



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

CASE SUMMARY

February 13, 2017

CASE NUMBER: #LUP 17-02 RZ 17-03

REQUEST: Land Use Plan and Zoning Map Amendment;
and Request for Variance

LOCATION: Near Lenora Church Road, Maple Street,
and Poplar Street, Snellville, Georgia

TAX PARCELS: 5027A 025, 027, 029, 036, 039, 040 and 069

CURRENT FUTURE LAND USE PLAN: Low-density Residential

PROPOSED LAND USE: Medium-density Residential

PRESENT ZONING(S): RS-180 (Single-family Residence) District

PROPOSED ZONING: R-HOP(55)-SF (Single-family Housing District
for Older Persons)

DEVELOPMENT/PROJECT: **30 Lot Single-family Detached Senior
Housing Development**

PROPERTY OWNERS: Crawler Equipment Sales, Inc.
Murrayville, Georgia 30564

Steven J. Archer (Executor for the Estate of
Junior M. Archer), Snellville, Georgia 30078

APPLICANT/CONTACT: Maria Wilson
770-262-2374 or mosxoom33@gmail.com

RECOMMENDATION: **Approval with Conditions**



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

CASE ANALYSIS

February 13, 2017

TO: The Mayor and Council

MEETING DATE: February 13, 2017

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #LUP 17-02 RZ 17-03

FINDINGS OF FACT:

The Department of Planning and Development has received applications from Maria Wilson representing Crawler Equipment Sales, Inc. (Mark Stephens, President) and Steven J. Archer (Executor) for the Estate of Junior M. Archer, requesting to: a) amend the City of Snellville Future Land Use Map from Low-density Residential to Medium-density Residential; b) amend the Official Zoning Map from RS-180 (Single-Family Residence) District to R-HOP(55)-SF (Single-Family Housing District for Older Persons); and c) request for variance from Sec. 6.4.33(c) of the Development Regulations to allow an eyebrow cul-de-sac for an age restricted (55+) 30 lot, detached single-family residential subdivision with amenity area and pond on a 15.636± acre tract located near Lenora Church Road, Maple Street, and Poplar Street, Snellville, Georgia

The applicant intends to sell the property for the future re-development to construct a master-planned 30 lot senior housing development. The proposed development is adjacent to the Lenora Church Road, Maple Street, and Poplar Street.

As part of the application submittal, the applicant is requesting:

- To amend the 2030 Future Land Use Plan of the City of Snellville from Low-density Residential to Medium-density Residential;
- To amend the Official Zoning Map of the City of Snellville from RS-180 (Single Family Residence) District to R-HOP(55)-SF (Single-Family Housing District for Older Persons) District;
- Variance from Sec. 6.4.3(c) of the Development Regulations to allow an eyebrow cul-de-sac.

BACKGROUND:

Land Lot 27 of the 5th District is currently designated as Low-density Residential on the City of Snellville 2030 Comprehensive Plan Future Land Use Map and zoned RS-180 (Single-Family Residence) District on the Official Zoning Map. The subject property contains 15.636± acres and consists of seven tax parcels with three of these parcels containing existing older single-family dwellings which front Lenora Church Road. Tracts 3 and 4 as shown on the submitted boundary survey fall under the ownership of the Estate of Junior M. Archer (Steven J. Archer, Executor), while Tracts 1-2 and 5-7 belong to Crawler Equipment Sales, Inc. (Mark Stephens, President). The property also contains a 3.0± acre lake on Tract 7, located in the eastern portion of the proposed development.

LAND USE PLAN and ZONING MAP AMENDMENTS:

Land Use Analysis:

The applicants are seeking to amend the City of Snellville Future Land Use Map from Low-density Residential to Medium-density Residential which is the compatible land use for the R-HOP(55)-SF (Single-Family Housing District for Older Persons) District requested zoning. Adjacent uses are mostly low-density single-family residential uses that were typically built more than 50 years ago.

The applicant's request to amend the land use from Low-density Residential to Medium-density Residential is required even though the 30 lots at 1.9 units per acre fall well below the Low-density Residential limits of less than 4 units per acre. The associated land use classification for RHOP(55)-SF zoning classification per the 2030 Comprehensive Plan is Medium-density Residential, thus the need for the amendment. With the density being much less than half of 4 units per acre, the development will function like the surrounding low-density single-family uses and should not have any adverse impact on the surrounding area.

Per the 2030 Comprehensive Plan, the *No Business Creek* Character Area vision for the future projects a stable residential community with high rates of home ownership, a neighborhood with adequate pedestrian connectivity, and quiet residential streets with no cut through traffic. The proposed development appears to be in compliance with the future vision for the character area. The 30 lots will be fee-simple and owned individually and a sidewalk network will be required to

tie into the existing network along Lenora Church Road. There are no cut through connections as the development is currently configured with one ingress/egress point on Maple Street.

The development also meets a need to provide smaller, more easily managed housing options for seniors and empty-nesters to “downsize” into. There is limited housing stock of this type within the City to meet a growing demographic of baby boomers.

Zoning Map Amendment and Site Plan Analysis:

The applicants request to amend the zoning classification from RS-180 (Single-family Residence) District to R-HOP(55)-SF (Single-family Housing District for Older Persons) would allow for the construction of 30 single-family detached residential homes with a minimum of 1,600 sq. ft. (two-bedroom) and 1,800 sq. ft. (three or more bedrooms) of heated space on lots ranging from 5,000+ sq. ft. to 10,800 sq. ft.

Article IX, Section 9.6 of the Zoning Ordinance states:

“These districts [R-HOP] are designed to serve the housing needs of adults who are 55 years of age or older. It is recommended that these districts be located in areas that facilitate pedestrian access to nearby commercial goods and services, and/or amenities/cultural facilities. These areas are intended to function as communities with parks and open spaces.”

In this sense, this proposed development would meet the locational intent of the ordinance. The project is in close proximity to several commercial areas and has easy access to the recreational activities associated with T.W. Briscoe Park. Furthermore, the proposed design has incorporated the use of an “amenity area” around an existing 3.0± acre pond and a potential mulched nature trail that corresponds with the perimeter of the development, thus meeting the intent of the ordinance in regards to parks and open space.

The applicant is also required to meet certain requirements of the Zoning Ordinance with submittal of a concept plan as enumerated in Section 9.18, R-HOP, Concept Plan Review Requirements:

1. *A location map indicating existing zoning on the site and the adjacent areas;*
2. *A concept plan drawn no smaller than one-inch (1”) equals one-hundred-feet (100’) (1” = 100’), including the following information;*
 - a. *Lot lines and setbacks;*
 - b. *Topography with contour intervals no greater than four-feet (4’);*
 - c. *Lakes, ponds and floodplains and the sources of floodplain data;*
 - d. *Stormwater detention areas;*
 - e. *Recreation facilities and active adult or senior amenities;*
 - f. *Location of typical off-street parking;*
 - g. *Color elevations of front, sides, and rear of all typical units, including proposed building material, and any other structures such as recreation buildings;*
 - h. *Acreage and proposed density;*
 - i. *Lot sizes (typical dimensions and square footage);*

- j. *Amount of common open space in square feet (if applicable); and*
- k. *Such other architectural and engineering data as may be required to evaluate the project.*

On January 13, 2017 revised conceptual building elevations were submitted, completing the Concept Plan submittal requirements. Although the elevations and perspectives are conceptual, they are a good starting point to facilitate discussion. The applicant has provided one full set of house plans that allows for three front elevation options. Because the applicant has not chosen a builder yet, the renderings are more for a general idea rather than a concrete plan. However, before construction begins the applicant will be required to submit a plan book with all the house plans and materials for review and approval by the Planning Department.

The applicant has also agreed to meet or exceed all of the other design requirements of the zoning ordinance.

R-HOP District Requirements:

The R-HOP District is designed to serve the housing needs of adults who are 55 years of age or older. At least 80% of the occupied units/lots shall be occupied by at least one person who is 55 years of age or older.

The following R-HOP District design standards shall apply:

- A. A landscape strip(s) shall be provided on the property. The landscape strip may incorporate natural vegetation and shall be supplemented with a minimum of one of the following: 1) a landscaped berm (minimum of four-feet (4') as measured from the elevation of the public right-of-way, 2) wrought-iron style fence with brick or stone columns (30 feet on-center), or 3) a decorative brick wall. Alternate decorative fence materials may be utilized, subject to review and approval of the Director. Plantings shall comply with Article XX of the Zoning Ordinance;
- B. Street trees shall be planted in the right-of-way, in accordance with the details provided in Appendix XX-A. Street trees shall be planted no further than fifty-feet (50') apart and no closer than twenty-five feet (25') from street intersections. The City Arborist may approve alternate spacing when the fifty-foot (50') spacing requirement cannot be met due to driveways and other improvements. All street trees must comply with requirements listed in section 20.6 of the City of Snellville's zoning ordinance;
- C. All grassed areas shall be sodded;
- D. Homes/Buildings shall be constructed of traditional design with brick, stone, masonry horizontal siding, and masonry shakes/shingles. Brick and/or stone shall constitute no less than seventy percent (70%) of the materials used, with accents of masonry siding or shakes/shingles for each building elevation;
- E. All dwellings shall contain single-car garages, at a minimum, which may be attached or detached. All units with front-loaded garages shall have garage faces with decorative design treatments to enhance their appearances, i.e. carriage-style doors, window inserts, etc.;

- F. Provide five-foot (5') wide sidewalks and street trees adjacent to both sides of interior streets or private driveways;
- G. A paved five-foot (5') wide pathway/sidewalk system shall be constructed which connects outdoor amenities/recreation areas, homes, clubhouse, and other amenities;
- H. A four-foot (4') wide walkway, constructed of concrete or decorative pavers, shall extend from the sidewalk to the steps, stoop, or porch of all homes;
- I. There shall be no open space requirement for developments in the R-HOP districts; and
- J. Street lights within the subdivision shall be located seventy-five feet (75') apart on average.

Dwellings shall be designed with the following standards:

- A. All dwellings shall incorporate accessibility standards which shall include the following:
 - 1) A step-free feature to at least one entrance of the unit;
 - 2) 36-inch wide, clear passage doorways throughout the unit;
 - 3) Wheelchair, step-free access to the following areas, at a minimum: kitchen; dining area; entertainment area (e.g., living room/den, great room, etc.); at least one bedroom; at least one full bathroom; and laundry room with washer/dryer connection; and
 - 4) The installation of full sheets of ¾" plywood, blocking and/or its equivalent in all bathrooms to allow for future installation, if necessary, of grab bars.

A mandatory Homeowner's Association is required:

A mandatory homeowners association shall be incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association shall publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for persons 55 years of age and older including maintaining surveys or affidavits verifying compliance with 55 years of age and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2)(c) of the Federal Fair Housing Act and implementing regulations. Said association shall provide an affirmative declaration to be governed by the "Georgia Property Owners' Association Act" (POA) and the applicable provisions of O.C.G.A. §44-3-220 Et. Seq. Said association shall also include declarations and bylaws including rules and regulations, which shall at a minimum, regulate and control the following:

- A. Restriction on homes being occupied, with at least 80% of the occupied units occupied by at least one resident who is age 55 years of age or older;
- B. Restrictions on persons under 18 years of age permanently residing in the community. Permanently residing in the community shall mean longer than 90 consecutive days in any 180 day period or establishing residency as defined by state or local law. However, the HOA shall provide for a hardship provision allowing for an owner/occupant to house and care for a child less than 18 years of age in situations where the owner/occupant assumes responsibility for caring for the child due to urgent circumstances stemming from actions not under the owner/occupant's control.

- The association may, but is not required to, allow for hardship exceptions to this requirement;
- C. Restrictions on single-family residential use only and leasing of units. Except in CCRC units, no more than 10% of the total units may be leased by individual owners at any one time;
 - D. Except for a central amenity package, prohibit playground equipment, trampolines or like fixtures;
 - E. The HOA shall also provide that the covenants automatically renew at the end of the 20 year term, unless 100% of the owners at that time vote that the covenants should not renew; and
 - F. The HOA and/or community management association for the HOA shall give written notice to any grantee of the restrictions covered in this zoning at or before any sale or transfer of any property.

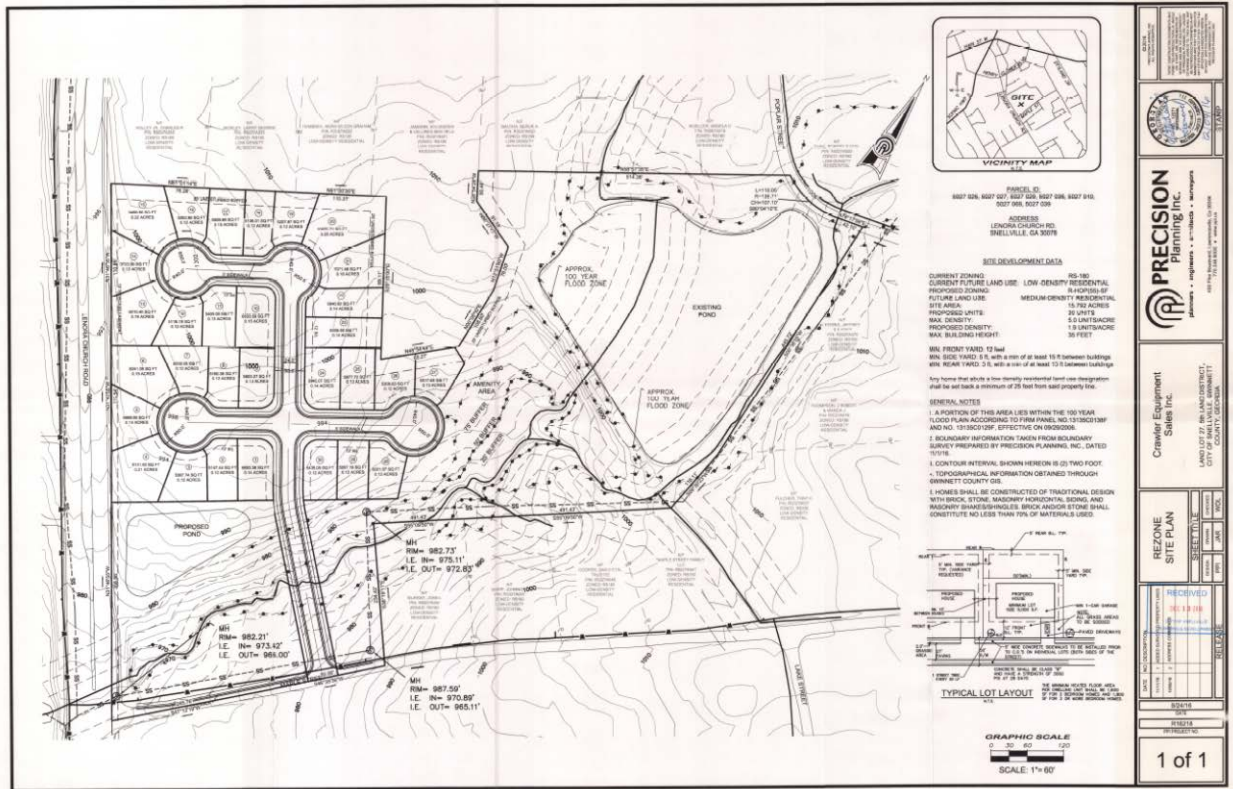
Covenants and Restrictions:

Legally binding covenants and/or deed restrictions that run with the land shall apply to all housing units that will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to the property. The grantor must state in any deed or instrument conveying title to an R-HOP housing unit, that the property conveyed is intended to be housing for older persons and is subject to the restrictions contained in this Section. No covenant referencing any of the regulations or restrictions herein for a housing for older persons housing unit shall be recorded until and unless said covenant contains restrictions approved by the Director of Planning and Development that are consistent with the requirements of this Section. Such review and response shall be completed within thirty (30) calendar days following date of submission of such documents to the Director of Planning and Development.

Site Plan Analysis:

As noted earlier the 15.636± acre tract has a 3.0± acre lake as well as two blue line streams that are regulated by the City Code's Stream Buffer Protection Ordinance, and requires a fifty feet (50') wide undisturbed stream buffer with an additional twenty-five feet (25') wide "no impervious zone." Combined, these seventy-five feet (75') of required buffers effectively limit the amount of developable land to the area adjacent to Lenora Church and Maple Street. The applicant is left with 30 lots located on three cul-de-sacs and one "eye brow" cul-de-sac with an entrance located on Maple Street. The Rezoning Site Plan shows compliance with the City's Stream Buffer Protection Ordinance. Although a portion of Lot 28 does encroach into the twenty-five feet (25') impervious surface setback buffer, no structures are allowed to be constructed in said buffer. During the Preliminary/Final Plat process, the lot will be designated as requiring a Residential Drainage Plan ("RDP") to ensure no setback encroachment during the building permitting phase.

Where adjacent to low density residential zoning the project will be required to provide a twenty five feet (25') undisturbed buffer. It appears that only the lots in the north and northwest portion of the project will be affected from existing homes on Poplar Street. There is a proposed amenity area adjacent to the lake; however more could be done to incorporate the green space into the overall open space master plan.



Variance Analysis:

The applicant has requested a variance from Sec. 6.4.3(c) of the Development Regulations to allow an eyebrow cul-de-sac.

This variance seems appropriate give the reduced amount of developable land. The eye-brow cul-de-sac shouldn't cause any adverse impact for the residents of the development.

STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends **Approval** of the application to amend the 2030 Future Land Use Plan designation from Low-density Residential to Medium-density Residential; **Approval** of the application to amend the Official Zoning Map from RS-180 (Single-family Residence) District to R-HOP(55)-SF (Residential Housing for Older Persons) District with the following **Conditions**:

1. The property shall be developed in general accordance with the submitted Site Plan entitled "Rezone Site Plan," sealed, signed and dated 12-09-2016 (stamped received 12-13-2016), with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development will require Mayor and Council approval;
2. The single-family property shall be developed at a maximum of 1.9 units per acre;

3. The single-family detached homes will be craftsman style architecture similar to the provided renderings and all four sides will have facades consisting of brick, stone, stacked stone, cedar shake type and/or hardi-plank and the like. Architectural styles will be varied in order to create a more appealing streetscape;
4. A mandatory home owners association shall be formed for development and single-family lots and shall have maintenance and architectural design regulations for the single-family residential community which shall control such items as construction materials, landscaping, common area and common property maintenance, subdivision signage, fencing, and such other usual and necessary covenants and restrictions to protect the quality and integrity of the single-family residences;
5. The covenants required by the preceding condition (in addition to standard covenants) shall include a restriction which shall restrict the rental of the single-family detached residences to no more than 10% of the total single-family detached residences for which a certificate of occupancy has been issued;
6. All new single family residential lots shall be required to connect to sanitary sewer, the use of onsite septic systems is prohibited;
7. Street trees, lot trees, and trees planted within the open space or landscape buffer shall be a minimum caliper at time of planting of three (3) inches DBH;
8. A twenty-five feet (25') undisturbed buffer shall be required at the rear of Lots 15-20, where abutting Parcels 5027A 022, 023 and 024. A twenty-five feet (25') landscape buffer shall be required at the rear of Lots 20-23 and 26-27 where abutting Parcel 5027A 021. A Landscaping Plan shall be provided for areas within the undisturbed buffer and landscape buffer that are sparsely vegetated, to be approved by the Director of Planning and Development;
9. A ten feet (10') no-access easement is required at the rear of Lots 4-6 and Lots 13-15 where abutting Lenora Church Road. The three existing curb cuts on Lenora Church Road shall be removed with sidewalk, curb and gutter installed;
10. 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 approval with the Director of Planning and Development for this project;
11. Prior to the issuance of a Development Permit the developer shall submit a Plan Book for the single-family residences, in accordance with the requirements of Section 9.2(4), Design Criteria of Article IX of the Zoning Ordinance, and Section 7.7, Architectural Design Standards of Article VII of the Zoning Ordinance, to the Director of Planning and Development for review and approval; and
12. The developer shall only clear trees on Lots 28, 29, and 30 where it is necessary to develop those lots. The developer will attempt to leave as many existing trees as possible in this location subject to the review/approval of the Planning Director.

VARIANCES RECOMMENDED FOR APPROVAL:

In conjunction with the rezoning approval and recommended conditions, the following variances are recommended for **Approval**:

1. Section 6.4.3(c) of the Development Regulations – Eyebrow cul-de-sac (half cul-de-sacs) shall be allowed as shown on the submitted site plan; and
2. Section 6.13 of the Development Regulations and Section 8.18 of the Zoning Ordinance – Exemption from the requirement to install sidewalks along the right-of-way for the property containing the existing pond for the portion of the property where abutting Poplar Street.

PLANNING COMMISSION REPORT:

The Planning Commission held a duly advertised public hearing on the subject application at the January 24, 2017 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 an unanimous vote of 5-0, recommended **Approval** to amend the 2030 Future Land Use Plan designation from Low-density Residential to Medium-density Residential; recommended **Approval** to amend the Official Zoning Map from RS-180 (Single-family Residence) District to R-HOP(55)-SF (Residential Housing for Older Persons) District with the following **Conditions**:

1. The property shall be developed in general accordance with the submitted Site Plan entitled “Rezone Site Plan,” sealed, signed and dated 12-09-2016 (stamped received 12-13-2016), with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development will require Mayor and Council approval;
2. The single-family property shall be developed at a maximum of 1.9 units per acre;
3. The single-family detached homes will be craftsman style architecture similar to the provided renderings and all four sides will have facades consisting of brick, stone, stacked stone, cedar shake type and/or hardi-plank and the like. Architectural styles will be varied in order to create a more appealing streetscape;
4. A mandatory home owners association shall be formed for development and single-family lots and shall have maintenance and architectural design regulations for the single-family residential community which shall control such items as construction materials, landscaping, common area and common property maintenance, subdivision signage, fencing, and such other usual and necessary covenants and restrictions to protect the quality and integrity of the single-family residences;
5. The covenants required by the preceding condition (in addition to standard covenants) shall include a restriction which shall restrict the rental of the single-family detached

residences to no more than 10% of the total single-family detached residences for which a certificate of occupancy has been issued;

6. All new single family residential lots shall be required to connect to sanitary sewer, the use of onsite septic systems is prohibited;
7. Street trees, lot trees, and trees planted within the open space or landscape buffer shall be a minimum caliper at time of planting of three (3) inches DBH;
8. In lieu of a twenty-five foot (25') undisturbed buffer, a six foot (6') high opaque fence shall be required at the rear of Lots 15-23 and Lots 26-27 where abutting Parcels 5027A 021, 022, 023 and 024;
9. A ten feet (10') no-access easement is required at the rear of Lots 4-6 and Lots 13-15 where abutting Lenora Church Road. The three existing curb cuts on Lenora Church Road shall be removed with sidewalk, curb and gutter installed;
10. 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 approval with the Director of Planning and Development for this project;
11. Prior to the issuance of a Development Permit the developer shall submit a Plan Book for the single-family residences, in accordance with the requirements of Section 9.2(4), Design Criteria of Article IX of the Zoning Ordinance, and Section 7.7, Architectural Design Standards of Article VII of the Zoning Ordinance, to the Director of Planning and Development for review and approval; and
12. The developer shall only clear trees on Lots 28, 29, and 30 where it is necessary to develop those lots. The developer will attempt to leave as many existing trees as possible in this location subject to the review/approval of the Planning Director.

As part of the rezoning approval, the Planning Commission recommended **Approval** of the following variances:

1. Section 6.4.3(c) of the Development Regulations – Eyebrow cul-de-sac (half cul-de-sacs) shall be allowed as shown on the submitted site plan; and
2. Section 6.13 of the Development Regulations and Section 8.18 of the Zoning Ordinance – Exemption from the requirement to install sidewalks along the right-of-way for the property containing the existing pond for the portion of the property where abutting Poplar Street.