



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

CASE SUMMARY

August 28, 2017

CASE NUMBER: #LUP 17-05 RZ 17-10

REQUEST: Official Zoning Map and Land Use Plan Amendments and Request for Variances

LOCATION: 2151 Fountain Drive, Snellville, Georgia

PARCEL: District 5, Land Lot 7, Parcel 174

CURRENT ZONING: OP (Office Professional) District

PROPOSED ZONING: BG (General Business) District

OVERLAY DISTRICT: Corridor Overlay District

CURRENT FUTURE LAND USE PLAN: Office-Professional

REQUESTED FUTURE LAND USE PLAN AMENDMENT: Commercial-Retail

DEVELOPMENT/PROJECT: Existing 2.68± Acre Office Development

APPLICANT/PROPERTY OWNER: Wayne Bartlett
Bartlett Family Winder LLC
Winder, Georgia 30680

CONTACT: David Smith
770-307-6165 or hdavids@live.com

RECOMMENDATION: Approval with Conditions



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

CASE ANALYSIS

August 28, 2017

TO: The Mayor and Council

MEETING DATE: August 28, 2017

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #LUP 17-05 RZ 17-10

FINDINGS OF FACT:

The Department of Planning and Development has received applications from Wayne Bartlett, Bartlett Family Winder, LLC, to amend the Official Zoning Map and 2030 Future Land Use Map for the 2.68± acre property located on Fountain Drive across the street from Eastside Medical Center South Campus along W. Main Street (US Highway 78), Snellville. The applicant intends to market the property to expand the allowable uses including limited retail and service-oriented uses.

The property was originally developed in 1980 as a master-planned office development containing a total of 23,266 sq. ft. of medical office buildings (two 8,197 sq. ft. buildings and one 6,872 sq. ft. building) with related parking and has since served as office space for a variety of tenants.

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

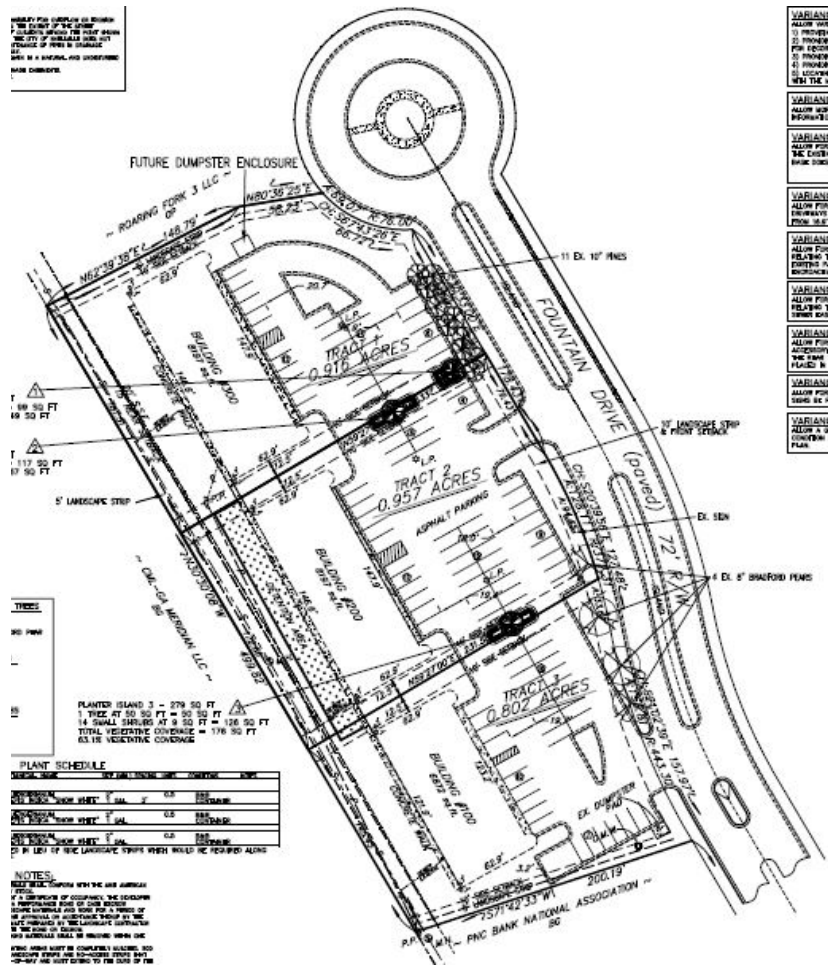
- To amend the 2030 Future Land Use Map of the City of Snellville from Office-Professional to Commercial-Retail;

- To amend the Official Zoning Map of the City of Snellville from OP (Office Professional) District to BG (General Business) District; and
- Maintain variances approved for the property on May 12, 2015 under case #BOA 15-03.

BACKGROUND:

The property was originally developed as a 2.675± acre three-building office complex in 1980, two of the buildings are 8,197± sq. ft. while the third is a little smaller at 6,783± sq. ft. The three single-story buildings are constructed of pattered painted CMU block with an E.I.F.S. parapet and hallway canopy. There are a total of 121 parking spaces for the entire track. The current owner has made several improvements to the property including repainting of the buildings, resealing of the parking lot, and repainting of the monument sign.

In April 2015, Gateway Venture Partners, LLC expressed interest in subdividing the thirty-five year old 2.68± acre property containing three one-story office buildings into three separate parcels, each containing one building and related parking. They submitted a variance application requesting several variances from the Snellville Code of Ordinances to allow all existing non-conforming issues to remain and new non-conforming issues created at the time of subdivision of the property. As of this date, the property has not been subdivided.



On May 12, 2015, the Board of Appeals conducted a public hearing and approved the following variances with conditions (1-9):

1. Allow variances from Corridor Overlay District requirements relating to:
 - a. Providing a four-foot sidewalk
 - b. Providing a two-foot by eight-foot pad every 300 linear feet on sidewalk for decorative benches, bicycle racks, and trash receptacles.
 - c. Providing decorative light fixtures / poles throughout parking area.
 - d. Providing sidewalk lights.
 - e. Locating buildings close to and oriented toward public right-of-way with the majority of parking to the sides and rear.
2. Exceed the maximum number of parking spaces (Section 11.3 of Article XI of the Zoning Ordinance. See site information block on site plan for detailed numbers on existing spaces.
3. Allow for variance from Article XII, Sign Ordinance related to the existing monument-style signage on the property. Per section 12.4 (B)(5), base does not meet require two feet in height. Existing base is 0.8 feet.
4. Allow for variance from Article XI, Parking and Loading Requirements, interior driveways shall be a minimum of 24 feet in width. Existing drives range from 16.9' to 20.7'.
5. Allow for variance from the Landscape Ordinance relating to landscape strip restrictions. To allow for encroachment by existing parking lot along southeastern property line. Amount of encroachment is listed under site information and shown on plans.
6. Allow for variance from the Landscape Ordinance relating to landscape strip requirements to allow existing sanity sewer easement to remain in 5-foot rear landscape strip.
7. Allow for variance from Article VII, Accessory Uses and Structures requiring accessory structures to be placed in the rear yard. To allow future dumpster pad and enclosure to be place in the front yard of proposed Tract 1.
8. Allow for variance from Article XII, Sign Ordinance to allow small directional signs to be place in proposed parking islands shown on plans.
9. Allow a general variance for the site to be approved in its current condition except for the items requested on the variance plan and application.

May 12, 2015 Board of Appeals Approved Conditions:

1. The property shall be developed in general accordance with the submitted site plan, entitled "Variance Plan For Gateway Venture Partners LLC" sealed and dated 4-6-

- 2015, with modifications to meet conditions of zoning or State, County, and City regulations;
2. Granting variance approval shall not supersede or negate the provisions of Article V, Non-Conforming Uses of the Snellville Zoning Ordinance;
 3. All new signs and new construction including redevelopment of any Tract (or parcel) shall meet all City codes and regulations in effect at time of permitting including the Substantial Building Permit requirements of the Landscape Ordinance;
 4. The applicant must record easement agreements for Tracts 1, 2 and 3 relating to shared parking, ingress/egress, and stormwater conveyance and management;
 5. The applicant must submit a subdivision plat for review and approval by the Planning Director, said plat shall be recorded at Gwinnett County;
 6. Tract 2 (Building #200) shall be required to enter into an agreement with either the property owner of Tract 1 or Tract 3 to share in the use of the existing solid waste dumpster or be allowed to add an additional dumpster pad, dumpster and enclosure;
 7. For consistency, the existing landscaping islands located on Tract 1 and Tract 3 shall be re-planted with similar plant materials as used in the proposed new landscaping islands including three-inch caliper or larger trees;
 8. The existing dumpster enclosure must be planted with an evergreen buffer, 6-8 feet minimum height at time of planting to shield the dumpster from view of the travelling public as approved by the Director of Planning and Development; and
 9. Prior to release of any Certificate of Occupancy, the existing monument sign shall be repaired or replaced to be more visually and aesthetically appealing sign for review and approval by the City prior to the installation of any new sign.

STAFF ANALYSIS:

The properties abutting Fountain Drive are zoned OP (Office Professional) and include a variety of medical and dental offices and related businesses, adult day care facility, and the Eastside Medical Center South Campus.

A PNC Bank branch and Kaiser Permanente medical office, both zoned BG (General Business) District are located opposite each other where Fountain Drive intersects W. Main Street (U.S. Highway 78).

On the following page is the aerial parcel map showing the subject and area properties along Fountain Drive.

commercial and retail land uses rather than residential. Likewise, the Future Land Use Map shows a concentration of retail and commercial uses along the U.S. Highway 78 corridor, with office and other professional uses being more concentrated in and around the Towne Center area.

CONCLUSION:

The Future Land Use Map amendment from Office-Professional to Commercial-Retail and Official Zoning Map amendment from OP (Office Professional) District to BG (General Business) District is appropriate given the plethora of neighboring commercial businesses, zoned BG, located along the U.S. Highway 78 commercial corridor. However, because the property is not directly located on U.S. Highway 78 with direct exposure to the 45,000± annual average daily traffic (AADT), the property location may only be suitable to those commercial-retail users that do not rely heavily on having direct exposure to the travelling public.

In conclusion, the Department of Planning and Development recommends **Approval** of the request to amend the 2030 Future Land Use Map designation from Office-Professional to Commercial-Retail and to amend the Official Zoning Map from OP (Office Professional) District to BG (General Business) District for the 2.68± acre parcel located at 2151 Fountain Drive, and allowing the same **Variations** as approved by the Board of Appeals at the May 12, 2015 public hearing (Case #BOA 15-03) with the following **Conditions**:

1. The property shall be developed in general accordance with the submitted site plan, entitled “Rezoning and Change in Land Use Plan for Bartlett family Winder, LLC” sealed and dated 6-12-2017, with modifications to meet conditions of zoning or State, County, and City regulations;
2. Conditions (1-9) approved on 5-12-2015 by the Board of Appeals, attached hereto and incorporated herein for reference as Exhibit “A” for the future subdivision of the property into Tracts 1-3 shall remain in full force and effect;
3. Granting variance approval shall not supersede or negate the provisions of Article V, Non-Conforming Uses of the Snellville Zoning Ordinance;
4. All new signs and new construction including redevelopment of any Tract (or parcel) shall meet all City codes and regulations in effect at time of permitting including the Substantial Building Permit requirements of the Landscape Ordinance;
5. The property owner shall submit site and landscape plans for the three (3) planter island improvements and the future dumpster pad and enclosure as shown on the “Rezoning and Change of Land Use Plan for Bartlett Family Winder, LLC” sealed and dated 6-12-2017 to the Director of Planning and Development for review and approval. Said improvements must be completed within six (6) months of Mayor and Council rezoning approval;
6. To maintain consistency with all planter islands (existing and new), the two (2) existing parking lot planter islands located at the terminus of the center parking area

shall be re-planted with similar plant materials (species and size) as used in the three (3) new planter islands. Trees planted shall be three-inch caliper or larger trees; and

7. The existing dumpster enclosure must be planted with an evergreen buffer, 6-8 feet minimum height at time of planting to shield the dumpster from view of the travelling public as approved by the Director of Planning and Development.

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 vote of 4-1, the Planning Commission recommended **Approval** of #LUP 17-05, amendment to the 2030 Future Land Use Plan from Office/Professional to Commercial/ Retail; and by a vote of 4-0 with 1 abstention, recommended **Approval** of #RZ 17-10, amendment to the Official Zoning Map from OP (Office/Professional) 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 and Change in Land Use Plan for Bartlett family Winder, LLC” sealed and dated 6-12-2017, with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval;
2. Conditions (1-9) approved on 5-12-2015 by the Board of Appeals, attached hereto and incorporated herein for reference as Exhibit “A” for the future subdivision of the property into Tracts 1-3 shall remain in full force and effect;
3. Granting variance approval shall not supersede or negate the provisions of Article V, Non-Conforming Uses of the Snellville Zoning Ordinance;
4. All new signs and new construction including redevelopment of any Tract (or parcel) shall meet all City codes and regulations in effect at time of permitting including the Substantial Building Permit requirements of the Landscape Ordinance;
5. The property owner shall submit site and landscape plans for the three (3) planter island improvements and the future dumpster pad and enclosure as shown on the “Rezoning and Change of Land Use Plan for Bartlett Family Winder, LLC” sealed

and dated 6-12-2017 to the Director of Planning and Development for review and approval. Said improvements must be completed within six (6) months of Mayor and Council rezoning approval;

6. To maintain consistency with all planter islands (existing and new), the two (2) existing parking lot planter islands located at the terminus of the center parking area shall be re-planted with similar plant materials (species and size) as used in the three (3) new planter islands. Trees planted shall be three-inch caliper or larger trees; and
7. The existing dumpster enclosure must be planted with an evergreen buffer, 6-8 feet minimum height at time of planting to shield the dumpster from view of the travelling public as approved by the Director of Planning and Development.

In conjunction with the land use plan and zoning map amendment approval, the following Variances (1-9) approved on 5-12-2015 by the Board of Appeals are recommended for **Approval:**

1. The property shall be developed in general accordance with the submitted site plan, entitled "Variance Plan For Gateway Venture Partners LLC" sealed and dated 4-6-2015, with modifications to meet conditions of zoning or State, County, and City regulations.
2. Granting variance approval shall not supersede or negate the provisions of Article V, Non-Conforming Uses of the Snellville Zoning Ordinance.
3. All new signs and new construction including redevelopment of any Tract (or parcel) shall meet all City codes and regulations in effect at time of permitting including the Substantial Building Permit requirements of the Landscape Ordinance.
4. The applicant must record easement agreements for Tracts 1, 2 and 3 relating to shared parking, ingress/egress, and stormwater conveyance and management.
5. The applicant must submit a subdivision plat for review and approval by the Planning Director, said plat shall be recorded at Gwinnett County.
6. Tract 2 (Building #200) shall be required to enter into an agreement with either the property owner of Tract 1 or Tract 3 to share in the use of the existing solid waste dumpster or be allowed to add an additional dumpster pad, dumpster and enclosure.
7. For consistency, the existing landscaping islands located on Tract 1 and Tract 3 shall be re-planted with similar plant materials as used in the proposed new landscaping islands including three-inch caliper or larger trees.
8. The existing dumpster enclosure must be planted with an evergreen buffer, 6-8 feet minimum height at time of planting to shield the dumpster from view of the travelling public as approved by the Director of Planning and Development.

9. Prior to release of any Certificate of Occupancy, the existing monument sign shall be repaired or replaced to be more visually and aesthetically appealing sign for review and approval by the City prior to the installation of any new sign.

EXHIBIT "A"



**CITY OF SNELLVILLE
BOARD OF ZONING APPEALS**

REGULAR MEETING MINUTES
May 12, 2015

Council Chambers, City Hall, 2342 Oak Road

Members Present: Matt Czarick, Dennis Lawton, Sid Parrott, Marcy Pharris, Marilyn Swinney and Tim Van Valkenburg.

Staff Present: Jason Thompson, Interim Planning Director and John Dennis, Zoning Administrator.

CALL TO ORDER

Chair Marcy Pharris called the May 12, 2015 regular meeting to order at 7:35 p.m. and announced that the public hearing was being audio taped to facilitate record keeping and Robert's Rules of Order shall govern the meeting.

APPROVAL OF MINUTES

Marilyn Swinney made a motion to approve the April 14, 2015 Regular Meeting revised minutes.

Dennis Lawton made a second to the motion.

A vote was taken; voted 6 in favor, 0 opposed, motion approved.

OLD BUSINESS

BOA 15-01 – Request for Variance from the City of Snellville Zoning Ordinance, Section 4.9, Keeping and Raising of Livestock of Article IV, Application of District Regulations, by Harbour

Oaks Montessori School for the ±3.62 acre Tract 7 (Tax Parcel #5069 271) located next to 1741 Athens Hwy., Snellville.

Marilyn Swinney asked to recuse herself from the case due to a personal family conflict with the case and left the dais.

Jason Thompson stated that at the work session the applicant submitted to the Board and Staff a proposed action plan for the detention pond. The applicant states that they are in the process of removing the pigs but would like to keep the goats and other animals. By request of Mr. Van Valkenburg, Staff will solicit the opinion from the City Engineer regarding the animal waste and impact to the detention pond and impact to the waterways and drainage basin of Haynes Creek. The Planning Department recommends that the case be postponed until the next regular meeting to allow time to query the City Engineer and also report back on the status of the detention pond repair and timeline.

Chair Ms. Pharris asked the applicant if she had problems with coming back on June 9th.

Anna Robichaux stated she does not have any problems with that.

Ms. Pharris asked for a motion.

Dennis Lawton made a motion to postpone action on the case until the June 9, 2015 BOA regular meeting.

Sid Parrott made a second to the motion.

A vote was taken; 5 voted in favor, 0 opposed, motion approved.

Marilyn Swinney rejoined the Board on the dais.

NEW BUSINESS

BOA 15-02 – Request for Variance by Price Fee Property LLC from Section 7.4.2, of Article 7, Easements of the City of Snellville Development Regulations to not require a drainage easement for the part of the drainage system designed to carry stormwater runoff from off-site for the ±12.491 acre tract, zoned BG (General Business) District, located at 1679 Scenic Highway, Snellville, Georgia (Tax Parcel #5056 099).

Jason Thompson presented a summary of the variance application stating that the applicant is requesting to not be required to dedicate a drainage easement to the City for the pipe proposed to carry “pass-through” stormwater runoff from off-site that will run underground below the parking lot and proposed “Shops E” building. Mr. Thompson stated that after consulting with the City Engineer and City Attorney, the Planning Department recommends approval of the request with the following three conditions:

1. The applicant shall develop the site in general accordance with the submitted site plan labeled "Variance Site Plan" dated 5-4-2015;
2. The applicant will enter into a maintenance agreement that includes all stormwater structures with the additional requirement that the pipe underneath the building be physically inspected once every two years with the results being submitted to the City Engineer for review and approval; and
3. The applicant shall be required to abandon the existing easement and record a new plat prior to the issuance of a Certificate of Occupancy.

Louis Young, Columbia Engineering, 2862 Buford Hwy., Duluth, stated that they have come up with a design for the pipe that exceeds a 100-year rain event and is a pre-flow pipe designed to have no surcharge in the line. The developer or owner of the property will visually inspect the pipe every two-years. They do not have any objection to the staff recommended conditions.

Chair Marcy Pharris opened the meeting to public comments.

There were none.

Ms. Pharris asked for a motion.

Dennis Lawton made a motion to approve BOA 15-02 with the staff recommended conditions.

Tim Van Valkenburg made a second to the motion.

A vote was taken; 6voted in favor, 0 opposed, motion approved.

BOA 15-03 – Request for Variances by Gateway Venture Partners LLC from the City of Snellville Zoning Ordinance, Development Regulations, and Buffer, Landscape and Tree Ordinance for the existing and new nonconformities created upon subdivision of the property into three separate parcels known as Tract 1, Tract 2 and Tract 3 for the ±2.675 acre property, zoned OP (Office Professional) District, located at 2151 Fountain Drive, Snellville, Georgia (Tax Parcel #5007 174).

Jason Thompson presented a summary of the variances being requested by the applicant stating that the property owner intends to subdivide the property into three separate tax parcels so that they can be sold individually. As a result of the proposed property subdivision, several non-conforming issues will be created in which the applicant is requesting relief from. Mr. Thompson stated the Planning Department recommends approval of the requested variances with the following five conditions and three additional conditions (6-8) as discussed in the work session:

1. The property shall be developed in general accordance with the submitted site plan, entitled "Variance Plan For Gateway Venture Partners LLC" sealed and dated 4-6-2015, with modifications to meet conditions of zoning or State, County, and City regulations;
2. Granting variance approval shall not supersede or negate the provisions of Article V, Non-Conforming Uses of the Snellville Zoning Ordinance;
3. All new signs and new construction including redevelopment of any Tract (or parcel) shall meet all City codes and regulations in effect at time of permitting including the Substantial Building Permit requirements of the Landscape Ordinance;
4. The applicant must record easement agreements for Tracts 1, 2 and 3 relating to shared parking, ingress/egress, and stormwater conveyance and management;
5. The applicant must submit a subdivision plat for review and approval by the Planning Director, said plat shall be recorded at Gwinnett County;
6. Tract #2 (Building #200) shall be required to enter into an agreement with either the property owner of Tract #1 or Tract #3 to share in the use of the existing solid waste dumpster or be allowed to add an additional dumpster pad, dumpster and enclosure;
7. For consistency, the existing landscaping islands on Tract 1 and Tract 3 shall be replanted with similar plant materials as used in the proposed new landscaping islands; and
8. All dumpster enclosures (existing and new) shall meet the current code requirements.

Discussion ensued about the existing monument sign and caliper of the trees being proposed for planting.

Robert Sligh, Bullard Land Planning, 1559 Blackstone Way, Watkinsville, stated the property owner would have no problems with Conditions 6-7. However, regarding Condition #8, the existing dumpster pad for the dumpster on Tract 3 is not large enough to be brought up to code, and in lieu of being brought up to code, add medium to large shrubs (i.e. 6-8 foot holly) to screen the dumpster area.

Discussion continued about the conditions of the existing monument sign.

Mr. Thompson suggested adding a condition that requires the sign to be cleaned and repaired before release of any Certificate of Occupancy.

Chair Marcy opened the meeting to public comments.

There were none.

Ms. Pharris asked for a motion.

Dennis Lawton asked for clarification of the additional conditions.

Jason Thompson read the following additional conditions into the record:

6. Tract #2 (Building #200) shall be required to enter into an agreement with either the property owner of Tract #1 or Tract #3 to share in the use of the existing solid waste dumpster or be allowed to add an additional dumpster pad, dumpster and enclosure;
7. For consistency, the existing landscaping islands located on Tract 1 and Tract 3 shall be re-planted with similar plant materials as used in the proposed new landscaping islands including three-inch caliper or larger trees; and
8. The existing dumpster enclosure must be planted with an evergreen buffer, 6-8 feet min. height at time of planting to shield the dumpster from view of the traveling public as approved by the Director of Planning and Development; and
9. Prior to release of any Certificate of Occupancy, the existing monument sign shall be repaired or replaced to be a more visually and aesthetically appealing sign for review and approval by the City prior to the installation of any new sign.

Dennis Lawton made a motion to approve BOA 15-03 with the five (5) staff recommended conditions and four (4) additional conditions stated above.

Tim Van Valkenburg made a second to the motion.

A vote was taken; 6 voted in favor, 0 opposed, motion approved.

ANNOUNCEMENTS

Mr. Thompson stated that the Planning Department received a variance application for the Wisteria Village Shopping Center similar to the application by At Home that will be considered by the Board at the June regular meeting.

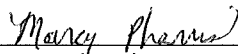
ADJOURNMENT

Motion to adjourn made by Tim Van Valkenburg.

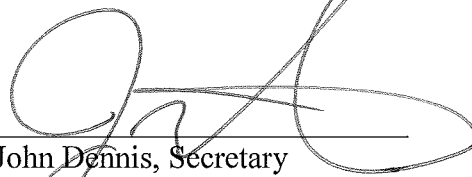
Marilyn Swinney made a second to the motion.

A vote was taken; 6 voted in favor, 0 opposed, motion approved.

The meeting was adjourned at 8:19 p.m.



Marcy Pharris, Board Chair



John Dennis, Secretary

THESE ARE OFFICIAL MINUTES THAT WERE APPROVED BY THE
BOARD OF APPEALS AT THE JUNE 9, 2015 REGULAR MEETING.