

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

PUBLIC HEARING ANALYSIS

PLANNING COMMISSION DATE: JANUARY 17, 2023

CITY COUNCIL DATE: FEBRUARY 28, 2023

CASE NAME: **FOAMWORKS AUTO SPA**

CASE NUMBER: **RZ2022-008, SUP2022-009, V2022-006**

CURRENT ZONING: C-1

LOCATION: 3390 MEDLOCK BRIDGE ROAD

MAP NUMBERS: 6th DISTRICT, LAND LOT 286

ACREAGE: 1.387 ACRES

PROPOSED DEVELOPMENT: AUTOMATED CAR WASH

CHARACTER AREA MAP: EMPLOYMENT CORRIDOR

APPLICANT: ALLIANCE ENGINEERING & PLANNING
4525 S LEE ST
BUFORD GA 30518

CONTACT: TYLER LASSER
770-225-4730 x819

OWNER: GEORGE POULOS ESTATE, ET AL
9040 ROSWELL RD #120
ATLANTA GA 30350

**STAFF
RECOMMENDATION: APPROVE WITH CONDITIONS**

**PLANNING COMMISSION
RECOMMENDATION: DENY**

UPDATE:

At the Planning Commission hearing, there were no speakers in support or opposition to this request.

After consideration, Chairman Kaplan made a motion to approve the request, subject to staff's recommended conditions with amendments, which was seconded by Commissioner White. The Commission voted 2-3 so the motion to approve failed.

On a substitute motion by Commissioner Willis and seconded by Commissioner Campbell, a recommendation for denial was made. The Commission voted 3-2 and the motion to deny passed.

PROJECT BACKGROUND:

The subject property consists of two land parcels that are zoned C-1 and have never been developed. The applicant is seeking a rezoning to C-2 and special use permit to allow for a car wash. Because the properties adjoin an RM-13 District to the rear and side, a 75' buffer along both shared property lines is also required to screen the apartment community that exists on the adjacent property.

The applicant is seeking to develop the property as an automated car wash facility. The proposed car wash building is approximately 3,464 square feet. The parking area which contains vacuum facilities has 26 parking spaces; an additional four parking spaces are proposed along the drive aisle.

Because of the configuration of the site and the 75' buffer requirement, the applicant is requesting a buffer reduction to 25' along the shorter shared property line and a reduction to 15' along the longer shared property line to accommodate the proposed building and drive aisles. If the buffer variances are granted, the distances between the proposed car wash building and the apartment buildings on adjacent properties to the east would be approximately 53 feet. The closest structure on the adjacent property to the south is a storage building. While there is some space to shift the building forward toward Medlock Bridge Road, this would impede the circulation of traffic on the site.

STAFF REVIEW:

The site in question is a corner property located at a heavily-trafficked intersection with similar automobile-oriented uses: gas stations exist on the other three corners.

The applicant is proposing a car wash with modern architecture that includes flat roofs with rectilinear overhangs, tower elements, and large windows. While materials have not been identified, the building is within the Activity Center/Corridor Overlay District which regulates primary building materials.

The request to reduce the buffer is prompted by the constraints of the property, including its small size and configuration and the very limited amount of developable area that would result from full compliance with a 75' buffer.

Given that the property adjoins a wooded area on the apartment property, the effect of the reduced buffer is somewhat lessened. The applicant is also proposing an opaque fence with enhanced landscaping within its buffer area.

ZONING STANDARDS:

Zoning Code Section 1702 identifies specific criteria that should be evaluated when considering a zoning decision. These criteria are enumerated as 'A' through 'F', below. Following each item is the applicant's response followed by Staff's comment.

A. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?

Applicant's Response: Yes, the use as a car wash is suitable in view of the use and development of the adjacent and nearby property. The subject site, which is currently commercially zoned, is located at the intersection of Old Peachtree and Medlock Bridge Road with three other automobile-oriented uses. Currently, the northeast corner of the intersection includes a convenience store with fuel canopy and additional commercial space, the southwest corner includes a convenience store with fuel canopy, and the northwest corner includes a convenience store with fuel canopy, a commercial strip, and a former carwash that is no longer in business (zoned C-2).

Staff's Comment: Yes. Given the similar uses, including several adjacent gas stations, the car wash business is unlikely to have a detrimental impact on the surrounding area.

B. Will this proposed rezoning, special use permit, or change in conditions adversely affect the existing use or usability of adjacent or nearby property?

Applicant's Response: No, the rezoning and SUP will not adversely affect the existing use or usability of adjacent and nearby property. The site is currently zoned for commercial uses and is at an intersection with similar uses and zoning classifications.

Staff's Comment: The proposal would be constructed on undeveloped property and be of a similar nature to other existing automobile-oriented businesses in the area and thus not have an adverse impact on nearby properties.

C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?

Applicant's Response: The site has remained vacant as currently zoned. The Applicant submits that the site does not have reasonable economic use as currently zoned. The Applicant submits that the proposed rezoning and SUP would permit a use more compatible for the site.

Staff's Comment: The property has a reasonable economic use as currently zoned.

D. Will the proposed rezoning, special use permit, or change in conditions result in a

use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

Applicant's Response: No, the rezoning and SUP will not result in an excessive use of existing streets, transportation facilities, utilities, or schools.

Staff's Comment: Conditions related to site design will mitigate any potential impact on traffic or circulation within the parking lot. There will be no impact on schools.

E. Is the proposed rezoning, special use permit, or change in conditions in conformity with the policy and intent of the land use plan?

Applicant's Response: Yes, the site is within the Employment Corridor character area, which encourages diverse employment and revenue generating businesses, including uses as intense as light industrial.

Staff's Comment: (see Comprehensive Plan heading, below.)

F. Are 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 rezoning, special use permit, or change in conditions?

Applicant's Response: Yes, there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval. Please see attached letter of intent.

Staff's Comment: The proposal will make use of an undeveloped property. The proposal also provides a service business to the surrounding community.

COMPREHENSIVE PLAN:

The 2040 Comprehensive Plan's Character Area Map indicates that the property is located within the Employment Corridor Character Area. Policies for this area encourage small-scale retail businesses at major intersections.

DEPARTMENT ANALYSIS:

The proposal for a car wash business is consistent with the goals of the comprehensive plan for this area. Given the small scale of the proposed business, it is unlikely to be a detriment to surrounding properties which have similar auto service uses and other commercial retail and personal service businesses.

Additionally, the Activity Center/Corridor Overlay District regulates the architecture, building materials, and signage on the property, therefore ensuring that this business will not stand out from others nearby.

Finally, while the property has been undeveloped, the plans have been reviewed by the City's engineering staff and any concerns regarding traffic and circulation have been addressed in conditions below.

RECOMMENDATION:

After review of the applicant's proposal and other relevant information, it is recommended that RZ2022-008, SUP2022-009, V2022-006 be approved, subject to the following conditions:

1. The property shall be rezoned from C-1 to C-2 and a Special Use Permit shall be granted to allow for a car wash. The property shall also be granted a variance to reduce the buffer to 15' along the eastern property line and to reduce the buffer to 25' along the southern property line.
2. Building elevations shall be in substantial compliance with those submitted with this application by Pro Building Systems dated 11/30/2022, however, building materials and colors shall be in compliance with the Activity Center/Corridor Overlay standards.
3. The reduced buffer areas shall be revegetated using double-staggered rows of evergreens at least 8 feet in height at time of planting spaced no more than 6 feet apart. The property shall also construct and maintain a 6' tall solid wood fence along the shared property line with the adjacent apartment complex.
4. A land disturbance permit is required to develop property.
5. A combination plat is required prior to land disturbance permit approval.
6. Gwinnett Department of Water Resources approval is required for water and sanitary systems.
7. Recompense will be required for removal of any specimen tree.
8. Both frontage landscape strips are required to be fully landscaped per ordinance.
9. **Stormwater management, including runoff reduction, is required. Runoff from car wash facility and dumpster area must be managed in the sanitary or stormwater system without bypass.**
10. Dedication of additional right of way for a future city gateway structure or public art feature shall be prescribed per the Public Works Department.
11. If this is a conveyor car wash, a recycled water system must be installed and **maintained. A minimum of 50% of the water shall be recycled.**
12. The South Old Peachtree Road driveway shall be a right in, right out configuration via use of a "porkchop" median.
13. Sidewalk is required along the South Old Peachtree Road frontage and should **extend all the way to the sewer connection to the east. Existing aprons on the Medlock Bridge Road side shall be removed and converted to sidewalk.**
14. The dumpster shall be enclosed, gated, covered, and relocated so that it is not situated at the intersection corner of the property.
15. The facility may only operate during the hours of 8AM to 8PM.
16. There shall be no outdoor speakers on the property.