



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

**CASE SUMMARY**

**August 13, 2018**

**CASE NUMBER:** #CUP 18-03

**REQUEST:** Request for Conditional Use Permit for a Retail Automotive Parts Store and Request for Variances

**LOCATION:** 2775 W. Main Street, Snellville, Georgia

**TAX PARCEL(S):** 5007 165

**PRESENT ZONING:** BG (General Business) District

**OVERLAY DISTRICT:** Corridor Overlay District

**DEVELOPMENT/PROJECT:** O'Reilly Auto Parts Store

**PROPERTY OWNER:** PNC Bank N.A.  
300 Fifth Avenue, 22<sup>nd</sup> Floor  
Pittsburgh, PA 15222

**APPLICANT:** 2775 WM, LLC  
203 Tennessee Avenue  
Signal Mountain, TN 37377

**CONTACT:** David Kelly  
901-485-9724 or [dkellyetal@outlook.com](mailto:dkellyetal@outlook.com)

**RECOMMENDATION:** Approval with Conditions



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

**CASE ANALYSIS  
August 13, 2018**

**TO:** The Mayor Pro Tem and Council

**PUBLIC HEARING DATE:** August 13, 2018

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

**CASE NUMBER:** #CUP 18-03

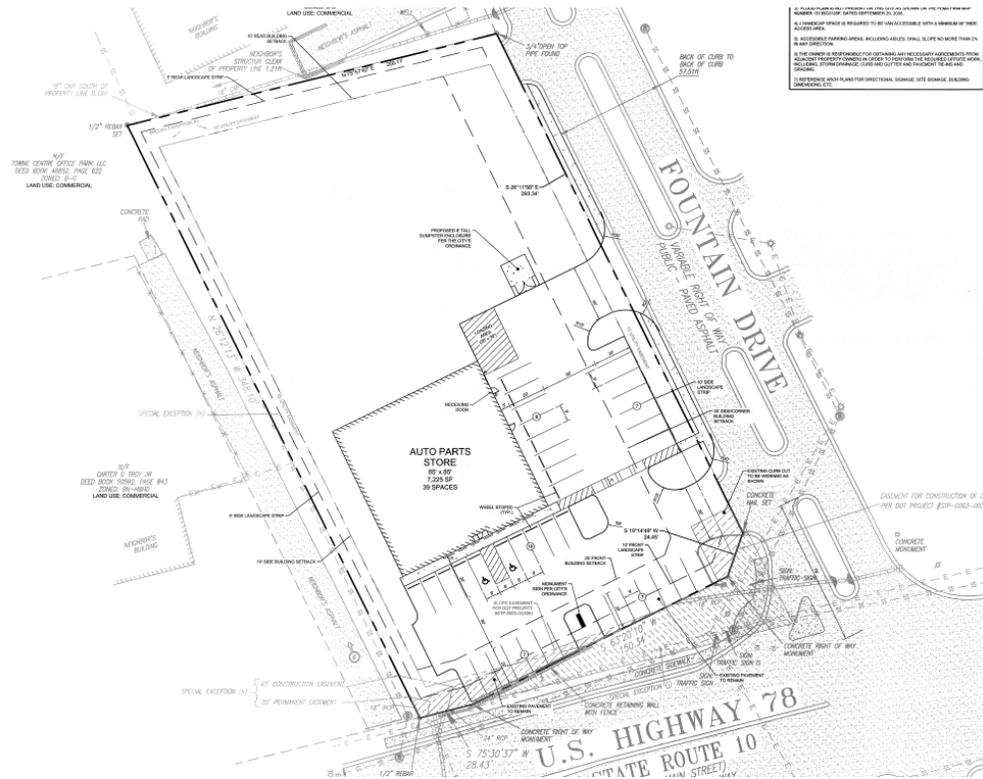
**FINDINGS OF FACT:**

The Department of Planning and Development has received application from 2775 WM, LLC, represented by David Kelly, requesting a Conditional Use Permit (CUP) for the 1.487± acre property located at the intersection of W. Main Street (US Hwy. 78) and Fountain Drive. The applicant intends to redevelop the former PNC Bank property for an O'Reilly Auto Parts store. The applicant is also requesting variances from the Buffer, Landscape, and Tree Ordinance, as well as, the Corridor Overlay District Requirements.

**BACKGROUND:**

The 1.487± acre tract is located on the northwest corner of W. Main Street (US Hwy. 78) and Fountain Drive. Originally developed in 1973, the rectangular property contains a single brick and stucco building, drive through facilities and associated parking and served as a bank branch for various financial institutions over the years. Some of the parking is located directly adjacent to the building, with additional parking located at the rear of the site.

There are two adjacent properties, both zoned BG. To the north is an office complex formerly containing various medical and general office uses; to the west is an undeveloped tract, zoned BG, the bulk of which is located behind the subject property and connected by a small strip abutting W. Main Street. Originally developed in 1973, the property last served as a PNC Bank branch before closing earlier this year.



The proposed site plan, submitted by the applicant.

**REQUEST:**

As part of the application submittal, the applicant is requesting four (4) variances from the Buffer, Landscape and Tree Ordinance and the Corridor Overlay District Requirements. The first three are specifically requested by the applicant, with the fourth identified as necessary by City staff. The variances are outlined below:

- A. Variance from Section 9.15A (1) of the Corridor Overlay District Requirements requiring interparcel access to adjacent properties.
- B. Variance from Section 19-73 (b) of the Buffer, Landscape and Tree Ordinance requiring a 10' wide landscape strip on the frontage along W. Main Street.

- C. Variance from Section 9.15A (4) of the Corridor Overlay District Requirements to waive the requirement for a sidewalk on Fountain Drive.
- D. Variance from Section 9.15C (3) of the Corridor Overlay District Requirements requiring the majority of the parking to be located on the side and rear of the building.

**STAFF ANALYSIS:**

The applicant intends to redevelop the former PNC Bank property for an O'Reilly Auto Parts store, bringing the property back into commerce, rather than it remaining in its current state as a vacant property. It sits on a prominent corner in a highly trafficked area due to its location on Main Street and proximity to the Eastside Medical south campus further up Fountain Drive.

**VARIANCE ANALYSIS:**

Although the applicant has expressed a desire to be compliant with most of the City's current zoning codes and development regulations, the applicant has specifically identified several variances pertaining to redevelopment of the site as follows:

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

There are two neighboring commercial parcels, to the north and to the west. The concept plan shows the removal of most of the impervious surface on the rear of the property. As a result, access to the parcel to the north along Fountain Drive would not be practical due to the distance created. The neighboring parcel to the west is a 25± foot wide strip of asphalt that connects the bulk of the property to W. Main Street, though there is no curb cut. Requiring access to this parcel would be impractical, and would require guests to then cross into the following parcel to exit the property. Though not requested by the applicant, this variance is reasonable.

- B. Variance from Section 19-73 (b) of the Buffer, Landscape and Tree Ordinance requiring a 10' wide landscape strip on the frontage along W. Main Street.

The concept plan shows the front parking lot, beginning at and running parallel to the front property line with a concrete retaining wall and fence beginning midway and running west to the western front corner of the property. Although there is a large sodded area located between the front parking row/retaining wall and public sidewalk, this area is within the public right-of-way and not part of the front landscape strip.



The concept plan accurately depicts the location of the 10 foot required front landscape strip. Shifting or reducing the building footprint will allow implementation of the front landscape strip for the planning of trees and shrubbery which will help to create a more aesthetically pleasing visual quality from the W. Main Street perspective. The Planning Department recommends denial of this request.

- C. Variance from Section 9.15A (4) of the Corridor Overlay District Requirements to waive the requirement for a sidewalk on Fountain Drive.

The applicant is requesting waiver from the requirement to install a pedestrian sidewalk along Fountain Drive due to the lack of an existing sidewalk along Fountain Drive for them to tie into. The Planning Department does not support this request as there are no physical features on the corner property that present a hardship that would make installation not feasible.



- D. Variance from Section 9.15C (3) of the Corridor Overlay District Requirements requiring the majority of the parking to be located on the side and rear of the building.

The proposed building is 7,225 sq. ft. in size. The Corridor Overlay District regulations require freestanding buildings or shopping center developments containing 7,500 gross sq. ft. of space or less to provide no more than 20% of parking areas in the front of building and be limited to no more than one double row of parking. No more than 20% of off-street parking areas may be located to the sides of building, with the balance of parking located to the rear the building.

The concept plan shows 24 parking spaces in front of the building and 15 parking spaces on the corner side of the building, with no parking in the side or rear of the building. As shown on the concept plan, there are a total of 39 parking spaces, requiring no more than 8 spaces be located in front of the building and no more than 8 spaces be located to the side of the building, with the remaining 23 spaces to be located behind the building. Relocating the building closer to the front and corner side would achieve greater compliance with this requirement.

The concept plan also shows the addition of a full-access curb cut on Fountain Drive. Currently there are two existing curb cuts at each end of the property along Fountain Drive, with the northern curb cut remaining for possible future development. The southernmost existing curb cut may need to be relocated so that it sits back at least 125 feet from the Fountain Drive and W. Main Street intersection.

**STAFF RECOMMENDATION:**

In conclusion, the Planning Department recommends approval of the request for a Conditional Use Permit for a retail automotive parts store with the following recommended **Conditions**:

1. The property shall be developed in general accordance to the proposed site plan entitled "Concept Plan" stamped received June 12, 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. New signs higher than 15 feet or larger than 225 square feet are prohibited.
3. 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.
4. Should the property owner subdivide or develop any portion of the property beyond what is depicted on the Concept Plan, any trees which are planted in said area for the auto parts store development that are later removed shall be recompensed and replanted, if feasible, on the auto parts store site based on the DBH at time of removal, or through payment into the City's Tree Bank Fund.
5. 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 Director of Planning and Development and/or City Manager, will require Mayor and Council approval.

In conjunction the recommendation for Conditional Use Permit approval, the Department of Planning and Development recommends **Approval** of the following variance:

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

And, **denial** of the following variances:

- B. Variance from Section 19-73 (b) of the Buffer, Landscape and Tree Ordinance requiring a 10' wide landscape strip on the frontage along W. Main Street.
- C. Variance from Section 9.15A (4) of the Corridor Overlay District Requirements to waive the requirement for a sidewalk on Fountain Drive.
- D. Variance from Section 9.15C (3) of the Corridor Overlay District Requirements requiring the majority of the parking to be located on the side and rear of the building.

#### **CONCEPT PLAN REVISION:**

On July 12, 2018 the Planning Department met with David Kelly to work out the issues identified in the draft Staff Report for the July 17<sup>th</sup> Planning Commission meeting. On July 16, 2018, the Planning Department received from the applicant a revised concept plan providing:

- a) 10 feet wide front landscape strip.
- b) Concrete sidewalk along Fountain Drive.
- c) A slightly larger building footprint (now 7,639 sq. ft.) for exemption of the requirement that no more than twenty-percent of the parking may be located in front of the building or to the sides or the building.
- d) Conversion of the existing southernmost full-access drive on Fountain Drive to a right-in/right-out drive.

#### **PLANNING COMMISION REPORT:**

The Planning Commission held a duly advertised public meeting on the subject application at the July 17, 2018 Specially Called Meeting of the City of Snellville Planning Commission. By a unanimous vote of 4-0, the Planning Commission recommends **Approval** of the request for a Conditional Use Permit to operate a Retail Automotive Parts Store with the following **Conditions (1-6)**:

1. The property shall be developed in general accordance to the proposed site plan entitled "Concept Plan" stamped received July 16, 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. New signs higher than 15 feet or larger than 225 square feet are prohibited.
3. 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.

4. Should the property owner subdivide or develop any portion of the property beyond what is depicted on the Concept Plan, any trees which are planted in said area for the auto parts store development that are later removed shall be recompensed and replanted, if feasible, on the auto parts store site based on the DBH at time of removal, or through payment into the City's Tree Bank Fund.
5. 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 Director of Planning and Development and/or City Manager, will require Mayor and Council approval.
6. Dumpster pad and enclosure shall be relocated behind the building.

In conjunction the recommendation for Conditional Use Permit approval, the Planning Commission recommends **Approval** of the following variance:

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

And, **denial** of the following variances:

- B. Variance from Section 19-73 (b) of the Buffer, Landscape and Tree Ordinance requiring a 10' wide landscape strip on the frontage along W. Main Street.
- C. Variance from Section 9.15A (4) of the Corridor Overlay District Requirements to waive the requirement for a sidewalk on Fountain Drive.
- D. Variance from Section 9.15C (3) of the Corridor Overlay District Requirements requiring the majority of the parking to be located on the side and rear of the building.

**ADDITIONAL VARIANCES AND CONDITIONS FOR CONSIDERATION:**

The Planning Department identified two additional variances that were included as a notation on the 6-12-2018 received Concept Plan that were never identified in the applicants Letter of Intent, never presented by the applicant at the 7-17-2018 Planning Commission called meeting, and were not considered by the Planning Commission as part of their recommendation.

These variances are as follows:

- E. Variance from Section 19.73(C)(1) of the Landscape Ordinance to allow a minimal amount of existing pavement to encroach into the side landscape strip.

It appears that the encroachment is a small negligible strip located adjacent to the second Fountain Drive curb cut. The variance is reasonable and has little to no effect on the quality of development. The Planning Department recommends approval.

- F. Variance from Section 8.2.1.B of the Development Regulations to allow for the existing impervious areas to be treated as 'impervious areas' in the pre-developed condition.

When more than 50 percent of the property of a developed site is disturbed for either redevelopment or improvement, the Development Regulations require that the Storm Water Management Report be prepared for the entire site and existing impervious areas shall be treated as 'forest' (instead of 'impervious') in the pre-developed analysis. When 50 percent or less of the property is disturbed, detention shall be provided for the disturbed area and existing impervious areas which are disturbed shall be treated as 'forest' (instead of 'impervious') in the pre-developed analysis.

This causes a big challenge to sites like this where most of the site is already impervious and the applicant needs to remove aging pavement and concrete slab materials and replacing same with new materials.

The City Engineer recognizes this challenge but contends that the stormwater system has to be able to accommodate and manage the storm water whether it is from an existing system or not. The City Engineer recommends approval of the request with the condition that the applicant conduct a downstream analysis to certify that the current stormwater infrastructure (culverts, open channels, piping, etc.) will suffice and not create or exacerbate runoff-related stormwater problems. Condition #7 has been added to address the City Engineer's recommendation.

In conjunction with recommendation of approval for Variance (F) above, the Planning Department recommends approval of the following additional condition:

7. Applicant/property owner shall conduct a downstream analysis for review and approval by the City Engineer, to certify that the current stormwater infrastructure (culverts, open channels, piping, etc.) will suffice and not create or exacerbate runoff-related stormwater problems.