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**Staff Report & Recommendation**

**Rezoning Case #CIC-2019-01**

**Date of Report: Revised May 24, 2019 for Council**

**Report by: Joellen Wilson, City Planner**

**Hearing Dates:**

<b>Planning Commission</b>	<b>May 23, 2019</b>
<b>Mayor and Council</b>	<b>June 10, 2019</b>

**GENERAL INFORMATION**

Applicant:	Shane Lanham (attorney for applicant), Mahaffey, Pickens Tucker, LLP
Owner:	733 Pleasant Hill Mall, LP
Site:	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/Nett
		RM10	Avery Park Townhomes
To the West:	Residential Gwinnett County	R75	Huntington/Burnt Creek

**ZONING HISTORY**

The subject property was zoned and developed as a Lowe's home improvement store with two out parcels, and was annexed into City in 2011. It was renovated for use as a retail shopping mall in 2016 and the 131,385 sf building currently accommodates over 100,000 square feet of commercial uses, including retail, services, food court restaurants, offices, and other commercial uses. It is within the US29 Commercial Overlay District and in 2017, the site was granted a Special Use Permit (SUP-2017-01)

to allow an 11,000 sf auto/truck service center with conditions on the south end of the building (Ord. #2017-514). Since then a grocery store and artificial turf soccer field has been added in that area.

### **APPLICANT'S INTENT**

The owner is proposing to develop the auto/truck service center on the north side of the mall within the former greenhouse structure. The 6,720 square foot freestanding structure is proposed for alterations to accommodate four bay doors. The rollup bay doors are proposed to be constructed parallel to and thus not visible from Pleasant Hill Road and there is over 300 feet with an existing 90'+/- vegetated buffer between the site and the residential uses to the north. The applicant has proposed accessory installation services including stereos 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.*

The site is within the US 29 Overlay District with frontage along Pleasant Hill Road, however, no additions to the footprint of the building or parking area are proposed. The building alteration plans will be reviewed for appropriate access/egress, fire protection and ventilation. The building is sprinkled, restrooms are provided in the mall building, and building code does not require air conditioning (heat is already provided). The proposed change in location is subject to site and landscaping of Article 5:

*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 in view of the surrounding residential properties. There is a 75-foot vegetated undisturbed buffer on the north side of the property.*
- 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 festival space (see aerial and other photos). Fire wall separation and demising walls as may be necessary will provide adequate noise abatement.*
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:**  
*Yes. The mall is operating successfully with mercantile, food service, and office uses.*
- 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; 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 applicable remaining conditions of the SUP can be met at the location illustrated on the "Auto Service Layout" exhibit.*
- 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 original building renovation and retail concept did not meet criteria for site improvements such as landscaping. Each new use introduced will be considered in the context of existing uses to maximize the potential for success. The proposed location in a former garden center structure gives supporting grounds for conditional approval.*

Based upon the above considerations, Staff recommends **APPROVAL of CIC-2019-01**, Change in Conditions to Auto/Truck Service Center use, to be amended as follows:

1. Auto/Truck Service Center limited to 6,700 square feet within a former freestanding greenhouse structure, as delineated on the “*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 view from public right of way.
6. Each tenant space shall comply with Gwinnett County sewer code. As may be required, building shall be renovated, with floor drains or other devices to accommodate oil/grit separators, 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 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.
15. Hours of Operation shall be limited to 9:00 a.m. to 8:00 p.m.

Tax Assessor's Parcel Map



**Auto Service Layout Exhibit (Site Plan/Survey)**



