



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

CASE SUMMARY

February 8, 2021

CASE NUMBER: #SUP 20-03

REQUEST: Special Use Permit for Place of Worship

LOCATION: Fountain Square Shopping Center
2110 McGee Road, Suites 2124-2130, Snellville

PARCEL: District 5, Land Lot 7, Parcel 240

PRESENT ZONING: BG (General Business) District

DEVELOPMENT/PROJECT: The Love Center Family Ministries

PROPERTY OWNER: Reiger Associates 90-1, Ltd.
Dallas, Texas 75209

APPLICANT/CONTACT: Melvin Harris, Sr., Pastor
(678) 571-6640 or deboresandra@yahoo.com

STAFF RECOMMENDATION: Denial



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

CASE ANALYSIS

February 8, 2021

TO: **The Mayor and Council**

PUBLIC HEARING DATE (1st Reading): February 8, 2021

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#SUP 20-03**

FINDINGS OF FACT:

The Department of Planning and Development has received an applicationⁱ from Pastor Melvin Harris, Sr., The Love Center Family Ministries (the “Ministry”) requesting a Special Use Permit to operate a Place of Worship in four (4) tenant spaces (Suites 2124, 2126, 2128, and 2130) representing 6,980 sq. ft. of total tenant space in the Fountain Square Shopping Center, 2110 McGee Road, Snellville.

The subject property is zoned BG (General Business) District. The zoning of the properties to the north are OP (Office Professional) District; to the east and south are BG (General Business) District; while properties to the west are zoned RS-180 (Single-Family Residence) District.

The Fountain Square Shopping Center abuts professional office buildings and an assisted living facility to the north, an office condominium park to the east, Fountain Square Business Center and mixed retail uses to the south, and South Gwinnett Park (South Gwinnett Athletic Association) to the west.

REQUEST:

The request is for a Special Use Permit to operate a Place of Worship and ancillary uses (children's book store, bible study classes, etc.).

BACKGROUND:

Prior to the 2018 amendment to the Snellville Zoning Ordinance regulating Places of Worship, the Mayor and Council approved similar (Conditional Use) permit requests for places of worship in the Fountain Square Shopping Center.

However, on January 8, 2018, the Mayor and Council approved #ZOA 17-04 amending the zoning regulations and requirements for Places of Worship, requiring these uses to obtain a Special Use Permit, approved by the Mayor and Council and subject to the following requirements for property in the BG (General Business) District:

SEC. 9.10(4) SPECIAL USES: The following use 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.

- a. Place of worship, provided:
 1. Shall be located on a site of not less than five (5) acres or demonstrate the ability to provide parking access, recreational space and other space requirements normally associated with a place of worship.
 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.
 3. Parking is not to be located within the fifty (50) foot front yard setback area.
 4. If adjacent to residentially zoned property, a landscape buffer of at least sixty (60) feet wide shall be provided along the property lines(s) adjacent to said zoning and designed and planted in accordance with Sec. 19-32(4) of the Buffer Ordinance.

STAFF ANALYSIS:

According to the applicant, the Fountain Square Shopping Center contains 240 total onsite parking spaces, 128 less parking spaces required by City's minimum parking requirements for a 91,906 sq. ft. planned shopping center requiring one space per 250 sq. ft. of gross floor area ($91,906/250 = 368$ parking spaces). However, there is a reciprocal easement agreement (recorded 1-17-1983) with the adjoining Fountain Square Business Center property, granting a non-exclusive use easement for the passage of and parking of vehicles in any of the 325 parking spaces on the adjacent Fountain Square Business Center property (parcel 5007 014); however,

many of these parking spaces are being utilized by tenants and used car dealers in the Fountain Square Business Center.

According to the applicant, currently the Ministry serves a congregation of 25-30 members with anticipated growth to about 70 total members in the next year. The required number of parking spaces for Places of Worship is one space per four seats in the main auditorium minimum; or where there are no fixed seats, one space per 200 sq. ft. gross floor area minimum, whichever is greater. Since there is no fixed-seating in the space, the minimum required parking for the Ministry is 35 parking spaces (6,980 sq. ft. divided by 200 equals 34.9).

The tenant listing for the Fountain Square Shopping Center provided by the applicant is provided below.

| SUITE NO. | SQ. FT. | TENANT | USE |
|--------------|---------------|-----------------------------------|------------------------------------|
| 2100-A | 1,400 | Lucky Dog, Inc. | Pet Grooming Salon |
| 2100-B & C | 10,265 | Snellville Pet Resort | Dog Daycare and Overnight Boarding |
| 2110-B | 11,688 | YSS Athletics | Athletic Sportswear Manufacturer |
| 2110-A | 14,839 | VACANT | |
| 2114 | 9,450 | VACANT | |
| 2126 | 6,980 | The Love Center Family Ministries | Place of Worship |
| 2134 | 2,600 | Good News Haitian Baptist Church | Place of Worship |
| 2138 | 1,300 | Intown Hair Salon | Hair Salon |
| 2142 | 1,300 | Expose | Arts & Entertainment Venue |
| 2144 | 1,300 | Curves for Women | Women's Fitness |
| 2146 | 1,300 | ARS Home Medical, Inc. | Medical Equipment Sales |
| 2148 | 1,300 | Cherubim & Seraphim Church | Place of Worship |
| 2150 | 1,300 | Essence Hair Salon | Hair Salon |
| 2152 | 1,300 | Five Star Health Care | Home Health Care Services (Office) |
| 2154/2156 | 2,600 | Jose Davilus | Child Daycare & Enrichment Center |
| 2158 | 1,300 | Chelia Thomas (iTAX) | Tax Service |
| 2160/2164 | 6,270 | Archery Learning Center | Archery Range & Shop |
| 2168 | 1,300 | VACANT | |
| 2170 | 1,300 | VACANT | |
| 2172 | 1,300 | VACANT | |
| 2182 | 6,209 | Lifegate International | Place of Worship |
| 2204 | 7,095 | VACANT | |
| TOTAL | 91,096 | | |

Compliance with Sec. 9.10(4) Special Use findings for Places of Worship:

1. Shall be located on a site of not less than five (5) acres or demonstrate the ability to provide parking access, recreational space and other space requirements normally associated with a place of worship.

The Ministry will occupy 6,980 sq. ft. of tenant space in the shopping center that is located on 8.47± acres and includes approximately 91,100 sq. ft. of gross tenant space that is shared with various retail, service, and place of worship uses as shown in the parking analysis

above. Other than the Archery Learning Center, there is no recreational space in the shopping center; however, South Gwinnett Park is located across McGee Road.

It is believed the intent of the 2018 Zoning Ordinance amendment for places of worship is to encourage and support these uses on larger five acre or more single-user BG or residential zoned tracts, and not merely a tenant space in a multi-tenant shopping center. This is to ensure that the location can provide ample growth opportunities for the congregation especially with regard to parking, recreational and future building expansion opportunities.

It should be noted that the 2018 amendment did not include changes to the CI (Civic Institutional) District where a Place of Worship is allowed as a principal permitted use without the special use permit requirement.

Though not applicable for this case, the 10-26-2020 adopted Unified Development Ordinance allows a Place of Worship in most of the residential and mixed-use and business districts (RS-30, RS-15, RS-5, R-DU, R-TH, RM, RX, PRC, BG, HSB, MU, NR, TCO, TC-MU, and TC-R), with an approved special use permit and in the CI District as a limited use. Where a place of worship is allowed as a special or limited use, it is subject to the following use standards:

- a. Facilities must have at least 100 feet of frontage on a street with a minimum classification of major collector.*
- b. The minimum lot size is 1 acre.*
- c. The maximum lot size is 3 acres.*
- d. All buildings must be set back at least 50 feet from the front lot line, 40 feet from the rear lot line, 20 feet from the side (interior) lot line, and 35 feet from the side (street) lot line.*
- e. A minimum 10 feet wide buffer, at least 6 feet high, is required alongside (interior) and rear lot lines that are adjacent to residential districts or residential uses.*

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.

The Fountain Square Shopping Center property fronts McGee Road for a distance of approximately 380 feet. McGee Road is classified as an Urban Local Road on the Gwinnett County Long Range Road Classification Map.

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

There are approximately 45 existing parking spaces within the fifty (50) foot front yard (McGee Road) building setback, a relic of the shopping center that was developed in 1983.

4. If adjacent to residentially zoned property, a landscape buffer of at least sixty (60) feet wide shall be provided along the property lines(s) adjacent to said zoning and designed and planted in accordance with Sec. 19-32(4) of the Buffer Ordinance.

The subject property is not adjacent to residentially zoned property.

2040 COMPREHENSIVE PLAN RECOMMENDATION:

The property is located in the Highway 78 West Character Area (shown to the right in red).



The predominate land uses include: health village (EMC South Campus), commercial/retail, low density residential, and park/recreation (South Gwinnett Park).

The vision for this character area is: *“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.

CONCLUSION AND STAFF RECOMMENDATION:

Although previously approved by the City as conditional use permits for several places of worship, some of which are still present in the shopping center today, the 2018 text amendment firmed up the goal to support and encourage these uses on the larger five-acre or more single-use properties instead of the multi-tenant retail strip and shopping centers. Again, this to ensure that the location can provide ample growth opportunities for the congregation especially with regard to parking, recreational and future building expansion opportunities and to provide access to major roadways.

The subject property does not meet the special use findings for a place of worship; therefore, the Department of Planning and Development recommends **denial** of the request.

PLANNING COMMISSION REPORT:

The Planning Commission held a duly advertised public hearing on the subject application 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:

- **Denial** of SUP 20-03, request for a Special Use Permit to operate a Place of Worship.

ⁱ Application was received by the Department of Planning and Development on October 12, 2020, before the October 26, 2020 adoption of the Unified Development Ordinance (UDO). Review and analysis of the application is based on the codes and regulations in place before adoption of the UDO.