

MINUTES
CITY OF SUWANEE, GEORGIA
PLANNING AND ZONING COMMISSION
December 7, 2021

PLANNING AND ZONING MEMBERS: Present: Michelle Budd, Muthu C. Narayannan and Glenn Weyant. Staff members present: Josh Campbell, Alyssa Durden, and MaryAnn Jackson. Absent: Alan Dandar and Brad Cox

CALL TO ORDER

Michelle Budd called the meeting to order at 6:37 p.m.

ADOPTION OF THE AGENDA

Glen Weyant moved to adopt the agenda as presented, second by Muthu C. Naryannan. Motion carried 3 - 0.

ADOPTION OF THE MINUTES: November 2, 2021

Glenn Weyant moved to approve the November 2, 2021 minutes, second by Muthu C. Narayannan. Motion carried 3 - 0.

OLD BUSINESS

NEW BUSINESS

SUP-2021-002 – Owner/Applicant: Phuong Do. The applicant requests a Special Use Permit to allow for a beauty salon including therapeutic massage as a home occupation in a single family home in the R-85 (Residential Single Family District) zoning district. The site is located in Land Lot 234 of the 7th District at 60 Ruby Forest Parkway and contains approximately 0.35 acres.

Josh Campbell presented the staff report as follows: The applicant requests a Special Use Permit on an approximately 0.35-acre site to allow for personal services, including a massage therapy practice and beauty salon, as a home occupation in an R-85 (single-family residential) zoning district. The property is located at 60 Ruby Forest Parkway near the entrance to the Ruby Forest neighborhood. The single-family dwelling is approximately 3,500 square feet. The garage consists of approximately 500 square feet of space. The applicant is proposing to conduct personal services within a small room that would be constructed within her garage. Off-street parking is available on the driveway on her property.

The applicant's letter of intent states that she would like to relocate her practice from the current commercial location to her home. She indicates that with the advent of COVID the number of customers she serves has been reduced to approximately 4 clients per week and this is not sufficient to support leasing a space for the business. She is a licensed massage therapist and cosmetologist. The applicant expects to serve 4 customers per week. She indicates that there will not be any outward signs of her business other than clients parking in her driveway. Her intention is to keep it very low profile.

The City's Zoning Ordinance permits certain home-based businesses by right while others require the additional review of a Special Use Permit. Home occupations are defined as an "occupation customarily carried on within a dwelling unit for gain or support involving the sale of only those articles, products or services produced on the premise, conducted entirely within the dwelling by members of the immediate family residing in the dwelling unit, using equipment customarily used for household purposes and involving no display of articles or products. A customary home occupation includes the accommodation of not more than two boarders or roomers." Home offices and other similar uses that clearly do not increase traffic, use items and provide services customarily found in the home, and do not have employees, are allowed by right. Other home-based businesses, particularly certain classes of personal service businesses such as barbershops and beauty salons could be considered compatible with the residential environment in certain circumstances. Those businesses, in the R-85 Zoning District, require the additional review required by a Special Use Permit which allows the City to review the activity on a case-by-case basis.

In 2003, the City approved a Special Use Permit application for a massage therapist as a home occupation in the Old Town area. The City included several conditions which would also be appropriate in this case should the Council choose to approve this request.

The subject property contains an approximately 3,500 square foot single-family dwelling. The applicant plans to use only the garage for business activities. The site has suitable access onto Ruby Forest Parkway via a concrete driveway. The same driveway should be able to accommodate at least one customer at a time.

The surrounding area consists primarily of single residential uses, but also includes the neighborhood recreation area. Single family homes (zoned R-85) within the Ruby Forest neighborhood are located to the east and west. To the north of the subject property, in Sugar Hill, are more single-family homes. To the south, across Ruby Forest Parkway, is the neighborhood recreation center for the Ruby Forest neighborhood. Nothing in the surrounding area would conflict with the proposed Special Use.

The City's Future Land Use Plan recommends single family residential uses for the property. The existing zoning on the site is consistent with this designation. With the appropriate conditions the use of the property is consistent with the designation.

In conclusion, the requested Special Use Permit could be appropriate at this location, provided appropriate conditions are in place to maintain the residential character of the area. Therefore, staff recommends approval with conditions of the Special Use Permit request.

Michelle Budd asked if the 2003 permit was issued for a home occupation in a subdivision.

Josh Campbell indicated that it was not in a subdivision.

Glenn Weyant asked about the number of clients per day in the recommended condition of zoning. Josh Campbell explained that the number was based on the previous approval for a special use permit issued in old town Suwanee.

Muthu C. Naryannan asked about the subdivision covenants. Josh Campbell indicated that the City of Suwanee does not enforce covenants and the covenants do not impact the recommendation.

Michelle Budd asked about inspections. Josh Campbell explained that the City of Suwanee Police Department monitor all massage establishments.

Michelle Budd asked if the police will enforce on-street parking. Josh Campbell indicated that the customer will be responsible for ensuring the customers park in the driveway.

Michelle Budd called upon the applicant.

Phuong Do, 60 Ruby Forest Parkway, Suwanee, GA. Douglas Summers, Sandy Springs, GA. Mr. Summers stated that the applicant would like to move her business to her home. Her business has suffered during COVID.

Michelle Budd called for opposition.

Mr. Mario Spiteri, 355 Ruby Forest Parkway, Suwanee, GA. Mr. Spiteri stated that he is a resident in Ruby Forest Subdivision. He does not want a message establishment in the neighborhood. He indicated that the applicant is using COVID as an excuse to move her business into her home. Mr. Spiteri is concerned that the customers will parking in the amenity parking lot.

Mr. Charles Bergerac, 415 Ruby Forest Parkway, Suwanee, GA. Mr. Bergerac is concerened that the neighborhood will convert to commercial property. He explained that his parents neighborhood converted to commercial and he does not want it to happen here. He has invested all of his retirement money into his home. He does not want his property value to drop.

Mr. Chip Randall, 220 Roberts Road, Suwanee, GA. Mr. Randall does not want this type of business in his neighborhood. He indicated that there is plenty of commercial property available for rent.

Mr. Bill Syrett, 114 Azalea Chase Drive, Suwanee, GA. Mr. Syrett is concerned that granting the request will open the door for other businesses in the subdivision.

Segun Badmus, 350 Ruby Forest Parkway, Suwanee, GA. The gentleman asked what is in the ordinance to deny the request. He stated that other requests will come. He would like to know how many home occupations have been issued in the last 2 years.

Mr. Jimmy Humrich, HOA President. Mr. Humrich is concerned about enforcement of on-street parking and parking in the amenity area.

Mr. Bob Hewitt, address inaudible, Suwanee, GA. Mr. Hewitt asked how the request relates to the covenants.

Josh Campbell explained that the Home Owners Association is responsible for enforcing the covenants.

Muthu C. Narayanan asked if there is a way to enforce no on-street parking.

Josh Campbell explained that it is difficult to know who is parking on the street and why they are parked there.

Muthu C. Naryannan moved to deny SUP-2021-002, second by Glenn Weyant. Motion carried 3-0.

SUP-2021-003 – Owner: Sok Lee. Applicant: Auto Planet Sales & Rentals, LLC. The applicant requests a Special Use Permit to allow for an auto rental business in the C-2A (Special Commercial District) zoning district. The site is located in Land Lot 170 of the 7th District at 145 Satellite Boulevard and contains approximately 1.76 acres.

Josh Campbell presented the staff report as follows: The applicant requests a Special Use Permit on an approximately 1.76-acre tract to allow for a vehicle rental facility located in a small shopping center. The subject property is zoned C-2A (General Commercial – Alcohol Sales). The site is located near the intersection of Satellite Boulevard and Lawrenceville-Suwanee Road. In addition to the onsite 2,100 square foot car rental office, 10 parking spaces are reserved for rental cars in a small parking area adjacent to the center. The shopping center has a total of 68 parking spaces that serve the 12,400 square foot shopping center.

The subject property has access onto Satellite Boulevard via a driveway that serves a larger shopping center behind the subject property. The driveway has full access onto Satellite Boulevard with a 3 way traffic signal.

The Special Use Permit process was created by the City Council to handle certain land uses. 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. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use. Vehicle sales and rental establishments require Special Use Permits in the C-2A zoning district.

The City has reviewed 2 previous requests for vehicle rental facilities. Both requests were in 2007 and both were approved. On the property adjacent to the subject property at 3245 Lawrenceville-Suwanee Road (Walmart) the City received a request for vehicle

rental. The rental office was proposed to operate out of the Walmart building. The City approved the requested with conditions that required that car rental spaces be reserved and ensured that cars would not be washed or repaired on site.

Later in 2007 the City approved another request for vehicle rental on Sharon Industrial Way. This approval also called for reserving parking spaces for rental vehicles and ensured that no maintenance, repair, or car washing was taking place on the site.

The site is an approximately 1.76-acre property developed with a 12,400 square foot building and 68 space parking lot. The site is fully developed with access onto adjacent arterials. If 10 spaces are reserved for the proposed vehicle rental facility, then there is still ample parking for the remaining businesses. The tract should be able to support a 2,100 square foot vehicle rental facility.

The surrounding area is characterized by intensive non-residential development. To the east, south, and west of the subject property is a shopping center and a Walmart and large parking lots associated with those two developments (Zoned C-2A). Across Satellite Boulevard, to the north, is a business park developed with three office warehouse buildings (Zoned M-1). The proposed special use is unlikely to negatively impact the surrounding commercial and industrial developments in the surrounding area. The applicant notes that the site would not be used for vehicle repair or washing.

The City's Future Land Use Plan recommends commercial uses for this site. The proposed commercial special use is consistent with this designation. Furthermore, the site is in an intensive commercial area that is generally well-suited to such vehicle rental establishments. As noted in the Zoning History, the adjacent property containing the Walmart was previously granted approval of Special Use Permit for vehicle rental. This business is no longer operating at the Walmart.

In conclusion, the requested Special Use Permit for a vehicle rental facility would be appropriate at this location. The City's policies generally attempt to guide automotive sales and service uses to the more commercially intensive areas of the City. The subject property is located in the I-85 business district and is surrounded by intensive commercial and industrial zoned property and uses. Furthermore, with the appropriate conditions, it is unlikely approval of the request would have a negative impact on the surrounding area. As such, the Planning Department recommends approval with conditions of the request.

Glenn Weyant asked what is the appropriate zoning for auto rental. Josh Campbell stated auto rental is allowed as a use by right in the C-3 zoning district.

Glenn Weyant asked about parking spaces. Josh Campbell explained that 10 spaces is the appropriate number of spaces.

Michelle Budd called upon the applicant.

Sok Lee, Auto Planet Sales & Rentals, LLC. Mr. Lee stated that his company has been in the auto business for 20 years. Maintenance of the vehicles will happen off site. 10 parking spaces will be sufficient.

Michelle Budd called for opposition. There was none.

Glenn Weyant moved to approve SUP-2021-003 with amended conditions, second by Muthu C. Narayannan. Motion carried 3-0 (deletions = ~~striketorough~~).

1. ~~No more than~~ 10 parking spaces shall be reserved for vehicles for rent. Each of said spaces shall be clearly marked with signs not exceeding 6 feet in height and a total of 2 square feet sign area. All of said spaces shall be clearly marked/striped and located on a surface intended to accommodate vehicles.
2. The approval of this special use is limited to automobile rental. No vehicle sales, servicing or washing shall be permitted as an accessory use to the vehicle rental function. No inoperable vehicles may be kept on site.

OTHER BUSINESS

ANNOUNCEMENTS

ADJOURNMENT

Muthu C. Naryannan moved to adjourn 7:06 p.m.