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**Staff Report and Recommendation
Change in Conditions: CIC-2022-02**

**Date of Report: March 8, 2022
Report by: Reid Turner, Planner
Hearing Date: Thursday, March 24, 2022**

GENERAL INFORMATION

Applicant: Miles Hansford & Talent LLC, J. Ethan Underwood
Owner: Najam LLC./ Automax Auto Sales Business
Size: 1.93 +/- acres, District 6, Land Lot 147 Parcel 012, 013, 014
Location: 5034 Lawrenceville Hwy, Lilburn GA 30047
Existing Zoning: CB, Commercial Business in US29 Overlay

EXISTING LAND USES & ZONING DISTRICTS

To the North:	U.S. 29/Residential	R1
To the East:	Lilburn Middle School/Commercial	CB
To the South:	Residential	R1
To the West:	Gas Station/Commercial Business	CB

ZONING HISTORY

The site fronts U.S. 29 and is surrounded by both Commercial and Residential zoning. The subject site exists within the U.S. 29 Overlay District.

The subject property was rezoned from C-1 to C-2 in 1982 to bring a nonconforming use, auto sales, into compliance. In 2006 the property owner applied for a Special Use Permit to allow for two distinct businesses to operate on the site. The SUP was approved with conditions(SUP-01-06).

APPLICANT'S INTENT

Applicant seeks to expand its existing auto sales business' operational hours, located at 5034 Lawrenceville Hwy. The applicant seeks to expand the allowed repair hours of their business. The applicant seeks to amend condition 5 associated with SUP-01-06. Conditions currently read as follows:

- Condition #5 reads: ***"Hours of operation for automobile repair shall be limited to Monday through Friday from 8:00 AM to 6:00 PM. No repair work shall be done on weekends."***

- Proposed Change to condition: The applicant seeks to have the current condition #5 amended to read: “Hours of operation for automobile repair shall be limited to Monday through Saturday from 8:00 AM to 6:00 PM. No repair work shall be done on Sundays.”

ANALYSIS OF VARIANCE REQUEST

Given that the amendment to condition 5 is not expressly prohibited within development regulations or the U.S. 29 Overlay. Service Centers are required to conduct all repairs in an enclosed bay, thus mitigating the noise for the residential properties adjacent to the property. After conducting an analysis of other, similar, businesses and the opening hours they utilize staff recommends **DENIAL** of the proposed revisions to due to the effect of early repair hours on surrounding residents. Alternatively, staff recommends that hours of repair on Saturday be kept between 9:00 A.M. through 6:00 P.M.

Staff proposes conditions of SUP-2014-02 and SUP-01-06 be combined into a single set of conditions to apply to the entirety of the relevant business properties including R6147 012, R6147 013, R6147 014, and R6147 015. Conditions to read:

1. Property to be developed in general accordance with submitted Proposed Special Use Plan, by Gordon Story, dated 11/17/2014 Site Plan, by Dovetail Civil Design, dated 01/28/2022, Parking lot expansion may occur only in the area designated for such and no offloading of vehicles may occur in this area subject to compliance with city development regulations, plan review and permitting.
2. *Install and maintain an opaque wooden fence (min. 6' in height) along the rear property line and install two staggered rows of Leyland Cypress trees, 6' minimum height, appropriately spaced (10' – 15' OC) along the inside edge of the buffer to screen the parking lot from the residential land uses. These trees shall be maintained in perpetuity.*
3. Install ~~one~~ two rows of Leyland Cypress or other acceptable evergreen trees, appropriately spaced (10'-15' OC) & supplemental plantings along the front of the overflow parking lot, between the front and rear half of the property, at R6147 015, to screen the ~~car~~ new inventory lot from future development Lawrenceville Highway.
4. Stormwater facility shall be designed to accommodate existing impervious surface area on the site at the time of application in addition to the proposed parking lot. Design shall comply with current regulations.
 - a. ~~Pipe all stormwater runoff that would otherwise cross the side yard of 288 Hood Rd property directly to the creek.~~
 - b. ~~Use concrete pipe and contain runoff entirely between the detention facility and the creek.~~
 - c. ~~No part of the detention facility shall encroach within the rear buffer, except as permitted in the development regulations~~
5. *Light fixtures shall be designed and directed so as to minimize impacts to residential uses and lights may be on from 7 a.m. to 10 p.m. Owner or agent 24-hour contact information shall be provided to abutting residents for the purpose of reporting any violation of this condition.*

6. Provide two (2) non-ornamental shade trees placed a minimum of 25 feet apart along the right-of-way line of US 29, on parcel R6147 012. Both trees shall be a minimum of 4" in caliper at the time of planting and set a minimum of 10' from the back of curb. The 2 street trees shall be one of the following species and shall be maintained in perpetuity: Willow Oak, Overcup Oak, Nuttall Oak, Pin Oak, Shumard Oak, Lacebark Elm, Japanese Zelkova.
7. There are to be no more than two (2) elevated display racks permitted per motor vehicle sales lot, and they are not to exceed five (5) feet in height.
8. All overnight vehicle repair storage areas shall be located in the rear of the building. Such storage areas shall be 100% screened from public street rights-of-way and/or adjacent properties to a minimum height of 6' by the use of fencing, landscaping berms, or a combination thereof as approved by the City Planner. If landscaping is used, it shall be maintained in perpetuity.
9. Dumpsters which may be seen from adjacent properties or public parking lots shall be screened from view on all four sides. Screening shall consist of three solid walls of brick or stone construction, at least 6' in height, with 100% metal or wooden gates. Dumpsters shall be placed in the rear yard and may be located zero feet from the property line if the adjoining property is zoned non-residential and zero feet from all applicable buffers if the adjoining property is residential.
10. Hours of operation for automobile repair shall be limited to Monday through Friday from 8:00 A.M. to 6:00 P.M. and Saturday from 9:00 A.M. to 6:00 P.M. No repair work shall be done on weekends-Sundays.
11. Auto repair storage activities shall be limited to the sides and rear of the existing building and no more than 20 vehicles for repair shall be on the premises at any time.
12. This Special Use Permit applies to Buggy One, Inc., Dan Bramlett, owner, as the primary tenant doing the main business of auto sales & limited service/repair and does not apply to any other future business in place of that business.
13. Replace the current chain-link fence along the south side between St. Albans property with an opaque wooden fence, to be maintained in perpetuity.
14. Silent alarm is to be used.
15. Parking lot expansion will accommodate offloading of vehicles on site.
16. Any requirements by DOT shall not infringe on the proposed landscape strip or screening requirements of condition #3. Plantings are to be located along the front of the property line outside of ROW.

Official Zoning Map Overview (2022)

