



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

CASE SUMMARY

May 13, 2019

CASE NUMBER: CUP 19-02

REQUEST: Conditional/Special Use Permit for an Existing Place of Worship

LOCATION: 1525 Scenic Hwy, Snellville, Georgia

TAX PARCEL: 5073 002

PRESENT ZONING: RS-180 (Single-Family Residence) District

CURRENT FUTURE LAND USE MAP: Public/Civic

OVERLAY DISTRICT: None

DEVELOPMENT/PROJECT: Mount Zion Baptist Church of Snellville

APPLICANT/PROPERTY OWNER: Mount Zion Baptist Church of Snellville
PO Box 568
Snellville, GA 30078

CONTACT: Shane Lanham, Esq.
Mahaffey Pickens Tucker, LLP
770.232.0000 or slanham@mptlawfirm.com

RECOMMENDATION: **Approval with Conditions**



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

**CASE ANALYSIS
May 13, 2019**

TO: The Mayor and Council

MEETING DATE: May 13, 2019

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: CUP 19-02

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Mount Zion Baptist Church of Snellville, represented by Shane Lanham of Mahaffey Pickens Tucker, to request a Conditional/Special Use Permit (CUP/SUP) for a 16.06± acre tract of the 22.75± acre church campus located at 1525 Scenic Highway, Snellville. The purpose for the Conditional/Special Use Permit request is to bring the legal non-conforming use into a legal conforming use. This will allow the Church to petition for and obtain an approved sign permit for the construction of a new monument sign with a masonry base and associated landscaping, located about halfway between Scenic Highway's intersection with Mount Zion Road and the Church's northern driveway.

BACKGROUND:

The 16.06± acre tract is the northernmost property in the City on the west side of Scenic Highway. There is an additional 6.69± acre tract that is not part of this application which is located in the unincorporated area of Gwinnett County and adjacent to Candlelite Park and Fairfield Farms subdivisions, also located in the County. This heavily wooded site contains a

perennial stream, stormwater detention facility and athletic field/ballpark. The 16.06± acre property contains the Church's main sanctuary building, preschool and Church offices building, associated surface parking, and a historic cemetery.

City of Snellville Properties: There are many adjacent properties; to the south and east along Scenic Highway are all commercial properties zoned BG (General Business) District.

County Properties: North on Scenic Highway is a small commercial property zoned OI (Office Institutional). To the north and north west are two parcels zoned R-100, one which contains a stormwater pond for a residential neighborhood. The other is owned by the Church, and contains athletic fields and undisturbed woodland. To the southwest is a residential neighborhood zoned R-75.

New Landscaped Monument Sign



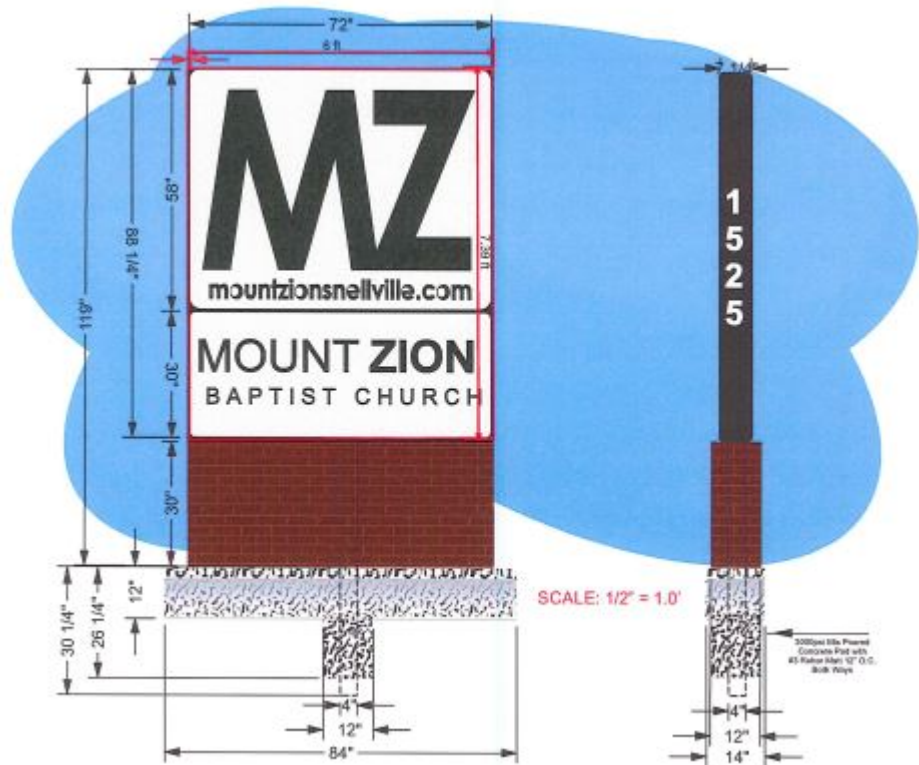
The proposed sign location, submitted by the applicant.

REQUEST:

The applicant is requesting a Conditional/Special Use Permit to bring the legal non-conforming 'Place of Worship' use into a legal conforming use which will allow the Church to petition for and obtain an approved sign permit for the construction of a new monument sign. Under the current Sign Ordinance, and unless granted a Conditional Use Permit, properties which have a residential zoning district classification can only erect a temporary sign not to exceed 32 sq. ft. in area.

The Church is proposing to demolish the existing pylon sign and erect a new landscaped monument sign with a masonry base closer to the Church's northern driveway, as depicted above.

The sign will be approximately 10 feet tall including a 30-inch tall masonry base 6 feet in width, or approximately 48 sq. ft. in total sign area. This is well under the maximum allowable sign area of 200 sq. ft. based on 700+ feet of Scenic Highway road frontage.



STAFF ANALYSIS:

The Church has been located on the property in some form since 1853, when the congregation was first established. The applicant is requesting a Conditional/Special Use Permit to bring the legal non-conforming 'Place of Worship' use into a legal conforming use which will allow the Church to petition for and obtain an approved sign permit for the construction of a new monument sign that is conforming to the City's current Sign Ordinance.

The applicant is not proposing any building additions or expansion of the Church campus at this time.

In accordance with Section 9.2(4), Special Uses in Residential Zoning Districts of the 2001 Zoning Ordinance, Places of Worship may be permitted upon findings of the Mayor and Council and issuance of a Special Use Permit that under particular circumstances present such use is in harmony with the principal permitted uses of the district and after a public hearing, provided:

1. Shall be located on a site of not less than five (5) acres with at least four (4) acres lying outside of any 100-year FEMA Food Hazard area. The tract shall be one contiguous zoning classification.

Analysis: The 16.06± acre tract of the Church property is zoned RS-180 (Single-family Residence) District and does not contain property which is located within any 100-year FEMA Flood Hazard area.

2. All such facilities and buildings shall front on a street having a classification of Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway as classified on the most current Gwinnett County Long Range Road Classification Map, for a distance of at least two-hundred-fifty (250) feet.

Analysis: The Property contains approximately 700 feet of frontage on S.R. 124/Scenic Highway, classified as a Major Arterial roadway on the Gwinnett County Long Range Road Classification Map.

3. All buildings shall be set back at least fifty (50) feet from the front property line, forty (40) feet from the rear property line, and twenty (20) feet from side property lines (forty (40) feet if adjacent to residentially zoned property), thirty-five (35) feet on the street side if a corner lot.

Analysis: All buildings are within the required front, side, and rear building setbacks.

4. Parking is not to be located within the fifty (50) foot front yard setback area.

Analysis: All parking is located outside of the 50 foot front yard setback.

5. If adjacent to residentially zoned property, a landscape buffer of at least twenty (20) feet wide shall be provided along the property line(s) adjacent to said zoning and designed and planted in accordance with Sec. 19-32(4) of the Buffer Ordinance.

Analysis: The Church campus is well buffered by an existing heavily wooded area adjacent to residentially zoned property.

6. Facilities for use in the conduct of religious services or ceremonies may utilize one manufactured building on the property for a period not to exceed three (3) years.

Analysis: There are no known manufactured buildings on the property.

7. Schools and other accessory uses are located on the same parcel as the place of worship and are clearly incidental and secondary to the use of the property as a place of worship.

Analysis: Schools and other accessory uses including an historical cemetery are located on the same parcel as the place of worship and are clearly incidental and secondary to the use of the Property as a Place of Worship.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the request for a Conditional/Special Use Permit for a 'Place of Worship' and more specifically for the Mount Zion Baptist Church of Snellville with the following recommended **Conditions**:

1. No land disturbance activity including clearing, grubbing, or grading activities shall commence or proceed except in accordance with the provisions of the City of Snellville Code of Ordinances and not until receipt of a Land Disturbance Permit or Site Development Permit approved and issued by the Director of Planning and Development;
2. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the Director of Planning and Development and obtain the required permit for the work;
3. Before erection or installation of any signage, the Church shall submit a sign permit application and any fees to the Director of Planning and Development for review and approval; and
4. New signs higher than 15 feet or larger than 225 square feet are prohibited.

PLANNING COMMISSION REPORT:

The Planning Commission held a duly advertised public meeting on the subject application at the April 23, 2019 Regular Meeting of the City of Snellville Planning Commission. By a unanimous vote of 4-0, the Planning Commission recommends **Approval** of the request for a Conditional Use Permit/Special Use Permit for a Place of Worship with the following recommended **Conditions (1-4)**:

1. No land disturbance activity including clearing, grubbing, or grading activities shall commence or proceed except in accordance with the provisions of the City of Snellville Code of Ordinances and not until receipt of a Land Disturbance Permit or Site Development Permit approved and issued by the Director of Planning and Development;
2. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the Director of Planning and Development and obtain the required permit for the work;

3. Before erection or installation of any signage, the Church shall submit a sign permit application and any fees to the Director of Planning and Development for review and approval; and
4. New signs higher than 15 feet or larger than 225 square feet are prohibited.