



CHANGE IN CONDITIONS APPLICATION

APPLICATION TO AMEND THE OFFICIAL ZONING MAP, SNELLVILLE GEORGIA
AND REQUEST TO AMEND PRIOR APPROVED CONDITIONS OF ZONING

City of Snellville
Planning & Development Department

2342 Oak Road, 2nd Floor

Snellville, GA 30078

Phone 770.985.3514 Website: www.snellville.org

DATE RECEIVED: _____

CASE # **CIC**

Version 4-1-2025

Applicant is: (check one)
☒ Owner's Agent
☐ Contract Purchaser
☐ Property Owner

Owner (if not the applicant): ☐ check here if there are additional property owners and attach additional sheets.

SPG Planners + Engineers

Name (please print)

1725 Electric Avenue

Address

Watkinsville, GA 30677

City, State, Zip Code

706-769-9515

N/A

Phone Number(s)

Fax

Shifa Real Estate Investments LLC

Name (please print)

1654 Morningdale Circle NW

Address

Duluth, GA 30097

City, State, Zip Code

Phone Number(s)

N/A

Fax

Contact Person: Mick Kittle Title: Sr. Project Manager Phone: 706-769-9515

Cell Phone: 706-714-3443 E-mail: mick@onespg.com

Request to Change the Conditions for Rezoning Case No. **RZ** 24-03, SUP 24-01 and Ordinance No. 2024-05, 2024-06 Approval Date: 07-22-2024

Property Address/Location: 2380 Wisteria Drive District 10 Land Lot _____ Parcel(s) 5038 133

APPLICATION FEES: Please see the Planning Department Fee Schedule for application and public notification fees.

CHANGE IN CONDITIONS: The process to modify or remove conditions of zoning attached to a property by a prior rezoning.

UDO Sec. 103-9.9 Rezoning Condition Alteration

- An application to alter conditions of rezoning must be submitted and processed in accordance with all provisions applicable to zoning map amendments (UDO Sec. 103-9.4.C) through the Department, the Planning Commission for a public hearing, and to the City Council for a public hearing.
- The City Council may add or delete conditions to rezoning applications during the public hearing that are more or less restrictive than the UDO.

UDO Sec. 103-9.4.C. Zoning Map Amendments

Zoning map amendment applications must include the following:

- Payment of the appropriate application fee as determined by the fee schedule.
- A current legal description of the site to be rezoned. If the site proposed for amendment includes multiple lots, provide a separate legal description for each individual lot, together with a composite legal description for all lots.
- Ten (10) printed boundary surveys of the site to be rezoned, at least one of which should be an 11 x 17-inch (or smaller) reduction. In addition, a digital copy in .pdf format must be submitted using email, flash drive, or other means approved by the Director. The survey must have been prepared by a registered land survey no more than 12 months before the date of submittal.
- Letter of intent explaining what is proposed.
- Applicant's and/or owner's certification.
- Conflict of interest certification and disclosure of campaign contributions.
- The names and addresses of the owners of the land and their agents, if any.

Zoning map amendment applications must include the following (continued):

8. The present and proposed zoning district for the site.
9. Ten (10) copies of the proposed site plan, and one 11 x 17-inch (or smaller) reduction of the plan, drawn to scale, showing: a north arrow; land lot, district, and parcel number; the dimensions with bearing and distance; acreage; location of the tract(s); the present zoning district of all adjacent lots; the proposed location of structures, driveways, parking, and loading areas; and the location and extent of required buffer areas. The site plan must be prepared by an architect, engineer, landscape architect or land surveyor whose State registration is current and valid. The site plan must be stamped and sealed by one of the four above-mentioned professionals no more than 6 months before the date of submittal. In addition, a digital copy in .pdf and .dwg formats must be submitted using email, flash drive, or other means approved by the Director.
10. Ten (10) stapled or bound copies of the zoning map amendment application and all supporting documents, in addition to one unbound application bearing original signatures. In addition, a digital copy of all materials in .pdf format must be submitted using email, flash drive, or other means approved by the Director.
11. Each zoning map amendment application, whether submitted by the City or by another party, must include with it a written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters (Attachment A):
 - a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
 - b. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.
 - c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
 - d. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing, streets, transportation facilities, utilities, or schools.
 - e. Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Map.
 - f. Whether there is other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.
12. Architectural building renderings indicating building elevation, colors, construction materials, etc. of which the facades and roofs will consist.
13. Verification by Gwinnett County and the City of Snellville that all County and City property taxes owed have been paid (for all lots subject to this application).
14. Recorded Warranty Deed, Quit Claim Deed or other recorded legal instrument showing ownership in the real property which is subject to the application.
15. A map indicating the site and the adjacent properties, identified by tax parcel number.
16. A traffic impact analysis when required by the Planning Director.
17. An initiating party must also file any other information or supporting materials that are required by the City Council, Planning Commission, and/or the Department.

**SUBMITTAL CHECKLIST
PROVIDED ON PAGE 7
BELOW**

Pursuant to Section 103-9.4(C)(11) of the Snellville Unified Development Ordinance, **a written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters shall be included.** Please respond to the following standards in the space provided or attach additional sheets if necessary. **Simple yes/no answers or re-statement of the standard is not acceptable and shall be considered non-responsive.**

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Response: The proposed change in conditions to permit the development of 203 residential units will revitalize a currently underutilized site, aligning it with the goals and objectives of the Towne Center District. This area is surrounded by a dynamic mix of new apartments, retail spaces, and civic buildings, reinforcing the vision of a vibrant, mixed-use community. The Vespera apartments, as a key addition to this district, will complement the surrounding architecture and contribute to the desired character and growth of the Towne Center, enhancing its role as a central focal point for the City.

B. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties.

Response: This Change in Conditions application aligns with the intent of the original rezone application, with the only modification being the addition of increased density. The development of the Vespera apartments will positively impact surrounding properties and further the transformation of the Snellville Towne Center. By extending the redeveloped corridor, this project will contribute to the continued revitalization and growth of the area, helping to realize the vision for a vibrant, mixed-use district.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Response: The site is surrounded by extensive retail and office spaces, yet there is a significant lack of housing options. By introducing dense residential development, the project will not only address this gap but also support the existing businesses by increasing the potential customer and employee base. This, in turn, will generate economic value for the City and contribute to the overall vitality of the area.

D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Response: **Ex-Streets:** Wisteria Drive serves as the primary thoroughfare through the TC-R district. Designed with growth in mind, the road is well-equipped to handle the increased traffic resulting from this rezone. See enclosed traffic study.
Transportation Facilities: The site is within walking distance of a regional bus stop and park-and-ride facility, providing convenient access to public transportation.
Schools: Gwinnett County maintains a student-to-teacher ratio of 14.2:1, lower than the national average of 15.4:1, which supports a high-quality educational environment for the area's residents.

E. Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Plan.

Response: The property lies within the Towne Center District and conforms with the intent of the Future Land Use Plan. Walkability, pedestrian connectivity, and access to nearby shops, restaurants, and offices would be accommodated by providing more living opportunities within the Towne Center District.

F. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

Response: As cities shift away from auto-centric designs and residents increasingly seek diverse housing options, this presents a prime opportunity to continue the momentum of thoughtful, cohesive redevelopment in the Towne Center area of downtown Snellville. This development will contribute to a more vibrant, walkable community while supporting the ongoing transformation of the district.

CERTIFICATIONS

APPLICANT'S CERTIFICATION

The undersigned below does hereby, swear or affirm under penalty of perjury under the laws of the State of Georgia, is authorized to make this application for Change in Conditions and that the statements and documents submitted as part of this application are true and accurate to the best of my knowledge or belief. The undersigned is aware that if the change in conditions application is denied by the City Council, no change in conditions application affecting any portion of the same property may be submitted less than twelve (12) months from the date of denial.

WM KitHe
Signature of Applicant

04/30/2026
Date

William M. KitHe, Jr.; Sr. Project Mgr.
Type or Print Name and Title

Affix Notary Seal

[Signature]
Signature of Notary Public

4/30/26
Date



PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, swear and affirm that I am (we are) the owner of property that is subject to this application, as shown in the records of Gwinnett County, Georgia which is the subject matter of the attached application. I further authorize **SPG Planners + Engineers** to file this application. The undersigned is aware that that if the change in conditions application is denied by the City Council, no change in conditions application affecting any portion of the same property may be submitted less than twelve (12) months from the date of denial.

☐ Check here if there are additional property owners and attach additional "Owner's Certification" sheets.

[Signature]
Signature of Owner

4/20/26
Date

Husein Hamrani Member
Type or Print Name and Title

[Signature]
Signature of Notary Public

4/30/26
Date



AUTHORIZATION TO INSPECT PREMISES

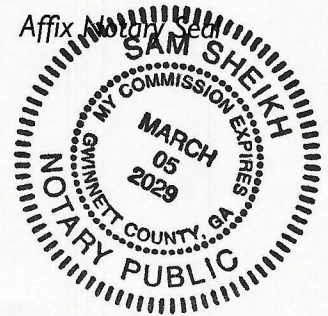
With the signature below, I authorize the staff of the Department of Planning and Development of the City of Snellville, Georgia to inspect the premises, which are the subject of this Change in Conditions application.

I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.


Signature of Owner or Agent
4/30/26
Date

Hussein Hamirani
Type or Print Name and Title
member


Signature of Notary Public
4/30/26
Date



CONFLICT OF INTEREST CERTIFICATIONS FOR CHANGE IN CONDITIONS APPLICATION

The undersigned below, making application for a Change in Conditions, has complied with the Official Code of Georgia Section 36-67A-1, et. seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on forms provided.

☐ check here if there are additional applicants and attach additional "Conflict of Interest Certification" sheets.

W M Kittle 04/25/26
Signature of Applicant Date

William Kittle (Sr. Project Mgr.)
Type or Print Name and Title

Signature of Applicant's Attorney or Representative Date

Type or Print Name and Title

Paula Bibian 04/25/26
Signature of Notary Public Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the last two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to any member of the Mayor and City Council or any member of the Snellville Planning Commission?

☐ YES



☒ NO

YOUR NAME: Husein Hamirani

If the answer above is YES, please complete the following section:

NAME AND OFFICIAL	CONTRIBUTIONS	DATE CONTRIBUTION
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CHANGE IN CONDITIONS APPLICATION CHECKLIST

The following is a checklist of information required for submission of a Change in Conditions application. The Planning and Development Department reserves the right to reject any incomplete application.

- ☒ Application Form with notarized signatures.
- ☒ Application and Public Notification Fees (make check payable to City of Snellville, Georgia).
- ☒ Recorded Warranty Deed, Quit Claim Deed or other recorded legal instrument showing evidence of ownership in the real property subject to the application.
- ☒ Property Legal Description for each subject parcel, Composite legal description if more than one parcel.
- ☒ As-Built Boundary Survey (current within one-year).
- ☒ Site Plan (24" x 36" full size original and one 11" x 17" reduction) – See requirements on next page.
- ☒ Floor Plan, if applicable (11" x 17").
- ☒ Colored Architectural Building Renderings indicating building elevation, colors, construction materials, etc.
- ☒ for each building facade and roof.
- ☒ Letter of Intent summarizing proposed project.
- ☒ Traffic Impact Analysis (when required by the Planning Director).
- ☒ Verification of Paid County and City Property Taxes.
- ☒ Applicant Certification with Notarized Signature (Attachment A).
- ☒ Property Owner Certification with Notarized Signature (Attachment A).
- ☒ Conflict of Interest Certification/Campaign Contributions (Attachment B).
- ☒ Additional information deemed necessary by the Planning Director in order to evaluate a proposed use and its relationship to the surrounding area.
- ☒ Provide Ten (10) Colored Copies of Application Original and exhibits.
- ☒ Provide Ten (10) full-size copies and 11" x 17" reduction of Site Plan.
- ☒ Provide Ten (10) 11"x17" Copies of Floor Plan.
- ☒ Provide Ten (10) 8-1/2"x11" Colored Copies of Architectural Building Renderings.
- ☒ Provide USB Flash Drive containing digital files (in .PDF format) of Complete Application (including all attachments, exhibits, survey, plans, photos, reports, etc.).

SITE PLAN REQUIREMENTS

SITE PLANS shall include the following, unless waived by the Director of Planning and Development:

- ☐ Property lines of all lots
- ☐ Adjoining streets w/street names, adjoin alleys
- ☐ Professional's signature, date, seal, or registration number
- ☐ Scale, north arrow, date, and revision date(s)
- ☐ Site Plan Specifications (show all applicable specifications on the site plan in chart form – see attached sheet)
- ☐ Proposed lot sizes in square feet and acres
- ☐ Vicinity map at a scale of not less than 1" equals 2000 feet
- ☐ Existing and proposed roads (dimensioned, including rights-of-ways)
- ☐ Easements and utilities
- ☐ Watercourses and their names
- ☐ Stream buffers and impervious surface setbacks
- ☐ Any bridges and culverts
- ☐ Present use of any structure
- ☐ Existing topography with a maximum of 5-foot contour intervals at a minimum scale of 1" equals 50 feet
- ☐ Flood plains, flood hazard districts, and floodways as per FEMA

Include as Applicable:

- ☐ Sidewalks (required for all new construction)
- ☐ Show tree, landscaped strips, and street furniture (including street lights)
- ☐ Footprints (outlines) of existing and proposed buildings, structures, and additions
- ☐ Building entrance locations
- ☐ Show striping of parking structures, and loading spaces and areas
- ☐ Show landscaping of parking lots
- ☐ Curb cuts, driveways (indicate one-way or two-way), parking pads, turnarounds
- ☐ Bicycle/moped spaces or racks
- ☐ Van, shuttle bus, taxicab parking spaces or waiting areas
- ☐ Location and dimensions of landscaped buffers and landscaping screens
- ☐ Front, side, rear yard setbacks (dimensioned)
- ☐ Recreation facilities such as pools, playgrounds, picnic areas, etc.
- ☐ Location of dumpsters & garbage cans
- ☐ Crosswalk paving and driveway medians and refuge areas
- ☐ Zoning classifications – current and proposed
- ☐ Square footage of buildings and structures
- ☐ Square footage and use of accessory space
- ☐ Number of dwelling units
- ☐ Height of buildings and structure in feet
- ☐ Gross land area
- ☐ Total open space or lot coverage
- ☐ Number of parking and loading spaces – minimum required and proposed

FOR INFORMATIONAL PURPOSE ONLY

UDO Sec. 103-9.4. Application Requirements

D. Timing

Applications must be submitted by noon at least 42 days before the date on which it is to be considered by the Planning Commission. Any application that does not include all of the components required in paragraphs A, B, and C above will be considered incomplete; submission date will be considered the date upon which the application is accepted as complete by the Department. Fees for an application to amend this UDO, the Official Zoning Map, the Future Land Use Map, or any combination thereof, must be paid by the applicant upon submission, except that a fee is not charged for applications initiated by the City Council or Planning Commission.

E. Withdrawal

1. Once an application for a Future Land Use Map amendment and/or Official Zoning Map amendment has been made, the applicant may withdraw such application without prejudice until the legal advertisement for the City Council public hearing has been placed in the City's legal organ (no less than 21 days before the City Council public hearing). No application may be withdrawn less than 21 days before the City Council public hearing unless the request for withdrawal is granted by the City Council at the public hearing. Otherwise, all applications must be considered by the City Council.
2. There will be no reimbursement for withdrawn applications. An applicant may request reimbursement in writing to the City Council. Said request will be considered during a regular meeting of the City Council.

F. Denial

If an application for a Future Land Use Map amendment and/or an Official Zoning Map amendment is denied by the City Council, no application affecting any portion of the same property may be submitted less than 12 months from the date of denial.

UDO Sec. 103-9.5. Department Study

- A. The Department, upon receiving an application to amend this UDO, Future Land Use Map, or the Official Zoning Map, may do the following:
 1. Consult with other departments of the City or County to fully evaluate the impact of any land use category or zoning district change upon public facilities and services including, but not limited to, schools, drainage, traffic, and related facilities.
 2. Conduct a site review of the property and surrounding area.
 3. Submit a written record of its investigation and recommendations to the Planning Commission and City Council. This report will be a matter of public record.
- B. The Department's report may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the land use category or zoning district requested, and/or recommend conditions of rezoning which may be deemed advisable so that the purpose of this UDO will be served and the public health, safety, morality, and general welfare secured.

UDO Sec. 103-9.6. Planning Commission Action

The Planning Commission must hold a public hearing on each application in accordance with a schedule adopted by the City Council. Staff recommendations on each application must be submitted to the Planning Commission before the public hearing. In addition, the Planning Commission must, with respect to each application, investigate and make a recommendation as to each of the matters set forth in Sec. 103-9.4.B.10 and/or Sec. 103-9.4.C.11 for approval, denial, deferral, withdrawal without prejudice, or no recommendation. Proponents and opponents of any amendment will be allotted at least 10 minutes, per side, for the presentation of data, evidence, and opinion during said public change. A written report of the Planning Commission's investigation and recommendation, along with the investigation and recommendation of the Department, must be submitted to the City Council and will be of public record.

UDO Sec. 103-9.7. City Council Public Hearing

Before taking action on a proposed amendment and after receipt of the Department of Planning and Development and Planning Commission recommendations and reports thereon where required, the City Council will hold a public hearing on the proposal. At the public hearing, the City Council will review the reports prepared by the Department of Planning and Development and the Planning Commission. So that the purpose of this UDO will be served and the public health, safety, morality, and general welfare secured, the City Council may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, and/or add or delete conditions of the application that are more or less restrictive than the current regulations. Proponents and opponents of any amendment will be allotted a

minimum of 10 minutes, per side, for the presentation of data, evidence, and opinion during said public hearing. An action by the City Council to defer the application will include a statement of the date and time of the next meeting at which the application will be considered, which statement will constitute public notice of the hearing on the application and no further notice, such as that required by Sec. 103-9.8 (Public Notification), is required.

UDO Sec. 103-9.8. Public Notification

The following are required for applications to amend the Future Land Use Map, Official Zoning Map, conditions of rezoning, or for a special use permit:

A. Legal Notice

Due notice of the Planning Commission meeting and the City Council public hearing must be published in a newspaper of general circulation within the City and the newspaper which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing, not fewer than 15 days, nor more than 45 days before the date of the Planning Commission meeting and the City Council public hearing. If the application is for an amendment to the Official Zoning Map, then the notice must also include the location of the property, the present zoning district of the property, and the proposed zoning classification of the property.

B. Signs Posted

The Department must post a sign containing information that indicates that the application(s) has been filed and the date, time, and place of both the Planning Commission meeting and City Council public hearing at which the application(s) will be considered. The sign(s) must be posted at least 15 days, nor more than 45 days before the Planning Commission public hearing and must be posted in a conspicuous place on the property adjacent to and visible from each public street abutting the property for which an application has been submitted. The applicant must submit the required fee for the purchase of said sign(s) at the time such an application(s) is submitted. The applicant must maintain the sign(s) in good condition, making sure they are present and upright throughout the application review period, which must extend through the time of final City Council decision. The Department is responsible for the removal of all public notice sign(s).

C. Letters to Adjoining Property Owners

The Department must notify the owners of adjoining properties of the property for which the variance is sought and/or their agent by First Class USPS mail to the mailing address provided by the Gwinnett County Tax Commissioner's Office. The notification must be mailed at least 15 days before the Planning Commission meeting. A second notification mailing must be at least 15 days before the City Council public hearing. The notification must include a description of the application and the date, time, and place of the public hearing.

UDO Sec. 103-9.11. Failure to Implement Plans

If a site development plan or preliminary plat has not been submitted to the Department within 12 months of the date of approval of the rezoning application, then the Planning Commission may review each case to determine if there are circumstances clearly justifying such delays. If justifying circumstances do not exist, the Planning Commission may recommend to City Council that the zoning map be amended to change the land to its prior zoning classification.

UDO Sec. 103-9.12. Evaluation of Amendments

A. In considering the applications for an amendment to this UDO or Official Zoning Map, or in making other zoning decisions, the following factors may be considered:

1. The impact upon the appearance of the city;
2. The impact upon thoroughfare congestion and traffic safety;
3. The impact upon population density and the potential for overcrowding and urban sprawl;
4. The impact upon the provision of water, sewerage, transportation, and other urban services;
5. The protection of property against blight and depreciation;
6. Consistency with the adopted Future Land Use Map and/or the Comprehensive Plan;
7. The impact upon adjacent property owners if the amendment is approved;
8. The impact upon the applicant if the amendment is denied; and/or
9. Any other factor affecting the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future inhabitants of the City of Snellville.

UDO Sec. 103-9.13. Appeals

Any person aggrieved by a decision or order of the City Council may appeal by certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within 30 days from the date of the decision of the City Council. Upon failure to file the

appeal within 30 days, the decision of the City Council will be final.