



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

CASE SUMMARY

January 26, 2016

CASE NUMBER: #RZ 16-02

REQUEST: Official Zoning Map Amendment and Request for Variances

LOCATION: 2358 E. Main Street, Snellville

PARCEL: District 5, Land Lot 38, Parcel 018

PRESENT ZONING: BN (Neighborhood Business) District

FUTURE LAND USE MAP: Retail

OVERLAY DISTRICT: Corridor Overlay District

PROPOSED ZONING: BG (General Business) District

DEVELOPMENT/PROJECT: Golden Krust Caribbean Bakery & Grill

PROPERTY OWNER: Huddle House, Inc.
Sandy Springs, Georgia 30328

APPLICANT/CONTACT: Patrick Stewart
PJ's Tropical Foods LLC (d/b/a Golden Krust
Caribbean Bakery & Grill)
Loganville, Georgia 30052
203.394.7455 or PJstewllc@yahoo.com

**MAYOR & COUNCIL
PUBLIC HEARING DATE/TIME:** February 22, 2016 at 7:30 p.m.

STAFF RECOMMENDATION: Approval with Conditions



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

APPLICATION FOR REZONING

CASE ANALYSIS

January 26, 2016

TO: **The Planning Commission**

MEETING DATE: January 26, 2016

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

CASE NUMBER: **#RZ 16-02**

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Patrick Stewart, PJ's Tropical Foods LLC (d/b/a Golden Krust Caribbean Bakery & Grill), to amend the Official Zoning Map from BN (Neighborhood Business) District to BG (General Business) District for the property at 2358 E. Main, Snellville. The applicant has also requested several variances from the Zoning Ordinance and Buffer, Landscape and Tree Ordinance to utilize the existing $\pm 1,824$ sq. ft. building and ± 0.498 acre commercial development for a Golden Krust Caribbean Bakery & Grill. The property was originally developed in 1974 for a Huddle House restaurant which continued operation until closure in September 2009 when the franchisee relocated to Loganville. The property has remained vacant since.

Upon receiving zoning approval, Mr. Stewart intends purchase the subject property and relocate his existing Golden Krust restaurant location in the Snellville Place Shopping Center, 2189 Scenic Highway, Snellville to the new location.

The properties to the north, northeast, are zoned BG (General Business) District, while properties to the west, southwest and south are zoned RS-180 (Single Family Residence) District, and

properties to the east are zoned BN (Neighborhood Business) District. Adjacent uses include W.C. Britt Elementary School, First Baptist Church of Snellville and a dental/retail center.

REQUEST:

The applicant is requesting to rezone the property from BN (Neighborhood Business) District to BG (General Business) District and revitalize the ±0.498 acre commercial property and existing ±1,824 sq. ft. building for a Golden Krust Carribean Bakery & Grill. Due to the forty year age of the property and relative small size, the applicant is requesting variances from the Zoning Ordinance and Buffer, Landscape and Tree Ordinance due to several non-conforming issues that exist on the property.

As part of the rezoning application, the applicant is also requesting the following variances:

1. Request to keep the painted brick and stucco finishes of the building exterior as it currently exists.
2. Request to be exempt from having to install decorative benches and trash cans as required by the Corridor Overlay District.
3. Request to be exempt from all buffers required from the Buffer, Landscape and Tree Ordinance where abutting residentially zoned property to the West and South.
4. Request to allow and expand the existing outdoor painted metal walk-in freezer from ten (10) feet to fourteen (14) feet.
5. General variance for the site to be approved in its current condition, except for the items and improvements as shown on the proposed Landscape Plan.

BACKGROUND:

In 2008, franchise owner Keith Kasnic applied for variances from the Zoning Ordinance which included plans for the complete demolition and rebuild of the restaurant. On 3-11-2008 and 4-8-2008, the Board of Appeals considered Mr. Kasnic's application and granted variances from the Landscape Ordinance to allow a reduction from the required landscaping strips and islands to be developed in accordance with the submitted site plan labeled "C-1B", dated 1-3-2008.

On 8-4-2008, Mr. Kasnic submitted another variance application requesting similar variances, but with a modified site plan labeled "C-1B", dated 8-4-2008. This time, the project scope included the remodel (only) of the exiting building with landscaping improvements and elimination of the driveway (curb-cut) on E. Main Street. The Board of Appeals considered Mr. Kasnic's application on 9-9-2008 and 10-14-2008. By request of the applicant, the Board voted unanimously to table the variance application indefinitely to allow Mr. Kasnic time to consider the impact to the potential loss of customer parking on the adjacent Huber property.

Ultimately, Mr. Kasnic chose to not renew the Huddle House franchise and moved to Loganville to open a similar style restaurant. Huddle House did complete some improvements to the building but abandoned the renovation project several years ago due to ADA accessibility issues with the unisex bathroom; resulting in all grandfathering provisions to lapse.

STAFF ANALYSIS:

The subject property is located at the southwest corner of E. Main Street and Church Street, across from Burger King and adjacent to the First Baptist Church of Snellville. The requirement for the rezoning request stems from restaurants being omitted as a principal permitted uses in the current BN (Neighborhood Business) in the current Zoning Ordinance. Because the property has been vacant for more than 18 months the grandfathering provisions have lapsed, requiring the property and building to be brought up to current code. The applicant is requesting to bring the use into compliance through an Official Zoning Map amendment while making the site less non-conforming through several site improvements.

The requested BG (General Business) District zoning is in harmony with the surrounding properties. In fact, the requested zoning is more appropriate for a busy corner on a U.S. highway. The BN (Neighborhood Business) District zoning classification was appropriate at the time the property was originally rezoned; however the area has become much more commercialized with more intense commercial uses. A more intensive zoning is appropriate and will have no adverse effect on the neighboring properties.

The applicant intends to add additional landscaping islands, curb and gutter, and trees and shrubs as shown on the submitted site plan in order to move closer to the intent of the current Landscaping Ordinance. Additionally the applicant has proposed to reseal and restripe the parking lot that will provide twenty one (21) parking spots for employees and customers. Only ten (10) parking spaces are required to be in compliance with current parking codes. Lastly, a new dumpster enclosure will be constructed in the rear of the restaurant to screen the unsightly refuse and grease containers.

The applicant is requesting to use the building “as-is” in its current configuration, subject to City and County building, health department, and Fire Marshal inspections.

Variance Analysis:

The applicant is requesting several variances from the Zoning Ordinance and Buffer, Landscape and Tree Ordinance to address several non-conforming issues relating to the building and site as follows:

1. Section 7.7(4)(B), Ratios and Amounts of Allowed Building Materials or Article VII of the Zoning Ordinance.

Request to keep the painted brick and stucco finishes of the building exterior as it currently exists.

This variance seems appropriate due to the fact that the building has been painted and the exterior was remodeled during previous improvements. Requiring the applicant to bring the building into compliance with current codes would require a complete tear down and rebuild which would create a financial burden on the applicant. Furthermore, having the property back in commerce provides an immediate benefit to the City.

2. Section 9.15(A)(4), Sidewalks and Pedestrian Amenities of Article IX of the Zoning Ordinance.

Request to be exempt from having to install decorative benches and trash cans as required by the Corridor Overlay District.

The variance seems appropriate given the limited amount of space that is provided within the public right-of-way on both E. Main Street and Church Street. The installation of the benches and trash cans would reduce the area for landscaping. The addition of these amenities would be better constructed during the redevelopment of the entire property, or even the entire block.

3. Section 19.32(5) and 19.33, Minimum Buffer Strip Requirement of Chapter 19 of the Code of Ordinances.

Request to be exempt from all buffers required from the Buffer, Landscape and Tree Ordinance where abutting residentially zoned property to the West and South.

This variance request is a result of the W.C. Britt Elementary School and First Baptist Church of Snellville properties having an RS-180 residential zoning district classification. Although these properties have a residential zoning classification, both are non-residential uses with the Church property having an approved Conditional Use Permit. Requiring the applicant to provide the required buffers would effectively render the property unusable due to the already tight 0.498 acre size. The variance seems appropriate given the surrounding uses and the additional planting areas that are being proposed by the applicant.

4. Section 9.15(D)(1)(B), Metal Sided Building of Article IX of the Zoning Ordinance.

Request to allow and expand the existing outdoor painted metal walk-in freezer from ten (10) feet to fourteen (14) feet.

This variance seems appropriate considering the size of the property and the location of the painted metal freezer. At less than a half-acre it is extremely difficult to find an area to put the existing freezer without totally redeveloping the site and rebuilding the existing structure. The applicant is proposing to paint the metal freezer and screen the rooftop mechanical units from public view.

5. General variance for the site to be approved “as-is”.

General variance for the site to be approved in its current condition, except for the items and improvements as shown on the proposed Landscape Plan.

This variance seems appropriate in order to take an existing vacant site and building that was constructed on a very limited piece of property prior to the adoption of many of the city’s governing ordinances. Variances of this kind have been granted in the past.

STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends **Approval** of the request to amend the Official Zoning Map from BN (Neighborhood Business) District to BG (General Business) District, subject to the following recommended **Conditions**;

1. The property shall be developed in general accordance with the submitted Conceptual Rezoning Site/Landscaping Plan, entitled “Proposed Golden Krust Redevelopment”, sealed and dated 10-20-2015, with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval;
2. Any improvements made to the property as part of any initial building permit issued within the first twelve (12) months from the date of Mayor and Council approval shall not trigger a Substantial Building Permit. However, after the first twelve (12) months from the date of Mayor and Council approval, future improvements or re-development with a total value in excess of the Gwinnett County Tax Assessor’s 100% assessed value of the existing improvements (only) will be subject to the requirements of a substantial building permit and applicable Zoning and Development Regulations;
3. Freestanding signs higher than fifteen (15) feet or larger than 225 sq. ft. in area are prohibited;
4. Uses involving adult entertainment, including any sale or display of adult magazines, books, or videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited;
5. Any additional non-substantial variance(s) as determined by the Director of Planning and Development for the design requirements, zoning requirements, development regulations and construction requirements must be submitted in writing for administrative approval with the Director of Planning and Development for this project; and
6. In the event that the subject property is not leased, or purchased, or occupied by PJ’s Tropical Foods LLC (d/b/a Golden Krust Caribbean Bakery & Grill) within twelve

(12) months from the date of Mayor and Council approval, or if the property is occupied and later vacated by PJ's Tropical Foods LLC (d/b/a Golden Krust Caribbean Bakery & Grill) the approved variances will become null and void.

In conjunction with the rezoning approval and recommended conditions, and subject to Condition #6 above, the following variances (1-5) are recommended for **Approval**:

1. Variance from Section 7.7(4)(B), Ratios and Amounts of Allowed Building Materials or Article VII of the Zoning Ordinance to keep the painted brick and stucco finishes of the building exterior as it currently exists.
2. Variance from Section 9.15(A)(4), Sidewalks and Pedestrian Amenities of Article IX of the Zoning Ordinance to be exempt from having to install decorative benches and trash cans as required by the Corridor Overlay District.
3. Variance from Section 19.32(5) and 19.33, Minimum Buffer Strip Requirement of Chapter 19 of the Code of Ordinances to be exempt from all buffers required from the Buffer, Landscape and Tree Ordinance where abutting residentially zoned property to the West and South.
4. Variance from Section 9.15(D)(1)(B), Metal Sided Building of Article IX of the Zoning Ordinance to allow and expand the existing outdoor painted metal walk-in freezer from ten (10) feet to fourteen (14) feet.
5. And general variance for the site to be approved in its current condition, except for the items and improvements as shown on the proposed Landscape Plan.