



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

**CASE SUMMARY**

**August 24, 2021**

<b>CASE NUMBER:</b>	<b>ANX 21-02 LUP 21-05 RZ 21-05</b>
<b>REQUEST:</b>	Annexation, Land Use Plan Amendment, Rezoning and Variances
<b>LOCATION:</b>	<b>1498 Scenic Highway, Snellville, Georgia</b>
<b>SIZE:</b>	8.93± Acres
<b>TAX PARCEL:</b>	5074 007
<b>CURRENT ZONING (Gwinnett Co.):</b>	R-100 (Single-family Residential) District
<b>REQUESTED ZONING:</b>	<b>BG (General Business) District</b>
<b>2030 UNIFIED PLAN FUTURE DEVELOPMENT MAP (Gwinnett Co.):</b>	Community Mixed-Use
<b>REQUESTED FUTURE LAND USE PLAN:</b>	<b>Commercial Retail</b>
<b>DEVELOPMENT/PROJECT:</b>	<b>7-Lot Commercial/Retail Foodservice and Office Subdivision Development</b>
<b>PROPERTY OWNER:</b>	Lillian Margene Moulder Trust Loganville, Georgia
<b>APPLICANT/CONTACT:</b>	Scenic Pointe, LLC c/o Robert Jack Wilson, Esq. 770-962-9780 or <a href="mailto:jwilson@rjwpclaw.com">jwilson@rjwpclaw.com</a>
<b>RECOMENDATION:</b>	<b>Approval with Conditions</b>



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

**CASE ANALYSIS**

**August 24, 2021**

**TO:** The Planning Commission

**MEETING DATE:** August 24, 2021

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

**CASE NUMBER:** ANX 21-02 LUP 21-05 RZ 21-05

**FINDINGS OF FACT:**

The Department of Planning and Development has received applications from Robert “Jack” Wilson, Esq. representing Scenic Pointe, LLC (applicant) and the Lillian Margene Moulder Trust (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 a 8.93± acre site adjacent to the northern municipal limits located at the junction of Scenic Highway and North Road, 1498 Scenic Highway, Snellville.

The applicant intends to subdivide the property into eight (8) parcels for the development of six retail food service lots (Lots 1-2-3-5-6-7) for various restaurant users, one lot (Lot 4) for office, medical, or child day care use, and one parcel to be set aside as open space for a pocket park.

The triangular shaped property is adjacent to and just north of the Sam’s Club, zoned BG (General Business) District. The site is located across Scenic Highway from the Fairfield Farms single-family subdivision, zoned R-100 (Gwinnett County) and located across North Road from

the Berkshire Farms and Willow Creek single-family subdivisions, 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 Commercial Retail; and amend the Snellville Official Zoning Map and zone the subject property to BG (General Business) District.

The applicant is also requesting variances from the Snellville Unified Development Ordinance (UDO) for a buffer reduction and tree recompense requirements for removal of several specimen trees that exist on the site.

**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 mailed on July 19<sup>th</sup> and In accordance with O.C.G.A. §36-36-23; 36-36-112 and assuming the City does not receive timely objection from the County about the annexation within 30-days of receipt of the annexation notice (Aug 20<sup>th</sup>), 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; Official Zoning Map Amendment application; and requested variances.

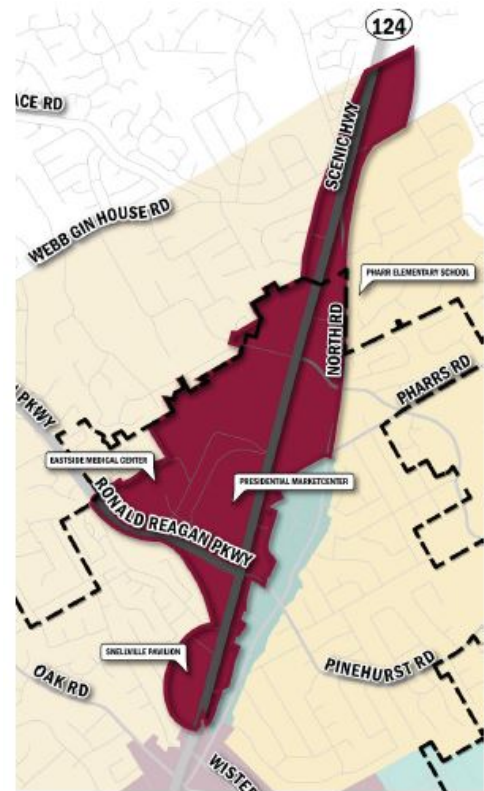
**FUTURE LAND USE CATEGORIES AND CORRESPONDING ZONING DISTRICTS:**

The requested Commercial Retail future land use category, described as *“property where business and trade are conducted, including standalone buildings, shopping plazas, or lifestyle centers”* is the appropriate land use category that corresponds with the requested BG (General Business) zoning district, described as *“the district that provides for a wide range of retail and service establishments requiring a location accessible to large sectors of the community population”*, both of which are the predominate land use and zoning district commonly found along the Scenic Highway North commercial corridor.

## SNELLVILLE 2040 COMPREHENSIVE PLAN RECOMMENDATION

The property is located in the northern portion of the Scenic Highway North Character Area on the 2040 Comprehensive Plan Future Development Map (shown to the right in maroon).

The Scenic Highway North character area is characterized as *“the city’s economic engine, including a regionally significant shopping corridor along Scenic Highway (SR 124) and Snellville’s largest employer, Eastside Medical Center. Shopping plazas along Scenic Highway are occupied primarily by national big box retailers and have oversized surface parking lots with deep building setbacks. Eastside Medical Center, located off Ronald Reagan Parkway on Tree Lane, has grown in recent years and plans to further expand its footprint in the area. Nearby, medical office parks have located on minor roads with convenient access to the hospital and a new continuing care retirement community is under construction next to the medical center.*



The predominate land uses include commercial/retail, office/professional, and health village.

The vision for the character area is:

*“An impressive gateway corridor into the city containing a mixture of land uses, including destination retail and health services. Parts of this area have been redeveloped to contain additional offices and facilities for senior living.”*

Key Implementation Strategies for the character area include the following;

- As shopping plazas redevelop, encourage buildings to face the street and locate parking to the side and rear.
- Reduce parking requirements and encourage reuse.
- Provide adequate buffers between residential neighborhoods and intense commercial development on Scenic Highway.
- Construct gateway feature along Scenic Highway to signify entrance into the City of Snellville.
- Require inter-parcel access between developments.
- Work with Gwinnett County and GDOT to encourage wide sidewalks, landscaped medians, and crosswalks as part of the planned roadway widening project for Scenic Highway.

- Enhance pedestrian connections between commercial uses and adjacent residential neighborhoods.

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

- Policy LU-4.1: Develop gateways and a sense of arrival into Snellville.
- Policy T-1.5: Require interparcel access in new developments.

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

Sheet C-1 of the submitted zoning site plan dated 6-1-2021 (stamped received 7-13-2021) shows the 8.93± acre total site and the proposed layout of the seven (7) lots to be subdivided (Lots 1-7), location of the 0.35± acre open space/pocket park with proposed *Welcome to Snellville* gateway sign to the north, and separate 0.21± acre open space area to the south.

The site plan shows proposed development on lots 2, 5 and 6 including the building footprint, parking layout, and inter-parcel connectivity between all lots. Lots 1, 3, 4, and 7 are also depicted; however, no development is shown on these lots (see Zoning Landscape Concept Plan L-2 Analysis).

There is a proposed signalized full-access intersection located at Scenic Highway across from Stratford Drive serving as one of two access drives to the development from Scenic Highway. This full-access drive, shown as 'Future Right-of-Way' on the site plans also provides full-access connectivity to North Road. A second right-in/right-out access drive is located 500± feet to the south on Scenic Highway. Both of these drives are joined by approximately 1,100 feet of taper and decal lanes, requiring final design approval by Gwinnett D.O.T. A second full-access drive to North Road is shown across from Willow Bend Way, the sole street serving the Willow Creek subdivision.

There is an interparcel access drive located on the southern end of the site where the property abuts Sam's Club. This access point will become operational once both parties enter into a shared access easement agreement.

The plan shows the location of the existing right-of-way, as well as the proposed right-of-way location for the future Scenic Highway road widening project by GDOT/Gwinnett County D.O.T.

A five (5) foot wide sidewalk with two (2) foot grass strip and two (2) foot beauty strip is adjacent to and shown in the Scenic Highway right-of-way. The five-foot wide sidewalk continues around the northern most point of the site and then runs adjacent to and within the North Road right-of-way. The two-foot grass strip is discontinued at the northern most point, where instead a four (4) foot wide landscape strip begins and runs adjacent to the sidewalk within the North Road right-of-way.

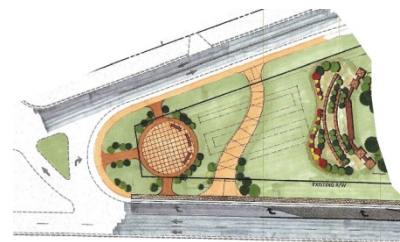
The proposed sidewalks will connect to the existing sidewalk infrastructure on Scenic Highway and North Road.

UDO Sec. 401-1.E.1 State Routes, states: *Any development that abuts a State route must conform to the requirements of GDOT for access or improvements along State routes. Where a conflict exists between a requirement of this section and a GDOT requirement, the GDOT requirement applies.*

However, since one of the key Implementation strategies for the Scenic Highway North character area is to work with Gwinnett County and GDOT to encourage wide sidewalks, landscaped medians, and crosswalks as part of the planned roadway widening project for Scenic Highway, and since North Road also serves as the ‘Snellville to Lawrenceville’ trail on the Snellville Greenway Master Plan, the applicant should work closely with Gwinnett County D.O.T. and GDOT to help implement these strategies, especially wider and more pedestrian friendly sidewalks.

Because the development project is not over ten (10) acres in overall size, the Open Space requirements of Sec. 401-2 of the UDO are not applicable.

However, the applicant intends to set aside 0.56± acres (24,479 sq. ft.), representing 6.27% of the total site for open space for a proposed pocket park with hardscapes, landscaping and *Welcome to Snellville* gateway sign.



A small open/green space area is also proposed on the opposite end of the site where the property tapers to meet the Sam’s Club right-in/right-out drive.



Underground stormwater detention facilities are shown on both of the two open space areas of the site, as well as a portion of the parking area on Lot 7.

The development will be required to connect to sanitary sewer, which is located 350± feet to the south on the adjacent Sam’s Club site and also located 600± feet to the south on the Pharris Elementary site.

### **ZONING LANDSCAPE CONCEPT PLAN L-2 ANALYSIS:**

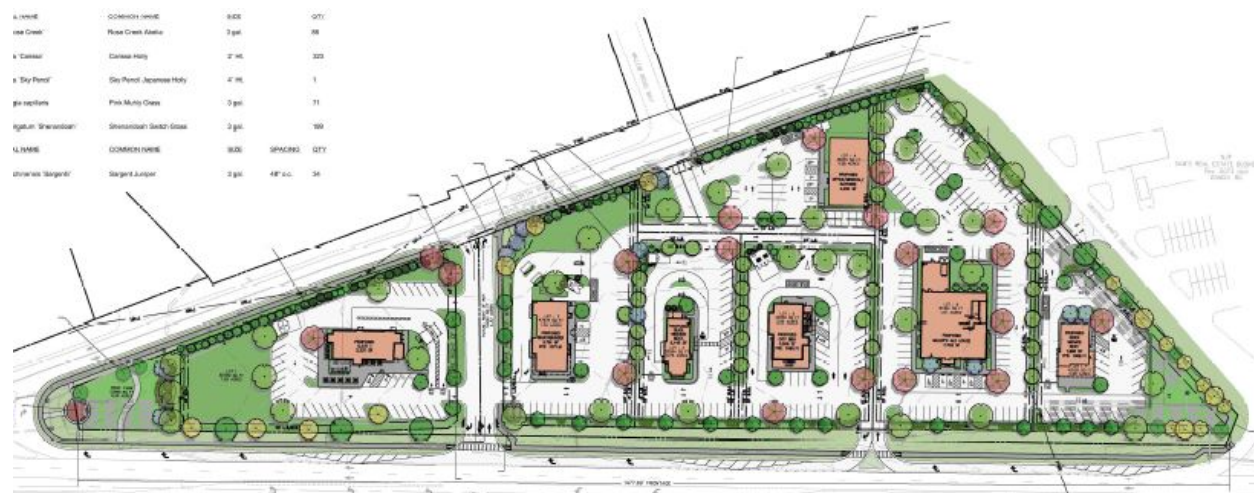
The 7-13-2021 revised (stamped received 7-14-2021) conceptual landscape plan shows the proposed building layout and landscaping improvements, in color, for each of the seven (7) lots plus the two open/green space areas. As these are conceptual plans, a thorough plan review to determine compliance with the city’s landscape and tree ordinance requirements has not been performed. A more thorough review will be completed once final site and landscape plans are submitted.

A Plant Schedule is provided showing the proposed tree and shrub species. A Tree Density table is also provided which shows 738.9 tree density inches required for the total site, with 788 total tree density inches being proposed, or 49.1 tree density inches above the minimum



required. The tree ordinance also requires that each lot contain a minimum number of 3-inch DBH or greater mid-canopy and/or over-story trees ranging from six (6) trees (Lot 3) to sixteen (16) trees (Lot 6).

No Street Trees are shown to be planted in the planter strip, the area between the edge of pavement and sidewalk and instead are shown to be planted within the front and rear landscape strips.



With the exception of Lot 4, each of these six lots (Lots 1, 2, 3, 5, 6 and 7) are proposed to contain various retail food service uses including five quick serve restaurants ("QSR") each with drive-thru service and one traditional dine-in restaurant on Lot 6.

Lot 4 is proposed to be developed for an office or medical office, or for a child daycare center.

It should be noted that there are inconsistencies with several of the lot sizes between the 6-1-2021 Zoning Site Plan (received 7-13-2021) and 7-13-2021 revised Zoning Landscape Concept Plan, Sheets L-1 and L-2 (received 7-14-2021) as follows:

6-1-2021 Zoning Site Plan	7-13-2021 Landscape Concept Plan (Sheets L-1 and L-2)	Difference/Comment
Open Space/Pocket Park – 0.35 acres	Open Space/Pocket Park – 0.25 acres	0.10 acre reduction in open space/pocket park
Lot 1 – 1.29 acres	Lot 1 - 1.39 acres	0.10 acre increase in lot size
Green Space (adjacent to Sam's Club) – 0.21 acres	Green Space now included in Lot 7 area of 0.98 acres	0.21 Green space area the same size, but now included in Lot 7
Lot 7 – 0.77 acres	Lot 7 – 0.98 acres	Lot 7 area includes 0.21 acre Green Space

## BUILDING ELEVATIONS:

The applicant provided typical building concept renderings for *Whataburger*, *Miller's Ale House*, and *City Barbeque*. As these are conceptual drawings, no determination has been made as to compliance with the City's architectural design standards. Building plans shall comply with the

City's architectural design standards that regulate exterior wall finish materials, accent materials and exterior colors. The Director of Planning and Development may consider relief from these requirements through an administrative variance or if beyond the Director's scope of authority, variances may also be considered by the Snellville Board of Zoning Appeals.

#### **VARIANCE REQUEST AND ANALYSIS:**

Included in the application submittal, the applicant is requesting the following variances from the Unified Development Ordinance:

1. Applicant is requesting to reduce the 20-foot undisturbed buffer to 10-feet and allow grading within the 10-foot area, followed by replanting the 10-foot area to accommodate visibility of Lot 4.

UDO Sec. 207-2.C.5 Buffer: *A 20-foot, undisturbed buffer is required when a nonresidential use is separated from a residential district by a public right-of-way that is 60 feet wide or less. No access through this buffer is allowed. The buffer may be reduced or eliminated with the written consent of the affected residential property owner.*

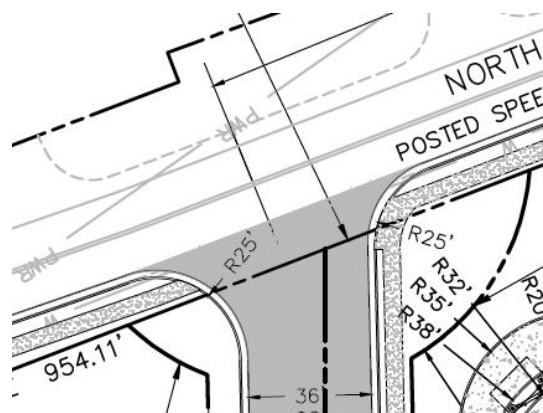
Variance Analysis: The applicant is actually requesting elimination of the 20-foot undisturbed buffer requirement, and instead allowing the required 10-foot landscape strip to serve by itself.

Per the submitted ALTA/NSPS Land Title Survey sealed and signed 6-8-2021, of the 1,169± feet of the property with frontage on North Road only approximately 430 feet of this frontage contains the 60-foot wide right-of-way, with the balance of the subject property North Road frontage (739± feet) having a 70-foot right-of-way.

As shown in the GIS parcel snip-it to the right, the 60-foot portion of right-of-way is adjacent to parcels R5074 309, zoned R-100, 1434 North Road and R5074 102, zoned R-100, 1450 North Road.

The area impacted by the buffer requirement affects Lot 1 on the zoning site plan and not Lot 4 as stated by the applicant.

And although not requested by the applicant, the 20-foot undisturbed buffer





requirement is also a 'no-access through the buffer' requirement.

With a portion of the proposed 36-foot wide full-access drive that bisects the development between Lot 1 and Lot 2 providing access to both Scenic Highway and North Road, another variance is required for the 15± feet of driveway that is within the 'no-access through the buffer' 60-foot portion of the North Road right-of-way.

**Recommendation:** The Planning Department recommends *denial* of the variance request to eliminate the 20-foot undisturbed buffer requirement. The Planning Director shall determine if additional plantings are required in the 10-foot landscape strip in areas where the existing buffer is sparsely vegetated.

This recommendation is further supported by 40-75 foot partial-undisturbed and landscaped buffers between the following commercial developments to the south and the North Road right-of-way:

Development	Buffer Width	Type
Sam's Club	65-75 feet (varies)	No-access
Wal-Mart	40-50 feet (varies)	No-access
Presidential Commons S/C	45-50 feet (varies)	No-access
The Home Depot	50 feet	No-access

However, the Planning Department does recommend *approval* of the variance to allow access through the 'no-access buffer' as shown on the submitted site plan.

2. Applicant is requesting a variance from the requirement to replace or compensate for the removal of six (6) 'specimen' trees on the site.

**UDO Sec. 207-4.8. Specimen and Heritage Trees:**

*A. Some trees warrant special consideration and encouragement for preservation. These trees are referred to as specimen or heritage trees. A specimen and heritage tree survey plan must be submitted with the concept/site plan and must be prepared by a certified arborist, landscape architect, urban forester, or other authorized registered professional.*

*Trees that meet both the size and all condition criteria are considered specimen or heritage trees and must be shown on the specimen and heritage tree survey plan (next page):*

Criteria	Specimen Trees	Heritage Trees
Large hardwoods	28-inch – 39.99-inch DBH	40-inch DBH or greater
Large Softwoods	30-inch – 41.99-inch DBH	42-inch DBH or greater
Small native flowering	10-inch – 15.99-inch DBH	16-inch DBH or greater-inch
Condition of tree	Fair or better with a 10-year minimum life expectancy	Fair or better with a 10-year minimum life expectancy

*B. Condition of tree criteria:*

- 1. Relatively sound and solid trunk with no extensive decay.*
- 2. No more than one major and several minor dead limbs.*
- 3. No major insect or pathological problems.*
- 4. No major pruning deficiencies (i.e., topping).*
- 5. A life expectancy of greater than 10 years.*
- 6. At least 75% of the CRZ in a natural, undisturbed state.*
- 7. Exceptional quality.*
- 8. Of historical significance.*

*C. All reasonable efforts must be made to save specimen and heritage trees. Reasonable effort includes, but is not be limited to, alternate building design, building location, parking area layout, parking area location, water retention location, and the like. In order to encourage the preservation of specimen and heritage trees, the removal of these trees requires tree replacement that is in addition to the site's required tree density. When authorized to remove a specimen and/or heritage tree, said trees must be replaced per the following ratios:*

*Specimen tree: 1-inch of DBH removed: 1.5-inch of caliper replaced. Example: removing a specimen hardwood with a DBH of 32-inch will require 48-inch of replacement caliper.*

Variance Analysis: The applicant submitted a report dated 5-25-2021 from Chris Barneycastle, CA, RF, Barneycastle Forestry Services, Inc. stating that six (6) trees were found on the 8.93± acre site that meet the size criteria for specimen tree status. The report included a spreadsheet listing the trees by number, species, DBH, description/condition, and specimen tree status and a location map showing the approximate location of each of the six trees.

The tree species consist of Black Oak, Southern Red Oak, Elm, Sweetgum, and Loblolly Pine ranging in size from 28" to 31" DBH (diameter breast height measured at 4.5 feet above the ground).

Trees #1-5 are located in the area of the proposed open space/pocket park with Tree #6 located on Lot 7 of the proposed development.

Per the report, the arborist found three (3) trees (#1, #4, and #6) having co-dominate stems that are a structural problem with trees and while the UDO does not address co-dominate trees as a criterion that disqualifies them from specimen tree status, it is the arborists opinion that trees with co-dominate stems that form below six (6) feet are subject to failure and should be disqualified as a specimen tree. These three trees represent 132-inches of replacement caliper.

The arborist also found two (2) trees (#2 and #3) with major dead limbs, a condition disqualifier for the tree to be considered a specimen tree.

So of the six (6) trees that meet the size criteria for specimen tree status, the arborist's opinion is that five (5) of these trees (#1-4 and #6) should be disqualified due to the condition of the trees (co-dominate stems and major dead limbs), leaving one (1) 30-inch Loblolly pine as the only qualifying specimen tree (#5 on the tree location map), representing 45-inches of replacement caliper.

Recommendation: The applicant shall be responsible for providing 45-inches of tree recompense in the form of plantings. However, the proposed planting plan shows a net positive balance of 49.1 tree inches that cover the 45-inches owed. Therefore, no variance is required per the submitted arborist report and landscaping plan.

### **CONCLUSION and STAFF RECOMMENDATION:**

In conclusion, the requested land use plan amendment to Commercial Retail and zoning request to BG (General Business) District are supported by the City's Comprehensive Plan and consistent with the commercial-retail developments that currently exist along the Scenic Highway North corridor, the Department of Planning and Development recommends the following actions:

- A. **Approval** of #ANX 21-02, Petition for Annexation. *FOR MAYOR AND COUNCIL CONSIDERATION ONLY.*
- B. **Approval** of #LUP 21-05, application to amend the City of Snellville 2040 Comprehensive Plan Future Land Use Map to Commercial Retail.
- C. **Approval** of #RZ 21-05, application to amend the City of Snellville Official Zoning Map to BG (General Business) District.
- D. **Denial** of the variance from UDO Sec. 207-2.C.5 to reduce the 20-foot undisturbed buffer to zero (0) feet where adjacent to the North Road 60-foot right-of-way and **Approval** of the variance to allow access through said no-access buffer.

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

1. The property shall be developed in accordance with the conceptual zoning site plan entitled "Scenic Pointe Commercial Retail", sealed and dated 6-1-2021 (stamped received 7-13-2021), 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, after receiving recommendations by the Planning Department and Planning Commission.

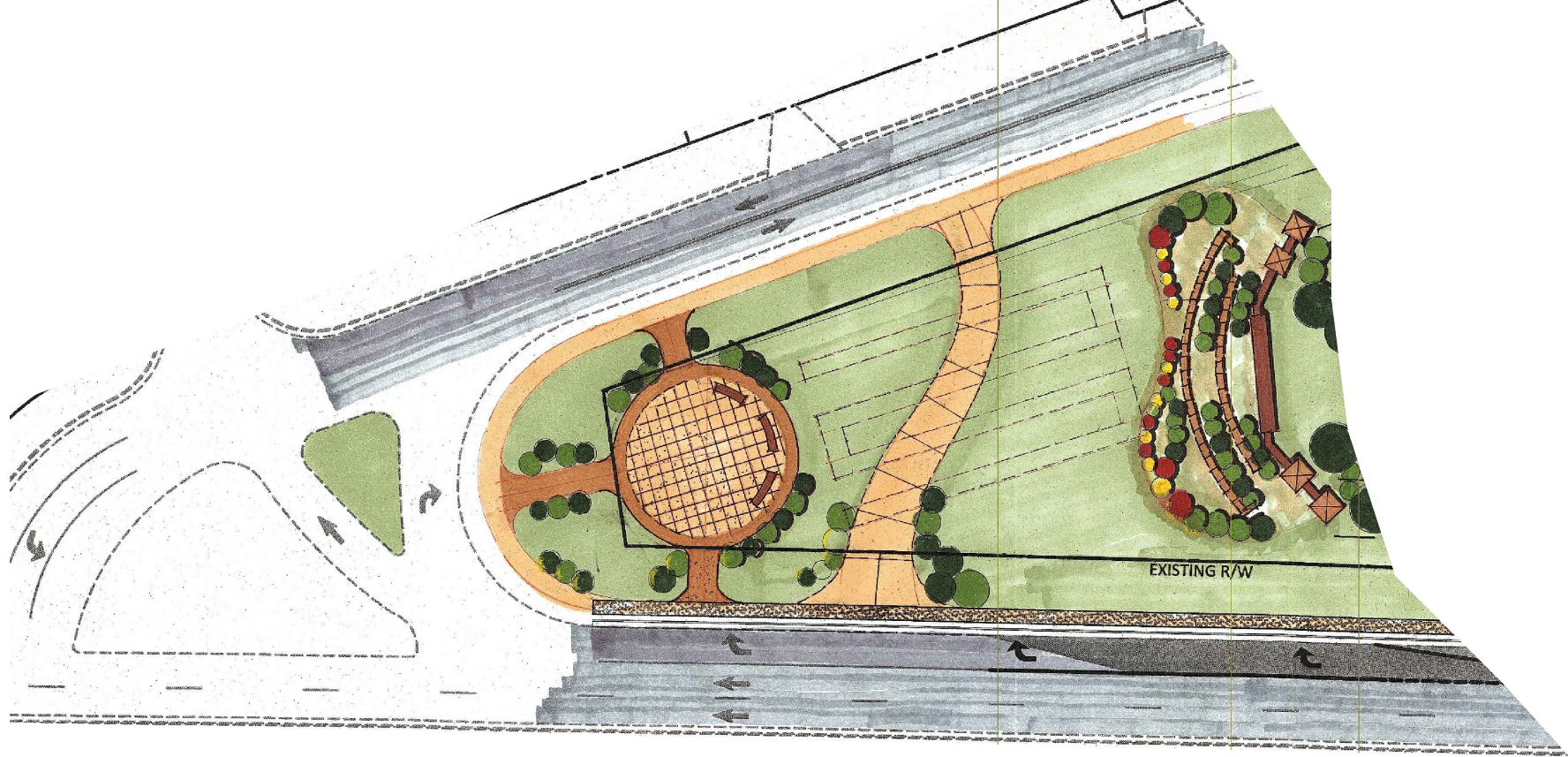
2. A mandatory master association shall be formed for the property and shall have maintenance and architectural design regulations for the master-planned development which shall control items as construction materials, landscaping, common property maintenance, monuments, and such other usual and necessary covenants and restrictions to protect the quality and integrity of the master-planned development.
3. There shall be a mandatory master protective covenants for the property that will include all phases of the development; and concurrent therewith, a master association shall be formed which will include all component parts of the proposed master-planned development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, private drives, sidewalks, parking lot and pedestrian lighting, and tress and landscaping.
4. An inter-parcel access stub which connects to the adjoining Sam's Club property to the south (Parcel 5073 003) shall be provided as shown on the submitted site plan. Said connection and improvements shall be completed by the developer and/or Master Association and/or property owner once the adjoining property owner agrees to a shared access easement agreement.
5. The developer shall grant, at no cost, to the City of Snellville, a permanent public access easement for the 0.25± acre (10,896 sq. ft.) real property adjacent to and located to the North of Lot 1 and identified as 'Prop. Park' on the zoning site plan. Prior to the release of the first Certificate of Occupancy, developer to be responsible for implementing and completing the proposed improvements as depicted on the pocket park conceptual plan attached hereto as Exhibit "B" and the recording of the easement.
6. The developer shall construct, at no cost to the City of Snellville, the 'Welcome to Snellville' gateway sign (conceptual sign drawing attached as Exhibit "C") located to the North of Lot 1 and identified as 'Prop. Park' on the zoning site plan, and as shown on the pocket park conceptual plan attached hereto as Exhibit "B". Prior to sign construction, the final sign design shall be approved by the Mayor and Council.
7. The developer shall grant, at no cost, to the City of Snellville, a permanent access and maintenance easement for the 'Welcome to Snellville' sign located to the North of Lot 1 and identified as 'Prop. Park' on the zoning site plan, as depicted on the pocket park conceptual plan attached hereto as Exhibit "B" and the recording of the easement.
8. Except for the two North Road access drives as shown on the submitted site plan, there shall be a twenty (20) foot undisturbed buffer (approximately 1,169 feet in length) along the eastern property line where adjacent to the North Road right-of-way.
9. In areas where the existing undisturbed buffer is sparsely vegetated, the developer shall be required to install and maintain any supplemental plantings within the ten (10) foot landscape strip where adjacent to the undisturbed buffer along North Road as determined by the Director of Planning and Development.

10. The approved zoning conditions and variances shall be referenced on any plat, including subdivision plat provided to any buyer or leasee.
11. 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.
12. Signs higher than 15 feet or larger than 225 square feet are prohibited.

**EXHIBIT “B”**

Pocket Park Conceptual Plan





**EXHIBIT “C”**

‘Welcome to Snellville’ Conceptual Gateway Sign



