



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

CASE SUMMARY

October 29, 2015

CASE NUMBER: #RZ 15-06

REQUEST: Zoning Modification from Prior Conditions of Zoning (Case #RZ 00-06) and Request for Variances from the Snellville Municipal Code

LOCATION: 3.43± Acres at 2045-2075 E. Main Street, Snellville

PARCELS: 5059 248, 486, 486 and 487

PRESENT ZONING: BG (General Business) District

OVERLAY DISTRICT: Corridor Overlay District

REQUESTED ZONING: BG (General Business) District

CURRENT LAND USE: Undeveloped Parcels

DEVELOPMENT/PROJECT: Office/Medical Office & Retail

APPLICANT: Dr. George Katsitadze
Pediatric Partners of Gwinnett
Lilburn, Georgia 30047

PROPERTY OWNER: Larry Garner
Loganville, Georgia 30052

CONTACT: Daniel Marks
706.353.3900 or dmarks@nicholsland.net

STAFF RECOMMENDATION: Approval with Conditions



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

CASE ANALYSIS

October 29, 2015

TO: **Planning Commission**

CALLED MEETING: **October 29, 2015**

FROM: Jason Thompson
Interim Director, Planning and Development

CASE NUMBER: #RZ 15-06

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Snellville

PRESENT ZONING: **BG (General Business) District**

OVERLAY DISTRICT: Corridor Overlay District

REQUESTED ZONING: **BG (General Business) District**

CURRENT LAND USE: Undeveloped Parcels

DEVELOPMENT/PROJECT: **Office/Medical Office & Retail**

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Daniel Marks, Nichols Land & Investment Company, representing Dr. George Katsitadze, Pediatric Partners of Gwinnett, requesting modification of prior conditions of zoning approved by the Mayor and Council on 8-28-2000 for rezoning case #RZ 00-06 and request for variances from the Snellville Code of Ordinances including the Zoning Ordinance and the Buffer, Landscape and Tree Ordinance.

nance for the development and construction of a 9,600 sq. ft. medical office building; 7,800 sq. ft. retail/office building; and future construction of a 12,000 sq. ft. daycare facility.

The 3.43± acre subject property includes is comprised of four parcels located at the northeast intersection of Hickory Station Drive and U.S. Highway 78 (E. Main Street) and directly adjacent to the Olde Hickory Village Subdivision.

The subject property abuts the Olde Hickory Village residential subdivision, zoned RS-150, to the north, a vacant restaurant property zoned BG (General Business) to the east, and undeveloped commercial lot, zoned BG, to the west. Nearby properties include the many commercial uses commonly found along the U.S. Highway 78 commercial corridor.

REQUEST:

The applicant is requesting zoning modification to remove Condition (13) as highlighted in yellow below that was approved by the Mayor and Council on 8-28-2000 for rezoning case #RZ 00-06:

1. Monument Sign, base constructed of brick, stone or stucco, if any shall be used.
2. Buildings shall be constructed of brick, stone, stucco, or any combination thereof.
3. Billboards and cell towers are prohibited.
4. Parking shall not exceed the required ratios.
5. Provide sidewalks or interior pedestrian paths from the buildings to connect to the exterior sidewalks. Sidewalks on Hickory Station Drive must connect to the sidewalks inside Olde Hickory Station. Sidewalks must be six (6) feet wide.
7. Provide a right turn lane only lane 160 feet long, measured from the right-of-way, in addition to the thru/left lane exiting the Hickory Station Drive.
8. Extend accel lane to connect to existing decel lane of Snellville Oaks Shopping Center.
9. Concrete dumpster pads, with a decorative brick wall matching the exterior of the buildings and shall be at least 7 feet tall.
10. Provide three bicycle racks. Each rack shall contain enough room for at least 10 bicycles.
11. No outdoor loudspeaker shall be allowed.
12. Rooftop units shall be screened from public view.
13. Any substantial deviation from the applicants proposed site plan by Foley Design Associates Architects Inc. dated 8/28/2000 (a copy is attached to and made a part of these minutes) shall require Mayor and Council Approval.

In lieu of the site plan that was approved by the Mayor and Council at the 8-28-2000 public hearing, the applicant is requesting approval of the submitted 9-8-2015 *revised* site plan that is more aligned with the owner's intended use and the future viability of the property as a retail and office development.

In addition, the applicant is also requesting variances from of the Zoning Ordinance and the Buffer, Landscape and Tree Ordinance as follows:

Site Specific Approvals Associates with the Site Plan

The proposed revised site plan proposes an overall development and architectural theme that anticipates the future subdivision of the 3.43± acre site into multiple subdivided parcels. The applicant is requesting the approval of the site plan modification to include the ability for the property owner to subdivide the property into no more than three (3) separate parcels with flexibility to modify the location of the proposed subdivision lines. The applicant is requesting approval to subdivide the parcels without conformance to the ordinance provisions that dictate buffers, setbacks, signage and parking configuration.

Minimum Required Buffer Strip Reduction

The applicant is requesting a reduction of the required sixty (60) feet buffer strip to twenty (20) feet.

Minimum Corner Side Yard Setback Reduction

The applicant is requesting a reduction of the thirty-five (35) feet corner side yard setback to twenty-five (25) feet at the corner of U.S. Highway 78 and Hickory Station Drive.

Two-Story Minimum Building Height for Commercial Buildings

The applicant is requesting relief from the required two-story minimum building height for office/commercial buildings.

Future Site Plan Modifications and Architectural Design

The applicant is requesting that a condition be approved that will allow the current owner, applicant, and any future owners to make minor modifications to the building dimensions, facade materials, building and dumpster locations, and parking configuration without the approval of Mayor and Council and through a Public hearing process. So long as the future modifications do not violate Code, Covenants or Conditions, the Applicant requests that minor changes be approved administratively during the permitting phase of the project so long as the minor changes do not exceed the proposed aggregate square footage of the three (3) buildings (29,400 SF), or provided parking (107 combined) by more than five-percent (5%). Any reduction in the aggregate square footage of the three (3) buildings, the parking facilities, proposed use or the elimination of a building will not require any formal approval so long as the changes do not violate Code, Covenants, Conditions and the use is allowed by right within the BG zoning district classification.

The applicant agrees to work with representatives of the Olde Hickory Village Home Owners' Association to rejuvenate and provide a mutually agreeable landscaping design and plant species along the property line that borders the Hickory Station Drive between U.S. Highway 78 and the gated entry in the development.

STAFF ANALYSIS:

On August 28, 2000 the Mayor and Council approved the rezoning of the subject properties from RS-180 (Single-Family Residence) District and BN (Neighborhood Business) District to BG (General Business) District with thirteen (13) conditions of zoning as listed on page 3 (above). The original rezoning application included the four subject parcels, as well as, a fifth 1.29± acre parcel directly adjacent to the subject property and across Hickory Station Drive (parcel 5059 001) and is now under the ownership of MB REO GA Land LLC, Santa Monica, California.

At the time of the 2000 rezoning, the proposed development consisted of four standalone buildings containing a total of 21,600 SF of retail space and 25,600 SF of office space and 205 associated parking spaces. The development was designed for the buildings to face away from US Highway 78 and towards an internal “Main Street”. Although the rezoning was approved with the conditions as summarized above, the development never came to fruition and the five parcels have remained undeveloped since.

Site Analysis:

The proposed 3.43± acre development is comprised of three buildings including a 9,600 SF medical office building, 7,800 SF retail/office building and a 12,000 SF daycare facility with a total of 107 parking spaces serving the entire development. The applicant intends to immediately construct the 9,600 SF medical office building for Pediatric Partners of Gwinnett, a physicians group. The two other buildings would be constructed at a later time.

The proposed development will have to two ingress/egress points with one full-access drive on US Highway 78 and second full-access drive on Hickory Station Drive at the existing driveway stub. With the two full-access drives in place, there will be adequate connectivity for the proposed uses. However, special attention will need to be considered during the construction plan design process to address any potential traffic congestion and safety issues with the Hickory Station Drive access drive.

According to the applicant’s Letter of Intent, the proposed development has provided approximately 8,200 SF less retail and office space and has substantially increased the amount of pervious surface as compared to the 2000 site plan rendering, yet roughly 42.54% of the property (net site) will remain as landscaped/green spaces.

107 parking spaces are planned for the proposed development which is within the City’s minimum and maximum allowable parking requirements of 84 and 118 parking spaces, respectively. However, included in this total count is the use of 11 compact/subcompact parking spaces, 9 of which are eight-feet in width which is one foot smaller than the nine foot minimum width for these type spaces, and requiring variance approval. The provided parking will be installed as each building is constructed. However, any areas that are disturbed for the initial construction will be maintained along with the constructed building regardless of whether they are associated with other building pads.

The landscaping that is shown on the submitted concept plan is not complete and does not address nor satisfy some of the requirements of the landscape ordinance. A closer examination will take place during the site plan review process with attention to the required tree density units

(TDU's) and planter island landscape coverage. Any substantial variation from the required amount of tree density units will need to be considered separately by the Mayor and Council or the Board of Appeals.

Other features worth mentioning as per the submitted rezoning plan:

- There is a proposed 20 foot buffer strip along the northern property line where abutting ten Olde Hickory Village Subdivision lots.
- Within said buffer strip, there is an existing 10 feet high brick wall located on the subject property commencing from the Hickory Station Drive R/W and running east approximately 1,300 feet and terminating approximately 40 feet from the property side boundary line. The subject property extends 9 to 15 feet on the northern side of the wall.
- One dumpster pad and enclosure is located just outside the 20 foot buffer in close proximity to the brick wall described above and located midway in the development, designed to service the three proposed buildings and uses.
- Fencing is shown in the front and side yards of the 1-story 12,000 SF daycare building (#300), fence height and type unknown.
- The existing brick Olde Hickory Village subdivision sign is located on the subject property.

Architectural Analysis:

The applicant has provided conceptual elevations for the pediatric office building (#200) and the proposed daycare facility (#300) while expressing that the remaining office/retail building (#100) will be constructed in a similar fashion and consistent with the overall theme of the development. The renderings provided show a mixture of primarily brick and glass with accents of stucco, architectural composite wall panels, and metal standing seam roofing. The buildings have a modern design while still providing traditional building materials that should complement the adjacent developments. Although the proposed design looks to be consistent with the City's architectural design standards there may be a few inconsistencies that can be considered through the administrative variance approval process.

Variance Analysis:

Analysis of the requesting variances and recommendation by the Department of Planning and Development is provided below.

Site Specific Approvals Associates with the Site Plan

The applicant is requesting the approval of the site plan modification to include the ability for the property owner to subdivide the property into no more than three (3) separate parcels with flexibility to modify the location of the proposed subdivision lines. The applicant is requesting approval to subdivide the parcels without conformance to the ordinance provisions that dictate buffers, setbacks, signage and parking configuration.

This variance request is supported given the fact that the development will be developed as a master planned development. The subdivision of the parcels will be used as a property management tool that will allow for separate ownership. However, the subdivided parcels shall be maintained and operated as one development. The applicant will be required to form an association to maintain the shared detention and shared site amenities.

Minimum Required Buffer Strip Reduction

The applicant is requesting a reduction of the required sixty (60) feet buffer strip to twenty (20) feet where the subject property abuts the Olde Hickory Village Subdivision residential lots to the north.

This variance request is supported as it is the same buffer that was prescribed during the original rezoning. Furthermore, there is currently a 10 foot tall brick wall that was constructed for the express purpose of providing sound and visual screening from the future commercial development. As the wall is erected now, the adjacent residential property owners enjoy some extra property as the wall has been placed 15 feet within the applicant's property line. The existing buffer behind the wall has also been heavily planted with evergreens that now matured and provides beneficial buffering.

Minimum Corner Side Yard Setback Reduction

The applicant is requesting a reduction of the thirty-five (35) feet corner side yard setback to twenty-five (25) feet at the corner of U.S. Highway 78 and Hickory Station Drive.

This variance request is supported as the corner yard setback along Hickory Station Drive will only allow the building setback to be consistent with the US Highway 78 setback. There will not be any adverse impact to adjoining property owners with the reduction of the setback as the rear of the building will still be 25 feet from the right-of-way. The applicant will still be required to screen any roof-top or ground-mounted mechanical and HVAC units and provide landscaping within the required landscape strip.

Two-Story Minimum Building Height for Commercial Buildings

The applicant is requesting relief from the required two-story minimum building height for office/commercial buildings.

This variance request is supported as the architectural design standards referenced in Appendix IX-A of Article IX of the Zoning Ordinance are suggested standards that are inconsistent with the Corridor Overlay District requirements and have not been routinely implemented.

Future Site Plan Modifications and Architectural Design

The applicant is requesting that a condition be approved that will allow the current owner, applicant, and any future owners to make minor modifications to the building dimensions, facade materials, building and dumpster locations, and parking configuration without the approval of Mayor and Council and through a Public hearing process. So long as

the future modifications do not violate Code, Covenants or Conditions, the Applicant requests that minor changes be approved administratively during the permitting phase of the project so long as the minor changes do not exceed the proposed aggregate square footage of the three (3) buildings (29,400 SF), or provided parking (107 combined) by more than five-percent (5%). Any reduction in the aggregate square footage of the three (3) buildings, the parking facilities, proposed use or the elimination of a building will not require any formal approval so long as the changes do not violate Code, Covenants, Conditions and the use is allowed by right within the BG zoning district classification.

This request is supported and will be handled through the Administrative Variance process. See Condition #9 below.

STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends **Approval** with the following **Conditions**:

1. Conditions (1-13) of the 8-28-2000 approved conditions of zoning are hereby repealed, and instead, replaced with Conditions (2-11) below;
2. The property shall be developed according to the rezoning site plan entitled "Pediatric Partners of Gwinnett" sealed and dated 09-08-2015, with modifications permitted due to engineering restraints, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations;
3. A mandatory master association shall be formed for the property and shall have maintenance and architectural design regulations for the master-planned development which shall control items such as construction materials, landscaping, common property maintenance, signage, stormwater facilities, ingress/egress access points, parking and such other usual and necessary covenants and restrictions to protect the quality and integrity of the master-planned development;
4. There shall be a mandatory master protective covenants for the property that will include all phases of the development; and concurrent therewith, a master association shall be formed which will include all component parts of the proposed master-planned development. The master association shall be responsible for the oversight, upkeep, and maintenance of the stormwater facilities, entrance areas, private drives, sidewalks, parking lot and pedestrian lighting, and trees and landscaping;
5. Ground signs higher than 15 feet or larger than 225 square feet are prohibited. Monument sign(s) shall meet the requirements of the Sign Ordinance and shall be of the same design and construction if more than one monument sign is utilized along the R/W;
6. Uses involving adult entertainment, including any sale or display of adult magazines, books, or videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited;

7. The following uses are expressly prohibited: funeral home, mortuary, and crematory; tattoo parlor; tobacco, news and vapor establishments; loan offices, pawn shops and brokers, title pawn shops and brokers; animal kennels with outside facilities; log splitting and storage yards; welding and machine shops, and taxidermy establishments;
8. To maintain consistency with the overall theme of the development, the office/retail building (#100) shall be constructed in a style and architecture similar to the provided renderings for buildings (#200) and (#300) with similar architectural treatment on the front building façade carried over to the rear building façade where adjacent to Hickory Station Drive;
9. The current Owner, Applicant and any future Owners to make minor modifications to the building dimensions, facade materials, building and dumpster locations, and parking configuration without the approval of Mayor and Council through a Public hearing process. So long as the future modifications do not violate Code, Covenants or Conditions, the minor changes shall be approved administratively during the permitting phase of the project, provided the minor changes do not exceed the proposed aggregate square footage of the three (3) buildings (29,400 SF), or provided parking spaces (107 combined) by more than five-percent (5%). Any reduction in the aggregate square footage of the three (3) buildings, the parking facilities, proposed uses or the elimination of a building will not require any formal approval so long as the changes do not violate Code, Covenants, Conditions and the use is allowed by right within the BG (General Business) zoning district and not prohibited in Conditions #6 and #7 (above);
10. Non-substantial variances, as determined by the Director of Planning and Development, zoning requirements, development regulations, and construction requirements must be submitted in writing for administrative approval with the Director of Planning and Development. Substantial variances, as determined by the Planning and Development and/or City Manager, will require Mayor and Council approval (or Board of Appeals approval if so designated in any condition above); and
11. These zoning conditions and approved variances shall be referenced on any plat, including subdivision plats provided to buyers.

In conjunction with the modification of certain conditions of zoning, the following variances are recommended for **approval**:

1. To reduce the required undisturbed buffer from 60 feet to 20 feet where abutting residential property.
2. Reduction of the corner side yard setback along Hickory Station Drive from 35 feet to 25 feet.
3. To accommodate the future subdivision of the Property, reduction of all internal building setback requirements from 25 feet front yard; 10 feet side yard; and 15 feet rear yard to zero (0) feet. Exterior building setbacks shall remain in place.
4. To accommodate the future subdivision of the Property, reduction of all internal landscape strip requirements from 10 feet front and corner side landscape strip; and 5 feet interior side and rear landscape strip to zero (0) feet.

5. To reduce the width of compact/subcompact parking space from 9 feet wide to 8 feet wide. Depth shall not be less than 17 feet deep. Spaces shall be identified by pavement markings and by appropriate signage.