

446 West Crogan Street, Suite 300 | Lawrenceville, GA 30046-2440 678.518.6000 GwinnettCounty.com

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: SUP2024-00041

Current Zoning: M-1 (Light Industry District)
Request: Special Use Permit (Renewal)

Additional Request: Waiver

Address: 4154 Arcadia Industrial Circle

Map Number:R6132 129Site Area:0.98 acresSquare Feet:12,426

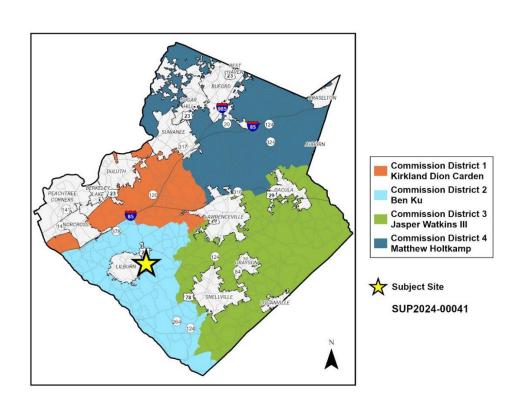
Proposed Development: Vehicle Repair, Service, and Body Work Establishment

Commission District: District 2 – Commissioner Ku **Future Development Type:** Suburban Non-Residential

Staff Recommendation: APPROVAL WITH CONDITIONS

Planning Commission

Recommendation: APPROVAL WITH CONDITIONS



Applicant: Sky Collision Owners: Sky Collision

1547 South Broad Street 1547 South Broad Street Monroe, GA 30655 Monroe, GA 30655

Contact: Josh Waters Contact Phone: 404.391.5921

Joshua Gray 678.776.2223

Zoning History

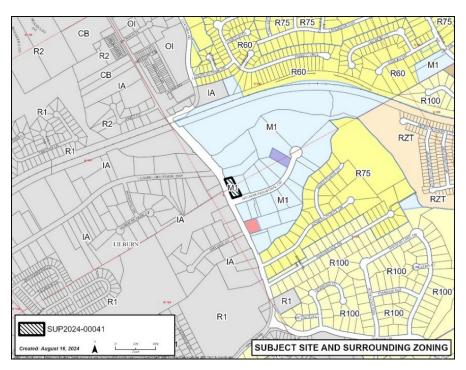
The subject property is zoned M-1 (Light Industry District). In 1970, the property was rezoned from R-100 (Single-Family Residence District) to M-1, pursuant to RZ-59-70. In 2022, a special use permit was approved for automobile body repair and painting, pursuant to SUP2022-00044.

Existing Site Condition

The subject site is a 0.98-acre parcel located at the intersection of Arcadia Industrial Circle and Arcado Road, within the Arcadia Industrial Park. The site is developed with a one-story, 12,426 square foot building, accessed from Arcadia Industrial Circle. A five-foot-wide sidewalk exists along Arcado Road, but there are no sidewalks along Arcadia Industrial Circle. A power easement is located at the northwest corner of the property along Arcado Road.

Surrounding Use and Zoning

The subject property is surrounded by light industrial uses including a landscaping business to the north, a towing company to the east, and a vehicle repair, service, and body work establishment to the south. Properties to the west are located within the City of Lilburn. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning
Proposed	Vehicle Repair, Service, and Body Work Establishment	M-1
North	Light Industrial	M-1
East	Light Industrial	M-1
South	Light Industrial	M-1
West	Light Industrial	N/A (City of Lilburn)

Project Summary

The applicant is requesting renewal of a special use permit on a 0.98-acre property zoned M-1 for a vehicle repair, service, and body work establishment, including:

- An existing one-story, 12,426 square-foot, metal building containing six bays along Arcado Road and two bays on the rear of the building.
- 35 paved parking spaces on site, with 10 more parking spaces within the right-of-way which are only accessible from within the site.
- A shared driveway access from Arcadia Industrial Circle.
- An existing five-foot-wide sidewalks along Arcado Road.
- An existing chain-link fenced area and a vehicular gate behind the building.
- An unenclosed dumpster located north of the building.
- Hours of operation Monday through Friday from 8:00 a.m. to 5:00 p.m., with eight to ten employees on-site.
- Applicant failed to meet the conditions of approval from the previously approved special use
 permit, including removing the parking and infrastructure from the right of way along Arcadia
 Industrial Circle, providing 10-foot-wide landscape strips along both road frontages, and
 dumpster screening requirements.

Zoning and Development Standards

The applicant is requesting renewal of a special use permit on a 0.98-acre property zoned M-1 for a vehicle repair, service, and body work establishment. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
FAR	Maximum 1.0	<1.0	YES
Lot Size	Minimum 1 acre	0.98	NO*
Lot Width	Minimum 150'	>150'	NO*
Lot Coverage	Maximum 80%	<80%	YES
Front Yard Setback	Minimum 50'	50'	YES
Rear Yard Setback	Minimum 50'	>50'	YES
Side Yard Setback	Minimum 25'	<25'	NO*
Building Height	Maximum 45'	<45'	YES
Parking	Minimum 42 spaces Maximum 64 spaces	35 spaces	NO*
Landscape Strip	Minimum 10'	0'	NO**

^{*} The lot was developed in 1975 and is considered legally nonconforming.

^{**} A waiver has been requested to remove the 10-foot-wide landscape strip.

Waiver Request

In addition to the rezoning request, the applicant is seeking a waiver from the following provision of Title III of the UDO:

1. Section 620.10.1A Landscape Regulations Applicability

A landscape strip at least 10 feet in width adjacent to any street right-of-way abutting the property and running the length of the entire property frontage.

The applicant proposes to remove the 10-foot-wide landscape strip requirement.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit F). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

<u>Special Use Permit Analysis</u>: According to the UDO, the staff analysis and recommendation on each application for a Special Use Permit shall follow the same procedures as those contained in Section 270-20. Emphasis shall be given to the evaluation of characteristics of the proposed use in relationship to neighboring properties and the compatibility of the proposed use with its surroundings. For Special Use Permits, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.6. After the evaluation, staff makes the following findings based on the standards of the UDO:

A. Whether a proposed special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The site is surrounded by industrially-zoned properties including automobile-related establishments. The vehicle repair, service, and body work establishment has been in business since 2022 without any code enforcement violations related to the use or the condition of the site. The proposed renewal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

B. Whether a proposed special use permit will adversely affect the existing use or usability of adjacent or nearby property.

A majority of the nearby properties are operating as vehicle repair, service, and body work establishments, and no residential properties are located in the immediate area. The proposed development would not adversely affect the existing use or usability of adjacent or nearby properties.

C. Whether the property to be affected by a proposed special use permit has a reasonable economic use as currently zoned.

The property has a reasonable economic use as currently zoned.

D. Whether the proposed special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

No impact on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this special use permit request are attached (Exhibit F).

E. Whether the proposed special use permit is in conformity with the policy and intent of the Unified Plan and Future Development Map; and

The Unified Plan's Future Development map indicates "Suburban Non-Residential" for the subject property, and auto-related commercial is a recommended use. The proposal is in conformity with the policy and Intent of the 2045 Unified Plan and Future Development Map.



F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed special use permit.

There are no other conditions giving support for approval or disapproval of the proposal.

<u>Waiver Request Analysis</u>: When considering waivers from Title III of the UDO, staff is required to review whether an undue hardship may result from strict compliance with the regulations and that approval would not adversely affect the general public welfare or nullify the intent of the Development Regulations. In addition, there must be a determination that there are unusual topographical or other exceptional conditions. Staff makes the following findings related to the waiver request:

In order for the applicant to meet the landscape strip requirements, they would need to remove the majority of the parking from the site. The site is not big enough to relocate the parking. In addition, there is an existing landscape strip around the perimeter of the site that is in the right of way. Approval of the waiver request would not create adverse effects to the surrounding properties.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the special use permit request.

In addition, staff recommends **APPROVAL** of the following waiver:

1. To not provide a 10-foot-wide landscape strip.

Planning Commission Recommendation

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of the special use permit request.

In addition, the Planning Commission recommends **APPROVAL** of the following waiver request:

1. To not provide a 10-foot-wide landscape strip.

Planning Commission Recommended Conditions (includes Staff Recommended Conditions, as Amended)

Approval of a special use permit for a vehicle repair, service, and body work establishment in M-1 (Light Industry District), subject to the following conditions:

- 1. The special use of the property shall be limited to a vehicle repair, service, and body work establishment. All repair activities shall take place indoors. Vehicle sales shall be prohibited.
- 2. Salvage of inoperable vehicles and outdoor storage of automobile parts or tires shall be prohibited. No inoperable vehicles shall be stored on the property for more than ten days. Any vehicles abandoned by their owners, whether before or after repair, shall be removed from the property within five days after they become abandoned under State and/or County law.
- 3. Dumpsters shall comply with the screening and location standards in the Unified Development Ordinance.
- 4. Existing parking areas and related infrastructure encroaching into the right-of-way shall be removed at no cost to Gwinnett County, subject to review and approval of the Gwinnett County Department of Transportation. This removal must be addressed within 6 months of special use permit approval.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Previously Approved Resolution (SUP2022-00044)
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. Internal and External Agency Review Comments
- G. Maps

Exhibit A: Site Visit Photos



View of the front of the building



View of the western side of the building with the bay doors and the main parking area



View of the fenced enclosure on the eastern side of the building



View of the road frontage on Arcadia Industrial Circle

Exhibit B: Site Plan

[attached]

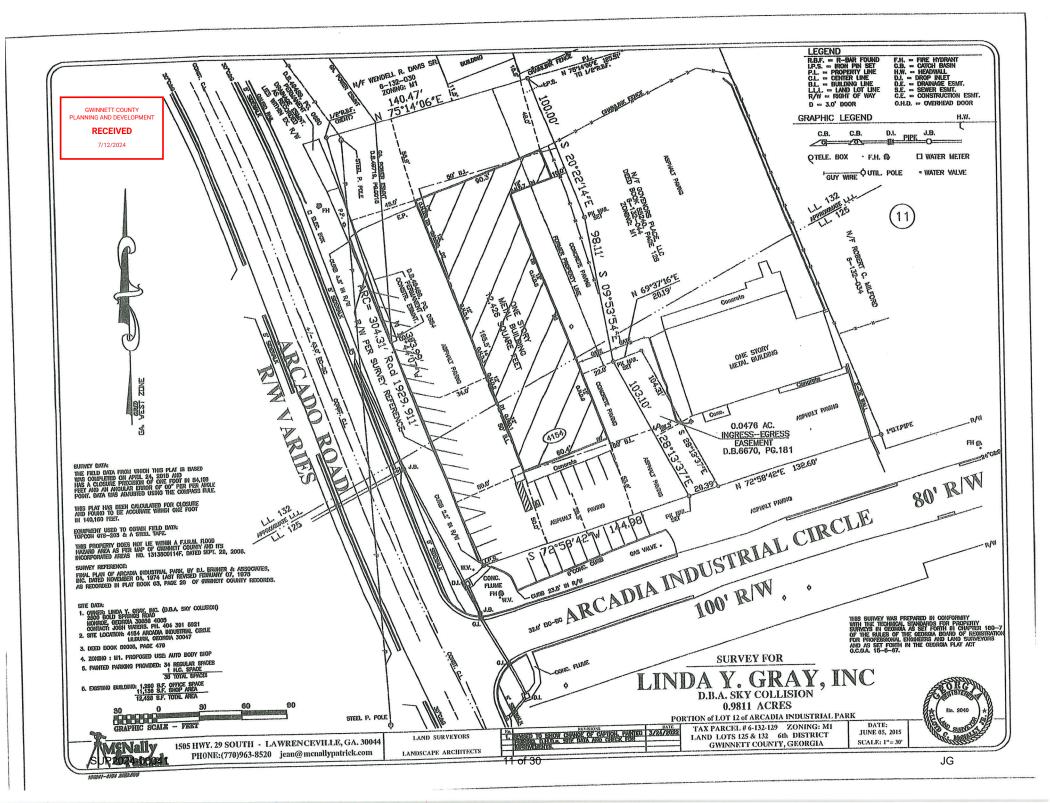


Exhibit C: Previously Approved Resolution (SUP2022-00044)

[attached]

GWINNETT COUNTY

BOARD OF COMMISSIONERS

LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: GRANT OF SPECIAL USE PERMIT

ADOPTION DATE: AUGUST 23, 2022

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Nicole L. Hendrickson, Chairwoman Kirkland Carden, District 1 Ben Ku, District 2	<u>Present</u> Yes Yes Yes	<u>Vote</u> Aye Aye Aye
Jasper Watkins, III, District 3	Yes	Aye
Marlene Fosque, District 4	Yes	Aye

On motion of Commissioner Ku, which carried a 5-0 vote, the following Resolution was:

A RESOLUTION TO GRANT A SPECIAL USE PERMIT

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application for a Special Use Permit by Sky Collision for the proposed use of Automobile Body Repair and Painting on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Special Use Permit Application has been duly published in the Gwinnett Daily Post, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on August 23, 2022, and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, on this the 23rd day of August 2022, that the aforesaid application for a Special Use Permit is hereby **APPROVED** with the following conditions:

- 1. No vehicle sales of any kind shall occur at this location.
- 2. Salvage of inoperable vehicles and outdoor storage of automobile parts or tires shall be prohibited. No inoperable vehicles shall be stored on the property for more than ten days. Any vehicles abandoned by their owners, whether before or after repair, shall be removed from the property within five days after they become abandoned under State and/or County law.
- All repair activities shall take place indoors. No repairs may be conducted in the parking lot.
- The property owner shall stripe parking spaces in accordance with Gwinnett County parking standards. All vehicles must be parked in a striped parking space on a paved surface.
- 5. Dumpsters shall be screened by a 100 percent opaque brick or stacked stone wall with an opaque metal gate enclosure.
- 6. All barbed wire shall be removed from the site.
- 7. Existing parking areas and related infrastructure shall be removed from the right of way subject to an approved development permit prior to the issuance of a certificate of occupancy, subject to review and approval of the Gwinnett Department of Transportation.
- 8. 10-foot-wide landscape strip shall be provided along both road frontages per the requirements of the Unified Development Ordinance.
- 9. The existing entrance shall be reconstructed to meet the requirements for commercial driveways subject to review and approval of Gwinnett Department of Transportation.
- 10. 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.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Mulled Sindrellon

CVINBLISHED 1818

Nicole L. Hendrickson, Chairwoman

Date Signed:

ATTEST:

County Clerk/Deputy County Clerk

County Clerk/Deputy County Gerk

Exhibit D: Letter of Intent and Applicant's Response to Standards [attached]

RECEIVED

8/8/2024

Sky Collision

4154 Arcadia Industrial Circle
Lilburn, Ga 30047

July 11, 2024

Linda Y. Gray Inc D.B.A. Sky Collision 4154 Arcadia Industrial Circle Lilburn, Ga 30047

We are requesting a special user permit to operate auto body repair business in M1 district.

This letter is intended to set forth a letter of intent by Linda Y. Gray Inc. D.B.A Sky Collision This is not binding, legal document, but rather an outline of proposed plan of business operations

Linda Y. Gray Inc. D.B.A. Sky Collision is a family owned business and operated automotive body repair and paint facility that is environmentally friendly. We have been in business for Twenty-one years. We have a total of nine locations with Lilburn being our eight location. This location would also need to employee eight to ten employees from the local community. Our hours of operations at this location would be Monday-Friday from eight in the morning until five in the afternoon, we hope to be welcoming anywhere from one to four customers per day. With receiving those customers daily, we are looking to capture somewhere between ten to twelve vehicles per week. We are requesting a waiver from section code section 620-10.1A of the UDO to remove the landscape strip requirement. We are also requestioning a variance from table 240.1 of the UDO to reduce the minimum requirement down from 43 spaces to 25 spaces.

Linda Y. Gray Owner

Gwinnett County Planning Division Special Use Permit Application Last Updated 12/2023

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7/12/2024

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to requirements of the United Development Ordinance, the Board of Commissioners finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use attachment as necessary:

,	whether a proposed special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property:
_	
•	Whether a proposed special use permit will adversely affect the existing use or usability of adjacent or nearby property:
_	
•	Whether the property to be affected by a proposed special use permit has reasonable economic use as currently zoned:
_	CES IS HAS ECONOMIC USE AS CUPALLY 200ED
	Whether the proposed special use permit will result in a use which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:
	Whether the proposed special use permit is in conformity with the policy and intent of the Unified Plan and Future Development Map:
_	
C	Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed special use permit:
_	NO. COUDITIONS that changes USE.
	•

Exhibit E: Application and Disclosure of Campaign Contributions [attached]

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7/17/2024

Gwinnett County Planning Division Special Use Permit Application Last Updated 12/2023

SPECIAL USE PERMIT APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION	
Name: Scy Collision Address: 1547 S. Bead St. City: Moneoe State: GA ZIP: 30655 HOW. 391.5921 Phone: 678.716.2223 JUATERS, 3 CYAHOD. COM Email: GODONGETT C YAHOD. COM	Name: LINOA GRAY · SKY Collision Address: ISH7 S. Brown St. City: Monde State: GA ZIP: 30656 Phone: GA: 716. 2223 JUATERS. 3 C VAHOD. COM Email: GODANGZ 77 C VAHOD. COM	
Contact Person: Soshua Gray Phone: Goract's Email: Goract's Email: Goract's The: APPLICANT IS THE: OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER		
Existing/Proposed Zoning District(s): Parcel Number(s): #6.132.129 Acreage: 0.9811 Property Address(es): 4154 Arcade Trousmed Ceals Lolber Proposed Development: Auro Boor Repair : Part Variance(s): Waiver(s): Building/Leased Sq. Ft.: 12.700 Floor Area Ratio:		

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7/17/2024

Gwinnett County Planning Division Special Use Permit Application Last Updated 12/2023

SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.

	7.17.24
Signature of Applicant	Date
LOSH WATERS	OpERATION Mange
Type or Print Name and Title	
	SHIEV HUFFA
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ashlyffule	7/17/24 2008 5 *
Signature of Notary Public	Date Notary Sea

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7/17/2024

Gwinnett County Planning Division Special Use Permit Application Last Updated 12/2023

SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.

- The		1/11/24
Signature of Property Owner		Date
Linda Y Gray Owner		
Type or Print Name and Title		
		MANUAL HUFFMAN
		STATES ON SEA
^		March 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
01/11/1		* Ryov countries Co
antique	7/17/24	NOTARY PURPLE
Signature of Notary Public	Date	Notary Seal

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8/8/2024

Gwinnett County Planning Division Special Use Permit Application Last Updated 12/2023

CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, <u>Conflict of Interest in Zoning Actions</u>, and has submitted or attached the required information on the forms provided.

	4.17.24	Continger. JoSHUA
Signature of Applicant	Date	Type of Print Name and Title
Signature of Applicant's	Date	Type or Print Name and Title
Attorney or Representative		BUTTER HUFFMAN
^		STATES HUFFMAN
and a Made	1/10/201	March
Simpature & Alatam Dublic	Pote	26, 5 7
Signature of Notary Public	Date	TOTALY SEAR
		THE TOTAL POPULATION OF THE PO
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DIOCEC	JOOKE OF GAME AIGH GONTHID	
ampaign contributions age	gregating \$250.00 or more t	e filing of this application, made o a member of the Board of
—	1 .1 /1	1. Lavos Y. Gan
Yes X No _	JOSHUN WATERS / DOSA	us Geny (Your Name)
	omplete the following section:	
NAME AND OFFICAL	CONTRIBUTIONS	DATE CONTRIBUTION
POSITION OF GOVERNMENT OFFICIAL	(List all which aggregate to \$250 or More)	WAS MADE (Within last two years)
GOVERNIVIEW OF TOTAL	\$250 or Wore)	(within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

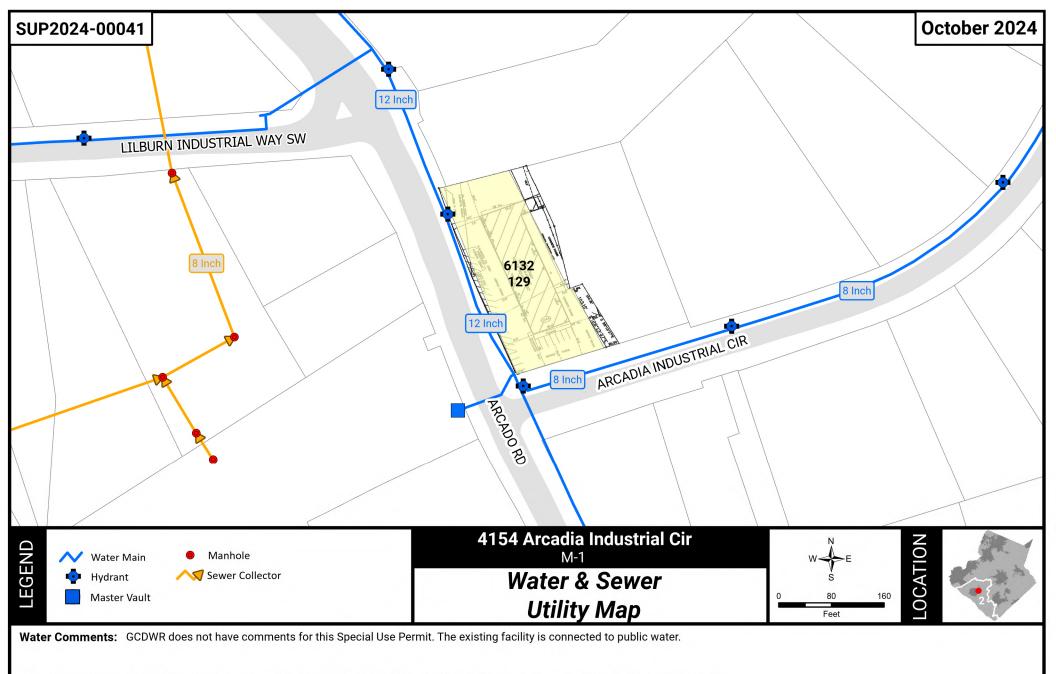
Exhibit F: Internal and External Agency Review Comments [attached]



Department of Planning and Development TECHNICAL REVIEW COMMITTEE

	Meeting Date:	
Department/Agency Name:		DWR
	wer Name:	Mike Pappas
	wer Title:	GIS Planning Manager
Revie	wer Email Address:	Michael.pappas@gwinnettcounty.com
	Number:	SUP2024-00041
Case	Address:	4154 Arcadia Industrial Circle
	Comments:	YES X NO
1	Water: GCDWR does not have comments for public water.	this Special Use Permit. The existing facility is connected to
2	Sewer: GCDWR does not have comments for will remain on septic.	this Special Use Permit. The existing facility is on septic and
3		
4		
5		
6		
7		
	Recommended Zoning Conditions:	YES X NO
1		
2		
3		
4		
5		
6		
7		

SUP2024-00041 25 of 30 JG



Sewer Comments: GCDWR does not have comments for this Special Use Permit. The existing facility is on septic and will remain on septic.

Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The development are not only installation of a new pump station.

Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Exhibit G: Maps

[attached]

