



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

**CASE SUMMARY**

**March 13, 2017**

**CASE NUMBER:** #LUP 17-03 RZ 17-04

**REQUEST:** Land Use Plan and Zoning Map Amendment  
and Request for Buffer Reduction

**LOCATION:** 1958 Dogwood Road, Snellville, Georgia

**TAX PARCEL:** 5040 036

**CURRENT FUTURE LAND USE MAP:** Medium-Density Residential

**PROPOSED FUTURE LAND USE  
MAP AMENDMENT:** Commercial/Retail

**PRESENT ZONING(S):** RS-180 (Single Family Residence) District  
BN (Neighborhood Business) District

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

**DEVELOPMENT/PROJECT:** 15,000± SF Retail Strip Center

**PROPERTY OWNER:** New Jerusalem Church Ministries, Inc.  
Snellville, Georgia 30078

**APPLICANT:** COR Properties, LLC  
c/o Mahaffey Pickens Tucker, LLP  
Lawrenceville, Georgia 30043

**CONTACT:** Shane Lanham, Esq.  
770-232-0000 or [slanham@mptlawfirm.com](mailto:slanham@mptlawfirm.com)

**RECOMMENDATION:** Approval with Conditions



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

**CASE ANALYSIS**

**March 13, 2017**

**TO:** The Mayor and Council

**MEETING DATE:** March 13, 2017

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**CASE NUMBER:** #LUP 17-03 RZ 17-04

**FINDINGS OF FACT:**

The Department of Planning and Development has received applications from COR Properties, LLC and New Jerusalem Church Ministries, Inc., represented by Shane Lanham of Mahaffey, Pickens, Tucker, LLP requesting to: a) amend the City of Snellville Future Land Use Map from Medium-density Residential to Commercial/Retail; b) amend the Official Zoning Map from RS-180 (Single-Family Residence) District and BN (Neighborhood Business) District to BG (General Business) District; and c) request for variance to reduce the required 60 foot buffer between dissimilar districts to 35 feet where abutting residential use to the west for a 15,000± sq. ft. retail strip center on the 1.75± acre property located at 1958 Dogwood Road, Snellville, Georgia (Tax Parcel 5040 036).

The applicant intends to re-develop the property formerly used as the main Church campus for New Jerusalem Baptist Church, to construct a multi-tenant retail strip center.

**BACKGROUND:**

The subject property is currently split-zoned as RS-180 (Single-Family Residence) District and BN (Neighborhood Business) District while designated as Medium-Density Residential on the

City of Snellville 2030 Comprehensive Plan Future Land Use Map. The subject 1.74± acre property contains a 2,100± sq. ft. single-story brick building with basement and associated parking under ownership of New Jerusalem Church Ministries, Inc. Conditional Use Permit #CUP 11-02 was approved on July 25, 2011 allowing the continued operation of New Jerusalem Baptist Church that commenced in 2005; however, since the summer of 2016, NJBC has relocated their church ministry and campus to Lawrenceville. The property was originally developed for a single family detached home that was built in 1968. Located adjacent to the Scenic Highway commercial corridor, the surrounding properties to the north, south, and east are commercial businesses while the properties to the west are single family residential uses and include Dogwood Manor and Stockton Walk subdivisions.

### **LAND USE PLAN and ZONING MAP AMENDMENTS:**

The applicants are seeking to amend the City of Snellville Future Land Use Map from Medium-density Residential to Commercial/Retail and to amend the Official Zoning Map from RS-180 (Single Family Residence) District and BN (Neighborhood Business) District to BG (General Business) District for a 15,000± sq. ft. multi-tenant retail strip center on the 1.75± acre property located at 1958 Dogwood Road, Snellville.

The subject property is located on the extreme edge of the Brookwood District Character Area which is comprised of mostly single-family detached homes with some commercial uses found on Oak Road and the eastern end of Dogwood Road. With the 2009 adoption of the 2030 Comprehensive Plan, the future land use designation was prescribed as medium-density residential to most likely allow for higher-density housing similar to Stockton Walk and Carrington Village subdivisions and serving as a transitional use between the typical commercial uses found on the Scenic Highway commercial corridor and the neighboring low-density residential uses to the west.

The subject property is surrounded by commercial uses on all sides except those to the west which are low-density single-family residential uses. Allowing a commercial use in this location would not necessarily pose a threat to the neighboring residential uses if it is appropriately buffered per the City's Buffer Ordinance, requiring a sixty (60) foot buffer, six (6) foot high berm with evergreen plantings along the berm. However, the applicant has requested a variance to reduce the sixty (60) foot buffer to thirty-five (35) feet but has submitted no hardship. The subject property would probably be much easier to develop without intruding into the residential uses if the parcel was combined with adjacent commercial parcels and constructed as a master planned redevelopment.

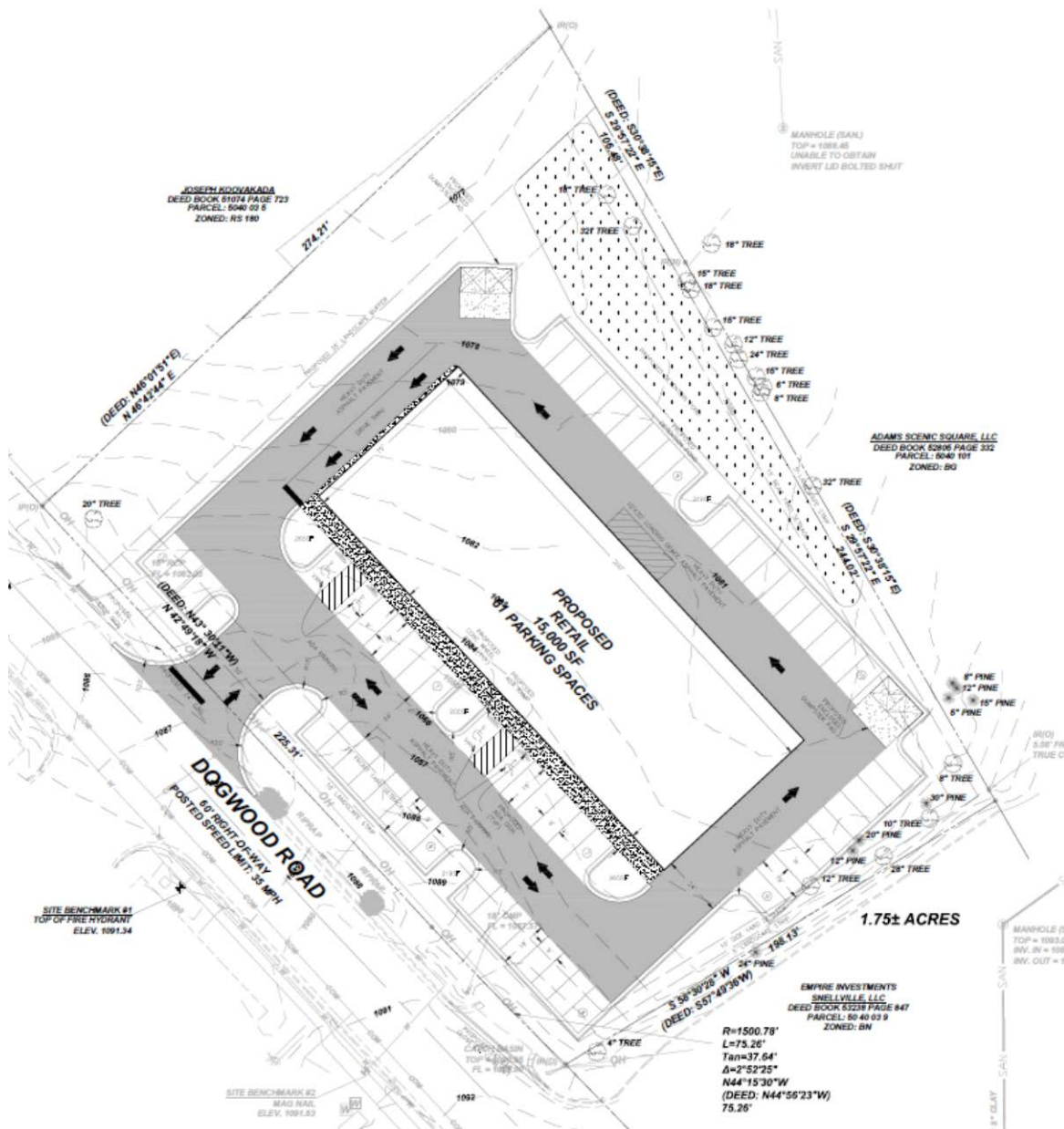
### **Site Plan Analysis:**

The proposed site is located on Dogwood Road across from the Horsetown East and adjacent to the east to an aging commercial strip center and convenience store located at the corner of Dogwood Road and Scenic Highway. The conceptual site plan showcases a 15,000± sq. ft. multi-tenant building with drive-thru located centrally within the site with sixty-one (61) associated parking spaces located in the front, eastern side, and rear of the building with a detention pond located at the rear of the property and adjacent to Scenic Square Shopping Center. There is a single driveway aligned with the Horsetown East property across Dogwood

Road that would serve the property. Limiting traffic to a single aligned driveway would help alleviate traffic issues that would be exacerbated by having two curb cuts on Dogwood Road.

The current parking configuration could offer some problems for customers of the development as nearly thirty-one percent (31%) of the provided parking is located behind the building and away from the tenant storefront entrances. The sixty-one (61) proposed parking spaces exceeds (by one space) the minimum number required for a retail building of this size, but may be deficient for eat-in restaurant uses which increase the parking demand<sup>1</sup>. If there were any restaurants planned for the development they should be parked as such.

### Rezoning Site Plan (10-19-2016)



<sup>1</sup> Parking Requirement for Restaurant Use – 1 space per each 3 seats plus 1 space for each fulltime employee minimum.

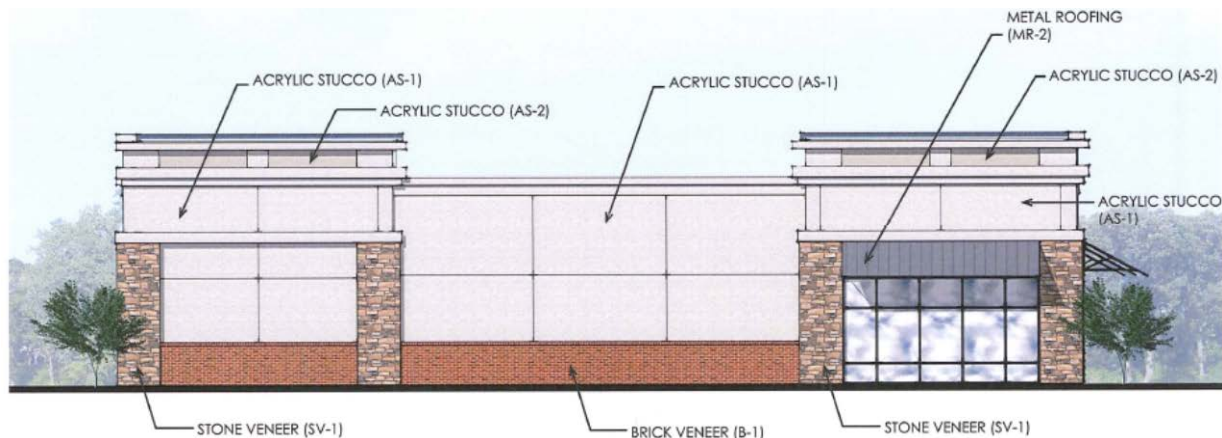
## Architectural Review:

The applicant has supplied the following renderings of the building but has not supplied enough information to ensure that the design meets the requirements of the Architectural Design Standards. It should be noted that stucco is a restricted material and shall not exceed twenty-five percent (25%) coverage on the front elevation and fifty-percent (50%) coverage on the side and rear elevations. The buildings are generally in good taste and the applicant has indicated their desire to meet the full requirements of the Architectural Design Standards.

### Front Elevation



### Side Elevation



## Variance Analysis:

The applicant has requested a variance from Section 19-32, Minimum Specifications for Buffer Strips of the City's Buffer Ordinance requiring a sixty (60) foot buffer where such properties with a BG (General Business) District zoning classification abut an RS-180 (Single Family Residence) District. The applicant is requesting to reduce said buffer to a thirty-five (35) foot landscaped buffer.

Currently no buffer exists on the site. The 2011 approved Conditional Use Permit for NJBP included a condition that required a landscape plan be submitted for review and approval. Said plan was to include a six-foot (6) high wooden fence to be installed along the property line where abutting the residential uses. Neither the fence nor landscaping was installed.

The proposed thirty-five (35) foot landscape buffer would provide the proposed development with screening for the adjacent residential property; however, there is no hardship provided for a buffer reduction. In fact, the full required sixty-foot (60) buffer should remain and be densely planted to provide visual screening. The Buffer Ordinance further requires that a five-foot permanent berm be created in the first twenty (20) feet of the buffer at a 2:1 slope and planted with a minimum of two-inch caliper evergreen trees and a minimum of six (6) foot tall at time of planting, planted twenty (20) feet on center.

Together, the buffer, berm and evergreens will serve to substantially minimize noise, air, water, dust and visual pollution from the development.

#### **STAFF RECOMMENDATION:**

In conclusion, the Department of Planning and Development recommends **Approval** of the application to amend the 2030 Future Land Use Map designation from Medium-Density Residential to Commercial/Retail; recommend **Approval** to amend the Official Zoning Map from RS-180 (Single Family Residence) District and BN (Neighborhood Business) District to BG (General Business) District with the following **Conditions**:

1. The property shall be developed in general accordance with the submitted site plan entitled "Rezoning Plan," sealed and dated 10-19-2016, 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. Not more than fifteen-percent (15%) of the total number of parking spaces will be allowed in the rear of the building;
3. A sixty (60) foot buffer shall exist were abutting residential zoned property to the west (Parcel #5040 035). Said buffer shall contain a berm and plantings in accordance with Section 19-35, Minimum Specifications for Buffer Strips, of Article II, Buffer and Screening Regulations of Chapter 19, Buffer, Landscape and Tree Ordinance;
4. Freestanding signs higher than fifteen (15) feet or larger than 225 sq. ft. in area are prohibited;
5. With the exception of a drive-thru menu board and intercom, no outdoor loudspeakers are allowed;
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. Any change of use from general retail use to restaurant use will require parking plan approval from the Director of Planning and Development;
8. Provide an inter-parcel vehicle access point to parcel R5040 039;
9. The development shall be required to connect to sanitary sewer, the use of an onsite septic system is prohibited; and
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.

#### **VARIANCE RECOMMENDATION:**

In conjunction with the rezoning approval and recommended conditions (1-10), the following variance is recommended for **Denial**:

1. Reduction of required sixty (60) foot buffer to thirty-five (35) feet where abutting residential property.

#### **PLANNING COMMISSION REPORT:**

The Planning Commission held a duly advertised public hearing on the subject applications at the February 28, 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, the recommendation to approve the amendment to the City of Snellville 2030 Future Land Use Plan from Medium-Density Residential to Commercial/Retail was **defeated** by a vote of 2-4. Because of defeat to the Future Land Use Plan amendment, the Planning Commission did not take action and vote on the rezoning and variance request.