



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

CASE SUMMARY

July 26, 2022

CASE NUMBER: ANX 22-01 RZ 22-06 LUP 22-05

REQUEST: Annexation, Zoning Map and Land Use Plan Amendment

LOCATION: 1788 Temple Johnson Road, Loganville, Georgia

SIZE: 52.289± Acres

TAX PARCEL: 5067 003

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

REQUESTED ZONING: RS-5 (Single-family Residence) District

2040 UNIFIED PLAN FUTURE DEVELOPMENT MAP (Gwinnett Co.): Established Neighborhoods

REQUESTED FUTURE LAND USE PLAN: Low-Density Residential

DEVELOPMENT/PROJECT: 127-Lot Single-Family (Detached) Residential Subdivision

PROPERTY OWNER: Dr. Anne Mazzawi
Atlanta, Georgia

APPLICANT/CONTACT: David Pearson Communities, Inc.
c/o Melody A. Glouton, Esq.
Anderson Tate & Carr, P.C.
770-822-0900 or mglouton@atclawfirm.com



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

CASE ANALYSIS

July 26, 2022

TO: **The Planning Commission**

MEETING DATE: July 26, 2022

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **ANX 22-01 RZ 22-06 LUP 22-05**

FINDINGS OF FACT:

The Department of Planning and Development has received applications from Melody A. Glouton, Esq., Anderson Tate & Carr, P.C. for David Pearson Communities, Inc. (applicant) and Dr. Anne Mazzawi (property owner) 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 52.289± acre site located at 1788 Temple Johnson Road, Loganville, Georgia.

The applicant intends to develop the property for a 127-lot single-family (detached) residential subdivision with amenity and open space having a total gross site density of 2.42 units per acre.

The property consists of two square tracts divided by Temple Johnson Road and bounded on the North and Northeast by Unit One of Summit Place subdivision, zoned RS-15; to the East is another David Pearson Communities, Inc. development, an 85-lot senior-oriented single-family (detached) residential subdivision, zoned R-SR (Gwinnett County); to the South is common area/open space for the Summit Creek Homeowners Association, zoned R-100 (Gwinnett County); to the West is Unit Two of the Preserve at Haynes Creek subdivision, zoned R-100MOD

(Gwinnett County), as well as a 4.52± acre single-family (detached) residential property, zoned R-100 (Gwinnett County).

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 Residential-Low Density; and amend the Snellville Official Zoning Map and zone the property to RS-5 (Single-family Residential) District.

At this time, the applicant is not requesting variances from the Snellville Unified Development Ordinance.

PETITION FOR ANNEXATION (for Mayor and Council consideration only):

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. The subject property is contiguous to the Snellville municipal boundary by 740± feet. 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 on May 24, 2022. 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 Snellville 2040 Comprehensive Plan identifies the property as within the “Temple Johnson Road” character area (shown to the right in green) on the Future Development Map.



Existing Character Description. 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.

Predominate Land Uses. Undeveloped, agriculture/forestry, estate residential, low-density residential are the predominate land uses for the character area.

Vision. *"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

Compliance with 2040 Comprehensive Plan

In the Snellville 2040 Comprehensive Plan, the following Land Use *Goal* could provide support for the proposed development:

- Goal LU-5: Strongly discourage the development of additional strip commercial uses.

And, the following Housing *Policies* could provide additional support for the proposed development:

- H-2.1: Promote Snellville as an affordable alternative to intown housing.
- H-2.2: Encourage the construction of housing types that appeal to young families.
- H-2.3: Pursue more options for quality workforce housing.

LAND USE PLAN AMENDMENT ANALYSIS:

The applicant proposes to amend the Snellville 2040 Comprehensive Plan Future Land Use Map to designate the property *Low-Density Residential*, which is the 'Appropriate' future land use category for the requested RS-5 zoning as shown in the table on the following page.

Table 2. Future Land Use Categories and Corresponding Zoning Districts (as amended 2-28-2022)

		Future Land Use Category**									
		Low Density Residential	Medium Density Residential	Commercial Retail	Office/Professional	Industrial Mixed-Use	Public/Institutional	Health Village	Towne Center Mixed Use	Hwy. 78 East Activity Node	North Rd. Redevelopment Area
Zoning District*	RS-30: Single-family Residential District	A									
	RS-15: Single-family Residential District	A									
	RS-5: Single-family Residential District	A	C					C			
	R-DU: Duplex Residential District		A								
	R-TH: Townhouse Residential District		C					A	A	A	A
	RM: Multifamily Residential District							C	C	C	C
	RX: Mixed Residential District		C								
	RO: Residential for Older Persons District	A	C					C	A		

The Low-Density Residential land use category allows for single-family residential areas, which are less than four (4) units per acre, while the Medium-Density Residential land use category allows for higher density of 4-10 units per acre. The site plan reflects a density of 2.42 units per acre.

UNIFIED DEVELOPMENT ORDINANCE (“UDO”) REGULATIONS:

The RS-5 zoning district is intended to provide areas for high-quality small-lot (5,000 sq. ft. minimum) single-family detached housing in a walkable setting.

The ‘Detached House’ building type requirements of UDO Sec. 201-2.2 are applicable, as well as the Design Criteria for Residential Districts in UDO Sec. 202-1.2 and the General Architectural Standards in UDO Sec. 201-3, more specifically Sec. 201-3.3 Small Residential Building Standards.

The RS-5 District regulations are found in UDO Sec. 202-4 and presented on the following page.

Sec. 202-4. RS-5 Single-Family Residential

202-4.1. Purpose

The district is intended to provide areas for high-quality small-lot single-family detached housing in a walkable setting.

202-4.2. Use Provisions

See Sec. 206-2 (Allowed Use Table).

202-4.3. Site

202-4.4. Building Types

Building type requirements apply in the RS-5 district and the following types are allowed:

- A. Detached House
- B. Civic Building

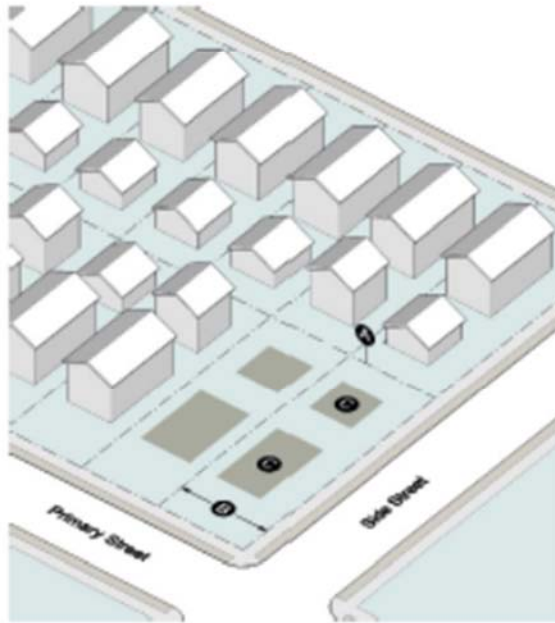
202-4.5. Architectural Standards

See Sec. 202-1.2 (Design Criteria) and Sec. 201-3 (General Architectural Standards).

202-4.6. Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

202-4.7. Dimensional Standards



Site Standards		
Open space requirement:	20% of site min.	
Lot Standards	(A) Area	(B) Width
Detached house:	5,000 sf. min.	50 ft. min.
All other building types:	5,000 sf. min.	50 ft. min.
Lot Coverage		
(C) All building types:	60% max.	

REZONING SITE PLAN ANALYSIS:

The proposed zoning and annexation site plan entitled “The Villages at Temple Johnson”, dated 5-13-2022 shows the entire 52.289± acre site including the lot layout for the 127-lots in Units 1 and 2 of the 38.892± acre Tract One and planned open space in the 13.397± acre Tract Two, located North of Tract One and across Temple Johnson Road, which has a right-of-way width that varies from 80-feet to 140-feet.

Although no landscape concept plan has been provided, the site plan indicates a 25-foot landscape buffer along the western property line where abutting The Preserve at Haynes Creek subdivision. Other than the shared amenity area, there is no open/common space shown where the development abuts Temple Johnson Road.

Unit 1 of Tract One has 73-lots proposed while Unit 2 of Tract One has 54-lots for a total of 127-lots. Although the RS-5 District allows for a 5,000 sq. ft. minimum lot size, the applicant is proposing 7,000 sq. ft. minimum lot sizes, measuring on average 60 feet wide and 120 feet deep. The minimum planned dwelling size is 1,800 sq. ft. for one-story dwellings and 2,000 sq. ft. for two-story dwellings.

Access to Units 1 and 2 of the proposed development is by two separate full-access drives with deceleration lanes on Temple Johnson Road, a Gwinnett County right-of-way. Access improvements including the two full-access drives and deceleration lanes must be vetted and approved by Gwinnett D.O.T. and completed during preliminary plat review.

In the middle of Units 1 and 2 would be a shared amenity area containing a community swimming pool, bath house, club house and two tennis/pickle ball courts. Two mailbox kiosks are also located here, along with 29 parking spaces serving the amenity and mailbox kiosk area.

A stormwater detention pond is located in the southwest corner of the development with access to the detention pond through a dead-end street termination between lots 14 and 15 of Unit 2.

The centerline of a creek serves as the southern property line for the 38.892± acre Tract One, and located within the Big Haynes Creek Watershed Protection area, requiring a 100-foot undisturbed stream buffer and 150-foot impervious surface setback. The site plan shows the boundary limits of the stream buffer and impervious setback, with Unit 1, lots 15-20, and Unit 2, lots 24-27, showing some encroachment into the 150-foot impervious surface setback.

The site plan indicates that a portion of the area impacted by the stream buffer and impervious setback will serve as open space; however, public access to the open space is via the one detention pond access point mentioned above.

Although not identified on the site plan, there is a notation on the site plan that a portion of the property is located within a FEMA 100-year Flood Zone 'A' according to FEMA Map Panel 13135C0139F dated 9-29-2006. Two wetland areas are also shown on the site plan with a notation that there are no wetlands being disturbed on this site.

The site plan indicates that the 52.289± acre total site will contain 32% (16.732± acres) of open space, above the 20% minimum open space requirement for the RS-5 District. 13.397± acres of the open space, representing 80% of the total open space, is located just North of the subdivision development and across Temple Johnson Road in the 13.397± acre Tract Two.

Section 401-2 (Open Space) of Article 1 of Chapter 400 of the Snellville Unified Development Ordinance provides regulations on open space, where at least 20% of the site must be set aside as open space. The open space must remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities such as running, walking, biking, and similar outdoor activities. Further, the open space must adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space, as defined by the Comprehensive Plan, The Gwinnett County Open Space and Greenway Master Plan, the Snellville Greenway Master Plan, or any other official City plan or project.

Uses of open space may only include the following:

- a. Conservation of natural, archaeological, and/or historical resources.
- b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
- c. Walking or bicycle trails, provided they are constructed of porous paving materials.
- d. Passive recreation areas, such as open fields.
- e. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways.
- f. Agriculture, horticulture, silviculture, and/or pasture uses.
- g. Pastureland for horses and other grazing livestock used solely for recreational purposes.
- h. Outdoor open space amenities such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Department.
- i. Golf courses.
- j. Other conservation-oriented uses compatible with the purposes of this regulation.

No more than 50% of required stream buffers, 100-year floodplain, and delineated wetlands may be credited as open space.

In addition to the 20% open space requirement, there is an additional requirement that 6% (3.13± acres) of the site's gross land area be provided as recreational area for recreational use and must be contiguous or separated only by parking areas and private drives. Although the site plan shows an amenity area with swimming pool and tennis/pickle ball courts, the site plan does not identify the size of the amenity area to ensure compliance with the recreational area requirement and that it is not being considered as open space and included in the open space area.

The subdivision streets are shown as having the required 50-foot right-of-way width and internal sidewalks along both sides of the streets. However, it is not clear if the subdivision sidewalks and planter strips comply with the minimum width requirements of 4-foot (sidewalk) and 5-foot (planter strip) of UDO Table 401-4.2. (Streetscape Table).

Although no variance or waiver has been requested, the site plan shows the location of six (6) eyebrow cul-de-sacs (half cul-de-sacs) which are prohibited per UDO Sec. 401-5.3.C.3. (Cul-de-sac Streets).

BUILDING ELEVATIONS:

The applicant provided sample exterior front elevations for three different models. Although exterior materials and percentages are not specified, the front elevations appear to consist primarily of fiber cement siding, with accents of brick, stacked stone, or fiber cement shake.

Building plans and elevations are required to comply with the General Architectural Standards of UDO Sec. 201-3, as well as the Small Residential Building Standards of UDO Sec. 201-3.3. Moreover, per the Design Criteria and Rules for All Residential Districts of UDO Sec. 202-1, before issuance of a site development permit, the developer must submit architectural elevations in the form of a "Plan Book" for review and approval by the Planning Director.

CONCLUSION and STAFF RECOMMENDATION:

The applicant has not provided adequate justification that the proposed development meets the standards of the open space requirements and as such the developed portion of the project should be evaluated as a stand-alone project. UDO Sec. 401-2.1.D requires that *"At least 20% of the site must be set aside as open space"*. A vast majority of the proposed open space is on a lot that is not only detached from the subdivision development, but also alienated from the proposed development by Temple Johnson Road. If the 13.397± acres of Tract 2 is removed from the open space calculations, the maximum remaining open space provided would be approximately 7%; however, the applicant indicates on the site plan that a portion of the site lies within a flood zone. The applicant has not delineated the flood zone area; therefore, the actual open space area provided cannot be determined since no more than 50% of required stream buffers, 100-year floodplain, and delineated wetlands may be credited as open space.

Once evaluated as a stand-alone site, without inclusion of the disjointed Tract 2 open space, the project yields a density of 3.27 units per acre as opposed to the previously indicated 2.42 units per acre. Staff understands that an adjoining senior-oriented development to the east, located in the county and not approved by the City of Snellville, is currently under construction at a maximum density of 3.3 units per acre; however, surrounding single-family residential subdivisions, that are not age restricted and approved by the City of Snellville, were developed at densities less than 2.21 units per acre. The proposed development, if evaluated as a stand-alone project, would not be compatible with the existing development pattern of the area.

As indicated above, the proposed project lies within the Temple Johnson Road character area as identified in the Snellville 2040 Comprehensive Plan. The predominate uses of the area are undeveloped, agriculture/forestry, estate residential, and low-density residential. The vision for the area is a quiet and rural community of homes and agriculture, with scenic views of pastures, horse fences, and natural areas. A key implementation strategy is to maintain rural character by limiting new development through regulations. The proposed development is not compatible

with the predominate land use, vision, or key implementation strategies of the Temple Johnson Road character area.

In conclusion, the requested annexation to the to the Snellville municipal boundary; land use plan amendment to Low-Density Residential; and zoning request to RS-5 (Single-family Residential) District are each incompatible with the existing development patterns of the area and incompatible with the goals and intent of the Snellville 2040 Comprehensive Plan.

The Department of Planning and Development recommends the following actions:

- **Denial** of #ANX 22-01, Petition for Annexation. *FOR MAYOR AND COUNCIL CONSIDERATION ONLY.*
- **Denial** of #LUP 22-05, application to amend the City of Snellville 2040 Comprehensive Plan Future Land Use Map to Low-Density Residential.
- **Denial** of #RZ 22-06, application to amend the City of Snellville Official Zoning Map to RS-5 (Single-family Residential) District.

6-20-2022 REVISED SITE PLAN:

On July 22, 2022 the Planning Department received a revised rezoning site plan, dated 6-20-2022, that shows the following changes from the initial 5-13-2022 rezoning plan:

- A notation has been added that the 13.387± acre Tract Two portion of the development which is adjacent to the Summit Place subdivision is to be considered for annexation only; the tract is not part of the rezoning application with the current Gwinnett County zoning of R-100 (Single-family Residential) District to remain.
- The request to remove the 13.387± acre Tract Two from the 52.289± acre total site has increased the density from 2.42 units per acre to 3.265 units per acre.
- Proposed open space area has been reduced from 32% (16.732± acres) to 20.42% (7.94± acres).

The 127 total number of proposed lots and lot configuration remains unchanged.

It is not clear if the shared amenity area meets the 6% site gross land area and other code requirements for a recreation area.

The revised plan still shows the location of six (6) eyebrow cul-de-sacs (half cul-de-sacs) which are prohibited per UDO Sec. 401-5.3.C.3. (Cul-de-sac Streets). No variance or waiver has been requested nor justified.

The 7.94± acres (20.42%) of proposed open space cannot be confirmed since no more than 50% of required stream buffers, 100-year floodplain, and delineated wetlands may be credited as open space.

Further, the request to annex the 13.397± acre Tract Two portion of the 52.289± acre total site while keeping the current Gwinnett County zoning on the property and not rezoning the property to an appropriate City of Snellville zoning district is not appropriate.

In conclusion, the Department of Planning and Development's original recommendation of ***denial*** remains unchanged for each of the three applications.