



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

CASE SUMMARY

August 28, 2017

CASE NUMBER: #CUP 17-03

REQUEST: Conditional Use Permit

PURPOSE: Operate a Church/Place-of-Worship

LOCATION: Fountain Square Shopping Center
2110 McGee Road, Suite 2134, Snellville

PARCEL: District 5, Land Lot 7, Parcel 240

PRESENT ZONING: BG (General Business) District

DEVELOPMENT/PROJECT: Faithful City Christian Center, Inc.

PROPERTY OWNER: Reiger Associates 90-1 Ltd
4311 W. Lovers Lane, Ste 100
Dallas, Texas 75209

APPLICANT / CONTACT: Stanley S. Nwandu
678-770-4723 or pastornwandus@gmail.com

STAFF RECOMMENDATION: Denial



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

APPLICATION FOR CONDITIONAL USE PERMIT

CASE ANALYSIS

August 28, 2017

TO: The Mayor and Council

MEETING DATE: August 28, 2017

FROM: Jason Thompson, Director
Department of Planning & Development

CASE NUMBER: #CUP 17-03

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Stanley S. Nwandu, Pastor of Faithful City Christian Center, Inc. (aka Jesus Answers Prayers Ministry, Inc.) requesting a Conditional Use Permit to operate a Church/Place-of-Worship in Suite 2134 of the Fountain Square Shopping Center, 2110 McGee Road, Snellville. The shopping center property is zoned BG (General Business) District. The proposed location is a 2,600± sq. ft. tenant space located within the Fountain Square Shopping Center.

The zoning of the properties to the north are OP (Office Professional), to the east and south are BG (General Business) District, while the subject properties to the west are RS-180, (Single-Family Residence) District. The property and surrounding properties are in located within the Corridor Overlay District.

The development abuts professional office buildings and an assisted living facility to the north, an office condominium park to the east, Fountain Square Business Center and mixed retail uses to the south, and South Gwinnett Park (South Gwinnett Athletic Association) to the west.

REQUEST:

The request is for a Conditional Use Permit to operate a Church/Place-of-Worship and variances from the Conditional Use Permit requirements.

STAFF ANALYSIS:

Faithful City Christian Center, Inc. has secured 2,600± sq. ft. of tenant space in the Fountain Square Shopping Center to serve the Church and its small member congregation.

Current tenants of the Fountain Square Shopping Center include: Snellville Pet Resort, YSS Athletics, The Brown Institute, Nyakueys Hair Salon, Curves, Lifegate International Church, Intown Hair Salon, Archery Learning Center, and Simply Gorgeous Intl SPA.

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 350 feet. However, McGee Road is classified as an Urban Local Road and not a Major Collector.

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

The subject property comprises approximately 8.47± acres, in excess of the minimum lot size requirement.

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

As the subject property comprises approximately 8.47± acres, in excess of the maximum permitted lot size.

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 setback requirements.

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.

Although the subject property is in close proximity to residential land uses, it does not abut any residential land uses.

The property also meets the required parking requirements as dictated by the City's minimum parking requirements. Article 11.3 of the Zoning Ordinance, requires 1 space for every six (6) seats in the main auditorium. Based on the current membership of twenty-five (25) members, roughly 4 parking spaces are required. There are more than ample parking spaces provided at this location for the current and future needs of the Faithful City Christian Center.

CONCLUSION:

The applicant has failed to meet three (3) out of five (5) requirements of the conditional use permit, granting variances for sixty (60) percent of the minimum CUP requirements seems to defeat the purpose of having these requirements. The applicant should seek to locate their Church/Place of Worship in an area with compatible zoning and land use.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Denial** of the request for a Conditional Use Permit for a Church/Place of Worship and variances from Section 9.2 of the Zoning Ordinance; 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 Faithful City Christian Center, Inc. within sixty (60) days from the date of Mayor and Council approval, or if the space is occupied and later vacated by Faithful City Christian Center, Inc., the Conditional Use Permit will become null and void;
2. 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; and
3. New signs higher than 15 feet and larger than 225 square feet are prohibited.

PLANNING COMMISSION REPORTS:

July 25, 2017 Regular Meeting

The Planning Commission held a duly advertised public meeting on the subject application at the July 25, 2017 Regular Meeting of the City of Snellville Planning Commission. By a vote of 4-0, the Planning Commission postponed action on the case until August 1, 2017 at 7:30 p.m.

August 1, 2017 Specially Called Meeting

The Planning Commission held a public hearing on the subject application at the August 1, 2017 Specially Called 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 unanimous vote of 5-0, the recommendation is to **Deny** the request for a Conditional Use Permit for a Church/Place of Worship in the Fountain Square Shopping Center, 2110 McGee Road, Suite 2134, Snellville, Georgia.