



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

**CASE SUMMARY**

**March 25, 2019**

**CASE NUMBER:** #CUP 19-01

**REQUEST:** Conditional Use Permit and Request for Variances

**LOCATION:** 2018 Scenic Hwy, Snellville, Georgia

**TAX PARCEL:** 5040A009

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

**CURRENT FUTURE LAND USE MAP DESIGNATION:** Commercial-Retail

**DEVELOPMENT/PROJECT:** Valvoline Instant Oil Change Center

**PROPERTY OWNER:** Montag Enterprises Inc II  
Snellville, Georgia 30078

**APPLICANT:** Valvoline Instant Oil Change  
Lexington, Kentucky 40509

**CONTACT:** Chris Duley  
Manager Pre-Construction VIOC  
937-522-5305 or  
[christopher.duley@valvoline.com](mailto:christopher.duley@valvoline.com)

**RECOMMENDATION:** Approval with Conditions



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

**CASE ANALYSIS  
March 25, 2019**

**TO:** The Mayor and Council

**PUBLIC HEARING DATE:** March 25, 2019

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

**CASE NUMBER:** #CUP 19-01

**FINDINGS OF FACT:**

The Department of Planning and Development has received an application from Valvoline Instant Oil Change, represented by Chris Duley, requesting a Conditional Use Permit (CUP) for the 0.66± acre property located at 2018 Scenic Highway, Snellville. The applicant intends to redevelop and repurpose the property for a Valvoline Instant Oil Change Center including tire rotation and State Emissions testing. The applicant is also requesting variances from the Buffer Ordinance, as well as the Sign Ordinance.

**BACKGROUND:**

The 0.66± acre tract is located on the southeast corner of Scenic Highway and Dogwood Road. The rectangular property contains a 2,892 sq. ft. single-story brick building, with an attached canopy and

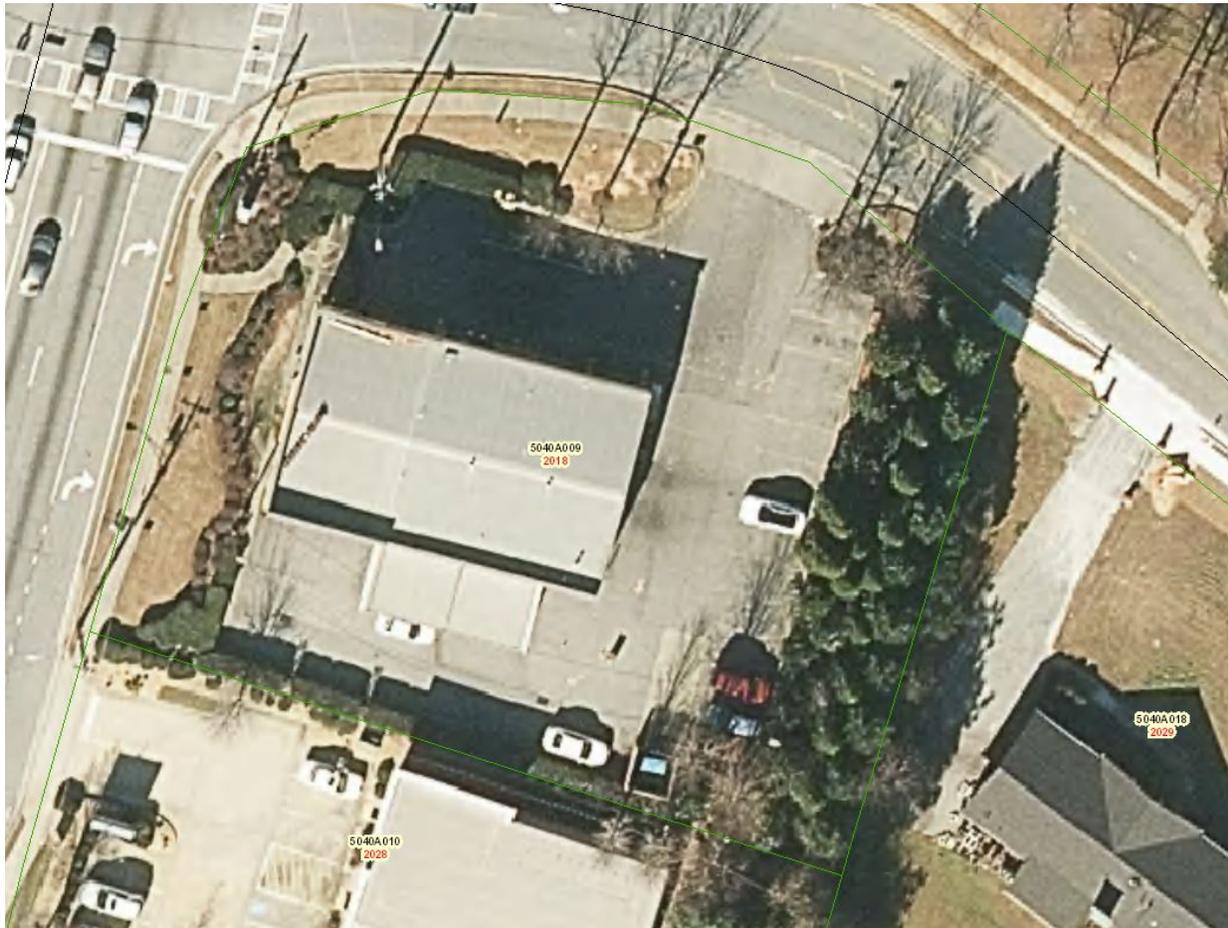


associated parking. Most of the parking is located to the sides and rear of the building. The property is currently in use by Appearance Center, Inc., a car washing and detailing business that has been in operation since receiving zoning approval in April 2002 and development of the property the following year.

There are two adjacent properties; to the south along Scenic Highway is another commercial property zoned BG (General Business) District, which is currently a Title Max title pawn business. To the east is a residential property zoned RS-180 (Single-family Residence) District and located within the southern portion of the North Road Transitional Corridor Character Area on the 2040 Future Development Map. QuikTrip is located directly across Dogwood Road on the opposite corner of Scenic Highway.

The property lies within the southern portion of the Scenic Highway North Character Area on the 2040 Future Development Map and designated as Commercial Retail on the 2040 Comprehensive Plan Future Land Use Map.

On January 27, 2003, the Mayor and Council approved a request for a change-in-conditions from the April 22, 2002 rezoning to reduce the 60 foot undisturbed buffer along the eastern property line where abutting the residential zoned property to a 30 foot densely planted landscaped buffer with a five-foot tall earth berm. Copies of the Mayor and Council approved minutes from the April 22, 2002 rezoning (Case #RZ 02-02) and January 27, 2003 change of conditions (Case #RZ 02-09) are provided as Attachment "A" and Attachment "B", respectively.



### **REQUEST:**

As part of the application submittal, the applicant is requesting three (3) variances from the Buffer Ordinance and the Sign Ordinance. The variances are outlined below:

1. Variance to reduce the 60 foot landscape buffer (30 foot landscape buffer as approved on 1-27-2003 by the Mayor and Council) to 11.19 feet.
2. Variance from Section 12.3 (C), Signs Prohibited of Appendix B the Sign Ordinance to use 100% logo-box type sign construction for the Valvoline wall signs.
3. Variance from Section 12.4(B)(2), Wall Sign Area of the Sign Ordinance to exceed the total allowable wall sign area on the northern building elevation from 37.25 sq. ft. to 45.0 sq. ft.

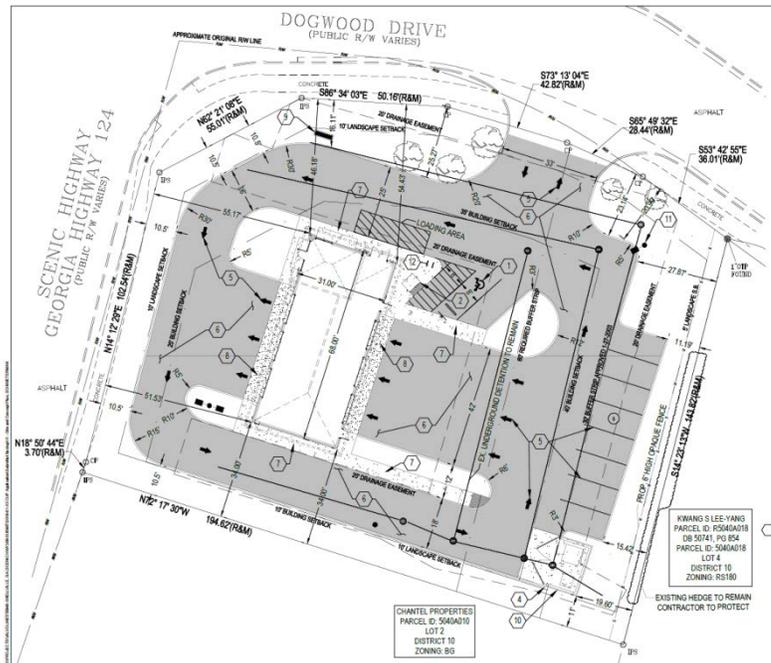
### **VARIANCE ANALYSIS:**

The applicant is proposing to bring a use to the property similar to the one that already exists. It sits on a prominent corner in a highly trafficked area along the busy Scenic Highway commercial corridor. The requested variances are a result of the applicant's desire to meet site layout standards of the company and to stay within the company's national branding identity.

1. Variance to reduce the 60 foot landscape buffer (30 foot landscape buffer as approved on 1-27-2003 by the Mayor and Council) to 11.19-feet.

The existing 30 foot buffer is already a reduction from the 60 foot buffer required under the current Buffer Ordinance for dissimilar districts where a commercial use abuts a residential zoned property.

Sec. 19-32(4) of the Buffer Ordinance requires: *“For nonresidential uses, which abut residential districts must provide dense landscaping to provide a visual screening. A five-foot permanent berm may be required in the first 20 feet of the buffer at a 2 to 1 slope, as determined by the Director. The slope shall be measured from the elevation of the residential property. The top of the berm shall be planted in accordance with section 19-39 of this article. The top of the berm and the backside facing residential property shall be planted with a staggered row of evergreen trees.”*



The property owner contends that they have met with the adjoining property owner, Mr. Lee-Yang Kwang, and has provided with their application submittal a signed letter dated 11-25-2018 from Mr. Kwang granting permission to Montag Enterprises, Inc. *“to encroach and reduce the existing buffer approximately twenty feet between our properties.”* Although the letter is a little rudimentary and not as specific as we would expect, we would assume that the property owner is aware and agrees with the request. Department staff has had conversations with both the owner and applicant about this situation and both have expressed full confidence that the adjacent owners understand and agree to the request. The remaining 11.19 feet of the buffer will retain the existing landscaping that is currently providing screening to their home. Furthermore, if any of the existing landscaping is damaged during the development of the project the owner/applicant will be required to replant with the most appropriate larges/mature species that effectively create an immediate screening.

Additional support for a buffer reduction can be found in the newly adopted 2040 Comprehensive Plan, which dictates that the residential properties between Scenic Highway and North Road are within the North Road Transitional Character Area on the Future Development Map. As part of the vision for this area, these residential parcels should be considered for more intensive office expansion uses, and buffers between

dissimilar uses will most likely not be required as was the case when most of the properties in this area were originally developed.

Section 19-36 of the Buffer Ordinance states: *“The Snellville Mayor and Council may reduce or eliminate the buffer requirement in conjunction with a rezoning or conditional use permit; the council may also increase the minimum buffer width requirements as a condition of zoning or conditional use permit. The council may require the establishment of temporary construction buffers as a condition of zoning or as a conditional use.”*

2. Variance from Section 12.3 (C), Signs Prohibited of Appendix B the Sign Ordinance to use 100% logo-box type sign construction for the Valvoline wall signs.

The sign type proposed by the applicant is a logo-box type wall sign that is prohibited by the Sign Ordinance. We have allowed logo-box or cabinet-box type signs if they were a smaller sign component of a larger channel-letter construction type wall sign, in the ratio of 40% logo-box and 60% channel letter. Because of the unique design of the nationally branded sign and which is common at the newer Valvoline franchise locations, the request is reasonable and supported by the Planning Department.

3. Variance from Section 12.4(B)(2), Wall Sign Area of the Sign Ordinance to exceed the total allowable wall sign area on the northern building (left) elevation from 37.25 sq. ft. to 45.0 sq. ft.

The applicant’s intent is to use the northern building elevation, along Dogwood Road, as signage for those traveling southbound along SR-124/Scenic Highway. However, the current Sign Ordinance prohibits more than 5% of the elevation face area to be used for wall signage. The applicant is proposing to increase the allowable wall sign area from 37.25 sq. ft. (5% of 745 sq. ft.) an additional 7.75 sq. ft. to 45 sq. ft., or roughly 6% of the elevation face area.

The Sign Ordinance authorizes the Planning Director to grant an Administrative Variance for sign area variances not to exceed 25% of the sign area allowed by the code. The applicant’s request is within this threshold and reasonable; therefore, the Planning Department is in support of this variance.

#### **STAFF RECOMMENDATION:**

The Department of Planning and Development recommends **Approval** of the request for a Conditional Use Permit for a Valvoline Instant Oil Change Center with tire rotation and State Emissions testing with the following **Conditions**:

1. The property shall be developed according to the proposed Site Plan entitled “Valvoline Instant Oil Change” sealed, signed and dated 1-19-2019 and Concept Landscape Plan

dated 12-14-2018 with modifications permitted due to engineering restrains, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations;

2. All conditions from the 4-22-2002 Mayor and Council approved rezoning and 1-27-2003 Mayor and Council approved change-in-conditions are hereby repealed;
3. In the event that the existing 10-foot buffer is damaged during development the property owner/applicant shall be responsible for replanting the buffer with the most appropriate large and mature species that effectively create an immediate screening. A planting plan shall be submitted for review and approval by the Director of Planning and Development;
4. New signs higher than 15 feet or larger than 225 square feet are prohibited;
5. 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; and
6. 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.

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

1. Variance to reduce the 60-foot landscape buffer (30-foot landscape buffer as approved on 1-27-2003 by the Mayor and Council) to 11.19 feet, subject to Condition #3.
2. Variance from Section 12.3 (C), Signs Prohibited of Appendix B the Sign Ordinance to use 100% logo-box type sign construction for the Valvoline wall signs.
3. Variance from Section 12.4(B)(2), Wall Sign Area of the Sign Ordinance to exceed the total allowable wall sign area on the northern building (left) elevation from 37.25 sq. ft. to 45.0 sq. ft.

#### **PLANNING COMMISSION REPORT:**

The Planning Commission held a duly advertised public meeting on the subject application at the February 26, 2019 Regular 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 for a Valvoline Instant Oil Change Center with tire rotation and State Emissions testing with the following **Conditions**:

1. The property shall be developed according to the proposed Site Plan entitled "Valvoline Instant Oil Change" sealed, signed and dated 1-19-2019 and Concept Landscape Plan dated 12-14-2018 with modifications permitted due to engineering restrains, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations;
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