INTENT in regard to the Change in Conditions Application of  
PROVIDENCE CHRISTIAN ACADEMY, INC.

Dear Gentlemen:

Providence Christian Academy, Inc. ("PCA") is a non-profit Georgia corporation which operates a K through 12 grade private school. PCA is located at 4575 Lawrenceville Highway, Lilburn, GA.

PCA is in the process of developing the adjacent property into an athletic complex called The Lussi Complex. The Lussi Complex has no restrictions on sound or lighting. We are asking that the old soccer and baseball fields have the same conditions for uniformity and consistency as The Lussi Complex. These changes to include the following:

1. To remove Condition 3 on the 2006 Resolution # 182-06.
  - a. This would allow sound on the old fields.
  - b. There is no Condition on the new Lussi Complex.
  - c. We will follow the city ordinance for sound levels for High School Stadiums in Lilburn: keeping at or below 70 dBA between the hours of 7:00 A.M. and 10:00 P.M. at our property line.
2. To change Condition 8 on the 2006 Resolution # 182-06 to read "To limit the hours of operation from 7:30 A.M. till 9:30 P.M., except when a game goes into overtime/extra innings. Lights may stay on until the game is completed. No game is to be scheduled to start after 7:00 P.M. No Sunday activities shall be allowed on the fields."
  - a. We are planning to add lights. It is counter productive to add lights when we have to turn them off due to overtime/extra innings.
  - b. Soccer has had 2 overtime games in the last 3 years. Baseball averages 2-3 extra innings games per year. Both of these stats include home and away games.
3. To remove Condition 7 on the 2006 Resolution # 182-06.
  - a. The New Lussi Complex does not have this restriction. We would like this removed for Condition continuity for all of our fields.
  - b. This will also allow games to be finished if they go into overtime/extra innings without having to call a third party.

Our lighting and sound will be new technology and not as invasive as current Lilburn High School stadiums at Berkmar and Parkview. The Sound will have directional speakers that

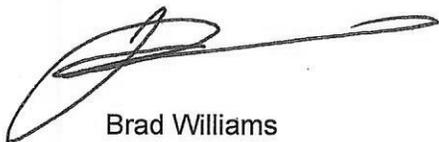
direct the sound to the desired area. We would like to have the same consideration as these schools.

If the Change of Conditions is granted, PCA intends to abide by the City of Lilburn Noise Ordinance and to cut all lights off immediately after the completion of games that extend past 9:30 P.M. due to overtime/extra innings. These sound and lighting hours of operation will be restricted to game play, so as to reduce to a minimum any possible nuisance which the athletic activities might otherwise have upon the surrounding homeowners.

This will enable our athletes and visiting teams to enjoy the same game atmosphere in recognizing the athletes as other schools in Lilburn, ie. Berkmar and Killian Hill Christian School. It would also allow us to host State Semi-Final and Finals for soccer. The GHSA requires lights in order host the Semi-Final and Finals. This would also allow our sports teams to finish a game that goes beyond the 9:30 P.M. due to overtime/extra innings.

Thank you for your time and consideration of consolidating our Special Use Permit Conditions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Williams', with a long horizontal flourish extending to the right.

Brad Williams  
Athletic Director  
Providence Christian Academy  
770-279-3931 office  
678-414-7111 cell

LEGAL DESCRIPTION

(Copy of Survey Attached)

**RE: Special Use Permit Application of  
PROVIDENCE CHRISTIAN ACADEMY, INC.**

ALL THAT TRACT OR PARCEL OF LAND lying and being in the Land Lots 148 and 149 of the 6th District of Gwinnett County, Georgia, consisting of 8.35 acres and shown per plat prepared for "Providence Christian Academy, Inc." by David W. Lynah, Ga. Registered Land Surveyor No. 1845 dated January 27, 1997, last revised March 2, 1997 and being more particularly described as follows:

BEGINNING at an iron pin found at the point of intersection of the southwesterly land lot line of land lot 149 and the northerly right-of-way line of Wynne-Russell Drive (a 60 foot right-of-way) and from said POINT OF BEGINNING, run thence along said right-of-way, N 67 degrees 39' 22" W, a distance of 122.38 feet to a point; continuing along said right-of-way, run thence an arc distance of 20.44 feet (said arc having a radius of 776.97 feet) to a point, the chord distance to said point being 20.44 feet along a coordinate direction of N 68 degrees 24' 36" W; continuing along said right-of-way, to and along its intersection with the easterly right-of-way of Shady Drive (a 60 foot right-of-way), run thence N 25 degrees 30' 47" W, a distance of 27.48 feet to a point; continuing along the right-of-way of Shady Drive, run thence N 19 degrees 29' 13" E, a distance of 8.55 feet to a point; continuing along said right-of-way, run thence an arc distance of 153.27 feet (said arc having a radius of 294.30 feet) to a point, the chord distance to said point being 151.55 feet along a coordinate direction of N 04 degrees 34' 02" E; continuing along said right-of-way, run thence an arc distance of 139.30 feet (said arc having a radius of 294.30 feet) to a point, the chord distance to said point being 138.00 feet along a coordinate direction of N 23 degrees 42' 03" W; continuing along said right-of-way, run thence N 36 degrees 49' 23" W, a distance of 79.28 feet to a point; continuing along said right-of-way, run thence N 36 degrees 49' 23" W, a distance of 109.44 feet to a point; thence departing from the right-of-way of Shady Drive, run N 83 degrees 52' 48" E a distance of 78.56 feet to a point; run thence N 04 degrees 50' 16" W, a distance of 49.86 feet to a point; run thence S 81 degrees 20' 46" W, a distance 106.59 feet to a point on the easterly right-of-way of Shady Drive; continuing along said right-of-way, run thence N 36 degrees 49' 23" W, a distance of 70.11 feet to a point; thence departing from said right-of-way, run N 61 degrees 31' 01" E, a distance of 33.66 feet to a point situated on the common line dividing land lots 148 and 149; run thence N 60 degrees 25' 12" E, a distance of 372.76 feet to a point; run thence S 28 degrees 32' 10" E, a distance of 1177.90 feet to a point situated on the northwesterly right-of-way of Wynne-Russell Drive (a 60 foot right-of-way); continuing along said right-of-way, run N 67 degrees 54' 59" W, a distance of 588.47 feet to the POINT OF BEGINNING.

Red dots indicate speaker pole locations.  
 Red arrows indicate direction of sound.

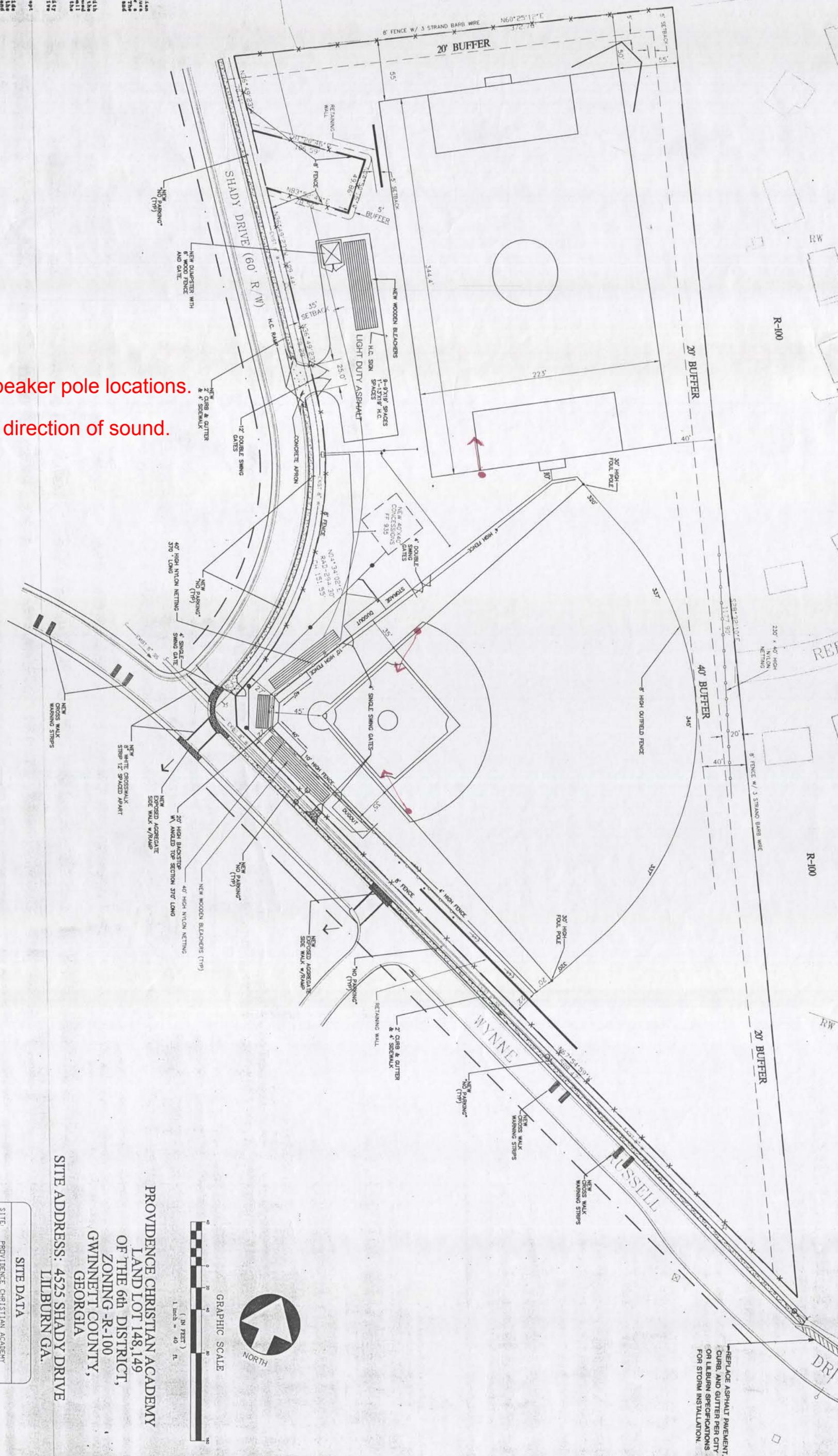
PROVIDENCE CHRISTIAN ACADEMY  
 LAND LOT 148, 149  
 OF THE 6th DISTRICT,  
 ZONING - R-100  
 GWINNETT COUNTY,  
 GEORGIA

SITE ADDRESS: 4525 SHADY DRIVE  
 LILBURN GA.

**SITE DATA**  
 SITE: PROVIDENCE CHRISTIAN ACADEMY  
 ZONING: R-100 CASE: SUP-02-97  
 TOTAL AREA: 8.35 AC  
 SETBACKS  
 FRONT: 35ft+  
 SIDE: 20ft+  
 REAR: 25ft+

**OWNER:** PROVIDENCE CHRISTIAN ACADEMY  
 4575 LAWRENCEVILLE, HWY  
 LILBURN GEORGIA  
 24 HOUR CONTACT: TED GILBERT (770) 368-1962  
 JIM VAUGHN (770) 279-7200

**CONDITIONS - SUP-02-97**  
 10. The subject property owner shall be responsible for payment of all taxes, fees, and charges levied on the property and shall include maintenance and upkeep.  
 11. The subject property owner shall be required to have "NO PARKING" signs installed along both sides of WYNNE Drive and SHADY Drive adjacent to the subject property.  
 12. Provide an eight (8) foot high fence around the entire perimeter of the subject property, with levelable gates at all entrances/exits.  
 13. Provide adequate lighting along the front, rear, and side of the subject property.  
 14. The entrance of the property shall be clearly marked with a sign and color and shall be clearly marked with a sign and color.  
 15. The public address system allowed on property unless approved by city council.  
 16. The subject property owner shall execute an agreement with the city of Lilburn for the installation of a public address system.  
 17. The subject property owner shall execute an agreement with the city of Lilburn for the installation of a public address system.  
 18. The subject property owner shall execute an agreement with the city of Lilburn for the installation of a public address system.  
 19. The subject property owner shall execute an agreement with the city of Lilburn for the installation of a public address system.  
 20. The subject property owner shall execute an agreement with the city of Lilburn for the installation of a public address system.



	<b>SITE &amp; STAKING PLAN</b> <b>LRE ENGINEERING, INC.</b> Civil Engineering Transportation Planning 1475 Peachtree St. N.E., Suite 220 Atlanta, Georgia 30309 tel: (404) 888-8890 fax: (404) 876-7797	<b>PROVIDENCE CHRISTIAN ACADEMY</b> ATHLETIC FIELDS PREPARED FOR <b>SEIBERT &amp; SON, INC.</b> 5555 DAKBROOK PARKWAY, SUITE 105 NORCROSS, GEORGIA 30093	DATE: 10/09/97 DRAWN BY: JHD CHECKED BY: HBB PROJECT NO: 97171
	THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF LRE ENGINEERING, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF LRE ENGINEERING, INC.		

**CITY OF LILBURN  
AGENDA ITEM 3**

<b>Date:</b>	2/8/2016	<b>To: Mayor and Council</b>	
<b>From:</b>	Bill Johnsa	<b>Department:</b>	City Manager
<b>Work Session Date Requested:</b>	01/12/16 W/S and REG. MTG.	<b>Presenter:</b>	Bill Johnsa
<b>Agenda Title:</b>	<b>City of Lilburn 2016 Mayor Crist and Council Member Burchik Appointments</b>		
<b>Audio/Visual Requirements:</b>	n/a	<b>Deadline Date:</b>	n/a

<b>Agenda Item (Background/History/Details):</b>
<p>Mayor Crist and Council Member Burchik will be appointing the following members to various boards.</p> <p>Mayor Crist Appointment:</p> <ul style="list-style-type: none"> <li>• Yoon-Mi Hampton – Zoning Board of Appeals</li> </ul> <p>Council Member Burchik:</p> <ul style="list-style-type: none"> <li>• Demetrius Galfas – Merit Board</li> <li>• Kent Suter – Board of Adjustments</li> <li>• Jon Stallsmith – Zoning Board of Appeals</li> </ul>

<b>Staff Recommendations:</b>
Staff recommends the following: <b>“Motion to approve the various appointments as presented.”</b>

<b>Department Head Approval:</b>	<b>B. Johnsa</b>
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<b>Mayor’s Signature Required:</b>	Y	N
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<b>List Attachments:</b>

**Financial Information (For Financial Services Use Only)**

<b>Budgeted Yes/No</b>	<b>Fund Name &amp; Code</b>	<b>Current Balance</b>	<b>Requested Allocation</b>	<b>City Manager’s Initials</b>
				BJ

**CITY OF LILBURN  
AGENDA ITEM 4**

<b>Date:</b>	2/2/16	<b>To: Mayor and Council</b>	2/3/16
<b>From:</b>	Bill Johnsa	<b>Department:</b>	City Manager
<b>Work Session Date Requested:</b>	2/8/16 W/S & REG. MTG.	<b>Presenter:</b>	Bill Johnsa
<b>Agenda Title:</b>	<b>Election Qualifying period – Ordinance # 2016-498; Reduction of qualifying period to three (3) days</b>		
<b>Audio/Visual Requirements:</b>	n/a	<b>Deadline Date:</b>	n/a

<b>Agenda Item (Background/History/Details):</b>
Agenda item proposes the reduction of the current five (5) day qualifying time period to three (3) days. The majority of local municipalities have incorporated a three day period. In speaking with the City Attorney, this change can be made by local Ordinance.

<b>Staff Recommendations:</b>
Staff recommends the following: <b>“Motion to approve Ordinance # 2016-498 reducing the Mayor and Council qualifying period to three days”.</b>

<b>Department Head Approval:</b>	<b>B. Johnsa</b>
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<b>Mayor/Council Signature Required:</b>	<b>YES</b>	<b>NO</b>
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<b>List Attachments:</b>
<b>1. Ordinance # 2016-498</b>

**Financial Information (For Financial Services Use Only)**

<b>Budgeted Yes/No</b>	<b>Fund Name &amp; Code</b>	<b>Current Balance</b>	<b>Requested Allocation</b>	<b>City Manager’s Initials</b>
N/A				<b>BJ</b>

STATE OF GEORGIA  
COUNTY OF GWINNETT

AN ORDINANCE TO AMEND CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF LILBURN ENTITLED "ELECTIONS" TO ADD A NEW SECTION 18-3; TO PROVIDE FOR A THREE-DAY QUALIFYING PERIOD FOR THE POSITIONS OF MAYOR AND CITY COUNCIL MEMBERS; TO SET THE QUALIFYING FEES FOR THE MAYOR AND EACH COUNCIL POSITION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the authority of Sections 5.10 and 5.12 of the Charter of the City of Lilburn, and further pursuant to Georgia Elections law specifically O.C.G.A. §21-2-132(d)(3), the Council of the City of Lilburn may prescribe rules and regulations governing qualifying periods, qualifying fees, and other rules and regulations as may be necessary for the conduct of elections in the City; and

WHEREAS, pursuant to such authority, the Council desires to establish such qualifying periods and qualifying fees as set forth below.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lilburn as follows:

**Section 1:**

The qualifying period for candidates offering for the positions of Mayor or City Council Member in the City of Lilburn shall be the first three days of the last week in August with hours of qualifying on those days being from 8:30 a.m. to 5:00 p.m.

**Section 2:**

The qualifying fees for the positions of Mayor and City Council Member of the City of Lilburn are hereby established to be 3% of the salary of the position sought.

**Section 3:**

All ordinances and parts of ordinances in conflict herewith are repealed to the extent of any such conflict.

**Section 4:**

This ordinance shall be effective upon adoption by the City Council.

SO ORDAINED, and effective this the \_\_\_\_ day of February, 2016.

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JOHNNY CRIST, MAYOR  
CITY OF LILBURN

ATTEST:

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Melissa L. Penate, City Clerk

APPROVED AS TO FORM:

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Richard A. Carothers, City Attorney

**CITY OF LILBURN  
ITEM 5**

<b>Date:</b>	February 1, 2016	<b>To:</b>	<b>Mayor and Council</b>
<b>From:</b>	Doug Stacks	<b>Department:</b>	Planning & Econ Dev't
<b>Work Session Date:</b>	February 8, 2016	<b>Presenter:</b>	Doug Stacks
<b>Agenda Title:</b>	<b>Georgia Power Easement – City Hall/Library property</b>		
<b>Audio/Visual Req'ts:</b>	n/a	<b>Meeting Date:</b>	February 8, 2016

<b>Agenda Item (Background/History/Details):</b>
<p>Georgia Power has requested an easement for power being provided to the City Hall/Library project. Gwinnett County Law Department has approved the easement as provided. Because of the joint ownership of the property, both the City and the County have to sign the document. As a result of the timing, we sign first in February and the County will sign next month.</p>

<b>Staff Recommendation:</b>
Staff recommends <b>signing the easement agreement.</b>

<b>Department Head Approval:</b>	
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<b>Mayor's Signature Required:</b>	<b>YES</b>	<b>NO</b>
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<b>List Attachments:</b>
<ol style="list-style-type: none"> <li>1. Easement agreement</li> <li>2. Easement Exhibit</li> </ol>

**Easement**

STATE OF GEORGIA,

Name of Line. LANFORD/A2472

Gwinnett COUNTY

Account No. GP267E01616

Received of GEORGIA POWER COMPANY, hereinafter called the Company, the sum of One Dollar (\$1.00), in

consideration of which Gwinnett County, Georgia, and City of Lilburn (Undersigned) whose

Post Office Address is 75 Langley Dr. Lawrenceville, GA 30046

do(es) hereby grant and convey to said Company, its successors and assigns, the right, privilege and easement to go in, upon, along, across

and under that tract of land owned by the Undersigned in Land Lot(s) Number 30

of the 6th Land District, Gwinnett County,

State of Georgia, known as City Hall and Branch Library, 4838 Vankirk Street, Lilburn, GA 30047

(street address) and said lands being more particularly described on a plat marked "Exhibit A" attached hereto and made a part hereof,

together with the right to construct, operate, and maintain continuously upon and under said land, its lines for transmitting electric current, with poles, wires, transformers, service pedestals, and other necessary apparatus, fixtures and appliances, including the right to stretch communication wires on said poles, or under said lands with necessary appliances; with the right to permit the attachment of the wires and appliances of any other company, or person, to said poles; together with the right to enter upon said premises for the purpose of inspecting said lines, making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom; together with the right to cut away and keep clear of said overhead or underground lines, transformers, fixtures and appliances, all trees and other obstructions that may in the opinion of the Company now or hereafter in any way interfere or be likely to interfere with the proper operation of said overhead or underground lines, transformers, fixtures, and appliances; also the right of ingress and egress over said land to and from said lines. Any timber cut on said land by or for said Company shall remain the property of the owner of said timber.

The undersigned does not convey any land, but merely grants the rights, privileges and easements hereinbefore set out.

Said Company shall not be liable for nor bound by any statement, agreement or understanding not herein expressed.

IN WITNESS WHEREOF, the said Gwinnett County, Georgia

ha\_\_ hereunto set \_\_\_\_\_ hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Signed, sealed and delivered in the presence of:

**GWINNETT COUNTY, GEORGIA**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Charlotte J. Nash, Chairman

\_\_\_\_\_  
Notary Public

Attest: \_\_\_\_\_  
Diane Kemp, County Clerk (COUNTY SEAL)

(This easement is to be signed in the presence of two (2) witnesses, one of whom must be a Notary Public.) *Easement.doc*

IN WITNESS WHEREOF, the said City of Lilburn  
has hereunto set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Signed, sealed and delivered in the presence of:

UNDERSIGNED

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Johnny D. Crist, Mayor

\_\_\_\_\_  
Notary Public

Attest: \_\_\_\_\_  
Name: \_\_\_\_\_ (SEAL)

(This easement is to be signed in the presence of two (2) witnesses, one of whom must be a Notary Public.)

