



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

CASE SUMMARY

November 27, 2018

CASE NUMBER:	#CUP 18-04
REQUEST:	Conditional Use Permit and Request for Variances from the Sign Ordinance
LOCATION:	Presidential Commons Shopping Center 1630 Scenic Highway, Snellville, Georgia
PARCEL:	5056 008
CURRENT ZONING:	BG (General Business) District
CURRENT FUTURE LAND USE MAP DESIGNATION:	Commercial-Retail
DEVELOPMENT/PROJECT:	14-Station Kroger Fuel Center
PROPERTY OWNER:	DDR Southeast Snellville, LLC Beachwood, Ohio 44122
APPLICANT:	The Kroger Company Atlanta, Georgia 30345
CONTACT:	Ali R. Daughtry, P.E. Robertson Loia Roof, Architects & Engineers 770-674-2600 or adaughtry@rlrpc.com
STAFF RECOMMENDATION:	Approval with Conditions



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

**CASE ANALYSIS
November 27, 2018**

TO: The Planning Commission

MEETING DATE: November 27, 2018

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #CUP 18-04

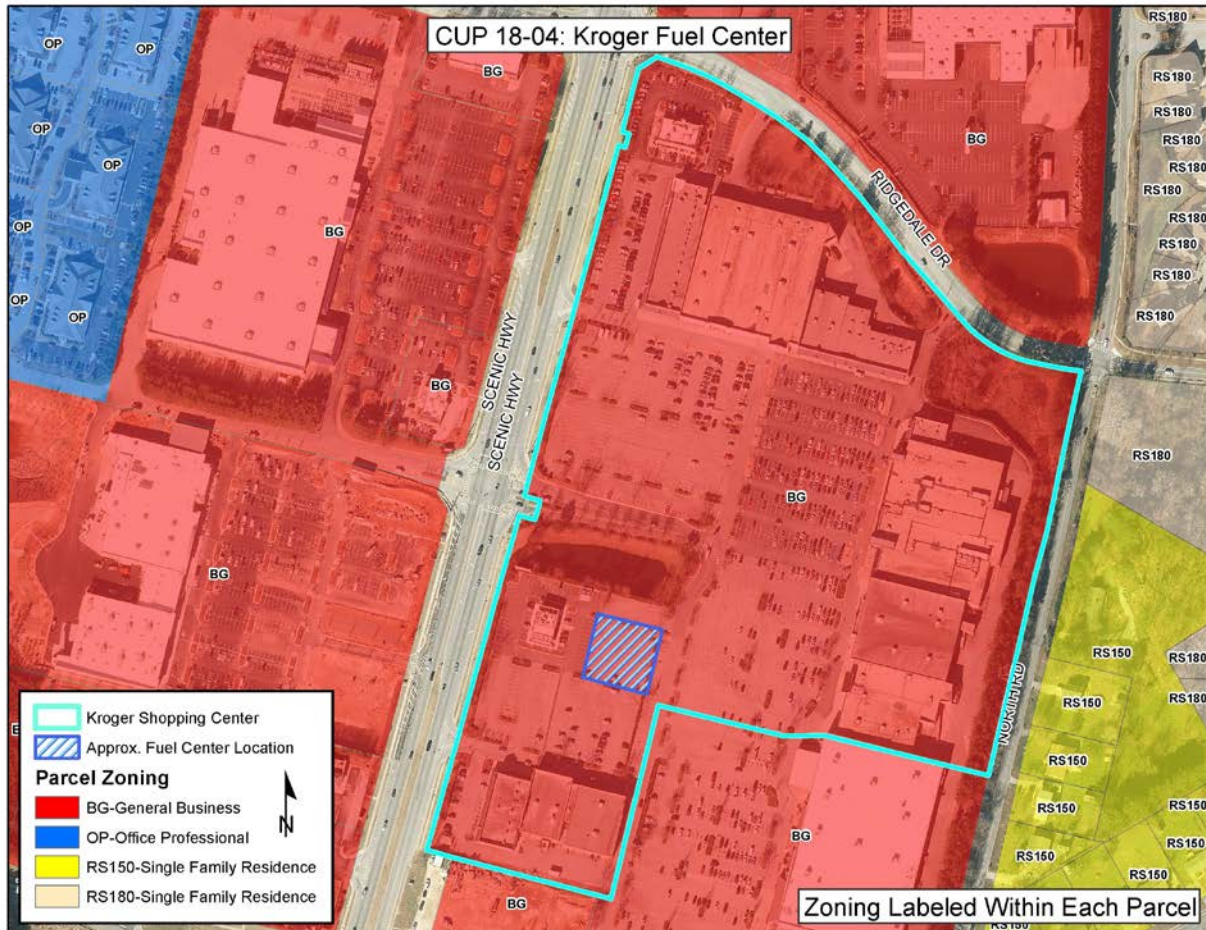
REQUEST:

The Department of Planning and Development has received a Conditional Use Permit application from The Kroger Company to develop and operate a seven-pump (14 station) fueling center located behind the Chipotle restaurant in the parking lot of the Presidential Commons Shopping Center, 1630 Scenic Highway, Snellville.

The applicant is also requesting variances from the Sign Ordinance to allow an electronic message board price sign on the fuel center canopy; and to allow the price sign to exceed the fifty-percent maximum sign area allowed for electronic message board signs.

STAFF ANALYSIS:

The area planned for the Kroger Fuel Center is an under-utilized parking area in between the Chipotle outbuilding and shopping center access drive at the western boundary of the Home Depot and Kroger store parking lots. Properties to the north, east, west and south of the proposed location are zoned BG (General Business) District and are commercial-retail uses that are commonly found within the Scenic Highway Corridor.



In accordance with Section 9.10(3)(7) of the Zoning Ordinance, *Gas Stations* may be permitted, provided the applicant for a such a business is granted a Conditional Use Permit by the Mayor and Council after receiving recommendations from the Planning and Development Department and Planning Commission, and after a public hearing, subject to the following provisions of Section 9.10(3)(7):

- a. Fuel pumps shall not be closer than 30 feet from right-of-way;
- b. Fuel pumps and gas storage tanks shall be set back at least 100 feet from any residential district; and
- c. Canopy design shall conform to the specifications indicated in the Architectural Design Standards.

The fuel pumps and two underground fuel storage tanks are located more than 220 feet from the right-of-way and more than 750 feet from any residential property. The 5,418 sq. ft. drive under canopy will have a flat roof with factory formed facing of sheet metal in earth tone colors.

The canopy columns and small 178 sq. ft. walk-up kiosk building will be clad with brick to match that of the surrounding shopping center. The kiosk building rooftop units (RTU) will be screened on all sides to enhance the appearance of the building.

Approximately 76 parking spaces will be removed for the fuel center site and an additional 8 parking spaces will be removed within the existing Kroger store parking lot to accommodate the installation of four landscape planter islands. However, even with the removal of these parking spaces, the shopping center as a whole still exceeds the City's minimum parking space requirement by four parking spaces.

With the removal of several existing landscape planter islands and associated plantings to accommodate the fuel center site, the Planning Department recommended that the applicant install four new landscape planter islands in front of the existing Kroger store parking lot and midway between the existing planter islands. Each of these new planter islands will be planted with a four-inch caliper Willow Oak tree, six evergreen shrubs and groundcover to break up the large expanse of asphalt that exists today.

The fuel center site will contain two separate landscape planter islands containing a mixture of evergreen and low accent shrubs.

VARIANCE ANALYSIS:

The applicant is requesting two variances from the City's Sign Ordinance as follows:

1. Variance from Sec. 12.8(B) to allow two Electronic Message Board (EMB) signs on the fuel canopy.
2. Variance from Sec. 12.8(B)(9) to allow the EMB display to exceed the 50% maximum allowable sign area.

Although the City's Sign Ordinance does not allow electronic message board signs to be used for canopy signage, the Planning Department is in support of this request since the proposed sign type is the only viable option, in lieu of wall or monument type signage, to effectively display the price per gallon of the various fuel types.

The second variance request is to exceed the maximum allowable sign area for EMB displays which are restricted to not exceed 50% of the total allowable sign area. Since canopy signage is restricted to not exceed 15% of the canopy area, the additional 50% restriction would limit the EMB display area to 33 sq. ft. The applicant is requesting to increase this another 12.5 sq. ft. to 45.5 sq. ft. total (per sign) which is a reasonable request and supported by the Planning Department.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the request for a Conditional Use Permit for a Kroger Fuel Center with the following **Conditions**:

1. The property shall be developed in general accordance with the submitted: Site Plan, entitled "Fuel Center @ Store GA483", signed, sealed and dated 10-15-2018 as shown on Exhibit "A"; Overall Site Plan, entitled "Fuel Center @ Store GA483", signed, sealed and dated 10-15-2018 as shown on Exhibit "B"; Concept Landscape Plan A, entitled "Fuel Center @ Store GA483", signed, sealed and dated 10-15-2018 as shown on Exhibit "C"; Concept Landscape Plan B, entitled "Fuel Center @ Store GA483", signed, sealed and dated 10-15-2018 as shown on Exhibit "D"; colored elevations, entitled Kroger Fuel Center GA 483 and dated 10-5-2018 as shown on Exhibit "E", with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the site or landscape plan, as determined by the Director of Planning and Development, will require Mayor and Council approval;
2. The sign area of each of the two EMB canopy signs shall not exceed 45.5 sq. ft. All signage shall comply with all other requirements of the Sign Ordinance and require sign permit(s) approved by the Director of Planning and Development;
3. The applicant shall be responsible for planting all trees and landscaping as shown on Concept Landscape Plan A, entitled "Fuel Center @ Store GA483", signed, sealed and dated 10-15-2018 as shown on Exhibit "C" and Concept Landscape Plan B, entitled "Fuel Center @ Store GA483", signed, sealed and dated 10-15-2018 as shown on Exhibit "D". Furthermore, as determined by the Director of Planning and Development, all dead, dying or diseased trees that were installed per Ordinance No. 2017-01 (case #RZ 17-01) shall be re-planted prior to the issuance of the Certificate of Occupancy;
4. 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;
5. New signs higher than 15 feet or larger than 225 square feet are prohibited; and
6. 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.

In conjunction with Conditional Use Permit approval, the Department of Planning and Development recommends **Approval** of the following variances:

1. Variance from Sec. 12.8(B) to allow two Electronic Message Board (EMB) signs on the fuel canopy as shown on the submitted elevations entitled Kroger Fuel Center GA 483, dated 10-5-2018, subject to Condition #2.
2. Variance from Sec. 12.8(B)(9) to allow the display area of each of the two EMB signs to exceed the 50% maximum allowable sign area, subject to Condition #2.

EXHIBIT "A"

EXHIBIT "B"

EXHIBIT "C"

EXHIBIT "D"

EXHIBIT "E"