

SPECIAL USE PERMIT:

SUP – 2015 - 005

**CITY OF SUWANEE
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER: SUP-2015-005
REQUEST: EXPANSION OF EXISTING AUTOTIVE ESTABLISHMENT
ZONING: C-2 (GENERAL COMMERCIAL DISTRICT)
LOCATION: 3034 LAWRENCEVILLE-SUWANEE ROAD
TAX ID NUMBER: 7-169-001
ACREAGE: 0.66 ACRES
APPLICANT: NICK ALI
3974 BENNIGAN LANE
DULUTH, GA 30097
OWNER: ERROL KANTOR
3034 LAWRENCEVILLE-SUWANEE ROAD
SUWANEE, GA 30024
CONTACT: NICK ALI PHONE: 770-601-3700

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

The applicant requests a Special Use Permit to allow for the expansion of an existing automotive service station located at 3034 Lawrenceville-Suwanee Road. The site is located on Lawrenceville-Suwanee Road at the south-bound I-85 on ramp. The property is zoned C-2 (General Commercial District) and contains a Shell gas station, an emission testing facility and an auto repair shop. The property totals approximately .66 acres. It should be noted that the site is adjacent to the right-of-way for what was Burnette Road. This road was closed several years ago when the nearby Terraces at Suwanee Gateway site was developed.

Emission testing facilities and auto repair shops are not permitted uses in the C-2 district. The uses on the site were established at a time when they were allowed as a use by right. The City subsequently adopted an amendment to the Zoning Ordinance that allowed these uses as a special use. Therefore the current uses are considered to be legal non-conforming uses. As such, they are allowed to continue to operate, but they are not allowed to expand without obtaining a Special Use Permit.

The site has two driveways onto Lawrenceville-Suwanee Road. The site contains a one story building that totals approximately 2,100 square feet and includes two garage bays.

There is also a small storage shed on the site, and a gas canopy with 4 gas pumps underneath. The applicant is proposing a rehabilitation of the site, which would include expanding the existing emission and repair shop from 2 bays to 8 bays. The new building would be 2 stories tall and contain approximately 3,800 square feet. The existing shed would be removed, but the gas canopy and pumps would remain.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. In most cases, the SUP process allows the Council to review certain proposals in the context of their use and take into consideration the surrounding area and other relevant factors. In this case, the applicant is requesting to expand a legal non-conforming use. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use. In this case, the expansion of the existing automotive uses is what is being considered.

DEVELOPMENT COMMENTS:

If the special use permit request is approved, the expansion will go through the development review and building permit processes in order to ensure compliance with applicable regulations. It should be noted that as proposed, the addition encroaches into the setback along Burnette Road. A variance from the Zoning Board of Appeals would be required in order to develop the site as proposed.

ANALYSIS:

The subject property contains an auto service station including emissions testing. The building is approximately 2,100 square feet and it is located on .66 acres. The property is surrounded on three sides by roads. The applicant is proposing to expand the building to 3,800 square feet. Because of road frontages much of the property is located within required setbacks. For this reason, without variances for the setbacks, the site would not be able to contain the proposed expansion.

The subject property is located in the highly commercial Suwanee Gateway area. To the north of the subject property is a small undeveloped commercial property (Zoned C-3) and a McDonald's fast food restaurant (Zoned C-3). To the east, across Lawrenceville-Suwanee Road, is a Chevron gas station and emission testing facility (Zoned C-3). I-85 is located directly to the south of the property. To the west, across from the Burnette Road right-of-way, is a five story office building located within the Terraces at Suwanee Gateway (Zoned PMUD). The proposed expansion of the service station is consistent with the surrounding uses.

The site is located in the Suwanee Gateway Character Area. The Gateway is the area around the I-85 interchange, which has long been identified by the City as an area needing investment and redevelopment. This area is the first impression of the City for people coming into Suwanee off of I-85. As such, the Plan calls for quality development intended to convey a positive image for the City. The future land use plan calls for high density office on subject property. The proposed expansion of the service station is not

consistent with this recommendation. However, the applicant has submitted renderings of the proposed development, which includes a building that is almost completely brick. The proposed building is an improvement over the building that is currently on the site, and will improve the overall look of the area.

Recently, there has been considerable private and public investment in the immediate area of the subject property. The City has invested millions of dollars to build a police substation, demolish a dilapidated motel and improve the landscape and hardscape in front of and around the subject property. These investments were in response to many planning initiatives such as the Comprehensive Plan and the 20/20 vision plan that recommended action by the City that would help spur private investment and redevelopment. Recent private sector investments include the development of the road network associated with the Terraces at Suwanee Gateway as well as the nearby multi-family buildings, the transitional care facility and the recently completed Storgard Self-Storage on Sawmill Drive. The private sector is continuing to invest in the area with the ongoing development of a McDonald's and Starbucks in the Terraces at Suwanee Gateway north of the subject property. The applicant in this case recently completed the redevelopment of the Chevron north of the property. That project removed an old car wash, an emission trailer and an old convenience store and replaced it with a newer multi-tenant retail building. The requested SUP in this case would allow for a similar redevelopment to occur at the Shell station. The redeveloped site would contain a larger building that improved functionality and aesthetics of the site.

In conclusion, the requested Special Use Permit to allow the expansion of legal non-conforming uses is appropriate at this location with certain conditions to ensure the quality of development called for by the Comprehensive Plan. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of SUP-2015-005.

Planning Department Recommended Conditions
SUP-2015-005

Approval of a Special Use Permit to allow for the expansion of an auto repair shop with emissions testing subject to the following condition:

- 1) Gas canopy columns shall be wrapped in brick that matches the brick used on the principal building.
- 2) Architecture for any structures on the property shall be approved by the Planning Director. Architecture shall be substantially similar to Exhibit 'A'. The walkway in front the building shall be a minimum of 6 feet wide. Awnings shall protrude a minimum of 4 feet horizontally from the building.
- 3) The site design shall be substantially similar to Exhibit 'B'.
- 4) No outdoor storage of tires shall be allowed.
- 5) Landscaping shall be approved by the Planning Director.

Standards Governing Exercise of Zoning Power

Pursuant to the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the unrestricted use of property and shall govern the exercise of the zoning power therewith.

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The proposed emission testing facility and auto repair shop is a suitable use in view of the use and development of adjacent property.

- B. Whether the zoning proposal will adversely affect the existing uses or usability of adjacent or nearby property;

The zoning proposal will not likely adversely affect the existing uses or usability of adjacent or nearby property.

- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The subject property has a reasonable economic use as currently zoned without a Special Use Permit.

- D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;

Approval of the request likely would not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

- E. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan;

The Future Land Use Plan indicates high intensity office uses for the subject property. The proposed special is not consistent with this designation.

- 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 zoning proposal;

A major goal of the City is to improve the Suwanee Gateway area. The proposed redevelopment would be an improvement over the status quo.

LETTER OF INTENT

September 21, 2015

City of Suwanee
330 Town Center Avenue
Suwanee, GA 30024

Please let this letter serve as the letter of intent requested by the city of Suwanee for the special land use request of the Shell gas station located at 3034 Lawrenceville Suwanee Road, Suwanee, GA 30024. It is the applicant's intent to remodel the subject property to improve customer demands due to the growth of the business and the city.

The company has been operating for over 25 years by local residents. The company has been trying to look for ways to grow in this demanding field. The company feels that it is time to take their business to another level by improving the look and offering more services to their recurring customers and future customers. The company has a recurring rate of Suwanee residents of 50% gasoline customers, 95% emissions customers, and 98% car shop customers. Mr. Errol Kantor who is the current owner of the company will continue to operate the company with his son, Jeff Kantor, allowing the same customer to be provided to the local and future customers with improved services.

The following is a list of improvements:

- Current: 1700 total square footage.
- Proposed new addition on first floor: 2,510 square footage.
- Proposed new addition on second floor: 1,016 square footage.
- Total of Proposals: 5,226 square footage.
- Current: 2 bays.
Proposed: 8 bays.
- Current: 10 parking spaces.
Proposed: 20 parking spaces.
- New Land Disturbance: 8,328.46 square footage.
- Hydrodynamic Separator Storm Water.
- Indoor shelves installed in tire shop for storage
 - Tires recycled and picked up by Rowes Transportation; initiated call by owner every 50 or so tires.
 - Tires will be stored on indoor shelves until picked up.
- Vehicle storage in shop garages totaling 8 cars.
- Existing pole sign to remain as is.
- Growth for local clientele.
- A climate sized waiting area.
- New bathrooms.
- A great variety of drinks.
- New energy saving equipment.
- The latest emission testing equipment available.

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- Provide new job opportunities for local residents.
- Enhance the look of the property.
- More products will be provided.
 - Dairy products, dry and canned goods, over the counter medications, meats, drinks, sweets and snacks, etc.

After discussion with the city of Suwanee we can assure that this special land use approval of the Shell gas station will be advantageous and a positive improvement to the entire community of the City of Suwanee.

Respectfully Yours,

Errol Kantor

Email: errolkantor@bellsouth.net

Phone: 770-945-2138

Address: 3034 Lawrenceville Suwanee Road
Suwanee, GA 30024

SUP-2015-005

SPECIAL USE PERMIT APPLICATION

An Appointment is required prior to submitting an application. Please contact MaryAnn Jackson at 770-945-8996 to setup an appointment.

<p align="center">APPLICANT INFORMATION*</p> <p>NAME: <u>Nick Ali</u></p> <p>ADDRESS: <u>3974 Bannigan Ln.</u> <u>Duluth, GA 30097</u></p> <p>PHONE: <u>770-601-3700</u></p> <p>CONTACT PERSON: <u>Nick Ali</u></p> <p>E-Mail Address: <u>errolkantor@bellsouth.net</u></p>	<p align="center">OWNER INFORMATION*</p> <p>NAME: <u>Errol Kantor</u></p> <p>ADDRESS: <u>3034 Highway 317</u> <u>Suwanee, GA 30024</u></p> <p>PHONE: <u>770-945-2138</u></p> <p>PHONE: <u>770-596-8448</u></p>
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PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): C2 REQUESTED ZONING DISTRICT N/A

PROPOSED DEVELOPMENT: Expand gas station

TAX PARCEL NUMBER(S): _____

ADDRESS OF PROPERTY: 3034 Highway 317, Suwanee, GA 30024

TOTAL ACREAGE: .8 PUBLIC ROADWAY ACCESS: Lawrenceville Suwanee Road

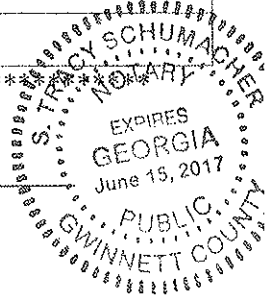
<p>FOR RESIDENTIAL DEVELOPMENT:</p> <p>NO. OF LOTS/DWELLING UNITS: _____</p> <p>DWELLING UNIT SIZE (SQ. FT.): _____</p>	<p>FOR NON-RESIDENTIAL DEVELOPMENT:</p> <p>NO. OF BUILDINGS/UNITS: <u>1</u></p> <p>TOTAL GROSS SQUARE FEET: <u>3780</u></p>
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CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that no reapplication on the same land which has been denied by the City Council shall be acted upon within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action by the Council. I am also aware that any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

<p>Signature of Applicant* <u>[Signature]</u> Date <u>8/5/15</u></p> <p>Print Name* <u>Nick Ali</u> Date _____</p> <p>Signature of Notary <u>[Signature]</u> Date <u>8/5/15</u></p>	<p>Signature of Owner* <u>[Signature]</u> Date <u>8/5/15</u></p> <p>Print Name* <u>Errol Kantor</u> Date _____</p> <p>Signature of Notary <u>[Signature]</u> Date <u>8/5/15</u></p>
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If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)




CITY OF SUWANEE USE ONLY

Date Received: 8/7/15 Case No.: SUP0015005 Accepted By: DR

SPECIAL USE PERMIT APPLICANT'S RESPONSE

CONFLICT OF INTEREST CERTIFICATION FOR ZONING ACTIONS

The undersigned below, making application for rezoning, has read and 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

8/5/15

 Date

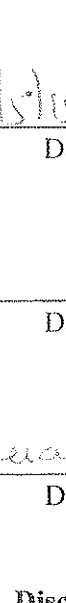
Notary

 Type or Print Name and Title

 Signature of Applicant's Attorney or Representative

 Date

 Type or Print Name and Title

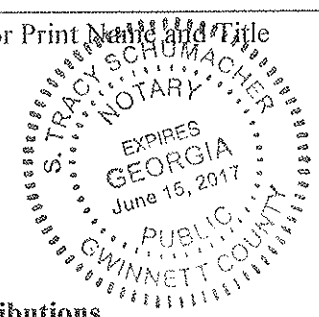


 Signature of Notary Public

8/5/15

 Date

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 City Council or a member of the city of Suwanee Planning Commission?

_____ yes/no

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 Contributions was made (within last two years)

*Attach additional sheets, if necessary to disclose or described all contributions.

CITY OF SUWANEE USE ONLY

Date Received: 8/7/15 Case No.: 2015005 Accepted By: DR

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

Pursuant to the 1998 Zoning Ordinance, the city council 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 an attachment as necessary:

- (A) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Please see attached.

- (B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

Please see attached.

- (C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

Please see attached.

- (D) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools:

Please see attached.

- (E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

Please see attached.

- (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 zoning proposal:

Please see attached.

Date Received: 8/7/15 CITY OF SUWANEE USE ONLY Case No.: SUP 2015 005 Accepted By: DR

Standards Governing Exercise of the Zoning Power

Pursuant to the 1998 Zoning Ordinance, the city council 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 an attachment as necessary:

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Yes, architectural exterior of the building will be updated and it will be built according to the city of Suwanee ordinances. The expansion will allow a more facilitated area for new and recurring customers and no new development will make a burden to adjacent or nearby properties.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

The expansion proposed will not be taking up space from nearby businesses, therefore not affecting their existing use.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

The business has been running for over 25 years and has had a reasonable economic use. The improvement will have a positive effect on this economic use.

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

The remodeling will facilitate the entrance and exit of this location. More parking spaces will be added. This will improve the flow of the traffic. Existing entrances

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will not be touched. Additional parking spaces will be within the location's property lines.

E. Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

The proposal will be updating to the new regulations which will in turn provide better services for the city of Suwanee and the customers. The expansion of the building will provide more needed services. The added parking spaces will be in conformity with 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 zoning proposal:

The existing building sits on the setback limits. The new addition will require variance as well. The owner is trying to obtain land back from GODT since the back road will never be reopened. If approved, this will leave more than 15' of setbacks.

Owner: Errol Kantor
Email: errolkantor@bellsouth.net
Phone: 770-945-2138
Address: 3034 Highway 317
Suwanee, GA 30024

Applicant: Nick Ali
Email: nadeem1633@gmail.com
Phone: 770-601-3700
Address: 3974 Bennigan Lane
Duluth, GA 30097

SUP. 2015.005



ATLANTA DESIGN DISTRICT

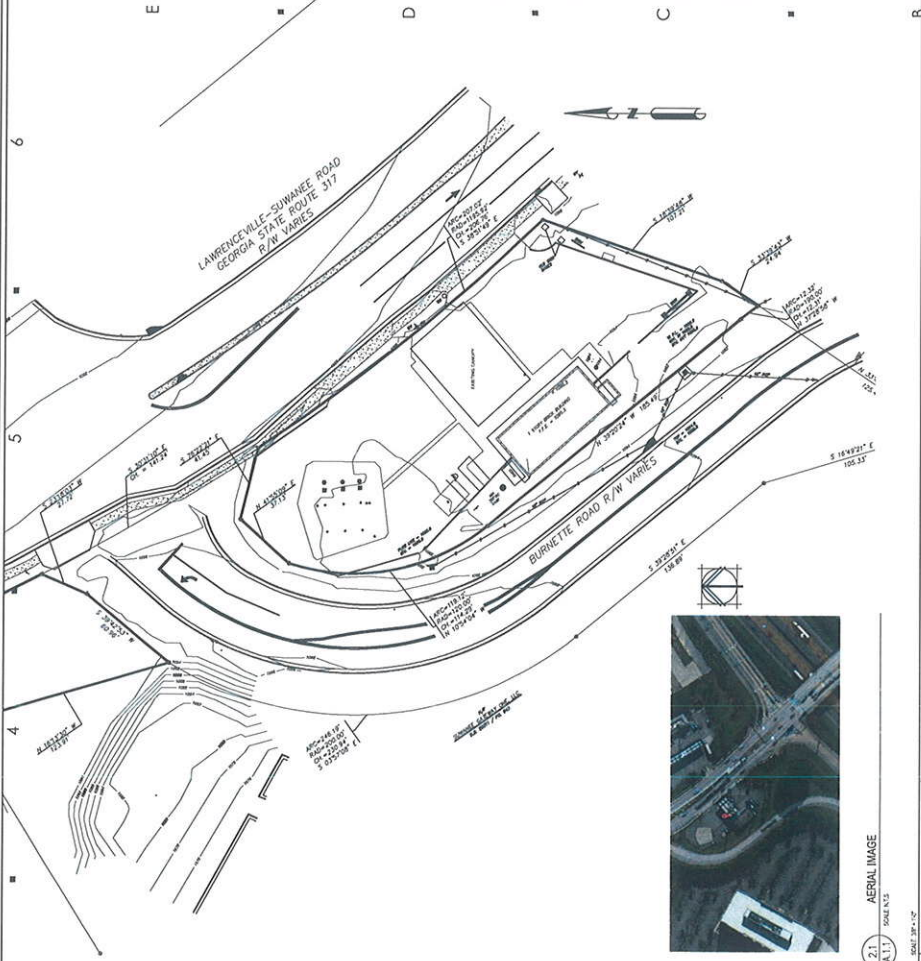
SPAL

REVISIONS	No.	Date	Description
	1	09/21/15	

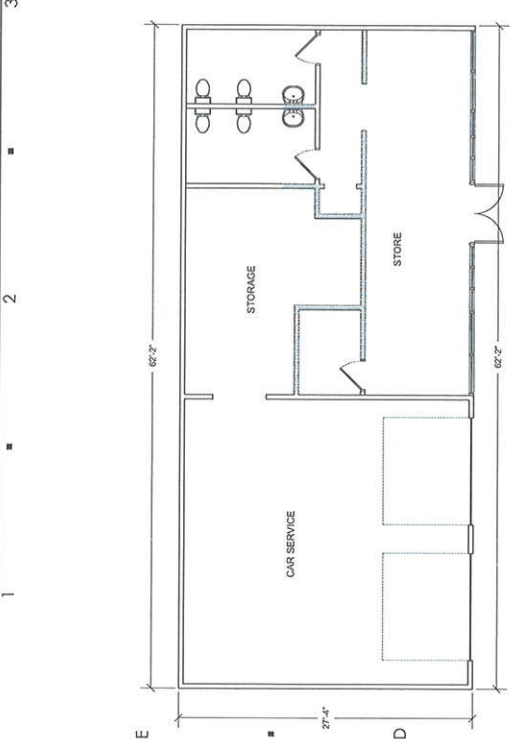
SHELL
LAWRENCEVILLE-SUWANEE RD
 3034 LAWRENCEVILLE SUWANEE RD
 SUWANEE GEORGIA 30024-2412
 GWINNETT COUNTY GA

DATE: 09/21/2015
 DRAWN: EV_AJER_GG
 CHECKED:
 JOB NO.: 01503

TITLE: EXISTING BUILDING/
 SITE PLAN
 SHEET NUMBER: A1.0



2.1 Aerial Image
 SCALE: 1/8" = 1'-0"



DEMOLITION LEGEND	
WALL TO BE REMOVED	
WALL TO REMAIN	
HATCH	

2.2 Existing Building/Floor Plan
 SCALE: 3/8" = 1'-0"

2.3 Existing Building/Site Plan
 SCALE: 1/8" = 1'-0"



2.4 Existing Building Conditions - Photos

SCALE: 1/8" = 1'-0"



ATLANTA DESIGN DISTRICT

52AL

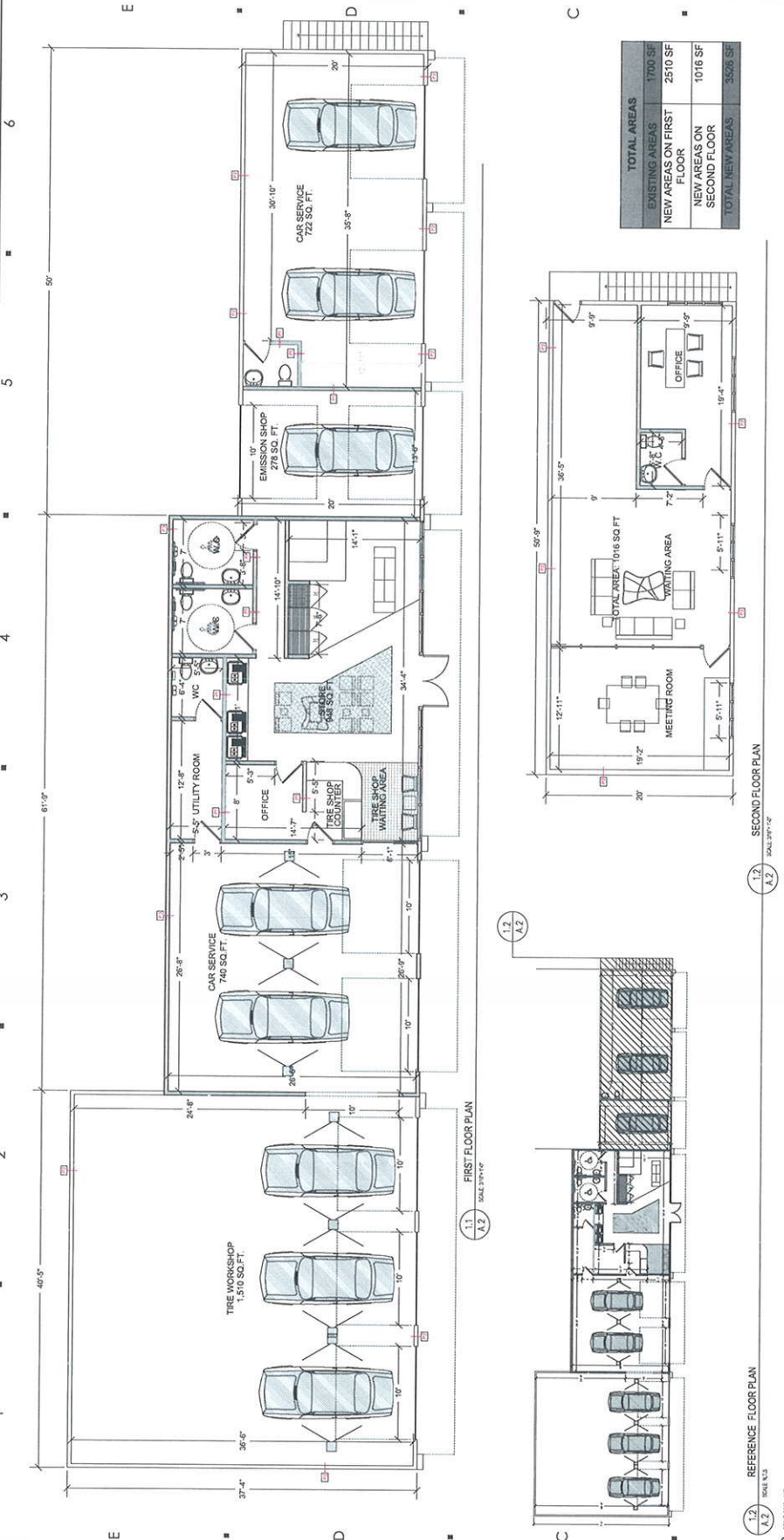
REVISIONS
No. Date Description

SHELL
LAWRENCEVILLE-SUWANEE RD
3034 LAWRENCEVILLE SUWANEE RD
SUWANEE GEORGIA 30024-2412
GWINNETT COUNTY GA

DATE 09/21/2015
DRAWN BY JGER, GC
CHECKED BY
JOB NO. 01503

TITLE
PROPOSED FLOOR
PLAN (WALL SCHEDULE)
SHEET NUMBER
A1.1

RELEASED FOR CONSTRUCTION



SYMBOL	INTERIOR PARTITION WALL TYPE	HATCH
P1	NEW NON RATED WALL OF 2x4 GA. STEEL STUDS WITH 1/2" GYPSUM BOARD ON BOTH SIDES. WALL HEIGHT 8'-0" EXTEND TO UNDER CEILING ABOVE.	[Hatch pattern]
P2	NEW EXTERIOR WALL TO ROOF STRUCTURE 2x4 STUDS @ 16" O.C.	[Hatch pattern]
P3	EXISTING WALL TO REMAIN	[Hatch pattern]

CONVENIENCE STORE		
OCCUPANCY	SQUARE FOOTAGE CALCULATIONS	OCCUPANT LOADS
SALES AREA	508 SF	30 SF
CAR SERVICE	320 SF	18 PERSONS
RESTROOMS	185 SF	1 PERSONS
OFFICE	995 SF	100 GROSS
UTILITY ROOM	69 SF	200 GROSS
TOTAL	5355 SF	20 PERSONS

- GENERAL NOTES**
- ALL DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
 - PROVIDE FINISHES TO MATCH ADJACENT AREAS UNLESS NOTED OTHERWISE.
 - REFER TO WALL TYPE LEGEND FOR WALL INFORMATION. ALL WALL TYPES ARE P1 UNLESS NOTED OTHERWISE.
 - PROVIDE SOUND ATTENUATION BATS IN ALL PARTITIONS AS INDICATED BY THE WALL TYPE LEGEND.
 - ALL FURNISHINGS, DECOR, BUSINESS EQUIPMENT AND OTHER INTERIOR DESIGN ITEMS SHALL BE PROVIDED BY THE OWNER.
 - PROVIDE FIRE RETARDANT WOOD FLOORING IN WALLS AS REQUIRED FOR PROPER INSTALLATION OF ALL MILLWORK EQUIPMENT AND ACCESSORIES AS SHOWN ON THESE PLANS OR AS OTHERWISE REQUIRED BY THE OWNER.
 - ALL COLORS, PATTERNS, ETC. SHALL BE SELECTED BY THE OWNER.

GENERAL LEGEND

[Symbol]	EXISTING EXTERIOR WALL
[Symbol]	DOOR NUMBER
[Symbol]	WINDOW NUMBER
[Symbol]	PARTITION WALL TYPE
[Symbol]	DETAIL MARK
[Symbol]	DRINKER

1.2 SECOND FLOOR PLAN
SCALE 3/8"=1'-0"

1.1 FIRST FLOOR PLAN
SCALE 3/8"=1'-0"

1.2 REFERENCE FLOOR PLAN
SCALE 1/2"=1'-0"

PROPOSED FLOOR PLAN

GENERAL LEGEND, DOOR AND WINDOW SCHEDULE

1 2 3 4 5 6



ATLANTA DESIGN DISTRICT

SOIL

REVISIONS	No.	Date	Description

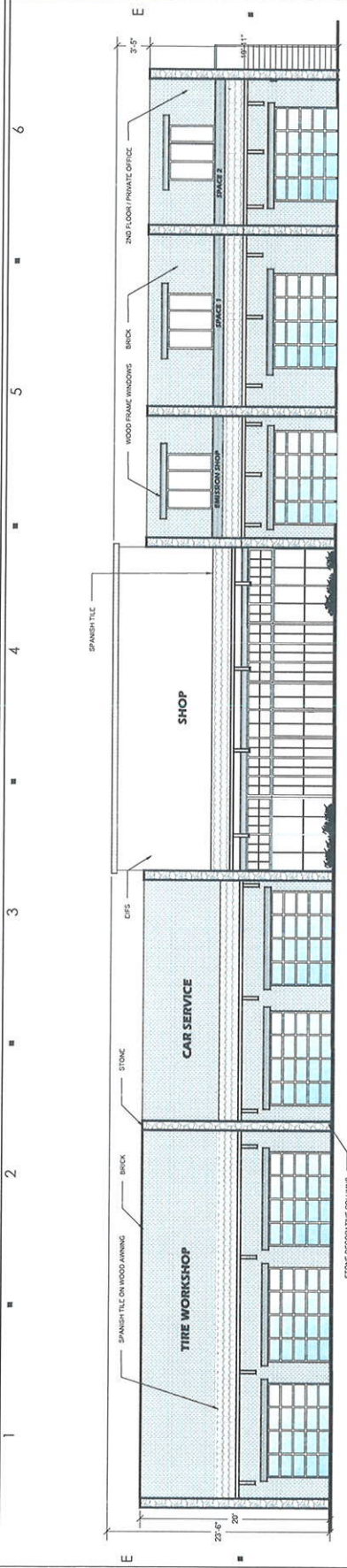
SHELL
LAWRENCEVILLE-SUWANEE RD
 304 LAWRENCEVILLE SUWANEE RD,
 SUWANEE GEORGIA 30024-2412
 GWINNETT COUNTY GA

DATE	09/21/2015
DRAWN BY	EV. JESER, DC
CHECKED BY	
DATE	01/03

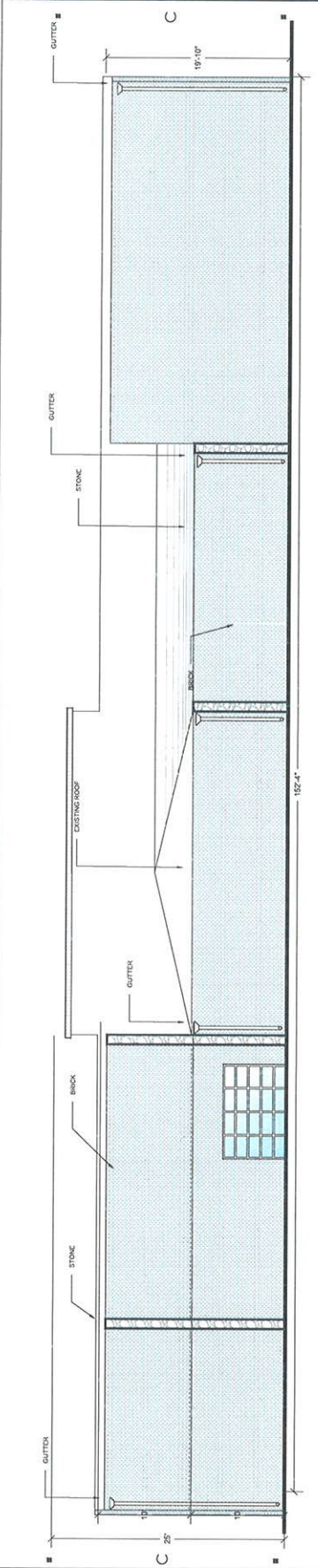
TITLE
 ELEVATIONS

SHEET NUMBER
A2.0

Exhibit 'A'



SCALE 3/8" = 1'-0"
1. PROPOSED FRONT ELEVATION



SCALE 3/8" = 1'-0"
2. PROPOSED REAR ELEVATION












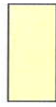

SCALE 3/8" = 1'-0"
3. PROPOSED SIDE EAST

SCALE 3/8" = 1'-0"
4. PROPOSED SIDE WEST

RELEASED FOR CONSTRUCTION

Exhibit C
SUP-2105-005

Legend

-  SUP-2015-005
-  Property Lines
-  City Limits
-  Streets
-  C-2
-  C-2A
-  C-3
-  M-1
-  PMUD
-  R-100
-  R-85

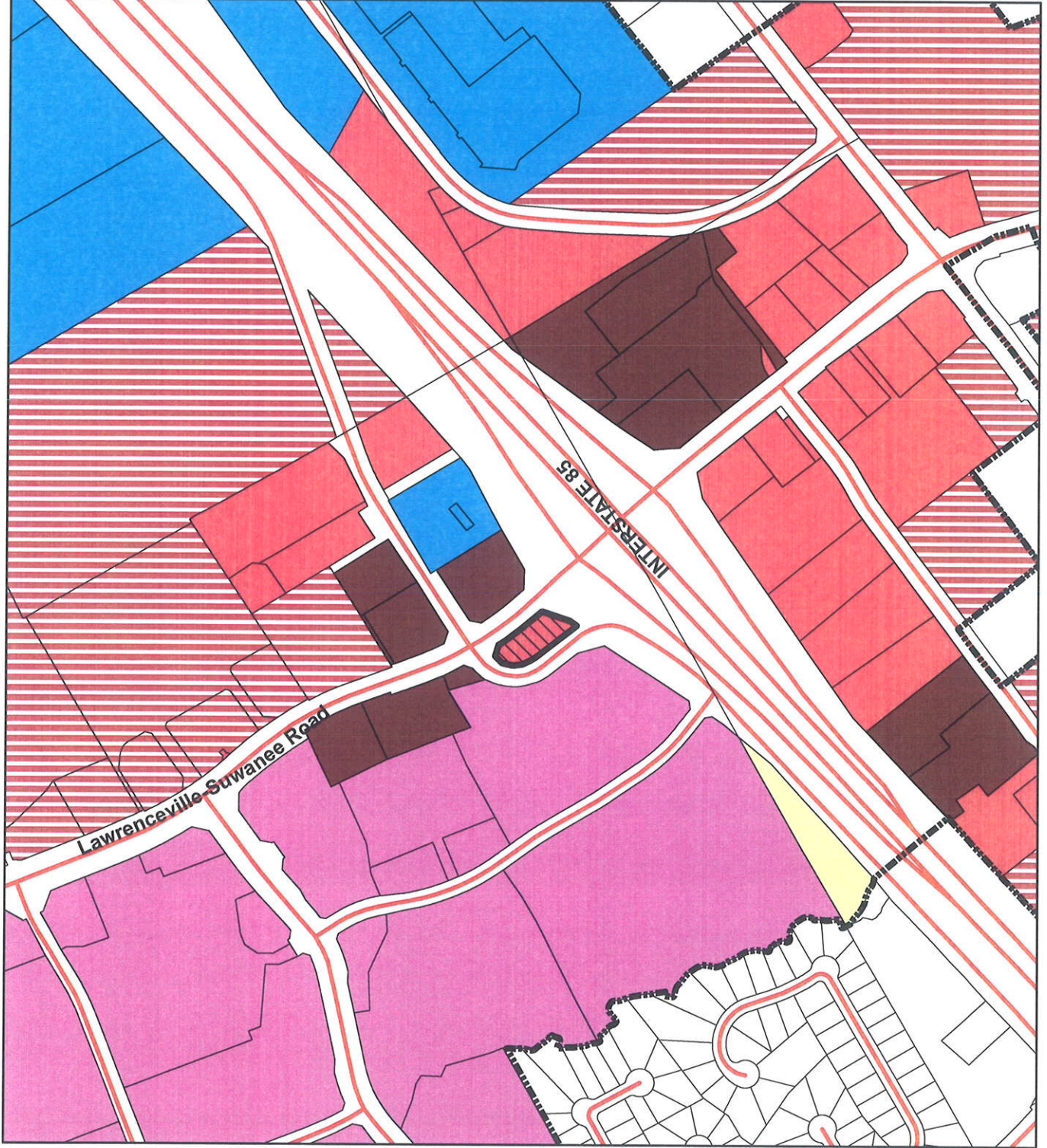


Exhibit D
SUP-2105-005

Legend

-  SUP-2015-005
-  Property Lines
-  City Limits
-  Streets

