



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

**CASE SUMMARY**

**January 24, 2023**

**CASE NUMBER:** #SUP 22-07

**REQUEST:** Special Use Permit and Request for Variances from the Unified Development Ordinance

**LOCATION:** 2484 E. Main Street, Snellville

**SIZE:** 0.77± Acres

**TAX PARCEL:** 5026 240

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

**OVERLAY DISTRICT:** Towne Center Overlay District

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

**DEVELOPMENT/PROJECT:** Banh Mi Bubble Tea & Deli

**APPLICANT/PROPERTY OWNER:** ABN Investment Group, LLC  
Snellville, Georgia 30078

**CONTACT:** Brian Vu  
470-488-7777 or [myfirstchoiceclinic@gmail.com](mailto:myfirstchoiceclinic@gmail.com)

**RECOMENDATION:** Approval with Conditions



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

**CASE ANALYSIS**

**January 24, 2023**

**TO:** The Planning Commission

**MEETING DATE:** January 24, 2023

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

**CASE NUMBER:** #SUP 22-07

**FINDINGS OF FACT:**

The Department of Planning and Development has received an application from Brian Vu, ABN Investment Group, LLC (applicant and property owner) requesting Special Use Permit approval for a drive-thru lane for a proposed Banh Mi Bubble Tea & Deli on a 0.77± acre site located at the intersection of Civic Drive and U.S. Highway 78, 2484 E. Main Street, Snellville.

On 1-17-2023, the applicant submitted a Letter of Intent Addendum with revised site and interior and exterior elevation plans, including the request for variances from the Snellville Unified Development Ordinance (UDO) for: a) non-conforming buildings and structures; b) enhanced architectural standards; c) Towne Center Overlay standards; d) parking and loading; e) screening and f) landscaping.

The property has remained vacant since closure of the former Krystal's restaurant that developed and operated from the property beginning in 1981 until closure in 2019.

The applicant intends to complete the following exterior renovations and improvements: repair existing cracks, resurface the existing parking lot and re-stripe; replace the exterior parking lot light bulbs; adding new doors to the dumpster enclosure; rebranding of the exterior building including exterior façade improvements and painting; installation of new landscaping; and the addition of a 342 sq. ft. outdoor patio area in front of the building. Interior renovations for the existing 1,933 sq. ft. one-story building include upgrading restrooms to current ADA standards; renovation of the kitchen, dining and reception areas; and bringing the mechanical, electrical and plumbing up to the current building codes.

The applicant also intends to use the existing drive-thru lane and window.

### **REQUEST:**

The Special Use Permit request is to allow the use of a drive-thru lane and window for a Banh Mi Bubble Tea & Deli. 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.

The amended application includes the request for variances from the UDO for: a) non-conforming buildings and structures; b) enhanced architectural standards; c) Towne Center Overlay standards; d) parking and loading; e) screening and f) landscaping.

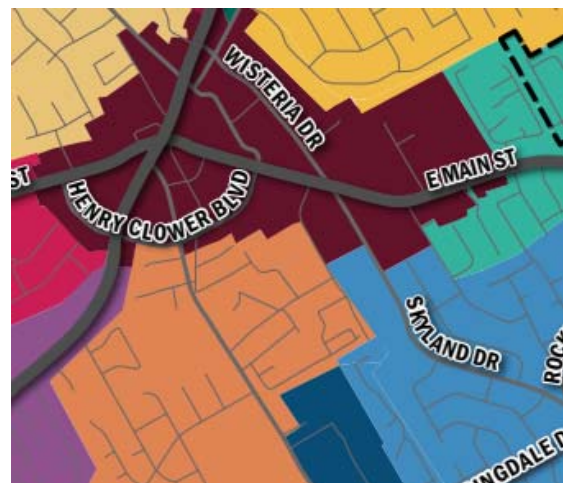
### **FUTURE LAND USE CATEGORIES AND CORRESPONDING ZONING DISTRICTS:**

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 the central portion 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*

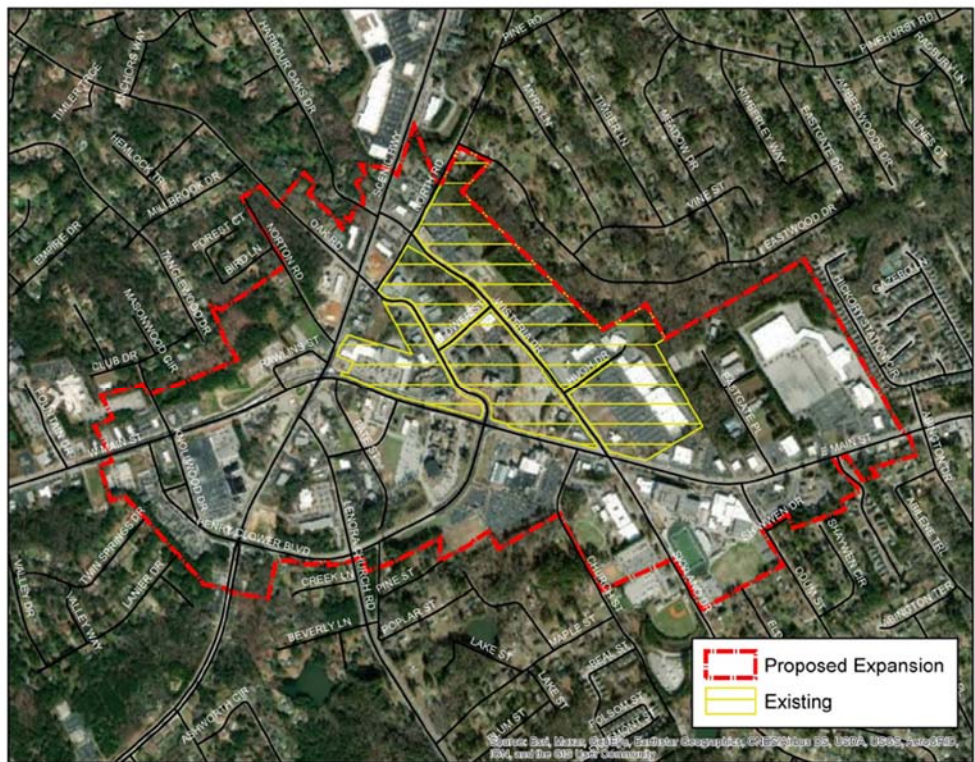
*underway to construct a new library, city market, green and parking garage just a block away. There are several large, undeveloped parcels in the area, as well as shopping centers with oversized parking lots with potential for redevelopment. Elected officials and city staff are focused on identifying 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 to the right 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 1-17-2023 revised application submittal includes a site plan that shows the existing conditions on the 0.77± acre site that was originally developed in 1980, with the 1,933 sq. ft. one-

story building centrally located on the site with 45° angled parking primarily along the sides and rear of the site, with several parking spaces in front of and immediately adjacent to the building. A total of thirty-five (35) onsite parking spaces are shown, well exceeding the thirteen (13) minimum required by the code.

Due to the forty-two (42) year age of the development, there exists a variety of nonconformities with the site and building that the current development regulations for a commercial property and especially one located in Towne Center Overlay District now regulate. UDO Sec. 103-11 (Nonconformities) has provisions for these property types, allowing for nonconformities to continue, until they are removed, but not encourage their survival. And, although the applicant intends to make a variety of improvements to both the site and exterior building elevations, which upon completion will bring the decades-old property closer into compliance with today's development regulations, the planned improvements still fall short in achieving full-compliance with these regulations that cannot be overcome except upon full redevelopment of the property.

We are hopeful that eventually this property and the other properties consisting of nine (9) acres located between Civic Drive and the intersection of U.S. Highway 78 (E. Main Street) and Scenic Highway will be redeveloped as part of a future phase of the Downtown Vision/Master Plan for The Towne Center @ Snellville; however, the timing of which is unknown and may be several years away.

#### **CONCURRENT VARIANCES:**

Due to the existing conditions of the property and proposed improvements, the applicant is requesting variances from the UDO as follows:

- A. Sec. 201-4.2.C (Exterior Wall Finish Materials): to increase the 30% maximum amount of hard-coat stucco allowed on the front elevation to 62%; and to allow painting of the existing brick on all elevations.
- B. Sec. 205-1.6.B.2 (Minimum Building Height): to reduce the 24-foot minimum building height to 17-feet to allow the removal of the existing metal wall panels and replacement by stucco panels to provide screening of the rooftop mechanical units.
- C. Sec. 206-8.9.G. (Drive-Thrus): to allow the drive-thru window and lane to be located between the building and closest public street (Civic Drive).

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

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

- A. **Approval** of #SUP 22-07, Special Use Permit for a restaurant with drive-thru lane located in the Towne Center Overlay District.
- B. **Approval** of the variance from UDO Sec. 201-4.2.C (Exterior Wall Finish Materials): to increase the 30% maximum amount of hard-coat stucco allowed on the front elevation to 62%; and to allow painting of the existing brick on all elevations.

- C. **Approval** of the variance from UDO Sec. 205-1.6.B.2 (Minimum Building Height): to reduce the 24-foot minimum building height to 17-feet to allow the removal of the existing metal wall panels and replacement by stucco panels to provide screening of the rooftop mechanical units.
- D. **Approval** of the variance from UDO Sec. 206-8.9.G. (Drive-Thru): to allow the drive-thru window and lane to be located between the building and closest public street (Civic Drive).

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 shown on Sheet A1.3 and exterior building elevations shown on Sheet A2.1 entitled "Special Use Permit Drive-Thru for Banh Mi Bubble Tea & Deli, 2484 Main St., Snellville, GA 30078", sealed and dated 1-16-2023, 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. The existing nonconforming pylon sign located between the entry and exit drives on U.S. Highway 78, shall be removed before issuance of any Certificate of Occupancy or Occupational Tax Certificate (Business License). New signage shall comply with the requirements of Sec. 207-6 (Signs) of Chapter 200 of the Snellville Unified development Ordinance.
3. New signs higher than 15 feet or larger than 225 sq. ft. in area are prohibited.
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. Drive-thru screening shall comply with UDO. Sec. 206-8.9.G.
6. All interior and exterior building renovations and site renovation work shall require approved building and site development permits before commencement of any work.