Staff Recommendation
Rezoning Case RZ-2021-02 and Special Use Permit Case SUP-2021-04
Date of Report: December 16, 2021

Hearing Dates:
Special Called Planning Commission December 16, 2021
Special Called Mayor and Council January 10, 2021

GENERAL INFORMATION
Owner: Lilburn Downtown Development Authority
Size: 1.760 +/- Acres
Location: 57 Railroad Avenue
Parcel Identification Numbers: R6135 031
Existing Zoning: MU Mixed Use
Proposed Zoning: CB Commercial Business with SUP for Brewery
Proposed Use: Multi-tenant Commercial Development – “The Brigade”

EXISTING LAND USES & ZONING DISTRICTS
To the North: Commercial Business & Mixed Use CB & MU
To the East: Commercial Business & Mixed Use CB & MU
To the South: Commercial Business CB
To the West: Commercial Business CB

Official Zoning Map Amendments/Intent of the SUP. City initiated map amendment and rezoning of approximately 1.76 acres comprised of parcel 031 in District 6, Land Lot 135 being further identified as 57 Railroad Avenue in the Town Center Overlay District (Old Town Neighborhood) from Mixed Use (MU) to Commercial Business (CB) with a Special Use Permit for a brewery.

ZONING HISTORY
In accordance with Zoning Article 10, Section 1003, City Council may initiate map amendments to the Official Zoning Map of Lilburn. The subject site was rezoned MU in 2020 via City initiated action (RZ-2020-02) to accommodate flexibility in an anticipated development proposal. The successful development group, Fire Brigade Development Company, LLC is now working with the Lilburn Downtown Development Authority to finalize plans for an 29,112 ft² multi-tenant commercial space, whose primary tenant will be a new brewery. The space is proposed to also include a restaurant and other retail/commercial uses but does not include residential uses. In addition, the brewery use requires a Special Use Permit according to provisions established in Article 7, Section 738. The city-initiated map amendment and rezoning with Special Use Permit accommodates the accepted development proposal and supports the City’s goal in redeveloping the previous active industrial site.
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER
As part of zoning procedures, the Planning Staff, Planning Commission, Mayor and Council are also to analyze each of the matters enumerated in Section 1003-8. Review of Special Use Permit applications:

1. Is the proposed special use consistent with the Comprehensive Plan? Yes Comprehensive Plan includes recommendations for commercial uses in the Town Center Overlay district.

2. Is the proposed special use consistent with supplemental studies adopted by City Council, including Livable Centers Initiative (LCI) studies? N/A No studies apply to the site or surrounding area at this time.

3. Is the proposed special use compatible with adjacent uses? Yes. The commercial/brewery use is more compatible with existing business and residential uses than the previous industrial and manufacturing activity.

4. Is the proposed special use consistent with the stated purpose of the zoning district in which it will be located? The site was previously occupied by an active industrial manufacturing business. The proposed commercial use with restaurants, retail and specifically a brewery will provide an active destination.

5. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties? Yes. The proposal is subject to design and development review and is anticipated to comply with all applicable codes and ordinances.

6. Is the open space adequate to preserve the character of the area and mitigate environmental impacts? N/A. The site is a standalone parcel.

7. Are screening and buffers adequate to protect adjacent uses from negative impacts of the proposed use? The site is existing and areas surrounding the building will be developed by the Downtown Development Authority to complement the site and be compatible with adjacent uses. The development will comply with all applicable codes and ordinances.

8. Are off-street parking facilities adequate? Will they be properly located to reduce negative impact on surrounding property uses? Parking agreements are anticipated and will be reviewed by the City.

9. Are the hours and manner of operation of the proposed use compatible with surrounding uses? Hours of operation have not been determined but criteria is established for this use and it is anticipated that the development will comply with all applicable codes and ordinances.

10. Are there environmental resources or features which should be considered, for example, topography, special geological features, highly erodible soils, water runoff issues downstream, floodplain, wetlands, specimen trees, etc.? The site development will include management of stormwater and plans are being developed. It is anticipated that the project will comply with all applicable codes and ordinances.

Applicable code Section 738 – special provisions for a brewery:

Section 738. - Brewery.

In addition to SUP required in select zoning districts according to 602. Use Table, a brewery in any district is subject to the following standards:

738-1 Licensing. No person shall be permitted to own or operate a brewery without first obtaining a brewery license from the City Clerk, and each brewery license holder shall comply with all other applicable federal, state, and local license requirements. A licensed brewer shall abide by all federal, state, and local laws,
regulations, and rules and the failure to comply with such laws, regulations, or rules may serve as the basis for revocation of the license issued by the City.

738-2 Hours of Operation. Where Special Use Permit is required, a licensed brewer shall be subject to provisions related to hours and days of sale as set forth by the SUP approved by City Council. In all districts, on-premise service must end no later than 11:00 PM.

738-3 Outdoor activity.

1. A licensed brewer is permitted to allow consumption on the brewery premises and within a designated outdoor seating area which shall be outside of any public right of way, required parking, or driveway, and delineated using fixtures such as walls, railings, planters or similar decorative fixtures that do not present a safety hazard.

2. A licensed brewer may provide outdoor entertainment within a designated area shown on a site plan, which must be outside of any public right of way, required parking or driveway. The establishment and outdoor entertainment shall be subject to the Noise Control Ordinance and any amendments that may follow the adoption of this ordinance.

The proposed zoning from MU to CB commercial use accomplishes the goals of both the City’s Comprehensive Plan and Character Area Map to support a mix of uses in close proximity to existing residents and further supports the public health, safety and general welfare of the community. Based upon the above SUP criteria and considerations, staff recommends APPROVAL of RZ-2021-02 and SUP-2021-04 to amend the official zoning map and allow a brewery as a component of the commercial uses within the development.
OFFICIAL ZONING MAP of LILBURN, GA

Zoning Map with the Subject Site (Existing Zoning)

Tax Assessor’s Aerial Map of Subject Site

57 Railroad Ave

Zoning Map as Proposed for Amendment