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Via Submission to the Department of Planning & Development

The City of Lawrenceville, Georgia
Mayor & Council
70 S. Clayton Street
Lawrenceville, Georgia 30046

RE: Special Use Permit to allow Vehicle Storage—Submitted by Jason Mundy and Mundy Holding Company, LLC Concerning 562 John Conner Court (the “**Property**”)

Please allow this communication to supplement the Letter of Intent submitted in connection with the Special Use Permit Application (the “**Application**”) concerning the Property. My office represents Jason Mundy and Mundy Holding Company, LLC the applicant and property owner (for the reader’s convenience both the applicant and the property owner will be referred to collectively as the “**Applicant**” or as “**Mundy**”).

As you are aware, the Applicant is seeking a Special Use Permit to allow for Outdoor Storage on the Property—limited only to outdoor vehicle storage—in accordance with Zoning Ordinance Table 103.2. The use will include storage of some vehicles that show visible signs of damage or that have been wrecked. These vehicles would be parked on the facility while awaiting parts or availability. No vehicles, however, will be used for junk or salvage. The Property is currently zoned LM, a light industrial zoning district. The district permits such outdoor vehicle storage only as a special use.

Although this special use permit does request outdoor and vehicle storage uses, it should be noted that the result of the intended development is primarily to improve the Property with a 7,500 sq. ft. developed structure and a 70-space parking lot with landscaped islands. That is, the contemplated development will bring commercial investment and businesses, not merely a parking lot. The building will be used to expand an existing vehicle calibration business currently located on Hurricane Shoals Road (Advanced Safety Calibrations).

Parking and vehicle storage will be ancillary to this primary use and Property’s appearance (and operations) will reflect that order of uses. The parking lot will be traditionally

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scaled, having a parking ratio of approximately 1:100 sq. ft. While this parking requirement exceeds what would be required for the envisioned use,¹ the ratio is not particularly excessive when compared to other uses, such as lodges or fraternal organizations (1:100 sq. ft.), Community Centers (1:150 sq. ft.), Fitness Centers (1:150 sq. ft.), and Places of Assembly (1:100 sq. ft.). *See, Table 5-3 of the Zoning Ordinance.* As such, approving the special use permits an allowed principal use to operate, improves an underdeveloped commercial property within the City, and does not create an excessive amount of parking than would be permitted for other uses.

While the special use permit requested here does envision the expansion of outdoor vehicle storage, the envisioned use will not be unattractive or resource intensive. First, the nature of Mundy's business from the Property will be limited to advanced vehicle calibration. Vehicle calibration is typically performed after body repairs have been completed and the vehicle's electronic diagnostic and safety equipment must be recalibrated through electronic devices. Although some heavy machinery is used, most of Mundy's services are performed with smaller electronic and processing equipment. Secondly, Mundy's has been intentional in the placement of the parking facilities, making sure that the parking facilities are screened from Hurricane Shoals and placing the building along the open space on the northern portion of the Property (which is open on account of a gas line easement). Thus, the parking lot is only visible from the cul-de-sac on John Conner Court, which is only used by commercial businesses and their patrons. Fencing and gates will be installed to further limit sightlines into the Property.

Mundy's has a long history of success and a track-record as a community partner in Lawrenceville. It has been purposeful in ensuring its existing buildings are well-maintained and attractive. Its property is well-kept and orderly maintained. Mundy's is highly rated and at the forefront of safety calibrations and is among the most successful and highly rated of these businesses in the metro-Atlanta area.

I. STANDARDS GOVERNING EXERCISE OF ZONING POWER (ZONING ORDINANCE § 907(C))

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

The special use permit pertains to an accessory use for vehicle storage, which, as proposed, is ancillary to the diagnostic business to be developed here. Commercial and light industrial uses abound in the area. Those commercial uses include various types of commercial operations and businesses. While older automobile-oriented businesses are in the area, the surrounding uses are diverse and of similar intensities of use. Further, Mundy has been an established community

¹ The parking requirements for the office and automotive repair and maintenance uses would require between 11 and 20 parking spaces in accordance with Table 5-3 of the Zoning Ordinance.

partner for the City. Mundy's existing buildings on Hurricane Shoals have benefited from purposeful investments in their façade and streetscape to ensure compatibility with Lawrenceville's standards of development. The proposed building will likewise match these architectural and design standards. Additionally and as noted above, the parking facilities will be oriented behind existing buildings on Hurricane Shoals, limiting the extent to which they will be visible from the street.

Mundy is very conscious of the City's goal of transitioning the area from the predominance of automobile-oriented businesses. The primary use on the Property, although automobile oriented, is not the typical body and collision center of decades' past. Mundy's calibration services pertain primarily to electronic and diagnostic components within vehicles. Much of their work is performed through electronic calibration equipment as opposed to manual, loud, compressed-air equipment that one might expect in a traditional automotive repair shop. Mundy's operations are state-of-the-art, clean, and have minimal noise associated with them.

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

The Special Use Permit allows for the redevelopment of an underdeveloped commercial property, currently a gravel parking lot. The surrounding properties are of similar commercial and light industrial uses and have developed around Mundy's existing and adjacent collision and calibration center. Nearly all adjacent properties have similar uses. The City Electric Supply location to the West of the Property, likewise, uses the adjacent portions of that property for outdoor storage of inventory. There is no indication that the use will be adverse or create inharmonious uses.

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

Being zoned in a light industrial district, the Property's use is limited to industrial and manufacturing uses. Such uses often require storage of equipment, inventory, and/or vehicles as an accessory to the primary use. Without being able to use the property for vehicle storage, the property's use by right is limited and is a significant detriment to its continued use.

4. 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 use proposed will not result in any additional burden or strain on existing infrastructure. The use is largely passive and does not require significant utility access. Stormwater arising from impervious surfaces will be in an amount that is similar to other allowed uses on the Property and will be adequately treated in accordance with the City's stormwater regulations.

5. *Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan; and*

The Property is within the Community Mixed Use character area of the Comprehensive Plan. As noted, Mundy's is aware of the City's desire to expand services and industry in the City beyond traditional automobile-oriented businesses. Mundy's business certainly involves the repair of motor vehicles and, to be clear, the Applicant is not suggesting otherwise. However, Mundy's unique services, largely being diagnostic and technology related, are not the typical heavy intensity of uses associated with other vehicle repair shops. Most of its services are related to technology and calibration of vehicles, which create less refuse, less noise, use less heavy machinery, and do not require extensive inventory storage. For that reason, Mundy's believes that the intended use and the associated secondary use is more consistent with the Comprehensive Plan and the City's goal of creating a diverse and technologically based businesses in the City. (See, Comprehensive Plan Pg. 26).

6. *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 existence of similar storage uses in the area support allowing the special use. Mundy's ensure that any vehicles stored on the property that demonstrate signs of damage, will be limited to the most interior parking spots so that sightlines of those vehicles are obscured from Hurricane Shoals Road.

II. SPECIAL USE PERMIT CONSIDERATIONS (ZONING ORDINANCE § 904(C))

1. *The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.*

The special use, vehicle storage, will not endanger public health, safety, or general welfare. The property will be maintained, enclosed, and there will be surveillance systems installed to ensure the property remains protected. Vehicle storage will occur within a defined area, where direct sightlines will be limited from Hurricane Shoals Road.

2. *The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or will not substantially diminish and impair property value within the neighborhood.*

The surrounding properties are of similar commercial and light industrial uses and have developed around Mundy's existing and adjacent collision center, which includes vehicle storage as a legal nonconforming use. Nearly all adjacent properties have similar uses. The City Electric Supply location to the West of the Property, likewise, uses the adjacent portions of that property

for outdoor storage of inventory. There is no indication that the use will be adverse or create inharmonious uses.

- 3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.***

The vehicle storage use will be visible only from John Connor Court and will be screened by opaque fencing. Surrounding development include other similar uses, including similar vehicle storage uses.

- 4. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.***

Yes. The special use is passive and has no impact on existing utilities. Stormwater will be treated in accordance with City standards.

- 5. Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; and***

Traffic impacts will be limited. The special use contemplated here will generate minimal additional traffic. The primarily use, vehicle calibration, is not anticipated to generate any substantial traffic impacts.

- 6. The special use will be in a district where such use may be permitted and that all requirements set forth in this Zoning Ordinance and applicable to such conditional use will be met.***

All requirements of the Zoning Ordinance will be met.

III. PROFFERED CONDITIONS:

To show a commitment to quality of development envisioned here, the Applicant proffers the following conditions to the special use permit:

1. A wooden (or other material of equal or greater quality) fence and metal gates shall be installed where the Property adjoins and abuts John Conner Court.
2. Surveillance cameras shall be installed and shall be registered with the Lawrenceville Police Department's camera registration.
3. No vehicle demonstrating visible damage shall be parked within 50 feet from the Property's entrance from John Connor Court or the parking spaces immediately in front of the proposed office/warehouse.

4. Outdoor storage uses shall be limited to vehicles currently being repaired or scheduled for repair.
5. Parking islands on the Property will be landscaped.

IV. PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant looks forward to working with the City on an amicable basis in addressing the special use permit and showing grounds for its approval. Georgia law, however, requires that a property owner preserve constitutional rights in a written notice prior to public hearings. This notice is being provided in accordance with such law. It is the Applicant's position on behalf of itself and the property owner, that the City's Zoning Ordinance as enforced against the Property and on its face is unconstitutional in that it destroys the marketability of the property and renders the property exceptionally less valuable, and such zoning therefore constitutes a taking of property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States, as well as Article 1, Section 1, Paragraph 1; Article 1, Section 3, Paragraph 1(a); and Article 3, Section 6, Paragraph 2 of the Constitution of the State of Georgia (1983).

The Zoning Ordinance's prohibitions on vehicle storage are arbitrary and ambiguous such that the Property owner is subjected to capricious enforcement of regulations to preclude any use of the Property or are such that they require that the Subject Property be put to a particular use that has no reasonably economic value.

A refusal to approve these Applications will render the property unusable and constitutes the taking of Applicant and property owner's property without just and adequate compensation and without due process of law in violation of the provisions of the United States and Georgia Constitutions cited in this paragraph. The same effect would be had by imposing conditions in restraint of trade, or onerous, burdensome, unconstitutional, or unnecessary conditions on the property. The denial of this request would bear no reasonable relation to the health, safety, morals or welfare of the citizens and therefore is unconstitutional.

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