



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

CASE SUMMARY

January 28, 2025

CASE NUMBER: #SUP 25-01

REQUEST: Special Use Permit for Wall Mural

LOCATION: 2295 Oak Road, Snellville

SIZE: 0.47± Acres

TAX PARCEL: 5026 225

CURRENT ZONING: BG (General Business) District

OVERLAY DISTRICT: Towne Center Overlay District

DEVELOPMENT/PROJECT: Snell's Pharmacy

APPLICANT/PROPERTY OWNER: Briscoe Pharmacy Holdings, LLC
Snellville, Georgia 30078

CONTACT: Michael Briscoe
770-972-0700
Michael@SnellsRX.com

RECOMENDATION: Denial



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DEPARTMENT OF PLANNING & DEVELOPMENT
PLANNING COMMISSION**

CASE ANALYSIS

January 28, 2025

TO: **The Planning Commission**

MEETING DATE: January 28, 2025

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#SUP 25-01**

FINDINGS OF FACT:

The Department of Planning and Development has received an application from Michael Briscoe, Briscoe Pharmacy Holdings, LLC (dba Snell's Pharmacy) requesting Special Use Permit approval for a 7-foot high by 10-foot wide (140± sq. ft.) graphic painted on the southern building elevation of Snell's Pharmacy, 2295 Oak Road, Snellville in late Summer last year.

On August 30, 2024 the City received an application for a Wall Sign Permit for the painted graphic. Review comments were provided and the application was subsequently denied on September 23, 2024 in keeping with the 15-business day review period to either approve or deny sign permit applications.

The subject property is zoned BG (General Business) District and located in the Towne Center Overlay District and subject to the sign regulations of the City's Sign Ordinance in Article 7 of Chapter 200 of the Snellville Unified Development Ordinance.

A *Mural*, defined in Sec. 207-6 (Signs) of the Snellville Unified Development Ordinance as: “any piece of artwork painted or applied directly on a wall, ceiling or other large permanent surface. A particularly distinguishing characteristic or mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture” are prohibited in UDO Sec. 207-6.3. (Prohibited Signs) unless they receive a special use permit or approved master signage plan.

Because the graphic has been painted and applied to a smooth concrete substrate material that was then applied directly to the masonry brick wall, with the graphic not being applied directly to the brick masonry wall, the applicant is requesting a variance from the mural definition.



ANALYSIS:

The Department of Planning and Development is diligent in its effort to “ensure the fair and consistent enforcement of the sign regulations” which is just one of several intent and purposes identified in Sec. 207-6.1. of the City’s sign regulations. The Department also strives to remain *content neutral* when reviewing sign permit applications by not considering the ‘message’ and instead relying on definitions, graphics and standards in the City’s Sign Ordinance to support fair and consistent interpretation and enforcement of the sign regulations.

In addition to the **mural** definition:

- **Mural** *“any piece of artwork painted or applied directly on a wall, ceiling or other large permanent surface. A particularly distinguishing characteristic or mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture”,*

City staff also considered the following definitions in the analysis to help determine the sign type:

- **Sign** *“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, movement, or illumination.”*
- **Sign, wall** *“a sign fastened to the wall of a building in such a way that the wall is the supporting structure for, or forms the background surface of, the sign and which does not project more than 12 inches from such building. The total signage on one side of a building or structure constitutes one wall sign.”*

Obviously, the graphic conforms to overly broad definition for **sign** as it clearly serves to advertise, identify, direct or attract attention to a business or location as it is clearly visible from the public right-of-way. The graphic also conforms to the **sign, wall** definition as it is fastened to the wall of the building with the wall serving both as the supporting structure and background surface and does not project more than 12 inches from the building.

However, the graphic is not consistent with the **mural** definition as evidenced by the applicant’s request for variance for the substrate material used to display the graphic. Further, the graphic lacks *“a particularly distinguishing characteristic that the architectural elements of the given space are harmoniously incorporated into the picture”* and with this absence is simply a **sign** used to advertise, identify direct, or attract attention to a business or location and more specifically a **sign, wall**.

A distinguishing comparison can be made between the commercial speech of the Snell’s Pharmacy graphic and the non-commercial speech of the June 9, 2014 Mayor and Council approved mural painted on 130± feet of the concrete wall along the eastbound lane of Highway 78 adjacent to the New London Shopping Center.



Mural Painted on Highway 78 Eastbound Concrete Retaining Wall

As an alternative, the applicant can submit an application for a Wall Sign Permit allowing for wall signage equal to a maximum of 5% of the face area of the building elevation, or 36 sq. ft. minimum if the façade area is less than 720 sq. ft. Board of Appeals variance approval is required to exceed the maximum allowable wall sign area and has been consistent with granting variances for an additional 25% of the maximum allowable sign area, or an additional 9 sq. ft. (45 sq. ft. total) based on the limited façade of the Snell’s Pharmacy southern building elevation.



With an approved monument sign permit, the applicant may also consider adding a monument sign adjacent to the property’s frontage on Oak Road to maximize identity to the traveling public on Oak Road. A similar sign was in use until removal in 2014 to accommodate the Oak Road right-of-way improvements of the Livable Centers Initiative (LCI) Project.



Snell’s Pharmacy (circa Jul 2013)

STAFF RECOMMENDATION:

For reasons stated in the analysis, the Department of Planning and Development recommends **Denial** of variance from the mural definition and **Denial** of #SUP 25-01, Special Use Permit for a Mural.