



# CHANGE IN CONDITIONS APPLICATION

APPLICATION TO AMEND THE OFFICIAL ZONING MAP, SNELLVILLE GEORGIA  
AND REQUEST TO AMEND PRIOR APPROVED CONDITIONS OF ZONING

**City of Snellville  
Planning & Development Department**

2342 Oak Road, 2<sup>nd</sup> Floor

Snellville, GA 30078

Phone 770.985.3514 Fax 770.985.3551 [www.snellville.org](http://www.snellville.org)

DATE RECEIVED: \_\_\_\_\_

CASE # **CIC** \_\_\_\_\_

Version 10-27-2020

**Applicant** is: (check one)  
 Owner's Agent  
 Contract Purchaser  
 Property Owner

**Owner** (if not the applicant):  check here if there are additional property owners and attach additional sheets.

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number(s)

\_\_\_\_\_  
Fax

\_\_\_\_\_  
Phone Number(s)

\_\_\_\_\_  
Fax

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Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_  
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Request to Change the Conditions for Rezoning Case No. **RZ** \_\_\_\_\_ and Ordinance No. \_\_\_\_\_ Approval Date: \_\_\_\_\_

Property Address/Location: \_\_\_\_\_ District \_\_\_\_\_ Land Lot \_\_\_\_\_ Parcel(s) \_\_\_\_\_  
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## APPLICATION FEES:

- Change in Conditions Application \$ 500
- Public Notice Sign \$ 75 (single-sided) or \$125 (double-sided) per parcel, per road frontage
- Adjoining Property Owner Notice \$ 15 (per adjoining property X 2 public hearings)

## **UDO Sec. 103-9.9 Rezoning Condition Alteration**

- An application to alter conditions of rezoning must be submitted and processed in accordance with all provisions applicable to zoning map amendments (UDO Sec. 103-9.4.C) through the Department, the Planning Commission for a public hearing, and to the City Council for a public hearing.
- The City Council may add or delete conditions to rezoning applications during the public hearing that are more or less restrictive than the UDO.

## **UDO Sec. 103-9.4.C. Zoning Map Amendments**

Zoning map amendment applications must include the following:

- Payment of the appropriate application fee as determined by the fee schedule.
- A current legal description of the site to be rezoned. If the site proposed for amendment includes multiple lots, provide a separate legal description for each individual lot, together with a composite legal description for all lots.
- Ten (10) printed boundary surveys of the site to be rezoned, at least one of which should be an 11 x 17-inch (or smaller) reduction. In addition, a digital copy in .pdf format must be submitted using email, flash drive, or other means approved by the Director. The survey must have been prepared by a registered land survey no more than 12 months before the date of submittal.
- Letter of intent explaining what is proposed.
- Applicant's and/or owner's certification.
- Conflict of interest certification and disclosure of campaign contributions.
- The names and addresses of the owners of the land and their agents, if any.

Zoning map amendment applications must include the following (continued):

8. The present and proposed zoning district for the site.
9. Ten (10) copies of the proposed site plan, and one 11 x 17-inch (or smaller) reduction of the plan, drawn to scale, showing: a north arrow; land lot, district, and parcel number; the dimensions with bearing and distance; acreage; location of the tract(s); the present zoning district of all adjacent lots; the proposed location of structures, driveways, parking, and loading areas; and the location and extent of required buffer areas. The site plan must be prepared by an architect, engineer, landscape architect or land surveyor whose State registration is current and valid. The site plan must be stamped and sealed by one of the four above-mentioned professionals no more than 6 months before the date of submittal. In addition, a digital copy in .pdf and .dwg formats must be submitted using email, flash drive, or other means approved by the Director.
10. Ten (10) stapled or bound copies of the zoning map amendment application and all supporting documents, in addition to one unbound application bearing original signatures. In addition, a digital copy of all materials in .pdf format must be submitted using email, flash drive, or other means approved by the Director.
11. Each zoning map amendment application, whether submitted by the City or by another party, must include with it a written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters (Attachment A):
  - a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
  - b. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.
  - c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
  - d. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing, streets, transportation facilities, utilities, or schools.
  - e. Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Map.
  - f. Whether there is other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.
12. Architectural building renderings indicating building elevation, colors, construction materials, etc. of which the facades and roofs will consist.
13. Verification by Gwinnett County that all property taxes owed have been paid (for all lots subject to this application).
14. Recorded Warranty Deed, Quit Claim Deed or other recorded legal instrument showing ownership in the real property which is subject to the application.
15. A map indicating the site and the adjacent properties, identified by tax parcel number.
16. A traffic impact analysis when required by UDO Sec. 103-5.2. (see page 9 below).
17. An initiating party must also file any other information or supporting materials that are required by the City Council, Planning Commission, and/or the Department.

**SUBMITTAL CHECKLIST  
PROVIDED ON PAGE 7  
BELOW**

Pursuant to Section 103-9.4.C.11. of the Snellville Unified Development Ordinance, **a written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters shall be included.** Please respond to the following standards in the space provided or attach additional sheets if necessary. **Simple yes/no answers or re-statement of the standard is not acceptable and shall be considered non-responsive.**

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties.

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Plan.

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_







## **CHANGE IN CONDITIONS APPLICATION CHECKLIST**

**The following is a checklist of information required for submission of a Change in Conditions application. The Planning and Development Department reserves the right to reject any incomplete application.**

- Application Form with notarized signatures
- Application and Public Notice Fees (make check payable to City of Snellville, Georgia)
- Recorded Warranty Deed, Quit Claim Deed or other recorded legal instrument showing evidence of ownership in the real property subject to the application
- Property Legal Description for each subject parcel, Composite legal description if more than one parcel.
- As-Built Boundary Survey (current within one-year)
- Site Plan (24" x 36" full size original and one 11" x 17" reduction) – See requirements on next page
- Floor Plan, if applicable (11" x 17")
- Colored Building Elevations (all elevations – may be conceptual or photographs)
- Letter of Intent summarizing proposed project.
- Traffic Impact Analysis (when required by UDO Sec. 103-5.2)
- Verification of Paid Property Taxes
- Applicant Certification with Notarized Signature (Attachment A)
- Property Owner Certification with Notarized Signature (Attachment A)
- Conflict of Interest Certification/Campaign Contributions (Attachment B)
- Additional information deemed necessary by the Planning Director in order to evaluate a proposed use and its relationship to the surrounding area.
- Provide Ten (10) Colored Copies of Application Original and exhibits
- Provide Ten (10) full-size copies and 11" x 17" reduction of Site Plan
- Provide Ten (10) 11"x17" Copies of Floor Plan
- Provide Ten (10) 8-1/2"x11" Colored Copies of Building Elevations
- Provide CD-ROM or USB Flash Drive containing digital files (in .PDF format) of Complete Application (including all attachments, exhibits, survey, plans, photos, reports, etc.)

## SITE PLAN REQUIREMENTS

**SITE PLANS** shall include the following, unless waived by the Director of Planning and Development:

- Property lines of all lots
- Adjoining streets w/street names, adjoin alleys
- Professional's signature, date, seal, or registration number
- Scale, north arrow, date, and revision date(s)
- Site Plan Specifications (show all applicable specifications on the site plan in chart form – see attached sheet)
- Proposed lot sizes in square feet and acres
- Vicinity map at a scale of not less than 1" equals 2000 feet
- Existing and proposed roads (dimensioned, including rights-of-ways)
- Easements and utilities
- Watercourses and their names
- Any bridges and culverts
- Present use of any structure
- Existing topography with a maximum of 5-foot contour intervals at a minimum scale of 1" equals 50 feet
- Flood plains, flood hazard districts, and floodways as per FEMA

Include as Applicable:

- Sidewalks (required for all new construction)
- Show tree, landscaped strips, and street furniture (including street lights)
- Footprints (outlines) of existing and proposed buildings, structures, and additions
- Building entrance locations
- Show striping of parking structures, and loading spaces and areas
- Show landscaping of parking lots
- Curb cuts, driveways (indicate one-way or two-way), parking pads, turnarounds
- Bicycle/moped spaces or racks
- Van, shuttle bus, taxicab parking spaces or waiting areas
- Location and dimensions of landscaped buffers and landscaping screens
- Front, side, rear yard setbacks (dimensioned)
- Recreation facilities such as pools, playgrounds, picnic areas, etc.
- Location of dumpsters & garbage cans
- Crosswalk paving and driveway medians and refuge areas
- Zoning classifications – current and proposed
- Square footage of buildings and structures
- Square footage and use of accessory space
- Number of dwelling units
- Height of buildings and structure in feet
- Gross land area
- Total open space or lot coverage
- Number of parking and loading spaces – minimum required and proposed



## **UDO Sec. 103-5.2. Traffic Impact Analysis**

### **A. Applicability**

1. A traffic impact analysis is required when a development seeking subdivision review, non-subdivision review, rezoning, or special use permit exceeds 50% of the threshold otherwise required by the DRI rules of GRTA.
2. Any DRI that complies with the rules of GRTA is exempt from the traffic impact analysis requirement.
3. A traffic impact analysis is not required when an application is initiated by the City.
4. An application may be exempted from the traffic impact analysis requirement by the Director if a prior traffic impact analysis for the subject property has been submitted to the City and the proposed development is substantially similar to that for which the prior traffic impact analysis was conducted.

### **B. Procedures**

1. During the required pre-application conference or before accepting a rezoning or special use permit application, the Director, in consultation with the Gwinnett DOT and GDOT, as applicable, must review the thresholds and submittal requirements for a traffic impact analysis.
2. When required, a traffic impact analysis must be submitted before the application being deemed complete.

### **C. Scoping Meeting**

1. Once it is determined that a traffic impact study is required, a scoping meeting may be held with the developer or their consultant and the appropriate representatives of the City. It is the responsibility of the developer or their consultant to initiate this meeting. The purpose of this meeting is to discuss the availability of site-specific information concerning the development, available forecasts of traffic volumes, and to ensure the applicant understands the content requirements for traffic impact studies.

### **D. Required Contents of a Traffic impact Study**

The traffic impact study must be prepared following and meeting the standards of the GRTA Development of Regional Impact technical guidelines, dated January 14, 2002, as may be amended from time to time. In addition, the following components must be included:

1. Alternative transportation. Alternative transportation (sidewalk, bicycle, transit) impacted or needed as a result of the development.
2. References. A listing of all technical documents and resources cited or consulted in preparing the traffic impact study.
3. Technical Appendix. Relevant technical information, including but not limited to: copies of raw traffic count data used in the analysis, calculation sheets and/or computer software output for all LOS and V/C calculations in the analysis, and warrant worksheets for signals, turn lanes, signal phasing, etc. used in the analysis.
4. Mitigation Measures and Costs. Listing of all intersections and road segments that are forecasted to be Level of Service "E" and "F" in the horizon year, or if phased, in the years that each phase is planned to be complete, and an identification and description of specific mitigation measures including signal, turn lane, or other warrant analyses as appropriate and necessary to bring these intersections and road segments into compliance with a Level of Service "D" or other City-adopted level of service for said road segment or intersection.

If roadway improvements are needed, the study shall show a drawing at an engineering scale of 1 inch = 20 feet for all recommended lane configurations.

If signalization is warranted by the traffic signal warrants outlined in the Manual on Uniform Traffic Control Devices (MUTCD), a warrant analysis shall also be conducted as a part of the traffic impact study. If a traffic signal is warranted, the warrant package in the study shall show a drawing at an engineering scale of 1 inch = 20 feet, detailing the signal design and phasing plans.

The estimated cost associated with implementing all such mitigation measures must be provided in the traffic impact study. The traffic impact study may take into account any City/County/State-approved roadway, traffic signalization and other improvements in determining mitigation measures and providing recommendations.

### **E. Additional Technical Specifications**

The Director is authorized to promulgate and require the use of additional technical specifications for conducting traffic impact studies, which must be consistent with analysis methods included in the most recent Highway Capacity Manual, Manual on Uniform Traffic Control Devices, "Trip Generation" published by the Institute of Transportation Engineers (ITE), and/or Traffic Access and Impact Studies for Site Development: A Recommended Practice (Washington, DC: Institute of Transportation Engineers, 1991), as may be amended or republished from time to time.

### **F. Costs and Fees**

The City assumes no liability for any costs or time delays (either direct or consequential) associated with the preparation and review of traffic impact studies. There is no application review fee for a traffic impact study.

G. Submittal and Review of Study

The applicant for the proposed development or the qualified professional must submit one electronic copy of the traffic impact study and technical appendix, two paper copies of the traffic impact study and one paper copy of the technical appendix to the Director. The Director may submit copies of the report to applicable review agencies which may include GDOT, GRTA, Gwinnett County, an adjacent local jurisdiction, and/or the ARC. Within 10 days of receipt of a traffic impact study, the Director will review all calculations and analyses and determine if they are complete, reasonable, understandable, consistent and fully explained. The conclusions presented in the traffic impact study must be consistent with and supported by the data, calculations, and analyses in the report. Calculations, graphs, tables, data and/or analysis results that are contrary to good common sense or not consistent with and supported by the data will not be accepted. In such events, the Director will return the traffic impact study to the development applicant for correction.

H. Recommendations for mitigation of impacts

Within 10 days of receipt of a completed traffic impact study, the Director must complete their review of the study and submit to the applicant all recommendations for mitigation measures as stated in the traffic impact study and include any interpretations or recommended conditions of approving the discretionary development proposal that will mitigate traffic impacts of the proposed development.

I. Determination of project and system improvements

1. The Director will determine which mitigation measures constitute "project" improvements and which mitigation measures constitute "system" improvements within the context of the Georgia Development Impact Fee Act of 1990.
2. If a particular improvement is called for in the traffic impact study or recommended by Director, and the Director is unable to uniquely attribute the recommendation as a project or system improvement or finds that such improvement has characteristics of both a project improvement and a system improvement, the Director will determine the proportion of the cost of such improvement that can reasonably be attributed to the development as a project improvement, and the portion of such improvement that can reasonably be considered a system improvement.

J. Conditions of development approval for project improvements

Upon the determination of project improvements needed to mitigate the traffic impacts of the discretionary development proposal as provided in this section, the Director will recommend that the project improvements be completed by the developer as conditions of approval of the discretionary development proposal.

K. System improvements

When the Director recommends improvements as a condition of a discretionary development proposal that the Director determines are wholly or partially "system" improvements, the Director may include such recommendations in the recommended conditions of approval for the discretionary development application. The development applicant and the City in the case of system improvements shall have the following options:

1. The applicant for a discretionary development proposal may voluntarily agree to pay for the cost of providing the system improvements, or a pro-rated share of the cost of said system improvements that are reasonably attributed to the subject development, as determined by the City.
2. When an application is for a discretionary development proposal before the City Council, the City may find that the proposed development will provide substantial adverse impacts on the transportation system. The City may find further that the existing transportation system is insufficient to serve the proposed development and the City is unable to provide adequate transportation facilities within a reasonable amount of time after the impacts of said development would occur. Given such findings, the City Council may reduce the development density or intensity to the degree that the impacts of the development proposal do not degrade transportation facilities below adopted level of service standards, require a phasing of the development in a manner that adequate public facilities will be provided publicly or privately, or in cases where such other alternatives do not address the adverse impacts, deny an application for a discretionary development proposal.

## **FOR INFORMATIONAL PURPOSE ONLY**

### **UDO Sec.103-9.4. Application Requirements**

#### **D. Timing**

Applications must be submitted by noon at least 42 days before the date on which it is to be considered by the Planning Commission. Any application that does not include all of the components required in paragraphs A, B, and C above will be considered incomplete; submission date will be considered the date upon which the application is accepted as complete by the Department. Fees for an application to amend this UDO, the Official Zoning Map, the Future Land Use Map, or any combination thereof, must be paid by the applicant upon submission, except that a fee is not charged for applications initiated by the City Council or Planning Commission.

#### **E. Withdrawal**

1. Once an application for a Future Land Use Map amendment and/or Official Zoning Map amendment has been made, the applicant may withdraw such application without prejudice until the legal advertisement for the City Council public hearing has been placed in the City's legal organ (no less than 21 days before the City Council public hearing). No application may be withdrawn less than 21 days before the City Council public hearing unless the request for withdrawal is granted by the City Council at the public hearing. Otherwise, all applications must be considered by the City Council.
2. There will be no reimbursement for withdrawn applications. An applicant may request reimbursement in writing to the City Council. Said request will be considered during a regular meeting of the City Council.

#### **F. Denial**

If an application for a Future Land Use Map amendment and/or an Official Zoning Map amendment is denied by the City Council, no application affecting any portion of the same property may be submitted less than 12 months from the date of denial.

### **UDO Sec.103-9.5. Department Study**

- A. The Department, upon receiving an application to amend this UDO, Future Land Use Map, or the Official Zoning Map, may do the following:
  1. Consult with other departments of the City or County to fully evaluate the impact of any land use category or zoning district change upon public facilities and services including, but not limited to, schools, drainage, traffic, and related facilities.
  2. Conduct a site review of the property and surrounding area.
  3. Submit a written record of its investigation and recommendations to the Planning Commission and City Council. This report will be a matter of public record.
- B. The Department's report may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the land use category or zoning district requested, and/or recommend conditions of rezoning which may be deemed advisable so that the purpose of this UDO will be served and the public health, safety, morality, and general welfare secured.

### **UDO Sec.103-9.6. Planning Commission Action**

The Planning Commission must hold a public hearing on each application in accordance with a schedule adopted by the City Council. Staff recommendations on each application must be submitted to the Planning Commission before the public hearing. In addition, the Planning Commission must, with respect to each application, investigate and make a recommendation as to each of the matters set forth in Sec. 103-9.4.B.10 and/or Sec. 103-9.4.C.11 for approval, denial, deferral, withdrawal without prejudice, or no recommendation. Proponents and opponents of any amendment will be allotted at least 10 minutes, per side, for the presentation of data, evidence, and opinion during said public hearing. A written report of the Planning Commission's investigation and recommendation, along with the investigation and recommendation of the Department, must be submitted to the City Council and will be of public record.

### **UDO Sec.103-9.7. City Council Public Hearing**

Before taking action on a proposed amendment and after receipt of the Department of Planning and Development and Planning Commission recommendations and reports thereon where required, the City Council will hold a public hearing on the proposal. At the public hearing, the City Council will review the reports prepared by the Department of Planning and Development and the Planning Commission. So that the purpose of this UDO will be served and the public health, safety, morality, and general welfare secured, the City Council may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, and/or add or delete conditions of the application that are more or less restrictive than the current regulations. Proponents and opponents of any amendment will be allotted a

minimum of 10 minutes, per side, for the presentation of data, evidence, and opinion during said public hearing. An action by the City Council to defer the application will include a statement of the date and time of the next meeting at which the application will be considered, which statement will constitute public notice of the hearing on the application and no further notice, such as that required by Sec. 103-9.8 (Public Notification), is required.

### **UDO Sec. 103-9.8. Public Notification**

The following are required for applications to amend the Future Land Use Map, Official Zoning Map, conditions of rezoning, or for a special use permit:

#### **A. Legal Notice**

Due notice of the Planning Commission meeting and the City Council public hearing must be published in a newspaper of general circulation within the City and the newspaper which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing, not fewer than 15 days, nor more than 45 days before the date of the Planning Commission meeting and the City Council public hearing. If the application is to amend the Future Land Use Map, the notice must include location, current land use category and proposed land use category. However, if the application is for an amendment to the Official Zoning Map, then the notice must also include the location of the property, the present zoning district of the property, and the proposed zoning classification of the property.

#### **B. Signs Posted**

The Department must post a sign containing information that indicates that the application(s) has been filed and the date, time, and place of both the Planning Commission meeting and City Council public hearing at which the application(s) will be considered. The sign(s) must be posted at least 15 days, nor more than 45 days before the Planning Commission public hearing and must be posted in a conspicuous place on the property adjacent to and visible from each public street abutting the property for which an application has been submitted. The applicant must submit the required fee for the purchase of said sign(s) at the time such an application(s) is submitted. The applicant must maintain the sign(s) in good condition, making sure they are present and upright throughout the application review period, which must extend through the time of final City Council decision. The Department is responsible for the removal of all public notice sign(s).

#### **C. Letters to Property Owners**

The Department must notify the owners of adjoining properties of the property for which the variance is sought and/or their agent by certified mail with return receipt requested as shown by the Gwinnett County GIS Data Browser. The notification must be mailed at least 15 days before the Planning Commission meeting. A second notification mailing must be at least 15 days before the City Council public hearing. The notification must include a description of the application and the date, time, and place of the public hearing.

### **UDO Sec. 103-9.11. Failure to Implement Plans**

If a site development plan or preliminary plat has not been submitted to the Department within 12 months of the date of approval of the rezoning application, then the Planning Commission may review each case to determine if there are circumstances clearly justifying such delays. If justifying circumstances do not exist, the Planning Commission may recommend to City Council that the zoning map be amended to change the land to its prior zoning classification.

### **UDO Sec. 103-9.12. Evaluation of Amendments**

#### **A. In considering the applications for an amendment to this UDO or Official Zoning Map, or in making other zoning decisions, the following factors may be considered:**

1. The impact upon the appearance of the city;
2. The impact upon thoroughfare congestion and traffic safety;
3. The impact upon population density and the potential for overcrowding and urban sprawl;
4. The impact upon the provision of water, sewerage, transportation, and other urban services;
5. The protection of property against blight and depreciation;
6. Consistency with the adopted Future Land Use Map and/or the Comprehensive Plan;
7. The impact upon adjacent property owners if the amendment is approved;
8. The impact upon the applicant if the amendment is denied; and/or
9. Any other factor affecting the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future inhabitants of the City of Snellville.

### **UDO Sec. 103-9.13. Appeals**

Any person aggrieved by a decision or order of the City Council may appeal by certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within 30 days from the date of the decision of the City Council. Upon failure to file the

appeal within 30 days, the decision of the City Council will be final.