



Small town. Big difference.

**Staff Report & Recommendation
Rezoning Case #SUP-2017-01
Date of Report: August 18, 2017
Report by: Joellen Wilson, City Planner**

Hearing Dates:

**Planning Commission August 24, 2017
Mayor and Council September 11, 2017**

GENERAL INFORMATION

Applicant: 733 Pleasant Hill Mall, LP
Owner: 733 Pleasant Hill Mall, LP
Size: 24.74± acres
Location: 733 Pleasant Hill Rd, District 6, LL 156, Parcel 164
Existing Zoning: CB (Commercial Business)
Proposed Use: Auto and Truck Service Center

EXISTING LAND USES & ZONING DISTRICTS

To the North:	Residential Gwinnett County	R75 Beaver Lodge
		RM8 Creekside Manor
To the East:	Commercial	R/W of Pleasant Hill Road
To the South:	O/I and Residential Gwinnett County	O/I Berkmar UM Church
		RM10 Avery Park Townhomes
To the West:	Residential Gwinnett County	R75 Huntington/Burnt Creek

ZONING HISTORY

The subject property was zoned for commercial use with conditions in Gwinnett County in 1994 and developed in 1997 as a Lowe's shopping center (131,385 sf) with two out parcels. The 24.7 acre property was annexed into the city in 2011 with equivalent CB zoning. The site was vacant from 2009 until 2014 when an SUP for a package store was granted to new owners of "Outlot 1". In 2016, new owners of the shopping center building began renovating the interior and façade to accommodate approximately 91,000 square feet of mixed commercial uses, including retail, salon services, food court restaurants, and office space. The remaining 40,000 s.f. was approved for permitting as a grocery store.

APPLICANT'S INTENT

The owner intends to finish out approximate 11,000 of the remaining 40,000 square feet on the south side of the building for an Auto and Truck Service Center, with four bays (7 doors). The bays would be constructed within the existing building parallel to Pleasant Hill Road and not visible from the right of way. The applicant has proposed accessory installation services including car stereo installation and window tinting. See applicant's letter of intent for additional details.

ANALYSIS OF SPECIAL USE PERMIT REQUEST

Though zoned CB, Article 6, Section 602 of the Zoning Ordinance requires a Special Use Permit for *Auto and Truck Service Center* with supplemental conditions enumerated in *Section 603* as follows:

1. *Special use permit required in CB/US 29 Overlay.*
2. *In CB and US 29 Overlay, auto repair and service buildings shall be designed in consideration of the context of the site and area. The design shall complement and be compatible with the predominant architectural theme of the U.S. 29 Overlay or of the integrated development site.*
3. *No body and paint repair.*
4. *Service permitted only in enclosed bays.*
5. *All service bays shall be oriented so as to parallel U.S. 29 and other major arterial roadways on which they are located, and/or when within 300 feet of property zoned or used for residential uses.*
6. *All service bays shall have a 100 percent opaque screen of a minimum of three and one-half feet on surrounding street frontages.*

In addition, the site is within the US 29 Overlay District with frontage along Pleasant Hill Road, however, no additions to the building or parking area are proposed. The proposed change in use is subject to select site and landscaping requirements of Article 5, specifically:

Section 501-6 ...Garage and loading bay entrances shall be oriented to the rear or side of the building and shall not be visible from a street along the building's frontage.

Section 501-9 ...Dumpsters shall be screened from view on all four sides. Screening shall consist of three solid walls of brick, decorative masonry, and/or stone construction, or similar material approved by the Department, at least six feet in height, with 100 percent solid metal or wooden gates.

Required public notice resulted in no opposition or public comment. The Lilburn Police Department has no objections to this request.

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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 the 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 with appropriate conditions in view of the surrounding residential properties. There are vegetated undisturbed buffers on the west and north sides of the property but only a landscape strip between the site and the adjacent townhome property. The south side of the property should be further screened with evergreen vegetation in accordance with supplemental conditions described in Article 6.
- B. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property:**
The proposed Auto and Truck Service Center can be conditioned to minimize adverse impacts to the existing adjacent mercantile businesses and usability of adjacent or nearby property. Although the letter of intent describes window tinting and stereo installation uses, abutting tenants within the building are undetermined. Fire wall separation and noise abatement would minimize impacts to future adjacent tenants. Nearby existing residential properties should be screened from auto service and repair activities, especially as noise or smells from more intense auto service or repair activities are possible.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:**
Yes. The majority of the building is operating successfully with mercantile, food service and office uses and the leasing agent reported high occupancy rates with a waiting list for food court operators.
- 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 including window tinting and stereo installation services will not cause a burdensome impact on existing infrastructure; however, if more intense auto service or repairs are permitted, the building may require alterations to comply with the sanitary sewer code.
- 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 Land Use Plan, which indicates this property is appropriate for commercial development. The supplemental conditions for the proposed SUP can be met at the location illustrated on the "Auto Service Layout" exhibit provided by the applicant.
- 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 US 29 Corridor Overlay District was expanded in 2016 to include this commercial corridor and property. The existing interior building renovation and retail nature of the concept plan did not meet the criteria for compliance with any additional site improvements. The proposed change in use and adjoining residential zoning gives supporting grounds for conditional approval.

Based upon the above considerations, Staff recommends **APPROVAL** of the SUP request for Auto and Truck Service Center with the following conditions:

1. Service Center limited to 11,000 square feet within the existing building fronting the south side of the existing building as delineated on the attached "*Auto Service Layout*" exhibit provided by the applicant.
2. No body or paint repair. Service limited to auto and truck maintenance and accessory installations.
3. Service permitted only in enclosed bays (4 shown).
4. Service bays shall be oriented so as to parallel Pleasant Hill Road.
5. Service bays shall be screened from adjacent residential property (Avery Park Townhomes) to the south. One row of parking (approximately 19 spaces) closest to Snipes Court/Labrador Way shall be removed and replaced with a vegetated screen to include 2 rows of evergreen trees or shrubs, staggered 10' on center with minimum 3' height at time of planting and maintained in perpetuity. Curb and gutter shall be removed and replaced.
6. Each tenant space shall comply with Gwinnett County sewer code. As may be required, building shall be renovated with floor drains to accommodate an approved oil/grit separator in accordance with Gwinnett County sewer code.
7. No washing of parts or vehicles outside the building.
8. No Auto/Truck Body and Heavy Repair services, as described in Article 6, Restricted Uses.
9. No Heavy Equipment Service as described in Article 6.
10. No outside storage or outdoor displays.
11. No used tire sales or used auto parts sales.
12. No vehicle sales.
13. Parking of all vehicles shall be in designated spaces in compliance with Article 8 and shall not exceed maximum off-street parking spaces allocated for auto service center (1/200 s.f.).
14. Plans illustrating compliance with vegetated screening requirements, fire wall separation, sewer code compliance and other applicable requirements shall be submitted for approval prior to permitting for construction or application for certificate of occupancy.

Aerial Map of the Subject Area



Tax Assessor's Parcel Map



Auto Service Layout Exhibit (from Applicant)

