



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT
PLANNING COMMISSION**

CASE SUMMARY

October 25, 2016

CASE NUMBER: #CUP 16-08

REQUEST: Conditional Use Permit with Variances

PURPOSE: To Operate a Church

LOCATION: 2005 McGee Road, Snellville, Georgia

PARCEL: District 5, Land Lot 08, Parcel 359

PRESENT ZONING: BG (General Business) District

FUTURE LAND USE MAP: Park/Recreation

DEVELOPMENT/PROJECT: Emmanuel International Church

PROPERTY OWNER: NHL Corporation
Monroe City, MO

APPLICANT: Emmanuel International Church
Lawrenceville, Georgia

CONTACT: Michael Williams
770.938.1489 or mcwzone@gmail.com

STAFF RECOMMENDATION: Denial



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT
PLANNING COMMISSION**

APPLICATION FOR CONDITIONAL USE PERMIT

CASE ANALYSIS

TO: **The Planning Commission**

MEETING DATE: October 25, 2016

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#CUP 16-08**

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Emmanuel International Church, represented by Michael Williams, requesting a Conditional Use Permit to operate a Church in an existing development at 2005 McGee Road, Snellville. The subject property is zoned BG (General Business) District and designated as Park/Recreation on the 2030 Future Land Use Plan.

Properties to the North, East and West are zoned RS-180, (Single-Family Residence) District; while the property to the northeast is zoned OP (Office Professional) District. The property abuts the Ashwood Grove residential subdivision to the west, which is located in unincorporated Gwinnett County and zoned R-75, (Single Family Residence) District. The adjacent properties include professional office buildings, an assisted living facility, South Gwinnett Park, single family residential properties.

REQUEST:

The request is for a Conditional Use Permit to operate a Church within the existing facility with variances to locate on a street with a less intense road classification of a minor collector and to allow the existing building to encroach within the 20 feet side yard setback, as required by the conditional use standards for religious facilities within the BG (General Business) zoning district. The applicant is also requesting to be allowed to forgo the planting of a six foot buffer along all side and rear property lines that abut residential zoned property.

BACKGROUND:

The subject property is a ±2.05 acre property with a 9,460 sq. ft. building with thirty-five (35) associated parking spaces and detention facilities in front of the building.

On May 19, 1997 the Mayor and Council approved the Land Use Plan and Official Zoning Map amendments with eight (8) conditions of zoning for a sports and recreational facility and applied a sunset provision on the zoning to revert back to single-family residential if the facility was not developed as approved.

On September 15, 1997 the Mayor and Council approved a request to remove Conditions #1 and #8 of the May 19, 1997 approved conditions of zoning. These conditions required the use to be a sports and recreational facility only, as well as, the provision for the zoning to revert if that specific use wasn't realized.

Additionally, the Board of Appeals considered a variance request to reduce certain space limits on the property. The Board of Appeals ultimately reduced the side western side yard to zero and was prior to the development of the adjoining Ashwood Grove Subdivision.

In 1997 plans were approved and in 1998 the property was developed as a cheerleading and training center, which operated under the name of Force Cheerleading, Inc., until closure of the business in 2015. In October 2015, the property was acquired by NLH Corporation and has remained vacant since.

STAFF ANALYSIS:

Presently with 35 onsite parking spaces, the City's parking requirements would allow for a congregation size to grow to 210 regular attendees before requiring the Church to consider additional parking options. These parking regulations require one parking space per six seats in the main worship area; however, many of today's County and municipal parking regulations have more stringent parking requirements, requiring one space for every two or three seats in the main worship area. Parking availability could become a concern should Church membership grow in the near future.

In accordance with Section 9.10(3), Subsection 5 of the Zoning Ordinance, Churches and Religious Institutions may be permitted provided the applicant for a such a business is granted a Conditional Use Permit by the Mayor and Council after receiving recommendations from the

Planning and Development Department and Planning Commission and after a public hearing, subject to the following provisions of Section 9.2:

1. All such facilities shall front on a street having minimum classification of major collector, for a distance of at least 100 feet;

The subject property fronts McGee Road for a distance in excess of 100 feet; however according to Gwinnett County D.O.T., McGee Road is classified as a Minor Collector and not a Major Collector which is designed to receive traffic from local roads and distribute it back onto local roads. Therefore, the application does not meet the minimum standard for this portion of the conditional use permit requirements.

2. The minimum lot size shall be one acre;

The subject property comprises approximately ± 2.05 acres, in excess of the minimum lot size requirement.

3. The maximum lot size shall be three acres;

The subject property comprises approximately ± 2.05 acres, which falls below the 3 acre maximum requirement.

4. All buildings shall be set back at least 50-feet from the front property line, 40-feet from the rear property line, and 20-feet from side property lines (35-feet on the street side if a corner lot); and

The existing building has a ten feet side yard setback from the adjacent residential properties in the Ashwood Grove subdivision. Although the original developer was granted a variance to be reduce the side yard setbacks from 10 feet to zero (0) feet; the variance approval was based in part on the fact the property use would solely be limited for a sport recreation facility. The change in use to a religious facility could negatively affect the quality of life for several of the adjacent residents, given the less than 100 feet separation between the proposed Church building and residential dwellings.

5. A densely planted buffer, no less than 6-feet in height, having a minimum width of 10-feet shall be installed along all side and rear property lines which abut Residential Land Use.

The subject property does not comply with this requirement. Furthermore, the existing building was given a variance to be constructed with a zero (0) foot setback when originally planned for a sport recreation facility. The room to install said buffer does not exist unless the building was relocated on the site. Again, the change in use to a religious facility could negatively affect the quality of life for several of the adjacent residents, given the less than 100 feet separation between the proposed Church building and residential dwellings.

In conclusion, the application fails to meet three out of the five requirements as set forth in Section 9.10(3) of the Zoning Ordinance. Furthermore, the Future Land Use Designation for this parcel is Park/Recreation and which is more compatible with the previous use of the property for a cheerleading training facility. The Park/Recreation designation and associated uses are also more appropriate given the subject property is directly adjacent to South Gwinnett Park.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Denial** of the requested variances and **Denial** of the request for a Conditional Use Permit for a Church; however should the Planning Commission consider recommending approval, the following **Conditions** are suggested for the subject property:

1. In the event that the subject space is not leased or occupied by Emmanuel International Church within twelve (12) months from the date of Mayor and Council approval, or if the space is occupied and later vacated by Emmanuel International Church, the Conditional Use Permit will become null and void; and
2. New signs higher than 15 feet and larger than 225 square feet are prohibited.