



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT
MAYOR AND COUNCIL**

CASE SUMMARY

July 24, 2017

CASE NUMBER: #CUP 17-02

REQUEST: Conditional Use Permit

PURPOSE: To Allow the Parking and Storage of Auto Broker Vehicles

LOCATION: Fountain Square Business Center
2140 McGee Road, Snellville, Georgia

PARCEL: District 5, Land Lot 7, Parcel 014

PRESENT ZONING: BG (General Business) District

OVERLAY DISTRICT: Corridor Overlay District

FUTURE LAND USE PLAN: Retail-Commercial

DEVELOPMENT/PROJECT: Fountain Square Business Center

PROPERTY OWNER: Mokhberi Investments, Inc.
Atlanta, Georgia 30328-4814

APPLICANT/CONTACT: Ray Mokhberi
404.391.8722 or rmokhberi@netscape.net

**MAYOR & COUNCIL
PUBLIC HEARING DATE/TIME:** July 24, 2017 at 7:30 p.m.

STAFF RECOMMENDATION: Approval with Conditions



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT
MAYOR AND COUNCIL**

APPLICATION FOR CONDITIONAL USE PERMIT

CASE ANALYSIS

July 24, 2017

TO: **The Mayor and Council**

MEETING DATE: July 24, 2017

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#CUP 17-02**

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Ray Mokhberi, Mokhberi Investments, Inc. requesting a Conditional Use Permit to allow the parking and storage of auto broker vehicles in the parking lot of the Fountain Square Business Center, 2140 McGee Road, Snellville, Georgia, for the current Auto Brokers and any future Auto Brokers.

The subject 8.99± acre property is surrounded by various commercial uses typical along U.S. Highway 78 and McGee Road, with the majority of the adjacent properties being zoned BG (General Business) District or OP (Office Professional) District.

The property abuts similar commercial and offices uses to the north, east, and south and residential to the west.

REQUEST:

The applicant is requesting a Conditional Use Permit t to allow the current Auto Brokers and any future Auto Brokers the ability to park and store up to 150 vehicles in the parking lot that serves the Fountain Square Business Center. The applicant contends that there will be no signage or marketing done which promotes the storage of the auto broker vehicles. The lot will be primarily used for the temporary storage and display of vehicles for the internet based auto brokers. A traditional auto sales lot is not being proposed. The parking area is directly adjacent to the 87,000± sq. ft. Fountain Square Business Center building, which contains 88 office suites and 450 parking spaces.

The following aerial image shows the current parking layout and proposed area (in red) for the auto broker vehicle display and storage.



1. All vehicles on the sales lots are to be in operating condition at all times.
2. All vehicle inventory stored/parked/displayed outside must be on paved parking surfaces only and shall not be stored/parked/displayed in landscaped areas or elevated by use of a ramp, post or other device higher than five feet (5') above grade.
3. Showrooms and/or service bays that keep new/used/repair vehicles within building structures, must meet all applicable Federal, State, County, and local building and life-safety codes (at the time of application for an Occupancy Use Certificate) regarding the storage of hazardous materials.



The applicant is also requesting a variance from Section 9.3(2)(b), Minimum Frontage Requirements for Automotive Sales Establishments of the City of Snellville’s Zoning Ordinance:

- 1) Variance to reduce the 200 foot minimum road frontage requirement to 133± feet where the existing property abuts the U.S. Highway 78 public right-of-way.

BACKGROUND:

The Fountain Square Business Center property, zoned BG (General Business) District, was in operation in 2008 when the Zoning Ordinance was amended requiring all *new* auto brokers and car dealers to obtain an approved Conditional Use Permit. However, an exemption was allowed for *internet* auto brokers, provided there was no temporary or permanent storage, parking, delivery, or display of vehicles. Currently, there are thirty-five (35) internet auto brokers operating from the Business Center with occupational tax licenses that expire on December 31, 2017.

Prior to the 2008 Zoning Ordinance amendment, the Business Center had two auto brokers that were grandfathered and allowed to park and store their vehicles on the property. Since the 2008 amendment, new auto brokers have come and gone, as have the two that were grandfathered, making enforcement of the ordinance somewhat convoluted. In an effort to clear up the confusion, the City reached out to the property owner, suggesting that he apply for and obtains an approved Conditional Use Permit to allow the parking and storage of broker vehicles.

STAFF ANALYSIS:

Automotive and motorcycle sales and rental establishments are permitted within the BG (General Business) District provided the applicant for such as business is granted a Conditional Use Permit by the Mayor and Council after receiving recommendations from the Planning and Development Department and Planning Commission and after a public hearing.

According to the site plan, there are 450 off-street parking spaces, 150 of which the applicant is requesting to use for the parking and storage of auto broker vehicles, leaving 300 spaces to service the office suite tenants and their clients. 290 parking spaces are required per Sec. 11.3 of the Parking Regulations for the current, proposed and future uses, providing ample parking for the existing office suites and clients.

The minimum off-street parking requirement calculations are provided in Table 1 below:

Table 1

Use	Tenant Space (Sq. Ft.)	No. of Operators	Minimum Required Parking Calculation
Professional and General Office	87,000	n/a	1 space per 300 sq. ft. (87,000/300 = 290 spaces)

VARIANCE ANALYSIS:

The applicant is requesting a variance from Section 9.3(2)(b), Minimum Frontage Requirements for Automotive Sales Establishments of the City of Snellville’s Zoning Ordinance to reduce the 200 foot minimum road frontage requirement to 133± feet where the existing property abuts the U.S. Highway 78 public right-of-way.

This request seems reasonable due to the fact that the property will not be used to advertise cars directly or used as your typical used car lot.

STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends **Approval** of the request for a Conditional Use Permit to allow the parking and storage of auto broker vehicles in the parking lot of the Fountain Square Business Center with the following **Conditions**:

1. No more than 150 parking spaces may be used for the temporary or permanent storage, parking, delivery, or display of auto broker vehicles;
2. Auto broker vehicles shall be maintained in operable condition and in a state of good repair at all times;
3. Auto broker vehicles shall contain either a State issued Dealer License plate or dealer identification tag affixed to the rear of the vehicle;
4. Auto broker vehicles shall not contain any advertising or promotional signage, other than a window price sticker;
5. Signs higher than 15 feet and larger than 225 square feet are prohibited; and
6. Uses involving adult entertainment, including any sale or display of adult magazines, books, or videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.

In conjunction with the Conditional Use Permit approval, the Department of Planning and Development recommends **Approval** of the requested Variance:

- a. Variance from Section 9.3(2)(b), Minimum Frontage Requirements for Automotive Sales Establishments of the City of Snellville's Zoning Ordinance to reduce the 200 foot minimum road frontage requirement to 133± feet where the existing property abuts the U.S. Highway 78 public right-of-way.

PLANNING COMMISSION REPORT:

The Planning Commission held a duly advertised public hearing on the subject application at the June 27, 2017 Regular Meeting of the City of Snellville Planning Commission. For the purposes of promoting health, safety, morals, convenience, order, prosperity, aesthetics, or the general welfare of the City of Snellville, by a unanimous vote of 5-0, the recommendation is to **Approve** the request for a Conditional Use Permit to allow the parking and storage of auto broker vehicles and variance to reduce the property's minimum road frontage requirement to 133± feet, subject to the following recommended **Conditions**:

1. No more than 150 parking spaces may be used for the temporary or permanent storage, parking, delivery, or display of auto broker vehicles;
2. Auto broker vehicles shall be maintained in operable condition and in a state of good repair at all times;
3. Auto broker vehicles shall contain either a State issued Dealer License plate or dealer identification tag affixed to the rear of the vehicle;
4. Auto broker vehicles shall not contain any advertising or promotional signage, other than a window price sticker;
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