



LAWRENCEVILLE

GEORGIA

PLANNING COMMISSION AGENDA

Monday, December 07, 2020
7:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

Approval of Agenda

Approval of Prior Meeting Minutes

New Business

- [1.](#) CIC2020-00004; Najeeb Eshai; 125 Park Access Drive
- [2.](#) CIC2020-00006; Lawrenceville Hand Properties, LLC; 420 Grayson Highway
- [3.](#) SUP2020-00042; Sunmoon Services, LLC; 850 Scenic Highway

Public Comment

To participate in the Public Comment part of the Agenda, you must register prior to noon in the Planning and Zoning Office on Friday before the meeting. Presentations will be limited to two minutes.

Final Adjournment



LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: NEW BUSINESS

Item: CIC2020-00004; Najeeb Eshai; 125 Park Access Drive

Department: Planning and Development

Date of Meeting: Monday, December 7, 2020

Presented By: Todd Hargrave

Department Recommendation: **DENIAL**

Summary: The applicant requests a Change in Conditions to the previously approved Special Use Permit SUP2020-00021 which allowed an automobile repair shop; the applicant would like to add the use of automobile and truck sales.

Attachments/Exhibits:

- CIC2020-00004 Report
- CIC2020-00004 Planning and Development Recommendations
- CIC2020-00004 Attachments

**CITY OF LAWRENCEVILLE
PLANNING AND DEVELOPMENT DEPARTMENT
CHANGE IN CONDITIONS REPORT**

CASE NUMBER	CIC2020-00004
APPLICANT	NAJEEB ESHAI
CONTACT	JEFF MCMULLEN
PHONE NUMBER	404.816.1600
ZONING CHANGE	-
LOCATION	125 PARK ACCESS DRIVE
PARCEL ID	R7011 089
ACREAGE	1.4
PROPOSED DEVELOPMENT	CHANGE IN CONDITIONS TO ALLOW AUTOMOBILE AND TRUCK SALES
DEPARTMENT RECOMMENDATION	DENIAL

ZONING HISTORY:

The property has been zoned BG (General Business District) since 1987. In 2019, the property was granted a Special Use Permit to allow automobile repair and associated outdoor storage.

PROJECT DATA:

The applicant is requesting a Change in Conditions to the previously approved Special Use Permit (SUP2019-00021) that allows automobile repair and associated outdoor storage of customer vehicles overnight. The property is a 1.4-acre parcel and it is located along the southern right-of-way of Park Access Drive; south of Highway 316, east of Collins Hill Road. The property is currently developed with one building and associated driveways and parking. The conditions currently read as follows:

Approval of Special Use permit for automobile repair shops, subject to the following enumerated conditions:

1. To restrict the Special Use Permit as follows:

1. The property shall have a 15-foot wide landscape strip along the right-of-way fronting Park Access Drive except for ingress and egress in compliance with Article VIII of the

Development Regulations and subject to review and approval by the Director of Planning and Development.

2. Parking in the front of the property shall be restricted to customer parking only. All vehicles in need of service or awaiting customer pickup overnight shall be kept in the sides and rear of the property screened from view from Park Access Drive by the installation of an 8-foot tall opaque fence at the front of the building. Fence placement and materials shall be subject to review and approval by the Director of Planning and Development.
3. All vehicles must be parked in striped designated spaces and all required access aisles must remain open.
4. Landscaping shall be utilized to soften the appearance of the fence subject to review and approval by the Director of Planning and Development.
5. Under no circumstances shall the owner or occupant of the property keep any junk, scrap, metal, rags, paper, abandoned, wrecked, or junked or scrap material or any parts thereof.
6. All loading and unloading of vehicles in need of service shall occur in the rear/screened portions of the property.
7. No work on vehicles is to be conducted outside.
8. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-twirlers, or sign walkers shall be prohibited.
9. Lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to shine directly into adjacent properties or right-of-ways.
10. Peddlers and/or any parking lot sales unrelated to the Special Use shall be prohibited.
11. Outdoor storage of any items and/or materials unrelated to the Special Use shall be prohibited.
12. Dumpsters shall be restricted to the rear of the property.

13. The owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
14. Sign twirling is prohibited on the property.
15. The Special Use Permit shall be valid for a two-year period, at which time the use shall cease or an application shall be made for renewal of the Special Use Permit.

The applicant proposes to amend the approval for automobile repair and related outdoor storage to include automobile and truck sales.

The applicant is proposing to use the existing property, structure and associated parking with no changes to the site. The applicant intends to continue to utilize a fenced portion of the existing parking lot for outdoor storage. Per the letter of intent, the applicant plans to use 16 parking spaces in the front of the property for the automobile and trucks that would be for sale. Based on the square footage of the building, 28 parking spaces are required. According to the survey provided by the applicant, there are currently 63 total parking spaces, two of which are reserved for handicap parking.

The 2040 Comprehensive Plan and Future Development Map indicate the property lies within the College Corridor Character Area. The vision for the College Corridor character area is a multi-modal, vibrant, mixed-use corridor. Over time, this area will transition from suburban-style development to a more mixed environment of higher density development and green space. It will also have services and housing products that appeal to college faculty, students, and staff, as well as those who want to live near Downtown. The proposed request to include automobile and truck sales could be incompatible with the intent of the 2040 Comprehensive Plan, due to the City Council setting a precedent to have automobile sales on the Buford Corridor.

Nearby properties along Park Access Drive and Lyle Circle are developed with commercial and institutional uses. To the east is a BG zoned property, with an approved Special Use Permit (SU-16-11) allowing auto body repair. To the south is a BG zoned property, currently used as a multi-tenant commercial building. To the west are BG zoned properties used for civic, commercial/retail and institutional uses.

In conclusion, the request for a Change in Conditions may not be compatible with the surrounding area and accessibility to the property for this type of use may not be appropriate. Given the aforementioned factors, the Planning and Development Department recommends **DENIAL** of this request.

CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS:**ENGINEERING DEPARTMENT**

No comment.

ELECTRIC DEPARTMENT

No comment.

GAS DEPARTMENT

No comment.

WATER DEPARTMENT

No comment.

CODE ENFORCEMENT

In 2018, the subject property was cited for illegal overnight parking of a semi-trailer truck, trash, and a vacant/abandoned sign.

STATE CODE 36-67-3 (FMR.) REVIEW STANDARDS:

1. **Will the Special Use Permit proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?** *If properly conditioned, auto sales may not be consistent with adjacent properties.*
2. **Will the Special Use Permit proposal adversely affect the existing use or usability of adjacent or nearby property?** *No.*
3. **Does the property to be affected by the Special Use Permit proposal have a reasonable economic use as currently zoned?** *Yes.*
4. **Will the Special Use Permit proposal result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?** *No.*
5. **Is the Special Use Permit proposal in conformity with the policy and intent of the City of Lawrenceville comprehensive plan?** *if properly conditioned, any adverse impacts may be mitigated.*
6. **Are there other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the Special Use Permit proposal?** *The City Council has decided automobile sales to be limited to Buford Drive.*

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDED CONDITIONS

Additions in **BOLD**

Deletions in ~~STRIKETHROUGH~~

CIC2020-00004

SUP2019-00021:

NOTE: The following conditions are provided as a guide should the City Council choose to approve the petition of this request.

Approval of Special Use permit for automobile repair and **associated outdoor storage, to include automobile and truck sales**, subject to the following enumerated conditions:

1. The property shall have a 15-foot wide landscape strip along the right-of-way fronting Park Access Drive except for ingress and egress in compliance with Article VIII of the Development Regulations and subject to review and approval by the Director of Planning and Development.
2. ~~Parking in the front of the property shall be restricted to customer parking only.~~
Parking in the front of the property for inventory shall be limited to eight parking spaces, the remaining eight parking spaces shall be designated for customer parking only. All vehicles in need of service or awaiting customer pickup overnight shall be kept in the sides and rear of the property screened from view from Park Access Drive by the installation of an 8-foot tall opaque fence at the front of the building. Fence placement and materials shall be subject to review and approval by the Director of Planning and Development.
3. All vehicles must be parked in striped designated spaces and all required access aisles must remain open.
4. Landscaping shall be utilized to soften the appearance of the fence subject to review and approval by the Director of Planning and Development.
5. Under no circumstances shall the owner or occupant of the property keep any junk, scrap, metal, rags, paper, abandoned, wrecked, or junked or scrap material or any parts thereof.
6. All loading and unloading of vehicles in need of service shall occur in the rear/screened portions of the property.

7. No work on vehicles is to be conducted outside.
8. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-twirlers, or sign walkers shall be prohibited.
9. Lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to shine directly into adjacent properties or right-of-ways.
10. Peddlers and/or any parking lot sales unrelated to the Special Use shall be prohibited.
11. Outdoor storage of any items and/or materials unrelated to the Special Use shall be prohibited.
12. Dumpsters shall be restricted to the rear of the property.
13. The owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
14. Sign twirling is prohibited on the property.
15. The Special Use Permit shall be valid for a two-year period, at which time the use shall cease or an application shall be made for renewal of the Special Use Permit.



LAWRENCEVILLE

GEORGIA

SPECIAL USE PERMIT APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Najeeb Eshai</u>	NAME: <u>Car Collection of Atlanta, LLC</u>
ADDRESS: <u>2750 Perimeter Parkway, Suite 900</u>	ADDRESS: <u>2750 Perimeter Parkway, Suite 900</u>
CITY: <u>Duluth</u>	CITY: <u>Duluth</u>
STATE: <u>GA</u> ZIP: <u>30097</u>	STATE: <u>GA</u> ZIP: <u>30097</u>
PHONE: <u>262-814-0000</u>	PHONE: <u>262-814-0000</u>
CONTACT PERSON: <u>Najeeb Eshai</u> PHONE: _____	
CONTACT'S E-MAIL: <u>eshai@yahoo.com</u>	
* If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees.	
ZONING DISTRICT(S): <u>BG</u> ACREAGE: _____	
PARCEL NUMBER(S): <u>R7011089</u>	
ADDRESS OF PROPERTY: <u>125 Park Access, Lawrenceville, GA 30046</u>	
PROPOSED SPECIAL USE: <u>Used Automotive/Truck Sales</u>	

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF OWNER

DATE

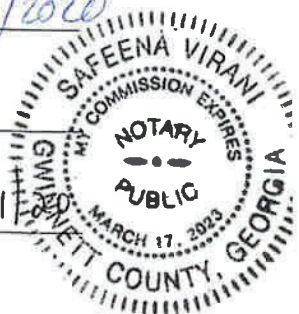
TYPED OR PRINTED NAME

TYPED OR PRINTED NAME

DATE

NOTARY PUBLIC

DATE





Richard Bowers & Co.
Real Estate

1.

LETTER OF INTENT APPLICATION and FOR SPECIAL USE PERMIT

125 Park Access. Lawrenceville, GA 30046

Richard Bowers & Company submits this Letter of Intent and attached Rezoning and Special Use Permit Application on behalf of Car Collection of Atlanta, LLC (the "Applicant") to request a Special Use Permit for the Applicants 1.4 Acre tract (the "Property") that faces North to Hwy 316, just East of Collins Hill Road and North of Hurricane Shoals.

The Property is immediately surrounded by BG Zoned properties with LM, HS 13 and undeveloped RS 150 Land. Graphic attached

The Property is currently zoned BG and through SUP2019-00021 granted in November 2019 with the approval of the Planning Commission, Mayor and City Council were granted the ability to additionally repair vehicles on site.

The Applicant would now like to add to the Conditional Use for the Owner to allow under a Special Use Permit to include Automotive Sales.

Applicant has erected a Privacy Fence on all sides of the building with operation entrance / exit gates for vehicle access and privacy. Sample Picture attached.

A limited number of 16 vehicles will be parked in front of the Premises that are For Sale.

The Applicant and its representatives welcome the opportunity to further meet with staff or council to address any concerns, answer any questions relating to the matters set forth in the LOI.

We respectfully request your approval of this Application.

Submitted October 1, 2020

Richard Bowers & Company
260 Peachtree St, Suite 2400
Atlanta, GA 30303

Jeff McMullen

Applicants Broker

770-380-6538, Cell



BK41510PG0206

EXHIBIT ALEGAL DESCRIPTION

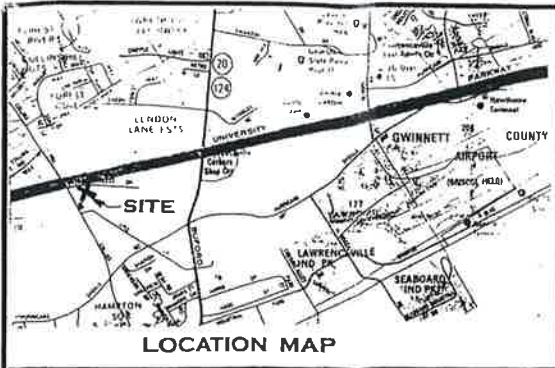
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 11 of the 7th District of Gwinnett County, City of Lawrenceville, Georgia and being more particularly described as follows:

BEGINNING at a ½ inch rebar found on the southeasterly right-of-way line of Park Access Drive (having a 60 foot right-of-way) located 211.13 feet northeasterly as measured along the southeasterly right-of-way line of last said road from the intersection formed by the southeasterly right-of-way line of last said road with the northeasterly right-of-way line of Collins Hill Road (having an 80 foot right-of-way); thence running northeasterly along the southerly right-of-way line of said Park Access Drive: North 36 degrees, 49 minutes and 57 seconds East for a distance of 64.53 feet to a point; thence 132.47 feet along an arc of a curve to the right having a radius of 220.00 feet, which arc is subtended by a chord bearing and distance of North 54 degrees, 15 minutes and 00 second East 130.48 feet to a point; thence North 71 degrees, 30 minutes and 00 second East for a distance of 28.47 feet to a ½ inch rebar found; thence leaving the southeasterly right-of-way line of last said road and running South 30 degrees, 37 minutes and 00 second East for a distance of 301.83 feet to a ½ inch rebar found; thence South 59 degrees, 23 minutes and 46 seconds West for a distance of 199.80 feet to a ½ inch rebar found; thence North 30 degrees, 37 minutes and 00 second West for a distance of 229.00 feet to a ½ inch rebar set; thence North 53 degrees, 10 minutes and 14 seconds West for a distance of 45.84 feet to the ½ inch rebar found located at the POINT OF BEGINNING, containing 61,097 square feet (1.4026 acres) of land and being improved property known as 125 Park Access Drive according to the present system of numbering in Gwinnett County, City of Lawrenceville, Georgia.

ALL AS SHOWN on that certain survey entitled "ALTA/ACSM Land Title Survey for Pavilion NTB-Lawrenceville, LLC; Fidelity National Title Insurance Company; First Charter Bank, its Successors and Assigns; NTW Incorporated; and Schwarzberg & Associates," dated September 24, 2004, which survey is incorporated herein by reference and made a part hereof.

C:\915405v2 16477 00103

CIC 1020-00001



EXCEPTION (11)
GWINNETT COUNTY EASEMENT
15'X30' AREA FOR INSTALLATION &
MAINTENANCE OF WATER METERING
DEVICES & NECESSARY APPURTENANCES
(DEED BOOK 5555, PAGE 311)

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 11 of the 7th District of Gwinnett County, City of Lawrenceville, Georgia and being more particularly described as follows:

BEGINNING at a 1/4 inch rebar found on the southeasterly right-of-way line of Park Access Drive (having a 60 foot right-of-way) located 211.13 feet northeasterly as measured along the southeasterly right-of-way line of last said road from the intersection formed by the southeasterly right-of-way line of last said road with the northeasterly right-of-way line of Collins Hill Road (having an 80 foot right-of-way); thence running northeasterly along the southeasterly right-of-way line of said Park Access Drive: North 36 degrees, 49 minutes and 57 seconds East for a distance of 64.53 feet to a point; thence 132.47 feet along an arc of a curve to the right having a radius of 220.00 feet, which arc is subtended by a chord bearing and distance of North 54 degrees, 15 minutes and 00 seconds East 130.48 feet to a point; thence North 71 degrees, 30 minutes and 00 seconds East for a distance of 28.47 feet to a 1/4 inch rebar found; thence leaving the southeasterly right-of-way line of last said road and running South 30 degrees, 37 minutes and 00 seconds East for a distance of 301.83 feet to a 1/4 inch rebar found; thence South 59 degrees, 23 minutes and 46 seconds West for a distance of 199.80 feet to a 1/4 inch rebar found; thence North 30 degrees, 37 minutes and 00 seconds West for a distance of 229.00 feet to a 1/4 inch rebar set; thence North 53 degrees, 10 minutes and 14 seconds West for a distance of 45.84 feet to the 1/4 inch rebar found located at the POINT OF BEGINNING, containing 61,097 square feet (1.4026 acres) of land and being improved property known as 125 Park Access Drive according to the present system of numbering in Gwinnett County, City of Lawrenceville, Georgia.

SURVEYOR'S CERTIFICATION

I, Richard Loo, a registered professional surveyor do hereby certify to Pavilion NTB - Lawrenceville, LLC, Fidelity National Title Insurance Company, and First Charter Bank, its successors and assigns, NTW Incorporated and Schwarzberg & Associates, that this plat of survey represents a true and correct survey made by me on September 23, 2004 of the following described property:

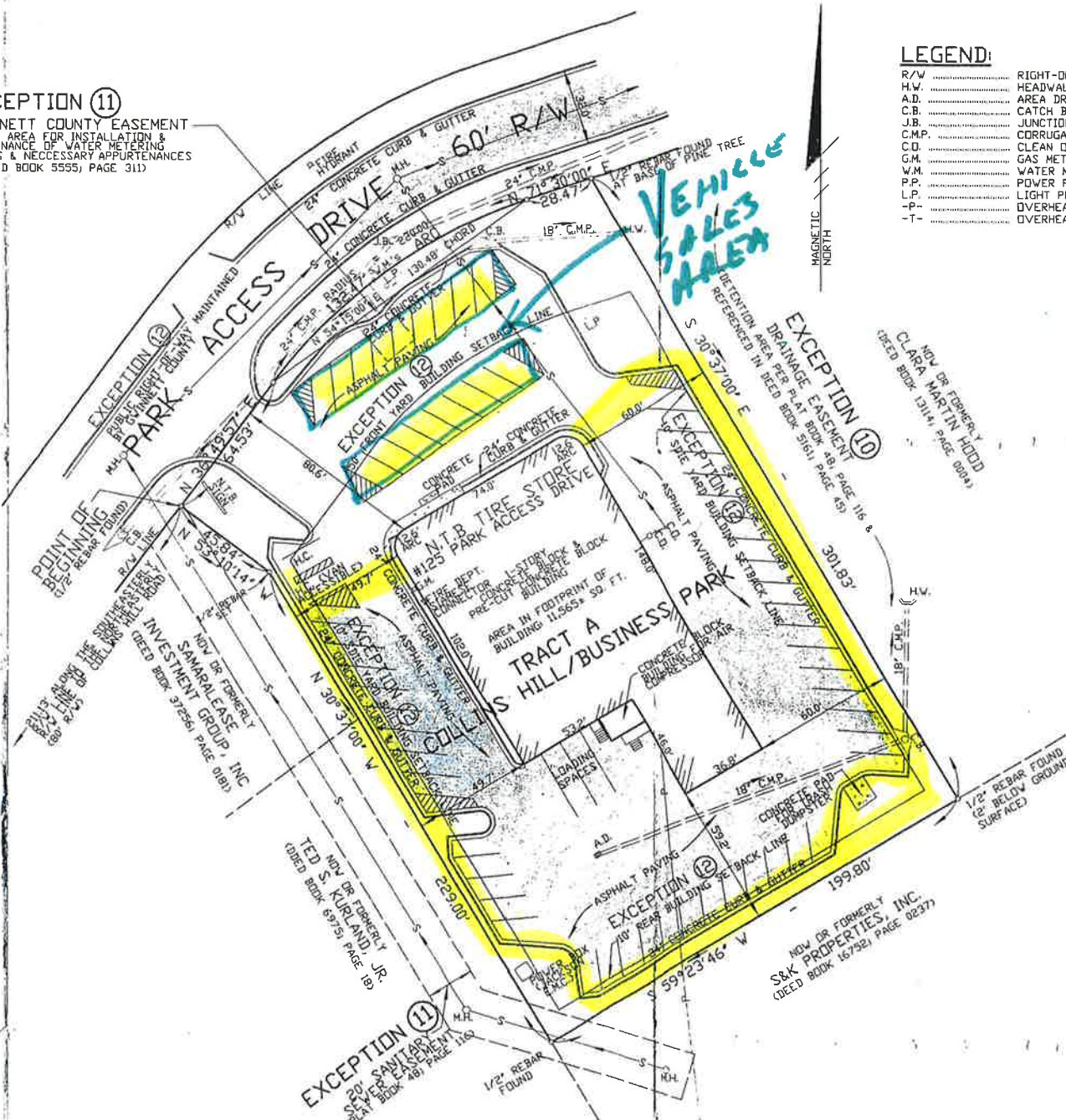
All that tract or parcel of land lying and being in Land Lot 11 of the 7th District of Gwinnett County, City of Lawrenceville, Georgia and being more particularly described as follows:

BEGINNING at a 1/4 inch rebar found on the southeasterly right-of-way line of Park Access Drive (having a 60 foot right-of-way) located 211.13 feet northeasterly as measured along the southeasterly right-of-way line of last said road from the intersection formed by the southeasterly right-of-way line of last said road with the northeasterly right-of-way line of Collins Hill Road (having an 80 foot right-of-way); thence running northeasterly along the southeasterly right-of-way line of said Park Access Drive: North 36 degrees, 49 minutes and 57 seconds East for a distance of 64.53 feet to a point; thence 132.47 feet along an arc of a curve to the right having a radius of 220.00 feet, which arc is subtended by a chord bearing and distance of North 54 degrees, 15 minutes and 00 seconds East 130.48 feet to a point; thence North 71 degrees, 30 minutes and 00 seconds East for a distance of 28.47 feet to a 1/4 inch rebar found; thence leaving the southeasterly right-of-way line of last said road and running South 30 degrees, 37 minutes and 00 seconds East for a distance of 301.83 feet to a 1/4 inch rebar found; thence South 59 degrees, 23 minutes and 46 seconds West for a distance of 199.80 feet to a 1/4 inch rebar found; thence North 30 degrees, 37 minutes and 00 seconds West for a distance of 229.00 feet to a 1/4 inch rebar set; thence North 53 degrees, 10 minutes and 14 seconds West for a distance of 45.84 feet to the 1/4 inch rebar found located at the POINT OF BEGINNING, containing 61,097 square feet (1.4026 acres) of land and being improved property known as 125 Park Access Drive according to the present system of numbering in Gwinnett County, City of Lawrenceville, Georgia.

The undersigned further hereby certifies to Pavilion NTB - Lawrenceville, LLC, Fidelity National Title Insurance Company, and First Charter Bank, its successors and assigns, NTW Incorporated and Schwarzberg & Associates, as of September 24, 2004 that the foregoing survey correctly shows (i) the location of all buildings, structures and other improvements situated on the above described, and that, except as shown, there are no visible or recorded easements or rights of way across said premises or any other easements or rights of way of which the undersigned has been advised, no party walls, no encroachments on adjoining premises, easements, streets or alleys by any of said buildings, structures or other improvements, and no encroachments on said premises by buildings, structures or other improvements situated on adjoining premises; (ii) the courses and measured distances of the exterior property lines of the premises and any easements located on or affecting said premises; (iii) the location and number of parking spaces and the total square foot area of the said premises and any easements located on or affecting the said premises; (iv) the dimensions of all improvements on the said premises at ground surface level and the distance therefrom to the nearest facing exterior property lines of the said premises; and (v) the scale, the north direction, the beginning point, the distance to the nearest intersecting street and point of reference from which the premises are measured, the width of the street or streets on which the premises abut, the lot and block number shown on any field map to which reference is made in the legal description of the premises together with the filing date of such map, and an accurate reference to the real estate records of Gwinnett County, Georgia identifying all easements of record crossing or affecting the said premises. The undersigned further certifies that all streets abutting the said premises and all means of ingress and egress for the said premises have been completed, dedicated and accepted for public maintenance by City of Lawrenceville, County of Gwinnett. Except as shown, there are no building set-back lines.

This Survey is made in accordance with the 1989 "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by American Land Title Association ("ALTA"), American Congress on Surveying and Mapping ("ACSM"), and National Society of Professional Surveyors ("NSPS") and meets the requirements of an Urban Survey, as defined in the current accuracy standards jointly adopted by ALTA, ACSM and NSPS and includes Items 1, 2, 3, 4, 6, 7a, 7b(1), 7b(2), 9, 9.10, 11, 13 and 14 of Table A thereof.

Richard Loo, Registered Land Surveyor No. 2129
Date: NOV. 4, 2004



LEGEND:

- | | |
|--------|-------------------------|
| R/W | RIGHT-OF-WAY |
| H.W. | HEADWALL |
| A.D. | AREA DRAIN |
| C.B. | CATCH BASIN |
| J.B. | JUNCTION BOX |
| C.M.P. | CORRUGATED METAL PIPE |
| C.D. | CLEAN OUT |
| G.M. | GAS METER |
| W.M. | WATER METER |
| P.P. | POWER POLE |
| L.P. | LIGHT POLE |
| -P- | OVERHEAD POWER LINE |
| -T- | OVERHEAD TELEPHONE LINE |

AREA OF TRACT:

61,097 SQ. FT.
(1.4026 ACRES)

SUBJECT PROPERTY ZONED "BG"
(BUSINESS GENERAL) PER CITY
OF LAWRENCEVILLE

PARKING:

- 63 TOTAL PARKING SPACES FOUND ON PREMISES
- (47 TOTAL REQUIRED PARKING SPACES FOR PREMISES) 1 SPACE PER EACH 250 SQ. FT. OF GROSS SPACE (11,565/250 = 46.3)
- 2 HANDICAP PARKING SPACES FOUND ON PREMISES
- (3 REQUIRED HANDICAP PARKING SPACES FOR PREMISES PER GWINNETT COUNTY FIRE MARSHAL)

ALTA/ACSM LAND TITLE SURVEY FOR
PAVILION NTB - LAWRENCEVILLE, LLC;
FIDELITY NATIONAL TITLE INSURANCE COMPANY;
FIRST CHARTER BANK, ITS SUCCESSORS AND
ASSIGNS; NTW INCORPORATED; AND
SCHWARZBERG & ASSOCIATES

LAND LOT 11 7TH DISTRICT
CITY OF LAWRENCEVILLE, GWINNETT COUNTY, GEORGIA
SCALE: 1" = 30'
SEPTEMBER 24, 2004
REVISED OCTOBER 27, 2004; NOV. 4, 2004

SURVEY BY
LOO-TURLEY & ASSOCIATES, P.C.

4151 MEMORIAL DRIVE SUITE 206-F
DECATUR, GEORGIA 30032 (404) 501-9300



RECEIVED
OCT 10 2004



1.

*The City of Lawrenceville
Planning & Development*

**Aerial Map and
Surrounding Area**
File # CIC2020-00004

Applicant:
Najeeb Eshai

Legend

-  Subject Property
-  Parcels
-  Roads





The City of Lawrenceville
Planning & Development

Location Map and
Surrounding Zoning
File # CIC2020-00004

Applicant:
Najeeb Eshai

Legend

 Subject Property

 Parcels

 Roads

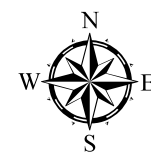
Zoning Districts

 BG General Business

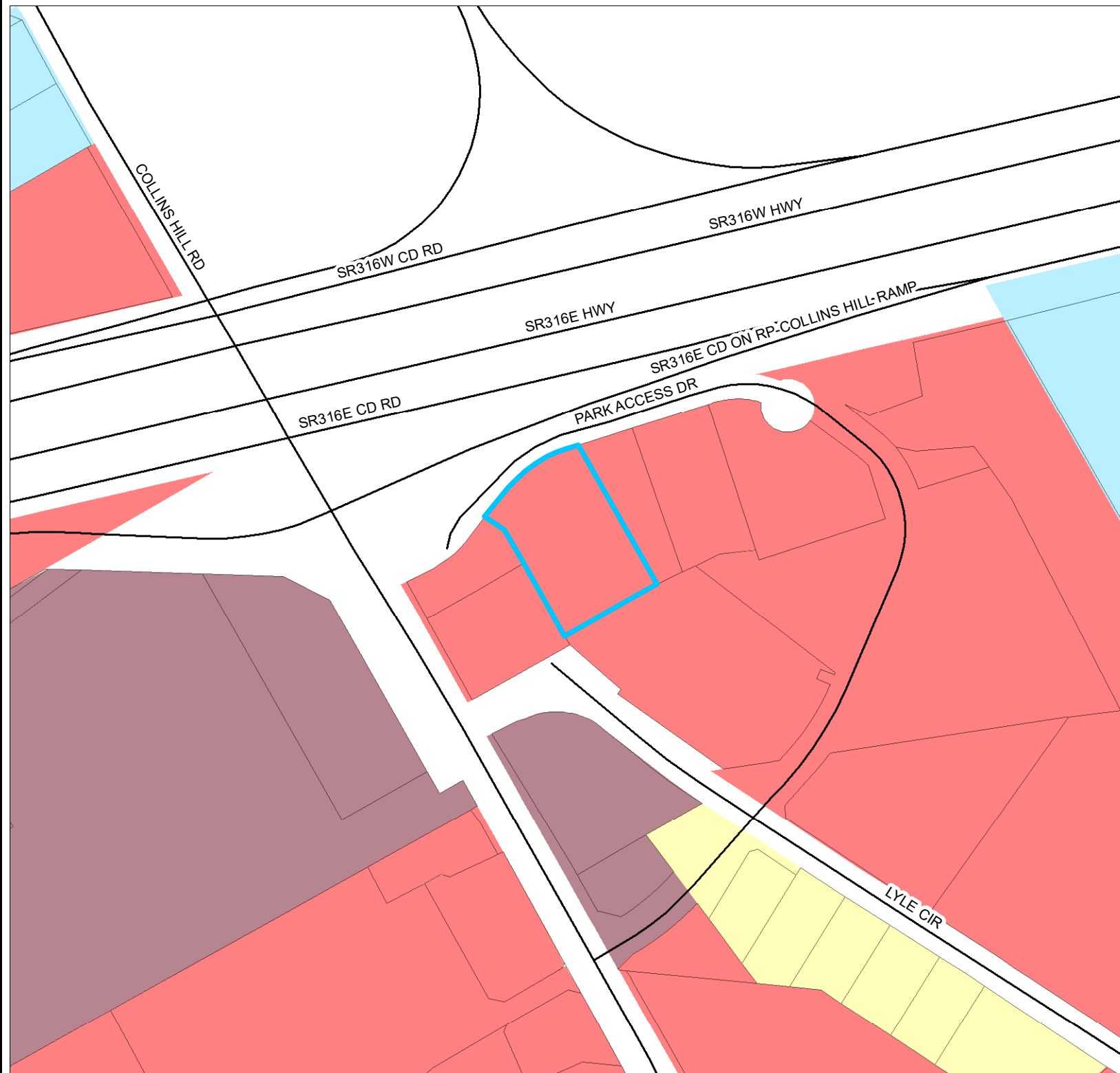
 HSB Highway Service Business

 LM Light Manufacturing

 RS150 Single-Family Residence



0 75 150 300
 Page 15





LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: NEW BUSINESS

Item: CIC2020-00006; Lawrenceville Hand Properties, LLC; 420 Grayson Highway
Department: Planning and Development
Date of Meeting: Monday, December 7, 2020
Presented By: Todd Hargrave
Department Recommendation: **DENIAL**

Summary: The applicant requests a Change in Conditions to the previously approved Special Use Permit and Change in Conditions SU-CIC-18-15 which allowed an outdoor storage with the condition that storage in the front of the property must be covered.

Attachments/Exhibits:

- CIC2020-00006 Report
- CIC2020-00006 Planning and Development Recommendations
- CIC2020-00006 Attachments

**CITY OF LAWRENCEVILLE
PLANNING AND DEVELOPMENT DEPARTMENT
CHANGE IN CONDITIONS REPORT**

CASE NUMBER	CIC2020-00006
APPLICANT	LAWRENCEVILLE HAND PROPERTIES, LLC
CONTACT	ROBERT JACKSON WILSON
PHONE NUMBER	770.962.9780
ZONING CHANGE	-
LOCATION	420 GRAYSON HIGHWAY
PARCEL ID	R5148 463
ACREAGE	11.9
PROPOSED DEVELOPMENT	CHANGE IN CONDITIONS TO AMEND CONDITION NUMBER 6 OF APPROVED CASE SU-CIC-18-15
DEPARTMENT RECOMMENDATION	DENIAL

ZONING HISTORY:

The property has been zoned BG (General Business District) since 1987. In 2015 the property was granted a Special Use permit for a Self-Storage Facility pursuant to case SU-15-02. Later in 2018, the property as granted a Change in Conditions to allow outdoor storage for RVs and boats.

PROJECT DATA:

The applicant is requesting a Change in Conditions to the previously approved Change in Conditions (SU-CIC-18-15) that allowed outdoor storage of RVs and boats. The property is a 11.9-acre parcel and it is located along the eastern right-of-way of Grayson Highway at its intersection with Gwinnett Drive. The property is currently developed as a self-storage facility and access to the property is off two driveways on Grayson Highway. The applicant is requesting to amend Condition 6., and delete Condition(s) 8. and 9. of SU-CIC-18-15. The conditions currently read as follows:

“6. Covered outdoor storage shall be limited to boats and RV’s only, and shall be located on the striped side yard parking areas as presented to the City Council at the Regular Meeting on May 6, 2019. The boats shall only be located in the northern side yard area and the RV’s shall only be located in

the southern side yard area, as approved by the Planning and Development Director.”

“8. Slatted security gates, 8 feet in height, shall be installed on the northern and southern (sides) portions of the parking lot immediately adjacent to the existing structure. The gates shall be aligned on both sides of the existing structure, as shown on the site plan presented to the City Council at the Regular Meeting on May 6, 2019.”

“9. The existing fence line shown on the site plan presented to the City Council at the Regular Meeting on May 6, 2019, shall extend from the required gates, and shall be slatted.”

The applicant proposes to modify the approval of SU-CIC-18-15, by amending Condition 6. to remove the “covered storage” requirement for the outdoor storage of RVs and boats. Additionally, the applicant is proposing to delete conditions 8 and 9; which required the installation of “slatted security fencing”. In lieu of the required fencing, the applicant is proposing to install landscaping with plantings consisting of “Green Giant Thuga” along the northern property line, as well as “Carolin Jasmine” along the fence line immediately adjacent to the rear of the building as shown on the attached “Buffer Plan.”

The 2040 Comprehensive Plan and Future Development Map indicate the property lies within the Community Mixed Use Character Area. The vision for the Community Mixed Use character area is to embrace the large-scale opportunities that are present in Lawrenceville, that could accommodate a diversity of development types and densities including revitalized, mixed-use areas that build on existing industrial or commercial character. Although the City Council had approved the previous Change in Conditions, a precedent as set that outdoor storage should not be seen from the right-of-way. Allowing uncovered storage would contradict the precedent set by the City Council.

The surrounding area is characterized by commercial and residential uses. The property is surrounded by single-family residences to the east and south, and a veterans organization to the north, all zoned RS150 (Single-Family Residence). To the west across Grayson Highway is a property with many commercial uses such as restaurants and retail zoned BG. With recommended conditions, the outdoor storage may be appropriate at this location as an accessory use to the self-storage facility.

The proposed change in conditions to allow uncovered outdoor storage for RVs and boats as an accessory use to the self-storage facility may be inconsistent with policies of the Comprehensive Plan and precedent set by the City Council. The Planning and Development Department recommends **DENIAL** of this request.

CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS:

ENGINEERING DEPARTMENT

No comment.

ELECTRIC DEPARTMENT

No comment.

GAS DEPARTMENT

No comment.

WATER DEPARTMENT

No comment.

CODE ENFORCEMENT

The property has had many violations in the past three years:

#7602 - 02/13/2017 – Illegal sign (monument and temporary), no permit on file

#7792 - 03/27/2017 – Illegal sign (temporary), no permit on file – citation issued

#11467 - 12/15/2017 – Noncompliant fence installation, no permit required, fence later removed, case closed

#11471 - 12/19/2017 – Outdoor Storage, case closed due to compliance

CEU2019- 00150 - 06/05/2019 – Fence in disrepair and junk vehicles, case closed due to compliance

CEU2020-01402 - 02/19/2020 – Conditions of SUP not met, citation issued, fine of \$533.30 paid

Site Visited :

02/19/2020

06/02/2020

06/17/2020

06/24/2020

07/06/2020

08/18/2020

09/17/2020

STATE CODE 36-67-3 (FMR.) REVIEW STANDARDS:

1. **Will the Special Use Permit proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?** *The proposed change may be inconsistent with precedent set by the City Council.*
2. **Will the Special Use Permit proposal adversely affect the existing use or usability of adjacent or nearby property?** *No.*
3. **Does the property to be affected by the Special Use Permit proposal have a reasonable economic use as currently zoned?** *Yes.*
4. **Will the Special Use Permit proposal result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?** *No.*
5. **Is the Special Use Permit proposal in conformity with the policy and intent of the City of Lawrenceville comprehensive plan?** *if properly conditioned, any adverse impacts may be mitigated.*
6. **Are there other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the Special Use Permit proposal?** *The City Council has decided outdoor storage is not appropriate for this area.*

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDED CONDITIONS

Additions in **BOLD**

Deletions in ~~STRIKETHROUGH~~

CIC2020-00006

SU-CIC-18-15:

NOTE: The following conditions are provided as a guide should the City Council choose to approve the petition of this request.

Approval of Change in Conditions subject to the following enumerated conditions:

1. Storage units shall not be used for manufacturing, retail or wholesale, office, or other businesses or service use.
2. Storage units shall not be used for human habitation.
3. Access to all internal storage units shall be from the interior of the main building. No access to an internal storage unit shall lead directly to the exterior of the building.
4. Outdoor speakers or sound amplification systems shall be prohibited.
5. The facility shall provide adequate loading and unloading areas which shall be outside of all designated and required parking spaces, all travel lanes, and all fire lanes.
6. **Outdoor storage shall be located in the parking areas shown on the submitted “Buffer Plan”, prepared for Hand Properties, prepared by Carter Engineering, dated August 25, 2020. Storage for boats shall be located on the striped side yard parking areas in the area adjacent to the building behind the brick wall. Storage for RV’s shall be limited to the rear of the building. Vehicles may be parked in any striped space.** ~~Covered outdoor storage shall be limited to boats and RV’s only, and shall be located on the striped side yard parking areas as presented to the City Council at the Regular Meeting on May 6, 2019. The boats shall only be located in the northern side yard area and the RV’s shall only be located in the southern side yard area, as approved by the Planning and Development Director.~~
7. A solid brick wall (a minimum length of 10 feet) that matches the existing brick façade shall be constructed on the northern side of the building as shown on the site plan presented to the City Council at the Regular Meeting on May 6, 2019.

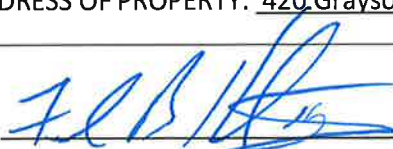
8. **Provide landscaping as shown on the submitted “Buffer Plan” prepared for Hand Properties, prepared by Carter Engineering, dated August 252, 2020. The Landscape Plan shall be subject to the review and approval by the Planning and Development Department.** ~~Slatted security gates, 8 feet in height, shall be installed on the northern and southern (sides) portions of the parking lot immediately adjacent to the existing structure. The gates shall be aligned on both sides of the existing structure, as shown on the site plan presented to the City Council at the Regular Meeting on May 6, 2019.~~
9. ~~The existing fence line shown on the site plan presented to the City Council at the Regular Meeting on May 6, 2019, shall extend from the required gates, and shall be slatted.~~



LAWRENCEVILLE

GEORGIA

CHANGE IN CONDITIONS APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Lawrenceville Hand Properties, LLC</u>	NAME: <u>Lawrenceville Hand Properties, LLC</u>
ADDRESS: <u>3350 Riverwood Parkway, S.E., #1900</u>	ADDRESS: <u>3350 Riverwood Parkway, S.E., #1900</u>
CITY: <u>Atlanta</u>	CITY: <u>Atlanta</u>
STATE: <u>GA</u> ZIP: <u>30339-2066</u>	STATE: <u>GA</u> ZIP: <u>30339-2066</u>
CONTACT PERSON: <u>ROBERT JACKSON WILSON</u> PHONE: <u>(770) 962-9780</u>	
* If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees.	
PRESENT ZONING DISTRICT(S): <u>BG</u> REQUESTED ZONING DISTRICT: <u>BG</u>	
PARCEL NUMBER(S): <u>R5148 463</u> ACREAGE: <u>11.9400</u>	
ADDRESS OF PROPERTY: <u>420 Grayson Highway, Grayson, GA 30017</u>	
 SIGNATURE OF APPLICANT Fred B. Hand, III TYPED OR PRINTED NAME	 SIGNATURE OF OWNER Fred B. Hand, III - MANAGER TYPED OR PRINTED NAME
 NOTARY PUBLIC DATE: <u>08-26-2020</u>	 NOTARY PUBLIC DATE: <u>08-26-2020</u>

Applicant's Letter of Intent
 Change in Conditions Application
 420 Grayson Highway
 Life Storage
 Lawrenceville Hand Properties, LLC

Dear Mayor Still and Members of the City Council:

The property at 420 Grayson Highway is owned by Lawrenceville Hand Properties, LLC. The property is being managed by Life Storage. As you know, this property was redeveloped and repurposed after it was vacated by Publix. It currently operates as a Life Storage center. In May 2019, the Mayor and City Council voted to revise certain conditions of a Special Use Permit for this use.

The intervening COVID-19 pandemic has changed a number of circumstances for the Owner/Applicant and for Life Storage. We believe hardships and difficulties presented in the pandemic, as well as the desires and needs of tenants who use the services of Life Storage warrant additional changes to a few of the conditions of the Special Use Permit.

Specifically, COVID has severely impacted the mobility of the population. The current state of emergency has effectively frozen rents at their 2019 levels. These circumstances have resulted in much lower rent for Life Storage from individual users, and as a result, greatly reduced cash flow from Life Storage to the owner/Applicant. These circumstances began in March 2020, and they have continued to worsen since that time. This sharp decline in historic and anticipated revenues has affected the Owner/Applicant's ability to complete the improvements associated with the conditions from 2019.

The Owner/Applicant did complete the construction of the brick wall identified in condition number 7. Boat storage is occurring behind that brick wall and largely out of sight from the front of the property. RV storage is limited to the back of the building.

The Applicant obtained estimates and quotations for constructing covered outdoor storage in compliance with Condition No. 6. Those proposals indicated a cost between \$60,000.00 and \$80,000.00 for covered outdoor storage as identified in Condition 6. The Owner/Applicant fully intended to undertake this construction, despite the exorbitant costs, prior to the sharp decline in rental revenues created by COVID. Since the cash flow of both Life Storage and the Owner/Applicant have been severely impacted, the Applicant is seeking modification of Condition No. 6 to remove the covered storage.

The Owner/Applicant requests that Condition 6 be revised to read as follows:

Outdoor storage shall be located in the parking areas shown on the site plan submitted with the Application for Change in Conditions. Storage for boats shall be located on the striped side yard parking areas in the area adjacent to the building behind the brick wall. Storage for RV's shall be limited to the rear of the building. Vehicles may be parked in any striped space.

Clarifying the conditions for storage at this location would this site to continue to serve to relieve traffic congestion, reduce on-street parking, increase property values, and aid law enforcement and first responders in moving quickly and efficiently through residential streets. The current BG zoning classification allows automobile parking lots as a permitted use. (See Section 7.9, list of permitted uses) and fee parking is permitted.

In addition, the Owner/Applicant request that Conditions 8 and 9 be deleted. Instead of fencing, the Owner proposes to install landscaping as generally shown on the site plan submitted with this Application. We believe the landscaping will make for a more esthetically pleasing visual environment and screen than the fencing described in the 2019 conditions.

We know you are aware this property is not at all visible from Highway 20 and can only be seen from the back of retail establishments on Highway 20 or by driving directly into the site. We believe this screening, which results from the grade of the property, makes these storage uses ideal for this location and beneficial to the City. While the City is undertaking a number of parking improvements in the downtown area, the Owner/Applicant is also open to exploring options to make parking at Life Storage available, if necessary, for downtown events in cooperation with the City.

Under Georgia law, we are required to provide notice that the disapproval of this application or the attachment of any new conditions not acceptable to the Owner/Applicant would be unconstitutional. This notice is offered solely to satisfy the requirements of State law. Thank you for your consideration of this matter. Should you have any questions or need any additional information, please contact Jack Wilson at 770-962-9780. Thank you for your consideration in this matter.

Applicant Proposed Conditions of Zoning
420 Grayson Highway
Life Storage
Lawrenceville Hand Properties, LLC

1. Storage units shall not be used for manufacturing, retail or wholesale, office, or other businesses or service use.
2. Storage units shall not be used for human habitation.
3. Access to all internal storage units shall be from the interior of the main building. No access to an internal storage unit shall lead directly to the exterior of the building.
4. Outdoor speakers or sound amplification systems shall be prohibited.
5. The facility shall provide adequate loading and unloading areas which shall be outside of all designated and required parking spaces, all travel lanes, and all fire lanes.
6. Outdoor storage shall be located in the parking areas shown on the site plan submitted with the Application for Change in Conditions. Storage for boats shall be located on the striped side yard parking areas in the area adjacent to the building behind the brick wall. Storage for RV's shall be limited to the rear of the building. Vehicles may be parked in any striped space.
7. A solid brick wall (a minimum length of 10 feet) that matches the existing brick face shall be maintained on the northern side of the building as shown on the site plan presented to the City Council at the Regular Meeting on May 6, 2019.
8. Landscaping enhancements shall be installed in accordance with the Landscaping Plan submitted by the Applicant with the Application for Change in Conditions.

Type: DEED Book: 55248 Page: 00111

BK55248 PG0111

EXHIBIT A**LEGAL DESCRIPTION****PARCEL ONE:**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 148 OF THE 5th DISTRICT OF GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT A POINT LOCATED AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF GEORGIA S.R. 20 (A 90-FOOT RIGHT-OF-WAY AT SUCH POINT) WITH THE CENTER LINE OF APPLEWOOD DRIVE; THENCE RUNNING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF GEORGIA S.R. 20 THE FOLLOWING COURSES AND DISTANCES: SOUTH 25° 28' 24" EAST 324.47 FEET TO A POINT; NORTH 64° 15' 58" EAST 5.00 FEET TO A POINT; AND SOUTH 25° 30' 29" EAST 515.02 FEET TO AN IRON PIN SET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE OF GEORGIA S.R. 20 AND RUNNING NORTH 61° 10' 32" EAST 252.74 FEET TO A 4" CONCRETE MONUMENT FOUND; THENCE RUNNING NORTH 62° 20' 30" EAST 3.34 FEET TO AN IRON PIN FOUND, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, THENCE RUNNING NORTH 62° 20' 30" EAST 955.71 FEET TO A 4" CONCRETE MONUMENT FOUND; THENCE RUNNING SOUTH 26° 36' 49" EAST 494.34 FEET TO AN IRON PIN FOUND (1/2" PIPE); THENCE RUNNING SOUTH 61° 42' 15" WEST 640.07 FEET TO AN IRON PIN SET; THENCE RUNNING SOUTH 24° 48' 00" EAST 74.39 FEET TO AN IRON PIN FOUND; THENCE RUNNING SOUTH 61° 46' 30" WEST 330.59 FEET TO AN IRON PIN SET; THENCE RUNNING SOUTH 62° 02' 02" WEST 250.01 FEET TO AN IRON PIN SET LOCATED ON SAID EASTERLY RIGHT-OF-WAY LINE OF GEORGIA S.R. 20; THENCE RUNNING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF GEORGIA S.R. 20 NORTH 25° 30' 29" WEST 69.29 FEET TO AN IRON PIN SET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE OF GEORGIA S.R. 20 AND RUNNING NORTH 67° 54' 16" EAST 21.35 FEET TO AN IRON PIN SET; THENCE RUNNING NORTH 25° 30' 29" WEST 7.90 FEET TO AN IRON PIN SET; THENCE RUNNING NORTH 62° 02' 02" EAST 413.51 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 25° 24' 38" WEST 150.01 FEET TO AN IRON PIN FOUND; THENCE RUNNING SOUTH 62° 06' 28" WEST 161.48 FEET TO AN IRON PIN SET; THENCE RUNNING NORTH 28° 17' 45" WEST 101.35 FEET TO AN IRON PIN SET; THENCE RUNNING ALONG A 47.00 FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF 66.47 FEET BEARING NORTH 73° 17' 45" WEST, A DISTANCE OF 73.83 FEET TO AN IRON PIN SET; THENCE RUNNING SOUTH 61° 42' 15" WEST 25.16 FEET TO AN IRON PIN SET; THENCE RUNNING ALONG A 297.00 FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF 60.58 FEET BEARING SOUTH 55° 51' 37" WEST, A DISTANCE OF 60.68 FEET TO AN IRON PIN SET; THENCE RUNNING SOUTH 50° 00' 59" WEST 3.77 FEET TO AN IRON PIN SET; THENCE RUNNING ALONG A 252.77 FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD OF 63.62 FEET BEARING SOUTH 57° 15' 15" WEST, A DISTANCE OF 63.79 FEET TO AN IRON PIN SET; THENCE RUNNING SOUTH 64° 28' 35" WEST 43.61 FEET TO AN IRON PIN SET; THENCE RUNNING ALONG A 27.50 FOOT

*Limited Warranty Deed**Exhibit A-Page 1*

CIC2020-00006

RECEIVED: 1

PLANNING & DEVELOPMENT

Page 27

Type: DEED Book: 55248 Page: 00112

BK 55248 PG 0112

RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF 25.04 FEET BEARING SOUTH 37° 24' 31" WEST, A DISTANCE OF 25.99 FEET TO AN IRON PIN SET; THENCE RUNNING SOUTH 25° 30' 29" EAST 126.52 FEET TO AN IRON PIN SET; THENCE RUNNING SOUTH 62° 06' 28" WEST 1.50 FEET TO AN IRON PIN SET LOCATED ON SAID EASTERLY RIGHT-OF-WAY LINE OF GEORGIA S.R. 20; THENCE RUNNING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF GEORGIA S.R. 20 NORTH 25° 30' 29" WEST 265.23 FEET TO AN IRON PIN SET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE OF GEORGIA S.R. 20 AND RUNNING SOUTH 38° 50' 11" EAST 6.51 FEET TO AN IRON PIN SET; THENCE RUNNING SOUTH 25° 30' 29" EAST 26.23 FEET TO AN IRON PIN SET; THENCE RUNNING ALONG A 72.00 FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF 85.19 FEET BEARING SOUTH 82° 01' 28" EAST, A DISTANCE OF 91.15 FEET TO A POINT; THENCE RUNNING NORTH 61° 41' 48" EAST 144.59 FEET TO AN IRON PIN SET; THENCE RUNNING ALONG A 47.00 FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF 66.47 FEET BEARING NORTH 16° 42' 15" EAST, A DISTANCE OF 73.82 FEET TO AN IRON PIN SET; THENCE RUNNING NORTH 28° 17' 45" WEST 122.94 FEET TO AN IRON PIN FOUND AND THE TRUE POINT OF BEGINNING.

SAID PARCEL OF LAND IS SHOWN AS "PUBLIX TRACT" (10.33 ACRES), "DRIVE 1" (12,878 SQUARE FEET), "DRIVE 2" (43,203 SQUARE FEET), AND "TRACT 3" (393 SQUARE FEET) ON THAT CERTAIN SURVEY ENTITLED "DEVELOPMENT SURVEY OF GWINNETT SQUARE FOR GWINNETT SQUARE PARTNERS, BARNETT BANK OF SOUTHWEST GEORGIA, JEFFERSON-PILOT LIFE INSURANCE COMPANY, BANK SOUTH, N.A., PUBLIX SUPER MARKETS, INC., AND TICOR TITLE INSURANCE COMPANY" DATED JULY 28, 1993, BEARING THE CERTIFICATION AND SEAL OF LARRY W. GROGAN, GEORGIA REGISTERED LAND SURVEYOR NO. 1649, JOB NO. 92227-05, AND RECORDED IN PLAT BOOK 59, PAGE 204, GWINNETT COUNTY, GEORGIA RECORDS.

PARCEL TWO:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND lying and being in Land Lot 148 of the 5th District, Gwinnett County, Georgia, and being more particularly described as follows:

To find the POINT OF BEGINNING commence at the point located at the intersection of the easterly right-of-way line of Georgia S.R. 20 (a 90 foot right-of-way at such point) with the centerline of Applewood Drive; thence running along said easterly right-of-way line of Georgia S. R. 20 the following courses and distances: South 25° 28' 24" East 324.47 feet to a point; North 64° 15' 58" East 5.00 feet to a point; and South 25° 30' 29" East 515.02 feet to an iron pin set; thence leaving said easterly right-of-way line of Georgia S. R. 20 and running North 61° 10' 32" East 165 feet to a point; said point also being located South 37° 03' 12" East a distance of 847.07 feet from the intersection of the easterly right-of-way line of Georgia S.R. 20 and the centerline of Applewood Drive: said point being the POINT OF BEGINNING: from the POINT OF BEGINNING as thus established run North 61° 10' 32" East a distance of 87.74 feet to a point; thence continue North 62° 20' 30" East a distance of 3.34 feet to a point; thence South 28° 17' 45" East a distance of 122.94 feet to a point; thence along the arc of a curve to the right an arc distance of 73.83 feet, said arc having a radius of 47.00 feet and being subtended by a chord bearing South 16° 42' 15" West a chord distance of 66.47 feet, to a point; thence South 61° 41' 48" West a

*Limited Warranty Deed**Exhibit A-Page 2*

CIC2020-00006

RECEIVED: 1

PLANNING & DEVELOPMENT

Page 28

Type: DEED Book: 55248 Page: 00113

BK 55248 PG 0113

distance of 42.52 feet to a point; thence North 28° 49' 28" West a distance of 169.18 feet to a point; said point being the POINT OF BEGINNING.

All as shown as 0.34 acres on that certain survey for GWINNETT SQUARE PARTNERS, prepared by Larry W. Grogan, bearing the seal and certification of Larry W. Grogan, Georgia Registered Land Surveyor Number 1649, dated May 6, 1996.

EASEMENT TRACT:

TOGETHER WITH EASEMENTS CONTAINED IN THE CERTAIN DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS BY GWINNETT SQUARE PARTNERS, DATED AUGUST 12, 1993, FILED FOR RECORD AUGUST 17, 1993 AND RECORDED IN DEED BOOK 9197, PAGE 100, GWINNETT COUNTY, GEORGIA RECORDS.



2.

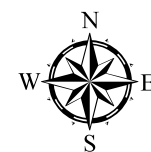
*The City of Lawrenceville
Planning & Development*

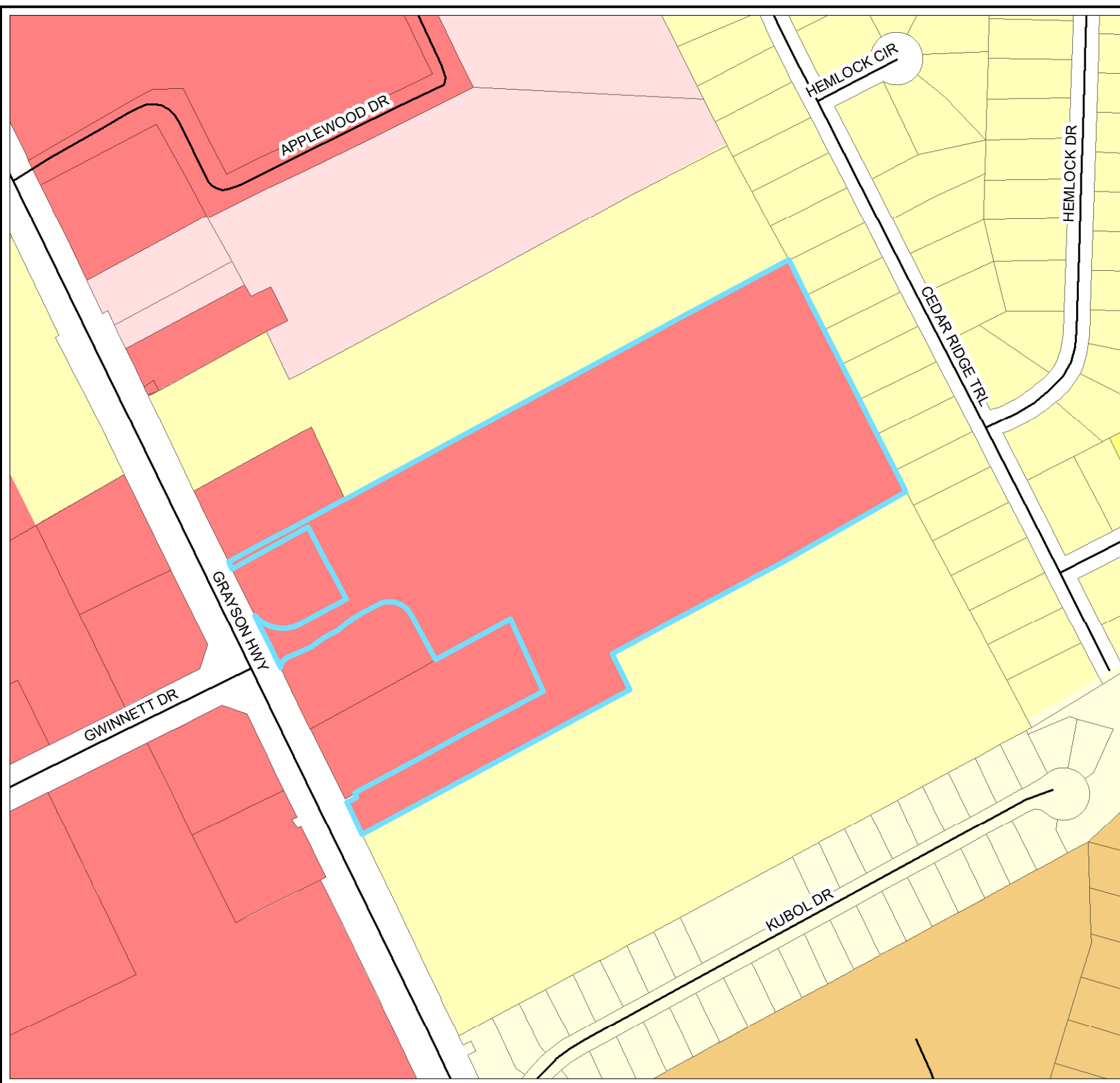
Location Map and
Surrounding Zoning
File # CIC2020-00006

Applicant:
**Lawrenceville Hand
Properties, LLC**

Legend

-  Subject Property
-  Parcels
-  Roads





*The City of Lawrenceville
Planning & Development*

**Location Map and
Surrounding Zoning**
File # CIC2020-00006

Applicant:
**Lawrenceville Hand
Properties, LLC**

Legend

- Subject Property
- Parcels
- Roads

Zoning Districts

- BG General Business
- OI Office/Institutional
- RM-12 Multifamily Residential
- RS180 Single-Family Residence
- RS150 Single-Family Residence
- RS60 Single-Family Residence





LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: PLANNING COMMISSION
AGENDA CATEGORY: NEW BUSINESS

Item: SUP2020-00042; Sunmoon Services, LLC; 850 Scenic Highway

Department: Planning and Development

Date of Meeting: Monday, December 7, 2020

Presented By: Todd Hargrave

Department Recommendation: **DENIAL**

Planning Commission Recommendation: **Pending Public Hearing. Will be announced at the Work Session meeting.**

Summary: The applicant requests a Special Use Permit to allow an Automobile Part Store with Installation (Tire Store). The applicant is proposing to do installation of tires outside of the building including temporary outdoor storage of used tires.

Attachments/Exhibits:

- SUP2020-00042 Report
- SUP2020-00042 Planning and Development Recommendations
- SUP2020-00042 Attachments

CITY OF LAWRENCEVILLE
PLANNING AND DEVELOPMENT DEPARTMENT
SPECIAL USE REPORT

CASE NUMBER: SUP2020-00042
APPLICANT: SUNMOON SERVICES, LLC
CONTACT: MOHAMMED HOSSAIN & JOHN JAY
PHONE NUMBER: 404.276.1385
LOCATION: 850 SCENIC HIGHWAY
PARCEL ID: R5108 081
ACREAGE: 1.75
PROPOSED DEVELOPMENT: AUTOMOBILE PART STORE WITH INSTALLATION
(TIRE STORE)
DEPARTMENT RECOMMENDATION: DENIAL

ZONING HISTORY:

The subject property has been zoned BG (General Business District) since 1970. In 2014, a Special Use Permit was approved allowing the installation of an EMC sign, pursuant to SU-14-24.

PROJECT DATA:

The applicant requests a Special Use Permit of an approximately 1.75-acre parcel, zoned BG (General Business District), to allow an automobile part store with insallation (tire store) in a structure formerly used as a carwash. The subject property is located along the eastern right-of-way of Scenic Highway south of its intersection with Sugarloaf Parkway. Access to the site is via two driveways on Scenic Highway.

The property is developed consisting of a convenience store/gas station, with additional retail spaces, and a gas canopy. An additional free-standing structure is located on the site, and was initially designed and utilized as a self-service carwash. Over the course of several years the existing carwash was modified, without the proper permits into retail suites occupied by an emission testing facility and a tire store which utilized the parking lot for the installation of tires on vehicles. Additionally, the existing carwash facility was not designed for general retail occupancies, and in order to so the facility would require major modifications to bring the structure (carwash) into compliance with the rules and regulations of the City.

The request for a Special Use Permit is the result of years of code compliance issues relating to building codes, signage, trash/debris and use. The rules and regulations of the City of Lawrenceville require a Certificate of Occupancy (CO) prior to the issuance of an Occupational Tax Certificate (OTC). Therefore, in 2018, the Planning and Development Department (the Department) initiated the “Tenant Name Change” process which requires each new tenant or change of owner in a “previously” occupied space to obtain a Building Permit allowing the Department to inspect commercial or industrial tenant space for compliance related issues (i.e. Building Codes and Zoning Ordinance regulations) prior to the issuance of a CO. Additionally, each application requires the approval of other local governing agencies. The applicant, as well as many other throughout the city, was informed of the numerous compliance issues relating to the subject property, specifically building and zoning code violations. However, the applicant continued to allow tenants to occupy the space without the necessary approvals; which resulted in the Department issuing a citation (CEU2020-01759) for building and zoning code violations.

The City of Lawrenceville 2040 Comprehensive Plan and Future Development Map indicates the subject property is located within the Neighborhood Mixed Use Character Area. Additionally, the Plan identifies the Scenic Highway and Sugarloaf Parkway commercial node as a Gateway Node. These nodes are intended to promote a sense of place throughout the community. One of the implementation policies for this character area is to minimize street frontages lined by parking lots, blank walls, or empty lots. Therefore, the request for a Special Use Permit may be considered to be counter to this emphasis of the Comprehensive Plan.

The surrounding area is characterized by a mix of vacant and undeveloped lots, a private school, and commercial uses all zoned BG (General Business District) to the north across Sugarloaf Parkway, adjacent to the east, immediately adjacent to the south, and to the west across Scenic Highway. The City Council recently adopted policies strictly prohibiting outdoor storage of equipment, materials and merchandise; which could be interpreted to include tire installation from a parking lot located at the center of a major gateway into the city limits. Therefore, the request for a Special Use Permit allowing the outdoor installation of tires and an emissions testing facility to operate in the front yard area may not be appropriate in view of the Council’s efforts to change the image of the city, but the overall appearance as well.

In conclusion, the proposed use may be inconsistent with the policies of the 2040 Comprehensive Plan and the established development pattern found in the immediate area. Given the aforementioned factors, the Planning and Development Department recommends **DENIAL** of the Special Use Permit.

CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS:

ENGINEERING DEPARTMENT

No comment

ELECTRIC DEPARTMENT

No comment.

GAS DEPARTMENT

No comment.

WATER DEPARTMENT

No comment.

CODE ENFORCEMENT

The property has had many violations in the past six years;

CEU2020-01417 – Prohibited Use of carwash, outdoor storage

1849 – Window signs over 20%

1857 – Door signs over 20%

1858 – Temporary sign without permit

1859 – Donation box without permit

1911 – Sign at right of way

1919 – Abandoned sign

2118 – Trash / debris

3684 – Free standing sign EMC sign without permit

3732 – Su-14-24 condition not met – Illegal wall and window sign, landscaping not installed

5894 – Junk vehicle on property

9129 – Neon lights

9130 – Flashing sign

9131 – Flashing sign

17274 – trash / debris on property

17295 – Unlicensed car wash

STATE CODE 36-67-3 (FMR.) REVIEW STANDARDS:

1. **Will the Special Use Permit allow a use that is suitable in view of the use and development of adjacent and nearby property?** *If properly conditioned, yes.*
2. **Will the Special Use Permit adversely affect the existing use or usability of adjacent or nearby property?** *If properly conditioned, no.*
3. **Does the property to be affected by the Special Use proposal have a reasonable economic use as currently zoned?** *Yes.*
4. **Will the Special Use proposal result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?** *No.*
5. **Is the Special Use proposal in conformity with the policy and intent of the City of Lawrenceville comprehensive plan?** *No.*
6. **Are there other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the Special Use proposal?** *No.*

**PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS - 11192020**

SUP2020-00042:

NOTE: The following conditions are provided as a guide should the City Council choose to approve the petition of this request.

Approval of Special Use Permit allowing an Automobile Parts Store with Installation (Tire Store), subject to the following enumerated conditions:

1. Limited to an Automobile Parts Store with installation on three bays only.
2. The installation of parts shall be conducted entirely indoors.
3. Outdoor storage of new or used tires shall be prohibited.
4. Overnight Outdoor storage of automobiles needing service shall be prohibited.
5. The Special Use Permit shall be valid for a two-year period, at which time the use shall cease or an application shall be made for renewal of the Special Use Permit.
6. The Automobile Part Store with Installation shall be limited to the applicant/tenant of record. In the event, the applicant/tenant of record vacates the premises or ceases operations of the approved facility the Special Use Permit shall be considered voided and terminated.
7. Prior to the issuance of a Certificate of Occupancy the subject property shall be in compliance with all applicable Municipal, County and State regulations.



LAWRENCEVILLE

GEORGIA

SPECIAL USE PERMIT APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>SUNMOON SERVICES, LLC</u>	NAME: <u>SUNMOON SERVICES, LLC</u>
ADDRESS: <u>850 SCENIC HIGHWAY, STE C</u>	ADDRESS: <u>850 SCENIC HIGHWAY, STE C</u>
CITY: <u>LAWRENCEVILLE, GA</u>	CITY: <u>LAWRENCEVILLE</u>
STATE: <u>GEORGIA</u> ZIP: <u>30045</u>	STATE: <u>GEORGIA</u> ZIP: <u>30045</u>
PHONE: <u>(404) 276-1385</u>	PHONE: <u>(404) 276-1385</u>
CONTACT PERSON: <u>MOHAMMED HOSSAIN</u> PHONE: <u>(404) 276-1385</u>	
CONTACT'S E-MAIL: <u>biplobinila@yahoo.com</u>	
* If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees.	
ZONING DISTRICT(S): _____ ACREAGE: <u>1.75</u>	
PARCEL NUMBER(S): <u>5TH DIS, LL=107 & 108</u> <u>Parcel ID No R5108081</u>	
ADDRESS OF PROPERTY: <u>850 SCENIC HIGHWAY, LAWRENCEVILLE, GA 30045</u>	
PROPOSED SPECIAL USE: <u>USED TIRE SALES & INSTALLATION</u>	

[Signature] 11/6/2020
 SIGNATURE OF APPLICANT DATE
SUNMOON SERVICES, LLC

By: MOHAMMED HOSSAIN
 TYPED OR PRINTED NAME

Barbara Coldwell 6 NOV 2020
 NOTARY PUBLIC DATE

SUNMOON SERVICES, LLC
[Signature] 11/6/2020
 SIGNATURE OF OWNER DATE

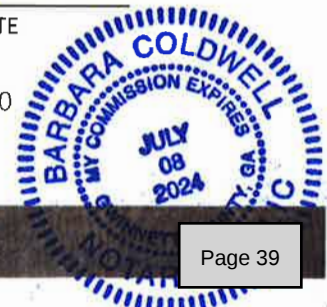
By: MOHAMMED HOSSAIN
 TYPED OR PRINTED NAME

Barbara Coldwell 6 NOV 2020
 NOTARY PUBLIC DATE



Clayton St • PO Box 2200 • Lawrenceville, Georgia 30046-2200
 770.963.2414 • www.lawrencevillega.org

SR2020-00042



Add'l Contact: John B. Jay Email: johnbjayattyeaol.com
 Attorney At Law (404) 414-5363
 PO Box 2068
 Norcross, GA 30091-2068

LETTER OF INTENT

(ATTACHMENT TO SPECIAL USE APPLICATION OF SUNMOON SERVICES, LLC)

DATE: 6 November 2020

SUBJ/REF: 850 Scenic Highway, Lawrenceville, Georgia 30045

The requested change is to permit the operation of a used car tire center which would include the sale and installation of used tires at retail to the public, including temporary storage of used tire inventory.

Under the current City of Lawrenceville Ordinances a special use permit is required for such a business operation and facility.

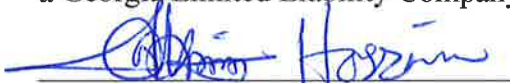
The bulk of the business operations would be conducted in three (3) adjoining and existing bays which formerly were part of a car wash facility on the premises.

As a footnote, the existing surface water run off drains, one (1) in each bay, will be plugged, and Applicant has engaged the services of a duly licensed plumber to perform the necessary work and services in accordance with the City's requirement.

APPLICANT:

SUNMOON SERVICES, LLC,
a Georgia Limited Liability Company

BY;


Mohammed Hossain

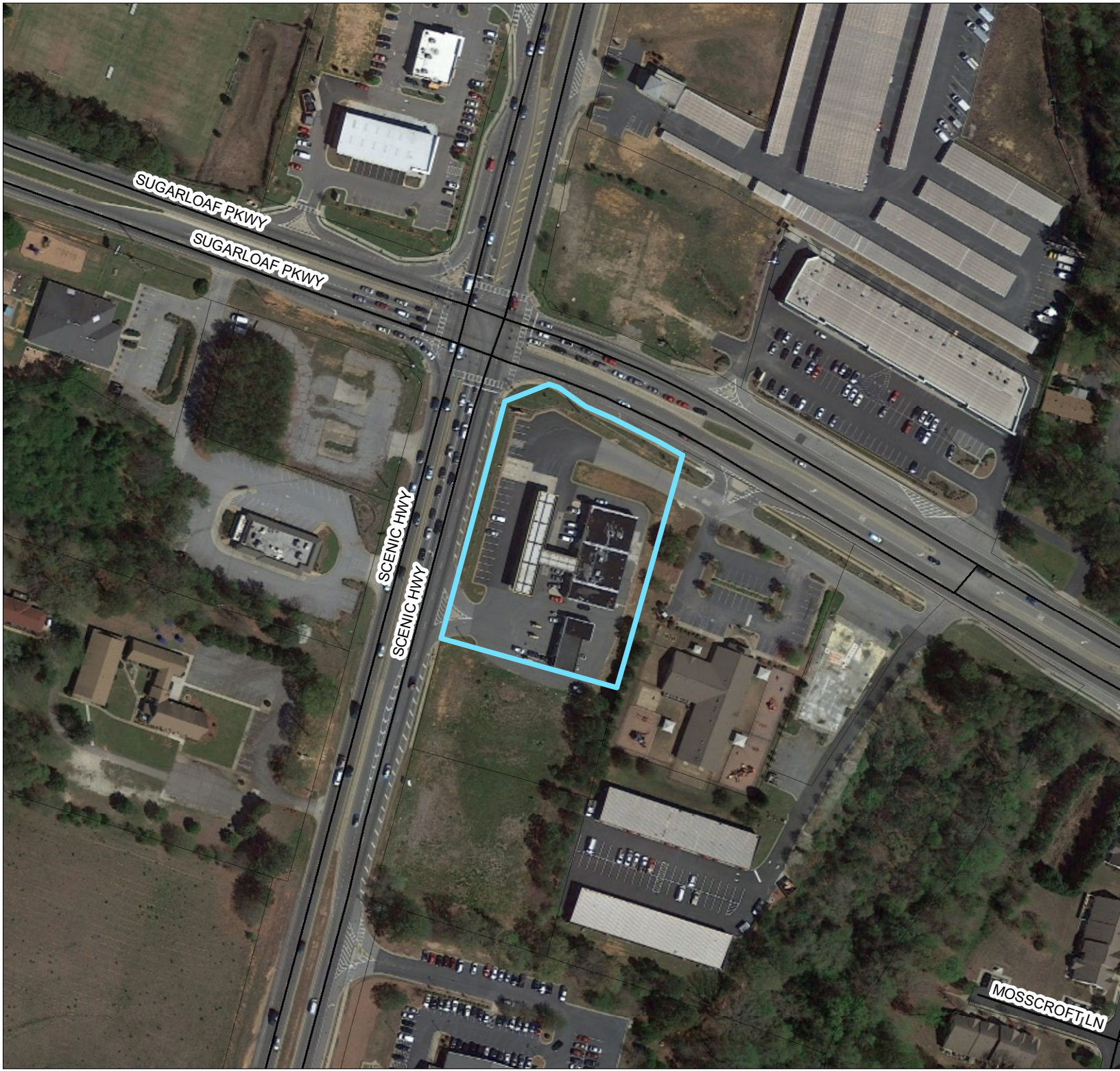
TITLE: Managing Member

Exhibit "A"
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 107 and 108, 5th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete monument found on the southeasterly right of way line of the State Route 124 (aka Scenic Highway, a variable width right-of-way) at a point where the aforesaid right-of-way line intersects with the right-of-way line that connects the southeasterly right-of-way line of State Route 124 to the southerly right-of-way line of Sugarloaf Parkway (fka Johnson Road, a variable width right-of-way); thence in a northeasterly direction along the said right-of-way line connecting the southeasterly right-of-way line of State Route 124 to the southerly right-of-way line of Sugarloaf Parkway North 68 degrees 54 minutes 44 seconds East a distance of 60.29 feet to a concrete monument found on the southerly right-of-way line of Sugarloaf Parkway; continuing thence along the aforesaid right o-of-way line South 70 degrees 25 minutes 35 seconds East a distance of 13.16 feet to a concrete monument found on the aforesaid right-of-way line; continuing thence along the aforesaid right o-of-way South 54 degrees 47 minutes 10seconds East a distance of 42.23 feet to a point located on the aforesaid right-of-way line; continuing thence South 66 degrees 50 minutes 20 seconds East a distance of 36.96 feet to a point located on the aforesaid right-of-way line; continuing thence South 62 degrees 48 minutes 30 seconds East a distance of 66.28 feet to a point located on the aforesaid right-of-way line; continuing thence South 59 degrees 33 minutes 00 seconds East a distance of 33.47 feet to an iron pin set on the aforesaid right-of-way line; thence leaving the aforesaid right of way line and running South 15 degrees 44 minutes 02 seconds West a distance of 305.66 feet to an iron pin set; thence North 74 degrees 15 minutes 58 seconds West a distance of 231.15 feet to an iron pin set on the southerly right-of-way line of the State Route 124; continuing thence along the aforesaid right-of-way line North 14 degrees 58 minutes 32 seconds East a distance of 45.00 feet to an iron pin set on the aforesaid right-of-way line; continuing thence North 14 degrees 58 minutes 32 seconds East a distance of 265.99 feet to **THE POINT OF BEGINNING**; being 1.751 acres of improved real property as depicted on that certain as-built plat prepared for Kuka, Inc., Main Street Bank, and Chicago Title Insurance Company, certified and prepared by Jeffrey L. Nipper, Georgia Registered Land Surveyor No. 2736, dated February 22, 2002, which plat is incorporated herein by this reference.

TOGETHER WITH all easement for ingress, egress, sewer, and utilities as set forth on the aforesaid survey and as described in that certain Declaration of Joint and Reciprocal Easement recorded in Deed Book 24163, Page 107, Gwinnett County, Georgia, Records, which is incorporated herein by this reference.



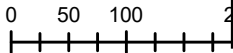
The City of Lawrenceville
Planning & Development

Aerial Map and
Surrounding Area
File # SUP2020-00042

Applicant:
Sunmoon Properties, LLC

Legend

-  Subject Property
-  Parcels
-  Roads





*The City of Lawrenceville
Planning & Development*

Location Map and
Surrounding Zoning
File # SUP2020-00042

Applicant:
Sunmoon Properties, LLC

Legend

 Subject Property

 Parcels

 Roads

Zoning Districts

 BG General Business

 HSB Highway Service Business

