



CONDITIONAL USE PER

2387 LENORA CHURCH RD
#1600566 RZ 17-02 LUP 17-01 CUP 17-01
PARCEL- 5026 071
BRANNEN DEVELOPEMNT- 2338 SCENIC HWY LLC

Snellville Planning & Development Department
2342 Oak Road
Snellville, GA 30078
Phone 770.985.3514 Fax 770.985.3551

RECEIVE
DEC 13 2016
CITY OF SNELLVILLE
PLANNING & DEVELOPMENT

DATE RECEIVED _____
CASE # **CUP 17-01**

Applicant is: (check one)

- Owner's Agent
- Contract Purchaser
- Property Owner

Owner (if not the applicant): check here if there are additional property owners and attach additional sheets.

DANNY RUECKEL

2338 SCENIC HIGHWAY LLC

Name (please print)

Name (please print)

2341 DEFOORS FERRY RD

2341 DEFOORS FERRY RD

Address

Address

ATLANTA GA 30318

ATLANTA GA 30338

City, State, Zip Code

City, State, Zip Code

404-432-8392

404-355-9500

Phone Number(s)

Phone Number(s)

Fax

Fax

Contact Person: **DANNY RUECKEL** Phone: **404-432-8392** Fax: _____

Cell Phone: _____ E-mail: **D.RUECKEL@COMCAST.NET**

Present Zoning Classification(s): **OFFICE PROFESSIONAL** Present Land Use Classification(s): _____

Property Address/Location: **2387 LENORA CHURCH RD** District **5TH** Land Lot **26** Parcel(s) **R5026 071**

Applicants must submit a Conditional Use Permit application (and Land Use Plan Amendment and/or Zoning Map Amendment application, if required) for the following permitted uses (check one):

- Automotive Body Repair Shops (HSB District Only)
- Automotive Parts Store (with or without lubrication or tune-up centers) (BG and HSB Districts)
- Automotive Repair Shops including major engine repair (transmission, radiator repair and engine overhauls) (HSB District Only)
- Automotive and Motorcycle Sales and Rental Establishments and associated service facilities (BG and HSB Districts)
- Automotive Service Stations or Tire Stores (including lubrication, tune-up, battery replacement, brake repair centers) (BG District Only)
- Banks and Savings & Loan Institutions (OP District Only)
- Beauty and Barber Shops, including Manicurists (OP District Only)
- Boat Sales Establishments and associated service facilities (HSB District Only)
- Building Supply Centers with screened outdoor storage (BG and HSB Districts)
- Camper and Recreational Vehicle Sales and Rental Establishments and associated service facilities (HSB District Only)
- Cell Towers (new) and Telecommunications Antennas and Towers (new) (All Zoning Districts)
- Cemetery (All Residential Districts)
- Churches and related religious uses (All Residential Districts, BG and HSB Districts Only)
- Community Living Arrangement (RS-180 or RS-150 District)
- Commercial Recreational Enterprises (All Residential Districts; BG and HSB Districts)
- Contractor's Office with outdoor storage of equipment or materials (HSB District Only)
- Day Care Centers, provided that State day care requirements and health regulations are met (OP District Only)
- Drug Stores and Pharmacies accessed through and associated with medical clinics, doctors' offices, or dental offices (OP District Only)
- Emissions Inspections Stations (BG District Only)
- Equipment Rental, Sales, or Service Establishments with outdoor storage of equipment (HSB District Only)
- Family Personal Care Home (RS-180 or RS-150 District)
- Gas (Fuel) Stations (BG and HSB Districts)
- Group Home (RS-180 or RS-150 District)
- Historical Event Venue (All Residential Districts)
- Lawnmower Sales and Repair Shops (BG and HSB Districts)
- Machine and/or Welding Shops (BG District Only)
- Mini-Warehouse Storage Facilities (HSB District Only)
- Building Lots and Building Structures (OP District Only)

- Plumbing, Electrical, Pool, and Homebuilding Supply Showrooms and Sales Centers with outdoor storage (HSB District Only)
- Psychics and Fortuntellers (BG District Only)
- Public, Private and Parochial Schools (All Residential Districts)
- Railroad through and spur tracks (All Residential Districts; OP, BN, BG, and HSB Districts)
- Tattoo and or Body Piercing Establishments (BG District Only)
- Taxicab or Limousine Services (BG and HSB Districts)
- Utility Substation (All Residential Districts; OP, BN, BG, and HSB Districts)

At a minimum, the following items are required with submittal of all CUP applications. Incomplete applications will not be accepted.

- √ Pre-submittal appointment shall be requested and completed a minimum of five (5) business days prior to Application deadline to ensure application is complete, accurate, and includes all required attachments/exhibits and required signatures;
- √ Payment of the appropriate application and public notice sign fees. Make checks payable to *City of Snellville*;
- √ Letter of Intent explaining the request for a Conditional Use Permit and what is proposed;
- √ The names, addresses, and original signatures of the owners of the subject parcel(s) and their agents, if any;
- √ The present zoning district and land use plan classification for the subject parcel(s);
- √ Analysis of impact of the proposed Conditional Use Permit pursuant to Section 15.2(3)(e) of Snellville Zoning Ordinance. (Attachment A);
- √ Applicant's and/or Owner's Certification (Attachment B);
- √ Conflict of Interest Certification and Disclosure of Campaign Contributions (Attachment C and D);
- √ A current legal description of the parcel(s) proposed for a Conditional Use Permit;
- √ Verification from county Tax Assessor that all property taxes have been paid and account is current (for all parcels subject to this application). Applicant to obtain confirmation of taxes paid using original Verification Sheet (attached);
- √ A Certificate of Title or Warranty Deed (for all parcels subject to this application);
- √ Map indicating the subject parcel(s) and the adjoining parcel(s), identified by property owner(s) name and tax parcel number;
- √ Ten (10) copies and one (1) original of the proposed Site and Concept Plan, and one (1) 11" x 17" (or smaller) reduction of the plan, drawn to scale, showing: (a) north arrow; (b) district, land lot(s) and parcel number(s); (c) the dimensions with bearing and distance; (d) acreage; (e) location of the tract(s); (f) the present zoning and land use classification of all adjacent parcels, (g) the proposed location of structures, driveways, parking and loading areas; (h) and the location and extent of required buffer areas. Site and Concept Plan shall be prepared by an architect, engineer, landscape architect, or land surveyor whose Georgia state registration is current and valid. Site plan must be stamped and sealed by one of the four above-mentioned professionals no more than six (6) months prior to the date of submittal;
- √ Additional information in narrative form, or depicted on the site plan, demonstrating how all provisions regarding the conditional use as listed in the Zoning Ordinance will be complied with;
- √ Ten (10) stapled or bound copies of the Conditional Use Permit application, Architectural building renderings and all supporting documents, in addition to one (1) unbound application (original) bearing original signatures. All documents must be folded to 8-1/2 x 11"; and
- √ A CD-ROM containing a digital file of: (a) site plan in .pdf and .dwg file formats, (b) legal description(s) in .pdf file format, and (c) completed and signed Conditional Use Permit application (and all supporting documents) in .pdf file format;

The following uses must comply with additional regulations, which is in-addition to the general submittal requirements above:

- Automotive Body Repair Shops – Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Automotive Repair Shops including major engine repair (transmission, radiator repair and engine overhauls) – Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Automotive and Motorcycle Sales and Rental Establishments and associated service facilities (include on Site & Concept Plan):

	Complies (check one)
a) The property for said use shall not be less than two (2) acres in area;	<input type="checkbox"/> Yes <input type="checkbox"/> No
b) The property shall have a minimum road frontage of two-hundred (200) feet;	<input type="checkbox"/> Yes <input type="checkbox"/> No
c) One thousand (1,000) linear feet of separation exists between said business and any other automotive and motorcycle sales business;	<input type="checkbox"/> Yes <input type="checkbox"/> No
d) Include the following statement on the Site & Concept Plan, "All vehicles on the sales lots are to be in operating condition at all times";	<input type="checkbox"/> Yes <input type="checkbox"/> No
e) Include the following statement on the Site & Concept Plan, "All vehicle inventory stored/parked/displayed outside must be on paved parking surfaces only and shall not be stored/parked/displayed in landscaped areas or elevated by use of a ramp, post or other device higher than five-feet (5') above grade";	<input type="checkbox"/> Yes <input type="checkbox"/> No
f) Include the following statement on the Site & Concept Plan, "Showrooms and/or service bays that keep new/used/service vehicles within building structures, must meet all applicable Federal, State, County, and local building and life-safety codes (at the time of application for an Occupation tax Certificate) regarding the storage of hazardous materials";	<input type="checkbox"/> Yes <input type="checkbox"/> No

NOTE: Internet automobile/motorcycle sales where there is no temporary or permanent storage, parking, delivery, or display of inventory may submit an Administrative Variance application in lieu of a Conditional Use Permit application for administrative review and approval.

- Building Supply Centers with outdoor lumber yards or storage areas - Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Cell Towers (new) and Telecommunications Antennas and Towers (new): See Attachment B

Cemeteries (new):

- a) All new cemeteries shall front on a street having a minimum road classification of "major collector", for a distance of at least one-hundred feet (100');
- b) New cemeteries shall have a minimum lot size shall be two (2) acres;
- c) A landscape buffer having a width of ten-feet (10') shall be installed along all side and rear lot lines and shall have a fence of a type specified in the City of Snellville Architectural Design Standards. Show on Site Plan and provide pictures of proposed fencing.

Complies (check one)

Yes No
 Yes No

Yes No

Churches and related religious uses:

- a) All such facilities shall front on a street having a minimum road classification of "major collector", for a distance of at least one-hundred feet (100');
- b) The minimum lot size shall be one (1) acre;
- c) The maximum lot size shall be three (3) acres;
- d) All buildings shall be set back at least fifty-feet (50') from the front property line, forty-feet (40') from the rear property line, and twenty-feet (20') from the side property lines (thirty-five feet) (35') on the street side if a corner lot; and
- e) A densely planted buffer, no less than six feet (6') in height, having a minimum width of ten-feet (10') shall be installed along all side and rear property lines which abut Residential Land Use. Show on Site Plan.

Complies (check one)

Yes No
 Yes No
 Yes No

Yes No

Yes No

Community Living Arrangement:

- a) Minimum one (1) acre lot size;
- b) Licensed by the Department of Human Resources of the State of Georgia as a Community Living Arrangement;
- c) The community living arrangement shall apply for and receive an occupation tax certificate/business license from the City of Snellville prior to operation;
- d) May be granted for the care of up to 6 adults, aged 18 years or older; and
- e) Approved by the Gwinnett County Department of Environmental Health for properties having an on-site sewage management (septic) system.

Complies (check one)

Yes No
 Yes No

Yes No

Yes No

Yes No

- Contractor's Office with outdoor storage of equipment or materials – Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.

Drug Stores and Pharmacies:

- a) Accessed through and associated with medical clinics, doctors' offices, or dental offices; and
- b) Provide floor plan showing office space and public and private access areas.

Complies (check one)

Yes No
 Yes No

Family Personal Care Home:

- a) Minimum one (1) acre lot size;
- b) Licensed by the Department of Human Resources of the State of Georgia as a Community Living Arrangement;
- c) The community living arrangement shall apply for and receive an occupation tax certificate/business license from the City of Snellville prior to operation;
- d) May be granted for the care of up to 6 adults, aged 18 years or older; and
- e) Approved by the Gwinnett County Department of Environmental Health for properties having an on-site sewage management (septic) system.
- f) The dwelling unit must be the primary and legal place of residence for the owner of the family personal care home. Owner of the family personal care home is defined as an individual, not a partnership or corporation, that has sole ownership of 51% or more of the stock, assets, or value of the family personal care home business.
- g) Operation of the family personal care home is subject to the regulations or Article XVIII, Home Occupations and Businesses of the City of Snellville Zoning Ordinance.

Complies (check one)

Yes No
 Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Gas (Fuel) Stations:

- a) Fuel pumps shall not be closer than thirty-feet (30') from right-of-way. Show on Site Plan;
- b) Fuel pumps and gas storage tanks shall be setback at least one-hundred feet (100') from any residential zoning district; Show on Site Plan;
- c) Canopy design shall conform to the specifications indicated in Architectural Design Standards. Provide examples.

Complies (check one)

Yes No

Yes No

Yes No

Group Home:

- a) Minimum one (1) acre lot size;
- b) Licensed by the Department of Human Resources of the State of Georgia as a Child Care Institution;
- c) The group home shall apply for and receive an occupation tax certificate/business license from the City of Snellville prior to operation;
- d) May be granted for 6 or more children or child care institution for medically fragile children (1-12 children) that provides full-time group home care for children through 18 years of age outside their own home;
- e) Approved by the Gwinnett County Department of Environmental Health for properties having an on-site sewage management (septic) system.
- f) Dwelling and premises shall maintain residential in character.

Complies (check one)

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

- Historical Event Venue: Complies (check one)
- a) Principal building must have been built at least 50 years prior to the Conditional Use Permit application, and the principal building must maintain historical significance based upon criteria used for The National Register of Historic Places; provided however, that failure to be listed by The National Register of Historic Places shall not disqualify such a building for consideration by the City of Snellville for designation as an Historic Event Venue; Yes No
- b) In addition to all principal permitted uses and permitted accessory uses, any such venue facility shall only be used for the following commercial uses – weddings, private parties, business lunches, receptions, showers, and events of similar characteristics; Yes No
- c) The minimum lot size shall be one (1) acre. Show on Site Plan; Yes No
- d) The minimum size of the principal building shall be 1,800 square feet. Show on Site Plan; and Yes No
- e) A buffer shall be planted along all side and rear property lines, having a minimum width of ten-feet (10'), when abutting residentially zoned properties. Show on Site Plan. Yes No
- Pawn Shops and Pawn Brokers, Title Pawn Shops, and Check Cashing Businesses: Complies (check one)
- a) No pawnshop/broker, title pawn shop or check cashing business shall be licensed or operated within one-thousand feet (1,000') of any residential zoning district, public or private school or college, church or other place of worship, library, daycare facility, public park or playground, massage establishment, tattoo and/or body piercing establishment, and existing pawnshop, title pawnshop, check cashing or adult establishment. Provide distance survey by GA Registered Land Surveyor; Yes No
- Plumbing, electrical, pool and homebuilding supply showrooms and sales centers with outdoor storage – Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Psychics and Fortunetellers: Complies (check one)
- a) No psychic or fortuneteller shall be licensed or operated within two-thousand feet (2,000') of any residential zoning district, public or private school or college, church or other place of worship, library, daycare facility, public park or playground, massage establishment, adult entertainment establishment, tattoo and/or body piercing establishment, and any other existing psychic and fortunetelling business. Provide distance survey by GA Registered Land Surveyor; Yes No
- Public, Private and Parochial schools: Complies (check one)
- a) A minimum site of five (5) acres is provided; Yes No
- b) The site shall front on a street having a minimum road classification of "major collector", for a distance of at least one-hundred-feet (100'); Yes No
- c) A buffer is provided along all side and rear property lines having a minimum width of ten-feet (10'). Show on Site Plan; Yes No
- Railroad through and spur tracks: Complies (check one)
- a) No sidings or terminal facilities shall be provided; Yes No
- b) No service, repair or administrative facilities shall be provided. Yes No
- Tattoo and or Body Piercing Establishments: Complies (check one)
- a) No tattoo and/or body piercing establishment shall be licensed or operated within two-thousand feet (2,000') of any residential zoning district, public or private school or college, church or other place of worship, library, daycare facility, public park or playground, massage establishment, adult entertainment establishment, or any other existing tattoo and/or body piercing establishment. Provide distance survey by GA Registered Land Surveyor; Yes No
- Utility Substation: Complies (check one)
- a) Documentation is presented by the utility company depicting the need for such substation in a residential locale; Yes No
- b) Any substation shall conform with all setback and space limits of the zoning district in which they are located; Yes No
- c) Substations shall be enclosed by an opaque fence other than a cyclone type, and shall be appropriately landscaped; Yes No
- d) A buffer shall be planted along all side and rear property lines, having a minimum width of ten-feet (10'). Yes No

Pursuant to Section 15.2(3)(e) of the Snellville Zoning Ordinance, a written, documented analysis of the impact of the proposed Conditional Use Permit with respect to each of the following matters shall be included. Please respond to the following standards in the space provided or attach additional sheets if necessary. **Simple yes/no answers or re-statement of the questions is not acceptable.**

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

Response: The building design and the proposed use will compliment not only the adjacent properties, but the entire community. An upscale storage facility would have no conflict of interest with the adjacent properties. The new building design is very attractive and will help the look of the community and surrounding businesses.

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

Response: With the current zoning of OP, we feel there is not a demand for any office professional businesses in that area. Additionally, there are not enough parking spaces available to accommodate an office professional building. A self storage facility would compliment the adjacent medical tenants because it would not require as many parking spaces as an office professional use.

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

Response: Due to the lack of demand for office professional space in that area, the rezoning of office professional to HSB is required. Since being rezoned to Office Professional on 6-11-2007, the building has been a source of vandalism and shelter for the homeless in that area. According to all the real estate professionals we have spoken with, there is no office/medical demand for space in this area.

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.

Response: Since self storage type businesses do not require the same amount of parking spaces per square foot as an office professional, the traffic impact will be very minimal.

5. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan.

Response: Our building and use will compliment the surrounding area. The professional high quality look of the building meets the intent of the land use plan.

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.

Response: The existing building was built 10 years ago and was never completed. It is an eyesore to the community.

CELL TOWERS

Check here if section is NOT APPLICABLE

Article XIX of the Snellville Zoning Ordinance should be reviewed by the applicant in its entirety and the following shall be formally addressed in writing. Check here and attach additional sheets if necessary.

1) Section 19.4 (B) Inventory of Existing Sites and towers, that are either within the City of Snellville or within three miles of the border thereof, including specific information about the location, height, and design of each tower: _____

2) Section 19.5 (C) Factors Considered in Granting Conditional Use Permits:

A) Height of Proposed Tower: _____ (ft) _____ (meters)

B) Proximity of the tower to residential structures and residential district boundaries:

C) Nature of uses on adjacent and nearby properties:

D) Surrounding topography:

E) Surrounding tree coverage and foliage:

F) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness:

G) Availability of suitable existing towers and other structures as discussed in Section 19.5 (D) of the Snellville Zoning Ordinance:

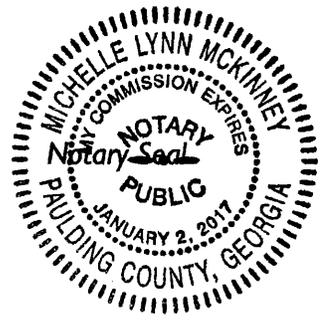
CERTIFICATIONS

In the event an owner's agent or contract purchaser is filing this application, both of the certifications below must be completed. If the owner is filing the application, only the Owner's Certification must be completed.

APPLICANT'S CERTIFICATION

The undersigned below, or as attached, is authorized to make this application. The undersigned is aware that, should this request be denied by City Council, no application affecting any portion of the same property shall be submitted less than six months from the date of denial.

D. Rueckel 12/1/16
Signature of Applicant Date
DANNY RUECKEL - SR. VICE PRESIDENT
Type or Print Name and Title



Michelle Lynn McKinney 12/1/16
Signature of Notary Public Date

OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that, should this request be denied by City Council, no application affecting any portion of the same property shall be submitted less than six months from the date of denial.

Check here if there are additional property owners and attach additional "Owner's Certification" sheets.

A. Brannen 12/1/2016
Signature of Owner Date
2338 SCENIC HIGHWAY, LLC
A. Brannen , MEMBER
Type or Print Name and Title



Michelle Lynn McKinney 12/1/16
Signature of Notary Public Date

CONFLICT OF INTEREST CERTIFICATIONS FOR ZONING ACTIONS

The undersigned below, making application for rezoning or a Conditional Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. sec., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on forms provided.

check here if there are additional property owners and attach additional "Conflict of Interest Certification" sheets.

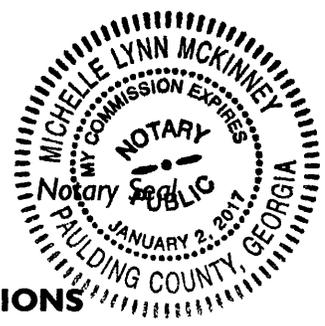
D. Rueckel
Signature of Applicant
12/1/16
Date

DANNY RUECKEL- SR. VICE PRESIDENT
Type or Print Name and Title

2338 SCENIC HIGHWAY, LLC
A. O. Brannen
Signature of Owner
12/1/2016
Date

ARTHUR O. BRANNEN - PRESIDENT
Type or Print Name and Title

Michelle Lynn McKinney
Signature of Notary Public
12/1/16
Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the last four (4) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to any member of the Mayor and City Council or any member of the Snellville Planning Commission?

As to Applicant (circle one): YES **NO** As to Property Owner (circle one): YES **NO**

If the answer above is YES, please complete the following section:

Name of Government Official	Contributions or Descriptions of Gifts (List all which aggregate to \$250.00 or more)	Date when Contribution or Gift was made within the last four years
_____	_____	_____
_____	_____	_____
_____	_____	_____

Check here and attach additional sheets if necessary to disclose or describe all contributions or gifts.