



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

CASE SUMMARY

May 23, 2022

CASE NUMBER: #CIC 22-01

REQUEST: Rezoning Change in Conditions

LOCATION: 1721 Athens Highway, Grayson, Georgia

SIZE: 1.10± Acres

TAX PARCEL: 5069 267

CURRENT ZONING: HSB (Highway Service Business) District

CURRENT FUTURE LAND USE MAP: Office Professional

DEVELOPMENT/PROJECT: Existing Building and Site for Office Use

PROPERTY OWNER/APPLICANT: Devechio Capital, LLC
Ball Ground, Georgia 30107

CONTACT: Jordan Edwards, Esq.
The Galloway Law Group, LLC
Atlanta, Georgia 30319
404-965-3682 or Jordan@glawgp.com

RECOMMENDATION: Approval with Conditions



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

**CASE ANALYSIS
May 23, 2022**

TO: The Mayor and Council

**2nd READING
PUBLIC HEARING DATE:** May 23, 2022

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #CIC 22-01

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Jordan Edwards, Attorney with The Galloway Law Group, LLC representing the property owner Deviechio Capital, LLC who is requesting a change in conditions from the 9-22-2003 approved rezoning (case #RZ 03-09) to allow an office use in the existing building through removal or modification of Condition #3 that reads: *“The approved zoning is for the use of a lawn equipment sales/service facility with outdoor storage only. Any future change in use on this property shall require Mayor and Council approval.”*

The 1.1± acre property located at 1721 Athens Highway, Grayson is located just west of the intersection of Athens Highway (U.S. Highway 78) and North Crestview Drive. The property is adjacent to the Crestview Plaza Shopping Center to the east and Harbour Oaks Montessori School, to the west, both zoned BG (General Business) District and south of The Arbors at Crestview single-family residential subdivision located in unincorporated Gwinnett County.

BACKGROUND:

On 9-22-2003 the Mayor and Council approved rezoning of the property from BG (General Business) District to HSB (Highway Service Business) District for the development and use of the property for lawn equipment sales/service with outdoor storage. The zoning approval included the attachment of the following conditions of zoning:

1. Signs higher than 15 feet and larger than 225 square feet are prohibited.
2. No outdoor loudspeakers shall be allowed.
3. *The approved zoning is for the use of a lawn equipment sales/service facility with outdoor storage only. Any future change in use on this property shall require Mayor and Council approval.*
4. All outdoor storage shall be located to the rear of the building. All storage and/or equipment shall be screened with a six-foot (6') high minimum opaque fence.

Lawn Equipment Solutions developed and operated from the property beginning in 2004 until closure of the business in September 2012. The property was subsequently sold to AG-Pro Real Estate Investments, LLC continuing operation and use of the property as a John Deere dealership until closure and relocation out of the city in July 2020. The property has remained vacant since.

In December 2021 the property was acquired by the current property owner Devechio Capital, LLC.

In February 2022 Myriad Real Estate Solutions inquired about use of the property for construction management and project management services for builders, developers, and real estate agents, as well as for their luxury studio shed design and construction arm operating as Private Personal Spaces (PPS) www.youdeservespace.com.

The Company was advised that use of the property for onsite shed construction and pre-assembly would first require amending the Snellville 2040 Comprehensive Plan Future Land Use Map (FLUM) to the more intensive Industrial Mixed-Use land use category, as well as rezoning (RZ) to the LM (Light Manufacturing) District for those uses in light manufacturing or light industrial use category. However, pre-fabricated building manufacturing is a use that is not allowed in any zoning district.

Use of the property for office use for their construction management and project management services does not require amending the FLUM or RZ, but would require Mayor and Council approval to amend or remove Condition #3 restricting use of the property to lawn equipment sales and service only.

PLANNING DEPARTMENT ANALYSIS:

Since the 2003 rezoning of the property, the City's zoning district use provisions have been amended through the years with the most comprehensive amendment having been completed with the 10-26-2020 adoption of the Snellville Unified Development Ordinance. The new Allowed Use Table, contains a listing of various use categories, specific uses and zoning districts where these uses are:

- a. Allowed as a principal permitted use;
- b. Allowed as a limited use, subject to use standards;
- c. Allowed as a special use, subject to Special Use Permit approval by the Mayor and Council;
- d. Not allowed.

Since the October 2020 adoption, the Use Table was amended 10-25-2021 and more recently on 2-28-2022.

With the property being vacant and out of commerce for almost twenty (20) months now, Sec. 103-11.3. (Nonconforming Uses) of Article 3 of Chapter 100 of the UDO govern nonconforming uses and that they may not be reestablished after discontinuance for six (6) months. Any subsequent use of the property is regulated by the Use Provisions of Article 6 of Chapter 200 of the UDO.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the request to remove (repeal) Condition #3 from the 9-22-2003 Mayor and Council approved conditions. The following original conditions shall remain in full force and effect:

1. Signs higher than 15 feet and larger than 225 square feet are prohibited.
2. No outdoor loudspeakers shall be allowed.
3. *[Removed/Repealed]*.
4. All outdoor storage shall be located to the rear of the building. All storage and/or equipment shall be screened with a six-foot (6') high minimum opaque fence.

PLANNING COMMISSION REPORT:

The Planning Commission held a duly advertised public hearing on the Change in Conditions application at the April 26, 2022 Regular Meeting of the City of Snellville Planning Commission.

By a unanimous vote of five (5) to zero (0), the Planning Commission recommended to **Remove/Repeal** Condition #3 from the 9-22-2003 Mayor and Council rezoning approval for rezoning Case #RZ 03-09 that reads: *“The approved zoning is for the use of a lawn equipment sales/service facility with outdoor storage only.”*