



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

**CASE SUMMARY**

**February 8, 2021**

**CASE NUMBER:** RZ 20-03 LUP 20-02 SUP 20-02

**REQUEST:** Rezoning, Land Use Plan Amendment, and Special Use Permit

**LOCATION:** 2752 W. Main Street, Snellville, Georgia

**SIZE:** 5.08± Acres

**TAX PARCEL:** 5007 018

**CURRENT & REQUESTED ZONING:** OP (Office Professional) District and BG (General Business) District

**CURRENT & REQUESTED FUTURE LAND USE DESIGNATION:** Office Professional and Commercial Retail

**DEVELOPMENT/PROJECT:** 95-Room 5-Story Hotel

**PROPERTY OWNER/APPLICANT:** Rita M. Shah and Khalid Javed  
Snellville, Georgia 30039

**CONTACT:** Khalid Javed  
678-770-7068 or [kjaved@bellsouth.net](mailto:kjaved@bellsouth.net)

**RECOMMENDATIONS:** **APPROVAL** (Rezoning and Land Use Plan Amendment)  
**DENIAL** (Special Use Permit)



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

**CASE ANALYSIS  
February 8, 2021**

**TO:** The Mayor and Council

**PUBLIC HEARING DATE (1<sup>st</sup> Reading):** February 8, 2021

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**CASE NUMBER:** RZ 20-03 LUP 20-02 SUP 20-02

**FINDINGS OF FACT:**

The Department of Planning and Development has received applications from Rita Shah and Khalid Javed requesting to amend the Future Land Use plan and Official Zoning Map, and request a for a Special Use Permit for a hotel on the 5.08± acre site located at 2752 W. Main Street, Snellville.

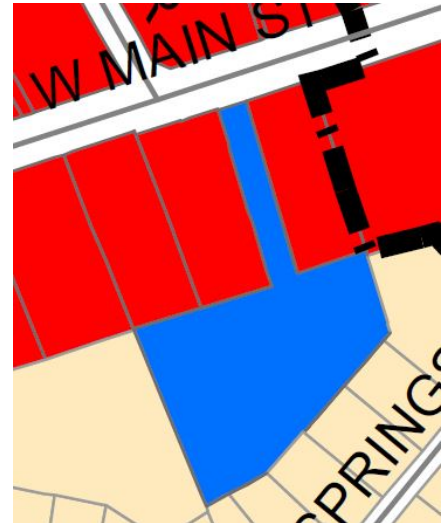
The applicant intends to redevelop the property and construct a 95-guest room, 5-story *Avid* branded *non-extended stay* hotel with related parking. The *Avid* brand hotel is part of the ING Hotels & Resorts group of over 5,900 operating hotels including well-known brands like Holiday Inn, Intercontinental, Crowne Plaza, Regent, and Holiday Inn Express just to name a few.

**BACKGROUND:**

The 5.08± acre property is located just outside the Towne Center Overlay District and across from Fountain Drive. The property once contained a one-story building with loft and basement that was occupied primarily for office-use for many years until the building became vacant and later razed in August 2019.

The property is adjacent to the north and west by commercial properties zoned BG. To the east is the BellSouth/AT&T telecommunications and equipment building with the rear portion of the property adjacent to Lanier Forest subdivision, a single-family detached residential subdivision, developed in the 1960's, zoned RS-180 and located to the east, south and west of the property.

The 5.08± acre parcel is currently split-zoned with a portion of the property with frontage on Highway 78/W. Main Street being zoned BG (General Business) District (shown to the right in red); with the existing asphalt driveway and rear portion of the property being zoned OP (Office Professional) District (shown to the right in blue).



The property also contains two Future Land Use Map designations as depicted on the Snellville 2040 Comprehensive Plan Future Land Use Map.

The front portion of the property that is adjacent to Highway 78/W. Main Street is shown as Commercial-Retail (shown to the left in dark pink) with the rear portion of the property designated as Office Professional (shown to the left in light pink).

In December 2019, the Mayor and Council approved Ordinance No. ZOA 19-03:

*“To amend the Zoning Ordinance and Code of the City of Snellville; 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.”*

The regulatory requirements for hotels and the proposed development are presented in greater detail on page 7.

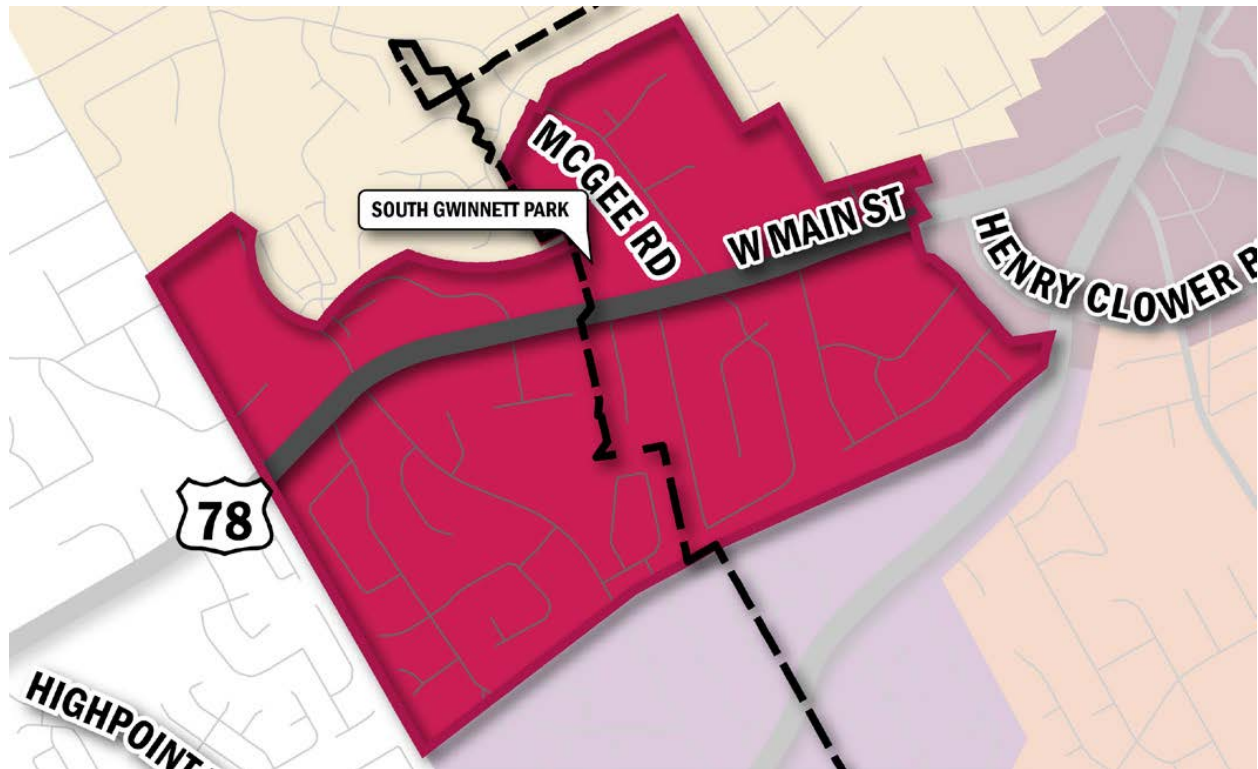
#### **REQUEST:**

The applicant is requesting to rezone the 5.08± acre property with 2.974± acres being rezoned to BG (General Business) District and remaining 2.106± acres maintaining the OP (Office Professional) District zoning. The applicant is also requesting to amend the 2040 Comprehensive Plan Future Land Use Map (FLUM) so that the Office-Professional and Commercial-Retail designations match and be consistent with the OP and BG zoning districts so that the BG zoned portion will have a Commercial-Retail designation and the OP zoned portion will maintain the Office-Professional designation on the FLUM.

As a condition of zoning approval, the applicant shall be required to sub-divide the property and create two individual tax parcels based on the proposed zoning and FLUM boundaries.

**2040 COMPREHENSIVE PLAN RECOMMENDATION:**

The property is located just outside and to the west of the Towne Center Character Area in the Highway 78 West Character Area (shown in pink below).



The vision for the Highway 78 West Character Area is for:

*“A vibrant commercial corridor that is a mix of well-kept, established businesses and new infill development, anchored by the EMC South Campus. Commercial properties have a high degree of connectivity between each other, attractive streetscape, underground utilities, and unified architectural facades. Stable residential communities border these commercial uses.”*

Key Implementation Strategies for this Character Area include:

- As shopping plazas redevelop, encourage buildings to face the street and locate parking to the side and rear.
- Require inter-parcel access between developments.
- Implement the planned greenway along US 78, including a vegetative buffer near the intersection of US 78 and SR 124 and a connecting spur to South Gwinnett Park.
- Enhance pedestrian crossing at US 78 and Henry Clower Blvd.
- Promote an integrated health village surrounding EMC.
- Study the potential for additional landscaped medians.

- Provide bicycle and pedestrian amenities, including covered walkways, benches, lighting, and bike racks.
- Continue working with the Evermore Community Improvement District to redevelop portions of the corridor and facilitate transportation improvements along US 78.
- Continue active code enforcement.
- Actively promote redevelopment of the commercial area through the Downtown Development Authority.
- Focus on reinforcing neighborhood stability by encouraging more homeownership and maintenance or upgrade of existing properties.

In the Snellville 2040 Comprehensive Plan, the following two Land Use Policies could support the proposed development:

- LU-2.1: Encourage compatible uses, both residential and commercial, and the utilization of transitional zones and buffers between residential and non-residential development
- LU-5.2: Promote the redevelopment of older, underused commercial sites

#### **SITE PLAN ANALYSIS:**

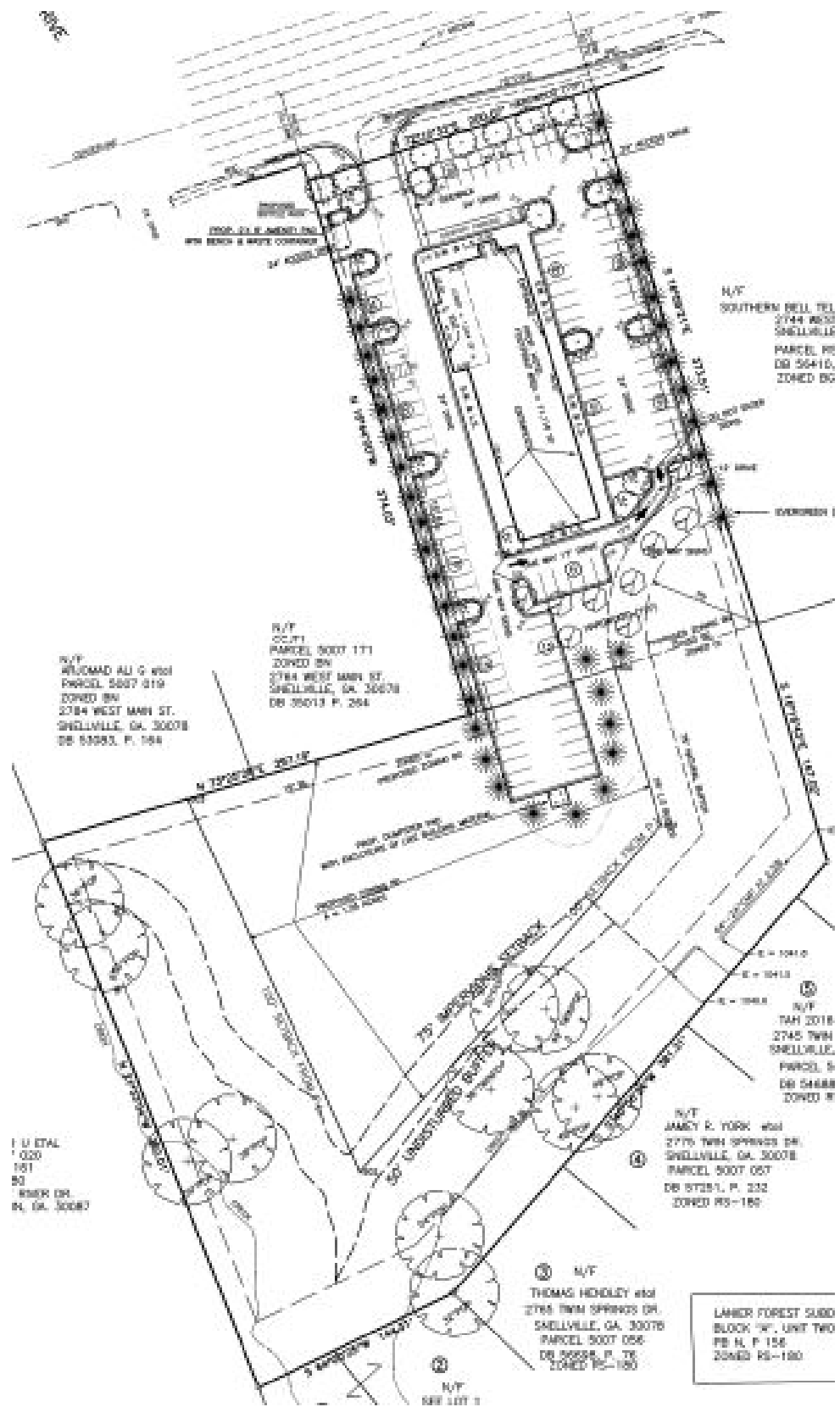
The proposed site plan, sealed and signed 7-10-2020 shows the entire 5.08± acre site with the bulk of the development occurring on the 1.724± acre northern tract, currently zoned BG and adjacent to Highway 78/W. Main Street.

The site plan shows the proposed split-zoning and land-use boundary limits setback 100-feet from the eastern, southern, and western property line where abutting Lanier Forest subdivision and the RS-180 zoned residential properties.

As a requirement of the hotel ordinance, there is a 75 foot natural buffer and 25 foot enhanced landscape buffer (total 100 feet) where the proposed development is adjacent to residentially zoned property (Lots 5-6-7 in the Lanier Forest subdivision) with Lots (1-4 in the Lanier Forest subdivision and parcel 5007 020) buffered solely by the 50 foot stream and 75 foot impervious surface buffer.

A perennial creek/stream is shown within the 100-foot property line setback with both the 50 foot stream buffer and 75 foot impervious surface setback shown.

The proposed hotel footprint area is 11,116 sq. ft. and is surrounding by surface parking and landscaping. There is one right-in/right-out drive at Highway 78/W. Main Street and two 24 feet wide interparcel access drives for future connectivity to the two adjacent properties. There are a total of 100 parking spaces shown, with 14 of these spaces being located on the 3.356± acre portion of the property that is currently zoned OP.



Proposed Rezoning Site Plan for 95-Room Hotel Submitted by Applicant

## **FLOOR PLAN AND BUILDING ELEVATIONS:**

As part of the application submittal, the applicant provided a conceptual floor plan of the first floor, showing the location of the lobby area, elevators, fitness center, restrooms, and guest corridor and guest rooms. The applicant contends that the guest rooms will be a minimum of 300 sq. ft. in size, a requirement of the hotel ordinance.

A conceptual night view exterior elevation was also provided that shows a 4-story Avid brand hotel. Although the exterior building materials shown may not appear to meet the City's regulations for exterior material type and color, the applicant has expressed that the exterior building material and use of colors shall meet City codes.

## **REGULATORY REQUIREMENTS FOR HOTELS:**

On December 9, 2019, the Mayor and Council approved Ordinance No. ZOA 19-03 regulating Hotels, Motels, and Extended-Stay Hotels.

The following regulatory requirements apply to the proposed hotel development and which the applicant has included a statement in the Letter of Intent that the proposed development shall also comply with these regulations and that the proposed hotel *does not* include any extended-stay provisions:

### **Sec. 22-13. Provisions applicable to hotels, motels and extended-stay hotels.**

- (a) No hotel, motel or extended-stay hotel shall be initially constructed or thereafter operated unless in full compliance with each of the provisions of this Article and associated Zoning Ordinance.
- (b) Approval of a hotel, motel or extended-stay hotel shall require the issuance of a special use permit. The Planning Director shall notify the Principal, the Board of Education, every parent-teacher association affected by the requested rezoning and invite all to the public hearing before the Mayor and City Council for the requested Special Use Permit to address any school impact.
- (c) The common areas and unoccupied rooms of any hotel, motel or extended-stay hotel are subject to inspection by the City of Snellville Police Department, City of Snellville Code Enforcement, Gwinnett County Fire Department and/or the Gwinnett County Health Department if there is reasonable cause to suspect that such area or room is being used for criminal activity, housing of last resort, or in violation of this ordinance or condition of zoning.
- (d) A bona fide employee of the hotel, motel, or extended stay hotel, capable of assisting, communicating, and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety is to be present and on-duty in the lobby of the hotel, motel or extended stay hotel twenty-four (24) hours a day.
- (e) Hotels, motels and extended stay hotels operate for the benefit of travelers and transient parties conducting legitimate business in the surrounding vicinity. No hotel, motel or extended-stay hotel may be used as housing of last resort. Except for a bona fide employee of a business when that business is paying for their employee and

guests to stay at a hotel, motel or extended-stay hotel, no hotel, motel or extended-stay hotel shall accept payment from a third party for a room charge fee.

**Sec. 22-14. Provisions applicable to hotels and motels.**

- (a) No more than five percent (5%) of a hotel or motel's guest rooms shall have Fixed Cooking Appliances located therein. If more than five percent (5%) of a hotel or motel's guest rooms contain Fixed Cooking Appliances, such hotel or motel is considered an extended-stay hotel and subject to the regulations for extended-stay hotels.
- (b) No hotel or motel may be converted to be and operated as an extended-stay hotel unless in full compliance with each of the provisions for extended-stay hotels.

**Sec. 22-16. Responsibilities and access requirements.**

- (a) No owner, operator, keeper, proprietor or employee of a hotel, motel, or extended-stay hotel shall provide lodging at an hourly rate.
- (b) For any hotel, motel, or extended stay hotel permitted for construction after April 22, 2019, any public-facing entry points to the premises must require a magnetic or electronic keycard/locking device for access. Public-facing entry points shall be locked between the hours of 9:00 p.m. and 6:00 a.m. and shall be equipped with an alarm or other device that will alert hotel, motel or extended-stay hotel security or other employees that the door has been opened. These requirements are not applicable to entry points that enter directly into a banquet hall, conference room, or other facility utilized for a special event or meeting hosted by a hotel, motel, or extended-stay hotel as long as there is a bona fide employee staffing the banquet hall, conference room, or other facility utilized for the duration of that event.
- (c) An owner, operator, keeper or proprietor of a hotel, motel, or extended-stay hotel may designate no more than three rooms for the purpose of allowing any number of bona-fide employees and their family to reside on the premises.

**Sec. 22-17. Maximum Length of Occupancy (Hotels and Motels).**

- (a) No hotel or motel located within the City shall allow any person to occupy such hotel or motel for more than thirty (30) consecutive days, nor more than sixty (60) days during a one hundred eighty (180) day period. No Guest residing for thirty (30) consecutive days shall begin a new rental agreement with the hotel or motel without a two-week (14 day) vacancy between stays.

**Sec. 22-19. Responsibilities, access, and registration requirements.**

- (a) Every owner, operator, keeper, proprietor and employee of any hotel, motel, or extended-stay hotel shall immediately report violations of law to the City of Snellville Police Department that were either witnessed or made known to them.
- (b) All information required to be maintained pursuant to this ordinance shall be kept strictly confidential in accordance with state and federal law and shall not be provided to any person except to a local, federal or state law enforcement officer or to any officer empowered to enforce this ordinance or by order of a Court of competent jurisdiction.



- (c) All information required to be maintained pursuant to this ordinance shall be provided to any federal, state or local sworn law enforcement officer having the lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy than the officer shall otherwise possess as a matter of law, probable cause, constitutional law, statutory right, or warrant.
- (d) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall keep a record of all rental agreements between the hotel, motel, or extended-stay hotel and all patrons and their guests and make these records available to the City upon request. For the purposes of this section, the term "record" shall mean the hotel, motel, or extended-stay hotel's electronic registration system which stores patron and guest identifying information. In the event the hotel, motel, or extended-stay hotel does not have an electronic registration system, the hotel, motel, or extended-stay hotel shall manually record the patron and their guest's information in a paper record or reservation book.
- (e) The following information, at a minimum, must be recorded at the time of registration and maintained for a period of no less than one hundred eighty (180) days after the rental agreement's termination:
  - (1) The full name, phone number, and home address of each patron and overnight guest.
  - (3) The room number assigned to each patron and guest;
  - (4) The day, month, year and time of arrival of each patron and guest;
  - (5) The day, month, year each patron and each guest are scheduled to depart;
  - (6) Upon departure, record of departure day, month, and year for each patron and guest;
  - (7) The rate charged and amount collected for rental of the room;
  - (8) The method of payment for each room;
  - (9) The make, model, year, color, license plate number, and license plate state of the patron and guest's vehicle if the vehicle will be parked on the premises; and
  - (10) Documentation used to verify a stay in excess of one hundred and eighty (180) consecutive days as stated in Sec. 22-18(b).
- (f) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall require each patron to provide proper identification prior to renting a room when registering in person. Proper identification is defined as a current and valid government issued photo identification card such as a driver's license, military identification card, state identification card, or passport. A record of the provided identification shall be kept on file for the duration of the occupancy and for one hundred eighty (180) days thereafter. Any failure to verify such identification or to knowingly allow an individual to receive lodging services without such verification shall be in violation of this Ordinance.
- (g) No person shall procure or provide lodging in any hotel, motel, or extended-stay hotel, or any services therefrom, through misrepresentation or production of false

identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging or service.

- (h) Change of location or name.
  - (1) No applicant shall operate, conduct, manage, engage in, or carry on a hotel, motel, or extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
  - (2) Any application for an extension or expansion of a building or other place of business where a hotel, motel, or extended-stay motel/hotel is located shall require inspection and shall comply with all applicable codes and regulations.

#### **Sec. 22-20. Vehicles, Parking, and Registration.**

- (a) All handicap parking must be in compliance with state and local laws.
- (b) All vehicles must be parked in designated parking spaces. All vehicles must be parked nose-in (backed in parking is not permitted) such that the vehicle's rear license plate is visible. This section does not apply to oversized vehicles or trailers. Every owner, operator, keeper or proprietor of a hotel, motel, and extended-stay hotel must provide patrons and guests who have registered oversized vehicles or trailers a separate designated parking area for their vehicles.
- (c) All vehicles parked on any premises must be in good working order.
- (d) Vehicle maintenance in parking lots is prohibited.
- (e) No outside storage or permanent parking of equipment or vehicles shall be allowed.
- (f) All patrons and guests staying longer than 48 hours, who wish to park a vehicle on the premises, must register said vehicle with the hotel, motel, or extended-stay operator upon initial registration, during any future re-registration, or at any time after registration when they begin parking a vehicle on the premises. Hotel, motel and extended-stay operators must record the vehicle's information in accordance with Sec. 22-19(e)(10).
- (g) Every owner, operator, keeper or proprietor of a hotel, motel, and extended-stay hotel must provide patrons and guests registering a vehicle with a standardized placard that must at all times be hung from the vehicle's rear view mirror, placed on the vehicle's front dash, or affixed to the vehicle in a way that can be easily seen from outside the vehicle. At a minimum, the placard will contain the following information: hotel, motel, and extended-stay name, vehicle registration number and state, and date of check-out. Any hotel, motel, or extended hotel with gated and controlled access parking accessible only to registered guests and employees are exempt from this subsection.

#### **Sec. 22-21. Room requirements, equipment and services.**

- (a) Every operator, owner, keeper, or proprietor of any hotel, motel, or extended-stay hotel shall keep and maintain in each and every rental unit, a telephone equipped to place a direct call to 911.
- (b) No operator, owner, keeper, or proprietor of any hotel, motel, or extended-stay hotel shall rent or provide a room to a Patron that has guests where the total number of persons staying in the room exceeds the approved number of persons authorized to

sleep in the room. Rooms shall be approved based on the prescribed places to sleep on the beds in the room with a minimum of 75 square feet per person.

- (c) No operator, owner, keeper, or proprietor, patron, visitor or guest of any hotel, motel, or extended-stay hotel shall be allowed to congregate within any room or single rental unit a number of persons which is greater than two (2) times the number of persons for whom sleeping accommodations are provided within the single room or rental unit except when temporarily designated as a hospitality suite by the hotel, motel, or extended-stay hotel.
- (d) Daily housekeeping shall be included within the standard room rate of any hotel, motel, or extended stay hotel. At a minimum, rooms must be cleaned and linens changed before each new guest checks in and no less frequently than once every forty-eight (48) hours. Each hotel, motel, and extended-stay hotel must maintain a log that documents when each room is cleaned. The log must be maintained for one hundred and twenty (120) days. These records must be made available to the City of Snellville or law enforcement upon request.
- (e) All common areas of any hotel, motel or extended-stay hotel shall be cleaned on a daily basis or more often as required by public health codes.
- (f) The utilization of clothes-lines or other clothes-drying equipment or facilities outside of a room that are located on or are visible from the outside of a room are prohibited. Balconies and railings are not to be used for hanging towels, personal items or any other articles of clothing.
- (g) No occupational tax certificate shall be issued for the purpose of conducting business from a guest room of a hotel, motel, or extended-stay hotel, and no home occupation shall be conducted from such room.
- (h) Each new and existing guest room of a hotel, motel, or extended-stay hotel shall be equipped with a hard-wired smoke detector or smoke alarms whose device housing is tamper-resistant and is powered by a non-replaceable, non-removable energy source capable of powering the alarm for a minimum of ten years from the manufacture's date on the device.
- (i) All new hotels, motels and extended stay hotels must have in place Laundry facilities consisting of washer and dryer machines which shall be made available to patrons for a fee. This equipment shall be maintained and in good repair at all times. Laundry supplies (detergent, softener, etc.) may also be made available to patrons for a fee. A minimum of three (3) washers and three (3) dryers shall be provided. For existing hotels, motels and extended-stay hotels, laundry equipment must be installed and in working conditions within 180 days after the effective date of this ordinance.

**Sec. 22-22. Common area requirements and parking illumination.**

- (a) Exterior doors (other than lobby doors) shall be locked between the hours of 9:00 p.m. and 6:00 a.m. and shall be equipped with an alarm or other device that will alert hotel, motel, or extended-stay hotel security or other employees the door has been opened.
- (b) The open parking area and all areas surrounding any building or proposed building being a hotel, motel, or extended-stay hotel shall be illuminated and have an average maintained foot-candle intensity of at least one (1) foot-candle with a minimum allowable intensity of three-tenths of a foot-candle. The covered parking area of any

hotel, motel, or extended-stay hotel shall have an average maintained foot-candle intensity of five-tenths of a foot-candle.

- (c) Any hotel, motel, or extended-stay hotel must provide and maintain security in its parking area. This may include the following: live patrol guard, security fencing that is decorative and consistent with the zoning code, or other security measure approved in writing by the Chief of Police.
- (d) Graffiti and markings or insignia that may indicate the presence or association of a street gang shall be removed within twenty-four (24) hours of discovery or notice.

**Sec. 22-23. Smoking.**

- (a) Smoking is prohibited in all hotel, motel, or extended-stay hotel spaces with the exception of designated smoking rooms or designated smoking areas. Designated smoking rooms shall not comprise more than twenty-five percent (25%) of the total number of rooms available for rent.
- (b) Smoking is prohibited in all areas except in designated smoking areas. Smoking is expressly prohibited in exterior breezeways, stairwells, or within twenty (25) feet of any guest room.

**Sec. 22-24. Video Surveillance Systems.**

- (a) Every owner, operator, keeper or proprietor of any new or existing hotel, motel, or extended-stay hotel is required to install a Video Surveillance System (VSS) within three months of the effective date of ordinance. All hotels, motels, and extended-stay hotels, which have installed a VSS prior to the effective date of this ordinance, shall ensure said systems are in full compliance with this section and request an approval assessment from the Chief of Police within thirty (30) days of the effective date of this ordinance.
- (b) All VSS shall be maintained in proper working order at all times, be kept in continuous operation twenty-four (24) hours a day, seven (7) days a week, and meet the minimum technological standards established in this section. The hotel, motel, or extended-stay hotel shall retain the continuous digital images recorded by this system for no less than twenty-one (21) days.
- (c) All VSS shall have no less than one camera dedicated to each register or check-out stand, entrance/exit, interior hallway and lobby, swimming pool area, exercise facility, loading dock, and parking lots or areas designated for customer and/or employee parking use. The placement of cameras included in VSS required under this section must be approved by the Chief of Police. The Chief of Police will conduct an assessment of each site required to install a VSS prior to installation of said system, and upon approval will issue an approval notice which will be placed in plain view inside the common area of the hotel, motel, or extended-stay hotel. This approval notice will also inform customers and employees of the presence of the VSS. Existing VSS at any hotel, motel, or extended-stay hotel as of the effective date of this ordinance will be evaluated to ensure full compliance with this section.
- (d) The VSS shall be subject to regular inspection by the Chief of Police, who is authorized to inspect any such system, at reasonable times to determine whether it conforms to

this section. If the VSS does not conform, the hotel, motel, or extended-stay hotel, in question, shall take immediate steps to bring the system back into compliance.

- (e) The City of Snellville Police Department will develop and maintain VSS Standards that provide the minimum standards for VSS equipment, installation, and maintenance.

**Sec. 22-25. Loitering.**

- (a) All hotel, motel, or extended-stay hotel operators will advise patrons and guests upon registration, and through posted signage that loitering by visitors is prohibited.
- (b) No Visitor shall loiter in or upon any hotel, motel, or extended-stay hotel parking lot, public parking structure or in or around any building to include breezeways, stairwells or hotel, motel, or extended-stay hotel rooms either on foot or in or upon any conveyance being driven or parked thereon, without the permission of the owner, operator, keeper or proprietor or the hotel, motel, or extended-stay hotel.

**Sec. 22-26. Violations and penalties.**

- (a) Any violation of the provisions of this article shall be punishable under Sec. 1-11 of this code. Any person or entity violating the provisions of this article shall be guilty of a separate offense for each and every day during which any violation of any provision of this article is committed, continued, or permitted by that person and shall be punished accordingly.
- (b) Any person or entity violating the provisions of this article who are patrons, guests or visitors of the hotel, motel or extended stay hotel shall be immediately asked to leave the premises. If said person does not voluntarily leave, Snellville Police should be notified immediately to address such eviction and/or removal.
- (c) The violation of the provisions of this article may be abated as a nuisance.
- (d) The violation of all provisions of this article by any person may be enjoined by instituting appropriate proceedings for injunction in any court of competent jurisdiction. Such actions may be maintained notwithstanding that other adequate remedies of law exist. Such actions may be instituted in the name of The City of Snellville, Georgia.
- (e) If a person is convicted of a violation of this article, the court shall impose a fine in accordance with the following schedule:
  - (1) First conviction in a calendar year: a minimum of \$250;
  - (2) Second conviction in a twelve (12) month period measured from the date of the first conviction: a minimum of \$500;
  - (3) Third conviction in a twelve (12) month period measured from the date of the first conviction: a minimum of \$750; and
  - (4) Fourth conviction in a twelve (12) month period measured from the date of the first conviction: a minimum of \$1,000.

**Sec. 22-27. Responsibility for enforcement.**

- (a) City employees, including employees or agents of the City of Snellville Police Department, City of Snellville Code Enforcement, Gwinnett County Fire Department, and Gwinnett County Board of Health shall have the responsibility for the enforcement of this section.

- (b) Inspections may be performed by sworn officers of the City of Snellville Police Department, City of Snellville Code Enforcement, Gwinnett County Fire Department, Gwinnett County Board of Health, and designated civilian employees for the purpose of verifying compliance with the requirements of this section and state law during the hours in which the premises are open for business.

**Sec. 22-28. Right of Entry.**

- (a) When there is probable cause to make an inspection to enforce the provisions of this article, or whenever there is reasonable cause to believe that there exists a condition in violation of this code, personnel identified in Sec. 22-27 of this code are authorized to enter the structure or premises, including individual rooms, at reasonable times to inspect or perform the duties imposed by this Code.
- (b) If such structure or premises is occupied, City/County personnel shall present credentials to the occupant and request entry. If entry is refused by occupant, City/County personnel shall have recourse to the remedies provided by law to secure entry. If such structure or premises is unoccupied, City/County personnel shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused by the owner or other person having charge or control of the structure refuses entry, City/County employees shall have recourse to all methods of entry allowed by law, and the owner and responsible party shall be in violation of this article and subject to punishment under Sec. 1-11 of this Code.

**Sec. 22-29. Unlawful operation declared nuisance.**

Any hotel, motel, or extended-stay hotel operated, conducted or maintained contrary to the provisions of this article may be declared to be unlawful and a public nuisance. The City may, in addition, or in lieu of all other remedies, commence actions or proceedings for abatement, removal or enjoinder thereof, in the manner provided by state law and this Code.

And, the City Code, Appendix B, Zoning Ordinance, Article IX, Schedule of District Regulations, Section 9.10, BG, General Business District was amended as follows:

27. Motels, Hotels, and Extended-Stay Hotels, provided:

- (a) Each motel, hotel, or extended-stay hotel site shall be a minimum of two (2) acres;
- (b) Each motel or hotel shall have a minimum of sixty (60) rooms. Each extended-stay hotel shall have a minimum density of sixty (60) guest rooms per gross acre of development;
- (c) The lobby size shall be a minimum of seven-hundred (700) square feet;
- (d) Each guest room shall be accessed through an interior hallway and shall not have access to the exterior of the building (except through the central lobby or as otherwise determined by fire codes);
- (e) Each motel, hotel, or extended-stay hotel must man the lobby with a bona fide employee or manager twenty-four (24) hours a day;
- (f) Each guest room shall have a minimum of three-hundred (300) square feet;

- (g) Each motel, hotel, or extended-stay hotel building shall have a minimum roof pitch of four in twelve (4:12);
- (h) Each motel, hotel, or extended-stay hotel shall provide an enclosed heated and air-conditioned laundry space with a minimum of three (3) washers and three (3) dryers;
- (i) Any outdoor recreational areas provided shall be located to the rear of the site;
- (j) Each motel, hotel, or extended-stay hotel site shall provide a seventy-five (75) foot natural buffer, enhanced with an additional twenty-five (25) foot landscaped buffer (total one-hundred (100) feet) where adjacent to residentially zoned property or residential land uses; and
- (k) Each motel, hotel, or extended-stay hotel is further regulated in Article VI, Motels, Hotels and Extended-Stay Hotels of Chapter 22, Businesses of the Code of Snellville, Georgia.

### CONCLUSION AND STAFF RECOMMENDATION:

Although the project appears to meet some of the land use policies for infill development and transitional zoning it is not the highest and best use of the property. At a time when hotels are suffering to survive due the Covid 19 pandemic an additional hotel in the Snellville market is not advisable. Furthermore, according the owners of the newly constructed Hampton Inn occupancy rates for the current year have been hovering around fifty-percent (50%) or so.

Likewise, the addition of a potentially 5-story building in close proximity to a residential area will never be screened or buffered enough to prevent any adverse effects to those homeowners. Those adverse effects, including but not limited to, are light and noise pollution and a towering building now in the skyline behind their homes.

It is under these special conditions that the Department of Planning and Development recommends *denial* of the special use permit for the use of a hotel. However, amending the land use plan and zoning and subdividing the split-zoned property does make sense. Split zonings are prohibited in our current ordinance and *approving* those requests will make it less cumbersome for the future development of both tracts.

Therefore, the Department of Planning and Development recommends:

- **Approval** of the request to amend the 2040 Comprehensive Plan Future Land Use Map (FLUM) so that the Office-Professional and Commercial-Retail designations match and be consistent with the two proposed zoning districts shown on Exhibit "A", attached hereto and incorporated herein by reference, so that the BG zoned portion will have a Commercial-Retail FLUM designation and the OP zoned portion will have an Office-Professional designation FLUM designation.
- **Approval** of the request to rezone the 5.08± acre property with 2.974± acre tract being rezoned to BG (General Business) District and remaining 2.106± acre tract zoned to maintain the OP (Office Professional) District zoning.

- **Denial** of the request for a Special Use Permit for the development and use of the property for a Hotel.

These recommendations above are subject to the attachment of the following recommended **Conditions:**

1. Prior to the development of any portion of the 5.08± acre property, the applicant/property owner shall submit a Change in Conditions application which includes a development concept plan for review and recommendation by the Planning Department and Planning Commission for final consideration and public hearing with the Mayor and Council.
2. Prior to receiving an approved Site Development Permit by the Director of Planning and Development, the property owner shall obtain an approved and recorded Exemption Plat, approved by the Director of Planning and Development and recorded by the Gwinnett County Superior Court Clerk for the 5.08± acre property subdivided into one 2.974± acre parcel and a second 2.106± acre parcel as shown on the Proposed Rezoning Plan attached hereto as Exhibit "B".
3. Signs higher than 15 feet or larger than 225 square feet are prohibited.
4. 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.

#### **PLANNING COMMISSION REPORT:**

The Planning Commission held a duly advertised public hearing on the subject applications at the January 26, 2021 Regular Meeting of the City of Snellville Planning Commission.

By a unanimous vote of 4-0, the Planning Commission recommends:

- **Approval** of LUP 20-02 to amend the City of Snellville 2040 Comprehensive Plan Future Land Use Map from Commercial Retail and Office Professional to Commercial Retail and Office Professional.

By a unanimous vote of 4-0, the Planning Commission recommends:

- **Approval** of RZ 20-03 to amend the City of Snellville Official Zoning Map from BG (General Business) District and OP (Office Professional) District to BG (General Business) District and OP (Office Professional) District with the following conditions:

5. Prior to the development of any portion of the 5.08± acre property, the applicant/property owner shall submit a Change in Conditions application which includes a development concept plan for review and recommendation by the



Planning Department and Planning Commission for final consideration and public hearing with the Mayor and Council.

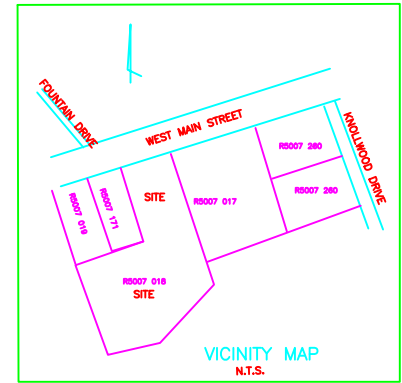
6. Prior to receiving an approved Site Development Permit by the Director of Planning and Development, the property owner shall obtain an approved and recorded Exemption Plat, approved by the Director of Planning and Development and recorded by the Gwinnett County Superior Court Clerk for the 5.08± acre property subdivided into one 2.974± acre parcel and a second 2.106± acre parcel as shown on the Proposed Rezoning Plan attached hereto as Exhibit "B".
7. Signs higher than 15 feet or larger than 225 square feet are prohibited.
8. 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.

And, by a unanimous vote of 4-0, the Planning Commission recommends:

- **Denial** of SUP 20-02, request for a Special Use Permit to develop and operate a hotel.

**EXHIBIT "A"**

In my opinion this property is not in a flood hazard area as per F.I.R.M Flood Hazard Map @Winnett County, Georgia  
 Community Panel Number 13135C 0128B  
 Effective Date 09/29/2006  
 Revision Date



THENCE South 72 degrees 28 minutes 28 seconds West for a distance of 198.81 feet to a point;  
 THENCE South 24 degrees 00 minutes 00 seconds East for a distance of 274.08 feet to a point;  
 THENCE North 40 degrees 00 minutes 24 seconds West for a distance of 262.25 feet to a point;  
 THENCE North 72 degrees 00 minutes 00 seconds West for a distance of 198.25 feet to a point;  
 THENCE North 18 degrees 00 minutes 00 seconds West for a distance of 198.25 feet to a point;  
 THENCE North 18 degrees 00 minutes 21 seconds West for a distance of 273.81 feet to a point on the south right of way of U.S. Hwy. 78.  
 Thence along said right of way South 72 degrees 10 minutes 22 seconds East for a distance of 203.07 feet to the "TRUE POINT OF BEGINNING."  
 Said property contains 2.874 acres more or less.

PROPERTY LINE DESCRIPTION - TOTAL WIDTH  
 2763 West Street NE, Snellville Georgia, 30078  
 County tax parcel number: 00001 010

All that tract or parcel being and being in Land Lot 8 of the 7th Land District, DeKalb County Georgia, China 0.823, Georgia Statute Booked 428 being more particularly described as follows:

To find the "TRUE POINT OF BEGINNING" commence from the Intersection of a line of the south right of Way of Valley Drive a 20 feet Wide Dr. Way with the south right of Way of U.S. Highway 78 the Georgia State Route No. 10 a certain Right-Of-Way known as 274.08 feet wide Dr. West Main Street (Page 0071) along the south right of Way of U.S. Hwy. 78 for 10 to a point and from said point S89°00'00" W for 198.25 feet to a point; thence S72°00'00" W for 198.25 feet to a point; thence S18°00'00" W for 198.25 feet to a point; thence S72°10'22" W for 203.07 feet to a point on the south right of way of U.S. Hwy. 78.

THENCE South 18 degrees 00 minutes 00 seconds East for a distance of 198.25 feet to a point;  
 THENCE South 72 degrees 00 minutes 20 seconds East for a distance of 274.08 feet to a point;  
 THENCE North 40 degrees 00 minutes 24 seconds East for a distance of 262.25 feet to a point;  
 THENCE North 72 degrees 00 minutes 00 seconds East for a distance of 198.25 feet to a point;  
 THENCE North 18 degrees 00 minutes 00 seconds East for a distance of 198.25 feet to a point;  
 THENCE North 18 degrees 00 minutes 21 seconds East for a distance of 273.81 feet to a point on the south right of way of U.S. Hwy. 78.

THENCE South 18 degrees 00 minutes 00 seconds East for a distance of 198.25 feet to a point;  
 THENCE South 72 degrees 00 minutes 20 seconds East for a distance of 274.08 feet to a point;  
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 THENCE North 72 degrees 00 minutes 00 seconds East for a distance of 198.25 feet to a point;  
 THENCE North 18 degrees 00 minutes 00 seconds East for a distance of 198.25 feet to a point;  
 THENCE North 18 degrees 00 minutes 21 seconds East for a distance of 273.81 feet to a point on the south right of way of U.S. Hwy. 78.

Said property contains 2.874 acres more or less.

N/F  
 SOUTHERN BELL TELEPHONE & TELEGRAPH CO.  
 2744 WEST MAIN ST.  
 SNELLVILLE, GA. 30078  
 PARCEL R5007 017  
 DB 58410, P. 099  
 ZONED BG

**PROPOSED ZONING BG**

- 1.) REFERENCE BOUNDARY SURVEY FOR MINOR ENGINEERS, INC. DATED 4/23/2016.
- 2.) PROPERTY HERETOFORE SPLIT ZONED BG AND OP (BG = 1.724 ACRES, OP = 0.389 ACRES) SEE NOTE 24
- 3.) PROPERTY AREA = 0.808 ACRES
- 4.) PROPOSED LOT COVERING BG = 1.724 ACRES (1.38 SQ/ 1.724 = 79.1% AND OP = 1.25 ACRES (0.60789/1.25 = 70.8%)
- 5.) PROPOSED USE - HOTEL
- 6.) THERE ARE STATE SPACES ON THIS PROPERTY.
- 7.) THE HEIGHT IS 10 FEET 0 INCHES
- 8.) BUILDING EMBODIMENTS ARE APPROXIMATE HEIGHT = 40' MAXIMUM
- 9.) MINIMUM ROAD FRONT = 25'
- 10.) ALL PARKING SPACES ARE 9'6" X 19'.
- 11.) PROPOSED BY PARKING SPACES
- 12.) SIDEWALK FRONT = 15'
- 13.) LANDSCAPE BUFFER FRONT = 15' SIDE = 10'
- 14.) THERE ARE PROPOSED 40 DRILLING LIMITS.
- 15.) PROPOSED ZONING BG
- 16.) MINIMUM ROAD SIDE IS 300 SF.
- 17.) DISCOUNTED STREET LIGHTS WILL BE PROVIDED
- 18.) DISCOUNTED SIDEWALK LIGHTS WILL BE PROVIDED
- 19.) PARKING LOT LIGHTING LIGHTS DISCOUNTED LIGHT POLES AND FIXTURES WILL BE PROVIDED.
- 20.) THE EXISTING BUILDING MATERIAL SHALL BEET CITY CODES.
- 21.) THE COLOR OF THE EXISTING BUILDING SHALL BEET CITY CODES.
- 22.) THE BUILDING SHALL COMPLY WITH ARE. VS. HOTELS, HOTELS, AND EXTENSION-HOTELS.
- 23.) THE EXISTING PAVEMENT ON THE DRIVEWAY SHALL BE REMOVED.
- 24.) AN APPROXIMATE 1.25 ACRES OF G TO BE RECEIVED INC.

N/F  
 EPS RETAIL & COMMERCIAL  
 PARCEL 5007 167  
 2780 WEST MAIN ST.  
 SNELLVILLE, GA. 30078  
 ZONED BN  
 DB 25395, P. 242

N/F  
 GCUT1  
 PARCEL 5007 171  
 ZONED BN  
 2784 WEST MAIN ST.  
 SNELLVILLE, GA. 30078  
 DB 35013, P. 204

N/F  
 CHARLES E. MORRIS, III et al  
 2725 TWIN SPRINGS DR.  
 SNELLVILLE, GA. 30078  
 PARCEL 5007 060  
 DB 52597, P. 631  
 ZONED RS-180

N/F  
 YAH 2016-1 BORROW  
 2748 TWIN SPRINGS DR.  
 SNELLVILLE, GA. 30078  
 PARCEL 5007 058  
 DB 54888, P. 536  
 ZONED RS-180

N/F  
 JAMEY R. YORK et al  
 2775 TWIN SPRINGS DR.  
 SNELLVILLE, GA. 30078  
 PARCEL 5007 057  
 DB 57251, P. 252  
 ZONED RS-180

N/F  
 THOMAS HENDLEY et al  
 2765 TWIN SPRINGS DR.  
 SNELLVILLE, GA. 30078  
 PARCEL 5007 056  
 DB 54894, P. 75  
 ZONED RS-180

LANIER FOREST SUBDIVISION  
 BLOCK "A", UNIT TWO  
 PB N, P. 156  
 ZONED RS-180

N/F  
 ZAMANI QAMAR U ETAL  
 PARCEL 5007 020  
 DB 8150, P. 181  
 ZONED RS-180  
 5290 GAULEY RIVER DR.  
 STL. MOUNTAIN, GA. 30087

N/F  
 SEE LOT 1  
 PARCEL 5007 055  
 ZONED RS-180

N/F  
 NETTE MAE SMITH  
 2775 TWIN SPRINGS DR.  
 SNELLVILLE, GA. 30078  
 PARCEL 5007 054A  
 DB 55963, P. 156  
 ZONED RS-180



IF YOU DIG IN GEORGIA ...  
 CALL US FIRST 1-800-282-7411

**DISCLAIMER**  
 The utilities shown are shown for the contractor's convenience only. There may be other utilities not shown on these plans. The engineer assumes no responsibility for the location of underground utilities, and it shall be the contractor's responsibility to verify the location of all utilities shown, as well as those not shown, at the work site. All damage made to existing utilities by the contractor shall be the responsibility of the contractor.



GORDON STORY, PE, RLS  
 CIVIL ENGINEER \* LAND SURVEYOR  
 LEVEL 4 CERTIFIED SENIOR PROFESSIONAL  
 2008 RICKETSON ROAD  
 WAREHOUSES, GA. 30088  
 MOBILE PHONE: 678-656-3832  
 EMAIL: gstory@gsd.com

LAND LOT: 7  
 DISTRICT: 7  
 COUNTY: ...  
 DATE: 09/22/20  
 JOB: 18145998  
 DISK: # 18284

**PROPOSED ZONING FOR HOTEL**  
 2752 WEST MAIN STREET  
 SNELLVILLE, GEORGIA  
 PARCEL R5007 018

REVISIONS:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

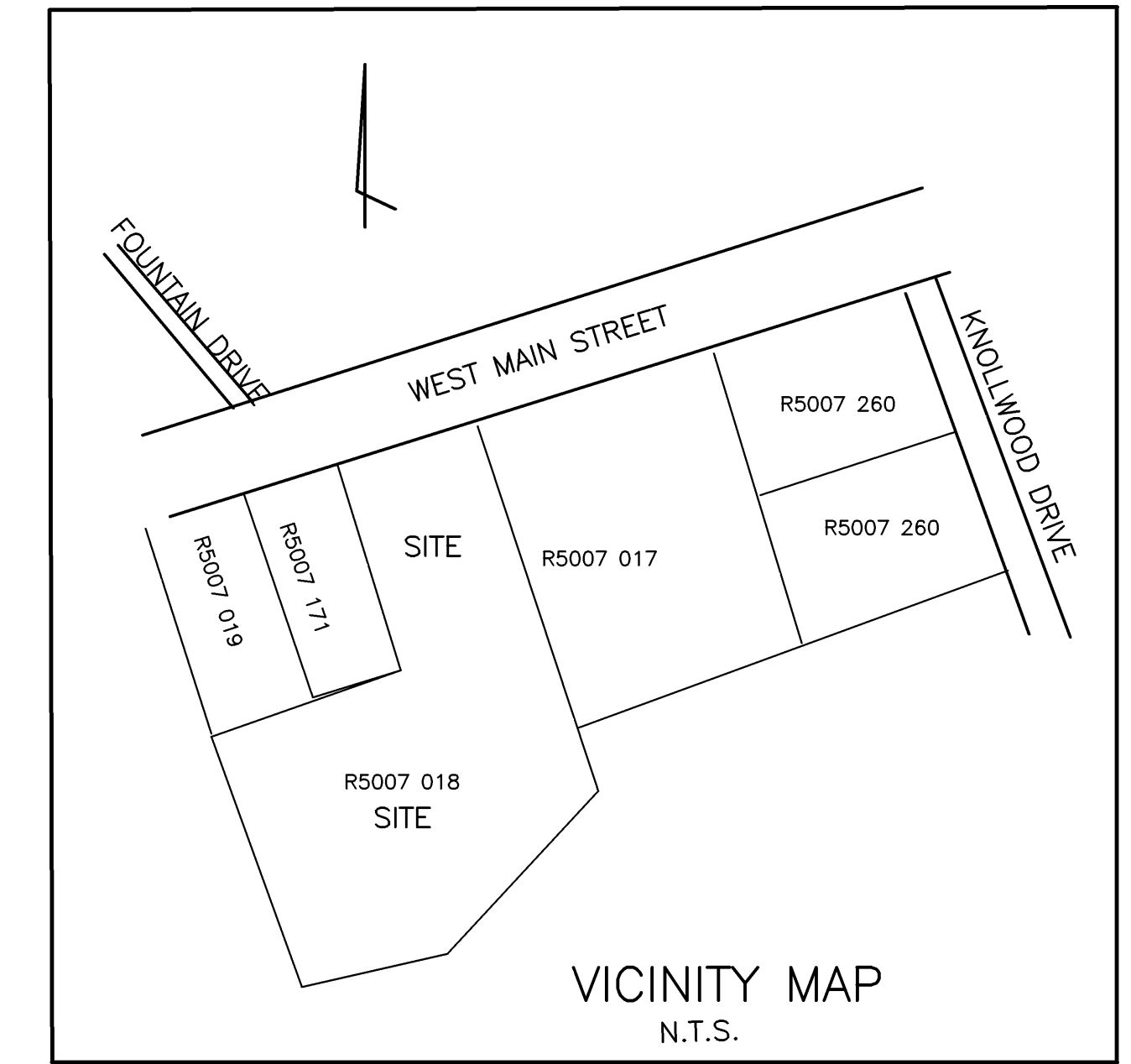
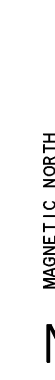
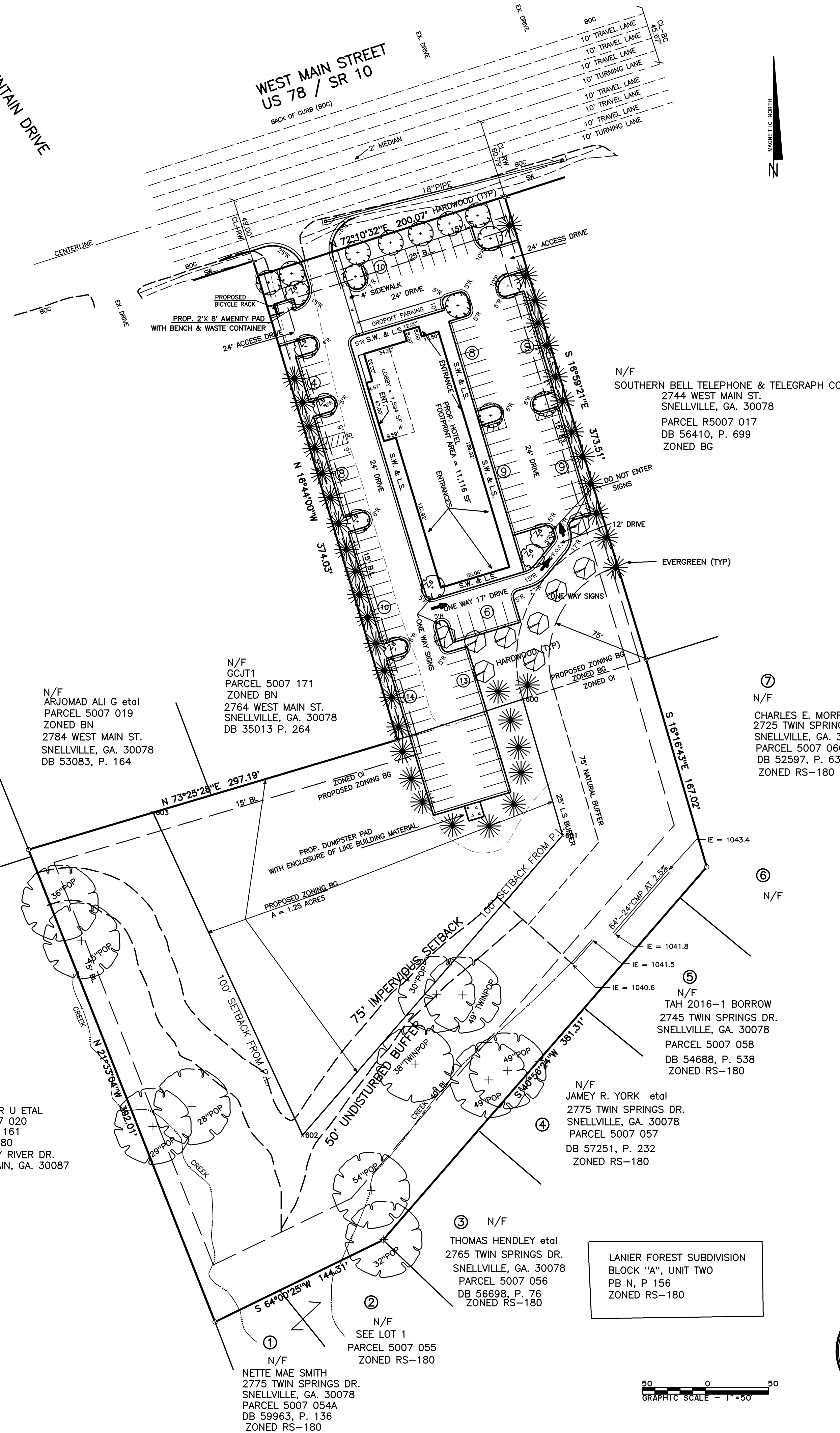
SHEET OF \_\_\_\_\_

**EXHIBIT "B"**

In my opinion this property is not in a flood hazard area as per F.I.R.M Flood Hazard Map of Gwinnett County, Georgia  
 Community Panel Number 13135C 0128B  
 Effective Date 09/29/2006  
 Revision Date

FOUNTAIN DRIVE

WEST MAIN STREET  
 US 78 / SR 10



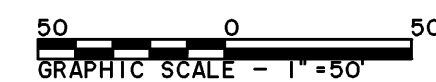
GENERAL NOTES:

- 1.) REFERENCE BOUNDARY SURVEY: SURVEY FOR MANSUR ENGINEERING, INC. DATED 6/23/2019.
- 2.) PROPERTY PRESENTLY SPLIT ZONED BG AND OI (BG = 1.724 ACS., OI = 3.356 ACS.) SEE NOTE 24
- 3.) PROPERTY AREA = 5.080 ACRES
- 4.) PROPOSED LOT COVERAGE = 1.26 ACS IMP / 5.080 ACS X 100 = 24.8% ( MAX. = 90%)
- 5.) PROPOSED USE - HOTEL
- 6.) THERE ARE STATE WATERS ON THIS PROPERTY.
- 7.) TAX PARCEL NO. R5007 018
- 8.) BUILDING DIMENSIONS ARE APPROXIMATE. HEIGHT = 80' MAXIMUM
- 9.) MINIMUM ROOF PITCH 4:12
- 10.) ALL PARKING SPACES ARE 9'W X 19'L
- 11.) PROPOSED 100 PARKING SPACES
- 12.) SETBACKS: FRONT - 25'  
 SIDE - 15'  
 BACK - 15', 40' IF ADJACENT TO RESIDENTIAL
- 13.) LANDSCAPE BUFFERS: FRONT - 15'  
 SIDE - 5'  
 REAR - 40'
- 14.) THERE ARE PROPOSED 95 DWELLING UNITS.
- 15.) PROPOSED ZONING BG
- 16.) MINIMUM ROOM SIZE IS 300 SF.
- 17.) DECORATIVE STREET LIGHTS WILL BE PROVIDED
- 18.) DECORATIVE PEDESTRIAN LIGHTS WILL BE PROVIDED
- 19.) PARKING LOT LIGHTING USING DECORATIVE LIGHT POLES AND FIXTURES WILL BE PROVIDED.
- 20.) THE EXTERIOR BUILDING MATERIAL SHALL MEET CITY CODES.
- 21.) THE COLOR OF THE EXTERIOR BUILDING SHALL MEET CITY CODES.
- 22.) THE BUILDING SHALL COMPLY WITH ART. VII, MOTELS, HOTELS, AND EXTENDED-STAY HOTELS.
- 23.) THE EXISTING PYLON SIGN AT THE ENTRANCE SHALL BE REMOVED.
- 24.) AN ADDITIONAL 1.25 ACRES OF OI TO BE REZONED BG.



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<b>GORDON STORY, PE, RLS</b> CIVIL ENGINEER • LAND SURVEYOR LEVEL II CERTIFIED DESIGN PROFESSIONAL  2608 RICKETSON ROAD WARRENTON, GA. 30808 MOBILE PHONE: 678-656-3832 EMAIL: gtruestory@aol.com	LAND LOT 7 DISTRICT 5 GWINNETT COUNTY DATE: 08/27/20 JOB: 1914ZON5 DISK: # 19GSA	PROPOSED RE-ZONING PLAN FOR:  <b>2752 WEST MAIN STREET</b> SNELLVILLE, GA. PARCEL R5007 018
	REVISIONS:	
	SHEET OF 1	