

**MINUTES  
CITY OF SUWANEE, GEORGIA  
PLANNING AND ZONING COMMISSION  
DECEMBER 4, 2007**

**PLANNING AND ZONING MEMBERS PRESENT:** Pete Charpentier, Earl Mitchell, Anthony Manners, and Joy Mitchell. Absent: Jodi Nevels. Staff members present: Josh Campbell, Wes Rogers and MaryAnn Jackson.

**CALL TO ORDER**

Chairman Pete Charpentier called the meeting to order at 6:43 pm.

**ADOPTION OF THE AGENDA**

*Anthony Manners moved to approve the agenda as presented, second by Earl Mitchell. Motion carried 4-0.*

**ADOPTION OF MINUTES: November 2, 2007**

*Earl Mitchell moved to adopt the minutes as presented, second by Anthony Manners. Motion carried 4-0.*

**PROCEDURES FOR PUBLIC MEETING**

Pete Charpentier read the procedures for the Public Meeting for the record.

**OLD BUSINESS**

**NEW BUSINESS**

**RZ-2007-011** - Applicant: Horizon Development, LLC and RLB Friendship, LLC. Owner: Joe Bajjani. Requests a rezoning from C-2A (Special Commercial District) to C-2A with a change of conditions to allow for a tire store. The site is located in Land Lot 151 of the 7<sup>th</sup> District at the intersection of Old Peachtree and Horizon Drive and contains approximately 7.75 acres.

**SUP-2007-005** – Applicant: Horizon Development, LLC and RLB Friendship, LLC. Owner: Joe Bajjani. Requests a special use permit to allow for a tire store in the C-2A zoning district. The site is located in Land Lot 151 of the 7<sup>th</sup> District at the intersection of Old Peachtree and Horizon Drive and contains approximately 7.75 acres.

Josh Campbell presented the staff analysis as follows: The applicant seeks a change in zoning conditions and a special use permit on an approximately 7.75 acre tract in order to allow for an automotive service / repair facility (a tire shop) in the southeast corner of an office/retail development. The applicant proposes to operate an approximately 6,700 square foot automotive service center directly on the corner of Old Peachtree Road and Horizon Drive. The subject property was rezoned to the Special Commercial District – Alcoholic Beverage Sales (C-2A) in 2006 per RZ-2006-002 with two conditions of approval, one of which prohibited vehicular sales/services. The applicant seeks to

relocate the tire store from an existing location directly across the street, in the former Publix shopping center. From the proposed site plan it appears that overhead doors would face Old Peachtree Road.

The C-2A District does not permit automotive sales or service / repair use without a Special Use Permit.

The subject property totals approximately 7.75 acres. Currently, the site has an approved development permit and has been cleared and graded. If the requests are approved, the development permit should not be impacted. The existing business would relocate from the shopping center across Horizon Drive to the proposed office / retail center. The proposed 6,700 square foot automotive service / repair facility would be located in the southeast corner of the site, at the intersection of Horizon Drive and Old Peachtree Road. Access is available via a right-in/right-out drive off Horizon Drive and a full access drive off Old Peachtree Road. The site is capable of supporting an automotive service establishment.

The site is located at the intersection of Old Peachtree Road and Horizon Drive. The surrounding area consists of commercial, retail, and light industrial uses.

The City's Future Land Use Plan recommends commercial / retail uses for this site. The proposed use of a portion of the site for automotive service is consistent with this designation. The proposed rezoning would allow for a special use that is within the parameters of the current zoning of the site.

In 2004, the City approved an amendment to the comprehensive plan which recommended steering automotive related uses away from more residential areas and towards more heavily commercial areas, such as the I-85 Business District. However, the proposed special use is inconsistent with the 2006 rezoning of the property, including a condition to prohibit vehicular sales and repair/service uses. The rezoning occurred more recently than the comprehensive plan amendment and is site specific; therefore, vehicular service and repair is not an appropriate use for the property.

In conclusion, the applicant wishes to relocate an existing business from an unanchored shopping center to a new location. Although the requested rezoning (change of conditions) with a Special Use Permit to allow for an automotive service is consistent with the Comprehensive Plan and existing uses in the area, the more recent rezoning of the property including a prohibition of auto sales and services is applicable statement against allowing such uses on the property. As such, the Planning Department recommends denial of both RZ-2007-011 and SUP-2007-005.

Pete Charpentier called upon the applicant.

Joe Bajjani, 4684 (inaudible) Flowery Branch, GA. Mr. Bajjani stated Kaufmann Tire is a different type of automotive store. It is a very upscale tire store. Everything will be inside the building. There will not be any tires outside of the building. He has placed

additional architectural restrictions on Kaufmann Tire. There should not be any issues with residents because the location is away from residential traffic. Kaufmann Tire is currently operating across the street from this location.

Pete Charpentier asked Mr. Bajanni if he is aware of the staff conditions. Mr. Bajjani is aware of the staff conditions. Mr. Bajjani stated he is concerned with the wording of the first condition. Josh Campbell explained the condition is not to prohibit the applicant from changing oil but is intended to make sure the primary business is tires and that any other automotive related services or repairs are incidental or accessory.

Pete Charpentier called for opposition. There was no opposition.

Pete Charpentier asked Josh Campbell about his recommendation to deny the applicant's request. Josh Campbell explained in 2004 an amendment was adopted to the Comprehensive Plan which said to steer automotive uses towards more commercially developed areas and away from more residentially developed areas. This area, in general, is a highly commercial area. Subsequently, the City Council has approved a condition of zoning that prohibits vehicular sales and service. They did not desire vehicular sales and service at this location. If this condition were not in place this location would be appropriate to have vehicular sales and service. Discussion ensued between Josh Campbell, Anthony Manners, Earl Mitchell and Pete Charpentier regarding vehicular sales and service in the C-2 zoning district.

***Anthony Manners moved to approve SUP-2007-011 with the following staff conditions, second by Earl Mitchell. Motion carried 4-0 (deletions = bold strikethrough).***

- 1) ***All buildings shall be designed and constructed in accordance with the City Architectural Standards.***
- 2) ***No vehicular sales ~~or repair/service~~ uses shall be allowed.***

***Joy Mitchell moved to approve SUP-2007-005 with the following staff conditions, second by Anthony Manners. Motion carried 4-0.***

- 1) ***The special use permit shall be limited to uses associated with the sales and installation of automobile tires. Vehicular service/repair uses (such as oil changes, etc.) shall be allowed only as accessory uses.***
- 2) ***Outdoor storage shall be strictly prohibited. This includes but is not limited to retail display of tires.***
- 3) ***No more than two temporary banners shall be provided at a given time, in accordance with zoning requirements. No banners, flags, inflatable devices or other such temporary advertising devices shall be allowed.***

**SUP-2007-006** – Applicant: The Hertz Corporation. Owner: Suwanee Tool Rental, Inc. Requests a special use permit to allow for an automobile rental facility. The site is located in Land Lot 211 of the 7<sup>th</sup> District at the intersection of Lawrenceville-Suwanee Road and Sharon Industrial Way and contains approximately 0.53 acres.

Josh Campbell presented the staff analysis as follows: The applicant requests a Special Use Permit to operate a vehicle rental center on a 0.53 acre M-1 (Light Manufacturing) zoned site. The applicant proposes to operate a vehicle rental facility in an existing 5,000 square foot building located at the intersection of Sharon Industrial Way and Lawrenceville-Suwanee Rd. The building is divided into two 2,500 square foot units. The applicant proposes to operate the business out of the unit closest to the intersection of Lawrenceville-Suwanee Rd. and Sharon Industrial Way.

The building formerly contained a tool rental operation. The tool rental facility no longer operates in the building which has subsequently been divided into two 2,500 square foot units, both of which are currently unoccupied. The site also includes a striped asphalt parking area with 10 parking spaces and an approximated 7,500 square foot fenced-in storage area on the side and rear of the building that is a mixture of asphalt, gravel, and dirt surfaces. The applicant proposes to use a portion of the rear storage area (closest to Lawrenceville-Suwanee Road) for customer parking only. The subject building includes two existing bay doors (one for each unit) along the south side of the building, facing Sharon Industrial Way. The applicant suggests that the bay door located on the southern side of the building will not be used. The building on the site has access onto Sharon Industrial Way via two driveways.

A vehicle rental facility is allowed only as a special use within the M-1 zoning district.

The subject property is an approximately 0.53 acre developed site. The applicant proposes to locate a vehicle rental facility in an existing older concrete block building. The property fronts both Lawrenceville-Suwanee Road and Sharon Industrial Way, but access is only available via drives off Sharon Industrial Way. The site could be appropriate for a vehicle rental facility if adequate customer parking and rental vehicle storage space is provided.

The subject property is surrounded by a mixture of established office and light-industrial uses. To the north and west of the subject property, along both sides of Sharon Industrial Way, are a number of light industrial uses including automotive related uses (zoned M-1). To the north of the subject property, along Lawrenceville Suwanee Road is vehicular related use (zoned M-1). To the east of the subject property, across Lawrenceville-Suwanee Road, is a small two building office complex (zoned O-I). The proposed use could be consistent with the surrounding area given the existing industrial uses and the absence of nearby residential uses.

The City's Future Land Use Plan recommends commercial uses for this site. The proposed use of the site for vehicle rental is consistent with this designation, as vehicle rental is also a special use in the commercial zoning districts. In 2004, the City approved

an amendment to the comprehensive plan which recommended steering automotive related uses away from more residential areas and towards more heavily commercial areas. The proposed special use appears to be consistent with these policies.

In conclusion, the requested Special Use Permit to allow for a vehicle rental service is consistent with the intent of the Comprehensive Plan and existing uses in the area. The site is surrounded entirely by office and industrial uses. There are no residential uses in the immediate area. Because the site is along a major arterial if approved conditions should be included to mitigate the potential negative impacts of the proposed special use. Additionally, the previous use was substantially different than the proposed special use. As such, if approved conditions should be included to require the site be updated to adequately serve the proposed special use. Therefore, the Planning Department recommends approval with conditions of SUP-2007-006.

Anthony Manners asked Josh Campbell if it is feasible to have automotive rental facility without washing of vehicles onsite. Josh Campbell stated this is a legitimate condition. There is a similar condition on the Enterprise Rental facility in Walmart. The cars are taken to another site to be washed and serviced. Joy Mitchell asked about the color palette. Josh Campbell explained there is a color palette that is part of the architectural standards. The applicant will have to use the color palette or an equivalent.

Pete Charpentier called upon the applicant.

Tommy Johnson, 2969 Greyhawk Lane, Cumming, GA. Mr. Johnson is representing the Hertz Corporation. Mr. Johnson stated Hertz will bring a positive impact to the City of Suwanee by operating at this location. They will bring revenue into the City of Suwanee. Enterprise is currently the only vehicle rental facility in Suwanee. Mr. Johnson is aware of the conditions and has no objections. The washing and maintenance of vehicles will not take place at the location. The parking lot will be re-stripped and cleaned. The fence around the existing storage area will be removed and cleaned. The owner of the property has agreed to remove all debris. Hertz will follow the color palette the City of Suwanee has. The building is going to be painted white with black trim. The sign color will be identical to the ABRA Collision building next door.

Joy Mitchell asked Mr. Johnson how many cars will be on the lot. Mr. Johnson stated there will be approximately 15 to 20 cars at one time. Joy Mitchell asked if there is adequate parking for 20 cars. Mr. Johnson indicated there will be 35 parking spaces. Anthony Manners asked if the site will accommodate long term parking customers. Mr. Johnson stated the parking spaces will accommodate all of the customers.

Pete Charpentier called for opposition. There was no opposition.

Discussion ensued between Anthony Manners, Josh Campbell and Pete Charpentier regarding parking spaces.

*Earl Mitchell moved to approve SUP-2007-006 with the following staff conditions, second by Anthony Manners. Motion carried 4-0.*

- 1) There shall be no maintenance, repair, or washing of vehicles on site. No inoperable vehicles shall be kept on the site.*
- 2) All vehicles shall be parked on a surface intended to accommodate vehicles and in a clearly striped parking space. Any substandard asphalt areas used for parking shall be resurfaced.*
- 3) If the existing storage area is used for parking or storage of vehicles, then it shall be updated to meet current development and zoning requirements.*
- 4) All site debris and equipment unrelated to the special use shall be removed to the satisfaction of the Code Enforcement prior to issuance of a business license.*
- 5) If the existing building is repainted, then it shall be repainted with colors consistent with the approved color palettes in the Architectural Standards. No bright or garish colors shall be permitted.*

**W-2007-006** – Applicant/Owner: Larry Brannon. Requests a waiver from Section 6.13 of the development regulations to waive a required sidewalk. The site is located in Land Lot 209 of the 7<sup>th</sup> District at 3635 Burnette Park Drive and contains approximately 1.08 acres.

Josh Campbell presented the staff analysis as follows: The applicant requests a Waiver of the Development Regulations in order to allow for the elimination of sidewalks along Burnette Park Drive as part of a small light-industrial development. The applicant is proposing to construct an approximately 10,000 square foot office/warehouse building on an approximately 1.1 acre site. The applicant has already obtained a development permit for the site indicating a sidewalk. The light industrial zoned (M-1) site is located near the end of a cul-de-sac in a small industrial park.

Section 6.13 of the development regulations states, “Sidewalks shall also be required on all non-residential road frontages and subdivisions...” As such, the applicant was required to provide a sidewalk along approximately 240 feet of Burnette Park Drive road frontage (minus the driveway). The subject property is one of the two remaining undeveloped lots in a 16 lot industrial park that was developed in the mid 1990’s. It appears that all of the other developed parcels along Burnette Park Drive include sidewalks. An adjacent undeveloped parcel does not currently include a sidewalk. The City’s Alternative Transportation Plan does not indicate any plans for a sidewalk project along this road.

Section 13.4.2 of the development regulations authorizes the Planning Commission to approve or deny waiver requests with or without conditions. The Planning Department does not typically make recommendations for waivers.

Pete Charpentier called upon the applicant.

Larry Brannon, 1449 Dunsford Circle, Suwanee, GA. Mr. Brannon has lived in Suwanee since 1980. His business is also located in Suwanee. The cost of building supplies has rapidly increased. Adding a sidewalk will cost him about \$4,000.00. There are 10 parcels with sidewalks and 4 without sidewalks. If he has to brick the back of his building he will have the only building on that street with a 4 sided brick building. It will cost approximately \$10,000 to brick the back of the building. The building is in an industrial park and there will not be any people walking in the area.

Pete Charpentier asked Mr. Brannon what is the intent of his building. Mr. Brannon stated he is moving his business into 2,000 square feet of the building and leasing the other 8,000 square feet.

Discussion ensued between the board members and Mr. Brannon regarding his location in the industrial park and which buildings have sidewalks.

Pete Charpentier called upon opposition. There was no opposition.

Earl Mitchell asked Josh Campbell about previous sidewalk waivers. Josh Campbell stated he is only aware of 3 sidewalk variances granted within the last 7 years.

Josh Campbell stated the applicant has the right to appeal the Planning Commission decision to the City Council.

***Earl Mitchell moved to deny W-2007-006, second by Anthony Manners. Motion carried 4-0.***

**AAR-2007-002** – Applicant/Owner: Larry Brannon. Requests alternate architectural review for three sided brick building at 3635 Burnette Park Drive.

Josh Campbell presented the staff analysis as follows: The applicant requests an Alternate Architectural Review for a proposed building on Burnette Park Drive. The applicant is proposing to construct an approximately 10,000 square foot office/warehouse building on an approximately 1.1 acre site. The light industrial zoned (M-1) site is located near the end of a cul-de-sac in a small industrial park.

The applicant is proposing to construct the building using brick on three sides of the building and using metal on the fourth side of the building. The subject property is one of the two remaining undeveloped lots in a 16 lot industrial park that was developed in the mid 1990's before the City's current architectural standards were adopted. As such, the buildings in this industrial park are three sides brick with the fourth side metal.

The applicant is proposing to have the metal elevation face the side property line (northern elevation). This would face the loading area for the site. It would not back up directly to another building. The elevation includes four overhead doors with the possibility of a fifth overhead door. It is probable that this elevation will be partially visible from Burnette Park Drive.

Pete Charpentier asked Josh Campbell if the back side of the building could be painted. Josh Campbell stated the color would have to be consistent with the architectural regulations.

Pete Charpentier called upon the applicant.

Larry Brannon, 1449 Dunsford Circle, Suwanee, GA. Mr. Brannon stated if he has to brick all 4 sides of his building it will be the only building in the industrial park that is 4 sided brick.

Joy Mitchell asked Mr. Brannon if he is aware of the staff condition. Mr. Brannon asked how much screening is needed. Josh Campbell explained screening could be done with an evergreen type tree that will obtain a height of about 20 feet, typically planted on 10 foot centers.

***Earl Mitchell moved to approve AAR-2007-002 with the following staff conditions, second by Joy Mitchell. Motion carried 4-0.***

- 1) Prior to issuance of a certificate of occupancy for the building, the applicant shall plant screening trees (in addition to all of the trees currently indicated on the landscape plan) to minimize the visibility of the metal façade. The Planning Department shall approve the location, spacing and materials used for this purpose.***

### **2008 Planning Commission Schedule**

***Joy Mitchell moved to adopt the proposed 2008 Planning Commission Schedule, second by Anthony Manners. Motion carried 4-0.***

### **OTHER BUSINESS**

Josh Campbell gave an update on McGinnis Ferry Road extension. The road is set for construction in late 2008 – 2009. This does not include any access onto I-85.

Josh Campbell gave an update on the OPUS Project. A development permit has been issued for the road that will connect Lawrenceville-Suwanee Road and Burnette Road. There is also a full development permit for Phase I. A development permit was issued for the first office building. There was also a development permit issued for the home improvement store. The building permit for the office has also been issued.



**ANNOUNCEMENTS**

**ADJOURNMENT**

*Anthony Manners moved to adjourn at 7:39 pm, second by Jodi Nevels. Motion carried 4-0.*