



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT
PLANNING COMMISSION**

CASE SUMMARY

November 28, 2017

CASE NUMBER: #RZ 17-13

REQUEST: Change in Zoning Conditions and Request for Variances from the Snellville City Code of Ordinances

LOCATION: 2118 E. Main Street, Snellville, Georgia

TAX PARCEL: 5038 064

PRESENT ZONING: OP (Office Professional) District

REQUESTED ZONING: **OP (Office Professional) District**

OVERLAY DISTRICT: Corridor Overlay District

FUTURE LAND USE MAP: Office/Professional

DEVELOPMENT/PROJECT: **0.49± Acre Residential to Office Conversion**

APPLICANT/PROPERTY OWNER: Tuan Nguyen
Lawrenceville, Georgia 30044

CONTACT: Tuan Nguyen
(404) 867-9596 or tnguyen08@bellsouth.net

STAFF RECOMMENDATION: **Approval with Conditions**



**CITY OF SNELLVILLE
DEPARTMENT OF PLANNING & DEVELOPMENT
PLANNING COMMISSION**

CASE ANALYSIS

November 28, 2017

TO: The Planning Commission

MEETING DATE: November 28, 2017

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #RZ 17-13

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Tuan Nguyen requesting a change in conditions from the 7-9-2007 approved rezoning (case #RZ 07-14) and request for variances from the Landscape, Buffer and Tree Ordinance; Development Regulations and Zoning Ordinance for the property located at 2118 E Main Street.

The subject 0.49± acre property contains a 1,626± sq. ft. existing one-story brick building constructed in 1971, and related driveway. The property was originally constructed as a single-family residence, and was rezoned from RS-180 (Single-family Residence) District to OP (Office Professional) District in July 2007 when the property was under different ownership. The new property owner would like to develop the property for general office use.

There are four properties adjacent to the subject parcel; both neighboring parcels along E. Main Street are also zoned OP, while the parcels abutting the rear of the property are zoned for RS-180 and part of Abington Park subdivision.

REQUEST:

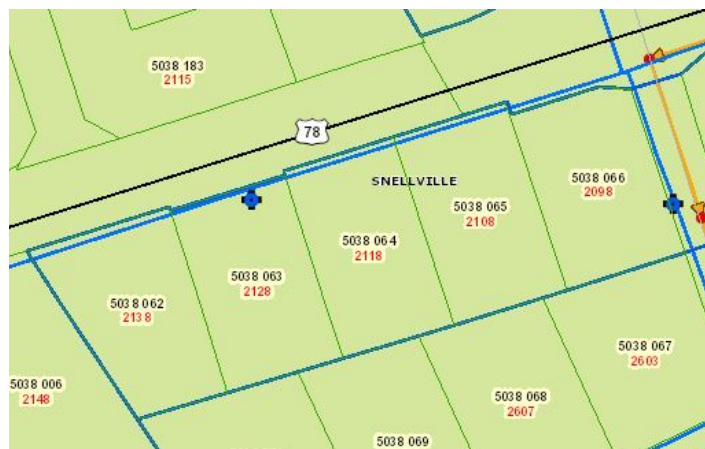
The request is to amend the Official Zoning Map of the City of Snellville to allow a change in conditions related to zoning case #RZ 07-14 approved on 7-9-2007, requiring that the property must utilize a sanitary sewer system rather than a septic system. The applicant is requesting the change due to the fact that both properties to the east and west are on an onsite septic system and not sanitary sewer.

As part of the rezoning request the applicant is requesting the following variances:

1. From Article XI.A, Section 11.3 regarding requirements to allow one more parking space than the maximum number allowed.
2. From the Overlay Corridor District requirements relating to:
 1. Providing a 2-foot by 8-foot pad every 300 linear feet of sidewalk for decorative benches, bicycle racks and trash receptacles;
 2. Providing decorative light fixtures/poles throughout parking area;
 3. Providing sidewalk lights;
 4. Locating buildings close to and oriented toward public right of way with the majority of the parking to the sides and rear.
3. From the Landscape Ordinance Article III, Section 19.73(c)(1) regarding landscape strip requirements to allow for encroachment by the existing driveway along the western property line into the five (5) foot side landscape strip by three (3) feet four (4) inches.
4. Allow a general variance for the site to be approved in its current condition except for the additional items requested on this rezoning and variance plan.

STAFF ANALYSIS:

The Gwinnett County GIS database reveals no sanitary sewer lines running along this portion of U.S Hwy. 78 (E. Main Street) and that all neighboring parcels are themselves on a septic system, not sanitary sewer. As such, creating a sewer tap for this parcel would require either running pipes through an adjacent property from a sewer line further away, or west down U.S. Hwy. 78 from Hickory Station Drive and Abington Drive SW. Both of these would be undertakings far out of scope with the nature of the improvements the applicant is seeking.



A more realistic approach, as approved by the Mayor and Council in 2013 for the adjacent property at 2128 E. Main Street, is to require connection to sanitary sewer upon redevelopment of the entire block (tax parcels 5038 006, 062, 063, 064, and 065).

VARIANCE ANALYSIS:

The variance request to allow one additional parking space from the maximum number of eight (8) parking spaces allowed based on 2,200 sq. ft. for office use is reasonable and has minimal impact to the site. However, the request to allow the existing driveway and parking area to remain in its current configuration and therefore create an encroachment into the western side five (5) foot landscape strip by three and one-half (3.5) feet, severely reduces the available planting area. A better solution is to maintain the five (5) foot wide landscape strip for plantings, and continue the curb and gutter along said landscape strip to the rear of the current parking stall and connecting it back to the corner front planter island.

The purpose of the Corridor Overlay District is to gradually improve the attractiveness and pedestrian accessibility of the U.S. Hwy. 78 (Main Street) corridor in the City as commercial properties are renovated or redeveloped. Allowing exceptions except in the case of credible, non-financial hardships sets a precedent that threatens the viability and enforceability of the district.

As such, the request for waiver from the district requirements regarding lighting of the parking area, pedestrian sidewalk and pedestrian amenities are not reasonable. The site obviously presents no undue hardship that would prevent implementation of these improvements. In addition, the 2013 rezoning change in conditions for the adjacent property at 2128 E. Main Street, a condition was approved by the Mayor and Council allowing deferment of these improvements until such time as either adjacent property is developed for commercial use. So now is the perfect opportunity to require that these improvements be made.

In addition to the sidewalk and parking lot lighting requirements, the Corridor Overlay District also requires street lights be installed along all public rights-of-way. However, because there are existing overhead power and utility lines, installation of street lighting is not feasible.

The variance request regarding building location close to and oriented towards public right of way is reasonable, given that the structure already exists and requiring its movement or reconstruction would be an unreasonable request.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the request to allow a change in conditions for zoning case #RZ 07-14 requiring that the property must connect to and utilize sanitary sewer rather than an onsite septic system with the following **Conditions**:

1. Connection to and utilization of the sanitary sewer system shall be completed upon the redevelopment of the entire block (tax parcels 5038 006, 062, 063, 064, and 065);

2. The property owner shall obtain a septic system permit (or approval) for office use of the property from the Gwinnett County Department of Environmental Health before release of any Certificate of Occupancy;
3. Conditions #3 through #6 and #8 and #9 of the 7-9-2007 Mayor and Council approved conditions of zoning for Case #RZ 07-14, a copy of which is attached hereto as Exhibit "A", shall remain in full force and effect as follows:

Condition #3: The required fifty (50) foot buffer located along the rear of the property to the South shall be reduced to twenty (20) feet. In areas where this buffer is sparsely vegetated, the developer/owner shall re-vegetate the buffer with a mixture of Leyland Cypress, Cryptomeria, Southern Magnolia, and Wax Myrtle planted fifteen feet (15') on-center and no less than six feet (6') tall at time of planting.

Condition #4: New signs higher than 15 feet and larger than 225 square feet are prohibited.

Condition #5: No outdoor loudspeakers shall be allowed.

Condition #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.

Condition #8: Building additions shall be constructed of design, materials and colors consistent with the existing structure(s).

Condition #9: This property contains areas identified with the Gwinnett County Open Space and Greenways Master Plan as a future trail/route. Dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval of the Gwinnett County Department of Community Services.

4. The property shall be utilized in general accordance with the submitted conceptual rezoning site plan, sealed and dated 10-17-2017, and stamped received 10-17-2017 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.

The Department of Planning and Development recommends **Approval** of the following requested variances:

1. Variance from Section 11.3 of Article XI of the Zoning Ordinance to allow one additional parking space than the maximum allowed for a 2,200 sq. ft. of office use.

2. Variances from the Corridor Overlay District requirement relating to: (a) locating buildings close to and oriented toward public right of way; (b) providing street lights along the public right-of-way; (c) requiring the majority of the parking to be located to the sides and rear of the building; and (d) inter-parcel connectivity to adjacent properties.
3. Allow a general variance for the site to be approved in its current condition except for the additional items shown on the rezoning and variance plan.

The Department of Planning and Development recommends **Denial** of the following requested variances:

1. From the Corridor Overlay District requirements relating to: (a) providing a 2-foot by 8-foot pad every 300 linear feet on sidewalk for decorative benches, bicycle racks and trash receptacles; (b) providing decorative light fixtures/poles throughout parking area; (c) and providing pedestrian/sidewalk lighting.
2. From Section 19.73(c)(1) of the Landscape Ordinance regarding landscape strip requirements to allow for encroachment by the existing driveway along the western property line into the five (5) foot side landscape strip.

EXHIBIT "A"