



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

CASE SUMMARY

June 11, 2018

CASE NUMBER: #CUP 18-02

**CONDITIONAL USE PERMIT
REQUEST:** Re-open Existing Fuel Station with
Convenience Store and Request for Variances

LOCATION: 2305 Scenic Hwy, Snellville, Georgia

TAX PARCEL(S): 5026 228

PRESENT ZONING: BG (General Business) District

OVERLAY DISTRICT: Corridor Overlay District

DEVELOPMENT/PROJECT: Fuel Station with Convenience Store

PROPERTY OWNER: Main-McGee Investment, LLC
1550 N Brown Road, Ste 130
Lawrenceville, Georgia 30043

APPLICANT: Tony L. Dawson, P.E.
1569 Cherry Hill Road SW
Conyers, Georgia 30094

CONTACT: Tony L. Dawson, P.E.
678-485-9610 or tonyd@dawsonec.com

RECOMMENDATION: Approval with Conditions



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

**CASE ANALYSIS
June 11, 2018**

TO: The Mayor Pro Tem and Council

PUBLIC HEARING DATE: June 11, 2018

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #RZ 18-02

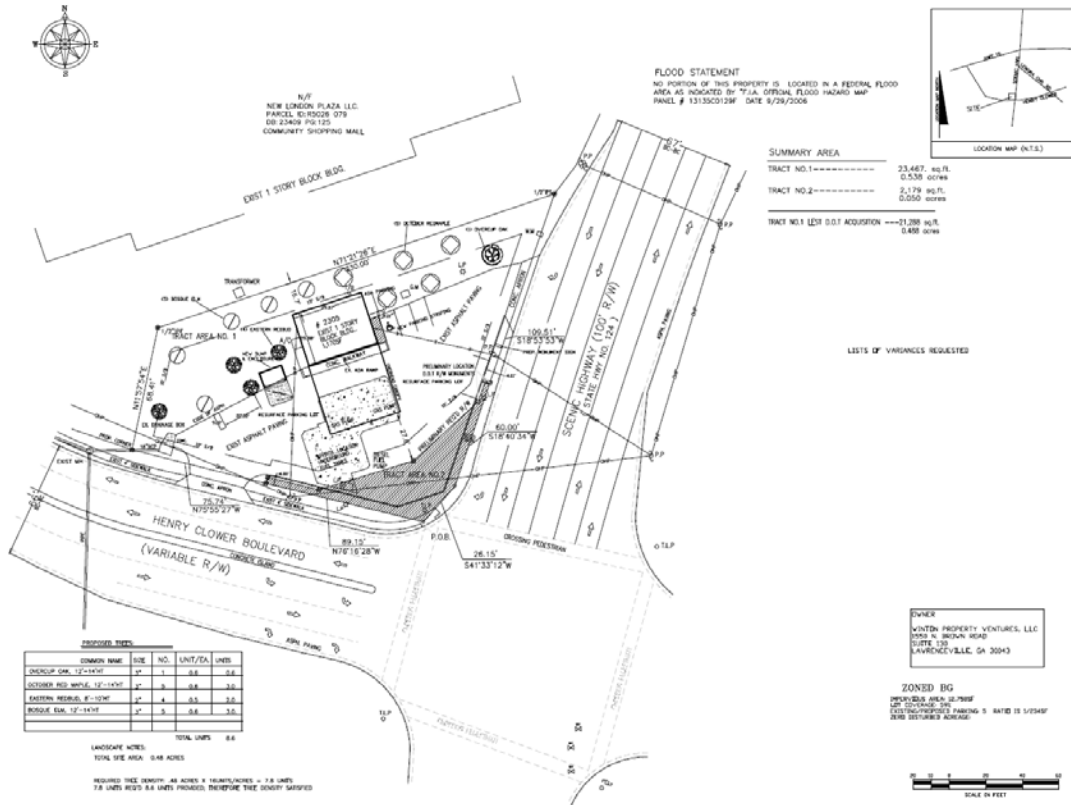
FINDINGS OF FACT:

The Department of Planning and Development has received an application from Main-McGee Investment, LLC, represented by Tony Dawson, P.E. requesting a Conditional Use Permit (CUP) for the 0.54± acre tract located at the intersection of Henry Clower Boulevard and SR-124 / Scenic Highway. The applicant intends to renovate and reopen the former Sims gas station. The applicant is also requesting variances from the Buffer, Landscape, and Tree Ordinance, as well as sections from the Snellville Zoning Ordinance and Development Regulations.

BACKGROUND:

The 0.54± acre tract, zoned BG (General Business) District and located within the Corridor Overlay District is located on the northwest corner of Henry Clower Boulevard and Scenic Highway. The triangular property contains a single concrete block building, canopy, fuel pumps and related parking. The New London Plaza, the only adjacent property is located just to the North. Originally developed in 1986 as a gas station, in October 2011 the station was closed, and the property has been vacant since.

Though the property is currently 0.54± acres, a portion of the property that forms the corner of the intersection is being taken by the Georgia Department of Transportation (GDOT) for work related to the ongoing DLTI intersection improvement at Scenic Highway and US-78 / Main Street. The land being taken equals roughly 0.05 acres, leaving the remaining property approximately 0.48 acres in size.



The proposed site plan, with the area being taken by GDOT in black hatching (labeled Tract 2).

REQUEST:

As part of the application submittal, the applicant is requesting fourteen (14) variances from the Snellville Zoning Ordinance, Development Regulations and Buffer, Landscape and Tree Ordinance. The variances are outlined below:

1. Variance from Section 9.15A.(1) of the Corridor Overlay District Requirements requiring interparcel access to contiguous properties.
2. Variance to allow the underground fuel tanks to be located within 30' of the right-of-way (R/W).
3. Variance to postpone the installation of shrubs in the R/W until after completion of GDOT roadwork.

4. Variance from Section 9.15.A(2) of the Corridor Overlay District Requirements requiring all new utilities lines to be located underground.
5. Variance from Section 9.15.A(4) of the Corridor Overlay District Requirements requiring street lights along all rights-of-way utilizing decorative light fixtures.
6. Variance from Section 9.15.B(2) of the Corridor Overlay District Requirements to allow for no pedestrian sidewalk lights.
7. Variance from Section 6.13.3(b) of the Development Regulations to utilize the existing 4' sidewalks instead of 6' sidewalks.
8. Variance from Section 9.15.C(4) of the Corridor Overlay District Requirements requiring the building to be placed close to, and oriented toward, the public right-of-way with the majority of the parking to the sides and rear.
9. Variance from Section 9.15.D(1)(d) of the Corridor Overlay District Requirements requiring pitched roofs on buildings under 5,000 sq. ft.
10. Variance from Section 9.15.B(2) of the Corridor Overlay District Requirements to allow for no bicycle racks, benches or trash receptacles.
11. Allow a general variance for the site to be improved in its current condition except for the items requested on the application and variance plan.
12. Variance from Section 7.7, Architectural Design Standards, regarding allowable building materials to allow the concrete block building to remain as-is.
13. Variance from Section 9.15.B(2) of the Corridor Overlay District Requirements to allow for no street trees.
14. Variance from Section 19.73 and 19.74 of the Buffer, Landscape and Tree Ordinance to allow for no front landscape strip trees and parking islands.

STAFF ANALYSIS:

The applicant is proposing bringing the property back into commerce, rather than it remaining in its current state as a vacant property. It sits on a prominent corner, which will likely see increased traffic due to the rerouting of traffic away from the Main Street / Scenic Highway intersection while the DLTI construction project is underway. Most of the requested variances relate to the difficulties posed by both the atypical (by today's standards) site layout, and GDOT's acquisition of a small portion of the property.

The R/W acquisition complicates renovation of the property. It takes away usable space for front landscape strips, making compliance with landscape and buffer requirements difficult. However, there is plenty of area for greenery on the rear of the property, in what is now a bare

grassy hillside. The layout of the parking lot also makes landscape islands impractical, but the size of the lot will anyway be reduced by the R/W acquisition.

VARIANCE ANALYSIS:

1. Variance from Section 9.15A.(1) of the Corridor Overlay District Requirements requiring interparcel access to contiguous properties.

The rear of the property slopes up into the rear of an existing shopping center. Until both this property and the adjoining shopping center are totally redeveloped, requiring interparcel access is prohibitively expensive and unnecessary. The request is reasonable.

2. Variance to allow the underground fuel tanks to be located within 30' of the R/W.

The fuel tanks are existing and will be located within 30' of the new property line after the GDOT acquisition, not through any action of the property owner. The request is reasonable.

3. Postpone the installation of shrubs in the R/W until after completion of GDOT roadwork.

The applicant is proposing shrubs in the front landscape strip, but is asking for relief from planting them until the R/W work being done by GDOT is completed. The request is reasonable, so long as the applicant agrees to plant within a timeframe prescribed by the City.

4. Variance from Section 9.15.A(2) of the Corridor Overlay District Requirements requiring all new overhead utility lines to be located underground.

The cost to bury all utility lines would be far beyond the proposed scope of work on the site by the applicant. It would also be complex, as the overhead powerlines cross the intersection diagonally from the property. Approval is recommended.

5. Variance from Section 9.15.A(4) of the Corridor Overlay District Requirements requiring street lights along all rights-of-way utilizing decorative light fixtures.

There are existing street lights and parking lot lights that provide adequate illumination across the property. They are all slated to remain after the GDOT work is completed; adding more may be overkill for the site illumination levels. Approval is recommended.

6. Variance from Section 9.15.B(2) of the Corridor Overlay District Requirements to allow for no pedestrian sidewalk lights.

Sidewalk illumination helps to enhance both pedestrian safety and the aesthetics of pedestrian amenities. Sidewalks will be installed as part of the ongoing work by GDOT, so there is no reason not to better illuminate them in keeping with the Overlay District Requirements. This request is not recommended for approval.

7. Variance from Section 6.13.3(b) of the Development Regulations to utilize the existing 4' sidewalks instead of 6' sidewalks.

Though the Corridor Overlay requires 6' sidewalks on commercial properties, GDOT plans to install 5' sidewalks on the ROW they have acquired. Since this forms the majority of the road frontage of the property, the applicant should be required to fill in the rest with sidewalks that match the intended width. This request is not recommended for approval.

8. Variance from Section 9.15.C(4) of the Corridor Overlay District Requirements requiring the building to be placed close to, and oriented toward, the public right-of-way with the majority of the parking to the sides and rear.

The building and associated parking already exist, and moving them would be beyond the scope of what the applicant is proposing for the property. This request is recommended for approval.

9. Variance from Section 9.15.D(1)(d) of the Corridor Overlay District Requirements requiring pitched roofs on buildings under 5,000 sq. ft.

The existing building has a flat roof, and requiring a pitched roof to be added would be an unnecessary burden on the applicant and would most likely be aesthetically unpleasant. Recommended for approval.

10. Variance from Section 9.15.B(2) of the Corridor Overlay District Requirements to allow for no bicycle racks, benches or trash receptacles.

Similar to the request for variance from sidewalk lights, the intent of the Corridor Overlay District is to gradually improve the pedestrian experience along the Main Street corridor as properties redevelop. Bike racks, benches and trash cans are not overly burdensome. This request is not recommended for approval.

11. Allow a general variance for the site to be improved in its current condition except for the items requested on the application and variance plan.

Recommended for approval.

12. Variance from Section 7.7, Architectural Design Standards, regarding allowable building materials to allow the concrete block building to remain as-is.

The building has been well maintained for the most part. Requiring different building materials that conform to the requirements would have to take the form of a façade over the existing concrete blocks, if anything. Whatever form it took, it would likely not be worth it, both financially and aesthetically, for the applicant. This request is recommended for approval.

13. Variance from Section 9.15.B(2) of the Corridor Overlay District Requirements to allow for no street trees.

Most of the grassy frontage will technically be in GDOT R/W once the roadwork is completed, meaning that any trees planted may be subject to trimmings or even removal without prior knowledge of the applicant. As long as the applicant agrees to meet the required Tree Density Units (TDUs) on the property in the rear grassy hillside, the request is recommended for approval.

14. Variance from Section 19.73 and 19.74 of the Buffer, Landscape and Tree Ordinance to allow for no front landscape strip trees and parking islands.

As previously mentioned, most of the greenery in the front of the property will be within GDOT R/W, making maintenance and placement difficult, or possibly even illegal. The parking lot is also currently laid out in such a way where there is not really room for an island that would not likely be in the way of motorists turning into or out of the property, or turning around inside. This request is recommended for approval.

STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends **Approval** of the request for a Conditional Use Permit for a Fuel Station with Convenience Store. See the table below for staff recommendations regarding the requested variances:

No.	Variance	Recommendation	Notes
1.	Interparcel access	Approval	
2.	Underground tanks	Approval	
3.	Shrub installation	Approval	
4.	Underground utilities	Approval	
5.	Street lights	Approval	
6.	Sidewalk lights	Denial	To be installed after completion of GDOT work.
7.	Sidewalk width	Denial	GDOT shows planned 5' sidewalks on their newly acquired R/W plan.
8.	Building orientation	Approval	
9.	Pitched roofs	Approval	
10.	Pedestrian amenities	Denial	To be installed after completion of GDOT work.
11.	General variance	Approval	
12.	Allowable building materials	Approval	
13.	Street trees	Approval	Must meet required TDUs in rear.
14.	Landscape strip trees & parking islands	Approval	

Should the Planning Commission choose to recommend approval of this request, the following **Conditions** are also recommended by the Department for consideration:

1. The property shall be developed according to the rezoning site plan entitled "Site Plan for Winston Property Ventures, LLC," sealed and signed April 9, 2018 with modifications permitted due to engineering restrains, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations.
2. Interparcel access will be required upon redevelopment of the New London Shopping Plaza, the only contiguous adjacent property.
3. The property owner will be required to install shrubs in the front landscape strip, along with all sidewalks, pedestrian pads and amenities, within twelve (12) months of the completion of the GDOT roadwork in front of the property. Plans shall be approved by the Director of Planning and Development before commencement of any work.
4. Sidewalks shall be provided along the entire frontage of the development along both Henry Clower Boulevard and Scenic Highway. These sidewalks shall be 5' in width, to match those being installed by the Georgia Department of Transportation.
5. The property owner is to meet the required Tree Density Units (TDUs) for the property within the rear of the property that is currently a grassy hill. As a requirement for the release of any Certificate of Occupancy from the City, the tree and landscape improvements within the grassy hill shall be completed.
6. Prior to the release of any Certificate of Occupancy from the City, a three-sided dumpster enclosure with gate shall be constructed in accordance with the requirements of Sec. 19-34 of the Buffer, Landscape and Tree Ordinance.
7. All non-conforming signage on the property (if any) shall be removed. Any new signage shall conform to the City of Snellville Sign Ordinance requirements and require an approved sign permit(s) before installation of any new signage.
8. Signs higher than 15 feet or larger than 225 square feet are prohibited.
9. Installation of any new exterior building, fuel canopy or site lighting or upgrades to any existing building, fuel canopy or site lighting shall comply with the City's exterior lighting standards and require an approved permit.
10. 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.
11. In the event that the subject property is redeveloped, all approved variances and conditions shall become null and void.
12. Non-substantial variances, as determined by the Director of Planning and Development and/or City Manager 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 and/or City Manager. Substantial variances, as determined by the Planning and Development and/or City Manager, will require Mayor and Council approval.

PLANNING COMMISSION REPORT:

The Planning Commission held a duly advertised public meeting on the subject application at the May 22, 2018 Regular Meeting of the City of Snellville Planning Commission. By a unanimous vote of 6-0, the Planning Commission recommends **Approval** of the request for a Conditional Use Permit to operate a Fuel Station with Convenience Store with the following **Conditions (1-13)**:

1. The property shall be developed according to the rezoning site plan entitled "Site Plan for Winston Property Ventures, LLC," sealed and signed April 9, 2018 with modifications permitted due to engineering restrains, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations.
2. Interparcel access will be required upon redevelopment of the New London Shopping Plaza, the only contiguous adjacent property.
3. The property owner will be required to install shrubs in the front landscape strip, along with all sidewalks, pedestrian pads and amenities, within twelve (12) months of the completion of the GDOT roadwork in front of the property. Plans shall be approved by the Director of Planning and Development before commencement of any work.
4. Sidewalks shall be provided along the entire frontage of the development along both Henry Clower Boulevard and Scenic Highway. These sidewalks shall be 5' in width, to match those being installed by the Georgia Department of Transportation.
5. The property owner is to meet the required Tree Density Units (TDUs) for the property within the rear of the property that is currently a grassy hill. As a requirement for the release of any Certificate of Occupancy from the City, the tree and landscape improvements within the grassy hill shall be completed.
6. Prior to the release of any Certificate of Occupancy from the City, a three-sided dumpster enclosure with gate shall be constructed in accordance with the requirements of Sec. 19-34 of the Buffer, Landscape and Tree Ordinance.
7. All non-conforming signage on the property (if any) shall be removed. Any new signage shall conform to the City of Snellville Sign Ordinance requirements and require an approved sign permit(s) before installation of any new signage.
8. Signs higher than 15 feet or larger than 225 square feet are prohibited.

9. Installation of any new exterior building, fuel canopy or site lighting or upgrades to any existing building, fuel canopy or site lighting shall comply with the City's exterior lighting standards and require an approved permit.
10. 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.
11. In the event that the subject property is redeveloped, all approved variances and conditions shall become null and void.
12. Non-substantial variances, as determined by the Director of Planning and Development and/or City Manager 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 and/or City Manager. Substantial variances, as determined by the Planning and Development and/or City Manager, will require Mayor and Council approval.
13. The applicant shall be required to use a combination of brick, stone, and stucco on the exterior building elevations and shall submit a plan for review and approval by the Director of Planning and Development.

This action is subject to the attachment of the following approved variances (1-11):

1. Variance from Section 9.15A.(1) of the Corridor Overlay District Requirements requiring interparcel access to contiguous properties.
2. Variance to allow the underground fuel tanks to be located within 30' of the right-of-way (R/W).
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10. Variance from Section 9.15.B(2) of the Corridor Overlay District Requirements to allow for no street trees.
11. Variance from Section 19.73 and 19.74 of the Buffer, Landscape and Tree Ordinance to allow for no front landscape strip trees and parking islands.