



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

CASE SUMMARY

July 10, 2023

CASE NUMBER: #RZ 23-03 SUP 23-02

REQUEST: Rezoning and Request for Special Use Permit

LOCATION: 1000 Athens Highway, Snellville, Georgia

SIZE: 22.81± Acres

TAX PARCEL: 5100 065

CURRENT ZONING: BG (General Business) District

REQUESTED ZONING: MU (Mixed-Use) District

**CURRENT FUTURE LAND
USE MAP DESIGNATION:** Highway 78 East Activity Center/Node

SPECIAL USE PERMIT REQUEST: Multi-family Dwellings

DEVELOPMENT/PROJECT: 300 Multi-family Units; 28 Single-family Townhome Units; 51,000 SF Retail, Commercial, Office and Amenity Space Mixed-Use Development

PROPERTY OWNER: The Kroger Co.
Cincinnati, Ohio 45202

APPLICANT/CONTACT: Highpoint Development
Atlanta, Georgia 30309
ATTN: Jeff Timler. Split Silk Properties LLC
678-772-0202 splitsilkproperties@gmail.com

RECOMMENDATION: Approval with Conditions



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

**CASE ANALYSIS
July 10, 2023**

TO: The Mayor and Council

MEETING DATE: July 10, 2023

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #RZ 23-03 SUP 23-02

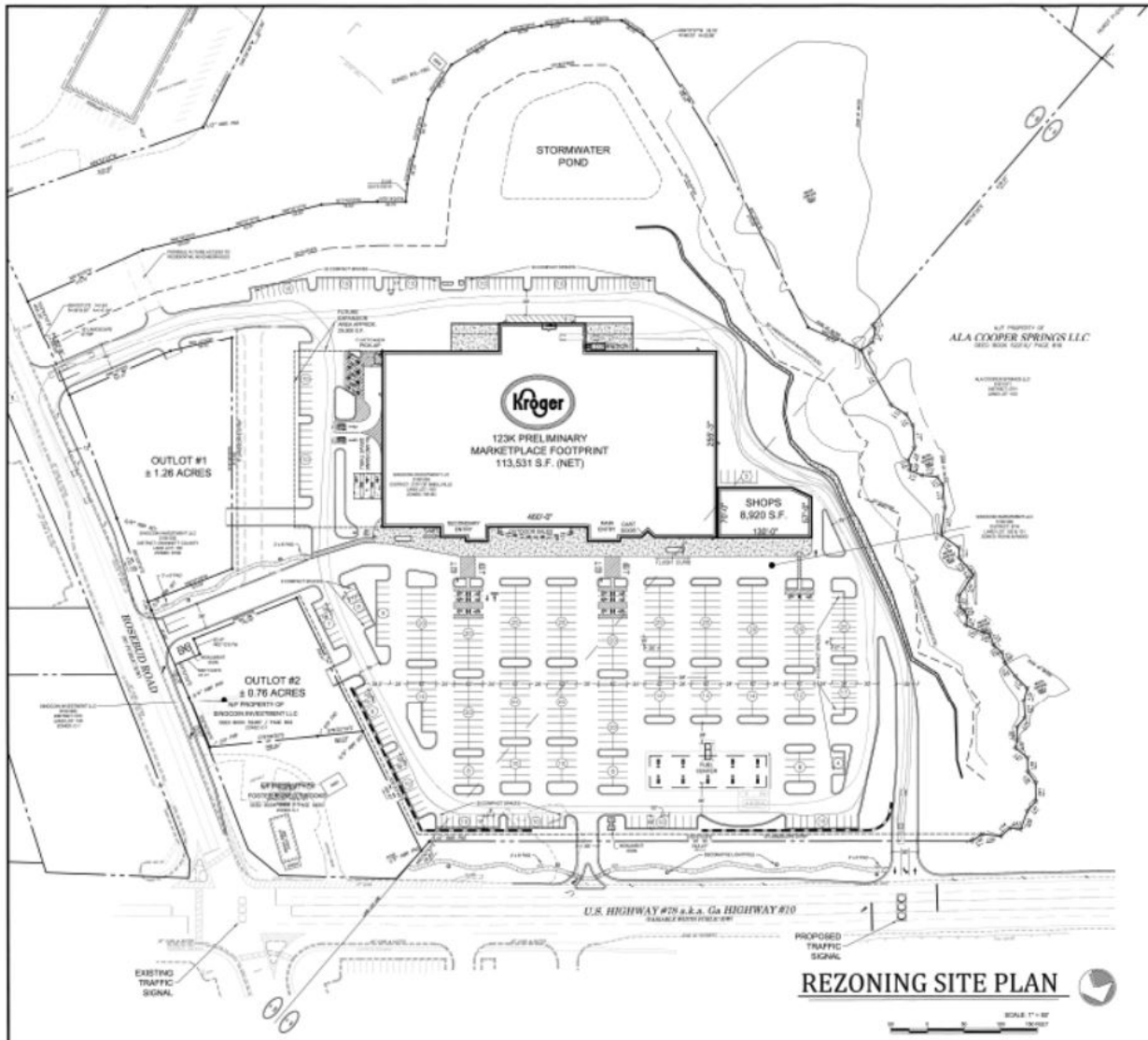
FINDINGS OF FACT:

The Department of Planning and Development has received applications from Jeff Timler, Split Silk Properties, LLC representing Highpoint Development (applicant) and The Kroger Co. (property owner) requesting to amend the Official Zoning Map from BG (General Business) District to MU (Mixed-Use) District and special use permit for a mixed-use development consisting of a mixture of multi-family apartments; single-family townhomes; retail, commercial, office and amenity space.

The 22.81± acre site is located at the easternmost city limits boundary and southwest of the US Highway 78 (Athens Highway) and Rosebud Road intersection. The proposed development is bordered on the south by mostly large estate lot residential type uses (with the exception of one light manufacturing type use) and to the west by a single-family residential townhome community. To the north, the property abuts US Highway 78 (Athens Highway) and small 0.63± acre vacant site in unincorporated Gwinnett that served for many years as the Foster-Brooks family homestead. To the east and adjacent to Rosebud Road is Midway Plaza Shopping Center.

BACKGROUND:

On 12-14-2015, annexation and rezoning case #RZ 15-05 was approved by the Mayor and Council for a Kroger Marketplace with accessory fuel center. However, due to downtrends in the retail grocery market, Kroger shelved their plans and instead extended their lease at their current location in the Midway Plaza Shopping Center.



12-14-2015 Approved Rezoning Concept Plan

To help provide an opportunity to encourage clustered, connected mixed-use development at the eastern mode of the Highway 78 East Activity Center/Node, on 8-22-2022, the Mayor and Council approved the City initiated amendment to the Snellville 2040 Comprehensive Plan Future Land Use Map from Commercial-Retail to *Highway 78 East Activity Center/Node*, which is the appropriate land use designation for the MU (Mixed-Use) zoning district.

REQUEST:

The applicant is requesting to amend the Official Zoning Map from BG (General Business) District to MU (Mixed-Use) District and special use permit for multi-family dwellings for a 22.81± acre mixed-use development consisting of 300 multi-family apartments (mixed-use building type); 28 single-family attached townhomes (townhouse building type); and 51,000 sq. ft. of retail, commercial, office and amenity space.



Conceptual Zoning Plan – Highpoint Development

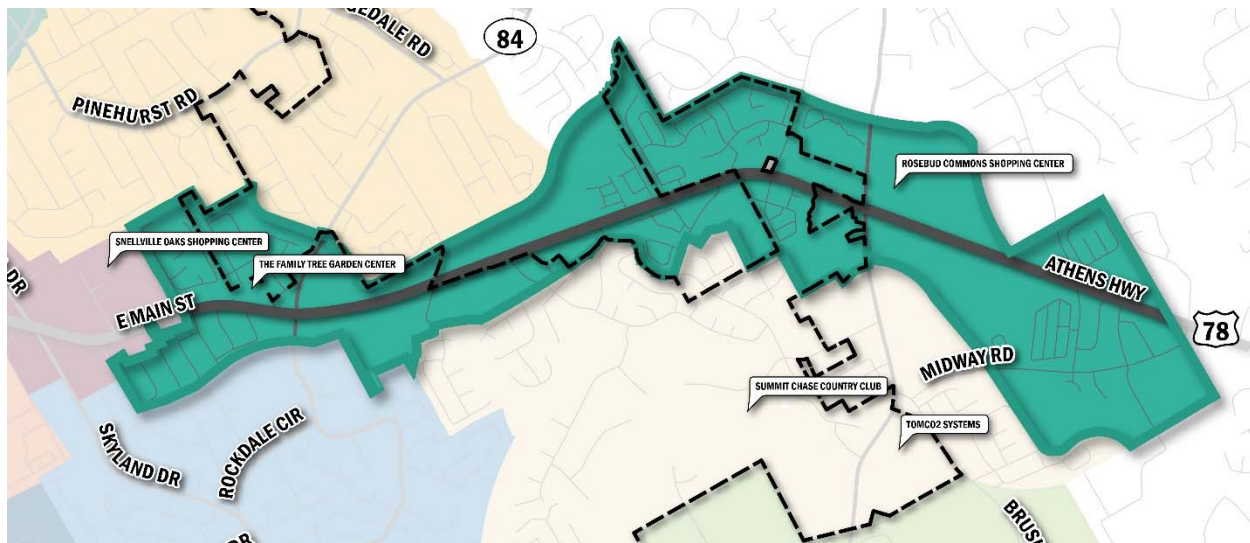
Concurrent with the rezoning application, the applicant is requesting variances from the Snellville Unified Development Ordinance (“UDO”) as follows:

- Sec. 203-4.2.B.1: Reduce the minimum 25% requirement from the project total square footage for non-residential uses to 18%.

- Sec. 203-4.2.B.2: Waive the requirement for 10,000 sq. ft. of non-residential space receiving a Certificate of Occupancy (“CO”) prior to receiving a CO for more than 100 dwelling units.
- Sec. 401-3.4 (C and H): Waive the requirement to provide stub-out streets and interparcel access to the adjacent properties to the south and west.

SNELLVILLE 2040 COMPREHENSIVE PLAN RECOMMENDATION:

The subject property is located at the eastern city limit border of the *Highway 78 East Character Area* (shown below in cyan) on the Snellville 2040 Comprehensive Plan Future Development Map (adopted 2-11-2019).



“Existing Character Description: The Highway 78 East character area is one of the least developed within Snellville, consisting mostly of isolated retail uses and undeveloped parcels. There are several new residential developments off the highway, including townhomes and single-family homes on smaller lots. Farther east, undeveloped, wooded lots next to the highway make for a more scenic drive. There are fewer individual curb cuts along this portion of the highway because of shared driveway access and large undeveloped tracts. Many segments are missing sidewalks. This portion of US 78 is one of the few major roads in Snellville that has not already been developed as strip commercial, and there is an opportunity to encourage clustered, connected development at key intersections while preserving some frontage as undeveloped land or residential development.”

“Predominate Land Uses: Commercial/retail, low-density residential, medium-density residential, undeveloped.”

“Vision: A corridor with high developed activity nodes, containing a mixture of uses with a pedestrian scale and infrastructure to support walking and bicycling. The high school is a major center of activity within the character area. Open green space or low-density residential land

uses will frame the space around the nodes, which are envisioned at the intersections of US 78 with Grayson Parkway and Rosebud Road.”

“Key Implementation Strategies:

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

ZONING MAP AMENDMENT REQUEST:

The request is to amend the Official Zoning Map from BG (General Business) District to MU (Mixed-Use) District. The MU District was created because of the ‘Key Implementation Strategy’ for the Highway 78 East Character Area (discussed above) with the on 10-26-2020 and adoption of the Snellville Unified Development Ordinance (“UDO”).

The purpose of the MU District is to provide for compact, mixed-use development in Snellville’s activity centers, in conformance with the Comprehensive Plan.

UDO Sec. 203-4, attached as Exhibit “A”, provide the MU District regulations including: Purpose; Use Provisions; Building Types; Architectural Standards; Site Development Standards; Block Standards; Inter-Parcel Access; Dimensional Standards; Building Placement; and Bulk and Mass standards.

SPECIAL USE PERMIT REQUEST:

Multiple-family dwelling, defined as “three or more dwelling units in a single building (that does not meet the definition of single-family attached dwelling) not within a TC District” is allowed in the MU District as a special use where approved by the Mayor and Council, after receiving recommendations by the Planning Department and Planning Commission.

REZONING SITE PLAN ANALYSIS:

The conceptual rezoning site plan, dated 5-16-2023 shows the general layout of the site with two (2) retail-office buildings and two (2) outparcel buildings located on the northern portion of the site and adjacent to Highway 78; a four (4) story multi-family building centrally located on the site; and five (5) building townhomes located on the eastern portion of the site and adjacent to Rosebud Road.



Conceptual Zoning Plan – Highpoint Development

Surface parking surrounds the commercial and multi-family uses, while front-entry one-car garages are provided for the townhomes. Two project access points are shown at Highway 78 and at Rosebud Road and subject to Georgia D.O.T. and Gwinnett County D.O.T. approval. One interparcel access stub is shown for the adjacent parcel located in the northeast portion of the site at the intersection of Highway 78 and Rosebud Road. Three (3) trash dumpster locations are shown, two serving the commercial uses and one serving the multi-family use. Two (2)

stormwater management ponds are shown with a smaller facility located in the northwest corner of the site and larger facility located in the southern portion of the site. There is a 150 foot stream and impervious surface buffer for Noses Creek along the western property boundary. Several plaza and patio areas are shown for the commercial uses. Two (2) courtyards and one amenity/pool/courtyard area is shown serving the multi-family building.

The table below lists the various proposed uses with corresponding area, building size, height, parking spaces, and open space calculations.

Site Plan Specifications Current Zoning BG Proposed Zoning MU 22.81 acres gross land area																
Parcel	Use	s.f.	Acres	Total s.f.	Units	Bldgs.	Footprint s.f.	Floors	Building s.f.	Building Height	Spaces Prov. ¹	Spaces Req.	Note	Open Space	Open Space %	Lot Coverage
A.1	Retail (first level)	122689	2.8	21000		2	10500	1	10500	24'	132	42	1/500 s.f. required ²	41392	34%	21000
A.2	Office (second level)	0	0.0	6000		2	1500	1	1500	24'	22	12	1/500 s.f. required	NA	NA	NA
A.3	Outparcel	43773	1.0	4500		1	4500	1	4500	15'	59	33	1/150 s.f. required	13412	31%	4500
A.4	Outparcel	33149	0.8	2500		1	2500	1	2500	15'	36	33	1/150 s.f. required	12858	39%	2500
Subtotal				34000												
B	Multi-Family ³	691864	15.9	285000	300	1	87000	3 to 4		45'	450	300	1.5 space/unit	429821	62%	90333
B.1	M.F. amenity space (first level)			7000			7000	1			14	14				
B.2	Commercial/Non-residential (first level)			10000	10		1000	1	10000		10	10				
C	Townhome	103070	2.4	67200	28	5		2 min.	1600	30'	38	35	1 per unit + 1 per 4	34424	33%	34000
Totals		994545	22.8	403200										531907	53%	
Total non-residential s.f. parcels A-C				51000												

¹1/150 for restaurant including outdoor dining areas in excess of 25% of floor area

²Building is not yet fully designed; 300 units are proposed at an average unit size of approximately 950 s.f..

The MU District requires open space be provided that includes both civic space and amenity space, subject to the requirements of UDO Sec. 401-2.3.

The 300 multi-family units and 28 townhome units (328 total units) equals 14.37 units per acre, exceeding the maximum site density of 12 units per acre (273 total units) by 55 units.

As indicated in the table above, the 15-foot building height for Outparcel 3 and Outparcel 4 are nonconforming to the 2-story or 24-feet (whichever is greater), minimum building height of UDO Sec. 203-4.10.

BUILDING ELEVATIONS:

Included in the application submittal, the applicant provided conceptual renderings and photos of similar projects showing the multi-family, townhome, and commercial buildings. As these are conceptual depictions of the proposed building elevations, no determination has been made as to conformance with the city's UDO requirements for architectural design standards and exterior building materials. A more thorough review will be conducted upon receipt of the architectural plan set during permitting review to ensure compliance with these requirements.

CONCURRENT VARIANCES:

Included in the application submittal is a request for three (3) variances/waivers from Chapters 200 and 400 of the Snellville Unified Development Ordinance. Analysis and staff recommendation of each request is provided below.

1. Variance from Sec. 203-4.2.B.1 (Mixed-Use Requirement) to reduce the minimum 25% requirement from the project total square footage for non-residential uses to 18%.

Variance Analysis: The UDO requires that at least 25% of the total floor area of every development must be residential uses and at least 25% of the total floor area of every development must be nonresidential uses. This 25/75 ratio is to ensure that projects containing both a residential component and nonresidential component are truly designed as a mixed-use development and not simply a residential development with some commercial uses provided in order to qualify as a mixed-use development.

Recommendation: Since the MU District was created in conformance with the key implementation strategy of the Highway 78 East Character Area "to allow for a mixture of land uses, similar to the Towne Center, but at a smaller scale", adhering to the 25% minimum floor area requirement for nonresidential uses supports the vision and implementation strategy of the character area. This can be achieved by increasing the floor area for the commercial uses and/or reducing the floor area for the residential uses while still keeping the fee-simple residential component.

The Planning Department recommends *denial*.

2. Waiver from Sec. 203-4.2.B.2 (Mixed-Use Requirement) to waive the requirement for 10,000 sq. ft. of non-residential space receiving a Certificate of Occupancy ("CO") prior to receiving a CO for more than 100 dwelling units.

Variance Analysis: The UDO requires that no certificates of occupancy may be issued for more than 100 dwelling units in a development until certificates of occupancy have also been issued for at least 10,000 sq. ft. of nonresidential floor area on the same development. Similarly, no certificates of occupancy may be issued for more than 10,000 sq. ft. of nonresidential floor area on a development until certificates of occupancy have been issued for at least 100 dwelling units on the same development.

Again, this is to encourage that the project is developed simultaneously as a mixed-use development requiring construction and the phased completion of both residential and nonresidential uses approximately at the same time.

However, as currently written, the code would allow for the construction, completion and certificates of occupancy for the 300 multi-family units and 10,000 sq. ft. of first floor commercial use, without breaking ground on any of the remaining 34,000 sq. ft. of retail, office, and outparcel uses in the other four (4) commercial buildings.

The Planning Department recommends *denial*.

3. Waiver from Sec. 401-3.4.C (Stub-out Streets) and Sec. 401-3.4.H (Inter-parcel Access) to waive the requirement to provide stub-out streets and inter-parcel access to the adjacent properties to the south and west.

Variance Analysis: The applicant is requesting waiver from the stub-out street and interparcel-access requirement to the adjacent property to the west (parcel 5101 571)

due to extreme topographic conditions and 100-foot buffer and 150 feet impervious buffer; and to the adjacent property to the south (parcel 5100 023) as connectivity is not feasible due to traffic and potential incompatible uses through the residential component of the development.

The Planning Department agrees that inter-parcel connectivity to the adjacent parcel to the west is not feasible due to existing site and environmental conditions. However, inter-parcel connectivity to the adjacent 18± acre property to the south is warranted as this property was also designated as Highway 78 East Activity Center/Node on the August 2022 amendment to the Future Land Use Map and allowing for the potential rezoning to the MU District or other zoning district as appropriate in the Highway 78 East Activity Center/Node.

The Planning Department recommends *approval* where adjacent to parcel 5101 571. The Planning Department recommends *denial* where adjacent to parcel 5100 023.

TRAFFIC IMPACT ANALYSIS:

The applicant submitted a Traffic Impact Study, prepared March 27, 2023 based on a project with 300 multi-family residential units, 25 residential townhomes, and 57,000 sq. ft. of commercial-retail space.

The purpose of this traffic impact study is to determine existing traffic operating conditions in the vicinity of the proposed development, project future traffic volumes, assess the impact of the subject development, then develop conclusions and recommendations to mitigate the project traffic impact and ensure safe and efficient existing and future traffic conditions in the vicinity of the project. Traffic count data was collected on Wed., March 15, 2023 from 7-9 am and 4-6 pm. Area schools were in session.

Vehicle Trip Generation Results

The proposed multi-use development will generate 280 new a.m. peak hour new trips, 496 new p.m. peak hour new trips, and 5,934 new weekday new trips as shown in the Table 1 below:

Table 1 – Proposed US 78 at Rosebud Multi-Use Development Trip Generation

Land Use	ITE Code	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour
			In	Out	Total	In	Out	Total	2-Way
Townhomes	215	25 homes	2	5	7	7	4	11	140
Multi-Family	221	300 units	28	92	120	72	45	117	1,386
<i>Residential Subtotal</i>		325 units	30	97	127	79	49	128	1,526
Retail Village	821	57,000 ft ²	125	76	201	267	289	556	5,800
-pass-by trips		24/34/24%	-30	-18	-48	-90	-98	-188	-1,392
<i>Retail New Trips</i>			95	58	153	177	191	368	4,408
<i>Project Total New Trips</i>			125	155	280	256	240	496	5,934

A previous retail development has been approved for the subject site. That development included a 113,531 sq. ft. foot supermarket, 17,350 sq. ft. of strip retail, and a gasoline station with 14 fueling positions. For comparison purposes, the trip generation for that development was also calculated. ITE Land Use 850 – Supermarket was chosen for the supermarket, ITE Land Use 822 – Strip Retail Plaza (<40K) was used for the retail shops, and ITE Land Use 944 – Gasoline/Service Station was used for the gasoline station. The pass-by percentages were taken from, or developed by applying the data in, the ITE Trip Generation Handbook, 3rd Edition. For the supermarket, 36% was applied to the p.m. while 26% was applied to the a.m. and 24-hour trips. For the retail plaza 34% was used for the p.m. while 24% was applied to the a.m. and 24-hour trips. For the gasoline station 58% was applied to the a.m. and 42% was used for the p.m. and 24-hour trips. The trip generation for the previously approved retail development is presented in Table 2

Table 2 – Previously-Approved Retail Development Trip Generation

Land Use	ITE Code	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour
			In	Out	Total	In	Out	Total	2-Way
Supermarket	850	113,531 ft ²	192	133	325	428	429	857	10,008
-pass-by trips		26/36/26%	<u>-50</u>	<u>-35</u>	<u>-85</u>	<u>-154</u>	<u>-154</u>	<u>-308</u>	<u>-2,602</u>
<i>New Trips</i>			142	98	240	274	275	549	7,406
Strip Retail Plaza	822	17,350 ft ²	25	16	41	58	57	115	962
-pass-by trips		24/34/24%	<u>-6</u>	<u>-4</u>	<u>-10</u>	<u>-20</u>	<u>-19</u>	<u>-39</u>	<u>-230</u>
<i>New Trips</i>			19	12	31	38	38	76	732
Gasoline Station	944	14 pumps	72	72	144	97	98	195	2,408
-pass-by trips		58/42/42%	<u>-42</u>	<u>-42</u>	<u>-84</u>	<u>-41</u>	<u>-41</u>	<u>-82</u>	<u>-1,012</u>
<i>New Trips</i>			30	30	60	56	57	113	1,396
<i>Project Total New Trips</i>			191	140	331	368	370	738	9,534

The previously approved retail development would generate 331 new a.m. peak hour new trips, 738 new p.m. peak hour new trips, and 9,534 new weekday new trips.

Table 3 summarizes the differences in trip generation between the currently proposed multi-use development and the previously approved retail development.

Table 3 – Trip Generation Comparison

Land Use	A.M. Peak Hour			P.M. Peak Hour			24-Hour
	In	Out	Total	In	Out	Total	2-Way
Previously Approved Development	191	140	331	368	370	738	9,534
Currently Proposed Development	125	155	280	256	240	496	5,934
<i>Difference</i>	<u>-69</u>	<u>+15</u>	<u>-51</u>	<u>-112</u>	<u>-130</u>	<u>-242</u>	<u>-3,600</u>

This analysis indicates that the December 2015 approved rezoning would generate 3,600 *more* daily vehicle trips than the proposed development and requested MU rezoning.

Findings and Recommendations of the Study

1. The existing analysis reveals generally acceptable operating conditions at the study intersections. The following recommendations are made for the existing condition:
 - a. Change the southbound lane striping on Cooper Road at US 78 from the current left turn lane and shared through/right to a shared left/through and an exclusive right turn lane.
 - b. Add an exclusive right turn lane on the eastbound approach of US 78 at Rosebud Road. Add protected/permissive signal phasing for the eastbound left turn lane.
2. No planned or programmed roadway improvement projects in the area were identified.
3. Traffic volume growth in this area has been positive and moderately-low and this is expected to continue into the future, with an annual growth rate of 2.0% used in developing future volume projections.
4. The no-build analysis shows a moderate deterioration in operations due to anticipated growth in this area. The following mitigation is identified for the no-build condition.
 - a. Add a southbound right turn overlap phase on Cooper Road at US 78.
5. The proposed multi-use development will generate 280 new a.m. peak hour new trips, 496 new p.m. peak hour new trips, and 5,934 new weekday new trips.
6. The future analysis with the addition of the proposed development's trips reveals modest deteriorations in operations at the study intersections. No off-site mitigation is recommended as a consequence of the proposed development.
7. While no off-site mitigation is recommended due to the proposed development, consideration should be given to adding a southbound exclusive left turn lane on Rosebud Road at Brushy Fork Road whether or not the proposed development is built.
8. An eastbound right turn lane is required on US 78 at both project accesses. The existing center TWLTL will serve as the left turn lane on US 78 at both project accesses.
9. The Georgia DOT may require an Intersection Control Evaluation (ICE) at the US 78 accesses and they may conclude that turn movement restrictions are appropriate.
10. A southbound right turn lane and a northbound left turn lane should be constructed on Rosebud Road at the northern project access, aligning with the Kroger access. The northbound left turn lane should be designed so as to not conflict with the northbound left turn lane on Rosebud Road at US 78.
11. At the southern project access on Rosebud Road, a southbound right turn lane is required by Code, but consideration should be given to waiving this requirement due to extremely low right turn volumes (two (2) vehicles in the a.m. peak hour and six (6) vehicles in the p.m. peak hour). A northbound left turn lane is not necessary at the southern access.
12. The Gwinnett DOT may require an Intersection Control Evaluation (ICE) at the Rosebud Road accesses and they may conclude that turn movement restrictions are appropriate.
13. At least one entering and two exiting lanes should be provided at each US 78 project access and the northern Rosebud Road access. One entering and one exiting lane should

be provided at the southern Rosebud Road access. Each exiting approach should be controlled by stop sign and accompanying stop bar.

14. The project civil/site engineer should comply with all applicable design standards including sight distances, turn radii, turn lane storage and taper lengths, driveway widths, islands, angles with the adjacent roadways, and grades.

Gwinnett County Department of Transportation Review Comments

Gwinnett County D.O.T. provided review comments attached as Exhibit "B".

STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends the following actions:

- A. **Approval** of RZ 23-03, application to amend the City of Snellville Official Zoning Map from BG (General Business) District to MU (Mixed-Use) District.
- B. **Approval** of SUP 23-02, application for Special Use Permit for multi-family dwelling units.
- C. **Denial** of variance from Sec. 203-4.2.B.1 (Mixed-Use Requirement).
- D. **Denial** of variance from Sec. 203-4.2.B.2 (Mixed-Use Requirement).
- E. **Approval** of waiver from Sec. 401-3.4.C (Stub-out Streets) and Sec. 401-3.4.H (Inter-parcel Access) for the adjacent property to the east (Parcel 5101 571).
- F. **Denial** of waiver from Sec. 401-3.4.C (Stub-out Streets) and Sec. 401-3.4.H (Inter-parcel Access) for the adjacent property to the south (Parcel 5100 023).

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

1. The property shall be developed in general accordance with the rezoning site plan entitled "Highpoint - Zoning Plan, Snellville, Georgia", dated 5-16-2022 (stamped received 5-17-2023), 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, after submitting a Change in Conditions application and receiving recommendations by the Planning Department and Planning Commission.
2. The total site density for all dwelling units shall not exceed twelve (12) units per acre maximum.

3. In addition to the one-car garage per unit requirement, guest and visitor parking for the single-family detached townhomes shall be provided on Parcel C equal to one (1) parking space per 0.50 townhome units.
4. Solid waste dumpsters for the multi-family and commercial buildings shall be located at least 250 feet from the nearest townhome building.
5. A minimum six (6) feet wide concrete sidewalk/greenway and minimum two (2) feet wide beauty strip located between the sidewalk and parking lot curb line shall be provided adjacent to the western and southern parking areas, connecting to the sidewalk at Rosebud Road and Highway 78. Said hardscape shall qualify as amenity space.
6. The townhomes adjacent to Rosebud Road and the connecting street shall be rear-entry with the front of the townhomes facing Rosebud Road and the connecting street.
7. The 27,000 sq. ft. of retail/office space in buildings (A.1) and (A.2) shall be completed with certificates of occupancy issued before release of any final certificates of occupancy for the multi-family building (B), amenity space (B.1), and commercial/non-residential space (B.2). No certificates of occupancy shall be issued for the last six (6) townhomes (C) until such time that outparcels (A.3) and (A.4) are completed with certificates of occupancy issued for both.
8. The stormwater management facility located at the southern portion of the site shall be designed as a *wet* extended detention facility, unless topographic, bedrock, or other preventive measures are present that require a dry pond.
9. All conditions of zoning and approved variances as attached to the subject property from the 12-14-2015 Mayor and Council approved rezoning and Ordinance No. 2015-20 (case #RZ 15-05) are hereby repealed.
10. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.
11. 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 rezoning application and request for special use permit at the June 27, 2023 Regular Meeting of the City of Snellville Planning Commission.

By a unanimous vote of four (4) to zero (0), the Planning Commission recommends:

- A. **Approval** of RZ 23-03, application to amend the City of Snellville Official Zoning Map from BG (General Business) District to MU (Mixed-Use) District.
- B. **Approval** of SUP 23-02, application for Special Use Permit for multi-family dwelling units.
- C. **Denial** of variance from Sec. 203-4.2.B.1 (Mixed-Use Requirement).
- D. **Denial** of variance from Sec. 203-4.2.B.2 (Mixed-Use Requirement).
- E. **Approval** of waiver from Sec. 401-3.4.C (Stub-out Streets) and Sec. 401-3.4.H (Inter-parcel Access) for the adjacent property to the east (Parcel 5101 571).
- F. **Denial** of waiver from Sec. 401-3.4.C (Stub-out Streets) and Sec. 401-3.4.H (Inter-parcel Access) for the adjacent property to the south (Parcel 5100 023).

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

1. The property shall be developed in general accordance with the rezoning site plan entitled "Highpoint - Zoning Plan, Snellville, Georgia", dated 5-16-2022 (stamped received 5-17-2023), 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, after submitting a Change in Conditions application and receiving recommendations by the Planning Department and Planning Commission.
2. The total site density for all dwelling units shall not exceed twelve (12) units per acre maximum.
3. In addition to the one-car garage per unit requirement, guest and visitor parking for the single-family detached townhomes shall be provided on Parcel C equal to one (1) parking space per 0.50 townhome units.
4. Solid waste dumpsters for the multi-family and commercial buildings shall be located at least 250 feet from the nearest townhome building.
5. A minimum six (6) feet wide concrete sidewalk/greenway and minimum two (2) feet wide beauty strip located between the sidewalk and parking lot curb line shall be provided adjacent to the western and southern parking areas, connecting to the sidewalk at Rosebud Road and Highway 78. Said hardscape shall qualify as amenity space.
6. The townhomes adjacent to Rosebud Road and the connecting street shall be rear-entry with the front of the townhomes facing Rosebud Road and the connecting street.

7. The 27,000 sq. ft. of retail/office space in buildings (A.1) and (A.2) shall be completed with certificates of occupancy issued before release of any final certificates of occupancy for the multi-family building (B), amenity space (B.1), and commercial/non-residential space (B.2). No certificates of occupancy shall be issued for the last six (6) townhomes (C) until such time that outparcels (A.3) and (A.4) are completed with certificates of occupancy issued for both.
8. The stormwater management facility located at the southern portion of the site shall be designed as a wet extended detention facility, unless topographic, bedrock, or other preventive measures are present that require a dry pond.
9. All conditions of zoning and approved variances as attached to the subject property from the 12-14-2015 Mayor and Council approved rezoning and Ordinance No. 2015-20 (case #RZ 15-05) are hereby repealed.
10. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.
11. Signs higher than 15 feet or larger than 225 square feet are prohibited.

EXHIBIT "A"

Sec. 203-4. MU Mixed-Use District

203-4.1. Purpose

The purpose of this district is to provide for compact, mixed-use development in Snellville's activity centers, in conformance with the Comprehensive Plan.

203-4.2. Use Provisions

A. Allowed Uses

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

B. Mixed-Use Requirement

1. At least 25% of the total floor area of every development must be residential uses and at least 25% of the total floor area of every development must be nonresidential uses.
2. No certificates of occupancy may be issued for more than 100 dwelling units in a development until certificates of occupancy have also been issued for at least 10,000 square feet of nonresidential floor area on the same development.
3. No certificates of occupancy may be issued for more than 10,000 square feet of nonresidential floor area on a development until certificates of occupancy have been issued for at least 100 dwelling units on the same development.

203-4.3. Building Types

Building type requirements apply in the MU district and the following types are allowed:

- A. Detached house
- B. Carriage house
- C. Cottage court
- D. Semi-detached house
- E. Townhouse
- F. Walk-up flat

- G. Stacked flat
- H. Commercial house
- I. Shopfront
- J. Mixed-use building
- K. General building
- L. Civic building

203-4.4. Architectural Standards

See Sec. 201-4 (Enhanced Architectural Standards).

203-4.5. Site Development Standards

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

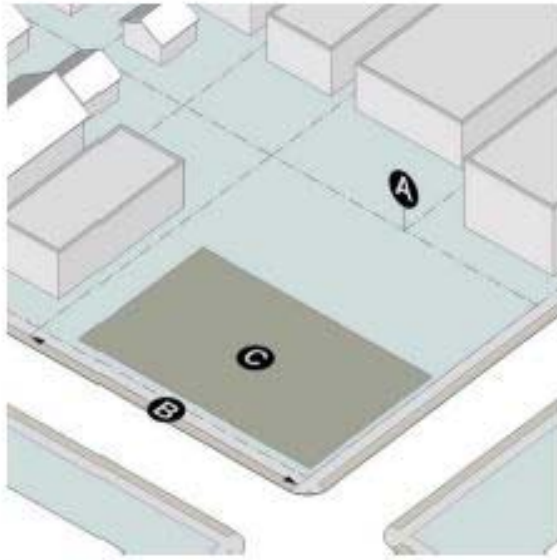
203-4.6. Blocks

See Sec. 401-3.2 for block standards.

203-4.7. Inter-parcel Access

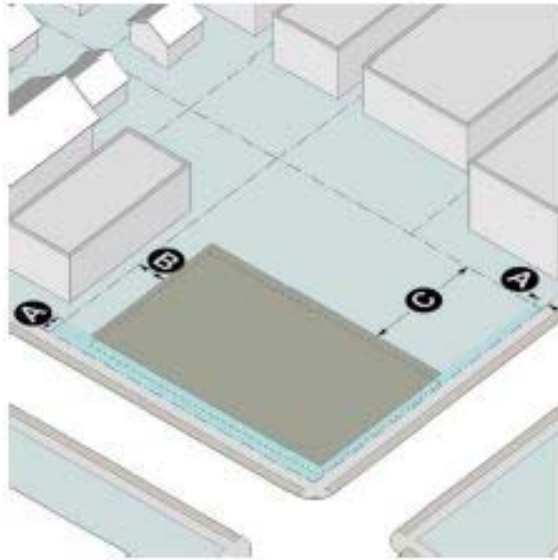
See Sec. 401-3.4.H (Inter-parcel Access).

203-4.8. Dimensional standards



Site Standards		
Density:	12 u/a max.	
Amenity Space Requirement:	5% of site min. (all sites)	
Civic Space Requirements:	10% of site min. (sites over 5 acres)	
Site setback (along rights-of-way):	15 ft. min. and planted per Sec. 207-3	
Site setback (not along rights-of-way):	10 ft. min. and planted per Sec. 207-3	
Lot Standards	Ⓐ Area	Ⓑ Width
Detached House:	2,500 sf. min.	25 ft. min.
Carriage House:	Same as principal structure	
Cottage court	1,200 sf. min.	20 ft. min.
Semi-Detached House:	2,500 sf. min.	25 ft. min.
Townhouse:	800 sf. min.	20 ft. min.
All other building types:	2,500 sf. min.	25 ft. min.
Lot Coverage		
Ⓒ All building types:	90% max.	

203-4.9. Building Placement



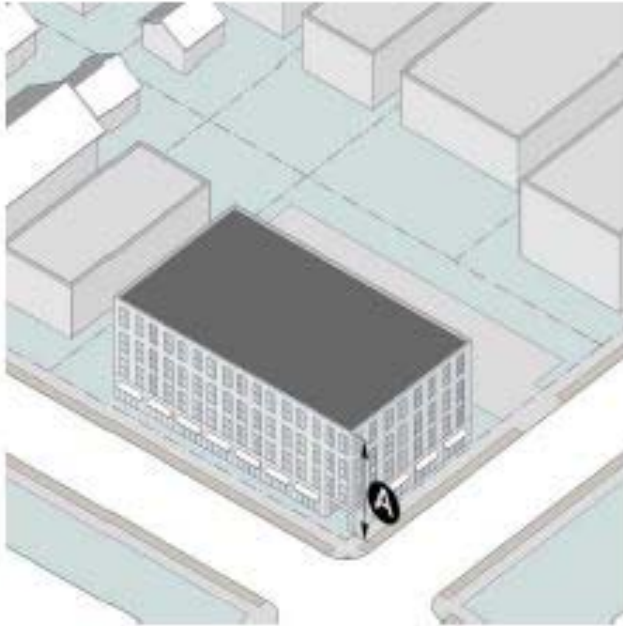
Building Setbacks [1]		
Ⓐ Front and side (street) (State route):		15 ft. min.
Ⓐ Front and side (street) (other):		5 ft. min.
Ⓑ Side (interior):		0 ft. min.
Ⓒ Rear (no alley):		6 ft. min.
Ⓒ Rear (alley):		3 ft. min.

Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes.

Table Note:

[1] Greater site setbacks also apply per Sec. 203-4.8.

203-4.10. Bulk and Mass



Building Height

Ⓐ Min. Height:	2 stories or 24 ft., whichever is greater.
Ⓐ Max. height:	5 stories or 75 feet, whichever is less

EXHIBIT "B"

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION REVIEW COMMENTS June 23, 2023

Intersections

The existing conditions recommendations on US 78 at Cooper Road and US 78 at Rosebud Road (see page 22 in the traffic impact study) will require Georgia Department of Transportation (GDOT) permitting.

1. The existing analysis reveals generally acceptable operating conditions at the study intersections. The following recommendations are made for the existing condition:
 - a. Change the southbound lane striping on Cooper Road at US 78 from the current left turn lane and shared through/right to a shared left/through and an exclusive right turn lane.
 - b. Add an exclusive right turn lane on the eastbound approach of US 78 at Rosebud Road. Add protected/permissive signal phasing for the eastbound left turn lane.

GCDOT Comments

1. GDOT will require an intersection control evaluation (ICE) for each US 78 access point. GCDOT will defer to GDOT on US 78 access control. GDOT will review the ICE analyses prior to issuing driveway permits.
2. Per Section 3.1.3 Placement of Interior Driveways of GDOT's *Regulations for Driveway and Encroachment Control*, "The placement of the first interior drive which intersects the driveway from the State Route should be as far as possible from the State Route for safe, more efficient operation. The distance between the roadway traffic and the first internal movement shall be a minimum of 200 feet." The applicant must make sure that all access driveways meet this requirement.
3. The applicant must complete an ICE analysis for each of the two access points on Rosebud Road. For the ICE analysis, the applicant must include the cost of the TWSC including turn lanes and restriping. Because an RCUT will not require right-of-way, the applicant must use only construction cost of \$150,000.
4. Because Rosebud Road is a GCDOT road, use our counts for analysis. The GCDOT 2022 AADT on Rosebud Road from US 78 to Temple Johnson Road was 14,127.



5. The applicant uses ITE Code 221 for the multifamily which describes this as “Mid-rise multifamily housing includes apartments and condominiums located in a building that has between 4 and 10 floors of living space.” The site plan shows the multifamily units are between 3 and 4 floors. Why was ITE Code 220 not used? The renderings do not show buildings greater than 4 floors. See the table below for the trip generation difference between ITE Code 220 and 221.

Land Use	Code	Project Density	Unit Type	Period	Total	Inbound	Outbound
11th edition							
Multifamily Housing Low Rise	220	300	DU	Daily	1998	999	999
Not Close to Transit				AM Peak	116	28	88
2-3 floors				PM Peak	150	94	56
Multifamily Housing Mid Rise	221	300	DU	Daily	1385	692	693
Not Close to Transit				AM Peak	120	28	92
4-10 floors				PM Peak	117	72	45

6. Per Section 900-10 of the Unified Development Ordinance (UDO), the following minimum right-of-way is required:
- 75 feet from the centerline of Athen Highway (principal arterial) – this minimum appears to already be in place, with it appearing to be 80 to 90 feet.
 - 50 feet of from the centerline of Rosebud Road (minor arterial) – There appears to currently be 35 to 40 feet in place, so additional right-of-way would be needed along this frontage.
7. Per Section 900-40.4, minimum sight distance must be met for each proposed access point.
8. Per Section 900-30.2,
- A minimum 200-foot deceleration lane and a 50-foot taper must be provided for each proposed access point. The applicant’s traffic study states, “Consideration should be given to waiving the right-turn lane requirement for the south access due to very low projected right-turn volumes (two (2) vehicles in the a.m. peak hour and six (6) vehicles in the p.m. peak hour).” The waiver process is found in Section 340-40 of the UDO. GCDOT would like the applicant to extend the EB right-turn deceleration lane along Athens Highway all the way to the intersection of Rosebud Road.
 - Left-turn lanes shall be required for both proposed Rosebud Road access points, per the *GC Criteria and Guidelines for LTLs*. Due to the classification of Rosebud as an arterial with a 45-mph speed limit; the minimum storage length shall be 150 feet with an approach/departure taper of 270 feet and a bay taper of 100 feet.
 - The applicant traffic study states, “At the south access, the northbound left-turn volume is projected at one (1) LTV in the a.m. peak hour and two (2) LTV in the p.m. peak hour. These volumes are very low because the south access primarily serves the small townhomes node and the only left turn trips that will likely enter at this access are townhomes trips arriving from the south on Rosebud Road. Therefore, no left-turn lane is required on Rosebud Road to serve the south project access.” GC LTL criteria include a residential development component. Due to the classification of Rosebud Road as an arterial with a 45-mph speed limit and 300 multifamily dwelling units, the applicant must provide left-turn lanes at both Rosebud Road entrances per the UDO.

- The primary access along Rosebud Road appears to be slightly offset from the Rosebud Road Kroger access point, approximately 375 feet south of the intersection with Athens Highway, and is located at a point of conflict with the Rosebud Road NB left-turn lane storage.
 - GCDOT recommends the applicant provides a continuous right-turn lane along Rosebud Road because of the continued growth in this area of the county.
9. Per the Gwinnett County Trails Master Plan and Section 900-100, the applicant must provide a 10-foot concrete trail along each frontage. This trail must be within right of way. Does it have to be concrete?



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