



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

CASE SUMMARY

April 28, 2020

CASE NUMBER: SUP 20-01

REQUEST: Special Use Permit, Request for Variances

LOCATION: 1784 Presidential Circle, Snellville, Georgia

TAX PARCEL: 5041 187

CURRENT ZONING: HSB (Highway Service Business) District and
BG (General Business) District

**CURRENT FUTURE LAND USE
DESIGNATION:** Commercial-Retail

DEVELOPMENT/PROJECT: *Existing Extended Stay-Hotel*

PROPERTY OWNER/APPLICANT: SCG LH Snellville L.P. (d/b/a InTown Suites)
Atlanta, Georgia 30328

CONTACT: Jeremy Cloud, Esq.
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jeremy.cloud@intownsuites.com

RECOMMENDATION: **Approval with Conditions**



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

**CASE ANALYSIS
April 28, 2020**

TO: The Planning Commission

MEETING DATE: April 28, 2020

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: SUP 20-01

FINDINGS OF FACT:

In accordance with the 12-9-2019 Settlement Agreement with the City of Snellville, Georgia, the Department of Planning and Development has received applications from SCH LH Snellville, L.P., represented by Jeremy Cloud, General Counsel, requesting a Special Use Permit (SUP) for a 2.8± acre tract located at 1784 Presidential Circle for the continued operation of InTown Suites Snellville, an extended-stay hotel.

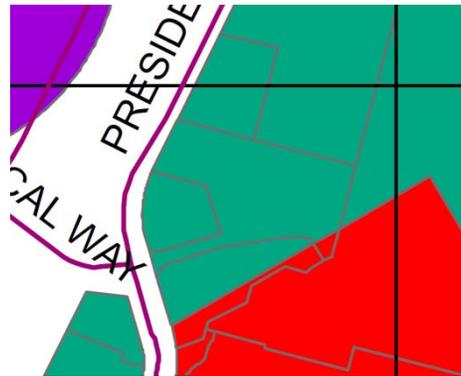
The applicant is also requesting certain variances for relief from the 12-9-2019 Mayor and Council approved Ordinance #ZOA 19-03:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND CODE OF THE CITY OF SNELLVILLE, GEORGIA; TO ESTABLISH DEFINITIONS AND REGULATIONS FOR HOTELS, MOTELS AND EXTENDED-STAY HOTELS; TO PROVIDE FOR THE CONTINUED AVAILABILITY OF QUALITY TRANSIENT LODGING WITHIN THE CITY AND PROPER MAINTENANCE OF HOTELS, MOTELS, AND EXTENDED-STAY HOTELS; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BACKGROUND:

The 2.8± acre tract is situated on Presidential Circle, near the intersection of Presidential Circle and Medical Way, in front of Eastside Medical Center. The subject property is located behind the Presidential Markets shopping center, located on SR-124 / Scenic Hwy.

The property has a split zoning between HSB (Highway Service Business) District and BG (General Business) District, and is designated as Commercial-Retail on the 2040 Comprehensive Plan Future Land Use Map.



The property is bordered on all sides by commercially zoned property, most of which are also split zonings between HSB and BG. To the north and south are medical offices and medically related uses, including an ENT and Asthma Center. To the east of the subject property is the rear of Presidential Markets shopping center. To the west is Presidential Circle.

On 7-8-1997, the property was granted variance approval to build a 136 room hotel exceeding the 20 rooms allowed by the Zoning Ordinance. On 9-11-1997 the property received Site Development Permit approval and on 7-9-1998 a Certificate of Occupancy was approved and issued to KBL Investments, LLC (d/b/a Camden Suites) for a 130 room hotel.



In June 2003, the property was acquired by Sun Suites of Snellville (d/b/a Crestwood Suites) until May 2015 when the property was acquired by the current owner and rebranded as InTown Suites Snellville.

REQUEST:

The applicant is requesting a Special Use Permit for the continued use of the property for an Extended-Stay Hotel. The applicant is also requesting certain variances from the 12-9-2019 Mayor and Council approved Ordinance #ZOA 19-03 regulating Hotels, Motels and Extended-Stay Hotels.

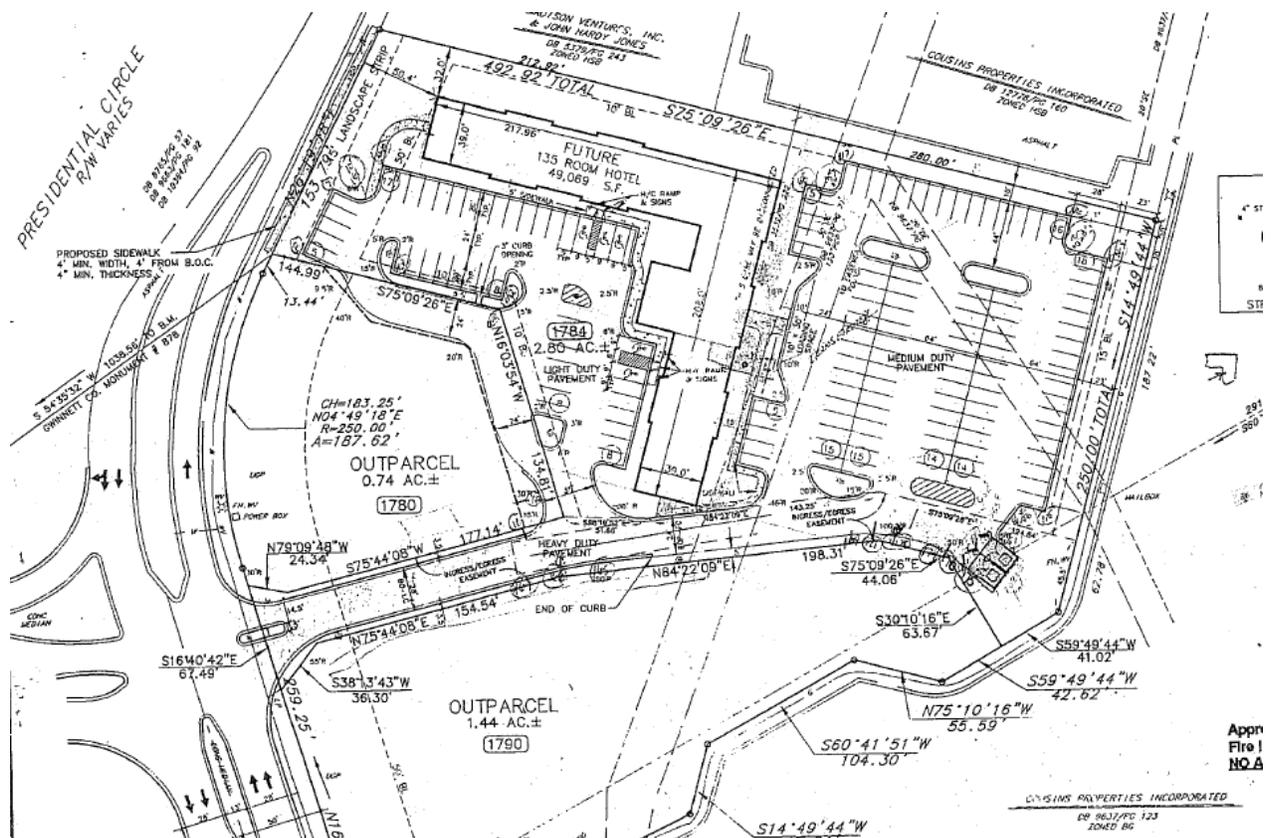
SITE PLAN ANALYSIS:

The property currently consists of a three-story, L-shaped structure. There are 146 parking spaces on the property. 43 spaces are located in front of the building and the remaining 103 spaces in the rear of the building.



The property is compliant with the current parking regulations requiring 130 spaces minimum and 163 spaces maximum. The main entrance to the property is located on Presidential Circle across from Medical Way.

The site is moderately landscaped containing a mixture of mature trees, shrubbery and decorative stone. There is minimal foundation shrubbery, most likely due to die-off with most areas now containing just mulch. There exist several tree stumps in the landscape areas around the building with some of the missing tree species identified as River Birch, Sugar Maple, Eastern Redbud, and Ginko as shown on the 9-9-1997 Landscape Plan.



The approved site plan from the original development, submitted by the applicant.

BUILDING ELEVATIONS:

The 50,568 sq. ft. 3-story building exterior consists primarily of light yellow colored vinyl lap siding with vertical articulations of white-painted brick. There are blue painted shutters at the majority at each front elevation window serving as a decorative accent element. It should be noted that under the current code for exterior building materials, use of vinyl siding is not allowed in any commercial zoning district and painted-brick is also prohibited. The pitched gable roof contains asphalt shingles as is conforming under the current code.

There is a non-conforming monument sign at the main entrance to the property, as well as, two (2) non-conforming internally illuminated cabinet/log box wall signs located above the building main entrance and southern gable end of the building.

REQUESTED VARIANCES:

The applicant is requesting the following variances from the 12-9-2019 Mayor and Council approved Ordinance #ZOA 19-03 regulating Hotels, Motels and Extended-Stay Hotels:

- (1) Variance from Section 22-13(d) of the Zoning Code of the City of Snellville, Georgia which requires in the hotel employee attendant in the lobby twenty-four (24) hours a day. As a condition of this variance, Applicant shall provide that a bona fide employee of InTown Suites, capable of assisting, communicating, and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety shall be present and on-call in the hotel twenty-four (24) hours a day, but is not required to remain in the lobby. The lobby is not required to be open twenty-four (24) hours a day.
- (2) Variance from Section 22-15(a) removing the requirement that each patron must have a vehicle on-site.
- (3) Variance from Section 22-15(c) regarding connecting doors between rooms. Although there are eighteen (18) rooms which have a connecting door between them, these doors are not authorized for use by Patrons or Guests and it is understood that these doors must remain locked and may not be utilized to connect two rooms.
- (4) Variance from Sec. 22-18(a) to provide that the Applicant may utilize up to 72 individual guest rooms to be occupied by any person for more than one hundred and eighty (180) consecutive days, provided, however, that any transferee or owner of the Property subsequent to SCG LH Snellville L.P. (or any) bona fide lender party acquiring the Property from SCG LH Snellville L.P. by foreclosure or deed-in-lieu thereof shall:
 - a. be required to meet with the Chief of Police of Snellville, or his/her designee within the Snellville Police Department, for purposes of establishing a reasonable "Incident Reduction Plan" in the event that more than 6 Separate

Criminal Incidents (as hereinafter defined) occur within any rolling, 90-day period (the date of the 7th Separate Criminal Incident during such 90-day period being referred to herein as a "Criminal Incident Reference Date"); and

- b. in the event that, during the 12 month period following a Criminal Incident Reference Date, more than 6 Separate Criminal Incidents occur within any rolling, 90-day period following the Criminal Incident Reference Date, have this variance from Sec. 22-18(a) subject to review by the Mayor and City Council of Snellville, with all applicable due process protections available as provided by law.

As used herein, the term "Separate Criminal Incident" shall mean an incident resulting in the criminal arrest of one or more Patrons or Guests of the Property for illegal conduct occurring on the Property (it being understood that multiple charges or crimes occurring concurrently within a given room or involving the same Patrons or Guests shall not be considered to be a separate incident). Separate Criminal Incident shall not apply to a domestic relations calls unless a separate felony occurs during the incident resulting in an arrest.

- (5) Variance from Sec. 22-21(d) to provide that full-housekeeping service (cleaning of the rooms, changing linens, etc.) shall only be required every seventy-two (72) hours when Patrons are staying under a daily rate and on a weekly basis for Patrons staying under weekly rates, but that a room-check for safety shall be performed every forty-eight (48) hours in every room if housekeeping service has not been provided during the prior forty-eight (48) hour period. Said room check shall consist of a bona-fide employee of InTown Suites actually entering into said room and verifying that all safety related equipment is present and appears to be in working order, verifying that no criminal activity is being perpetrated in the room and insuring that all trash has been removed. It is further understood that checks shall be performed at random times within regular business hours so as not to create a "schedule" of when such check shall be performed for a particular room.
- (6) Variance from Sec. 27(f) of City Code, Appendix B, Zoning Ordinance, Article IX, Schedule of District Regulations, Section 9.10, BG, General Business District for any room existing on or before December 1, 2019. Applicant may utilize all existing guest rooms and is not required to make any structural alterations to modify the square feet within any guest room.
- (7) Variance from Sec. 27(c) of City Code, Appendix B, Zoning Ordinance, Article IX, Schedule of District Regulations, Section 9.10, BG, General Business District for the lobby existing on or before December 1, 2019. Applicant may utilize the existing lobby and is not required to make any structural alterations to modify the square feet of the lobby.

As per paragraph 7 on page 1 of the Settlement Agreement, dated 12-9-2019 between the property owner and the City:

“WHEREAS, the City and InTown Suites Snellville participated in an executive session on Monday, November 25, 2019, following the first reading of the Ordinance, which was waived, and which executive session resulted in an agreement in principle to grant InTown Suites Snellville a special use permit exempting and/or grandfathering InTown Suites Snellville from certain provisions of the Ordinance.”

The Department of Planning and Development recommends approval of each requested variance.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the request for a Special Use Permit for an Extended-Stay Hotel subject to the following recommended **Conditions:**

1. Applicant/Property Owner shall submit a tree and shrub replanting plan for review and approval by the Director of Planning and Development to replace the shrubbery and trees that have been removed with said plantings to be completed within sixty (60) days of Mayor and Council approval of the SUP.
2. Signs higher than 15 feet or larger than 225 square feet are prohibited.
3. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.

The requested **Variances (1-7)** as presented above are also recommended for **Approval**.