



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

VARIANCE CASE SUMMARY

October 8, 2019

CASE NUMBER: #BOA 19-07

REQUEST: Variance to Allow Graphics on Awnings

APPLICABLE SECTION: Section 12.4(B)(1) of Article XII, Signs of the Snellville Zoning Ordinance

LOCATION: Presidential Markets Shopping Center
1905 Scenic Highway, Suite 10,000A, Snellville

TAX PARCEL: 5056 086

ZONING: HSB (Highway Service Business) District

ACREAGE: ±1.70 Acres

DEVELOPMENT/PROJECT: Panera Bread Restaurant

PROPERTY OWNER: GRI-EOY (Presidential Markets) LLC
Bethesda, Maryland 20814

CONTACT: Danny Lankford
Henry Incorporated
770.593.1234
Dlankford@henryincorporated.com

RECOMMENDATION: Approval with Conditions



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VARIANCE CASE ANALYSIS

October 8, 2019

TO: Snellville Board of Appeals

DATE: October 8, 2019

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#BOA 19-07**

FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from Danny Lankford, Henry Incorporated, representing Panera Bread, Inc., headquartered in Richmond Heights, Missouri to allow the installation and use of ten (10) new architectural awnings containing graphics.

In October 2009 Panera Bread opened a 100+ seat restaurant in the Presidential Markets Shopping Center, 1905 Scenic Highway, Suite 10,000A, Snellville, Georgia. On 10-13-2009 the Board of Appeals approved variances from the Sign Ordinance to allow the installation and use of 'wheat graphic' window screening and awnings on the storefront (North) elevation and side (east) elevation. A copy of the variance approval letter is attached hereto as Exhibit "A".

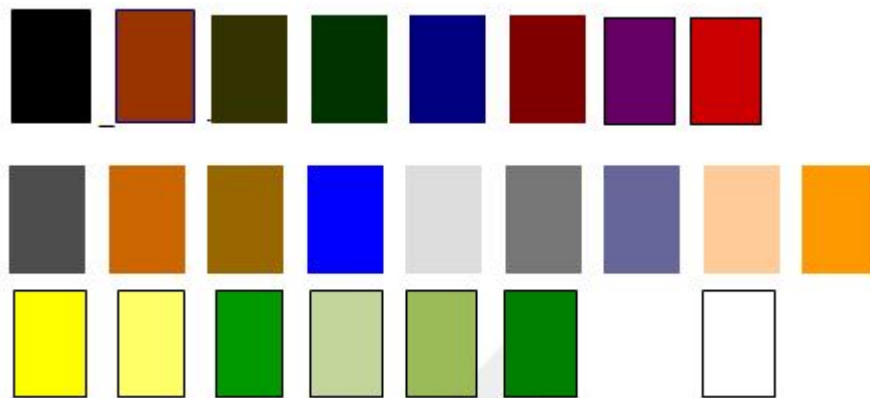
Three years later, Panera submitted a variance application requesting to install three (3) additional decorative 'wheat graphic' awnings and window screens on the North and East

elevations. On 9-11-2012 the Board of Appeals approved these variances. A copy of the variance approval letter is attached hereto as Exhibit "B".

On 2-25-2013 the Mayor and Council approved a major text amendment to the City's Sign Ordinance that added regulations for awning signs as follows:

- I. **Awning signs:** Signs on awnings should be minimized and are only appropriate if there are no good alternatives for wall signs, projecting signs or hanging and suspended signs. Signage should be limited to the skirt of the awning and should not be on the awning face. Signs should only be considered for the awning face if there is no other adequate location for signage on a given storefront or property.

Awning colors will be permitted only if they are part of the official city color palette as shown below:



Since the Sign Ordinance regulations changed after the applicants 2012 variance approval, and because the applicant wants to replace the existing awnings with new awnings as part of the exterior remodel of the restaurant, they must request new variances.

REQUEST:

The applicant is requesting Variance from Section 12.4(B)(1), Awning Signs of Article XII of the Snellville Zoning Ordinance as follows:

1. **Request to install and allow use of awnings containing graphics on ten (10) architectural elements located on the front, side and rear building elevations together with conforming wall signs on each of these elevations.**
2. **Request to allow graphics on each of the awning faces in lieu of the awning valance or skirt.**

VARIANCE ANALYSIS:

The applicant is proposing to install ten (10) awnings each containing 'wheat' graphics on the awning face to the front, side and rear of the building elevations. The awnings range from 53 sq. ft. to 93 sq. ft. in size. The awning 'wheat' graphics represent the newest Panera Bread brand identity. The awning and graphic colors are consistent with the City's allowable awning colors and colors of the City's Martin Senour Exterior Color Palette.

Although Panera's corporate color scheme is similar to the colors of the Exterior Color Palette (Appendix VII-A of the Zoning Ordinance), and the awnings and awning graphics appear to be more of an architectural design element, they meet the definition of a "Sign", as defined in the Sign Ordinance as, *"Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination."*

STANDARDS FOR CONSIDERATION:

Pursuant to Section 14.5, Powers and Duties, of the City of Snellville Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district;

With regard to the request to install the awnings, no special conditions or circumstances exist which are peculiar to the land, structure, or building involved and which are applicable to other land, structures, or buildings in the same district. However the exterior elevation plans which include use of the 'wheat graphic' awnings are part of the latest national corporate branding program for Panera Bread which is consistent to other Panera Bread restaurants across the country.

2. That literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance;

No, literal interpretation of the provisions of the Zoning Ordinance would not deprive the applicant of rights commonly enjoyed by other properties. However, variances have previously been approved to allow the increase in sign area through the use of decorative awnings. Similar variances have been granted to similar commercial properties along the Scenic Hwy. corridor.

3. That the special conditions and circumstances do not result from the actions of the applicant; and

Variances have already been approved to allow the increase in sign area through the use of decorative awnings. The applicant is simply requesting to utilize additional awnings and graphics on the building exterior to further identify the location as a Panera Bread restaurant.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district.

Granting the variance request would confer on the applicant special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district. However, variances have already been approved to allow the increase in sign area through the use of decorative awnings. Similar variances have been granted to similar commercial properties along the Scenic Hwy. corridor.

CONCLUSION:

The Department of Planning and Development recommends **Approval** of the request to install and allow use of ten (10) awnings containing 'wheat' graphics on the awning faces and which are located on the front, side and rear building elevations with the following **Conditions**:

1. The applicant shall be allowed to install the decorative awnings with "wheat graphic" as shown on the sign drawings for Panera Bread Store #1383 labeled 50638.2, 50638.3, 50638.4 and 50638.5.
2. Prior to installation of any awnings, the applicant shall be required to submit an application for an Awning Sign Permit for review and approval by the Department of Planning and Development;
3. Awnings shall not be illuminated with up-lights. Overhead and down-lit "gooseneck" lighting shall be permitted as shown on sign plans; and
4. Installed awnings shall be maintained at all times by the business owner and or the property owner.