



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

CASE SUMMARY

January 25, 2022

CASE NUMBER: #SUP 22-01

REQUEST: Special Use Permit, Request for Variances

LOCATION: 2135 E. Main Street

SIZE: 0.768± Acres

TAX PARCEL: 5038 174

CURRENT ZONING: BG (General Business) District

OVERLAY DISTRICT: Towne Center Overlay District

DEVELOPMENT/PROJECT: Kidney Dialysis Center

PROPERTY OWNER: Michael C. McMillen
RCG Snellville, LLC
3060 Peachtree Road NW
Atlanta, Georgia 30305

APPLICANT/CONTACT: RCG Ventures, LLC
c/o Wesley Padgett
404-816-5454 or wesleyp@rcgventures.com

RECOMENDATION: Approval with Conditions



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

CASE ANALYSIS

January 25, 2022

TO: **The Planning Commission**

MEETING DATE: January 25, 2022

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#SUP 22-01**

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Wesley Padgett representing RCG Ventures, LLC (applicant) and RCG Snellville, LLC (property owner) requesting Special Use Permit approval to allow a Kidney Dialysis Center for a 0.768± acre site located on the north side of E. Main Street opposite its intersection with Governors Walk Boulevard, a privately maintained street, 2135 E. Main Street, Snellville.

The end user of the proposed development, DaVita Snellville Dialysis, currently operates under a long-term lease within the Snellville Oaks Shopping Center. The applicant intends to subdivide the subject site from the 15.99± Snellville Oaks parent tract in order to develop the outparcel as a stand-alone project. The tract is currently undeveloped, most likely cleared and graded at the time the shopping center was originally developed in 1992. The existing freestanding pylon sign for the overall shopping center is located on the subject site.

REQUEST:

This Special Use Permit request is to facilitate the development of a Kidney Dialysis Center. An amendment to the Snellville Unified Development Ordinance (UDO), which was adopted in October of 2020, differentiated between different types of medical uses. The prior adopted UDO use table listed most medical office uses in one category.

Although at the time of drafting of the Staff Report, the current UDO prohibits Kidney Dialysis Centers within the TCO (Towne Center Overlay) District. However, Planning Department staff have prepared a text amendment (case #UDO 22-01) to the UDO which includes an amendment to the Use Table, to allow kidney dialysis centers in the TCO District with Special Use Permit approval by the Mayor and Council.

The applicant is also requesting variances from the UDO for setback reduction, sidewalk reduction, entrance fronting street requirement, and building fenestration requirements.

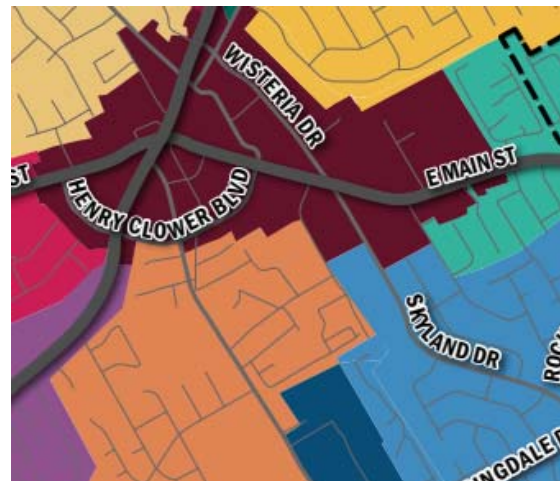
FUTURE LAND USE CATEGORIES AND CORRESPONDING ZONING DISTRICTS:

The property currently lies within the Towne Center future land use category and is within the BG (Business General) zoning district. No changes to the future land use category or zoning district are requested.

SNELLVILLE 2040 COMPREHENSIVE PLAN RECOMMENDATION

The property is located near the eastern limits of the Towne Center Character Area on the 2040 Comprehensive Plan Future Development Map (shown to the right in maroon).

The Towne Center character area is characterized as “the center of Snellville and includes a mix of civic, retail, office, and educational uses, as well as the Snellville Historical Cemetery. Having developed in the age of the automobile, its current form is low density and suburban in nature, unlike traditional downtowns, which are more pedestrian friendly.



The City has taken steps to begin developing a true, walkable center with the construction of City Hall, the Towne Green, the Snellville Senior Center, and several streetscape projects. Plans are underway to construct a new library, city market, green and parking garage just a block away. There are several large, undeveloped parcels in the area, as well as shopping centers with oversized parking lots with potential for redevelopment. Elected officials and city staff are focused on identifying private development partners to bring in more compact, mixed use development typical of a traditional downtown.”

The predominate land uses include public/civic, commercial/retail, office/professional, medium density residential, and high density residential.

The vision for the character area is:

“A vibrant downtown that includes residences, offices, restaurants, small-scale shops, educational and cultural facilities, and entertainment venues-it is the focal point of the community and the destination for dining, shopping and cultural pursuits. There is a variety of housing available to meet the needs of multiple generations, as well as an interconnected system of parks and greenways for people to gather and exercise. Streets are designed with generous spaces for pedestrians, cyclists, and transit riders and buildings are oriented to face the streets. Pedestrians can safely access the Towne Center when crossing major roads. Lighting, landscaping, and art create a welcoming environment.”

Key Implementation Strategies for the character area include the following;

- Implement the Towne Center Livable Centers Initiative (LCI) Plan
- Actively promote redevelopment through the Downtown Development Authority to assemble parcels and attract quality development partners
- Focus on redeveloping a core, active block with a mix of uses and pedestrian-oriented design on the block between Wisteria Drive, North Road, Oak Road, and Clower Street to anchor surrounding redevelopment
- Work with Gwinnett County to relocate the library on Lenora Church Road to the Towne Center
- Create a new city market, actively recruit unique tenants, and identify a market operator partner
- Partner with private developers to build a new public-private parking garage
- Create a new public green as part of the library and city market development
- Design and construct a regional stormwater detention pond as an amenity and encourage green infrastructure to manage stormwater throughout the area
- As larger blocks redevelop, require the implementation of the spine roads proposed in the LCI plan and encourage the creation of new midblock streets throughout to create a more walkable, connected street network
- Implement the Greenway Master Plan, including the Phase I Towne Center Loop and connections to surrounding neighborhoods
- Complete remaining streetscape projects on Oak Road, North Road, and Wisteria Drive
- Enhance pedestrian crossings at the intersections of Oak Road with US 78 and SR 124, US 78 and Wisteria Drive, and US 78 and Henry Clower Boulevard
- Install traffic calming features like pedestrian crossing signs
- Install wayfinding signs
- Adopt simplified zoning and development regulations that encourage a mix of uses and pedestrian-oriented design
- Focus higher density residential development here
- Encourage step down zoning as a transition from the Towne Center

- Continue to work with STAT to program community activities like the Farmers Market
- Apply for transportation project funding through the Atlanta Regional Commission’s LCI grant program

SITE PLAN ANALYSIS:

The submitted zoning site plan sealed and dated 12-09-2021 shows the 0.768± acre total site and the proposed layout of a stand-alone 8,200 sq. ft. Kidney Dialysis Center with a patient drop-off canopy, associated parking and drives.

An existing nonconforming freestanding pylon sign serving the parent shopping center and is proposed to remain at its current location in the southwest corner of the site.

To allow the existing freestanding pylon sign to remain, the site plan indicates the building would be setback twenty (20) feet from the front property boundary/E. Main Street right-of-way and outside of the ten (10) foot maximum front building setback.

Building Setback	Minimum Setback (feet)	Maximum Setback (feet)
Front Yard (street side)	Zero (0)	Ten (10)
Side Yard (interior)	Zero (0)	None
Side Yard (street side)	Zero (0)	None
Rear Yard	Fifteen (15)	None

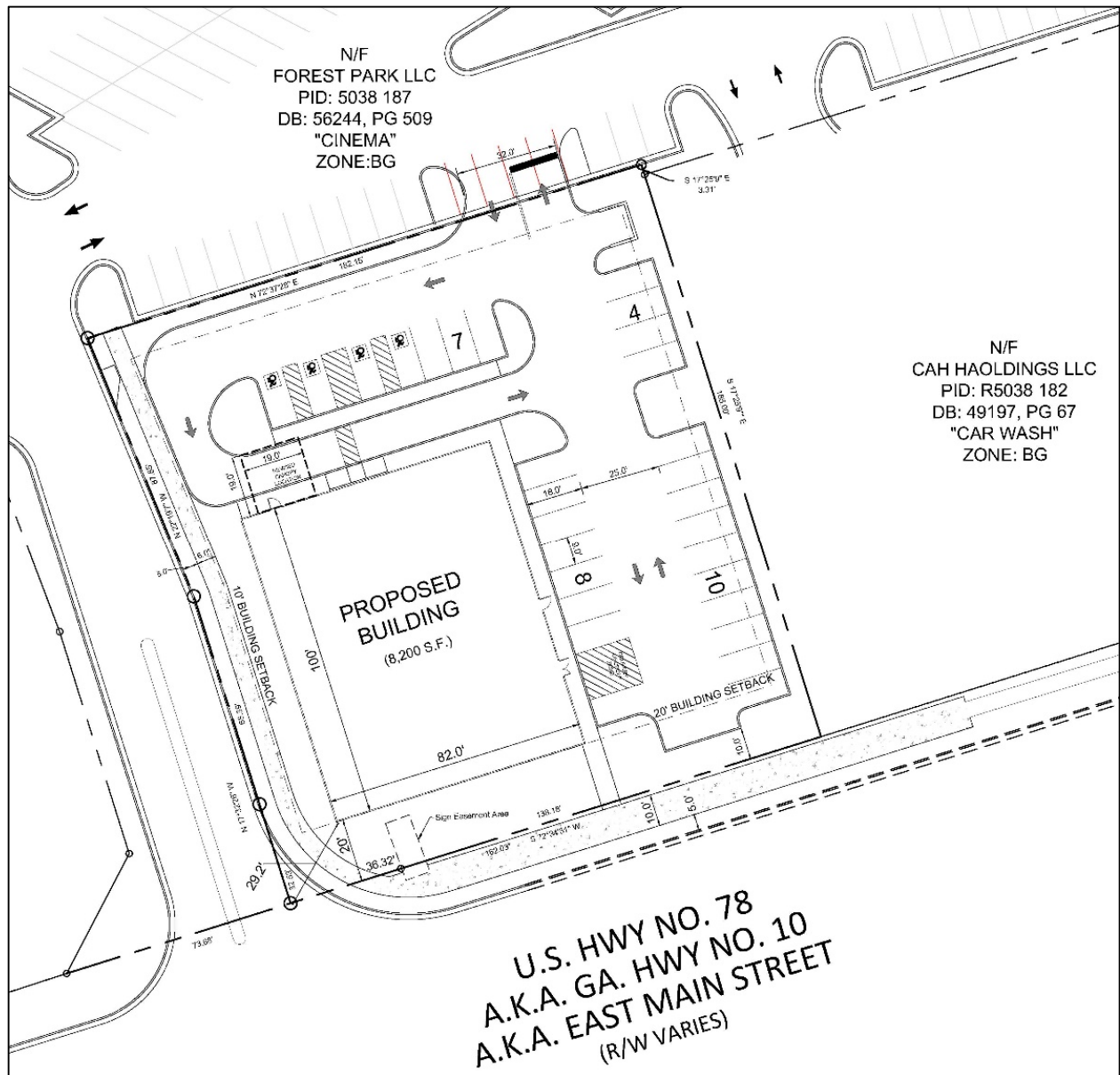
The site plan also indicates the building to be setback approximately twenty (20) feet from the lot line that runs along the curblin of the full-access *private street*ⁱ to the west.

The site plan does not show or account for any possible future right-of-way dedication or right-of-way improvements where adjacent to U.S. Hwy. 78 (E. Main Street); however, per UDO Sec. 401-5.2.F (Improvements along State Highways):

“For any development which abuts a State route or other right-of-way controlled by the State of Georgia, improvements to the roadway and the location and design of any street or driveway providing access from the State route must comply with the standards and requirements of Chapter 4 of GDOT’s Driveway and Encroachment Control Manual. A permit for the proposed access or improvements must be approved by GDOT and incorporated into the construction drawings for the project before the issuance of a development permit.”

Access to the site would be provided via the existing full-access private street which serves as an access point to the Snellville Oaks shopping center, Autozone, NCG Cinema, and other commercial and retail uses in the center.

The existing private street onto U.S. Hwy. 78 (E. Main Street) is not signalized; however, there is a second full-access private street to the west which is signalized.



Because the front building setback indicated on the site plan is not in conformity with the requirements of the TCO District, the applicant is requesting a variance from the ten (10) foot maximum front yard setback requirement as described in the Variance Request and Analysis below.

The removal of six parking spaces would facilitate construction of the new interparcel access drive to the north of the subject site.

A ten (10) foot wide sidewalk with five (5) foot planter is required adjacent to U.S. Hwy. 78 (E. Main Street). The site plan indicates a deviation from this requirement in the location of the existing freestanding pole sign. The applicant requests a variance from the requirement as described in the Variance Request and Analysis below.

The proposed sidewalk tapers from ten (10) feet down six (6) feet and continues along the private street adjacent to the western portion of the site while the planter remains five (5) feet in width in this area to allow for the planting of street trees and evergreen ground cover; decorative pedestrian lighting and other pedestrian amenities (bench, trash can, etc.).

Parking is provided along the eastern side of the building and in the rear of the building. Based on the size of the building, the minimum required parking spaces for the project would be seventeen (17) spaces. The site plan indicates four (4) handicap accessible spaces and twenty-five (25) regular spaces, for a total of twenty-nine (29) parking spaces would be provided, exceeding the requirement. Additionally, a delivery/loading space would be provided adjacent to the east side of the building. A parking lot landscape strip in accordance with Section 205-1.13.C of the UDO will be required between E. Main Street and the proposed parking lot.

Primary pedestrian access to the building would be provided in the rear, adjacent to the patient drop-off canopy. Additional pedestrian access is shown on the site plan to the side of the building adjacent the eastern parking. The UDO requires a building entrance facing the street for every seventy-five (75) feet of building façade to be connected to the street sidewalk with a minimum six (6) foot wide sidewalk. The applicant requests a variance from this requirement as detailed in the Variance Request and Analysis below.

The development will be required to connect to sanitary sewer, which is located on the parent shopping center tract, just north of the subject site. The site plan does not detail the proposed method(s) of stormwater management.

BUILDING ELEVATIONS:

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 considered by the Snellville Board of Zoning Appeals.

The applicant provided building elevations and states in the letter of intent that fenestration requirements cannot be met; however, the requirements outlined by the applicant do not match the requirements of the UDO which are as follows:

- Minimum fenestration = 30%
- Maximum blank wall area = 40 feet



The applicant's letter of intent states that proposed fenestration would be 42.4%. While dimensions are not shown on the submitted building elevation, the site plan identifies the width of the building to be 82 feet. It appears as the proposed blank wall area may be less than 40 feet. A variance may not be required as the applicant has requested.

VARIANCE REQUEST AND ANALYSIS:

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

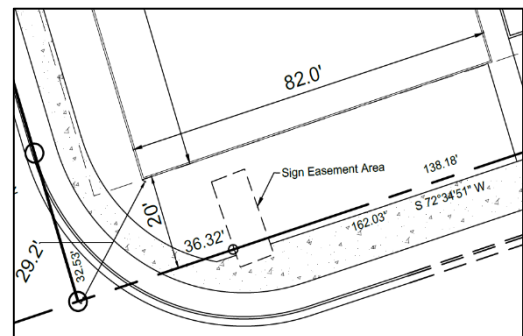
1. Applicant is requesting to increase the ten (10) foot maximum front yard building setback requirement to twenty (20) feet.

UDO Sec. 205-1.6.B.6 Space Limit Standards

6. *Maximum front yard: 10 ft.*

Variance Analysis: The applicant requests relief from the requirement due to the location of an existing nonconforming freestanding pylon sign that serves the parent tract retail shopping center.

Recommendation: The Planning Department understands the encumbrance the existing sign places on the development of this portion of the site; however, the existing sign does not meet current sign standards and a decision that would affect the life of a new building layout/design should not be based on the presence of a non-conforming pylon sign.



Additionally, as shown on the site plan, the sign easement area appears to encroach into the existing right-of-way of U.S. Hwy. 78 (E. Main Street).

Because of these factors, the Department of Planning and Development recommends **DENIAL** of the variance request.

- Applicant is requesting to reduce the sidewalk width along U.S. Hwy. 78 (E. Main Street) from ten (10) feet to six (6) feet as shown on the site plan in the area of the existing sign easement.

UDO Sec. 401-4.1. Streetscapes Required:

A. General

- All streetscapes that are required or installed must conform to Table 401-4.2.

Table 401-4.2. Streetscape Table

Street Type and	Zoning & Overlay District	Development Type	Planter	Sidewalk
Local	All districts except TC-R, TC-MU, NR, MU	Residential Subdivision	5 ft. min.	4 ft. min.
Local	TC-R, NR, MU	All development types	5 ft. min.	6 ft. min.
Local	TC-MU, TCO	All development types	5 ft. min.	10 ft. min.
Principal Arterial, Major Arterial, Minor Arterial, Major Collector	All districts except TC-R, TC-MU, MU	All development types	5 ft. min.	6 ft. min.
Principal Arterial, Major Arterial, Minor Arterial, Major Collector	TC-R, TC-MU, TCO, MU	All development types	5 ft. min.	10 ft. min.
Alley	All districts	All other development types	Not required	Not required

Variance Analysis: Included in the proposed #UDO 22-01 text amendment is the addition of the TCO District to Table 401-4.2 (Streetscape Table), requiring a minimum ten (10) feet wide sidewalk and associated five (5) feet wide planter strip where adjacent to roadways classified as Principal Arterial, in this case U.S. Highway 78.

Recommendation: The Planning Department recommends **DENIAL** of the variance for that portion of ten (10) feet wide sidewalk that requires a reduction due to the sign easement area for the existing shopping center pylon sign.

- Applicant is requesting a variance from the fenestration requirements for a 'Shopfront' building.

UDO Sec. 201-2.10. Shopfront:

See Chart B. Specific Standards copied below.

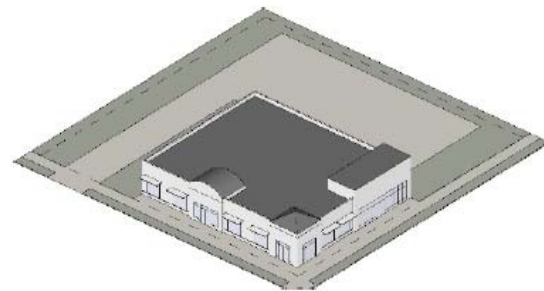
Variance Analysis: The applicant states in the letter of intent, that fenestration cannot be installed every twenty (20) feet of the street facing façade due to the location of the equipment and plumbing. The applicant also states the provided fenestration is 42.4%. Fenestration requirements for properties located on a State Route is a minimum of 30% and a maximum of forty (40) linear feet of blank wall area. Based on the elevation provided, the proposed building may meet the requirements.

Recommendation: Based on the information provided by the applicant, the Planning Department staff does not believe a variance is necessary and therefore recommends **DENIAL** of the request.

- Applicant is requesting a variance from the requirement that ‘Shopfront’ buildings provide a building entrance facing the street every seventy-five (75) feet along with an associated six (6) foot sidewalk/walkway.

UDO Sec. 201-2.10. Shopfront:

Variance Analysis: The applicant states in the letter of intent, the need for relief of the requirement that a pedestrian building entrance must front on the street is based on the building orientation constraints.



The applicant contends that the TCO District setback requirements, which limit the building location closer to the street, necessitates the covered customer entrance be positioned on the opposite side of the building. Furthermore, the proposed building entrance location diminishes potential locations for equipment specific to the service the proposed business provides.

Recommendation: The Planning Department staff recognizes the proposed business and subsequent architectural program accommodates a more automobile dependent client base.

The medical service industry is typically less pedestrian oriented than businesses typical of a downtown core. The project location adjacent to a Principal Arterial provides justification for leniency in regards to strict compliance of this requirement. The Department of Planning and Development recommends **APPROVAL** of the requested variance.

B. Specific Standards

Site	
Street facing façade length:	200 ft. max.
Floor to Ceiling Height	
Ground floor:	14 ft. min.
Other stories:	9 ft. min.
Fenestration	
Ground floor: State route/local street:	30% min. / 70% min.
Blank wall area: State route/local street:	40 ft. max. / 20 ft. max.
Pedestrian Access	
Entrance facing street:	Required every 75 ft. of frontage
Walkway width:	6 ft. min.
Parking Location	
No parking lot is allowed between the building and the street, including within driveways.	

CONCLUSION and STAFF RECOMMENDATION:

In conclusion, the requested Special Use Permit for a Kidney Dialysis Center in the Towne Center Overlay District is supported by the City's Comprehensive Plan and consistent with the commercial-retail developments that currently exist along the U.S. Hwy. 78 commercial corridor, the Department of Planning and Development recommends the following actions:

- A. **Approval** of #SUP 22-01, Special Use Permit for a Kidney Dialysis Center in the Towne Center Overlay District.
- B. **Denial** of the variance request from UDO Sec. 205-1.6.B.6 to increase the ten (10) feet maximum front yard building setback requirement of shopfront building types to twenty (20) feet.
- C. **Denial** of the variance request from UDO Sec. 401-4.1 to reduce the sidewalk width along U.S. Hwy. 78 (E. Main Street) from ten (10) feet to as shown on the site plan.
- D. **Approval** of the variance request from UDO Sec. 201-2.10 remove the requirement that 'Shopfront' building types must provide a building entrance facing the street every 75 feet along with an associated six (6) foot sidewalk/walkway.
- E. **Denial** of the variance request from UDO Sec. 201-2.10 to reduce the fenestration requirements for the 'Shopfront' building type.

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

1. The property shall be developed in accordance with the submitted zoning site plan entitled "Site Development Plans for RCG Ventures, LLC", sealed and dated 12-09-2021, 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. Applicant shall be required to continue the streetscape requirements along the private street to the overall shopping center as shown on the submitted site plan with additional landscaping as required by the Unified Development Ordinance.
3. The development shall abide by all applicable standards of the Unified Development Ordinance, unless otherwise specified in these conditions or through approval of a variance by the Zoning Board of Appeals.
4. Inter-parcel access to be provided to the adjacent parcel to the north (R5038 187) as shown on the submitted site plan. Said connection and improvements to be completed

prior to issuance of the certificate of occupancy. Inter-parcel access to the adjacent property to the east (R5038 182) is not required.

5. The applicant shall remove the existing non-conforming freestanding pylon sign prior to the issuance of a certificate of occupancy for the development.
6. 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.
7. New signs higher than 15 feet or larger than 225 sq. ft. in area are prohibited.
8. In the event that the subject property is not leased, or purchased, or occupied by DaVita Snellville Dialysis within eighteen (18) months from the date of Mayor and Council approval, or if the property is occupied and later vacated by DaVita Snellville Dialysis the Special Use Permit will become null and void.
9. The approved zoning conditions and variances shall be referenced on any recorded plat, including subdivision plat provided to any buyer or lessee.

ⁱ Street, private: An access way similar to and having the same function, design, and construction standards as a public street, providing access to more than one property, but held in private ownership (as distinct from a "driveway" - A vehicular access way in private ownership, other than a private street, which provides access primarily to only one property, or to no more than two single-family detached residences.).