



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

CASE SUMMARY

March 23, 2020

CASE NUMBER: RZ 20-01 CUP 20-01

REQUEST: Rezoning, Conditional Use Permit, Request for Variances

LOCATION: 2001 E. Main Street, Snellville, Georgia

TAX PARCEL: 5059 016

PRESENT ZONING: BG (General Business) District

REQUESTED ZONING: HSB (Highway Service Business) District

OVERLAY DISTRICT: Corridor Overlay District

CURRENT FUTURE LAND USE MAP DESIGNATION: Commercial-Retail

DEVELOPMENT/PROJECT: Floral Shop & Auto Service and Repair Shop

APPLICANT/PROPERTY OWNER: Valbona Aziri
Dunwoody, Georgia 30338

CONTACT: Tony Aziri
678.876.7324 or syriga81@gmail.com

RECOMMENDATION: Approval with Conditions



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

**CASE ANALYSIS
March 23, 2020**

TO: The Mayor and Council

PUBLIC HEARING DATE: March 23, 2020

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: RZ 20-01 CUP 20-01

FINDINGS OF FACT:

The Department of Planning and Development has received applications from Valbona Aziri, represented by Tony Aziri, to request a rezoning and Conditional Use Permit (CUP) for a 1.11± acre tract located at 2001 E. Main Street. The applicant intends to open a floral shop in the existing building, and develop the rear of the property for a small auto service and repair business.

The applicant is also requesting variances from the Buffer, Landscape and Tree Ordinance; Corridor Overlay District; Parking and Loading Requirements; and the Architectural Design Standards of the Snellville Code of Ordinance.

BACKGROUND:

The 1.11± acre tract is situated on US-78 / E Main Street, just east of the intersection of US-78 and SR-84 / Grayson Parkway. It is in the Corridor Overlay District, and has a Commercial Retail Future Land Use Map designation.

The site currently contains what was once a 1,945 sq. ft. one-story with basement single-family residential dwelling, constructed in 1971 that was at some point rezoned for commercial purposes. The rear portion of the property is largely open and sparsely vegetated. The structure has contained a variety of office and commercial uses over the years, and more recently served as a nail and beauty salon until February 2019.

The property is bordered on the east and west by commercial property zoned BG. To the east is Family Tree Garden Center, and to the west another small former residence that was rezoned to commercial use in 2010. The rear of the property borders two homes on Silver King Drive SW, which is part of the Saddle Club Estates subdivision, a single-family residential neighborhood zoned R-100 and located just outside the city limits.

REQUEST:

As part of the application submittal, the applicant is requesting a rezoning from BG (General Business) District to HSB (Highway Service Business) District, a Conditional Use Permit (CUP) for an auto service and repair shop, and several variances. The applicant intends to use the existing structure as a floral shop, which will serve as the main public view and street frontage of the property. Behind the existing structure and towards the middle of the property the applicant intends to construct a 3,200 sq. ft. building with a hip-roof and one drive-thru service bay for auto service and repair.

Conditional Use Permit:

Within the HSB District, the following automotive uses may be permitted provided the applicant for such a business is granted a Conditional Use Permit by the Mayor and Council after receiving recommendations from the Planning and Development Department and Planning Commission and after a public hearing.

- Automotive body repair shops, provided inoperative, wrecked and dismantled vehicles are screened with a six-foot (6') high, opaque fence.
- Automotive parts store (with or without lubrication or tune-up centers).
- Automotive repair shops including major engine repair (transmission, radiator repair and engine overhauls), provided inoperative vehicles are screened within a six-foot (6') high, opaque fence.
- Automotive service stations or tire stores, including minor services such as lubrication or tune-up centers, battery replacement and brake repair, provided:
 - a. All vehicle inventory stored/parked/displayed outside must be on paved parking surfaces only.
 - b. Service bays within building structures, must meet all applicable Federal, State, County, and local building and life-safety codes (at the time of application for an Occupation Tax Certificate) regarding the storage of hazardous materials.

Applicant Requested Variances:

The applicant is also requesting seven (7) variances, outlined below:

1. Section 19.73(c), Landscape Strips: To allow encroachment by the entrance drive of 5.2 feet into the front landscape strip as showed on the site plan included in this application.
2. Section 9.15(A)(6), Parking Lot Lighting: To be exempt from providing decorative light fixtures/poles throughout the parking area and behind the existing building.
3. Section 9.15(A)(1), Inter-parcel Access: To be exempt from providing inter-parcel vehicle access to the adjacent parcel to the west.
4. Section 9.15(A)(5), Street Lighting: To be exempt from having to install a decorative street light, and instead use an existing light that is approximately 6 feet west of the property line. The subject property's frontage is approximately 124 feet.
5. Section 9.15(C)(3), Parking Location: To allow for more than 20% parking in front of existing building to be used by the existing building, with additional parking in the rear to be used for the proposed new building.
6. Section 7.7(4)(B), Allowed Building Materials: To allow CMU-split face masonry block to be used on 100% of the sides and rear of the proposed building where use of this material type is prohibited.
7. A general variance to allow for the site to be approved in its current condition except for the items requested in this rezoning application.

2040 COMPREHENSIVE PLAN:

The 2040 Comprehensive Plan Future Land Use Map designation for the property is Commercial-Retail. The requested rezoning to the HSB District is an appropriate zoning district and consistent with the Commercial-Retail Future Land Use category described as *"property where business and trade are conducted, including standalone buildings, shopping plazas, or lifestyle centers."*

The property is located on the western side of the *Highway 78 East Character Area* and just outside the Grayson Parkway Activity Node, with predominate land uses including commercial/retail, low-density residential, medium-density residential, undeveloped land.

The vision for the Highway 78 East Character Area is *"A corridor with high developed activity nodes, containing a mixture of uses with a pedestrian scale and infrastructure to support walking and bicycling. The high school is a major center of activity within the character area."*

Open green space or low-density residential land uses will frame the space around the nodes, which are envisioned at the intersections of US 78 with Grayson Parkway and Rosebud Road.”

Key Implementation Strategies for the character area include:

- Create new zoning designation for areas within specified activity nodes. This should permit a mixture of land uses, similar to the Towne Center, but at a smaller scale. A connected street grid network with small blocks and wide pedestrian walkways should be required as properties are redeveloped. Streets should include landscaping, pedestrian-scale lighting, and street furniture. Public gathering areas should be encouraged. Buildings should be limited to no more than three stories and should include facade variation and fenestration. Parking should be located to the rear or side of buildings.
- Prohibit retail and encourage residential development in areas located between activity nodes.
- Construct gateway feature along US 78 to signify entrance into the city.
- Control and limit access points to US 78.
- Require inter-parcel access between developments and parallel access roads where possible.
- Implement the planned greenway route along US 78.

SITE PLAN ANALYSIS:

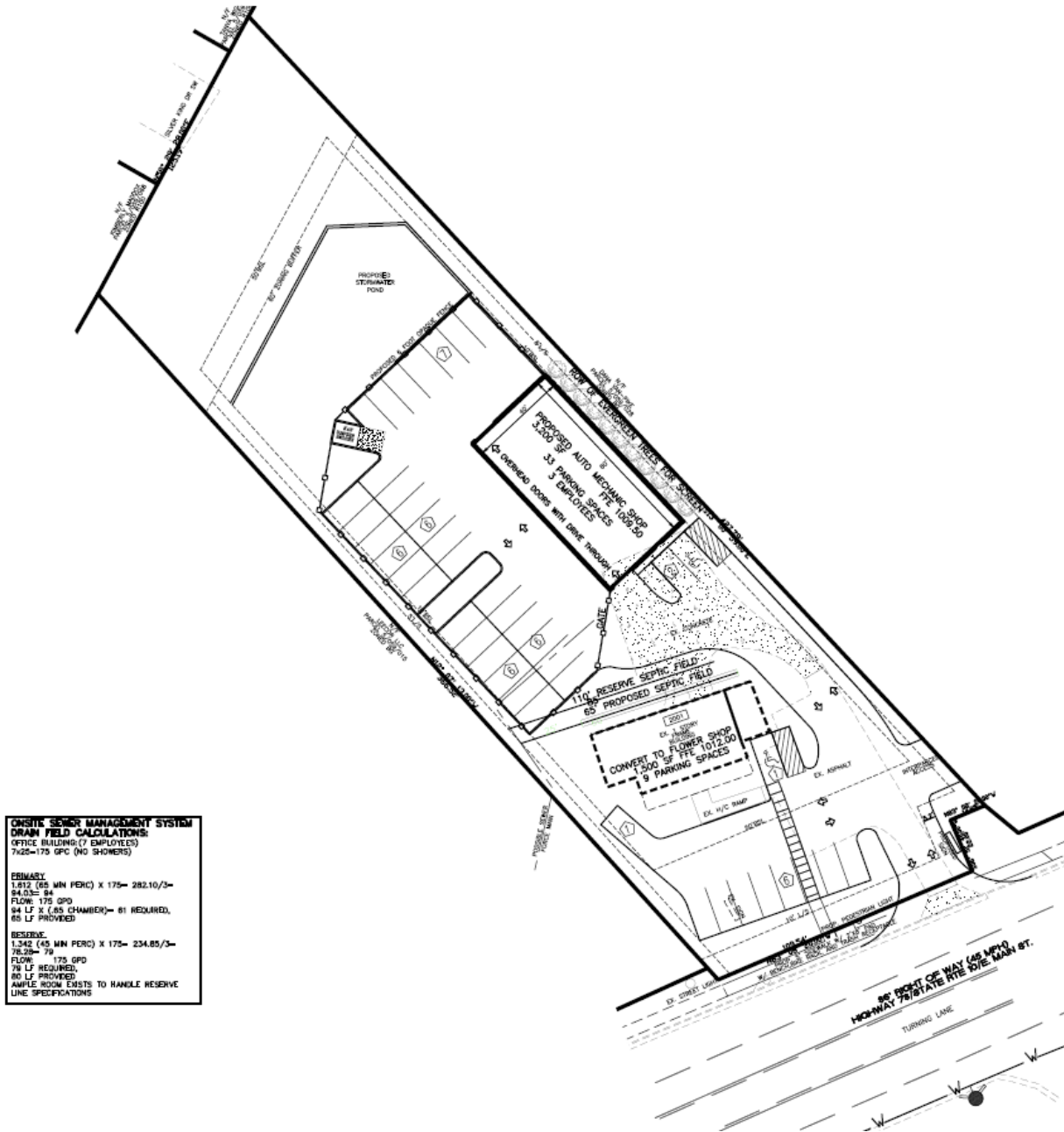
The existing structure is located in the southern portion of the property, and is setback approximately seventy-eight (78) feet from the US-78 / E. Main Street right-of-way. Improvements to the existing parking area include seven (7) parking spaces and one (1) handicap parking space located in front of the existing building.

The rezoning site plan shows a proposed five (5) foot wide sidewalk with small amenity pad for a pedestrian bench, trash receptacle and bicycle rack. One pedestrian light is shown adjacent to the amenity pad. Pedestrian connectivity between the sidewalk and entrance to the existing building is provided by a five (5) foot wide hatched walkway in the parking lot with a concrete walkway connection from the parking lot curb to the sidewalk. Although the applicant is proposing construction of a five (5) foot wide sidewalk along the right-of-way, in 2010 the adjacent property to the west (Future Services) was required to install a six (6) foot wide sidewalk per the City Code, so continuation of the six (6) foot wide sidewalk for this project will also be required (see Condition #7).

Although no monument sign drawings have been provided by the applicant, there is a proposed sign shown just east of the full-access drive. The final sign location may vary in order to comply with the sign ordinance requirements for sign type, sign area, sign height, and sign setback from the right-of-way.

An inter-parcel access stub is shown just to the east of the full-access drive that could provide future connectivity to the adjacent Family Tree Nursery property should they choose to make the final connection.

The proposed site plan submitted by the applicant depicts two structures on the property.



The proposed site plan, submitted by the applicant.

There is a two-way driveway that provides vehicle access to a 3,200 sq. ft. proposed auto mechanic shop and related parking. Two (2) parking spaces are shown in front of the proposed building with the majority of the parking to the side and rear of the proposed building. There are seven (7) spaces in the rear of the building and twenty-four (24) spaces along the side

property line comprised of two (2) stacked double-rows containing twelve (12) parking spaces each.

The site plan shows sixty-five (65) feet of proposed septic system drain field with an additional one-hundred-ten (110) feet of reserve strip for future septic use. The nearest sanitary sewer manhole is located to the west approximately four-hundred-twenty-five (425) feet from the property line, well outside the threshold requiring connection to sanitary sewer.

One dumpster pad and enclosure is shown in the northwest corner of the mechanic shop parking lot. Although there is no dumpster pad and enclosure shown for the existing building, one shall be required to serve the future flower shop or other tenant use (see Condition #2). The code requires these enclosures to be eight (8) feet in height and made of brick, stucco, or split-face block.

Although no detail has been provided nor shown on the colored rendering, there is a proposed six (6) foot high opaque fence with gate will enclose the main parking area of the auto mechanic shop for security and screening of vehicles that are parked or stored outside.

There is a proposed stormwater detention pond located behind the auto mechanic parking area which includes a concrete retaining wall.

There is a sixty (60) foot undisturbed buffer shown that separates the proposed commercial use from the two residential lots of the Saddle Club Estates subdivision. Combined with the stormwater detention pond location, the proposed auto mechanic shop is approximately one-hundred-sixty-two (162) feet from the rear property line and the Saddle Club Estates subdivision.

NEW BUILDING RENDERING:

The colored rendering for the proposed new building shows a rectangular building with a low-pitched hip roof. The sides and rear depict use of CMU-split face masonry block with masonry brick on the front and wrapped along a portion of the western side of the building.

There is a single roll-up door for entry into the service bay with a customer/employee entrance with windows right of the roll-up door.

EXISTING BUILDING & SITE CONDITIONS:

The existing building is a one-story with basement structure clad in traditional stucco with a brick water table along the foundation wall perimeter. A portion of the front brick water table has been painted white. The building contains a gable roof that shows evidence of wear and staining. Much of the wood soffit and trim areas are in need of repair or replacement as there is evidence of damage and wood rot (see Condition #4).

It should be noted that the Architectural Design Standards restrict use of stucco for *new* buildings to no more than twenty-five (25) percent on the façade and no more than fifty (50) percent on the side and rear facades.

The existing site contains minimal landscaping, mainly around the building. There is evidence that the rear of the property was recently cleared and grubbed of vegetation and small trees, including encroachment into the sixty (60) foot undisturbed buffer along the rear property line. This land disturbance activity requires an approved land disturbance permit from the City.

As a condition of approval (see Condition #6), the Planning Department recommends that the rear buffer where abutting Saddle Club Estates subdivision be enhanced to include a five (5) foot high permanent berm located beginning at the edge of the existing wood line, at a 2 to 1 slope, along the rear property line and planted in accordance with Sec. 19-35, Type of Screening Buffer and Landscaping of the City Code.

There is an existing non-conforming pylon sign in front of the building that will be removed to allow for the construction of the front parking area. Any new signage shall require an approved sign permit(s) and conform to the sign regulations at time of permit(s) application.

VARIANCE ANALYSIS:

Analysis of each of the requested variances is provided below:

1. Section 19.73(c), Landscape Strips: To allow encroachment by the entrance drive of 5.2 feet into the front landscape strip as showed on the site plan included in this application.

The applicant intends to utilize the existing location of the full-access entrance drive to serve both uses on the property. By allowing the 10 foot landscape strip to continue, where the front property line jogs to the North 22 feet, will provide additional room for the proposed monument sign and for additional landscape plantings. This variance is recommended for denial.

2. Section 9.15(A)(6), Parking Lot Lighting: To be exempt from providing decorative light fixtures/poles throughout the parking area and behind the existing building.

Parking lot and exterior building lighting is a necessary component to providing nighttime safety, security, and productivity to both employees and customers and also helps to prevent potential criminal activity. This variance is recommended for denial.

3. Section 9.15(A)(1), Inter-parcel Access: To be exempt from providing interparcel vehicle access to the adjacent parcel to the west.

To clarify, this request is waive the requirement to provide inter-parcel connectivity up to the property line of the adjacent property to the west (Future Services) where if connected, would eliminate several existing parking spaces for Future Services. The same variance was approved in 2010 for the Future Services rezoning. Although a key implementation strategy for the Highway 78 East Character Area is to require inter-parcel access between developments, this variance is recommended for approval.

4. Section 9.15(A)(5), Street Lighting: To be exempt from having to install a decorative street light, and instead use existing light that is approximately 6 feet west of the property line, on a frontage of approximately 124 feet.

The Corridor Overlay District regulations require street lights along all public right-of-way, staggered one-hundred-fifty (150) feet on center along both sides of the roadway. There is a conforming street light in front of the adjacent Future Services property and a non-conforming cobra head light fixture mounted to a utility pole across the street and in front of Mellow Mushroom. Since the width of the property is less than 150 feet, a street light is not required in front of the subject property. And, since the City has never required property owners to provide street lighting on both sides of the roadway, this variance is recommended for approval.

5. Section 9.15(C)(3), Parking Location: To allow for more than 20% parking in front of existing building to be used by the existing building, with additional parking in the rear to be used for the proposed new building.

The intent of the parking location requirement for properties located within the Corridor Overlay District and which do not exceed 7,500 sq. ft. in size is to limit the amount of parking in the front and sides of the building to not exceed twenty (20) percent requiring that the bulk of the parking be located in the rear of the building. This encourages buildings to be placed closer to the front building setback. The Highway 78 East Character Area also encourages parking to be located to the rear or side of buildings.

However, since the applicant does not intend to redevelop the front portion of the property and instead utilize the existing building and set aside area for the septic system drain field, parking for the existing building is limited to the area between the building and street. This variance is recommended for approval.

6. Section 7.7(4)(B), Allowed Building Materials: To allow CMU-split face masonry block to be used on 100% of the sides and rear of the proposed building where use of this material type is prohibited.

Although the building in question will be setback approximately one-hundred-sixty (160) feet from the public right-of-way, the intent of the Architectural Design Standards is to create a consistent, attractive, interesting and long lasting building design. Use of CMU/Split-Face Block is only allowed on the side and rear building elevations for buildings that exceed 10,000 sq. ft. in size; however, use is not allowed if the rear of the building faces a residential property. There is no known hardship to comply with the ordinance requirement, other than the increased construction cost for use of approved materials (masonry brick and stone) and stucco as a restricted material. This variance is recommended for denial.

7. A general variance to allow for the site to be approved in its current condition except for the items requested in this rezoning application.

This request is for any non-conformity(s) that have not been identified and that may currently exist as it relates to the existing building and current site conditions that will not be improved unless associated with the proposed new building and site improvements. This variance is recommended for approval.

CONCLUSION AND STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends **Approval** of the rezoning (RZ 20-01) from BG (General Business) District to HSB (Highway Service Business) District and **Approval** of the request for a Conditional Use Permit (CUP 20-01) for an automotive service and repair shop including body repair and major engine repair (transmission, radiator repair and engine overhauls) with the following recommended **Conditions:**

1. The property shall be developed according to the site plan entitled “Rezoning Plan & CUP Plan for 2001 Main St. East”, dated 11-30-2019 and stamped received 1-14-2020, with modifications permitted due to engineering restraints, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations.
2. Applicant shall provide a separate dumpster pad and enclosure constructed in accordance with Sec. 19-34 of the City Code for use by the existing building tenant and shall be located in close proximity to the existing building.
3. All damaged or rotting wood areas on the existing building shall be replaced and properly sealed and protected.
4. The foundation brick that has been painted white on the existing building shall be pressure-washed and restored to its natural brick color. Painted brick is prohibited.
5. Conditions (2-4) shall be completed before issuance of a Land Disturbance Permit for the auto repair shop.
6. The rear buffer where abutting Saddle Club Estates subdivision shall require enhancement to include, but not limited to, a five (5) foot high permanent berm located beginning at the edge of the existing wood line, at a 2 to 1 slope, along the rear property line and planted in accordance with Sec. 19-35, Type of Screening Buffer and Landscaping of the City Code. Said buffer and landscape plan shall be submitted for review and approval by the Director of Planning and Development. Said buffer enhancement shall be completed within sixty (60) days of the March 23, 2020 Mayor and Council public hearing. **(REVISED 3-10-2020 – SEE DRAFT ORDINANCE FOR CURRENT REVISION)**
7. New sidewalks shall be a minimum of six (6) feet in width.

8. Vehicle sales from or on the property are prohibited.
9. Signs higher than 15 feet or larger than 225 square feet are prohibited.
10. 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.
11. Non-substantial variances, as determined by the Director of Planning and Development and/or City Manager for the design requirements, zoning requirements, development regulations, and construction requirements must be submitted in writing for administrative approval with the Director of Planning and Development and/or City Manager. Substantial variances, as determined by the Planning and Development and/or City Manager, will require Mayor and Council approval.

In conjunction with the rezoning, the following variances (1-4) are recommended for **Approval**:

1. Variance from Section 9.15(A)(1), Inter-parcel Access: To be exempt from providing interparcel vehicle access to the adjacent parcel to the west (Tax Parcel R5059 015).
2. Variance from Section 9.15(A)(5), Street Lighting: To be exempt from having to install a decorative street light.
3. Variance from Section 9.15(C)(3), Parking Location: To allow for more than 20% parking in front of existing building to be used by the existing building, with additional parking in the rear to be used for the proposed new building.
4. A general variance for any non-conformity(s) that have not been identified and that may currently exist as it relates to the existing building and current site conditions that will not be improved unless associated with the proposed new building and site improvements (see Condition #11). **(REMOVED – SEE DRAFT ORDINANCE)**

PLANNING COMMISSION REPORT:

The Planning Commission held a duly advertised public meeting on the subject application at the **February 25, 2020** Regular Meeting of the City of Snellville Planning Commission.

By a vote of 4-2, the Planning Commission recommends **Approval** of the request for rezoning from BG (General Business) District to HSB (Highway Service Business) District (RZ 20-01); by a vote of 4-2, **Approval** of the request for a Conditional Use Permit (CUP 20-01) for an automotive service and repair shop including body repair and major engine repair (transmission, radiator repair and engine overhauls) with the following recommended **Conditions**:

1. The property shall be developed according to the site plan entitled “Rezoning Plan & CUP Plan for 2001 Main St. East”, dated 11-30-2019 and stamped received 1-14-2020, with modifications permitted due to engineering restraints, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations.
2. Applicant shall provide a separate dumpster pad and enclosure constructed in accordance with Sec. 19-34 of the City Code for use by the existing building tenant and shall be located in close proximity to the existing building.
3. All damaged or rotting wood areas on the existing building shall be replaced and properly sealed and protected.
4. The foundation brick that has been painted white on the existing building shall be pressure-washed and restored to its natural brick color. Painted brick is prohibited.
5. Conditions (2-4) shall be completed before issuance of a Land Disturbance Permit for the auto repair shop.
6. The rear buffer where abutting Saddle Club Estates subdivision shall require enhancement to include, but not limited to, a five (5) foot high permanent berm located beginning at the edge of the existing wood line, at a 2 to 1 slope, along the rear property line and planted in accordance with Sec. 19-35, Type of Screening Buffer and Landscaping of the City Code. Said buffer and landscape plan shall be submitted for review and approval by the Director of Planning and Development. Said buffer enhancement shall be completed within sixty (60) days of the March 23, 2020 Mayor and Council public hearing. (REVISED 3-10-2020 – SEE DRAFT ORDINANCE FOR CURRENT REVISION)
7. New sidewalks shall be a minimum of six (6) feet in width.
8. Vehicle sales from or on the property are prohibited.
9. Signs higher than 15 feet or larger than 225 square feet are prohibited.
10. 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.
11. Non-substantial variances, as determined by the Director of Planning and Development and/or City Manager for the design requirements, zoning requirements, development regulations, and construction requirements must be submitted in writing for administrative approval with the Director of Planning and Development and/or City Manager. Substantial variances, as determined by the Planning and Development and/or City Manager, will require Mayor and Council approval.

12. Auto service and repair use shall be prohibited from operating from the existing 1,945 sq. ft. building.

In conjunction with rezoning and Conditional Use Permit approval, by a vote of 4-2 the Planning Commission recommends **Approval** of the following variances:

1. Variance from Section 9.15(A)(1), Inter-parcel Access: To be exempt from providing interparcel vehicle access to the adjacent parcel to the west (Tax Parcel R5059 015).
2. Variance from Section 9.15(A)(5), Street Lighting: To be exempt from having to install a decorative street light.
3. Variance from Section 9.15(C)(3), Parking Location: To allow for more than 20% parking in front of existing building to be used by the existing building, with additional parking in the rear to be used for the proposed new building.
4. A general variance for any non-conformity(s) that have not been identified and that may currently exist as it relates to the existing building and current site conditions that will not be improved unless associated with the proposed new building and site improvements (see Condition #11). **(REMOVED – SEE DRAFT ORDINANCE)**