

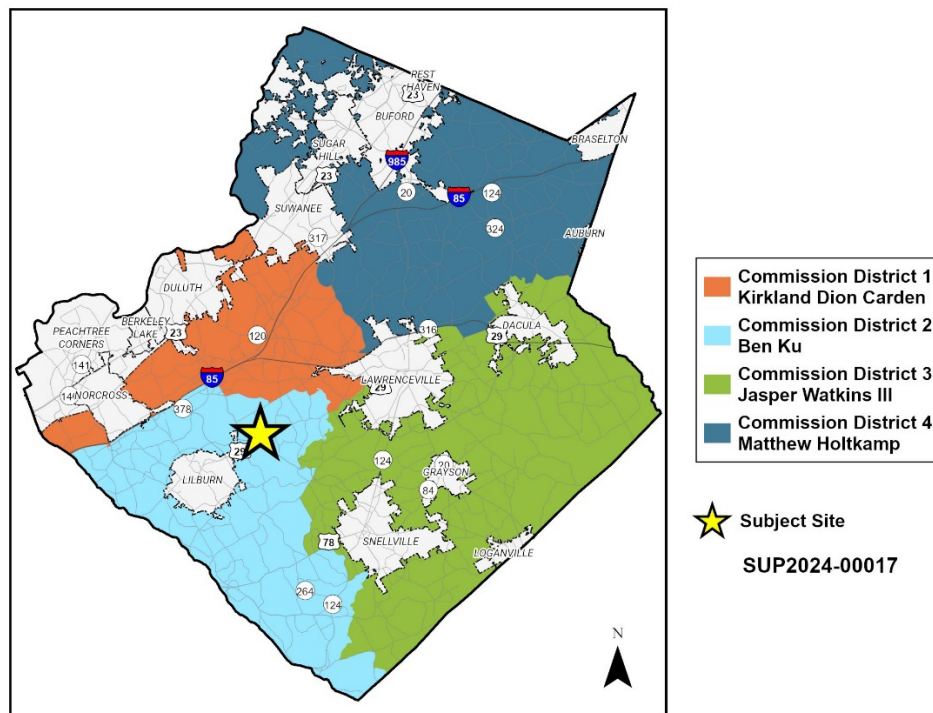


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: SUP2024-00017
Current Zoning: C-2 (General Business District) and R-75 (Single-Family Residence District)
Request: Special Use Permit (Renewal)
Address: 3355 Lawrenceville Highway
Map Number: R6152 008
Site Area: 2.57 acres
Square Footage: 3,000
Proposed Development: Vehicle Repair, Service, and Body Work Establishment
Commission District: District 2 – Commissioner Ku
Future Development Type: Neighborhood Traditional+

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL



Planning Commission Advertised Public Hearing Date: 9/3/2024
Board of Commissioners Advertised Public Hearing Date: 9/24/2024

Applicant: Carlos Antunez
3000 Dunlin Lake Way
Lawrenceville, GA 30044

Owners: Rigoberto and Brian David Figueroa
3999 Carter Drive
Lilburn, GA 30047

Contact: Carlos Antunez

Contact Phone: 678.216.6068

Zoning History

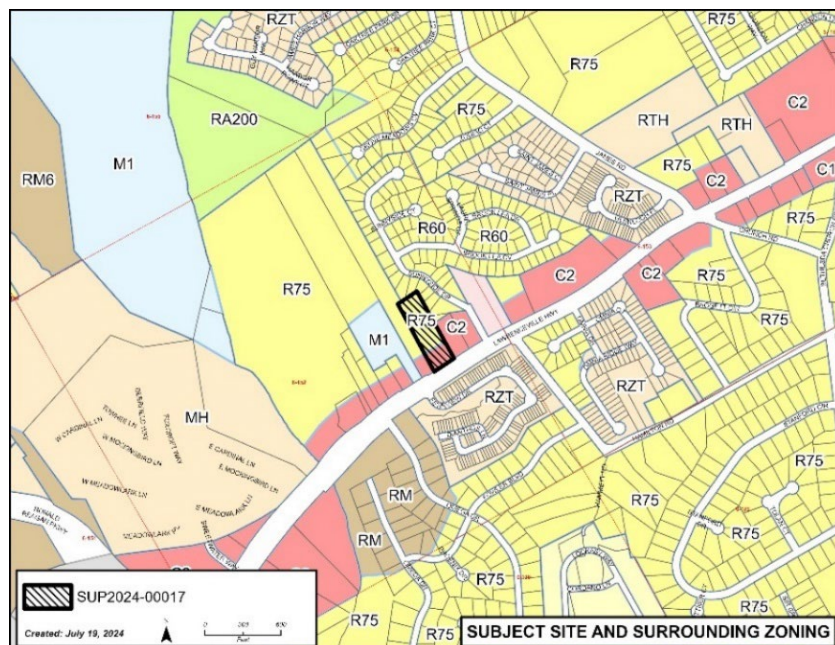
The subject property is zoned C-2 (General Business District) and R-75 (Single-Family Residence District). In 1973, a portion of the property was rezoned from C-1 (Neighborhood Business District) to C-2 as part of an area wide rezoning. In 1975, the remainder of the property was rezoned from R-100 (Single-Family Residence District) to R-75, as part of an area wide rezoning. In 2021, a special use permit was approved for an automobile repair establishment, pursuant to SUP2021-00052, and a rezoning of the R-75 portion of the lot to C-2 was denied, pursuant to RZC2021-00019.

Existing Site Condition

The subject site consists of a 2.57-acre parcel located along Lawrenceville Highway, between Ronald Reagan Parkway and Bethesda Church Road. The parcel contains a single-family detached residence, wooden privacy fencing, and a gravel driveway. The site slopes up gradually from the front to the rear lot line. The nearest Gwinnett County Transit stop is located 1.3 miles away.

Surrounding Use and Zoning

The subject site is surrounded primarily by single-family residences to the north, south, and west. There is an automobile repair shop to the east along Lawrenceville Highway. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning
Proposed	Commercial	C-2
North	Single-Family Residential	R-60
East	Commercial	C-2
South	Single-Family Residential	R-ZT
West	Single-Family Residential	C-2/R-75

Project Summary

The applicant requests a renewal of a special use permit for an automobile repair and tire sales and installation establishment, in C-2, including the following:

- A 3,000 square foot building with 3 bays on the front and 2 bays on the side for automobile repair and tire sales and installation, with four employees on site.
- Hours of operation, Monday through Saturday, 8:00 a.m. to 6:00 p.m.
- Exterior building materials consisting of brick and glass with aluminum bay doors.
- A parking lot with 12 parking spaces.
- A full-access entrance that would provide access to the existing single-family residential structure in the rear.

Zoning and Development Standards

The applicant is requesting a renewal of a special use permit for automobile repair and tire sales and installation establishment in C-2. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Minimum 45'	<35'	YES
Front, Side, and Rear Yard Setback	Minimum 0'	>0'	YES
Lot Coverage	Maximum 80%	≤80%	YES
Parking	Minimum 10 spaces Maximum 15 spaces	12 spaces	YES
Landscape Strip	10'	10'	YES

Internal and External Agency Review

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

Staff Analysis

Special Use Permit Request Analysis: According to the UDO, if a proposed amendment is for a special use permit, 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 this evaluation, staff makes the following findings based on the standards from 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 subject site is surrounded by single-family residences located on large and medium lots and within subdivisions, except for automobile repair establishment immediately to the east. Allowing the proposed use would not be suitable or consistent with adjacent and nearby residential property.

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

The existing use and usability of adjacent and nearby residences could be adversely impacted by the noise and auto-related activities that would occur with the proposed use. In addition, there is not sufficient vegetation along the perimeter of the site to mitigate any potential audible and visual impacts.

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

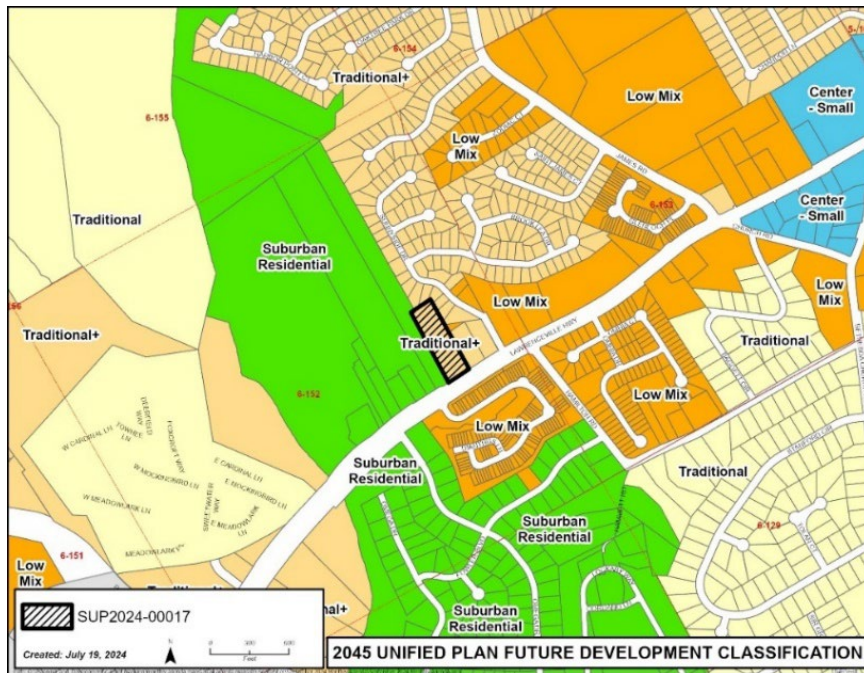
The property has a reasonable economic use as currently zoned.

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.

Impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, appropriate conditions, site development requirements, and planning would mitigate these impacts. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning 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.

The 2045 Unified Plan's Future Development Map indicates "Traditional +" for the subject property, which envisions single-family detached residential development. Neighborhood level retail/entertainment that is sensitive to the community's context is allowed on collector and arterial roadways, but is not a primary use. Auto-oriented commercial uses are not recommended for this future development type. The proposal is not in conformance with the recommendations of the 2045 Unified Plan.



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.

The original special use permit was granted in 2021, but no construction occurred. Since that time, the County has adopted the 2045 Unified Plan, and the proposed use is not supported by the Unified Plan.

Staff Recommendation:

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

Staff Recommended Conditions

NOTE: The following conditions are provided as a guide should the Board of Commissioners choose to approve this request.

Approval of a special use permit for an automobile repair and tire sales and installation establishment subject to the following conditions:

1. Special uses on the property shall be limited to an automobile repair and tire sales and installation establishment.
2. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received July 15, 2024, with revisions required by conditions of approval and the Unified Development Ordinance as reviewed and approved by the Department of Planning and Development.

3. No vehicle sales shall occur onsite.
4. All repair activities shall take place indoors.
5. 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 shall be removed from the property within five days after they become abandoned.
6. All parking spaces shall be striped in accordance with Gwinnett County parking standards. All vehicles must be parked in a striped parking space on a paved surface.

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 **DENIAL** of the special use permit request.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- 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



Existing site conditions



Site conditions from 2021



Existing conditions along frontage facing East



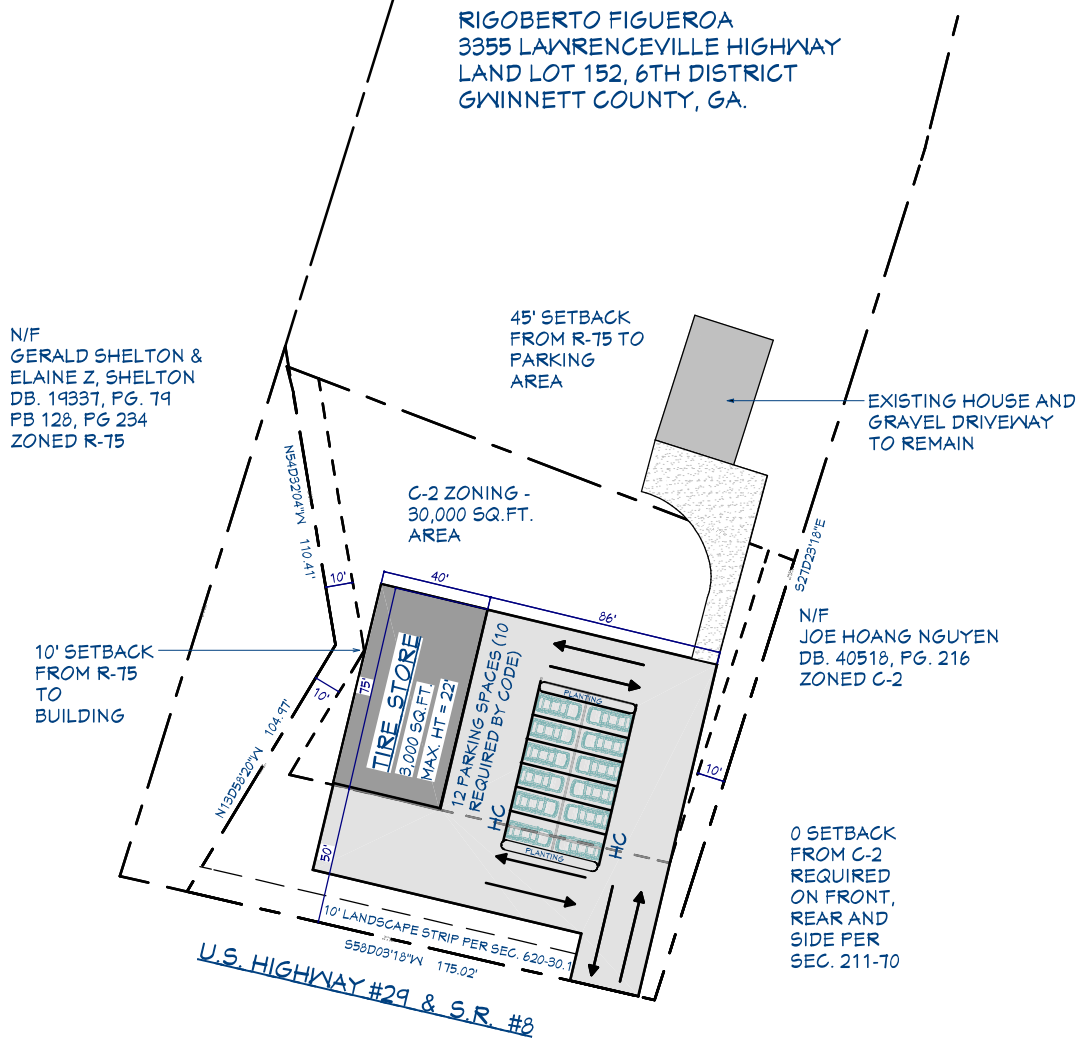
Existing conditions along frontage facing West

Exhibit B: Site Plan

[attached]

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SITE PLAN

SCALE: 1" = 70'

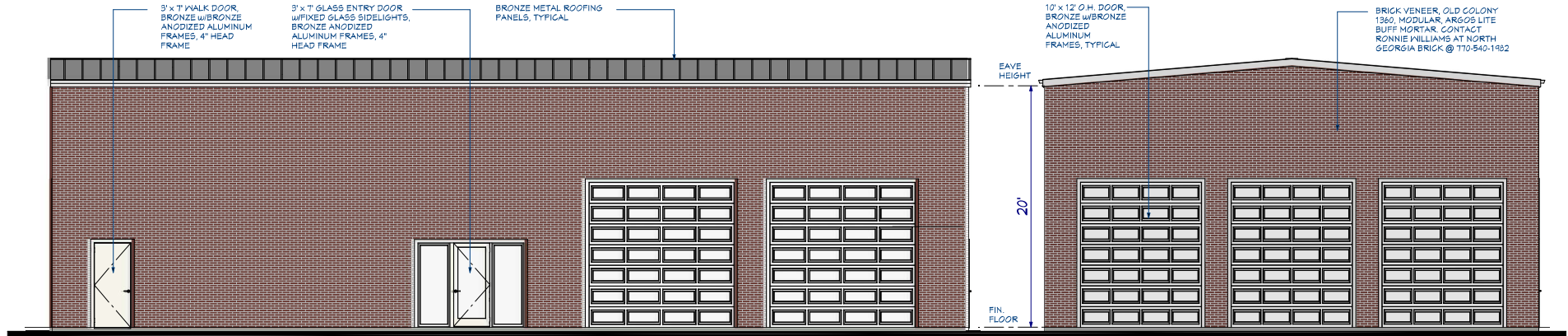
RIGOBERTO FIGUEROA
3355 LAWRENCEVILLE HIGHWAY
LAND LOT 152, 6TH DISTRICT
GWINNETT COUNTY, GA.

Exhibit C: Building Elevations

[attached]

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07/15/2024

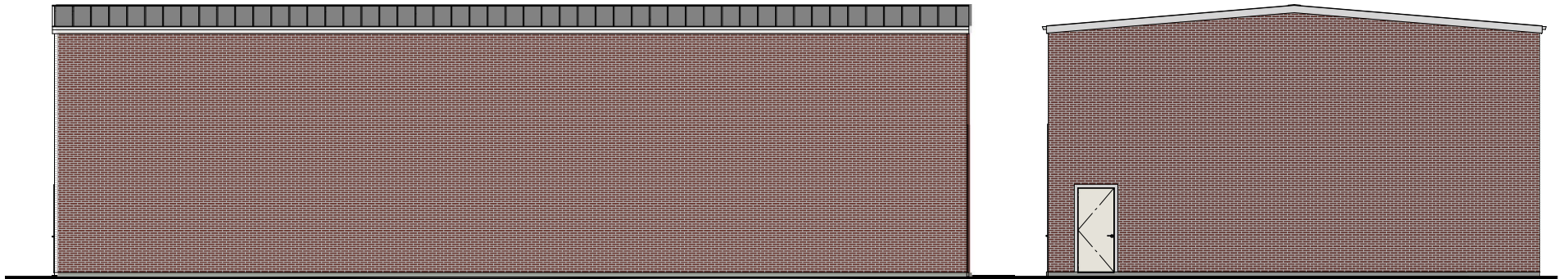


RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

FRONT ELEVATION

SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

REAR ELEVATION

SCALE: 1/4" = 1'-0"

PROJECT: OLIVO TIRE STORE

PROJECT:

BACHMAN & ASSOCIATES
ARCHITECTS - LANDSCAPE ARCHITECTS - BUILDERS
915 GLENWOOD DRIVE, GAINESVILLE, GA. 30501
(770) 534-6982

REV.

DATE

SHEET

A-2

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

[attached]

RECEIVED

07/15/2024
Date: May 31, 2021

Gwinnett County - Zoning Letter - Special Use Request

Property ID ----- R6152008
Alternate ID ----- 869295
Address ----- 3355 Hwy 29 NE
Property Class ----- Mixed Residential/ Commercial
Neighborhood ----- 8711
Deed Acres ----- 2.571

Proposed hours of operation ----- 8:00 am to 6:00 pm, Monday to Saturday
Estimated number of employees ----- 4
Parking spaces ----- 12
Parking spaces in each bay ----- 1 car in each bay = 4

The owner is proposing to erect a 40' x 75' Automobile Tire and Automobile repair business. Parking shown on the preliminary site plan is for 12 cars with adequate driving areas to access the building. Since it is a "mixed residential/commercial" project, we were informed that in (C-2) only 30,000 square feet of the property could be considered commercial. On the enclosed preliminary site plan, we have designated 30,000 square feet on the front side of the property adjoining Highway 29. We have adhered to the following setbacks:

15' - front setback
10' - side setback

We would like to request a SUP for the front portion of this property.

Please consider this special use permit request. We will conform to any other requirements that are stipulated by the Zoning Board.

Sincerely,

Carlos Antunez

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07/15/2024

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:

- (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 applicant believes the proposed use is suitable.

- (B) Whether a proposed special use permit will adversely affect the existing use or usability of adjacent or nearby property:
The proposed use will 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 reasonable economic use as currently zoned:
There is nothing on this land at the moment, therefore the property has no reasonable economic use.

- (D) 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:
The applicant believes the proposed use will not cause a change in the above mentioned.

- (E) Whether the proposed special use permit is in conformity with the policy and intent of the Unified Plan and Future Development Map:
Yes, the SUP is in conformity with the policy and intent of the Land Use Plan.

- (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:
See Letter of Intent.

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

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07/15/2024

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: <u>Carlos Antunez</u>	Name: <u>Rigoberto Figueroa/ Brian David Figueroa</u>
Address: <u>3000 Dunlin Lake Way</u>	Address: <u>3999 Carter Drive, NW</u>
City: <u>Lawrenceville</u>	City: <u>Lilburn</u>
State: <u>Georgia</u> ZIP: <u>30044</u>	State: <u>Georgia</u> ZIP: <u>30047</u>
Phone: <u>678.216.6068</u>	Phone: <u>770.827.4939</u>
Email: <u>olivotires@gmail.com</u>	Email: <u>brotherrigo@gmail.com</u>
Contact Person: <u>Carlos Antunez</u> Phone: <u>678.216.6068</u>	
Contact's Email: <u>olivotires@gmail.com</u>	
<p align="center">APPLICANT IS THE:</p> <p> <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER </p>	
Existing/Proposed Zoning District(s): <u>C-2</u>	
Parcel Number(s): <u>6152 008</u> Acreage: <u>2.571 AC</u>	
Property Address(es): <u>3355 Highway 29 (a.k.a. Lawrenceville Highway)</u>	
Proposed Development: <u>Automobile Repair Shop and Tire Store</u>	
Variance(s): _____ Waiver(s): _____	
Building/Leased Sq. Ft.: <u>3,000</u> Floor Area Ratio: _____	

RECEIVED

07/15/2024


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 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

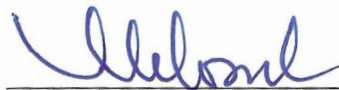


Signature of Applicant

11/16/23
Date



Type or Print Name and Title

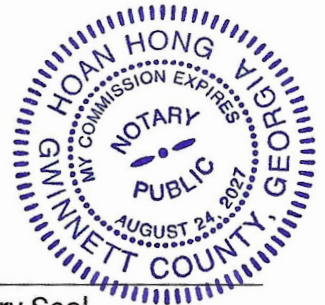


Signature of Notary Public

November 16, 2023

Date

Notary Seal



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07/15/2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 10/2021

**SPECIAL USE PERMIT IN A
RESIDENTIAL DISTRICT**

(Only submit with Special Use Permit Application for a use within a residence)

I, the undersigned applicant, understand and agree that the Special Use Permit, if approved, shall automatically terminate in the event that this property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued.



Signature of Applicant

Carlos Antunez

Type or Print Name

11/16/23

Date



Signature of Notary Public

November 16, 2023

Date

Notary Seal



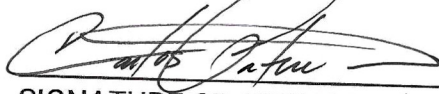
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07/15/2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 10/2021

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, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.



SIGNATURE OF APPLICANT

11/16/23
DATE

Carlos Antunez

TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE



November 16, 2023

SIGNATURE OF NOTARY PUBLIC DATE

Notary for Carlos R Antunez - Canz
Signature only.

NOTARY SEAL



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

☐ YES

☒ NO

Carlos Antunez

YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

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

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07/15/2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 10/2021

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.**

PARCEL I.D. NUMBER: _____ - _____ - 2615 2008
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

11/16/2023
Date

Carlos Antunez
Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

V. Schaky
NAME

TSA II
TITLE

11/16/2023
DATE

RECEIVED

07/15/2024

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 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

3355 Lawrenceville Hwy,
Lawrenceville GA 30044

Signature of Property Owner

11-16-23

Date

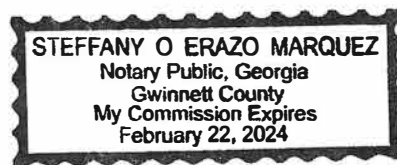
Regoberto Falcón owner

Type or Print Name and Title

Signature of Notary Public

11/16/2023

Date



Notary Seal

Exhibit F: Internal and External Agency Review Comments

[attached]



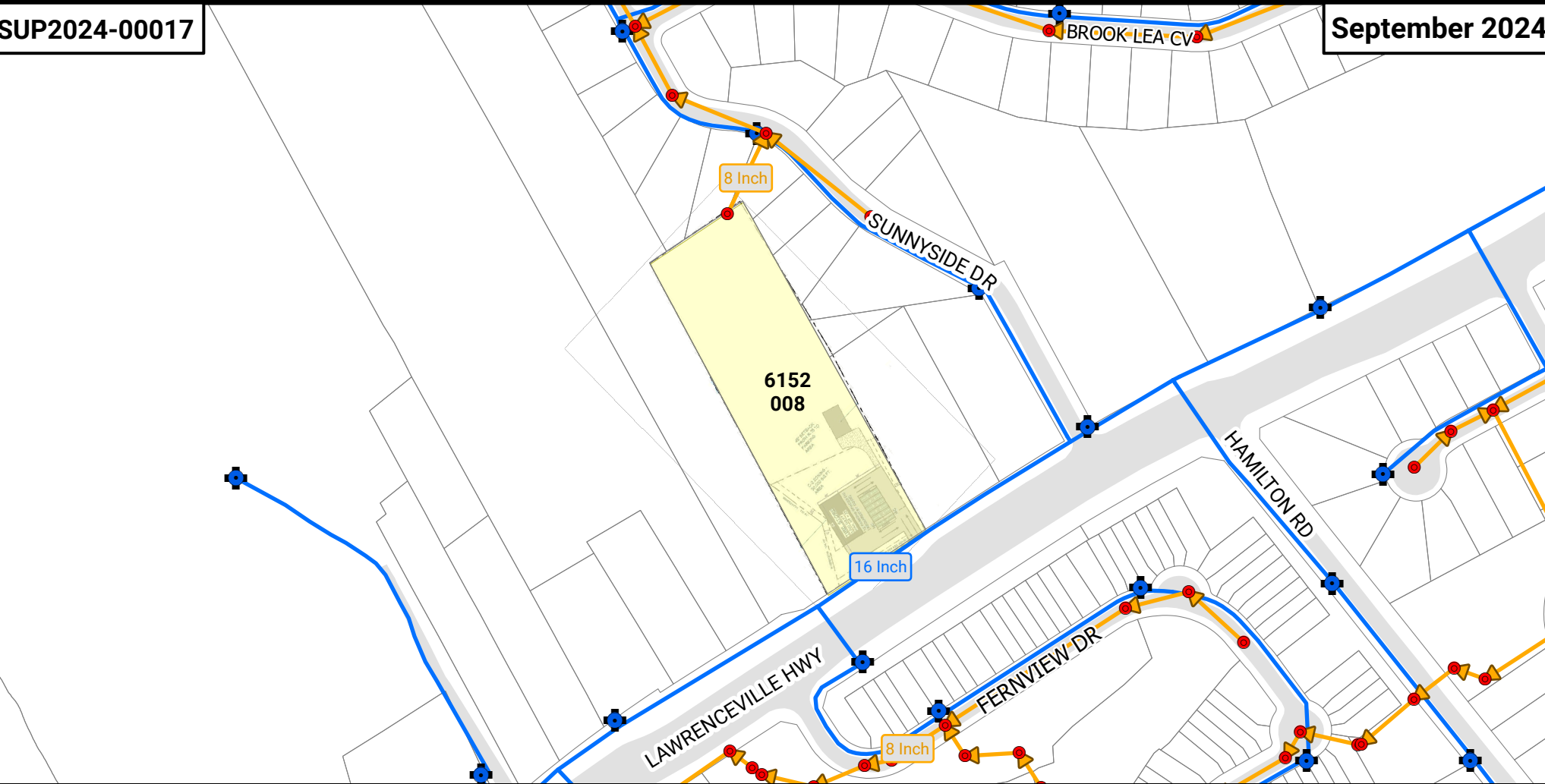
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		08.02.2024	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 2	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		SUP2024-00017	
Case Address:		3355 Lawrenceville Highway, Lawrenceville, 30044	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES <input type="checkbox"/> NO
1	Lawrenceville Highway (SR 8) is a principal arterial. The Average Daily Traffic Volume (ADT) = 28,100.		
2	1.3 mile to the nearest transit facility located at Lawrenceville Highway and Pleasant Hill Road (396 Pleasant Hill Road).		
3	The developer shall coordinate with the Georgia Department of Transportation on all driveway permitting issues and improvements.		
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> X <input type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:				
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcountry.com		
Case Number:		SUP2024-00017		
Case Address:		3355 Lawrenceville Hwy		
Comments:		<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
1	Water: The proposed development may connect to an existing 16-inch water main located on the northern right-of-way of Lawrenceville Highway.			
2	Sewer: A Sewer Capacity Certification is required for this development prior to obtaining a Land Disturbance Permit. Pending available capacity, the proposed development may connect to an existing 8-inch gravity sewer located on the subject site.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO
1				
2				
3				
4				
5				
6				
7				



LEGEND

Water Main

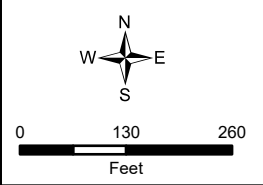
Hydrant

Manhole

Sewer Collector

3355 Lawrenceville Hwy
C-2

Water & Sewer
Utility Map



Water Comments: The proposed development may connect to an existing 16-inch water main located on the northern right-of-way of Lawrenceville Highway.

Sewer Comments: A Sewer Capacity Certification is required for this development prior to obtaining a Land Disturbance Permit. Pending available capacity, the proposed development may connect to an existing 8-inch gravity sewer located on the subject site.

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 developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

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]



BROOK LEA CV

SUNNYSIDE DR

HAMILTON RD

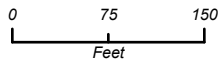
LAWRENCEVILLE HWY

FERNVIEW DR

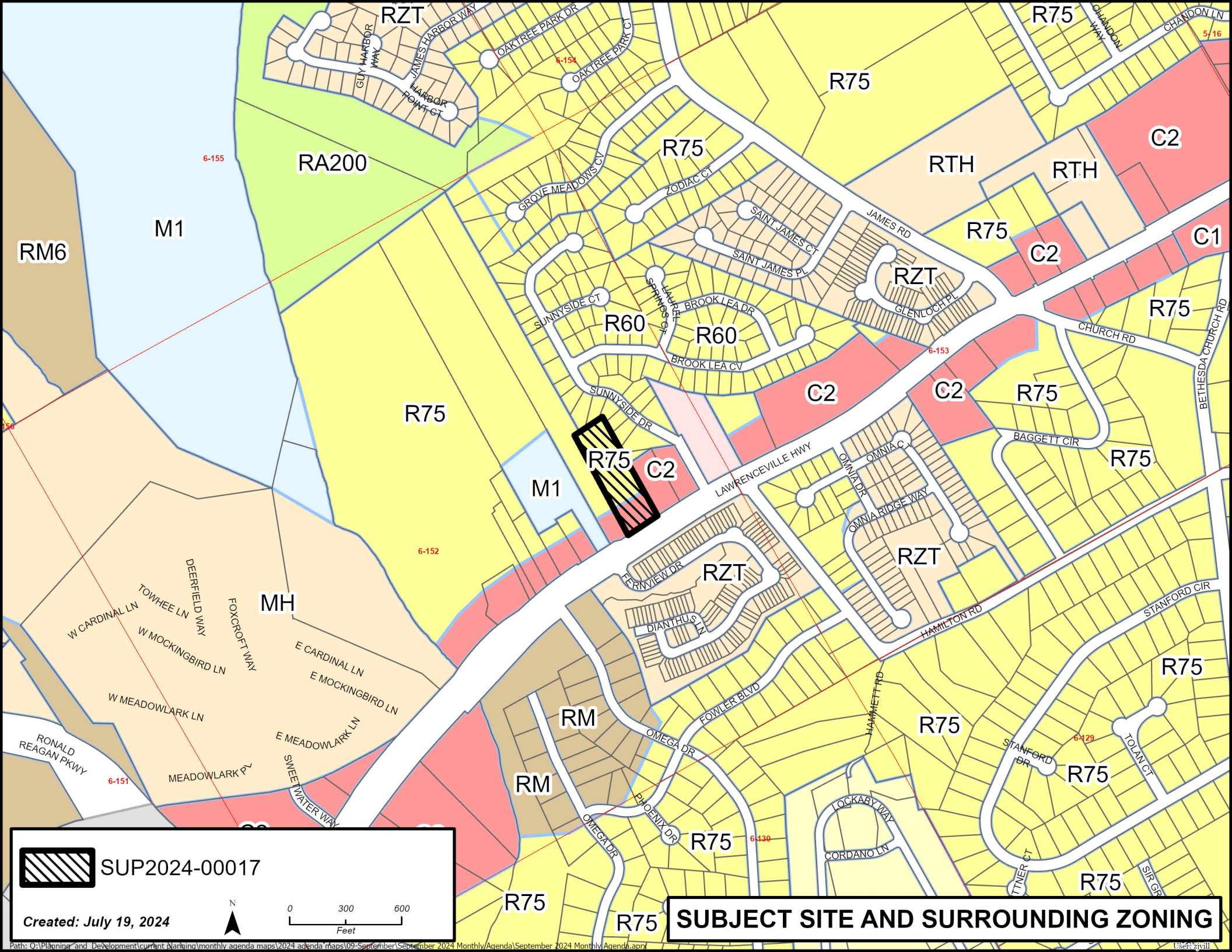


SUP2024-00017

Created: July 19, 2024

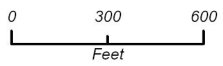


Gwinnett County GIS

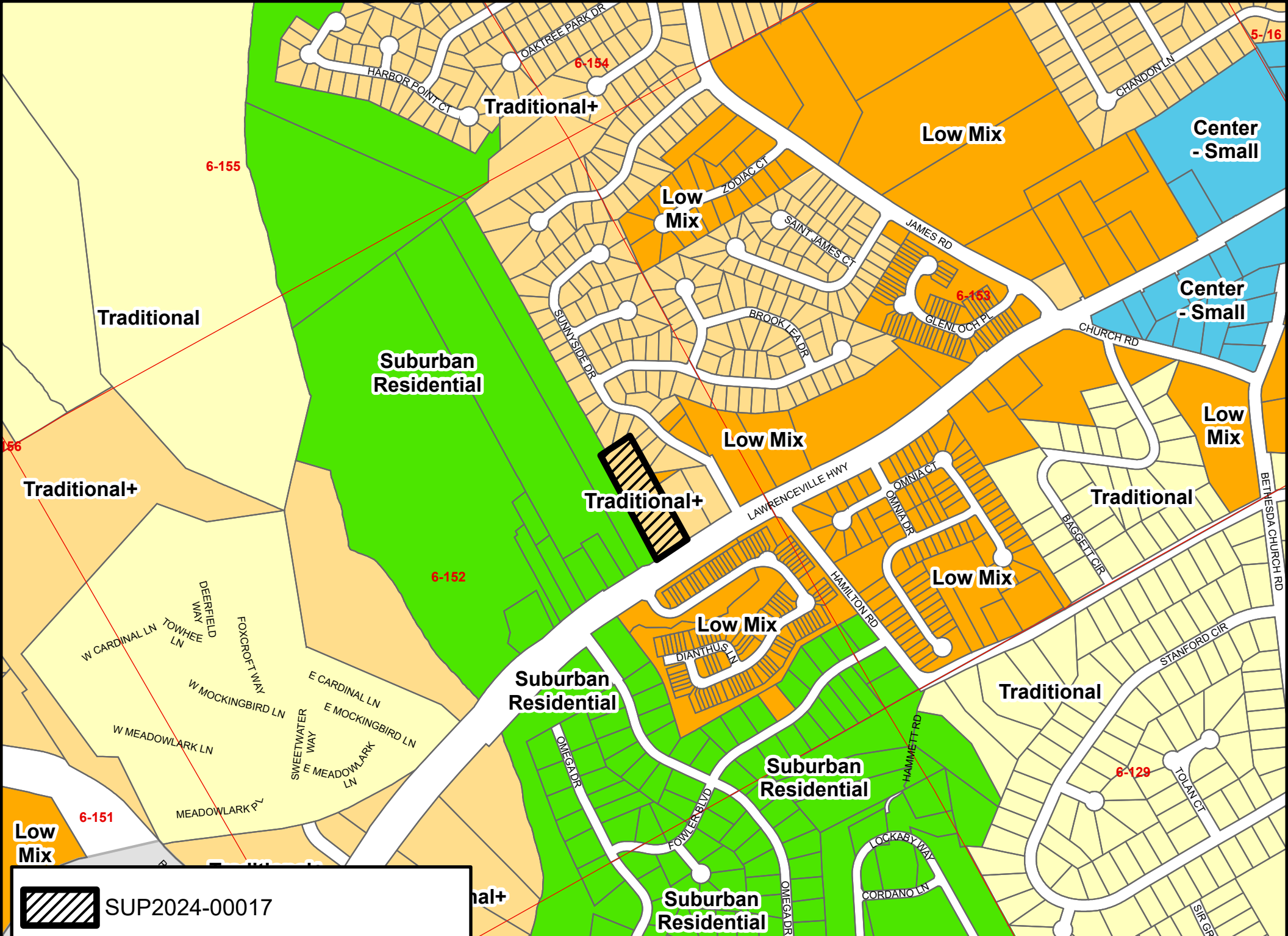



SUP2024-00017

Created: July 19, 2024



SUBJECT SITE AND SURROUNDING ZONING



 SUP2024-00017

Created: July 19, 2024

2045 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION