



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

**CASE SUMMARY**

**July 24, 2023**

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

**REQUEST:** Rezoning and Request for Special Use Permit

**LOCATION:** 1000 Athens Highway, Snellville, Georgia

**SIZE:** 22.85± Acres

**TAX PARCEL:** 5100 065

**CURRENT ZONING:** BG (General Business) District

**REQUESTED ZONING:** MU (Mixed-Use) District

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

**SPECIAL USE PERMIT REQUEST:** Multi-family Dwellings

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

**PROPERTY OWNER:** The Kroger Co.  
Cincinnati, Ohio 45202

**APPLICANT/CONTACT:** Highpoint Development Partners GA, LLC  
Atlanta, Georgia 30309  
c/o Jeff Timler, Split Silk Properties LLC  
678-772-0202 [splitsilkproperties@gmail.com](mailto:splitsilkproperties@gmail.com)

**RECOMMENDATION:** Approval with Conditions



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

**CASE ANALYSIS  
July 24, 2023**

**TO:** The Mayor and Council

**PUBLIC HEARING DATE:** July 24, 2023

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

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

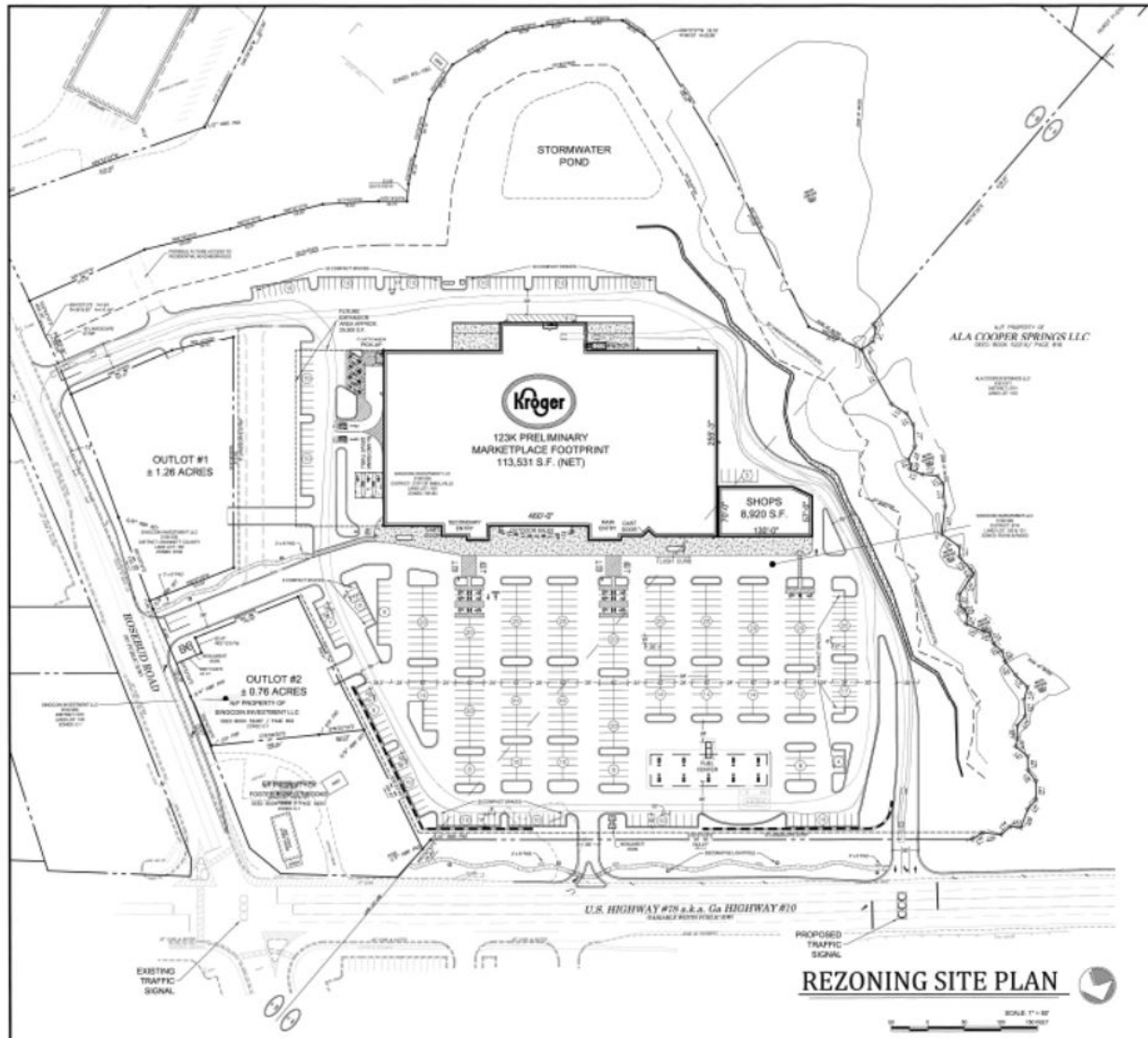
**FINDINGS OF FACT:**

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

The 22.85± acre site is located at the easternmost city limits boundary and southwest of the US Highway 78 (Athens Highway) and Rosebud Road intersection. The proposed development is bordered on the south by mostly large estate lot residential type uses (with the exception of one light manufacturing type use) and to the west by a single-family residential townhome community. To the north, the property abuts US Highway 78 (Athens Highway) and small 0.63± acre vacant site in unincorporated Gwinnett that served for many years as the Foster-Brooks family homestead. To the east and adjacent to Rosebud Road is Midway Plaza Shopping Center.

**BACKGROUND:**

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



12-14-2015 Approved Rezoning Concept Plan

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

**REQUEST:**

The applicant is requesting to amend the Official Zoning Map from BG (General Business) District to MU (Mixed-Use) District and special use permit for multi-family dwellings for a 22.85± acre mixed-use development consisting of 300 multi-family apartments (mixed-use building type); 28 single-family attached townhomes (townhouse building type); and 51,000 sq. ft. of retail, commercial, office and amenity space.



**Conceptual Zoning Plan – Highpoint Development**

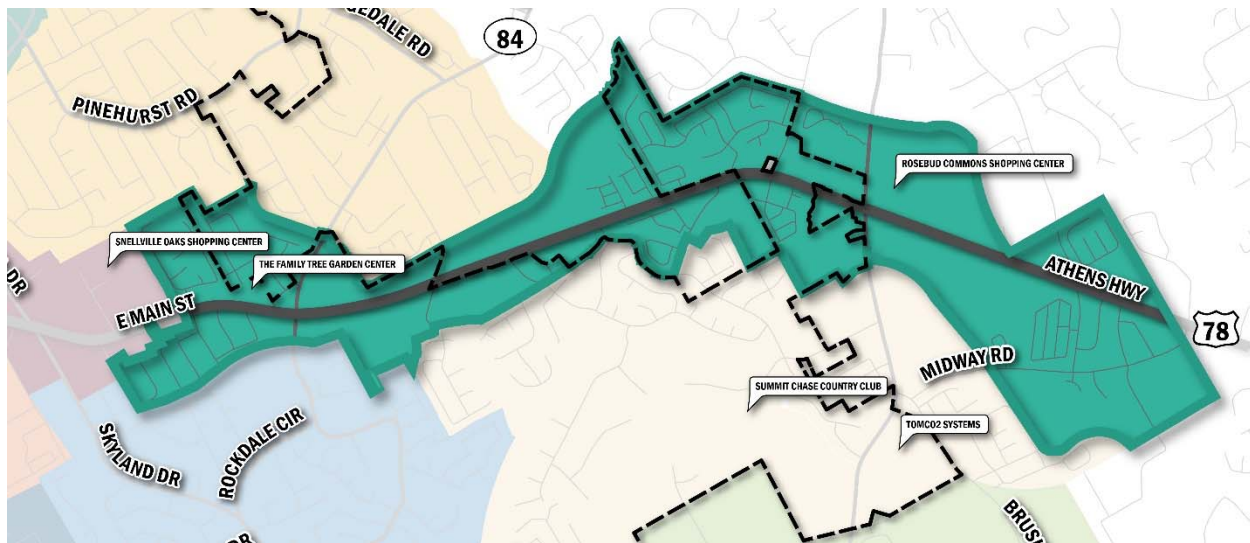
Concurrent with the rezoning application, the applicant is requesting variances from the Snellville Unified Development Ordinance (“UDO”) as follows:

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

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

**SNELLVILLE 2040 COMPREHENSIVE PLAN RECOMMENDATION:**

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



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

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

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

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

**“Key Implementation Strategies:**

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

**ZONING MAP AMENDMENT REQUEST:**

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

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

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

**SPECIAL USE PERMIT REQUEST:**

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

## REZONING SITE PLAN ANALYSIS:

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



Conceptual Zoning Plan – Highpoint Development

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

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

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

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

<sup>1</sup>25% compact allowed  
<sup>2</sup>1/150 for restaurant including outdoor dining areas in excess of 25% of floor area  
<sup>3</sup>Building is not yet fully designed; 300 units are proposed at an average unit size of approximately 950 s.f..

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

The 300 multi-family units and 28 townhome units (328 total units) equals 14.35 units per acre, exceeding the maximum site density of 12 units per acre (275 total units) by 53 units.

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

**BUILDING ELEVATIONS:**

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

**CONCURRENT VARIANCES:**

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

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



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

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

The Planning Department recommends *denial*.

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

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

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

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

The Planning Department recommends *denial*.

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

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

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

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

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

**TRAFFIC IMPACT ANALYSIS:**

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

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

Vehicle Trip Generation Results

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

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

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

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

Table 2 – Previously-Approved Retail Development Trip Generation

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

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

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

Table 3 – Trip Generation Comparison

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

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

#### Findings and Recommendations of the Study

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

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

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

Gwinnett County Department of Transportation Review Comments

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

**STAFF RECOMMENDATION:**

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

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

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

1. The property shall be developed in general accordance with the rezoning site plan entitled "Highpoint - Zoning Plan, Snellville, Georgia", dated 5-16-2022 (stamped received 5-17-2023), with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval, after submitting a Change in Conditions application and receiving recommendations by the Planning Department and Planning Commission.
2. The total site density for all dwelling units shall not exceed twelve (12) units per acre maximum.
3. In addition to the two-car garage per unit requirement, guest and visitor parking for the single-family detached townhomes shall be provided on Parcel C equal to one (1) parking space per 0.50 townhome units.

4. Solid waste dumpsters for the multi-family and commercial buildings shall be located at least 250 feet from the nearest townhome building.
5. A minimum six (6) feet wide concrete sidewalk/greenway and minimum two (2) feet wide beauty strip located between the sidewalk and parking lot curb line shall be provided adjacent to the western and southern parking areas, connecting to the sidewalk at Rosebud Road and Highway 78. Said hardscape shall qualify as amenity space.
6. The townhomes adjacent to Rosebud Road and the connecting street shall be rear-entry with the front of the townhomes facing Rosebud Road and the connecting street.
7. The 27,000 sq. ft. of retail/office space in buildings (A.1) and (A.2) shall be completed with certificates of occupancy issued before release of any final certificates of occupancy for the multi-family building (B), amenity space (B.1), and commercial/non-residential space (B.2). No certificates of occupancy shall be issued for the last six (6) townhomes (C) until such time that outparcels (A.3) and (A.4) are completed with certificates of occupancy issued for both.
8. The stormwater management facility located at the southern portion of the site shall be designed as a *wet* extended detention facility, unless topographic, bedrock, or other preventive measures are present that require a dry pond.
9. All conditions of zoning and approved variances as attached to the subject property from the 12-14-2015 Mayor and Council approved rezoning and Ordinance No. 2015-20 (case #RZ 15-05) are hereby repealed.
10. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.
11. Signs higher than 15 feet or larger than 225 square feet are prohibited.

#### **PLANNING COMMISSION REPORT:**

The Planning Commission held a duly advertised public hearing on the rezoning application and request for special use permit at the June 27, 2023 Regular Meeting of the City of Snellville Planning Commission.

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

- A. **Approval** of RZ 23-03, application to amend the City of Snellville Official Zoning Map from BG (General Business) District to MU (Mixed-Use) District.
- B. **Approval** of SUP 23-02, application for Special Use Permit for multi-family dwelling units.

- C. **Denial** of variance from Sec. 203-4.2.B.1 (Mixed-Use Requirement).
- D. **Denial** of variance from Sec. 203-4.2.B.2 (Mixed-Use Requirement).
- E. **Approval** of waiver from Sec. 401-3.4.C (Stub-out Streets) and Sec. 401-3.4.H (Inter-parcel Access) for the adjacent property to the east (Parcel 5101 571).
- F. **Denial** of waiver from Sec. 401-3.4.C (Stub-out Streets) and Sec. 401-3.4.H (Inter-parcel Access) for the adjacent property to the south (Parcel 5100 023).

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

1. The property shall be developed in general accordance with the rezoning site plan entitled “Highpoint - Zoning Plan, Snellville, Georgia”, dated 5-16-2023 (stamped received 5-17-2023), with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval, after submitting a Change in Conditions application and receiving recommendations by the Planning Department and Planning Commission.
2. The total site density for all dwelling units shall not exceed twelve (12) units per acre maximum.
3. In addition to the one-car garage per unit requirement, guest and visitor parking for the single-family detached townhomes shall be provided on Parcel C equal to one (1) parking space per 0.50 townhome units.
4. Solid waste dumpsters for the multi-family and commercial buildings shall be located at least 250 feet from the nearest townhome building.
5. A minimum six (6) feet wide concrete sidewalk/greenway and minimum two (2) feet wide beauty strip located between the sidewalk and parking lot curb line shall be provided adjacent to the western and southern parking areas, connecting to the sidewalk at Rosebud Road and Highway 78. Said hardscape shall qualify as amenity space.
6. The townhomes adjacent to Rosebud Road and the connecting street shall be rear-entry with the front of the townhomes facing Rosebud Road and the connecting street.
7. The 27,000 sq. ft. of retail/office space in buildings (A.1) and (A.2) shall be completed with certificates of occupancy issued before release of any final certificates of occupancy for the multi-family building (B), amenity space (B.1), and commercial/non-residential space (B.2). No certificates of occupancy shall be issued for the last six (6) townhomes (C) until such time that outparcels (A.3) and (A.4) are completed with certificates of occupancy issued for both.

8. The stormwater management facility located at the southern portion of the site shall be designed as a wet extended detention facility, unless topographic, bedrock, or other preventive measures are present that require a dry pond.
9. All conditions of zoning and approved variances as attached to the subject property from the 12-14-2015 Mayor and Council approved rezoning and Ordinance No. 2015-20 (case #RZ 15-05) are hereby repealed.
10. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.
11. Signs higher than 15 feet or larger than 225 square feet are prohibited.

#### **7-17-2023 AMENDED LETTER OF INTENT:**

On July 17, 2023 the Planning Department received an amended Letter of Intent from the applicant, requesting the following changes or additions, with recommendation by the Planning Department in bold:

Variance #2: Please no longer consider our variance request from Sec. 203-4.2.B.2 (Mixed-use Requirement). We can provide 10,000 SF of ground floor non-residential space within the Multi-family portion of the mixed-use development. However we would like a condition that clarifies the fee-simple townhomes shall not be subject to Sec. 203-4.2.B.2.

Recommendation: By providing a minimum of 10,000 sq. ft. of non-residential space within the ground floor of the multi-family building, no variance is required from Sec. 203-4.2.B.2 (Mixed Use Requirement). The Department of Planning and Development recommends adding a **condition** that the fee-simple townhomes shall not be subject to the requirements of Sec. 203-4.2.B.2. (Mixed-Use Requirement) because the applicant was encouraged to provide more housing on the site. Thus, the fee-simple townhomes will not count towards or against the required amount of non-residential uses.

Variance #3: Please no longer consider our variance request from Sec. 401-3.4.C (Stub-out Streets) and Sec. 401-3.4. H (Inter-parcel access) for the adjacent property to the south (Parcel 5100 023). We have since spoken to the adjoining property owner and they are currently amenable to a shared driveway off Rosebud Road which would push this entrance further away from the heavily congested 78/Rosebud intersection.

Recommendation: With the proposed shared driveway with the adjacent property to the south (Parcel 5100 023), no variance is required. The Department of Planning and Development recommends **approval** of the stub-out street and interparcel variances as applicable to the adjacent property to the west (Parcel 5101 571). A stub-out street for



interparcel access is shown on the site plan for the adjacent property located in the northeast portion of the site (Parcel 5100 007).

Variance #4 (New): Please accept variance request from Section 203-4.8 Dimensional standards. Apparently, we all overlooked this requirement over the last 18 months and would like to increase maximum density from 12 units per acre to 15 units.

**Recommendation:** The Department of Planning and Development recommends **approval** of the new variance because the increased density allows for a higher quality development.

Planning Commission Recommendation "C": The Planning commission recommended denial; however, approval is necessary since we removed 20,000 SF of office space at the request of the city to add the fee simple Townhome portion thereby necessitating this equal offset.

**Recommendation:** The Department of Planning and Development recommends **approval** of the variance.

Planning Commission Recommendation "E": We understand approval is a possible error as we are more than willing to stub to the east or parcel 5101 571. However, we are unable to feasibly connect to the west due to topographical and environmental challenges.

**Recommendation:** The Department of Planning and Development recommends **approval** of the variance.

Zoning Condition #3: We prefer two car garages which would meet the intent of extra parking if one car garage were constructed. Therefore, we would like this condition revised to require two car garages with minimum driveway distance of 22' behind the sidewalk.

**Recommendation:** The Department of Planning and Development recommends **approval** of the condition change.

Zoning Condition #5: Since we are heavily restricted by topo, granite outcroppings, maximizing the MU density and the 150" impervious setback, we would like to replace concrete sidewalk/greenway with 4-6' wide mulched greenway path located within the 150' impervious setback from Hwy 78 to the proposed wet retention pond.

**Recommendation:** The Department of Planning and Development recommends **approval** of the condition change.

Zoning Condition #6: We would like deleted in its entirety. We don't feel our future residents would want their front door townhomes opening to heavily congested Rosebud Road. Having the town homes front inward to each other would create a better sense of community for the residents. We also anticipate heavily landscaping Rosebud Road to screen and buffer the homes from the traffic. We plan to add a 10' wide sidewalk along

Rosebud Road along with a landscaped and fenced separation between the townhome units and Rosebud Road.

We would propose design standards for the fee simple townhome component of this mixed-use project to be as follows:

- 24' wide units
- Front entry garage with variety in the elevation around garage to minimize monotonous streetscape (could mix door types, pediment above garage or material above garage as three examples)
- 24' public street (back of curb to back of curb)
- Minimum of 22' driveway length behind sidewalk to maximize sidewalk use.
- Roll back curb in front of units.

**Recommendation:** The Department of Planning and Development recommends: **deletion** of the condition given the townhomes would front a very busy Rosebud Road if forced to become a rear entry product.; **approval** of the variance for 24' wide public street (measured back of curb to back of curb); and **approval** of the variance allowing roll-back curbs in front of townhome units.

Zoning Condition 7: We prefer deleted in its entirety as we would like to comply with the code as indicated in #1 stated earlier this letter that requires 10,000 SF of non-residential to be constructed prior to the 100th apartment certificate of occupancy. Many national tenants have minimum SF, access, and visibility requirements. If we are required to build without having tenants confirmed, then this requirement may deter perspective tenants that don't have the flexibility and we may end up with vacant buildings for years. Our preference is to let the zoning and free market drive commercial as it always follows residential. However, we are amenable to a condition that says, "after the 100th certificate of occupancy is issued for the multifamily project, the developer shall install the entrance boulevard and spine road as proposed in this plan before any additional certificates of occupancy are issued." Please see exhibit "A" below. We feel this meets the spirit and intent of the mixed-use district by creating continuity between uses.

Exhibit "A"



**Recommendation:** The Department of Planning and Development recommends **deletion** of the zoning condition given the nature of residential uses driving the commercial developments. The applicant will be required to plan and install the spine roads as shown above in exhibit "A" prior to the issuance of a CO for any residential uses.

## EXHIBIT "A"

### Sec. 203-4. MU Mixed-Use District

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#### 203-4.1. Purpose

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

#### 203-4.2. Use Provisions

##### A. Allowed Uses

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

##### B. Mixed-Use Requirement

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

#### 203-4.3. Building Types

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

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

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

#### 203-4.4. Architectural Standards

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

#### 203-4.5. Site Development Standards

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

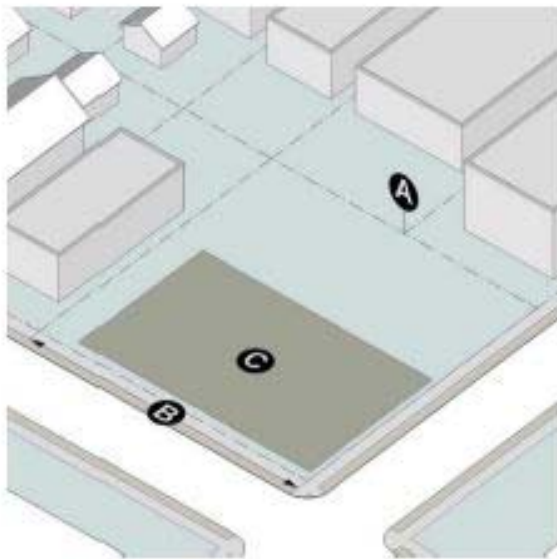
#### 203-4.6. Blocks

See Sec. 401-3.2 for block standards.

#### 203-4.7. Inter-parcel Access

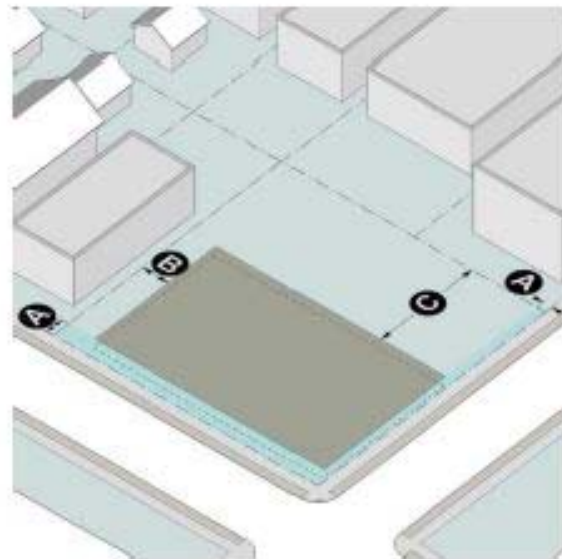
See Sec. 401-3.4.H (Inter-parcel Access).

### 203-4.8. Dimensional standards



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

### 203-4.9. Building Placement

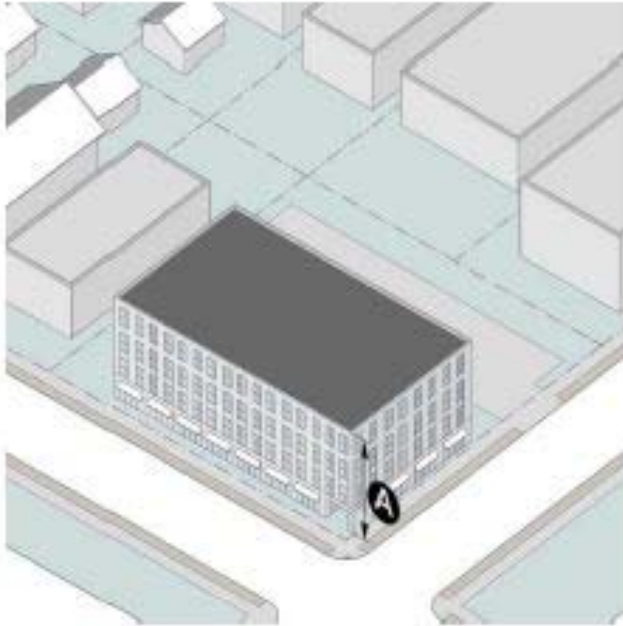


Building Setbacks [1]		
Ⓐ Front and side (street) (State route):		15 ft. min.
Ⓐ Front and side (street) (other):		5 ft. min.
Ⓑ Side (interior):		0 ft. min.
Ⓒ Rear (no alley):		6 ft. min.
Ⓒ Rear (alley):		3 ft. min.

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

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

### 203-4.10. Bulk and Mass



#### Building Height

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