



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

CASE SUMMARY

February 27, 2023

CASE NUMBER: RZ 23-01 LUP 23-01

REQUEST: Rezoning, Land Use Plan Amendment and Request for Variances

LOCATION: 2154 North Road, Snellville, Georgia

SIZE: 1.129± Acres

TAX PARCEL: 5039 032

CURRENT ZONING: RS-30 (Single-family Residential) District

REQUESTED ZONING: **NR (North Road) District**

CURRENT FUTURE LAND PLAN: Low-Density Residential

REQUESTED FUTURE LAND USE PLAN: North Road Redevelopment Area

DEVELOPMENT/PROJECT: **Financial Services Office**

APPLICANT/PROPERTY OWNER: Toney Financial Services, Inc.
James and Meghan Toney
Snellville, Georgia 30078

CONTACT: Tyler Lasser
Alliance Engineering and Planning
770-225-4730 x 819 or tylerl@allianceco.com

RECOMMENDATION: **Approval with Conditions**



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

CASE ANALYSIS

February 27, 2023

TO: **The Mayor and Council**

PUBLIC HEARING DATE: February 27, 2023

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **RZ 23-01 LUP 23-01**

FINDINGS OF FACT:

The Department of Planning and Development has received applications from Toney Financial Services, Inc. (applicant) and James and Meghan Toney (property owners) requesting to amend the Future Land Use Map and Official Zoning Map, and request for variances from the Unified Development Ordinance to operate a financial services office on a 1.129± acre site located at 2154 North Road, Snellville.

The applicant intends to renovate the interior and exterior of the existing single-family structure and add several parking spaces.

The structure formerly known as “The Mason-Todd House”, was originally built in the mid to late 1800’s and believed to be the oldest home still standing in the city, is located on the corner of North Road and Eastwood Drive, just north and outside the boundary for the Towne Center Overlay District. The property is across the street from the former Alternative Health chiropractic office, zoned OP (Office Professional) District and 3.30± acre PLG Partners, LLC site that was rezoned to OP in February 2022 for a two-story, 20,000 sq. ft. office building.

In June 2008, the former property owner was granted a conditional use permit to operate a Historical Event Venue for small events, meetings, family reunions and receptions. However, because of difficulties in achieving compliance with the permit conditions, the site never became licensed and operational.

REQUEST:

The applicant is requesting to rezone the 1.129± acre site from RS-30 (Single-family Residential) District to NR (North Road) District and amend the 2040 Comprehensive Plan Future Land Use Map (FLUM) from Low-Density Residential to North Road Redevelopment Area to operate a financial services office from the existing 2,020± sq. ft. single-story single-family structure.

The applicant is also requesting several variances from the Unified Development Ordinance (“UDO”) to best maintain the historic qualities of the site and generate the least amount of impact to the site and surrounding area as follows:

- A. Variance to allow the existing dirt/gravel driveways to remain.
- B. Variance to allow the existing wood accessory structure to encroach into the 40 feet buffer along the eastern property line.
- C. Waiver of the requirement for a sidewalk and planter strip adjacent to Eastwood Drive.

SNELLVILLE 2040 COMPREHENSIVE PLAN RECOMMENDATION:

The subject property is located just north and outside of the Towne Center Character Area at the southern portion of the *North Road Transitional Corridor Character Area* on the Snellville 2040 Future Development Map (shown to the right in dark green).

Existing Character Description

The North Road Transitional Corridor character area surrounds North Road, a parallel road to nearby Scenic Highway and a key north-south connection for locals. The southern end of the character area connects to the Towne Center, and several homes have already been converted to offices. Farther north, the area is mostly older, single-family ranch homes and a few small offices, all with a residential character and relatively deep setbacks. Properties on the west side of the corridor abut commercial properties on Scenic Highway. Natural vegetation provides greenery and



shade along much of the corridor. Sidewalks are available along portions of North Road.

Predominate Land Uses

The predominate land uses include low-density residential, medium density residential, North Road Redevelopment Area, and office/professional.

Vision

“With its proximity to the Towne Center, the southern portion of the North Road Transitional Corridor is well suited to office expansion. To the north, infill mixed uses are envisioned to help buffer the quieter residential neighborhoods to the east from the commercial development along Highway 124 to the west. North Road itself will be major corridor in Snellville’s growing system of greenways, linking the City north toward the Shoppes at Webb Gin House. Traffic will be eased by consolidating the number of curb cuts, building roundabouts, and implementing access management strategies.”

Key Implementation Strategies

- Construct planned roundabouts to improve turn movements at the intersections of Pharrs Road, Pinehurst Road, and Ridgedale Drive
- Implement the planned greenway route along North Road
- Expand sidewalks, particularly along Pinehurst Road and Pharrs Road
- Adopt the North Road Overlay
- Encourage shared driveway access and alleys for future redevelopment to minimize curb cuts
- Support the consolidation of parcels to encourage unified redevelopment
- Establish a consistent development pattern along the corridor by implementing design guidelines for signage, sidewalks, and landscaping
- Permit well designed, infill development small offices and medium density residences
- Continue active code enforcement

LAND USE PLAN AMENDMENT ANALYSIS:

The applicant proposes to amend the Snellville 2040 Comprehensive Plan Future Land Use Map from Low-Density Residential to North Road Redevelopment Area that is the *Appropriate* future land use category for the requested NR (North Road) District rezoning as shown in the table on the following page.

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

		Future Land Use Category**									
		Low Density Residential	Medium Density Residential	Commercial Retail	Office/Professional	Industrial Mixed-Use	Public/Institutional	Health Village	Towne Center Mixed Use	Hwy. 78 East Activity Node	North Rd. Redevelopment Area
Zoning District*		A = Appropriate C = Considered Blank = Not Appropriate									
	RS-30: Single-family Residential District	A									
	RS-15: Single-family Residential District	A									
	RS-5: Single-family Residential District	A	C					C			
	R-DU: Duplex Residential District		A								
	R-TH: Townhouse Residential District		C					A	A	A	A
	RM: Multifamily Residential District							C	C	C	C
	RX: Mixed Residential District		C								
	RO: Residential for Older Persons District	A	C					C	A		
	TC-R: Towne Center Residential District								A		
	MU: Mixed-Use District									A	
	CI: Civic/Institutional District				A		A	A	A	A	
	OP: Office Professional District			A	A	A	A	A	C	A	A
	BG: General Business District			A		A			C	A	
	HSB: Highway Service Business District			A		A					
	LM: Light Manufacturing District					A					
	FH: Flood Hazard District										
	NR: North Road District										A
	TC-MU: Town Center Mixed-Use District								A		

* Three (3) zoning districts in existence at the time of the Comp Plan's adoption in February 2019 were not included in this table: PRC - Planned Residential Conservation District, COS - Conservation Overlay District and RVO - Residential Village Overlay District. These districts were repealed on 10-26-2020 with the 10-26-2020 adoption of the Unified Development Ordinance (UDO) and should not be applied to any additional parcels. The Towne Center Overlay District was excluded as it does not govern use and are not applicable.

** Three FLU categories were not included in this table: Park/Recreation, Conservation, and Transportation/Communication/Utilities. Properties with these FLU categories are intended for public use or should remain undeveloped. They should not be rezoned to more intensive uses.

A Key Implementation Strategy for the North Road Transitional Corridor character area is the adoption of the North Road Overlay. This strategy was completed with the October 2020 adoption of the Snellville Unified Development Ordinance and creation of the new NR (North Road) zoning district. This rezoning application is the first request for rezoning to the NR District.

NR (NORTH ROAD) DISTRICT REGULATIONS:

PURPOSE: The NR (North Road) District is intended to support the incremental redevelopment of the Comprehensive Plan’s North Road Transitional Corridor Character Area from single-family residential uses into a residential-scaled mix of residential, office, and complementary commercial uses, in accordance with the recommendations of such plan. In doing so, the district will support the creation of a transitional area between the Towne Center, Highway 124, and residential neighborhoods.

Sec. 203-5 (NR North Road District) of Article 3 of Chapter 200 of the UDO contain the NR District regulations including the following: Use Provisions; Building Types; Architectural Standards; Site Development Standards; Interparcel Access; Dimensional Standards; Building Placement; Bulk and Mass; and Driveways and is attached to the Staff Report as Exhibit "A".

The applicant shall be required to meet these requirements, except where concurrent variances are approved at time of zoning approval. Unless approved as a concurrent variance at time of zoning approval, variances are to be considered by the Snellville Board of Zoning Appeals, unless authority is granted by the UDO to the Director of Planning and Development for Administrative Variance consideration and approval.

USE PROVISIONS:

Article 6 of Chapter 200 of the UDO contain the Use Provisions and associated use categories and specific use categories by zoning district. As one would expect, the uses that are allowed as a principal permitted use in the NR District tend to be mostly office, medical and personal services oriented, with the more intensive commercial, retail, vehicular, industrial, manufacturing, and storage uses specifically prohibited in the district.

REZONING SITE PLAN ANALYSIS:

The submitted rezoning site plan shows the entire 1.129± acre site with much of the site plan showing the existing site conditions and locations of the existing buildings. There is a dirt/gravel driveway serving as a one-way drive with access points on North Road and Eastwood Drive.

There is a required forty (40) foot buffer where the proposed commercial use abuts residential uses to the north and to the east. There is an existing 508 sq. ft. wooden accessory building that encroaches well within the buffer and is located approximately five (5) feet from the eastern property line.

The applicant intends to improve the site and construct a hard-surfaced parking area for three (3) parking spaces and one (1) handicap space requiring the issuance of a development permit and compliance with the applicable sections of the city's Landscape and Tree Ordinance. There is an existing five (5) foot wide sidewalk with two (2) foot planter strip where the property abuts North Road with an ADA compliant concrete transition apron at the North Road driveway access point. The applicant is requesting a variance for the sidewalk and planter strip adjacent to Eastwood Drive and discussed more thoroughly on page 8.

Although not shown on the site plan, the NR District requires a minimum of five (5) percent of the total site be used for amenity space, defined as *"any covered or uncovered, but unenclosed, outdoor area of at least 100 sq. ft. that is intended for use by the occupants, invitees and guests of the development and specifically excluding civic spaces and required sidewalks."* Amenity spaces may include, but not be limited to: a) rooftop decks; b) balconies; c) patios and porches; d) outdoor dining areas; e) pool areas; f) tennis courts, basketball courts, and similar uses; g)

yards, lawns, and gardens; h) hardscape areas improved for pedestrian enjoyment; and i) wooded areas.

Given the existing conditions and general configuration and layout of the site, the Planning Department believes the applicant can meet this requirement without imposing any undue burden or hardship to the applicant.

Although no landscaping plan was provided, and unless reduced or eliminated by the City Council, the applicant shall be required to meet the screening requirements of Sec. 207-2 (Buffers and Screening) requiring dense landscaping to provide a visual buffer to the adjacent residential properties to the north and east.

No onsite stormwater detention is being provided as the proposed 1,800± sq. ft. of new impervious parking area is well below the 5,000 sq. ft. threshold requirement for onsite stormwater detention.

Because of the proposed low intensity office use of the property, it is believed that solid waste and recycling collection can be achieved through use of the 65-gallon wheeled collection carts placed curbside on residential trash pickup days; therefore, no commercial dumpster, pad and enclosure shall be required.

CONCURRENT VARIANCE ANALYSIS:

Included in the application submittal is a request for three (3) variances from Chapters 200 and 400 of the Unified Development Ordinance as follows:

1. Variance to allow the existing dirt/gravel driveways to remain.
2. Variance to allow the existing wood accessory structure to encroach into the 40 feet buffer along the eastern property line.
3. Waiver of the requirement for a sidewalk and planter strip adjacent to Eastwood Drive.

Analysis of each requested variance is provided as follows:

1. Variance from Sec. 207-1.7 (Vehicle Parking and Layout Design and Sec. 401-5.13 (Driveways) to allow the existing dirt/gravel driveway to remain.

Variance Analysis: The applicant is requesting waiver of the requirement for a 28-foot wide paved concrete or asphalt driveway surface to instead, allow use of the existing dirt/gravel driveway. The variance would also apply to the code requirement for the portion of the driveway within the Eastwood Drive right-of-way to not be paved.

Recommendation: Given the low intensity office use of the property and desire to best maintain the historic qualities of the site, the Planning Department recommends

approval. However, the parking of any vehicle must be on the hard-surfaced parking area as parking in the yard and/or gravel driveway is prohibited.

2. Variance from Sec. 207-2.1.C.1 (Minimum Buffer Strips) to allow encroachment of an existing wood accessory building into the 40-foot undisturbed buffer adjacent to the residential property to the east.

Variance Analysis: The applicant intends to erect a wood privacy fence on the outside of the required zoning buffer, which will provide some screening to the adjacent residential property to the east that is most affected by the location of the existing wood structure. Given the age and poor conditions of the structure, it will more than likely be removed at some point in the near future.

Recommendation: The Planning Department recommends *approval*. However, any new structure shall comply with the buffer requirement.

3. Waiver from Sec. 401-4 (Streetscapes) for a sidewalk and planter strip adjacent to Eastwood Drive.

Variance Analysis: Based on the application submittal and improvements shown on the rezoning site plan, the project does not appear to meet the threshold requiring a sidewalk and planter strip adjacent to Eastwood Drive as follows:

401-4.1. General

A. Applicability

Streetscapes must be installed when one or more of the following applies:

1. When a new public or private street is constructed; or
2. When a building is built, renovated, or repaired along an existing public street, except as provided in paragraph B below.

B. Exceptions

Streetscapes are not required to be installed when one or more of the following applies:

1. When a building or site is renovated or repaired, and when there is no increase in floor area, and when there is no increase in the improved site area, and when said activity is not considered a substantial building permit.
2. When a building or site is increased in floor area or improved site area cumulatively by less than 25% and when said activity is not considered a substantial building permit.
3. When a single-family detached dwelling along an existing street is built, renovated, or repaired.

Therefore, no action is required at this time. However, should improvements be made to the building or site that exceed the limits specified in Sec. 401-4.1.B (Exceptions), the applicant or property owner will be required to implement the Streetscape requirements at that time.

Planning staff has identified the following additional variances from the UDO that are recommended for approval:

4. Variance from Inter-parcel access requirement of Sec. 401-3.4.H.
5. Variance from Sec. 203-5.11 (Driveways) for the maximum number of driveways allowed on a site may not exceed an amount equal to one driveway every 300 feet of total street frontage or fraction thereof. 276 feet of separation exists between the dirt/gravel driveways on North Road and Eastwood Drive.

CONCLUSION AND STAFF RECOMMENDATION:

In conclusion, the requested future land use plan amendment and rezoning are supported by the 2019 adoption of the Snellville 2040 Comprehensive Plan. The Department of Planning and Development recommends the following actions:

- A. **Approval** of LUP 23-01, application to amend the City of Snellville 2040 Comprehensive Plan Future Land Use Map from Low-Density Residential to North Road Redevelopment Area.
- B. **Approval** of RZ 23-01, application to amend the City of Snellville Official Zoning Map from RS-30 (Single-family Residential) District to NR (North Road) District.
- C. **Approval** of variance from Sec. 207-1.7 (Vehicle Parking and Layout Design and Sec. 401-5.13 (Driveways) to allow the existing dirt/gravel driveway to remain.
- D. **Approval** of variance from Sec. 207-2.1.C.1 (Minimum Buffer Strips) to allow encroachment of an existing wood accessory building into the 40-foot undisturbed buffer adjacent to the residential property to the east.
- E. **Approval** of variance from Sec. 401-3.4.H (Inter-parcel Access) to waive the requirement to provide vehicle cross-access points to the adjacent residential properties to the north (Parcel 5039 046) and east (Parcel 5039 192).
- F. **Approval** of variance from Sec. 203-5.11 (Driveways) to allow the site to exceed an amount equal to one driveway every 300 feet of total street frontage or fraction thereof for the two existing dirt/gravel driveways.

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

1. The property shall be developed in accordance with the rezoning site plan entitled "Site Zoning Plan for North Rd. & Eastwood Dr., 2154 North Road, Snellville, GA 30078", dated 12-13-2022 (stamped received 1-24-2023), with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the rezoning site plan, as determined by the Director of

Planning and Development and the City Manager will require Mayor and Council approval.

2. If not connecting to Gwinnett County sanitary sewer, the applicant shall provide written approval by the Gwinnett County Department of Environmental Health for use of the onsite septic system before issuance of a certificate of occupancy, certificate of completion, or business license.

PLANNING COMMISSION REPORT:

The Planning Commission held a duly advertised public hearing on the rezoning and land use plan amendment applications and request for variances from the Unified Development at the January 24, 2023 Regular Meeting of the City of Snellville Planning Commission.

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

- A. **Approval** of LUP 23-01, application to amend the City of Snellville 2040 Comprehensive Plan Future Land Use Map from Low-Density Residential to North Road Redevelopment Area.
- B. **Approval** of RZ 23-01, application to amend the City of Snellville Official Zoning Map from RS-30 (Single-family Residential) District to NR (North Road) District.
- C. **Approval** of variance from Sec. 207-1.7 (Vehicle Parking and Layout Design and Sec. 401-5.13 (Driveways) to allow the existing dirt/gravel driveway to remain.
- D. **Approval** of variance from Sec. 207-2.1.C.1 (Minimum Buffer Strips) to allow encroachment of an existing wood accessory building into the 40-foot undisturbed buffer adjacent to the residential property to the east.
- E. **Approval** of variance from Sec. 401-3.4.H (Inter-parcel Access) to waive the requirement to provide vehicle cross-access points to the adjacent residential properties to the north (Parcel 5039 046) and east (Parcel 5039 192).
- F. **Approval** of variance from Sec. 203-5.11 (Driveways) to allow the site to exceed an amount equal to one driveway every 300 feet of total street frontage or fraction thereof for the two existing dirt/gravel driveways.

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

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plan, as determined by the Director of Planning and Development and the City Manager will require Mayor and Council approval.

2. If not connecting to Gwinnett County sanitary sewer, the applicant shall provide written approval by the Gwinnett County Department of Environmental Health for use of the onsite septic system before issuance of a certificate of occupancy, certificate of completion, or business license.

EXHIBIT "A"

NR (North Road) District Regulations

Sec. 203-5. NR North Road District

203-5.1. Purpose

This district is intended to support the incremental redevelopment of the Comprehensive Plan’s North Road Transitional Corridor Character Area from single-family residential uses into a residential-scaled mix of residential, office, and complementary commercial uses, in accordance with the recommendations of the such plan. In doing so, the district will support the creation of a transitional area between the Towne Center, Highway 124, and residential neighborhoods.

203-5.2. Rezoning to NR

No site smaller than the minimum site areas in Sec. 203-5.8 (Dimensional Standards) may be zoned to the NR district, unless such rezoning is initiated by the City Council.

203-5.3. Use Provisions

A. Allowed Use Table

See Sec. 206-2 (Allowed Use Table), subject to the additional restrictions in paragraph B below.

B. Commercial Uses

Commercial uses may only occupy either:

1. Any existing structure built before the effective date of this UDO; or
2. A new building on a site of at least 3 acres in size.

203-5.4. Building Types

Building type requirements apply in the NR 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.** Commercial house
- H.** Civic building

203-5.5. Architectural Standards

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

203-5.6. Site Development Standards

A. General

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

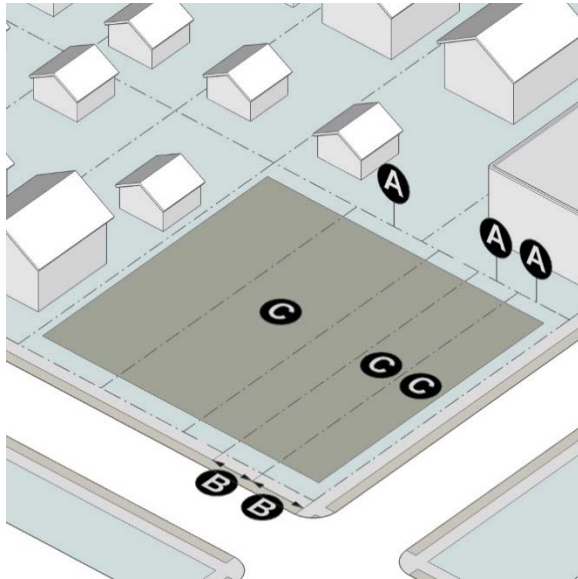
B. Residential District

Where the standards referenced in paragraph A above include specific standards for “residential districts,” those standards will also apply in the NR district.

203-5.7. Inter-parcel Access

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

203-5.8. Dimensional Standards



Site Standards

Sites (without commercial uses in new buildings)	2 ac. min
Sites (with commercial uses in new buildings)	3 ac. min.
Density:	8 u/a max.
Amenity Space Requirement:	5% of site min. (all sites)
Civic Space Requirement:	10% of site min. (sites over 5 acres)
Site setback (along rights-of-way):	20 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 [1] (A) Area (B) Width

Carriage House:	Same as principal structure	
Cottage court	1,200 sf. min.	20 ft. min.
Townhouse:	1,000 sf. min.	20 ft. min.
All other building types:	2,500 sf. min.	25 ft. min.

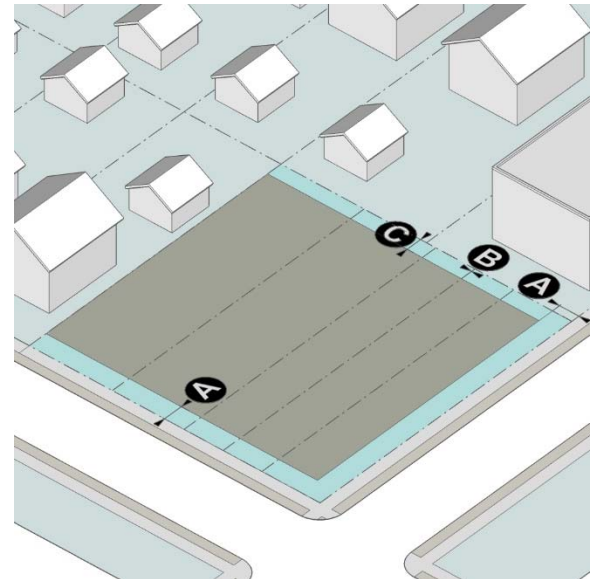
Lot Coverage [1]

(C) All lots:	75% max.
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Table note:

[1] Lot standards only apply to sites that meet the minimum area requirements. When minimum site area is not met, no subdivision is allowed.

203-5.9. Building Placement



Building Setbacks

(A) Front and side (street):	10 ft. min.
(B) Side (interior):	0 ft. min.
(C) Rear (no alley):	6 ft. min.
(C) 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. 203-5.8.

203-5.10. Bulk and Mass



Building Height

Ⓐ Height: 35 ft. max.

203-5.11. Driveways

The following applies to driveways, including those serving as alleys, but not to required new streets.

A. Number

The maximum number of driveways allowed on a site may not exceed an amount equal to one driveway for every 300 feet of total street frontage or fraction thereof.

B. Sidewalks and Driveways

All sidewalk materials must continue across driveways.

