



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT
MAYOR AND COUNCIL**

CASE SUMMARY

February 8, 2016

CASE NUMBER: #CUP 16-02

REQUEST: Conditional Use Permit

PURPOSE: To Operate a Church and Request for Variances

LOCATION: 1709 Scenic Highway, Snellville
(formerly Best Buy)

PARCEL: District 5, Land Lot 56, Parcel 042

PRESENT ZONING: BG (General Business) District

FUTURE LAND USE PLAN: Office Professional

DEVELOPMENT/PROJECT: Church Campus

PROPERTY OWNER: 1709 Scenic Highway North LLC
Alameda, California 94501

APPLICANT / CONTACT: C. Norwood Davis, CFO
12Stone Church, Inc.
678.990.9512 or Norwood.Davis@12stone.com

**MAYOR & COUNCIL
PUBLIC HEARING DATE/TIME:** February 22, 2016 at 7:30 p.m.

STAFF RECOMMENDATION: Approval with Conditions



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT
MAYOR AND COUNCIL**

APPLICATION FOR CONDITIONAL USE PERMIT

CASE ANALYSIS

February 8, 2016

TO: **The Mayor and Council**

MEETING DATE: February 8, 2016

FROM: Jason Thompson
Interim Director, Planning and Development

CASE NUMBER: **#CUP 16-02**

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Mr. C. Norwood Davis, Chief Financial Officer, 12Stone Church, Inc. requesting a Conditional Use Permit with variances to operate a Church campus at 1709 Scenic Highway, Snellville. The subject property, zoned BG (General Business) District is a ±5.44 acre tract containing a 46,000 sq. ft. standalone building and related parking and located with the heart of the Scenic Highway commercial corridor at the intersection of Tree Lane and Scenic Highway. Since September 2005, the property was previously occupied by Best Buy who has since relocated to the adjacent property to the North in the Scenic Promenade Shopping Center,

The properties to the north and east are zoned BG (General Business) District and are mostly retail and commercial uses commonly found along the corridor. The adjacent property to the west is a 15.01± acre undeveloped property, zoned BG, that is adjacent to the Waterford Township residential subdivision located in the unincorporated area of Gwinnett County. The property to the south is the Presidential Markets Shopping Center and zoned HSB (Highway Service Business) District.

REQUEST:

The request is for a Conditional Use Permit to operate a Church. The applicant is also requesting the following variances from the Zoning Ordinance and Buffer, Landscape, and Tree Ordinance.

1. Variance from Section 9.2(3)(b)(3) of Article IX of the Zoning Ordinance to exceed the maximum lot size requirements from 3 acres to 5.44 acres; and
2. Variance from Section 19.74(1)(A) of Chapter 19, Buffer, Landscape and Tree Ordinance to be exempt from providing the required parking lot planter island(s) for every ten parking spaces for the 72 proposed new parking which will be added along the sides and rear of the existing building.

BACKGROUND:

The existing ± 5.44 acre tract with a 46,000 sq. ft. standalone building was originally developed in 2005 as a standalone Best Buy retail center with 291 associated parking spaces. Since the original development, many of the Best Buy locations have been downsizing into buildings with a smaller footprint. The Snellville Best Buy is relocating into a smaller 30,000 sq. ft. tenant space directly adjacent to the subject property in the new Scenic Promenade Shopping Center.

STAFF ANALYSIS:

Upon Best Buy fully vacating the property in March 2016, the applicant intends to commence a substantial interior renovation of the building to accommodate the church campus with a worship auditorium seating 750-800 people, children's ministry area, student ministry area, and church staff office area. In addition to interior renovation, minor exterior modifications are also being proposed including the addition of 72 new parking spaces being added to the sides and rear of the building. As part of the application submittal, the applicant has provided conceptual plans showing the floor plan, exterior building elevations and site plan.

In accordance with Section 9.10(3)(5) of the Zoning Ordinance, churches and religious institutions may be permitted provided the applicant for a such a use 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(3)(b):

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 contains 240 \pm feet of road frontage on Scenic Highway (S.R. 124) which is classified by Gwinnett county D.O.T. as a Major Arterial roadway.

2. The minimum lot size shall be one (1) acre;

The subject property is comprised of 5.44 \pm acres, in excess of the minimum lot size requirement.

3. The maximum lot size shall be three (3) acres;

The subject property is comprised of 5.44± acres; however, the parcel has already been developed and is on a major commercial corridor. A variance has been requested to alleviate this inconsistency with the maximum lot size 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 complies with these requirements and is setback 421± feet from the front property line; 65-80± feet from the side property lines; and 50± feet from the rear property line.

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 a Residential Land Use.

No buffer is required since the subject property does not abut properties having a Residential Land Use. All adjacent properties have a commercial/retail land use.

This site also meets the required parking requirements as dictated by the City's minimum parking requirements. Section 11.3 of the Zoning Ordinance, requires 1 space for every 6 seats in the main auditorium. Based on the proposed configuration of the main worship auditorium where 750-800 seats are being proposed, 134 parking spaces are required to meet the 1 space per 6 seat requirement ($800/6=134$). Currently the site contains 291 parking spaces with the applicant proposing to add an additional striping of 72 spaces along the sides and rear of the building; thereby creating a total of 363 parking spaces for the Church campus.

One of the bigger issues associated with the proposed use is the amount of traffic generated in concentrated flows. These traffic flows have the potential to exacerbate an already heavy traffic situation that occurs along Scenic Highway during peak times in the AM and PM during the week and especially during the weekends. Being sensitive to this concern, the applicant has met with Captain Perry, Commander of the Uniform Division of the Snellville Police Department to work out a traffic management plan. This plan consists of four (4) key elements:

1. *12Stone intends to hire 2-4 police officers for our weekend services and any other large events we may hold at the campus. The police officers will provide traffic control on Scenic Highway and Tree Lane.*
2. *12Stone will maintain a volunteer parking team detail on the subject property to expedite onsite parking in order to eliminate congestion backing up on the roadways.*
3. *As 12stone has done at the Lawrenceville Campus and the Hamilton Mill Campus, 12Stone will coordinate with the Gwinnett County Department Transportation to*

adjust traffic signal timing to ensure the safety and convenience of the traveling public on Scenic Highway and Tree Lane.

- 4. 12Stone will continually monitor the effectiveness of our plan and adjust as necessary to reduce congestion.*

We anticipate that the applicant will present a detailed traffic management plan at the Planning Commission meeting to better illustrate the actual traffic management plan.

It should also be noted that as a religious organization, 12Stone Church, Inc. is a tax-exempt nonprofit organization under Section 501(c)(3) of the U.S. Internal Revenue Code, and as such, is exempt from County and City property tax assessments for properties which are owned by 12Stone Church, Inc. Properties which are leased by 12Stone Church, Inc. are not impacted by the Church's 501(c)(3) status. Of course, regardless of property ownership status, churches with 501(c)(3) status are exempt from occupational taxes (business license fees). Other than credits to reduce or mitigate stormwater runoff, there are no exemptions for the City's Stormwater Utility Fee*.

The table below shows the current and prior two years property tax and occupation tax impact for the subject property.

Table 1

TAX YEAR	TOTAL MARKET VALUE	COUNTY TAX LEVY	CITY TAX LEVY	OCCUPATION TAX
2015	\$4,550,000	\$63,009	\$8,350	\$9,030
2014	\$5,239,900	\$72,723	\$9,683	\$9,030
2013	\$7,100,000	\$97,968	\$13,916	\$9,030

* \$2,005 City of Snellville Stormwater Utility Fee

Variance Analysis:

1. Variance from Section 9.2(3)(b)(3) of Article IX of the Zoning Ordinance to exceed the 3 acre maximum lot size requirement to 5.44 acres.

The applicant is requesting to utilize the existing 5.44 acre property in its original configuration with minor improvements to the site for additional parking together with a major renovation to the building's interior and minor renovation to the building's exterior. It is believed that the one (1) acre minimum and three (3) acre maximum acreage requirement of Section 9.2 was done to restrict the size of the uses in the residentially zoned areas so as to minimize any adverse impact to the surrounding residential properties. Although the Conditional Use Permit requirements are the same for property which is zoned commercial (BG), exceeding the maximum lot size requirement for the proposed use may not have the same potential adverse impact, other than the traffic impact to the area roadways during the concentrated periods when the worship services end.

This Planning Department supports the variance request given that the property is already developed and is on a major commercial corridor.

2. Variance from Section 19.74(1)(A) of Chapter 19, Buffer, Landscape and Tree Ordinance to be exempt from providing the required parking lot planter island(s) for every ten parking spaces for the proposed 72 new parking spaces which will be added along the sides and rear of the existing building.

The applicant is requesting to not install the required landscaping parking lot planter islands for every ten (10) parking spaces for the proposed 72 new parking spaces which will be added along on the sides and rear of the building. We support this request for all but the two planter islands located at the north and south end of the building front with each planter island to be a minimum of 200 sq. ft. in area and designed and landscaped in accordance with Section 19-74 of the Landscape Ordinance.

3. Variance from Section 11.2, Design Standards for Interior Driveway of Article XI of the Zoning Ordinance to reduce the interior driveway width from 24 feet to 22 feet for the two-way driveway located in the rear of the building near the loading area.

Although not requested by the Applicant, the variances is necessary to reduce the 24 foot minimum two-way drive width to 22 feet created by the addition of ten compact parking spaces along the rear property line. We support this variance as many of these parking spaces will most likely be used primarily by Church staff.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of request for a Conditional Use Permit for a Church with the following **Conditions**:

1. The property shall be developed in general accordance with the submitted site and concept plan entitled "12Stone Church", sealed and dated 12-11-2015, with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the site and concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval;
2. Any expansion of the Church Campus beyond the current property boundary as shown on 12-11-2015 site plan will require Conditional Use Permit (or rezoning) approval by the Mayor and Council;
3. The Conditional Use Permit shall only be valid as long as 12Stone Church, Inc. is leasing the property. If at any time 12Stone Church, Inc. purchases the property the Church will require Conditional Use Permit (or rezoning) approval by the Mayor and Council;
4. The two (2) planter islands located at the north and south end of the building front shall be a minimum of 200 sq. ft. in area and shall be designed and landscaped in accordance with Section 19-74 of the Landscape Ordinance;

5. Any improvements made to the property as part of any initial building permit issued within the first twelve (12) months from the date of Mayor and Council approval shall not trigger a Substantial Building Permit. However, after the first twelve (12) months from the date of Mayor and Council approval, future improvements or re-development with a total value in excess of the Gwinnett County Tax Assessor's 100% assessed value of the existing improvements (only) will be subject to the requirements of a substantial building permit and applicable Zoning and Development Regulations;
6. Freestanding signs higher than fifteen (15) feet or larger than 225 sq. ft. in area are prohibited;
7. Any additional non-substantial variance(s) as determined by the Director of Planning and Development for the design requirements, zoning requirements, development regulations and construction requirements must be submitted in writing for Administrative Variance approval with the Director of Planning and Development for this project; and
8. In the event that the subject property is not leased, or purchased, or occupied by 12Stone Church, Inc. within twelve (12) months from the date of Mayor and Council approval, or if the property is occupied and later vacated by 12Stone Church, Inc. the Conditional Use Permit will become null and void.

In conjunction with the Conditional Use Permit approval and conditions, the following variances (1-3) are recommended for **Approval**:

1. Variance from Section 9.2(3)(b)(3) of Article IX of the Zoning Ordinance to exceed the 3 acre maximum lot size requirement to 5.44 acres, subject to Condition #2 above.
2. Variance from Section 19.74(1)(A) of Chapter 19, Buffer, Landscape and Tree Ordinance to be exempt from providing the required parking lot planter island(s) for every ten parking spaces for the proposed 72 new parking spaces which will be added along the sides and rear of the existing building, subject to Condition #4 above.
3. Variance from Section 11.2, Design Standards for Interior Driveway of Article XI of the Zoning Ordinance to reduce the interior driveway width from 24 feet to 22 feet for the two-way driveway located in the rear of the building near the loading area.

PLANNING COMMISSION REPORT:

The Planning Commission held a duly advertised public hearing on the subject application at the January 26, 2016 Regular Meeting of the City of Snellville Planning Commission. For the purposes of promoting health, safety, morals, convenience, order, prosperity, aesthetics, or the general welfare of the City of Snellville, by a vote of 4-1, the recommendation is to **Approve** the request for a Conditional Use Permit for a Church Campus with the following recommended **Conditions**:

1. The property shall be developed in general accordance with the submitted site and concept plan entitled "12Stone Church", sealed and dated 12-11-2015, with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the site and concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval;
2. Any expansion of the Church Campus beyond the current property boundary as shown on 12-11-2015 site plan will require Conditional Use Permit (or rezoning) approval by the Mayor and Council;
3. The Conditional Use Permit shall only be valid as long as 12Stone Church, Inc. is leasing the property. If at any time 12Stone Church, Inc. purchases the property the Church will require Conditional Use Permit (or rezoning) approval by the Mayor and Council;
4. The two (2) planter islands located at the north and south end of the building front shall be a minimum of 200 sq. ft. in area and shall be designed and landscaped in accordance with Section 19-74 of the Landscape Ordinance;
5. Any improvements made to the property as part of any initial building permit issued within the first twelve (12) months from the date of Mayor and Council approval shall not trigger a Substantial Building Permit. However, after the first twelve (12) months from the date of Mayor and Council approval, future improvements or re-development with a total value in excess of the Gwinnett County Tax Assessor's 100% assessed value of the existing improvements (only) will be subject to the requirements of a substantial building permit and applicable Zoning and Development Regulations;
6. Freestanding signs higher than fifteen (15) feet or larger than 225 sq. ft. in area are prohibited;
7. Any additional non-substantial variance(s) as determined by the Director of Planning and Development for the design requirements, zoning requirements, development regulations and construction requirements must be submitted in writing for Administrative Variance approval with the Director of Planning and Development for this project; and
8. In the event that the subject property is not leased or occupied by 12Stone Church, Inc. within twelve (12) months from the date of Mayor and Council approval, or if the property is occupied and later vacated by 12Stone Church, Inc. the Conditional Use Permit will become null and void.

In conjunction with the Conditional Use Permit approval and conditions, the following variances (1-3) are recommended for **Approval**:

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