



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

CASE SUMMARY

February 12, 2018

CASE NUMBER: RZ 18-01

REQUEST: Zoning Map Amendment; Request for Variances from the Snellville Zoning Ordinance, Municipal Code and Waiver of Development Regulations.

LOCATION: 2007 Scenic Highway, Snellville, Georgia

TAX PARCEL: 5040 039

PRESENT ZONING: BN (Neighborhood Business) District

REQUESTED ZONING: BG (General Business) District

FUTURE LAND USE MAP: Retail

SIZE: 1.297± Acres

DEVELOPMENT/PROJECT: 10,100 sq. ft. Multi-Tenant Retail Center (Redevelopment)

PROPERTY OWNER: Empire Investments Snellville, LLC
Snellville, Georgia 30078

APPLICANT/CONTACT: Shane Lanham, Esq.
770.232.0000 or slanham@mptlawfirm.com

STAFF RECOMMENDATION: Approval with Conditions



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

CASE ANALYSIS

February 12, 2018

TO: The Mayor Pro Tem and Council

REGULAR MEETING DATE: February 12, 2018

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: RZ 18-01

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Shane Lanham of Mahaffey Pickens Tucker, LLP on behalf of Empire Investments Snellville, LLC requesting to amend the Official Zoning Map for the property located at 2007 Scenic Highway from BN (Neighborhood Business) District to BG (General Business) District. The applicant is also requesting variances from the Snellville Zoning Ordinance, Snellville Municipal Code and a Waiver of the Development Regulations.

The subject 1.297± acre property sits at the corner of Scenic Highway (SR-124) and Dogwood Road, and contains a 9,800± sq. ft. existing one-story building and related parking and driveway. There is also a double-sided tri-fold billboard situated next to the building. The building was originally constructed in 1987, and currently contains a variety of commercial tenants, including Queen's Alteration, JKL Hearing Center, Relax and Wax, and the Smoke Shop. The property owner is also the owner/operator of The Market, a convenience store that specializes in retail wine and beer.

There are three properties adjacent to the subject parcel. Most of the northern property line is shared with another property zoned BN, which is the current site of a Dollar General store. The subject property shared a small border to the north with the larger Scenic Square shopping center, currently zoned BG, which contains a Michael's, Stevi B's Pizza and several other commercial and retail tenants. To the west the property borders the New Jerusalem Baptist Church property, zoned RS-180 with a Conditional Use Permit having just been approved in January for Zotung Christian Church. Across Dogwood Road are properties zoned BG and include the Cookout restaurant, Snellville Pavilion shopping center and Horsetown East.

REQUEST:

The request is to amend the Official Zoning Map of the City of Snellville from BN (Neighborhood Business) District to BG (General Business) District to allow the renovation and continued operation of a 10,100± sq. ft. multi-tenant retail building. As part of the rezoning request, the applicant is also requesting the following variances:

1. Variance to reduce the required 10-foot corner landscape strip along Dogwood Road to allow for angled parking spaces as showed on attached site plan.
2. Variance to reduce the required number of trees for the 5-foot side landscape strip along the northern border of the property between the site and adjacent property to the north by two (2) trees from six (6) to four (4) to allow for the existing driveway connections and service areas to remain.
3. Variance to allow for the actual existing condition of the site to be used as Allowable Pre-developed Condition, instead of a Forested Condition, for the purposes of determining the allowable peak flow rates for the 24-hour storm event.
4. Variance to reduce the required zoning buffer along the property line for the property zoned RS-180 from sixty (60) feet to ten (10) feet.
5. Variance to keep existing non-conforming billboard sign and allow two conforming monument signs as shown on the attached site plan.

STAFF ANALYSIS:

This application is an attempt by the property owner to renovate and update the thirty (30) year old property, as well as bring the property closer into compliance with the current development and zoning codes.

The rezoning of this property is in keeping with the general trend away from the BN district in favor of the more inclusive commercial BG district. BG is more flexible and allows a greater

range of uses than BN; the reduction of the number of zoning districts with overlapping uses within the City also helps to simplify the zoning code.

With the exception of a couple of commercial properties, the majority of the properties with frontage along Scenic Hwy. N are zoned BG, HSB or CI. The rezoning is also in keeping with the Future Land Use Map for the property, which shows this entire area as “Retail” and other commercial uses.

VARIANCE ANALYSIS:

Most of the variances are a result of the current layout of the property and the resulting challenges it poses to meeting certain requirements of the updated development and zoning regulations regarding landscape strips and buffers.

There is an existing landscape strip on the side of the property facing Dogwood Road, approximately five (5) feet in width. The one-way drive and angled parking planned for this location are meant to serve the small storefronts envisioned on the property. The first variance is meant to ensure easy access to these storefronts for customers. It is also meant to ensure an adequate number of spaces without necessitating the addition of more impervious surface somewhere else on the property. The landscape plan submitted by the applicant still shows the existing strip being heavily planted with shrubs and greenery, fulfilling the intent of the ordinance to buffer and beautify the property. The request is reasonable.

The second variance is similar in that it is attempting to avoid extensive reworking of the site by adjusting or removing driveways or access points to adjacent properties. Though strict adherence to the code would require six (6) trees on this side landscape strip, there is plenty of room in other places of the property to ensure an adequate number of trees (and TDUs) on the site, fulfilling the intent of the ordinance. This request is also reasonable.

The third variance to allow the existing conditions of the site be used instead of those for a forested condition relating to stormwater detention was reviewed by the City Engineer, who provided the following comment:

“The proposed side is at the corner of Dogwood Road and SE-124 and is in the drainage basin of the Clyde Williams Regional Detention Pond. Accordingly, the request is irrelevant, as the regional pond already provides detention for this site. As long as the redevelopment of this property does not increase the impervious surface on the site, no additional detention will be required. If the development does propose to increase the impervious surface on the site, the applicant will be expected to evaluate said changes on the regional detention pond and the effects on the stormwater system between his property and the pond.

Water quality measures will still be required in accordance with the City’s development regulations.”

Therefore, variance consideration is not required at this time.

The fourth variance request to reduce the buffer along the border with the property zoned RS-180 is meant to treat the adjacent property according to its use, not its current zoning. It remains zoned for residential, and there is the risk that it may again be used as such in the future. However, since 1968 the property has served as a place of worship for Dogwood Drive Missionary Baptist Church of Snellville and then by New Jerusalem Baptist Church. And, having just received Conditional Use Permit approval, Zotung Christian Church is now in negotiations to purchase the property. Therefore, it seems more likely that the property will remain as a place of worship for the foreseeable future. This request seems reasonable.

The final variance request is to allow the existing non-conforming billboard sign to remain and allow the addition of two conforming monument signs, one on Scenic Hwy. and the second on Dogwood Road. The current Sign Ordinance prohibits the addition of any conforming signage until such time that all non-conforming signs are removed from the property. The existing freestanding billboard sign is non-conforming with regard to Sec. 12.4(B)(7) of the Sign Ordinance that limits freestanding signs to not exceed six (6) sq. ft. in area and not exceed three (3) feet in height. The freestanding billboard sign is also non-conforming to Sec. 12.3(A)(16) of the Sign Ordinance that prohibits signs over fifteen (15) feet in height.

It is our understanding that in 2014, a ten-year lease agreement was signed between the former property owner and the billboard company, with said agreement due to expire in 2024. The variance request is reasonable, subject to Condition #2 recommendation (below).

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the request to amend the Official Zoning Map of the City of Snellville from BN (Neighborhood Business) District to BG (General Business) District to allow the renovation and continued operation of a multi-tenant retail building with the following **Conditions**:

1. The property shall be developed and utilized in general accordance with the submitted rezoning site plan and rezoning landscape plan, entitled "Retail Shops Redevelopment", sealed and dated 1-4-2018, and stamped received 1-8-2018 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. With the exception of the existing freestanding billboard sign, all existing non-conforming ground signs, wall signs, and window/door signs shall be removed. Any replacement sign(s) or new sign(s) shall conform to the Sign Ordinance and require a sign permit(s) approved by the Director of Planning and Development, before installation of any sign(s);

3. Prior to release of any Certificate of Occupancy, all underground fuel storage tanks shall be removed in accordance with Georgia Environmental Protection Division regulations;
4. All existing and new utilities serving the property and building shall be converted to underground utilities. Overhead utilities are prohibited;
5. Dumpster location shall be screened in accordance with Sec. 19-34 of the Buffer Ordinance;
6. Existing and new exterior building lighting and site lighting shall comply with the Non-Residential Lighting Standards of the Snellville Development Regulations;
7. All access drives and parking areas shall be repaired, resealed and restriped; and
8. *New* signs higher than fifteen (15) feet or larger than 225 sq. ft. in area are prohibited.

In conjunction with rezoning approval, the Department of Planning and Development recommends **Approval** of the following variances (1-4):

1. Variance to reduce the required 10-foot corner landscape strip along Dogwood Road to allow for angled parking spaces as showed on attached site plan.
2. Variance to reduce the required number of trees for the 5-foot side landscape strip along the northern border of the property between the site and adjacent property to the north by two (2) trees from six (6) to four (4) to allow for the existing driveway connections and service areas to remain.
3. Variance to reduce the required zoning buffer along the property zoned RS-180 from sixty (60) feet to ten (10) feet.
4. Variance to keep existing non-conforming billboard sign and allow two conforming monument signs as shown on the attached site plan, subject to Condition #2 above.

PLANNING COMMISSION REPORT:

The Planning Commission held a duly advertised public meeting on the subject application at the January 23, 2018 Regular Meeting of the City of Snellville Planning Commission. By a unanimous vote of 5-0, the Planning Commission recommended recommends **Approval** of the request to amend the Official Zoning Map of the City of Snellville from BN (Neighborhood Business) District to BG (General Business) District to allow the redevelopment and continued operation of a multi-tenant retail building with the following **Conditions**:

1. The property shall be developed and utilized in general accordance with the submitted rezoning site plan and rezoning landscape plan, entitled "Retail Shops Redevelopment", sealed and dated 1-4-2018, and stamped received 1-8-2018 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. With the exception of the existing freestanding billboard sign, all existing non-conforming ground signs, wall signs, and window/door signs shall be removed. Any replacement sign(s) or new sign(s) shall conform to the Sign Ordinance and require a sign permit(s) approved by the Director of Planning and Development, before installation of any sign(s);
3. Prior to release of any Certificate of Occupancy, all underground fuel storage tanks shall be removed in accordance with Georgia Environmental Protection Division regulations;
4. All existing and new utilities serving the property and building shall be converted to underground utilities. Overhead utilities are prohibited;
5. Dumpster location shall be screened in accordance with Sec. 19-34 of the Buffer Ordinance;
6. Existing and new exterior building lighting and site lighting shall comply with the Non-Residential Lighting Standards of the Snellville Development Regulations;
7. All access drives and parking areas shall be repaired, resealed and restriped; and
8. New signs higher than fifteen (15) feet or larger than 225 sq. ft. in area are prohibited.

In conjunction with the change in conditions recommendation of approval and conditions (1-4), the following variances are recommended for **Approval**:

1. Variance to reduce the required 10-foot corner landscape strip along Dogwood Road to allow for angled parking spaces as showed on attached site plan.
2. Variance to reduce the required number of trees for the 5-foot side landscape strip along the northern border of the property between the site and adjacent property to the north by three (3) trees from six (6) to three (3) to allow for the existing driveway connections and service areas to remain.
3. Variance to reduce the required zoning buffer along the property zoned RS-180 from sixty (60) feet to ten (10) feet.

4. Variance to keep existing non-conforming billboard sign and allow two conforming monument signs as shown on the attached site plan, subject to Condition #2 above.