



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

CASE SUMMARY

December 10, 2024

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| CASE NUMBER: | #RZ 24-05 SUP 24-03 RZ 24-06 |
| REQUEST: | Rezoning, Special Use Permit and Variances |
| LOCATION: | Civic Drive SW, Pate Street, and Henry Clower Boulevard, Snellville, Georgia |
| SIZE: | 8.95± Acres |
| TAX PARCEL(s): | 5026 051; 5026 177; and 5027 107 |
| CURRENT ZONING: | CI (Civic Institutional) District and TC-R (Towne Center Residential) District |
| REQUESTED ZONING: | TC-R (Towne Center Residential) District and BG (General Business) District |
| OVERLAY DISTRICT: | Towne Center Overlay District |
| CURRENT FUTURE LAND USE MAP DESIGNATION: | Towne Center |
| SPECIAL USE PERMIT REQUEST: | 140 Unit Stacked Townhomes (Stacked Flats) |
| DEVELOPMENT/PROJECT: | Stacked Townhouse Style (Stacked Flats) with 14,000 SF Commercial Building |
| PROPERTY OWNER: | Snellville Community Church, Inc. Snellville, Georgia 30078 |
| APPLICANT/CONTACT: | Parkland Communities, Inc. c/o Tyler Lasser, LJA Engineering, Inc. 470-202-9321 TLasser@LJA.com |
| RECOMMENDATION: | Approval with Conditions |



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

**CASE ANALYSIS
December 10, 2024**

TO: The Planning Commission

MEETING DATE: December 10, 2024

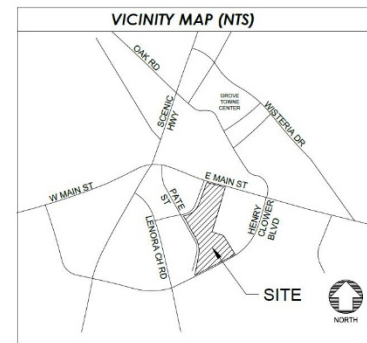
FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #RZ 24-05 SUP 24-03 RZ 24-06

FINDINGS OF FACT:

The Department of Planning and Development has received applications from Tyler Lasser, LJA Engineering, Inc. representing Parkland Communities, Inc. (applicant) and Snellville Community Church, Inc. (property owner) requesting rezoning, special use permit and variances from the Snellville Unified Development Ordinance for a 140-unit stacked-townhouse-style (stacked flats) multi-family development on a 7.77± acre site consisting of two- and three- bedroom units and minimum floor area of 1,600 sq. ft. with a gross density of 18.01 units per acre. The applicant is also requesting rezoning of a 1.18± acre tract for a 14,000 sq. ft. commercial building for an adult living/daycare facility and other retail and restaurant uses.

The proposed project site is bounded by Civic Drive, Pate Street, Henry Clower Boulevard, and East Main Street and is an assemblage of three (3) Snellville Community Church parcels totaling 8.95± acres located a quarter of a mile south from the \$140 million The Grove @ Towne Center.



The proposed development is adjacent to the Snellville Community Church campus and medical office and commercial uses including Georgia Dermatology Partners, Renasant Bank, and vacant Krystal's restaurant. The project site is located across from Henry Clower Boulevard and recently approved Arris Development rezoning for a 300-unit Towne Center Flats multi-family development.

REQUEST:

The applicant is requesting the following zoning map amendments:

- A. Rezoning of the 3.33± acre tract from CI (Civic Institutional) District to TC-R (Towne Center Residential) District;
- B. Rezoning of the 4.44± acre tract from TC-R (Towne Center Residential) District to TC-R (Towne Center Residential) District; and
- C. Rezoning of the 1.18± acre tract from CI (Civic Institutional) District to BG (General Business) District.

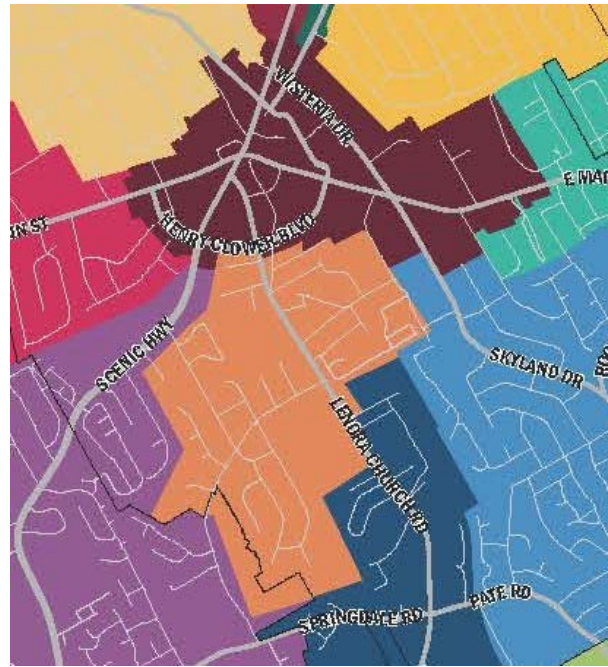
The applicant is also requesting a Special Use Permit for a 140-unit stacked-townhouse-style (stacked flats) multi-family development and variances from Chapters 200 and 400 of the Snellville Unified Development Ordinance ("UDO") as follows:

- 1. Sec. 401-4.2. (Streetscapes Required - Sidewalk): to reduce the minimum 10-foot wide sidewalk width to 5-feet.
- 2. Sec. 401-4.2. (Streetscapes Required - Planter): to reduce the minimum 5-foot wide planter width to 2-feet.
- 3. Sec. 201-2.8. (Parking Locations): to allow vehicle parking between the building and street, including within driveways.
- 4. Sec. 205-1.11. (Vehicle Access and Parking Locations): to allow off-street parking not from an alley.
- 5. Sec. 201-2.8. (Floor to Ceiling Height): to reduce the minimum 9-foot floor to ceiling height for all stories to 8-feet.

SNELLVILLE 2045 COMPREHENSIVE PLAN RECOMMENDATION:

On 2-26-2024, city leaders adopted the Snellville 2045 Comprehensive Plan with development of the plan beginning in July 2023. The Plan serves as the foundation for the city's future and is a community-driven plan, focused on an aspirational vision of the future and identifying the issues and opportunities that matter most to residents, employees, and local businesses in achieving that vision. The plan presents strategies to address the community's concerns, with an emphasis on what can be done over the next five years (2024 to 2029).

The development site is located within the south-central portion of the Towne Center Character Area identified on the recently adopted Snellville 2045 Future Development Map and shown in maroon to the right. The property is also classified as *Towne Center* on the Snellville 2045 Comprehensive Plan Future Land Use Map with this land use category described as “a variety of retail, civic, office, single-family or multi-family residential and recreational uses in a walkable environment.” The proposed TC-R (Towne Center Residential) District is one of several appropriate zoning districts for the *Towne Center* future land use category.

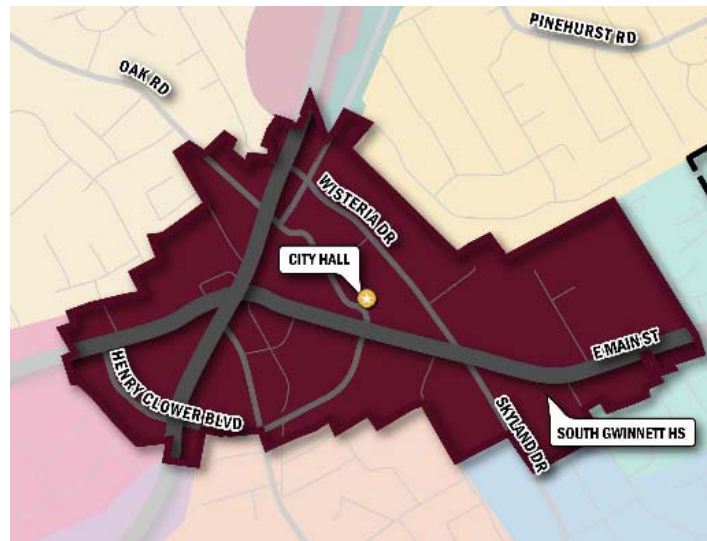


The following provides a description for the Towne Center Character Area, as well as predominate land uses, vision statement, and key implementation strategies:

Towne Center Character Area

Existing Character Description:

The Towne Center is located at the center of Snellville and includes a mix of civic, retail, office, and educational uses, as well as the Snellville Historical Cemetery. The City transformed this area into a true, walkable center with the City Hall, the Towne Green, County Library, the Snellville Senior Center, and several streetscape improvements. There are several large, undeveloped parcels in the area, as well as shopping centers with oversized parking lots with potential for redevelopment. The City continues to make strides working with property owners and developers to bring quality development to the area.



Predominate Land Uses:

Public/civic, commercial/retail, office/professional, medium-density residential, high-density residential

Vision:

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:

- Actively promote redevelopment through the Downtown Development Authority to assemble parcels and attract quality private development partners
- Create a new city market, actively recruit unique tenants, and identify a market operator partner
- 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
- 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
- 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

In the Snellville 2045 Comprehensive Plan, the following Goals and Policies directly support the proposed development:

Land Use:

- LU-2: Support the development of live/work/play/learn communities.
 - LU-2.2: Pursue density in targeted areas of the community.
 - LU-2.3: Promote redevelopment of opportunities of underused sites into mixed-use projects.
 - LU-2.4: Ensure access to green space in dense, high-activity areas of Snellville.
- LU-5: Continue to pursue the development of the Towne Center.
 - LU-5.3: Promote mixed uses within the Towne Center.

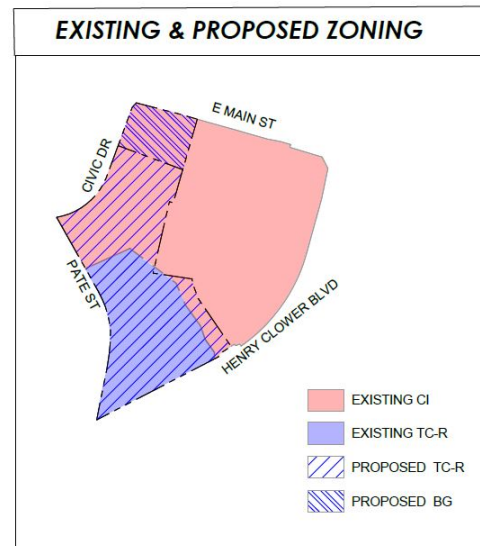
Housing:

- H-2: Ensure housing stock remains affordable.
 - H-2.1: Encourage the construction of housing to support all age groups, incomes and lifestyles.
- H-3: Encourage the development of a diversity of housing types.

ZONING MAP AMENDMENT REQUEST:

The applicant is requesting the following zoning map amendments:

- A. Rezoning of the 3.33± acre tract from CI (Civic Institutional) District to TC-R (Towne Center Residential) District (area shown in pink with single-hatching);
- B. Rezoning of the 4.44± acre tract from TC-R (Towne Center Residential) District to TC-R (Towne Center Residential) District (area shown in blue with single-hatching); and
- C. Rezoning of the 1.18± acre tract from CI (Civic Institutional) District to BG (General Business) District (area shown in pink with double-hatching).



TC-R (Towne Center Residential) District

The existing 4.44± acre tract was rezoned in April 2019 to the TC-R District with conditions for an 88-unit senior apartment building development; however, the project stalled after the developer failed to obtain the necessary tax credits under the IRS’s Low-Income Housing Tax Credit (LIHTC) program. Combined with the 3.33± acre Snellville Community Church campus, zoned CI District, the 7.77± acre site is to be rezoned TC-R District for a 140-unit stacked townhome (stacked flats) multi-family development.

The TC-R District was adopted in December 2016 along with the TC-MU (Towne Center Mixed-Use) District and revamp of the Towne Center Overlay District as a priority of the City’s development code renovation process that later resulted in creation and adoption of the Snellville Unified Development Ordinance in October 2020.

The purpose of the TC-R District is to *“provide for a variety of housing options near the Towne Center’s mixed-use core.”* The proposed rezoning to the TC-R District is one of several appropriate zoning districts for the property’s *Towne Center* future land use designation on the Snellville 2045 Comprehensive Plan Future Land Use Map.

Recently city leaders approved two separate rezoning cases to the TC-R District; a 300-unit Towne Center Flats multi-family development on a 16.96± acre site at Henry Clower Boulevard, Pine Street and Church Street; and a 171-unit Towne Center Flats multi-family development on a 2.76± acre site at 2380 Wisteria Drive.

BG (General Business) District

A second rezoning request is for a 1.18± acre tract that contains the former City Hall complex that was part of the March 2001 land swap with Snellville United Methodist Church. The applicant is requesting rezoning of this tract from the CI District to the BG District and construct a 14,000 sq. ft. multi-tenant commercial center for adult living/day care, retail and restaurant uses to support area residential uses.

SPECIAL USE PERMIT REQUEST:

Building type requirements apply in the TC-R District, with eight (8) different building types allowed in the TC-R District including: a) detached house; b) carriage house; c) cottage court; d) semi-detached house; e) townhouse; f) walk-up flat; g) *stacked flat*; and h) civic building.

Applicant describes the proposed stacked-townhouse-style (stacked flats) building design as follows: *“Each rear-entry stacked townhome has a one-car garage and offers a two or three spacious bedroom. Both homes feature a covered outdoor living space for enjoying views of the adjoining greenspaces and woodlands or hosting evening gatherings. The expansive owner’s suites feature large walk-in closets and chic baths with dual vanities. The open floor plans allow generously sized kitchens to flow seamlessly into vast family rooms, perfect for entertaining guests.*

The three-bedroom plan offers 1,950 square feet with two-and-a-half baths and a loft, while the two-bedroom homes provide a comfortable 1,600 square feet of living space and two-and-a-half bathrooms. The units are separated internally by the stairs which creates private living so no units are above or below each other. The three bedroom plan is in the front of the building, and the two bedroom plan is in the back of the building.”

UDO Sec. 201-2.8 (shown right) provides a definition and use standards for the *Stacked Flat* building type. The applicant is requesting a variance from the 9-foot minimum floor to ceiling height to allow for 8-foot ceilings and variance to allow parking between the building and the street, including within driveways. See page 10 (Concurrent Variances) for analysis and recommendation.

UDO Sec. 206-3.1.F. (Towne Center Flat) provides a separate definition and use standards for the *Towne Center Flat* use which is only allowed in the TC-R, TC-MU and Towne Center Overlay Districts with Special Use Permit approved by the Mayor and City Council including any applicable use standards, except where the use standards are expressly modified by the City Council as part of the special use permit approval.

201-2.8. Stacked Flat

A. Defined

A building type that accommodates nine or more dwelling units vertically and horizontally integrated. Not for nonresidential use.



B. Specific Standards

| Site | |
|--|--|
| Stacked flat units per building: | 9 min. |
| Street facing façade length: | 200 ft. max. |
| Floor to Ceiling Height | |
| All stories: | 9 ft. min. |
| Fenestration | |
| Ground floor: | 15% min. |
| Upper story: | 10% min. / 40% max. |
| Blank wall area: | 20 ft. max. |
| Pedestrian Access | |
| Entrance facing street: | Required for lobby and ground floor units along street |
| Walkway width: | 3 ft. min. / 8 ft. max. |
| Front porch or stoop | Required |
| Parking Location | |
| No parking lot is allowed between the building and the street, including within driveways. | |

The following page contains the definition and use standards (a)-(g) for the Towne Center Flat use.

Towne Center Flat:

1. Defined

Three or more dwelling units in a single building that does not meet the definition of single-family attached dwelling within a TC District and where the ground floor of the building contains no nonresidential uses.

2. Use Standards

Where a Towne Center flat is allowed as a limited or special use, it is subject to the following:

- a. Towne center flats must be in a conforming walk-up flat or stacked flat building type.
- b. Ground floor dwelling units may be accessed from the outside or through a conditioned interior hallway, as permitted by building type.
- c. Dwelling units located above the ground floor must be accessed through a conditioned interior hallway.
- d. Each dwelling unit must have at least 750 square feet of floor area.
- e. Sites containing 30 or more Towne Center flat dwelling units must provide a minimum of 5,000 square feet of commercial floor area for each additional 30 Towne Center flats, or fraction thereof, unless a variance is granted by the Board of Appeals in conformance with sentence (f) below.
- f. Variance requests may only be approved when the applicant demonstrates that all Towne Center flat buildings are located within 1,000 feet of at least 15,000 square feet of existing commercial space. This distance is measured by the most direct route of travel on ground in the following manner:
 - i. From the lobby entrance of each proposed building housing a Towne Center flat;
 - ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - iv. To the main entrance of the existing commercial floor area;
- g. When multiple commercial establishments are required to attain 15,000 square feet, this requirement applies to all establishments.

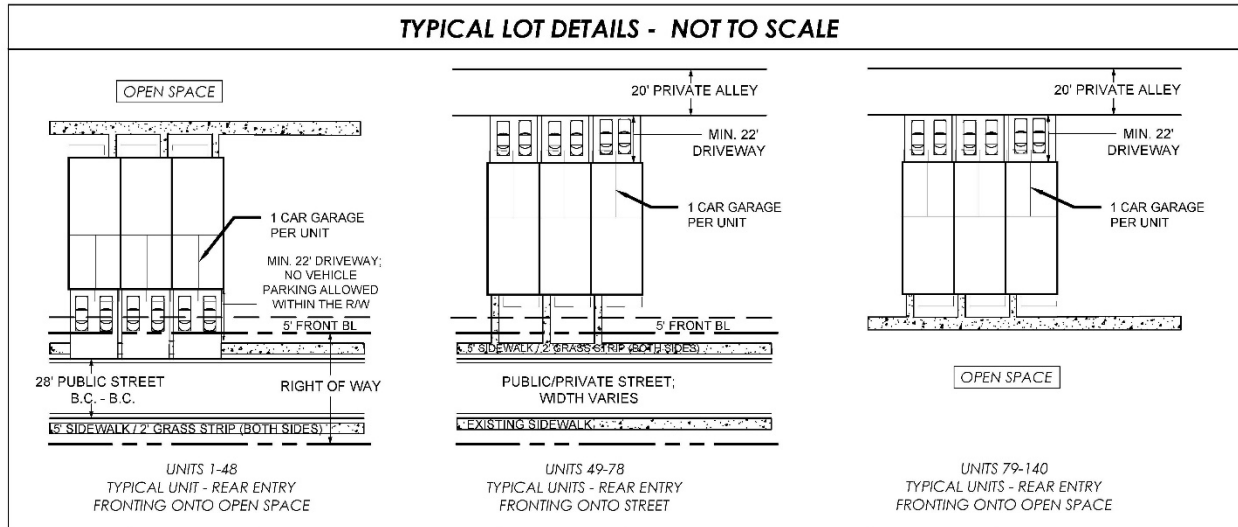
REZONING SITE PLAN ANALYSIS:

The conceptual rezoning site plan dated 11-8-2024 for Bethany Park shows the layout of the 8.95± acre site with a 14,000 sq. ft. commercial building and related parking located at the northern portion of the site at the intersection of Civic Drive and E. Main Street and 140-unit stacked-townhouse-style (stacked flats) in ten (10) buildings located on the remainder of the site, with each building containing between ten (10) and sixteen (16) dwelling units

Amenity space (5.1% of site) is centrally located and includes a swimming pool, cabana, mail kiosk, greenspace with twelve (12) parallel parking spaces. Civic space (10.5% of site) is located primarily in the southern portion of the development and includes walking trails, picnic pavilion,

and open space. Solid waste dumpsters are located at both the northern and southern areas of the site.

Access to the site is by a full-access drive off Civic Drive serving both the commercial and residential uses with a full-access private alley at Pate Street, right-in/right-out alley at Henry Clower Boulevard, secondary access to Henry Clower Boulevard via connection to Wesley Way, and one-way right-out only adjacent to the commercial building at E. Main Street. Units 49-140 are accessible via private alleys with each unit including a single-car rear-entry garage with supplemental spaces on the driveway for each unit. Units 1-48 are directly accessible from Pate Street. The graphic below depicts the typical unit layout in the development:



Conceptual front and rear elevations:



The proposed 20-foot wide private alley, measured back-of-curb to back-of-curb, serving as the primary vehicular access drive, may not be wide enough to safely accommodate unit parking (Units 55-70 and Units 113-134) due to the location of the parallel (guest) parking. Further, as alleys primarily serve as a secondary means of vehicular access with reduced width, design and use of a local urban street with a wider pavement width¹ may be more appropriate and functional for both two-way vehicular traffic, unit driveway entry/exit, and guest and overflow parking.

For sites containing 30 or more Towne Center flat dwelling units, they must provide a minimum of 5,000 square feet of commercial floor area for each additional 30 Towne Center flats, or fraction thereof, unless a variance is granted in conformance with (a) below.

- (a) Variance requests may only be approved when the applicant demonstrates that all Towne Center flat buildings are located within 1,000 feet of at least 15,000 square feet of existing commercial space. This distance is measured by the most direct route of travel on ground in the following manner:
- i. From the lobby entrance of each proposed building housing a Towne Center flat;
 - ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - iv. To the main entrance of the existing commercial floor area;

Based on 140 Towne Center flat dwelling units, 23,333 sq. ft. of existing commercial space is required to satisfy the variance requirement.

CONCURRENT VARIANCES:

Included in the application submittal is a request for five (5) variances from Chapters 200 and 400 of the Snellville Unified Development Ordinance. Although the applicant has not provided any specific reason or demonstrated hardship for these requests, the applicant contends these variances are *“to allow for the most sufficient and successful development that best interacts with the surrounding community.”*

Each of these variances are listed on the rezoning site plan and identified by a corresponding symbol and location. Analysis and staff recommendation of each request and two (2) additional variances is provided below.

1. Request: Variance from UDO Sec. 401-4.2. (Streetscapes Required - Sidewalk): to reduce the minimum 10-foot wide sidewalk width to 5-feet.

Variance Analysis: Urban sidewalks require the following basic ingredients for success: **adequate width of travel lanes**, a buffer from the travel lane, curbing, minimum width, gentle cross-slope (2% or less), a buffer to private properties, adequate sight distances around corners and at driveways, shy distances to walls and other structures, a clear

¹ UDO Table 401-5.2 (Minimum Widths for New Streets and Project Access): Local Urban Street – 29 feet (roadway pavement width excluding curb and gutter)

path of travel free of street furniture, continuity, a well-maintained condition, ramps at corners, and flat areas across driveways.

The minimum required sidewalk width is based on roadway classification using the Gwinnett County Roadway Classification Map. Main St. East/Highway 78 is classified as Principal Arterial requiring a 10-foot wide sidewalk along the project frontage, while Henry Clower Boulevard, Civic Drive and Pate Street are each classified a Local Road, requiring a 6-foot wide sidewalk along the project frontage.

Support of the goals and policies in both the Snellville 2045 Comprehensive Plan and Snellville Livable Center Initiative (LCI) to encourage functional pedestrian sidewalks and access between developments in the Towne Center is important.

Recommendation: The Planning Department recommends *DENIAL*.

2. Request: Variance from UDO Sec. 401-4.2. (Streetscapes Required - Planter): to reduce the minimum 5-foot wide planter width to 2-feet.

Variance Analysis: Similar to the analysis above for sidewalks, the code requires a 5-foot wide planter strip running continuously between the curb line and sidewalk regardless of the roadway classification. Within the planter strip, street trees² are required to be planted every 50-feet with either evergreen ground cover or tree grate and paving between the street trees. Unless prohibited by GDOT, decorative pedestrian lights are to be installed in the planter a maximum of 40-feet on center and spaced equal distance between street trees.

The larger planter width also serves as a natural buffer between pedestrians and vehicles, reduces the effects of noise, air turbulence and splashing from passing vehicles, and provides a higher level of general comfort and sense of safety to pedestrians.

Recommendation: The Planning Department recommends *DENIAL*.

3. Request: Variance from Sec. 201-2.8. (Parking Locations): to allow vehicle parking between the building and street, including within driveways.

Variance Analysis: The requested variance is from the specific use standards for the Stacked Flat building type with parking location requirements that prohibit a parking lot between the building and street, including within driveways. This keeps tenant parking near the building and more easily accessible, while minimizing vehicle-pedestrian hazards and conflicts by keeping streets away from the parking areas.

² Along State Routes and routes controlled by Gwinnett County, when street trees are prohibited by GDOT or Gwinnett County, or when the Director determines the street trees conflict with authorized utilities or determines street trees to be a threat to the public health, safety, and welfare. [Sec. 207-3.4.A]

However, the proposed stacked-townhouse-style (stacked flats) development is consistent with the townhouse-style building where primary vehicle parking is provided between the building and street (alley) by a garage, driveway or both.

The Planning and Development Department recommends *APPROVAL*.

4. Request: Variance from Sec. 205-1.11. (Vehicle Access and Parking Locations): to allow off-street parking not from an alley.

Variance Analysis: The requested variance is from the Towne Center Overlay District to allow access to off-street parking in a garage, driveway or both directly from Pate Street for Units 1-48 and not from an alley. Since Pate Street presents more as an alley and not an improved City right-of-way and there currently is no access to Henry Clower Boulevard from Pate Street and with the enhanced design and building materials on the rear of the stacked flats, the Planning Department supports this variance request.

The Planning and Development Department recommends *APPROVAL*.

5. Request: Variance from Sec. 201-2.8. (Floor to Ceiling Height): to reduce the minimum 9-foot floor to ceiling height for all stories to 8 feet.

Variance Analysis: Since the mid-90's, nine-foot ceilings have become the standard height for homes and apartments in more regions because they make rooms feel more spacious, grand, open, and allow for more decorative options. However, given the unique design of this product, the Planning Department supports this variance request.

The Planning and Development Department recommends *APPROVAL*.

During review of the conceptual rezoning site plan and preparation of draft staff report, the following two (2) additional variances have been identified for consideration:

6. Variance from UDO Sec. 205-1.8.B. (Number of Driveways). The Towne Center Overlay District limits the maximum number of driveways allowed on a site to not exceed an amount equal to one (1) driveway for every three-hundred (300) feet of total road frontage or fraction thereof.

Variance Analysis: For units 1-48 with twenty-four (24) driveways on approximately 610 feet Pate Street public right-of-way, a variance is needed to exceed the above requirement to allow and additional twenty-one (21) driveways on Pate Street. Because of the unique housing type and specific layout requirements for townhomes verses typical 'stacked flats', the Planning Department supports this variance.

The Planning and Development Department recommends *APPROVAL*.

7. Variance from UDO Sec. 206-3.1.F.2.e. (Towne Center Flat - Commercial Space). For sites containing 30 or more Towne Center flat dwelling units, they must provide a minimum of 5,000 square feet of commercial floor area for each additional 30 Towne Center flats, or fraction thereof, unless a variance is granted in conformance with (a) below.

- (a) Variance requests may only be approved when the applicant demonstrates that all Towne Center flat buildings are located within 1,000 feet of at least 15,000 square feet of existing commercial space. This distance is measured by the most direct route of travel on ground in the following manner:
- i. From the lobby entrance of each proposed building housing a Towne Center flat;
 - ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - iv. To the main entrance of the existing commercial floor area;

Variance Analysis: Although the applicant provided a Commercial Vicinity Map exhibit on the rezoning site plan, the vicinity calculations are based on a 1,000-foot radius (as the crow flies) with the point of beginning at Units 7-8 and does not reflect the true distances as measured per the regulation. However, given the proximity of area commercial space and the addition of the proposed 14,000 sq. ft. commercial retail center, the intent of the commercial space requirement is satisfied.

The Planning and Development Department recommends *APPROVAL*.

CONCLUSION AND STAFF RECOMMENDATION:

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

- A. **APPROVAL** of RZ 24-05, application to amend the City of Snellville Official Zoning Map for the 3.33± acre tract from CI (Civic Institutional) District to TC-R (Towne Center Residential) District and the 4.44± acre tract from TC-R (Towne Center Residential) District to TC-R (Towne Center Residential) District;
- B. **APPROVAL** of SUP 24-03, application for Special Use Permit for a 140-unit stacked-townhouse-style (stacked flats) multi-family development.
- C. **APPROVAL** of RZ 24-06, application to amend the City of Snellville Official Zoning Map for the 1.18± acre tract from CI (Civic Institutional) District to BG (General Business) District;
- D. **APPROVAL** of variance (#3) from UDO Sec. 201-2.8. (Parking Locations): to allow vehicle parking between the building and street, including within driveways.

- E. **APPROVAL** of variance (#4) from Sec. 205-1.11. (Vehicle Access and Parking Locations): to allow off-street parking not from an alley.
- F. **APPROVAL** of variance (#5) from Sec. 201-2.8. (Floor to Ceiling Height): to reduce the minimum 9-foot floor to ceiling height for all stories to 8 feet.
- G. **APPROVAL** of variance (#6) from Sec. 205-1.8.B. (Number of Driveways) to exceed more than one (1) driveway for every three-hundred (300) feet of total road frontage or fraction thereof on Pate Street.
- H. **APPROVAL** of variance (#7) from UDO Sec. 206-3.1.F.2.e.(Towne Center Flat – Commercial Space Requirement): to allow off-site commercial space to meet vicinity commercial space requirement.
- I. **DENIAL** of variance (#1) from UDO Sec. 401-4.2. (Streetscapes Required - Sidewalk): to reduce the minimum 10-foot wide sidewalk width to 5-feet.
- J. **DENIAL** of variance (#2) from UDO Sec. 401-4.2. (Streetscapes Required - Planter): to reduce the minimum 5-foot wide planter width to 2-feet.

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

1. The property shall be developed in general accordance with the conceptual rezoning site plan entitled “Zoning Plan for Bethany Park”, dated 11-6-24 (stamped received Nov 8, 2024) and conceptual stacked-townhouse-style (stacked flats) Bethany Park building elevations (stamped received Oct 16, 2024) and The Shoppes at Bethany Park (stamped received Nov 8, 2024), 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. All variances and conditions of zoning approved 4-22-2019 by the Mayor and City Council for rezoning case #RZ 19-01 (Ordinance No. 2019-06) and Special Use Permit approval for case #SUP 19-01 (Ordinance No. 2019-07) are hereby repealed.
3. 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.
4. Signs higher than 15 feet or larger than 225 square feet are prohibited.