



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

**CASE SUMMARY  
November 28, 2022**

**CASE NUMBER:** #SUP 22-05

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

**LOCATION:** 2340 Scenic Highway, Snellville

**SIZE:** 1.17± Acres

**TAX PARCEL:** 5026 316

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

**OVERLAY DISTRICT:** Towne Center Overlay District

**SPEICAL USE PERMIT REQUEST:** Restaurant with Drive-Thru Lane

**DEVELOPMENT/PROJECT:** Dairy Queen Grill & Chill Restaurant

**APPLICANT/PROPERTY OWNER:** 2338 Scenic Highway, LLC  
Atlanta, Georgia 30318

**CONTACT:** Art Brannen  
404-355-9500 or [bdc9500@gmail.com](mailto:bdc9500@gmail.com)

**RECOMENDATION:** Approval with Conditions



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

**CASE ANALYSIS**

**November 28, 2022**

**TO:** The Mayor and Council

**PUBLIC HEARING DATE:** November 28, 2022

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

**CASE NUMBER:** #SUP 22-05

**FINDINGS OF FACT:**

The Department of Planning and Development has received an application from Art Brannen, 2338 Scenic Highway, LLC (applicant and property owner) requesting Special Use Permit approval for a restaurant with drive-thru lane for a proposed Dairy Queen Grill & Chill restaurant on a 1.71± acre site located just north of the Henry Clower Boulevard and Scenic Highway intersection, 2340 Scenic Highway, Snellville.

The undeveloped site is the last remaining undeveloped tract of the 2006 envisioned "The Boulevards Shoppes & Offices at Scenic", a 9.0± acre mixed-commercial and retail development that went through rezoning in 2007 and 2008 and included 72,000 sq. ft. of office space and 30,000 sq. ft. of retail and restaurant space. The "Boulevards" development never materialized and has since been sold and developed for Carlin Vision, Prime Storage, and Pet Paradise.

**REQUEST:**

This Special Use Permit request is to facilitate the development of a restaurant with drive-thru lane for a Dairy Queen Grill & Chill fast food restaurant. The applicant is also requesting a variance from the maximum front building setback requirement of the Towne Center Overlay District to accommodate a drive-thru lane.

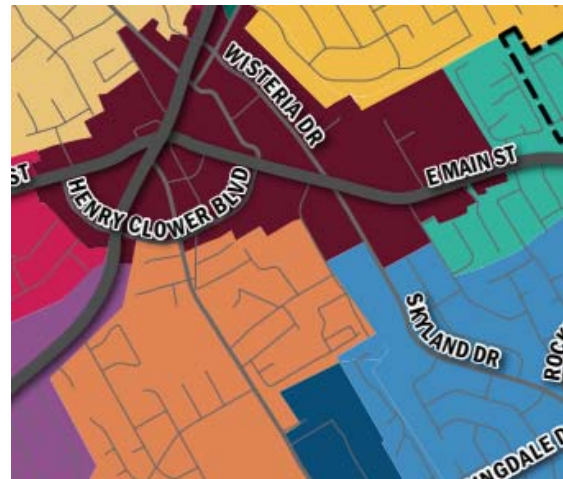
It should be noted that a restaurant without a drive-thru is allowed as a principal permitted use in the Towne Center Overlay District; however, a restaurant with a drive-thru requires special use permit approval.

**FUTURE LAND USE CATEGORIES AND CORRESPONDING ZONING DISTRICTS:**

The property currently lies within the Towne Center future land use category and is within the BG (Business General) zoning district. No changes to the future land use category or zoning district are requested.

**SNELLVILLE 2040 COMPREHENSIVE PLAN RECOMMENDATION**

The property is located near southwestern limits of the Towne Center Character Area on the 2040 Comprehensive Plan Future Development Map (shown to the right in maroon).



The Towne Center character area is characterized as “the center of Snellville and includes a mix of civic, retail, office, and educational uses, as well as the Snellville Historical Cemetery. Having developed in the age of the automobile, its current form is low density and suburban in nature, unlike traditional downtowns, which are more pedestrian friendly.

*The City has taken steps to begin developing a true, walkable center with the construction of City Hall, the Towne Green, the Snellville Senior Center, and several streetscape projects. Plans are underway to construct a new library, city market, green and parking garage just a block away. There are several large, undeveloped parcels in the area, as well as shopping centers with oversized parking lots with potential for redevelopment. Elected officials and city staff are focused on identifying private development partners to bring in more compact, mixed use development typical of a traditional downtown.”*

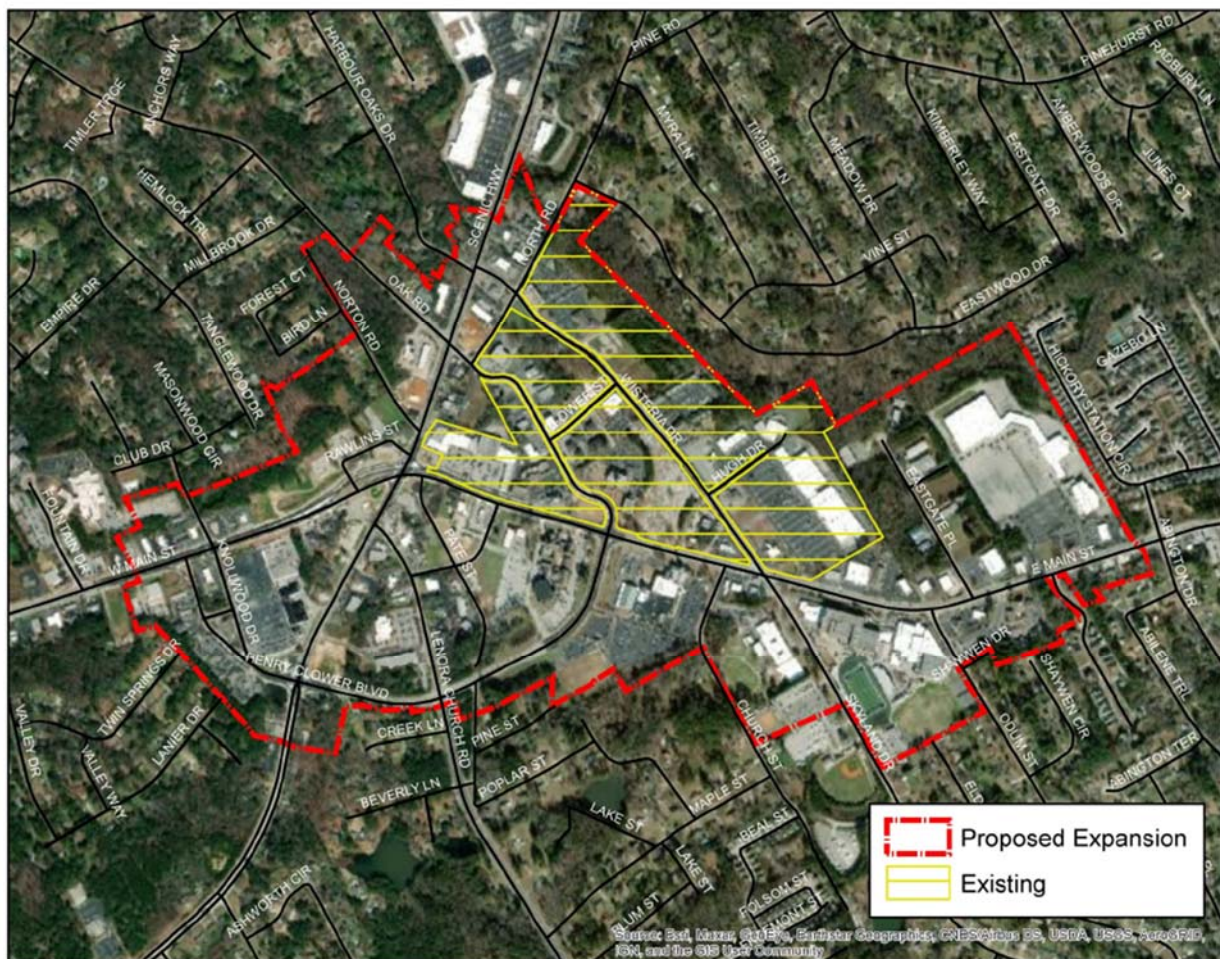
**TOWNE CENTER OVERLAY DISTRICT:**

As part of the October 2020 adoption of the Snellville Unified Development Ordinance (UDO), the boundary of the Towne Center Overlay District was expanded to match and be consistent

with the Towne Center character area identified in the 2019 adopted 2040 Snellville Comprehensive Plan.

The original overlay consisted of an 115± acre area located in and around the City Center complex beginning at the intersection of U.S. Highway 78 and S.R. 124 (Scenic Highway), stretching west to the Snellville Oaks shopping center, then northward to include the properties on the north side of Wisteria Drive, then south along North Road.

The original Towne Center Overlay District is represented in yellow on the map below to now a much larger 485± acre area, represented on the map by the red boundary limit. The expanded overlay includes the subject property, with the Carlin Vision, Prime Storage and Pet Paradise properties also being located within the overlay; however, developed prior to the overlay expansion.



### SITE PLAN ANALYSIS:

The submitted zoning site plan sealed and dated 8-15-2022 shows the 1.71± acre total site with development on approximately 31% of the total site due to stream and impervious buffers on the eastern portion of the property.

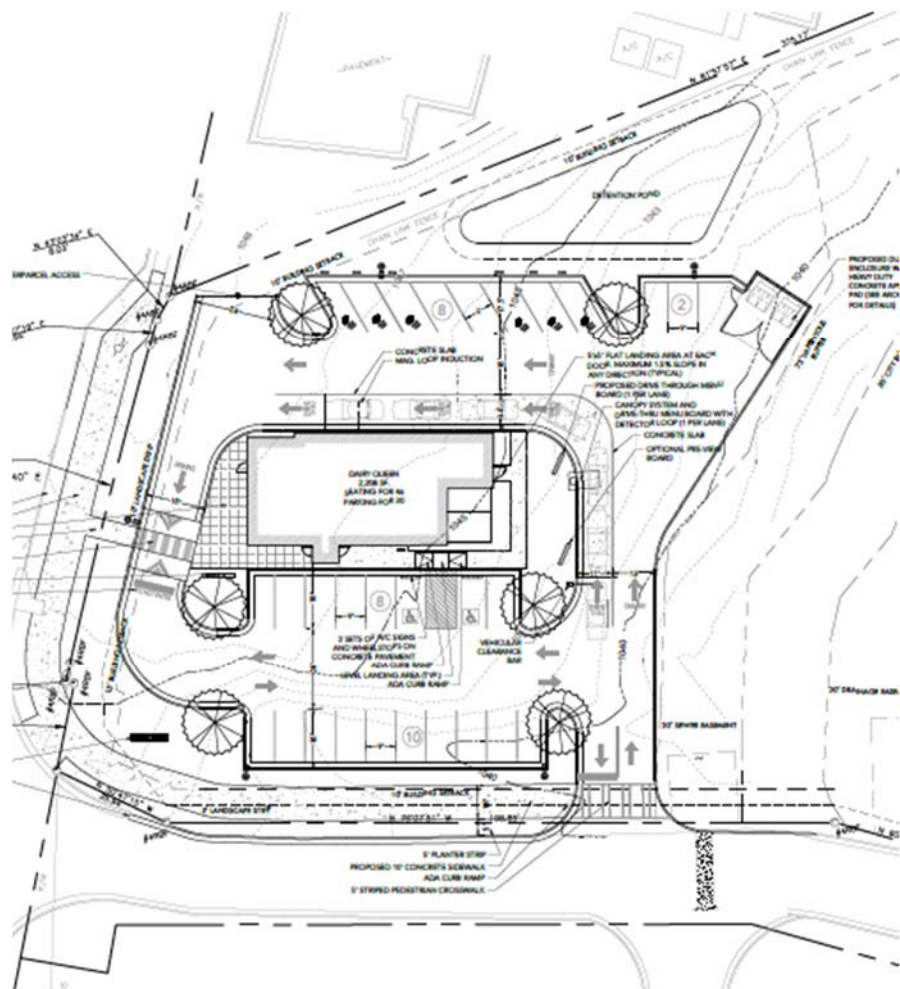


A 2,208 sq. ft. restaurant building is centrally located on the developed portion of the site, with a drive-thru lane and stacking capacity for seven vehicles. A full-access driveway connects the site to the local non-residential street (local street) providing right-in/right-out access at Scenic Highway and full-access drive at Lenora Church Road. The local street also provides primary access to Pet Paradise and secondary access to Prime Storage and Carlin Vision, both of which having road frontage on Lenora Church Road.

Twenty-eight (28) onsite parking spaces are shown including two (2) handicap spaces, representing thirteen (13) additional spaces above the fifteen (15) required spaces by the code. Although not requested by the applicant, a variance is required from the Parking Location requirements of UDO Sec. 201-2.10.B for the 'Shopfront' building type as follows: *"No parking lot is allowed between the building and the street, including within driveways"*.

A solid waste dumpster enclosure for two dumpsters is shown in the northeastern corner of the developed site. A 24-foot wide interparcel access stub is shown in the northwestern corner of the site. And, just to the north of the northern row of onsite parking space is a stormwater detention pond.

Although the site plan shows the correct BG District 15-foot front building setback, the Towne Center Overlay District also contains space limit standards that are applicable to the site. Specifically, the overlay district provides for a 10-foot *maximum* front building setback, requiring placement of the building to be located close to the street to compliment a more urban and downtown feel in design. The site plan shows the building to be setback approximately 35-feet from the front property line adjacent to Scenic Highway to accommodate the 18-foot wide one-way drive-thru exit lane.



Although shown as a 10-foot side (interior) building setback and 10-foot side (street) building setback per the BG District space limits, the Towne Center Overlay District allows for a zero (0) feet minimum side (interior) building setback and side (street) building setback. Again, encouraging building placement in close proximity to the adjacent roadway, with the required streetscapes (sidewalk and planter strips) serving as a buffer between the building and roadway.

It should be noted that the southern property boundary might require shifting to the north to accommodate the placement of the 10-foot wide sidewalk and 5-foot wide planter strip off the subject property and in the local street right-of-way. A 10-foot wide side (corner) landscape strip would then be measured from the adjusted property line and planted in accordance with UDO Sec. 207-3 (Landscaping).

### BUILDING ELEVATIONS:

Included in the application submittal are colored elevations for each of the four building elevations. The elevations appear to be in general conformance with the Enhanced Architectural Standards; 'Shopfront' standards; and the Towne Center Overlay District requirements, except that the minimum building height is non-conforming to UDO Sec. 205-1.6.B.3 (Minimum Building Height) requiring:

*Properties with any portion within one-half (1/2) mile radius from the intersection of Oak Road and Clower Street, two (2) stories or twenty-four (24) feet, whichever is greater.*

Although the elevations show portions of the front of the building as having a 25'-0" maximum height, rear portions of the building are shown as being 20'-8" in maximum height. Therefore, a variance is required.



Wall signage elements appear to be conforming to the current sign regulations for sign type and sign area.

Exterior finish and accent colors appear to be conforming to the exterior building color regulations.

**VARIANCE REQUEST AND ANALYSIS:**

Included in the application submittal, the applicant is requesting the following variance from the Unified Development Ordinance:

1. Variance to increase the ten (10) foot *maximum* front yard building setback requirement to thirty-five (35) feet.

UDO Sec. 205-1.6.B.6 (Space Limit Standards)

*6. Maximum front yard: 10 ft.*

Variance Analysis: The applicant requests relief from the requirement to allow vehicles existing the drive-thru lane to exit the Dairy Queen site via the full-access drive at the local street.

Recommendation: **Approval**

2. Although not requested by the applicant, a variance is required to allow onsite parking be located between the building and local street.

UDO Sec. 201.10.B. (Shopfront Specific Standards)

*Parking Location – No parking lot is allowed between the building and the street, including within driveways.*

Variance Analysis: Moving the restaurant building South and closer toward the local street and relocating the parking to the North and rear side of the building would eliminate the need for the variance; however, this would create a safety hazard requiring dine-in customers to have to walk between vehicles in the drive-thru lane in order to enter the building.

Recommendation: **Approval**

3. Although not requested by the applicant, a variance is required to reduce the 24-foot minimum building height to 20-feet 8-inches as shown on the submitted exterior building elevations.

UDO Sec. 205-1.6.B.3. (TCO District Space Limits)

3. *Minimum Building Height: For properties with any portion within one-half (1/2) mile radius from the intersection of Oak Road and Clower Street, two (2) stories or twenty-four (24) feet, whichever is greater.*

Variance Analysis: Although the exterior building elevations shown the maximum building height of 25-feet at the top of the parapet of the front (west) elevation, the maximum building elevation at the rear of the building is 20-feet 8-inches, less than the 24-foot minimum building height requirement.

Recommendation: **Denial**

#### **CONCLUSION and STAFF RECOMMENDATION:**

In conclusion, the Department of Planning and Development recommends the following actions:

- A. **Approval** of #SUP 22-05, Special Use Permit for a restaurant with drive-thru lane for the development located in the Towne Center Overlay District.
- B. **Approval** of the variance from UDO Sec. 205-1.6.B.6 (Space Limit Standards) to increase the 10-foot maximum front yard building setback to ±35-feet.
- C. **Approval** of the variance from UDO Sec. 201.10.B. (Shopfront Specific Standards) to allow parking between the building and local street.
- D. **Denial** of the variance from UDO Sec. 205-1.6.B.3. (TCO District Space Limits) to reduce the 24-foot minimum building height.

The recommendations above are subject to the attachment of the following recommended **Conditions:**

1. The property shall be developed in accordance with the submitted site plan entitled "Site Development Plans for Dairy Queen, 2340 Scenic Highway, Snellville, GA 30078", sealed and dated 8-15-2022 and exterior building elevations entitled "DQ Grill & Chill", sealed and dated 9-13-2022, with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the site plan, as determined by the Director of Planning and Development will require Mayor and Council approval, after receiving recommendations by the Planning Department and Planning Commission.
2. Signage shall require an approved Sign Permit. Upper or second-story windows shall not contain any graphics or signage and shall adhere to the window tinting/film guidelines of the Sign Ordinance. All other windows and glass doors shall be allowed signage and/or tinting/film in accordance with the Sign Ordinance.



3. The development shall abide by all applicable standards and regulations of the Unified Development Ordinance, unless otherwise specified in these conditions or through approval of a variance by the Zoning Board of Appeals, or where allowed by the UDO as an administrative variance for approval by the Director of Planning and Development.
4. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.
5. New signs higher than 15 feet or larger than 225 sq. ft. in area are prohibited.
6. All conditions of zoning attached to the subject property, approved by the Mayor and Council on 1-28-2008 for case #RZ 07-19, and approved on 8-25-2008 for case #RZ 08-05 are hereby repealed.

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

The Planning Commission held a duly advertised public hearing on the special use permit application and request for variances from the Unified Development Ordinance at the October 25, 2022 Regular Meeting of the City of Snellville Planning Commission.

By a unanimous vote of five (5) to zero (0), the Planning Commission recommended **Approval** of #SUP 22-05, application for a special use permit for a restaurant with drive-thru lane for a Dairy Queen Grill & Chill restaurant; variance from UDO Sec. 205-1.6.B.6 (Space Limit Standards) to increase the 10-foot maximum front yard building setback to ±35-feet; and variance from UDO Sec. 201.10.B. (Shopfront Specific Standards) to allow parking between the building and local street, with the attachment of the following recommended **Conditions**:

1. The property shall be developed in accordance with the submitted site plan entitled "Site Development Plans for Dairy Queen, 2340 Scenic Highway, Snellville, GA 30078", sealed and dated 8-15-2022 and exterior building elevations entitled "DQ Grill & Chill", sealed and dated 9-13-2022, with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the site plan, as determined by the Director of Planning and Development will require Mayor and Council approval, after receiving recommendations by the Planning Department and Planning Commission.
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6. All conditions of zoning attached to the subject property, approved by the Mayor and Council on 1-28-2008 for case #RZ 07-19, and approved on 8-25-2008 for case #RZ 08-05 are hereby repealed.

**11-8-2022 REVISED BUILDING ELEVATIONS:**

On 11-14-2022 the Planning Department received revised building elevations showing the 24-foot minimum building height on all four sides. Variance consideration from UDO Sec. 205-1.6.B.3 (Minimum Building Height) is no longer necessary. Condition #1 of the Ordinance has been amended to reflect the revised building elevations sealed and dated 11-8-2022 (stamped Received 11-14-2022).