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**Staff Report and Recommendation  
Rezoning and SUP Case: RZ-2022-01 with SUP-2022-01**

**Date of Report: May 24, 2022  
Report by: Reid Turner, Planner  
Hearing Date: Thursday, May 26, 2022**

GENERAL INFORMATION

Applicant: Tyler Lasser with Alliance Engineering and Planning obo Traton LLC  
Owners: Various Owners (See Application)  
Size: 9.25 +/- acres total, a 7.9+/ac portion proposed for rezoning, District 6, Land Lot 145 Parcels 008, 009, 010, 011, 012, and 013  
Location: 5414 – 5454 Lawrenceville Hwy  
Existing Zoning: CB, Commercial Business in US29 Overlay

EXISTING LAND USES & ZONING DISTRICTS

To the North:	U.S. 29/Commercial Business	CB
To the East:	Office/Commercial Business	CB
	Duplex (Bradley Woods) Subdivision	R2
To the South:	Single Family Residences/Commercial Business	CB
To the West:	Gas Station/Package Store/Commercial Business	CB

ZONING HISTORY

The six subject parcels front Lawrenceville Highway and are surrounded by a mix of Commercial Business and Medium-Density Residential zoning but several CB parcels are undeveloped. The subject site exists within the U.S. 29 Overlay District.

The parcels were zoned CB prior to 2011 and have not seen zoning action in over a decade. Parcels 008 and 009 are vacant, parcels 010 and 011 have residential structures with office uses, and parcels 012 and 013 include two residential structures operating as a landscape nursery.

## APPLICANT'S INTENT

Applicant seeks to recombine the parcels creating two commercial parcels fronting U.S. 29 and rezoning 7.9 +/- acres of the subject parcels to R2, in conjunction with a Special Use Permit for the development of a townhome subdivision with 65 fee simple (for sale) townhomes. The homes proposed are 2 stories with 2-car garage, rear entry via private alleys or access drives, minimum 1,800 square feet of heated area (2,000 square foot minimum per lot), designated open space, and amenity area. Access/egress is proposed with a single subdivision entrance from Lawrenceville Highway for both commercial and residential uses. The density of the residential and commercial sites needs to be confirmed.

## ANALYSIS OF REZONING REQUEST

*Appendix A: Article 7, Section 734 - Attached Residential Dwellings (duplex, triplex, quadplex, townhomes)* defines the criteria for townhomes. The applicant's proposal does not address the minimum requirement for visitability: "a master bedroom with bathroom on the ground floor; or guest bedroom and full bathroom on the ground floor, and one "no-step" entrance into the home." The proposed concept plan does meet the architectural standards set forth in *Section 734-2 - Additional standards for townhomes*. The applicant has received a sewer availability letter stating that there is infrastructure available though no Sewer Capacity Certification confirming that the existing system is capable of serving the development. Easements will be necessary to tie into sewer infrastructure, though no plans have been presented detailing the proposed location of the easements. Given that sewer and on-site stormwater management are requirements for the development, it is imperative that sewer be secured and space on each lot is allocated for all utilities including stormwater (water quality) features.

The City of Lilburn 2019 Comprehensive Plan identifies the Lawrenceville Highway and Rockbridge Road intersection as a commercial node with special focus given to the BAPS Shri Swaminarayan Mandir as a focal point. The Comprehensive Plan further details that the focus of the area should be to support and enhance the dominant and long-term commercial land-uses already present in the area stating that "Redevelopment potential at these intersections should focus on the Hindu temple as a major cultural attraction for the community and an opportunity for developing a cultural center for the community."

*Appendix A: Article 10, Section 1003-7* enumerates the criteria for a Rezoning and amendment to the official zoning map. Applicant's responses are attached and staff responses are underlined below:

1. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The surrounding properties consist primarily of commercial uses. The area serves primarily as a commercial corridor and may not be suitable for residential uses without adequate buffers or access. Though the commercial outparcels will serve to screen the townhome development, the location of the shared access on U.S. 29 reduces CB frontage and makes the commercial parcels less viable. The access drive does not provide designated drives for CB lots but proposes circulation past residential buildings.
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. Proposed residences in close proximity to an existing convenience store and package store open late night without adequate screening or buffers could adversely affect both existing uses and proposed residential development. The introduction of residential uses forces future potential commercial to consider the burden of buffers and negative public comment.

3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned. The commercial zoning is appropriate along a major arterial. The combined properties create a large tract that could accommodate a more substantial development to bolster commercial character already present in the area. A larger commercial footprint would secure site flexibility to accommodate desirable stand alone restaurant or retail site. It is not clear whether the plan will integrate the mix of uses but the combined tracts could be developed to serve as a focal point further bolstering the area and granting a more diverse range of desirable businesses, while introducing residential component in the "rear".
4. Whether the 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 use as proposed is a less intense use than the commercial which surrounds it. Though currently, the site is not served by sewer and easements from nearby properties are not yet secured. Additionally, residential units will impact school registrations in the Meadowcreek cluster, increase traffic during typical am/pm peak hours, and may adversely affect traffic flow near a major intersection, given the single entrance and exit. GDOT is expected to review driveway permits and require dedicated right of way as deceleration lane, which is not currently shown. Better access for CB lots is critical.
5. Whether the proposal is in conformity with the policy and intent of the Comprehensive Plan including the future development map and future land use plan map. The Comprehensive Plan establishes Rockbridge Road and Lawrenceville Highway as a commercial character area, with emphasis on residential only as a component of mixed-use projects. The revised application includes potentially compatible commercial lots/outparcels to support the intent and vision of the comprehensive plan, but they should be made a priority to accommodate desirable retail, service and restaurant uses .
6. 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 proposal. Currently, there is no sewer to support this development. Until easements and a capacity certification are secured, the development will not be able to proceed. The applicant has provided a Sewer Availability Letter from the Gwinnett Department of Water Resources, but this does not confirm that the existing infrastructure can accommodate the additional burden of the proposed development. Also the plan does not seem to adequately address stormwater requirements, recommended buffers, or open space that is useable and accessible to all residents, or which connects the proposed uses.

*Appendix A: Article 10, Section 1003-8* enumerates the evaluation protocol for a Special Use Permit. Applicant's responses are attached and staff responses are underlined below:

1. Is the proposed special use consistent with the Comprehensive Plan? No, but the addition of the commercial component and increased density is consistent with the goals outlined in the Comprehensive Plan for this area.
2. Is the proposed special use consistent with supplemental studies adopted by City Council, including Livable Centers Initiative (LCI) studies? The analysis and results of an ongoing update to the 2011 LCI study are not yet completed but the 2011 U.S. 29 Corridor LCI Study encouraged mixed-use development, commercial development, and high-density residential. The proposed residential project does not meet the desired density outlined in the previous study or have any orientation to the BAPS temple. A small area study around the BAPS temple recognized its economic and cultural significance and opportunities for complementary uses including sit down and higher end restaurants continue to be identified in the ongoing study.

3. Is the proposed special use compatible with adjacent uses? With appropriate buffers and integration of commercial uses, the SUP could be more compatible with duplexes to the east and single-family residential homes to the south. The sites adjoining to the west are more intense and warrant a transitional use, buffer, and screening to mitigate impacts of noise, light, and activity associated with package store and convenience stores at the intersection. The proposed plan doesn't illustrate the property lines of existing CB uses or residential uses.
4. Is the proposed special use consistent with the stated purpose of the zoning district in which it will be located? No. the application indicates R-2 re-zoning in addition to SUP for attached residential townhome units and seems to be proposed independently of the remaining CB zoned acreage. The commercial tract should be included in the development and designed to provide a compatible transition from US29 and more intense commercial uses to the residential development. The entirety of these parcels is slated for commercial use in the Comprehensive Plan and on the official zoning map.
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? No heights for the commercial areas is designated but existing commercial in the area is predominantly single-story. Two story commercial buildings would be appropriate. The residential building height of 2 stories is easily accommodated as the grade falls from U.S. 29 to the south. With adequate vegetated buffers along the perimeter, impacts to nearby existing residences could be mitigated.
6. Is the open space adequate to preserve the character of the area and mitigate environmental impacts? The plan submitted states that open space represents 9.3% of the total available area for the development, exceeding the required 5%. However, setbacks and buffers both appear to be included in the open space calculation. A deceleration lane and stormwater quality elements yet to be engineered, will likely reduce open space, and overall density. These areas are precluded from open space calculations, so an accurate open space calculation will need to be provided to determine compliance.
7. Are screening and buffers adequate to protect adjacent uses from negative impacts of the proposed use? The proposed development would not impose negative impacts on the more intense commercial uses around them. The current proposed site plan does not have adequate setbacks or buffers or landscape strips shown. Reconfiguration and engineering may impact the number of units.
8. Are off-street parking facilities adequate? Will they be properly located to reduce negative impact on surrounding property uses? The calculation provided for density and parking does ensure minimum requirement for guest parking is met in the residential component. The calculations provided for commercial uses are either incorrect or unable to be calculated as there is no identified tenant or square footage per use. The applicant has provided no intended use in the site plan and as such employee and customer parking minimum compliance, which is calculated according to the use, cannot be determined.
9. Are the hours and manner of operation of the proposed use compatible with surrounding uses? The property is in close proximity to a convenience store which is open 24 hours, a package store open until 11:00 P.M. daily, and a Walgreens open until 10:00 P.M. daily. These businesses being open late at night may be incompatible with residential development. No hours for the commercial component were proposed
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.? According to the site plan provided, headwaters of a stream begin at the eastern property line. No stream buffers are depicted. Stormwater

discharge must be mitigated with appropriate BMPs. Stormwater management includes water quality elements that may necessitate infiltration testing during the engineering phase. It is anticipated that additional land area may be needed to accommodate water quality and runoff reduction elements in the remaining commercial acreage and within the proposed residential development area.

Based on the criteria for rezoning, map amendments and special use permits, **staff recommends denial of the applicant's proposed recombination of 9.2+ acres and rezoning of 7.9+ acres to R2 with Special Use Permit for attached residential units.**

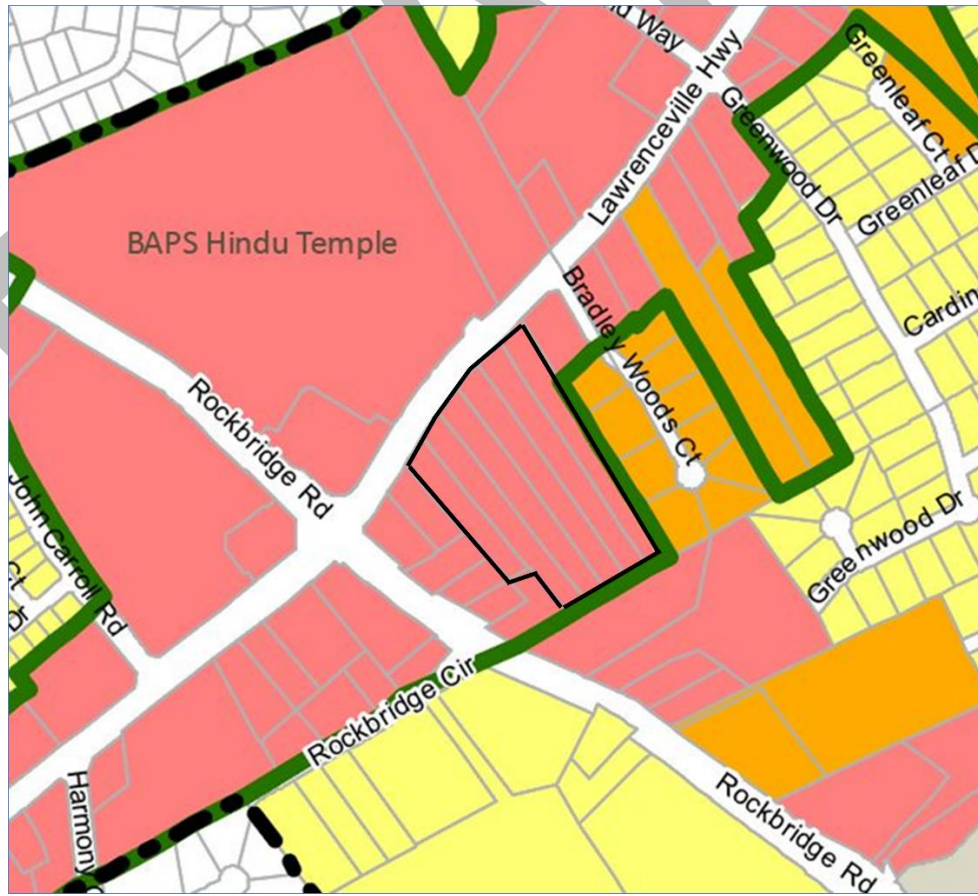
The U.S. 29 Overlay District criteria applies to a prominent service oriented commercial corridor, and the proposed reconfiguration of property to accommodate a medium density R-2 site with single-use 65 townhome development between undetermined future commercial developments with a shared single access point does not support integration of these as compatible uses. While the focus should be on commercial uses and needs for most desirable retail and restaurant sites, the plan precludes adequate 200' frontage along U.S. 29 for individual driveways, and forces customers into the residential development on the way to a singular access point for service, deliveries and customer parking. The uncertainty in the concurrent development of the commercial uses and proposed private driveway configuration causes unnecessary impacts to the residences. The site plan as proposed does not provide for efficient circulation and reduces the viability of the commercial outparcels which should be a priority. Development better suited to this area would have commercial as a dominant feature to be developed concurrently with compatible residential.

Should Planning Commission move forward with recommendation to City Council, staff recommends the development of zoning conditions to consider a recombination plat which reserves a larger area and maximum flexibility on "remaining" commercial land with adequate frontage to apply for direct access to US29, and which provides for concurrent development of stand-alone commercial building sites with residential property and which includes a minimum 20' vegetated buffer along the most westerly property line adjacent to commercially developed parcels and along the southern property line adjacent to lots zoned CB but not yet developed commercially. This condition could be revised if additional secondary access is secured to Rockbridge Road. Conditions shall address residential elevations to require brick or stone front facades and side elevations where visible from a public or private street.

**GIS Aerial Tax Parcel Map of Site Location**



**Official Zoning Map Portion (2022)**



# Proposed Zoning Exhibit - Site Plan

