



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

CASE SUMMARY

May 13, 2019

CASE NUMBER: RZ 19-03

REQUEST: Change in Conditions, Request for Variances

LOCATION: 2180 Scenic Hwy, Snellville, Georgia

TAX PARCEL: 5026 138

PRESENT ZONING: BG (General Business) District

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

OVERLAY DISTRICT: Corridor Overlay District

CURRENT FUTURE LAND USE MAP: Towne Center

DEVELOPMENT/PROJECT: Existing Retail Center

PROPERTY OWNER: Jimmy Johnson
Snellville, Georgia

APPLICANT: Swope & DeThomas Investment Group LLC
Lawrenceville, Georgia

CONTACT: Shane Lanham, Esq.
Mahaffey Pickens Tucker, LLP
770.232.0000 or slanham@mptlawfirm.com

RECOMMENDATION: Approval with Conditions



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

CASE ANALYSIS

May 13, 2019

TO: The Mayor and Council

MEETING DATE: May 13, 2019

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: RZ 19-03

FINDINGS OF FACT:

The Department of Planning and Development has received applications from Jimmy Johnson (property owner) and Swope & DeThomas Investment Group, LLC (applicant), represented by Shane Lanham of Mahaffey Pickens Tucker, LLP requesting a rezoning with conditions for a 39,850 sq. ft. (0.914± acre) tract located at 2180 Scenic Highway.

The property owner intends sell a portion of the property along the southwest property line to the applicant and adjacent property owner to the south, keep the remaining 26,664 sq. ft. (0.612± acre) tract, renovate and upgrade the exterior elevations of one existing commercial building, and demolish another.

The applicant is requesting a Change in Conditions, as well as variances from the Snellville Zoning Ordinance; Buffer, Landscape and Tree Ordinance; and Corridor Overlay District.

BACKGROUND:

The 0.914± acre property is situated between Scenic Highway and North Road, just north of the Oak Road intersection. It is located within the Corridor Overlay District and within the Towne Center Character Area on the Future Development Map and identified as Towne Center on the 2040 Comprehensive Plan Future Land Use Map.

The property currently contains two single-story commercial buildings. The larger of the two, an 8,800± sq. ft. metal on steel frame building, is split into two tenant spaces for FastSigns of Snellville and Snellville Auto Trim & Upholstery. The other, a smaller 3,400± sq. ft. brick-faced automotive building and is currently occupied by Grayson Automotive. The property was originally developed in 1971-72.

The property is bordered on two sides by major roads, Scenic Highway to the west and North Road to the east. To the north is a commercial property which is also zoned BG (General Business) District where Andy's Muffler and Lube center has operated for many years. To the south is a vacant commercial property zoned BG (General Business) District that was previously a Shell gas station, also owned by Swope & DeThomas Investment Group.

There are no known existing conditions of zoning on the property.

REQUEST:

The applicant is requesting the following ten (10) variances as conditions of zoning, while also proposing to bring the existing building more into compliance with the current Architectural Design Standards of Sec. 7.7 of Article XII of the Zoning Ordinance:

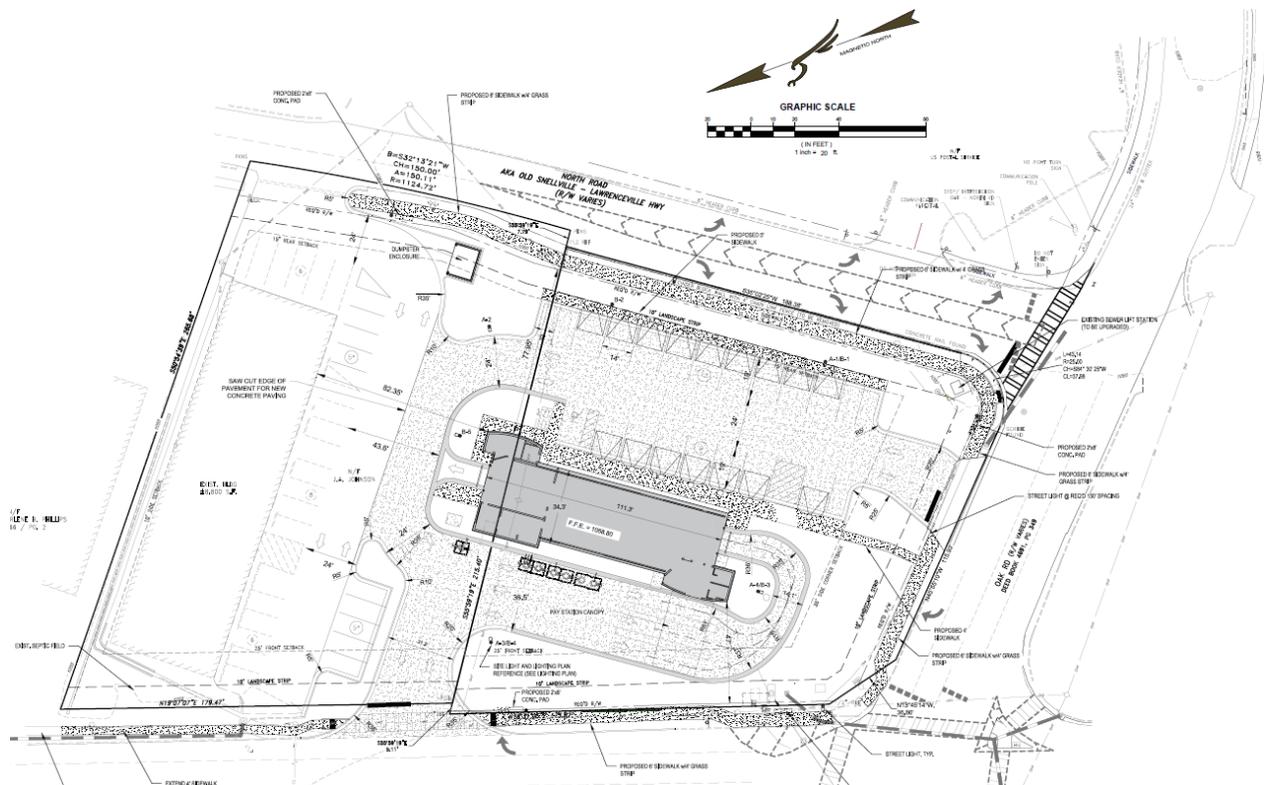
1. Allow parking lot design, landscaping and lot dimensions in general accordance with the submitted Boundary Survey.
2. Allow the amount of impervious surface ground coverage as depicted on the Site Plan.
3. Allow encroachments into the Scenic Hwy and North Road building setbacks as depicted on the Site Plan.
4. Eliminate internal landscape strip required adjacent to property's southern boundary line as depicted on the Site Plan.
5. Eliminate tree density requirements as applied to the property and allow the continued occupation and use of the property in its current as-is condition.
6. Allow building materials and design in general accordance with the building elevations submitted with the Application.
7. Replace existing pylon sign with same height and sign face dimensions on the property.

8. Reduce the minimum amount of required parking spaces to 20 (1 space per 440 sq. ft.).
9. The Property may continue to utilize existing septic facilities.
10. Otherwise allow for the continued use and occupation of the Property, and granting all necessary relief and variances required in order to continue using and occupying the Property, in its current 'as-is' condition and/or in general accordance with the Boundary Survey.

SITE ANALYSIS:

The property owner intends to sell approximately 13,200 sq. ft. of the existing 39,850 sq. ft. property, while keeping some parking and upgrading the exterior elevations of the 8,800 sq. ft. retail center building and the demolition and removal of the existing 3,400 sq. ft. Grayson Automotive building. The 13,200 sq. ft. tract is intended to be combined with the 39,204± sq. ft. corner parcel to the south for a 1.20± acre development by Swope & DeThomas Investment Group, LLC and proposed Tommy Car Wash.

Although not part of this rezoning and change in conditions application, the proposed site plan for the car wash is provided below:



The proposed site plan for the car wash. 2180 Scenic Hwy is on the left.

EXTERIOR ELEVATIONS:

In consideration of the requested variances, the City has asked the applicant to make improvements to the exterior façade of the 8,800 sq. ft. retail center metal building to bring the non-conforming building facade more into compliance with the City's current Architectural Design Standards.

The applicant has provided a colored rendering showing the proposed improvements to the front and sides of the existing building, including a neutral two-color brick veneer treatment and metal awnings being added above the entry doors and window areas of the building. The existing roll-up doors will be painted to match the awnings. No improvements are being proposed for the rear of the building as it is shielded from public view.



VARIANCE ANALYSIS:

Analysis of each of the requested variances is provided below.

1. Allow parking lot design, landscaping and lot dimensions in general accordance with the submitted Boundary Survey.

The Landscape Ordinance requires planter islands be provided at the terminus of parking rows for the planting of trees and shrubs. The Zoning Ordinance requires parking spaces to be a minimum of 9 feet in width and 19 feet in depth. Interior driveways shall be a minimum of 24 feet in width where 90 degree parking is utilized. Handicap space dimensions are regulated under the ADA requirements by the Gwinnett County Fire Marshal's Office.

2. Allow the amount of impervious surface ground coverage as depicted on the Site Plan.

Although no calculations have been provided, it appears the site will exceed the 90% maximum ground coverage allowed in the BG District. In addition and because of the

age of the development, the site does not appear to contain any stormwater detention facility or water quality BMPs.

3. Allow encroachments into the Scenic Hwy and North Road building setbacks as depicted on the Site Plan.

No encroachment details were provided by the applicant. The BG District space limits require: 25 feet front yard building setback; 15 feet rear yard building setback; 10 feet side yard building setback

4. Eliminate internal landscape strip required adjacent to property's southern boundary line as depicted on the Site Plan.

The Landscape Ordinance landscape strip requirement is as follows: 10 feet (front); 10 feet (corner side); 5 feet (interior side); and 5 feet (rear) with 40% coverage with trees and shrubs. Trees to be planted a minimum of every 50 feet.

5. Eliminate tree density requirements as applied to the property and allow the continued occupation and use of the property in its current as-is condition.

The Landscape Ordinance requires sites to contain a minimum of 16 Tree Density Units (TDU) per acre, or fraction thereof. Therefore, the 0.612± acre site would be required to plant 9.79 TDU's. There are several trees located along the northern boundary of the property; however, with no tree survey being conducted, it is not clear which property they are on.

6. Allow building materials and design in general accordance with the building elevations submitted with the Application.

The applicant has provided a colored rendering showing the proposed improvements to the front and sides of the existing building which are consistent with the allowed building materials of the Architectural Design Standards. However, no improvements are being proposed for the rear of the building and the Corridor Overlay District prohibits 'metal sided buildings' and the Architectural Design Standards prohibit metal as an exterior building material.

7. Replace existing pylon sign with same height and sign face dimensions on the property.

The Sign Ordinance prohibits freestanding/pylon signs which are over 3 feet in height and/or larger than 6 sq. ft. in area and prohibits any sign over 15 feet in height. The existing pylon sign appears to exceed 15 feet in overall height.

The ordinance allows a monument type sign with a minimum two-foot tall decorative base at least as wide as the sign itself. The sign area calculation is one-half sq. ft. sign area per one foot of road frontage, or 64 sq. ft., whichever is greater. Because of the

limited (± 112 feet) road frontage on Scenic Highway, they would normally be allowed 64 sq. ft. of maximum sign area.

The submitted monument sign rendering appears to well exceed the allowable sign area, as per the Sign Ordinance the monument sign area calculation includes the extreme limits of the sign structure (height and width), not including the first 24 inches of the monument base.



The sign rendering does not show the overall height and width dimensions of the proposed sign and is estimated to be approximately 12 foot tall (including the base and cap) by 18 feet wide (including the columns on either side of the tenant sign panels). Using the current 'sign area' definition, the proposed sign would be approximately 180 sq. ft. in total area, or 281% of the current allowable sign area for a 64 sq. ft. sign and not 118 sq. ft. as calculated by the applicant.

There is no proposed sign location on either the current Boundary Survey or proposed site plan for the car wash.

8. Reduce the minimum amount of required parking spaces to 20 (1 space per 440 sq. ft.).

The code requires 36 parking spaces based on one space per 250 sq. ft. of gross floor area. The proposed plan shows 20 onsite parking spaces with an additional 5 spaces being available when the car wash site is developed.

9. The Property may continue to utilize existing septic facilities.

The City Code requires connection to sanitary sewer when located within 250 feet of a line of a public sanitary sewer by gravity flow and within 100 feet from the property line. The closest public sanitary sewer line is outside of these limits.

10. Otherwise allow for the continued use and occupation of the Property,



and granting all necessary relief and variances required in order to continue using and occupying the Property, in its current 'as-is' condition and/or in general accordance with the Boundary Survey.

The applicant is simply requesting variance relief from all other non-conforming issues relating to the Property that are unknown and which have not been requested in items (1-9) above and to be allowed the continued use and occupancy of the building and Property in its current 'as-is' condition.

Most of the requested variances are simple due to the fact the property is 48 years old and does not meet many of the City's current development and zoning code requirements. Additional non-conformities are the result of the property subdivision to allow for the development of the Tommy Carwash on the adjacent property.

By subdividing the property and creating a new development the remaining property loses its grandfathering provisions and is left as a non-conforming use. Granting of these variances as a condition of zoning allows for the subject property to become a legal conforming site. Therefore, these variances as a condition of zoning are being recommended for approval subject to the improvements as shown on the submitted site plan, building elevation renderings, and sign rendering.

STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends **Approval** of the request for Rezoning from BG (General Business) District to BG (General Business) District with Variances (1-10) identified above and with the following recommended **Conditions**:

1. The exterior elevations of the 8,800 sq. ft. metal-sided building shall be improved as per the submitted colored rendering entitled "Snellville Retail" stamped received 3-21-2019. Said improvements shall require plan submittal for review and approval by the Director of Planning and Development and must be completed before release of the Certificate of Occupancy for the Tommy Car Wash, 2208 Scenic Highway, Snellville;
2. A six (6) foot wide sidewalk with four (4) foot grass strip shall be provided in the public right-of-way along the entire frontage of the property where abutting Scenic Highway and North Road and shall be completed before release of the Certificate of Occupancy for the Tommy Car Wash, 2208 Scenic Highway, Snellville;
3. The exterior façade and monument sign improvements shall not trigger a substantial building permit if permitted within 12 months of Mayor and Council approval of #RZ 19-03;

4. Removal of the existing nonconforming pylon sign and any new sign installation shall be a monument type sign and in general design with the submitted sign rendering stamped received 3-21-2019;
5. Signs higher than 15 feet or larger than 225 square feet are prohibited;
6. All approved variances shall become null and void upon redevelopment of the property or where the structure has been destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at time of loss, it shall not be reconstructed except in conformity with the provisions of the City Code of Snellville; and
7. 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 April 23, 2019 Regular Meeting of the City of Snellville Planning Commission. By a unanimous vote of 3-1, the Planning Commission recommends **Approval** of the request for Rezoning from BG (General Business) District to BG (General Business) District with the following recommended **Conditions (1-7)**:

1. The subject property shall be developed in general accordance with the site plan entitled "Tommy Carwash Snellville" dated 4-8-2019 and stamped received 4-23-2019 and the exterior elevations of the 8,800 sq. ft. metal-sided building shall be improved as per the submitted colored rendering entitled "Snellville Retail" stamped received 3-21-2019. Said improvements shall require plan submittal for review and approval by the Director of Planning and Development and must be completed before release of the Certificate of Occupancy for the Tommy Car Wash, 2208 Scenic Highway, Snellville;
2. A six (6) foot wide sidewalk with four (4) foot grass strip shall be provided in the public right-of-way along the entire frontage of the property where abutting Scenic Highway and North Road and shall be completed before release of the Certificate of Occupancy for the Tommy Car Wash, 2208 Scenic Highway, Snellville;

3. The exterior façade and monument sign improvements shall not trigger a substantial building permit if permitted within 12 months of Mayor and Council approval of #RZ 19-03;
4. Removal of the existing nonconforming pylon sign and any new sign installation shall be a monument type sign and in general design with the submitted sign rendering stamped received 3-21-2019;
5. Signs higher than 15 feet or larger than 225 square feet are prohibited;
6. All approved variances shall become null and void upon redevelopment of the property or where the structure has been destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at time of loss, it shall not be reconstructed except in conformity with the provisions of the City Code of Snellville; and
7. 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 the Rezoning with Conditions approval, the Planning Commission recommends **Approval** of the following Variances (1-10):

1. Allow parking lot design, landscaping and lot dimensions in general accordance with the submitted Boundary Survey.
2. Allow the amount of impervious surface ground coverage as depicted on the Site Plan.
3. Allow encroachments into the Scenic Hwy and North Road building setbacks as depicted on the Site Plan.
4. Eliminate internal landscape strip required adjacent to property's southern boundary line as depicted on the Site Plan.
5. Eliminate tree density requirements as applied to the property and allow the continued occupation and use of the property in its current as-is condition.
6. Allow building materials and design in general accordance with the building elevations submitted with the Application.

7. Replace existing pylon sign with same height and sign face dimensions on the property.
8. Reduce the minimum amount of required parking spaces to 20 (1 space per 440 sq. ft.).
9. The Property may continue to utilize existing septic facilities.
10. Otherwise allow for the continued use and occupation of the Property, and granting all necessary relief and variances required in order to continue using and occupying the Property, in its current 'as-is' condition and/or in general accordance with the Boundary Survey.