



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

**CASE SUMMARY**

**CASE NUMBER:** ANX 21-01 RZ 21-04 LUP 21-04

**REQUEST:** Annexation, Zoning Map and Land Use Plan Amendment

**LOCATION:** 3320 Brushy Fork Road, Loganville, Georgia

**SIZE:** 2.7± Acres

**TAX PARCEL:** 5099 003

**CURRENT ZONING (Gwinnett Co.):** R-100 (Single-family Residential) District

**REQUESTED ZONING:** LM (Light-Manufacturing) District

**2030 UNIFIED PLAN FUTURE DEVELOPMENT MAP (Gwinnett Co.):** Community Mixed-Use

**REQUESTED FUTURE LAND USE PLAN:** Industrial Mixed-Use

**DEVELOPMENT/PROJECT:** Office Building and Associated Parking for Future Expansion of TOMCO2 Systems Facility

**PROPERTY OWNER(s):** Stephen Moon & Walter Moon  
Braselton, Georgia

**APPLICANT/CONTACT:** Shane Lanham, Esq.  
Mahaffey Pickens Tucker, LLP  
770-232-0000 or [slanham@mptlawfirm.com](mailto:slanham@mptlawfirm.com)

**RECOMENDATION:** Denial/Approval with Conditions



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

**March 29, 2021**

**TO:** **The Mayor and Council**

**1<sup>st</sup> READING DATE:** April 12, 2021  
**2<sup>nd</sup> READING (PUBLIC HEARING) DATE:** April 26, 2021

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

**CASE NUMBER:** **ANX 21-01 RZ 21-04 LUP 21-04**

**FINDINGS OF FACT:**

The Department of Planning and Development has received applications from Shane Lanham, Mahaffey Pickens Tucker, LLP (applicant) and Stephen Moon and Walter Moon (property owners) requesting annexation to the municipal boundaries of the City of Snellville, Georgia; to amend the Future Land Use Map and Official Zoning Map for the 2.7± acre site located at the intersection of Brushy Fork Road and Rosebud Road, 3320 Brushy Fork Road, Loganville.

The applicant intends to demolish the vacant brick ranch single-family dwelling constructed in 1965 and develop the property and construct a 14,300 sq. ft. office building and associated parking for the future expansion of the adjacent TOMCO2 Systems Facility located at 3340 Rosebud Road, Loganville.

The property is located at the intersection of Brushy Fork Road and Rosebud Road and is adjacent to Patterson's Lake Subdivision, zoned R-100 (Gwinnett County) to the east; a large tract residential property, zoned R-100 (Gwinnett County) to the north; single-family homes,

zoned RS-30 to the east; and adjacent 15.2± acre TOMCO2 Systems Facility site, zoned LM to the south.

**REQUEST:**

The request is for annexation to the municipal boundary of the City of Snellville, Georgia; to amend the Snellville 2040 Comprehensive Plan Future Land Use Map and designate the property as Industrial Mixed-Use; and amend the Snellville Official Zoning Map and zone the subject property to LM (Light Manufacturing District).

**PETITION FOR ANNEXATION:**

The property being considered for annexation meets the requirements of O.C.G.A. §36-36-20 through §36-36-23, requiring that the property to be annexed be contiguous at a length of at least 1/8th of the aggregate external boundary, or 50 feet of the area to be annexed, whichever is less. Further, annexation of the subject property would not create an “unincorporated island”, prohibited under O.C.G.A. §36-36-4.

Annexation of the property will not place a burden on City services.

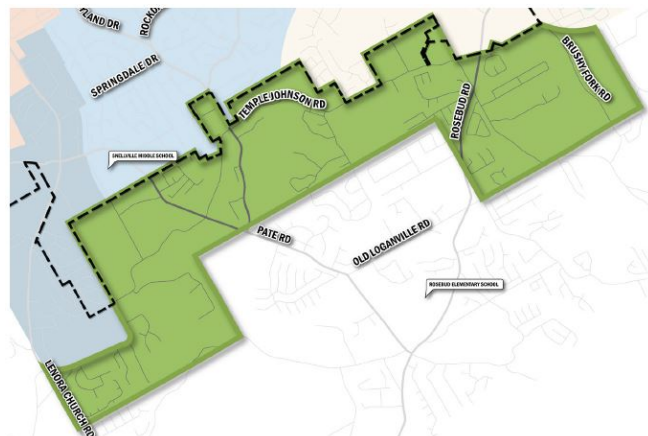
In accordance with O.C.G.A. §36-36-6; 36-36-111 requiring notice to the County of the annexation, the City provided such timely notice and received back notice from the County of no County-owned facilities or property. In accordance with O.C.G.A. §36-36-23; 36-36-112 and by not receiving any timely objection from the County about the annexation, the City may proceed with the annexation and rezone the property, provided the City is not to rezone the property to a more intense density for one year after the effective date of the annexation absent a change in the Service Delivery Strategy agreement or Comprehensive Plan adopted by the City and County.

Although the Petition for Annexation is considered solely by the Mayor and Council; the Planning Commission shall consider and make recommendations on the Land Use Plan Amendment application and Official Zoning Map Amendment application.

**2040 COMPREHENSIVE PLAN RECOMMENDATION**

The property is located in the northeastern area of the Temple Johnson Road Character Area on the 2040 Comprehensive Plan Future Development Map (shown to the right in green).

The Temple Johnson Road character area is characterized mainly by single-family homes, agricultural land, and undeveloped parcels.



Currently outside the City of Snellville's boundaries, this area has a rural character that is increasingly being eroded by suburban residential development. Undeveloped, agriculture/forestry, estate residential, low-density residential are the predominate land uses for the character area.

The vision for the character area is:

*"The Temple Johnson Road area is quiet and rural community of homes and agriculture, with scenic views of pastures, horse fences, and natural areas. The eastern portion may include limited institutional uses, while preserving its rural character."*

Key Implementation Strategies for the character area include the following;

- Maintain rural character by limiting new development through regulations
- If developments are permitted, they should be allowed by special use permit only and follow conservation subdivision design, preserving a portion of land as undeveloped in perpetuity
- Protect existing farmland by requiring large minimum lot sizes (at least 10 acres) in agricultural areas
- Explore federal programs and other opportunities to purchase conservation easements or development rights of existing farms
- Require stub streets in new subdivisions if permitted to link to future development and reduce traffic pressure on major routes

In the Snellville 2040 Comprehensive Plan, the following Land Use and Economic Development *Goals* and *Policies* provide support for the proposed development:

- Goal LU-5: Strongly discourage the development of additional strip commercial uses.
- ED-1.2: Explore options to support workforce development.

However, the following land use policy does do not support the requested LM zoning:

- LU-2.1: Encourage compatible uses, both residential and commercial, and the utilization of transitional zones and buffers between residential and non-residential development.

#### **UNIFIED DEVELOPMENT ORDINANCE ("UDO") REGULATIONS:**

The LM District is intended to provide for a wide range of light industrial uses and compatible commercial uses, all of which must meet comparatively rigid specifications for nuisance-free performance. The district is comprised of lands that are located on or have ready access to a major street or State route and are well adapted to industrial development, but whose proximity to residential or commercial districts makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration,

smoke, dust, gas, by fumes, odors, or radiation, and that do not create fire or explosion hazards or other objectionable conditions.

UDO Sec. 206-6.4 defines **light manufacturing** as: *“A facility conducting light manufacturing operations within a fully enclosed building. Light manufacturing includes the following:*

1. *Clothing, textile or apparel manufacturing.*
2. *Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments.*
3. *Pharmaceutical or medical supply manufacturing.*
4. *Printing, bookbinding, or publishing plant.*
5. *Sheet metal, welding, machine shop, tool repair.*
6. *Stone, clay, glass, or concrete products.*
7. *Woodworking, cabinet makers, or furniture manufacturing.*

Office use, which is the intended use for the site is allowed as a limited use in the LM District, provided the use does not exceed 15,000 sq. ft. in floor area, including accessory outdoor storage.

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

The submitted conceptual site plan shows the 2.7± acre site and location of the 14,300 sq. ft. proposed office building and associated parking containing 48 onsite parking spaces (minimum 29 parking spaces required by Table-1.2.B for office use).

Three full-access drives are shown, two of which connect to Brushy Fork Road with a third drive connecting to Rosebud Road. Both roadways are controlled by Gwinnett County D.O.T. and the access drives will require G-DOT approval during site plan review. A six (6) foot wide pedestrian sidewalk runs along the perimeter of the property where adjacent to Brushy Fork Road and Rosebud Road. Interparcel access to the adjacent TOMCO2 site to the south is not being proposed.

A dumpster pad and enclosure is located behind the proposed office building and near the Rosebud Road drive.

#### **BUILDING ELEVATIONS:**

None provided.

## CONCLUSION and STAFF RECOMMENDATION:

In conclusion, the requested land use plan amendment to Industrial Mixed-Use and zoning request to LM are not supported by the City's Comprehensive Plan and especially Land Use Policy 2.1: *"Encourage compatible uses, both residential and commercial, and the utilization of transitional zones and buffers between residential and non-residential development."* However, in lieu of these requests, and with the Office Professional land use and OP (Office Professional) zoning district being the more appropriate land use category and zoning district given the proximity to the adjacent single-family residential uses across from Brushy Fork Road and Rosebud Road, together with the applicants intended purpose and use of the property, the Department of Planning and Development recommends the following actions:

- **Approval** of #ANX 21-01, Petition for Annexation. *FOR MAYOR AND COUNCIL CONSIDERATION ONLY.*
- **Denial** of #LUP 21-04, application to amend the City of Snellville 2040 Comprehensive Plan Future Land Use Map to Industrial Mixed-Use and instead **Approval** of #LUP 21-04 to amend the City of Snellville 2040 Comprehensive Plan Future Land Use Map to Office Professional.
- **Denial** of #RZ 21-04, application to amend the City of Snellville Official Zoning Map to LM (Light Manufacturing) District and instead **Approval** of #RZ 21-04 to amend the City of Snellville Official Zoning Map to OP (Office Professional) District.

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

1. The property shall be developed in accordance with the conceptual site plan entitled "TOMCO2 Office Building", sealed and dated 2-8-2021 (stamped received 2-10-2021), with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval.
2. Use of and development of the property shall conform to the use provisions and zoning district regulations for the OP District.
3. Interparcel access and connectivity to the adjacent TOMCO2 Systems Facility property to the south (Parcel R5099 005) is prohibited; however, a pedestrian sidewalk no wider than six (6) feet in width shall be allowed to connect to the adjacent TOMCO2 property.
4. Signs higher than 15 feet or larger than 225 square feet are prohibited.

## **PLANNING COMMISSION REPORT:**

The Planning Commission held a duly advertised public hearing on the subject application at the March 23, 2021 Regular Meeting of the City of Snellville Planning Commission.

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

- **Approval** of LUP 21-04, application to amend the City of Snellville 2040 Comprehensive Plan Future Land Use Map from Park-Recreation to Office Professional.

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

- **Denial** of #RZ 21-04, application to amend the City of Snellville Official Zoning Map to LM (Light Manufacturing) District and instead **Approval** of RZ 21-04, application to amend the City of Snellville Official Zoning Map to OP (Office Professional) District.

The recommendation for RZ 21-04 is subject to the attachment of the following recommended **Conditions:**

1. The property shall be developed in accordance with the conceptual site plan entitled “TOMCO2 Office Building”, sealed and dated 2-8-2021 (stamped received 2-10-2021), with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval.
2. Use of and development of the property shall conform to the use provisions and zoning district regulations for the OP District.
3. Interparcel access and connectivity to the adjacent TOMCO2 Systems Facility property to the south (Parcel R5099 005) is prohibited; however, a pedestrian/golf cart sidewalk no wider than ten (10) feet in width shall be allowed to connect to the adjacent TOMCO2 property.
4. Signs higher than 15 feet or larger than 225 square feet are prohibited.