

**SPECIAL USE PERMIT(S)**

**SUP-2022-002**

**CITY OF SUWANEE  
SPECIAL USE PERMIT ANALYSIS**

**CASE NUMBER:** SUP-2022-002  
**REQUEST:** AUTOMOTIVE USE  
**ZONING:** C-2 (GENERAL COMMERCIAL DISTRICT)  
**LOCATION:** 50 OLD PEACHTREE ROAD STE 211  
**TAX ID NUMBER:** 7-151-006  
**ACREAGE:** 3.5 ACRES  
**PROPOSED DEVELOPMENT:** 2,000 SQ. FT. AUTOMOTIVE SPA

**APPLICANT:** RENATO RODRIGUEZ  
2790 TREEHOUSE LN.  
LAWRENCEVILLE, GA 30044

**OWNER:** RIVAN PEACHTREE LLC  
2527 COMMERCE PL.  
TUCKER, GA 30084

**CONTACT:** RENATO RODRIGUEZ  
**CONTACT PHONE:** 404-343-5140

**STAFF RECOMMENDATION:** APPROVAL WITH CONDITIONS

**PROJECT DATA:**

The applicant requests a Special Use Permit to allow for use as an automotive service in an existing multi-tenant building zoned C-2 (General Commercial District). The automotive use is an auto spa that would apply clear protective coatings to vehicles.

The property is served by two drives off Old Peachtree Road. The site includes about 80 parking spaces. The property contains two industrial type metal buildings totaling approximately 50,000 square feet. The proposed use would be located in a multi-tenant building that is approximately 26,000 square feet and currently contains two automotive repair businesses, a surplus store, a staging warehouse, and a building materials business. Each tenant space includes an overhead garage door that accesses a small warehouse area and a separate small office area. The proposed auto use business would be located in Suite 211, which is approximately 2,000 square feet. The 26,000 square foot building that is proposed to house the automotive service is located toward the rear of the site. A second 24,000 square foot building on the tract is oriented toward Old Peachtree Road and contains a church, a bootcamp facility, and wholesale warehouse uses.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. The SUP process allows the City 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. In this case, the specified use would allow for an additional automotive use in the building.

### **ZONING HISTORY:**

The City granted a Special Use Permit for automotive repair in the same building that is the subject of the current request. The previous SUP was granted in 2011, with the following conditions:

- 1) Special Uses on the site shall be limited to automotive repair. No other vehicular services or other specials uses are allowed under this special use permit.
- 2) All automotive services shall be conducted inside.
- 3) The special use permit shall be limited to the 2,000 square feet.
- 4) Outdoor storage is prohibited.
- 5) Only vehicles waiting to be repaired shall be stored on-site.

### **ANALYSIS:**

The automotive service is proposed to be located in Suite 211, as indicated on Exhibit C, in a metal building with limited visibility from Old Peachtree Road or any other roads. Each suite contains an overhead door, warehouse space, and limited office space, which makes the building more suitable for automotive and warehouse uses. The overall property contains 50,000 square feet and a total of 80 parking spaces. It appears the property was developed before many of the City's development and zoning regulations were in place. The site layout, building, and property location are not suitable for typical retail uses permitted in the C-2 zoning district. The subject building is more conducive to wholesale warehouse and automotive related uses that make use of the roll up garage doors and are not harmed by the limited amount of parking and lack of visibility.

The approximately 3.5 acre site is located on Old Peachtree Road, east of Horizon Drive near the I-85 right-of-way. The surrounding land uses include a hotel (zoned C-3) to the south and a warehouse (zoned C-2) to the north. Across Old Peachtree Road to the east is a large manufacturing facility (zoned M-1) and vacant land adjacent to a multi-tenant shopping center (zoned C-2A).

The proposed auto spa would apply clear protective coatings to cars. The applicant has indicated that their process uses only soap and water to apply the coating and would not create odors or noise that would be detrimental to a commercial environment. They have also indicated that vehicles would not be stored on site for their business as they operate on an appointment only basis.

The building is currently occupied by two automotive uses, one of which includes an auto dealer. In 2011, a Special Use Permit was granted for Suite 208 in the subject building for an automotive repair facility, which is still in operation. At the time of approval, there was another automotive repair businesses already in the building that was a legal nonconforming uses. This auto use is also still operating. Granting a Special Use Permit to allow automotive uses in the entire building

with conditions to manage the negative impacts of auto-related uses might be the most practical path forward.

The City's Future Land Use Plan recommends high density office for the subject property. The existing land use and proposed automotive use are not consistent with this designation. However, approval of the Special Use Permit for automotive services is not likely to impede future redevelopment of the property.

In conclusion, the requested Special Use Permit for an automotive spa would be appropriate at this location due to the heavily commercial and industrial context, the design of the building, and existing automotive uses in the same building. Additionally, the limited visibility makes the property more suitable for auto related uses. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of the request.

Planning Department Recommended Conditions:  
SUP-2022-002

Approval of an automotive repair and service facility as a special use in C-2 subject to the following conditions:

1. The special use permit shall be limited to automotive repair and services and to the 26,225 square foot building located at the rear of the property.
2. All automotive repairs/services shall be conducted inside.
3. No vehicles awaiting service or repair shall be permitted to park in front of or adjacent to the 24,445 square foot building.
4. Only vehicles waiting to be serviced shall be stored on-site.
5. Outdoor areas shall be maintained in good condition and free of debris. Landscaped areas shall be properly maintained, patchy grass areas shall be reseeded, dead or dying trees or shrubs shall be replaced. Paved surfaces shall be maintained, defects such as potholes and alligator cracking shall be repaired as appropriate. Garbage and debris shall be removed from the property on a frequent and regular basis. Vehicle parts (used or new) shall not be allowed to accumulate outdoors. Inoperable and/or unregistered vehicles shall not be allowed to be stored outside.
6. Failure to address substantiated violations of conditions of approval for automotive repair and services constitute a violation of the Zoning Ordinance. Violations are subject to penalties as addressed in Section 1805 of the Zoning Ordinance. Chronic failure to address violations by the same business may result in revocation of the business license for an automotive repair/service or other automotive related business.

## Standards Governing Exercise of Zoning Power

Pursuant to Section 2006 of 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 request to allow for an automotive use at the site is suitable in view of the use and development of adjacent and nearby properties, provided conditions are included to minimize potential negative impacts related to storage of vehicles.

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

The Special Use Permit would not adversely affect existing uses or usability of adjacent or nearby properties, provided conditions are included to minimize potential negative impacts related to storage and maintenance of vehicles.

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

The property has a reasonable economic use as currently zoned.

- 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 proposal would not result in a use which will or could cause an 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 2040 Future Land Use Map shows this property as high density office. The request is not consistent with the Future Land Use 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 zoning proposal;

There are two existing vehicle repair shops located in the same building. The building is well suited for automotive related uses and is not located on a high traffic road. The lower traffic is not conducive to more conventional retail uses. It also makes the property more suited to accommodate visually unappealing uses such as automotive service and repair.

### 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.**

#### APPLICANT INFORMATION\*

NAME: Renato Rodriguez  
 ADDRESS: 2790 treehouse ln  
Lawrenceville, ga 30044  
 PHONE: 404-343-5140  
 CONTACT PERSON: Renato  
 E-Mail Address: ridecleanauto spa@gmail.com

#### OWNER INFORMATION\*

NAME: RIVAN PEACHTREE LLC  
 ADDRESS: 2527 COMMERCE PL.  
TUCKER, GA 30084  
 PHONE: 770-840-0805  
 PHONE: 404-343-5140

#### PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): C-2 REQUESTED ZONING DISTRICT SAME  
 PROPOSED DEVELOPMENT: \_\_\_\_\_  
 TAX PARCEL NUMBER(S): R7151006  
 ADDRESS OF PROPERTY: 50 OLD PEACHTREE RD, SUITE 211  
SUWANEE, GA 30024  
 TOTAL ACREAGE: 3.48 PUBLIC ROADWAY ACCESS: \_\_\_\_\_

#### FOR RESIDENTIAL DEVELOPMENT:

NO. OF LOTS/DWELLING UNITS: \_\_\_\_\_  
 DWELLING UNIT SIZE (SQ. FT.): \_\_\_\_\_

#### FOR NON-RESIDENTIAL DEVELOPMENT:

NO. OF BUILDINGS/UNITS: 2  
 TOTAL GROSS SQUARE FEET: 50,670  
Suite #211 = 2,000 sq ft

#### 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.

Renato  
 Signature of Applicant  
Renato Rod  
 Print Name\*  
[Signature]  
 Signature of Notary



[Signature]  
 Signature of Owner\*  
RAFIA REIMOND (RIVAN)  
 Print Name\*  
[Signature]  
 Signature of Notary

\* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)

**LOTTIE BASTIN**  
 NOTARY PUBLIC  
 Gwinnett County  
 State of Georgia  
 My Comm. Expires Sept. 10, 2023

Date Received: 4/27/22 Case No.: SUP-2022-002 Accepted By: AD

### 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:

yes  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

no, will not affect existing use or usability  
\_\_\_\_\_  
\_\_\_\_\_

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

no  
\_\_\_\_\_  
\_\_\_\_\_

(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:

no, will not cause burdensome use of existing streets  
\_\_\_\_\_  
\_\_\_\_\_

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

yes  
\_\_\_\_\_  
\_\_\_\_\_

(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:

no  
\_\_\_\_\_  
\_\_\_\_\_

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CITY OF SUWANEE USE ONLY

Date Received: 4/27/22 Case No.: SUP-2022-002 Accepted By: AD







= PROTECTION



SUP-2022-002





# SUP-2022-002 Location Map

## Legend



Subject Property



Parcels



City Limits





**Legend**



**ZONING**

- C-1
- C-2
- C-2A
- C-3
- GCA
- IRD
- M-1
- OI
- OTCD
- PMUD
- R-100
- R-140
- R-75
- R-85
- RM6
- RM8

