



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT
PLANNING COMMISSION**

CASE SUMMARY

February 27, 2018

CASE NUMBER: #CUP 18-01

REQUEST: **Conditional Use Permit and Request for
Variances from Snellville Code of
Ordinances**

LOCATION: 1080 Cooper Road, Grayson, Georgia

TAX PARCEL: 5101 022

PRESENT ZONING: **BG (General Business) District**

OVERLAY DISTRICT: Corridor Overlay District

FUTURE LAND USE MAP: 78 East Activity Node

DEVELOPMENT/PROJECT: **Automotive Service and Repair Facility with
Vehicle Emissions Testing**

PROPERTY OWNER/APPLICANT: Adloi and Tina Lyttle, ATL Motors, LLC
Grayson, Georgia 30017

CONTACT: Adloi Lyttle
(678) 471-2959 or adloiboi@gmail.com

STAFF RECOMMENDATION: **Approval with Conditions**



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT
PLANNING COMMISSION**

CASE ANALYSIS

February 27, 2018

TO: **The Planning Commission**

MEETING DATE: February 27, 2018

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#CUP 18-01**

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Adloi and Tina Lyttle, ATL Motors, LLC requesting a Conditional Use Permit to operate an automotive service facility with vehicle emissions testing on a 0.71± acre site at 1080 Cooper Road, Grayson, Georgia. The applicant is also requesting variances from the Buffer, Landscape, and Tree Ordinance, Development Regulations and Zoning Ordinance related to the existing conditions on the property.

The subject 0.71± acre property, zoned BG (General Business) District and located in the Corridor Overlay District, contains an existing 2,592± sq. ft. 6-bay self-serve car wash facility, vacuum station, and two metal canopies and was originally developed in 1988. The self-serve car wash continued operation under several different owners until closure of the business in May 2014. The property has remained vacant since.

There are three properties adjacent to the subject parcel that are also zoned BG and one parcel zoned BN (Neighborhood Business) District. The property to the north is a truck parking and storage lot for Southern Sanitation residential solid waste company. The property to the east is a 6.19± acres undeveloped tract with frontage on U.S. Highway 78 (Athens Highway). The corner property to the south is the recently re-opened Chevron gas station and convenience store and smaller 0.47± acre undeveloped property to the south zoned BN. Adjacent to the subject property

and across Cooper Road is a multi-tenant office building and children's day care facility, both of which are zoned OP (Office Professional) District.

REQUEST:

The applicant is requesting a Conditional Use Permit to operate an automotive service facility with vehicle emissions testing. The applicant is also requesting variances from the Buffer, Landscape, and Tree Ordinance, Development Regulations and Zoning Ordinance related to the existing conditions on the property as follows:

1. Allow variances from the Corridor Overlay District requirements relating to:
 - a. Providing a 2 foot by 8 foot pad every 300 linear feet of sidewalk for decorative benches, bicycle rack, and trash receptacle.
 - b. Providing sidewalk pedestrian lights.
 - c. Providing decorative light fixtures/poles throughout the parking area.
 - d. Locating the building close to and oriented toward the public right-of-way with the majority of parking located to the sides and rear.
2. Allow for variance from Snellville Ordinance Article III Section 19.73(c)(1) relating to landscape strip requirements to allow for encroachment by existing curb and gutter and parking lot along southern property line into the 5 foot side landscape strip by 2.4 feet in area shown on plan. On the 10 foot front landscape strip, allow encroachment south of the existing drive by existing curb and gutter by 4.1 feet and by the proposed detention pond retaining wall north of the existing drive by 9.0 feet. Also allow encroachment on north property line of the existing detention pond retaining wall into the 5 foot side landscape strip by 3.9 feet.
3. Allow for variance from Snellville Buffer, Landscape, and Tree Ordinance Article III. Sec.19.74 relating to parking island requirements to allow the parking lot to be as shown on the attached CUP plan.
4. Allow a variance from Section 9.15(c)(3) in relation to exceeding 20% parking in front of building and exceeding 20% parking on the side of building as the building and parking lot are both existing.
5. Allow a variance from Section 6.13.3.(b) that calls for a six (6) foot wide sidewalk and 48-inch grassed/landscape strip to allow the continuation of the existing four (4) foot wide sidewalk along Cooper Road in the location shown on CUP plan.
6. Allow a general variance for the site to be approved in its current condition except for the items requested on this rezoning application.

STAFF ANALYSIS:

In accordance with Section 9.10(3)(c) of the Zoning Ordinance, *automotive service stations or tire stores, including minor services such as lubrication or tune-up centers, battery replacement and brake repair* may be permitted, provided the applicant for a such a 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, subject to the following provisions of Section 9.10(3)(c):

1. All vehicle inventory stored/parked/displayed outside must be on paved parking surfaces only.
2. Service bays within building structures, must meet all applicable federal, state, county and local building and life-safety codes (at the time of application for an occupation tax certificate) regarding the storage of hazardous materials.

And, in accordance with Section 9.10(3)(g), *emissions inspection stations* may also be permitted, with an approved Conditional Use Permit.

The applicant intends to refurbish the building by converting five of the six self-serve carwash bays into general automotive service bays with the sixth bay being converted into an office/customer waiting room. In addition, the applicant is proposing to make several site improvements to the thirty year old property, including:

- Adding a dumpster pad and enclosure;
- Removal of the vacuum cleaners;
- Removal of two metal canopies;
- Re-certification of the existing onsite septic system;
- Updating the waste water collection system in the five service bays;
- Adding a 4-foot wide pedestrian sidewalk adjacent to Cooper Road;
- General cleanout and maintenance of the existing stormwater detention facility;
- Removal of all non-conforming exterior wall pack and security lighting from the building; and
- Adding side landscape strips including the planting of trees, shrubs and native grasses within the front and side landscape strips.

VARIANCE ANALYSIS:

The general theme for the requested variances is primarily due to the extent of the non-conforming issues on a property having been originally developed almost thirty (30) years ago when the City's land development and building regulations were much less regulatory. Several other factors that negatively impact the property include the narrow 100-foot width of the property and fact that almost 40% of the total size of the property is not able to be used/developed because of the location of an existing onsite septic system drain field and septic tanks.

Outside of a total redevelopment and connection to sanitary sewer which is approximately 525-feet away, the new property owner is limited on what can be done to the property and still be left with a functional property.

However, even with these limitations in mind, the new property owner is willing to bring the dated property more into conformance with the City's current regulations through the addition of a public sidewalk, landscape strips with new trees and landscaping and the conversion of the under-performing self-serve carwash into a 5-bay automotive service and emissions testing station.

Analysis of each of the requested variances with recommendations by the Planning Department are provided below:

1. Allow variances from the Corridor Overlay District requirements relating to:
 - a. Providing a 2 foot by 8 foot pad every 300 linear feet of sidewalk for decorative benches and trash receptacle.
 - b. Providing sidewalk pedestrian lights.
 - c. Providing decorative light fixtures/poles throughout the parking area.
 - d. Locating the building close to and oriented toward the public right-of-way with the majority of parking located to the sides and rear.

Since the applicant is agreeable to the installation of a four-foot wide public sidewalk to connect with existing sidewalk from the adjacent Chevron property to the south, installation of the concrete pad, decorative bench and trash receptacle and one decorative pedestrian sidewalk light is not a significant expense and should also be required, especially since these items directly benefit the general public and considered a public improvement. The site already contains conforming parking area lighting. Reorientation of the building and relocation of the parking can only be accomplished through a complete redevelopment of the site.

2. Allow for variance from Snellville Ordinance Article III Section 19.73(c)(1) relating to landscape strip requirements to allow for encroachment by existing curb and gutter and parking lot along southern property line into the 5 foot side landscape strip by 2.4 feet in area shown on plan. On the 10 foot front landscape strip, allow encroachment south of the existing drive by existing curb and gutter by 4.1 feet and by the proposed detention pond retaining wall north of the existing drive by 9.0 feet. Also allow encroachment on north property line of the existing detention pond retaining wall into the 5 foot side landscape strip by 3.9 feet.

Because of the size limitations of the property and current configuration of the detention pond and drives, these variances are supported.

3. Allow for variance from Snellville Buffer, Landscape, and Tree Ordinance Article III. Sec.19.74 relating to parking island requirements to allow the parking lot to be as shown on the attached CUP plan.

The Planning Department is in support of this request, provided the applicant fulfills and completes the landscape items shown on the conceptual site plan and conditions of zoning.

4. Allow a variance from Section 9.15(c)(3) in relation to exceeding 20% parking in front of building and exceeding 20% parking on the side of building as the building and parking lot are both existing.

Because of the size limitations of the property and location of the existing building and septic system drain field, parking is limited to the front and sides of the building. Therefore, this variance is supported.

5. Allow a variance from Section 6.13.3.(b) that calls for a six (6) foot wide sidewalk and 48-inch grassed/landscape strip to allow the continuation of the existing four (4) foot wide sidewalk along Cooper Road in the location shown on CUP plan.

A similar variance was recently recommended and approved for the adjacent Chevron property located at the corner of Cooper Road and Highway 78. However, the property owner constructed a five (5) foot wide sidewalk with two (2) foot beauty strip. In order to maintain consistency in the sidewalk widths, the Planning Department supports this request, provided the minimum sidewalk width is no less than five (5) feet in width with a two (2) foot beauty strip.

6. Allow a general variance for the site to be approved in its current condition except for the items requested on this rezoning application.

The Planning Department is in support of this request, provided the applicant fulfills and completes the items shown on the conceptual site plan and conditions of zoning.

STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends **Approval** of the request for a Conditional Use Permit for an automotive service facility with vehicle emissions testing at 1080 Cooper Road, Grayson with the following **Conditions**:

1. The property shall be developed and utilized in general accordance with the submitted conceptual Conditional Use Permit and Variance Plan, sealed and dated 12-12-2017, and stamped received 1-11-2018 with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval;
2. Any improvements made to the property as part of any initial building permit issued within the first twelve (12) months from the date of Mayor and Council approval shall not trigger a Substantial Building Permit. However, after the first twelve (12) months from the date of Mayor and Council approval, future improvements or re-development with a total value in excess of the Gwinnett County Tax Assessor's

- 100% assessed value of the existing improvements will be subject to the requirements of a substantial building permit and applicable landscape and tree ordinance requirements;
3. Installation of any new exterior building or site lighting or upgrades to any existing building or site lighting shall comply with the City's exterior lighting standards and require an approved permit;
 4. New signs higher than fifteen (15) feet or larger than 225 sq. ft. in area are prohibited. Any new sign(s) shall conform to the sign ordinance and require an approved sign permit prior to installation;
 5. Automotive service and repair shall include minor services such as lubrication, tune-up, battery replacement, brake repair and other minor services, but shall not include body repair, major engine repair including engine overhaul, or transmission repair or replacement;
 6. Wrecked or dismantled vehicles shall be prohibited on the property at all times;
 7. Used or new vehicle, motorcycle, truck or RV sales is prohibited;
 8. 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;
 9. As a requirement for the release of any Certificate of Occupancy from the City, the applicant shall provide approval from the Gwinnett County Department of Environmental Health Department for use of the onsite sewer management (septic) system;
 10. As a requirement for the release of any Certificate of Occupancy from the City, all site, landscaping and building improvements shall be completed;
 11. Any additional non-substantial variance(s) as determined by the Director of Planning and Development for the design requirements, zoning requirements, development regulations and construction requirements must be submitted in writing for administrative approval with the Director of Planning and Development for this project; and
 12. In the event that the subject property is vacated by ATL Motors, LLC, the Conditional Use Permit will become null and void, unless the use(s) become a principal permitted use with/without supplemental use standards in the Unified Development Ordinance (UDO) which is currently being drafted by the Planning Department and hired consultant.

In conjunction with the Conditional Use Permit approval and recommended conditions (1-12), the following variances are recommended for **Approval**:

1. Allow variances from the Corridor Overlay District requirements relating to:
 - c. Providing decorative light fixtures/poles throughout the parking area.
 - d. Locating the building close to and oriented toward the public right-of-way with the majority of parking located to the sides and rear.
2. Allow for variance from Snellville Ordinance Article III Section 19.73(c)(1) relating to landscape strip requirements to allow for encroachment by existing curb and gutter and parking lot along southern property line into the 5 foot side landscape strip by 2.4 feet in area shown on plan. On the 10 foot front landscape strip, allow encroachment south of the existing drive by existing curb and gutter by 4.1 feet and by the proposed detention pond retaining wall north of the existing drive by 9.0 feet. Also allow encroachment on north property line of the existing detention pond retaining wall into the 5 foot side landscape strip by 3.9 feet.
3. Allow for variance from Snellville Buffer, Landscape, and Tree Ordinance Article III. Sec.19.74 relating to parking island requirements to allow the parking lot to be as shown on the attached CUP plan.
4. Allow a variance from Section 9.15(c)(3) in relation to exceeding 20% parking in front of building and exceeding 20% parking on the side of building as the building and parking lot are both existing.
5. Allow a variance from Section 6.13.3.(b) that calls for a six (6) foot wide sidewalk and 48-inch grassed/landscape strip to allow the continuation of the existing five (5) foot wide sidewalk along Cooper Road in the location shown on CUP plan.
6. Allow a general variance for the site to be approved in its current condition except for the items requested on this rezoning application.

In conjunction with the Conditional Use Permit approval and recommended conditions (1-12), the following variances are recommended for **Denial**:

1. Variances from the Corridor Overlay District requirements relating to:
 - a. Providing a 2 foot by 8 foot amenity pad and a decorative bench and trash receptacle.
 - b. Providing decorative light fixtures/poles along the sidewalk, staggered, 150-foot on-center. Note: only one (1) such light fixture/pole shall be required.