CITY OF SUWANEE VARIANCE ANALYSIS

CASE NUMBER:

V-2008-001 & V-2008-002

REQUEST:

V-2008-001: EXCEED MAXIMUM

SEPARATION BETWEEN PLANTER ISLANDS

IN A SINGLE ROW OF PARKING

V-2008-002: EXCEED MAXIMUM SPACING REQUIREMENTS FOR TREES IN A 10 FOOT

WIDE LANDSCAPE STRIP

APPLICABLE SECTION:

V-2008-001: SECTION 1703.3.A.2

V-2008-002: SECTION 1703.2.1

INDUSTRIAL BOULEVARD

DISTRICT/LAND LOT:

7-238-001

ZONING:

LOCATION:

C-3 (SPECIAL COMMERCIAL DISTRICT)

MCGINNIS FERRY RD AND PEACHTREE

DEVELOPMENT: COMMERCIAL/RETAIL BUILDINGS WITH

OUTPARCELS

APPLICANT:

DEVELOPMENT CONSULTANTS GROUP

2400 MEADOWBROOK PARKWAY

DULUTH, GA

OWNER:

GWINNETT PRADO, LP

P.O. BOX 957209 DULUTH, GA

CONTACT:

DOT YOUNT

PHONE: 770-279-1710

RECOMMENDATION:

V-2008-001: APPROVAL WITH CONDITIONS

V-2008-002: APPROVAL WITH CONDITIONS

ANALYSIS:

The applicant requests two variances related to landscaping for a commercial project. First, the applicant seeks a variance from Section 1703.3.A.2 (*V-2008-001*) of the City of Suwanee Zoning Ordinance in order to exceed the maximum number of parking spaces between landscape islands in a single row of parking. The applicant seeks a second variance from Section 1703.2.1 (*V-2008-002*) of the City of Suwanee Zoning Ordinance to allow for an increase in the spacing of trees planted in the ten (10) foot wide landscape strips along McGinnis Ferry Road and Peachtree Industrial Boulevard. The applicant proposes to develop a 5.2 acres out of a 20 acre, C-3 zoned site with an approximately 37,600 square foot shopping center and a 5,400 square foot retail building along McGinnis Ferry Road. Access for the site is provided via two drives off of Peachtree Industrial Boulevard and one drive off of McGinnis Ferry Rd.

V-2008-001

Section 1703.3.A.2. of the zoning ordinance requires planter islands located at the terminus of each single parking row and landscape islands located no farther apart than every seven (7) spaces in between. The applicant proposes two sections of parking with 9 spaces separating landscape islands on the eastern side of the larger retail building. This would exceed the maximum spacing of between planter islands and therefore a variance is required.

The applicant requests to change the parking layout in order to balance the two parking rows with the pedestrian walkway that goes through the building. According to the applicant, the 9-space parking rows result in islands at the corners of the building, which creates a sense of symmetry that compliments the building architecture.

The applicant also states that by allowing the two 9-space rows, there will be a larger island at the northern end of the building, which will provide more planting area for the parking lot trees. The applicant also proposes to plant 4-inch caliper trees instead of 3-inch caliper trees for all parking lot trees. In addition to the required parking lot trees, the applicant also proposes to install two Red Cedars and one Crape Myrtle to the approved plan.

V-2008-002

The approved landscape plan also shows two 10 foot wide landscape strips — one along McGinnis Ferry Road totaling 593 linear feet and one along Peachtree Industrial Boulevard totaling 128 linear feet. Section 1703.2.1 states, "landscape strips, which are required to be 10 feet in width shall contain landscaping and plantings within said strip as follows: One (1) tree for each 25 linear feet of strip length." This section also requires that all trees planted to fulfill these requirements be a minimum 3" caliper overstory trees. As such the applicant is required to provide 24 and 5 overstory trees respectively. The applicant is proposing to provide fifteen 6" caliper trees overstory trees along McGinnis Ferry Road and four 6" caliper trees along Peachtree Industrial Boulevard. This would result in fewer trees in the landscape strips. It also results in spacing trees between 32 and 40 feet apart, which is more than the required maximum of 25 feet. As such, a variance would be required.

The applicant proposes to double the size of the landscape strip trees from 3" to 6" along McGinnis Ferry Road and Peachtree Industrial Boulevard and increase the spacing of the 6" caliper trees so that they have a better chance of surviving, thereby reducing the number of trees within the landscape strip. The applicant wishes to increase visibility by reducing the number of the required landscape strip trees.

The applicant states that the proposed buildings will be set back approximately 200 feet from McGinnis Ferry Road and approximately 400 feet from Peachtree Industrial Boulevard. The distance from the road, along with the existing buildings and proposed parking lots, will reduce the visibility of the building from the adjoining roadways. The applicant states that in order to improve visibility, the owner would like to modify the spacing of the trees along the required 10-foot wide landscape trees to one tree per 40 linear feet.

The applicant also states that the spacing on the approved plan is too dense to allow all of the trees to grow to full maturity in a healthy manner. For overstory trees, a separation of 30 to 40 feet is more consistent with the industry standard for ensuring the long term health of large trees. The landscape requirements originally allowed for a minimum 1" caliper tree of any type (overstory, understory, and/or ornamental) to be planted in 10 foot wide landscape strips. The applicant states that the overstory trees need more spacing to reach full size at maturity. Spreading the trees out a few additional feet will allow the trees to grow healthier and larger. The approved landscape plan indicates two staggered rows of 3" caliper trees along McGinnis Ferry Road. The staggered distance between rows is approximately 25-30".

It is worth noting that the subject property is located in the Chattahoochee River Protection Corridor, requiring the applicant to leave approximately 6 acres undisturbed on the site directly on Peachtree Industrial Boulevard. As such, the applicant substantially exceeds the City's tree density requirements for the site.

The subject property is located at the highly commercialized McGinnis Ferry Road / Peachtree Industrial Boulevard intersection, at center of a 19.98-acre commercial project. To the north of the subject property are a bank (zoned C-3), a drug store (zoned C-3), and Peachtree Industrial Boulevard. Across Peachtree Industrial Boulevard, to the north, is a shopping center and several outparcels, zoned a combination of C-2 and C-2A. To the east of the subject property is a 6.88 acre tract (C-3) that is undeveloped and preserved as part of the Metropolitan River Protection Act restrictions. To the south of the subject property is an undeveloped commercial tract (C-3) that is part of the 20 acre development. Beyond that is an apartment complex zoned RM-8. To the west of the subject property, across McGinnis Ferry Road, is a large retail shopping center and outparcels all zoned C-3.

The City's Zoning Ordinance grants the Zoning Board of Appeals the authority to grant variances. According to Section 2006 of the Ordinance, the Board is authorized to grant variances when literal enforcement of the Ordinance will result in unnecessary hardship to a property owner. The Zoning Ordinance also states that variances may be granted when relief would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance.

V-2008-001 Recommendation

In conclusion, the subject property does not appear to have a situation that rises to the level of hardship as defined by the Zoning Ordinance. There are no site constraints that would inhibit implementation of the regulations. However, the applicant is proposing to deviate from the requirements for a logical site design reason and the request is very limited in scope. The applicant has a desire to create a sense of symmetry with the parking rows and the building architecture. With conditions to ensure the scope of the variance is limited, approval could be appropriate. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of *V-2008-001*.

V-2008-002 Recommendation

Improving visibility is not the objective of the landscaping requirements and considering the visibility of a site is not typical. However, the subject property is somewhat unique in that being required to preserve 6 acres of undisturbed land along commercial road frontage is unusual. The preservation of 6 acres does uniquely impact the applicant. Additionally, in previous variance cases concerning spacing of large trees, staff has concluded that spacing larger trees 30 to 40 feet on center is more consistent with the industry standard for ensuring the long term health of large trees. However, the applicant's situation is partially self-inflicted since the property owners decision resulted in two building being placed along Peachtree Industrial Boulevard in front of the subject buildings. Therefore staff recommends **APPROVAL WITH CONDITIONS** of *V*-2008-002.

Planning Department Recommended Conditions

V-2008-001:

Approval of a variance to allow for increase in number of parking spaces in a row is subject to the following conditions:

- 1. The applicant shall be allowed a maximum of 9 parking spaces for the two proposed bays on the eastern side of the building.
- 2. Trees shall be planted approximately as indicated on the submitted variance Exhibit 'A'.

V-2008-002:

Approval of a variance to allow for an increase in the spacing between trees required within a 10 foot wide landscape strip subject on Peachtree Industrial Boulevard and McGinnis Ferry Road, subject to the following conditions:

- 1. The applicant shall be required to provide 6" caliper overstory trees with an average spacing of 35 feet, as approved by the Planning Department, with the required 10 foot wide landscape strip along McGinnis Ferry Road and Peachtree Industrial Boulevard.
- 2. The applicant shall plant the difference between the number of trees required for 25 feet of spacing and 35 feet of spacing elsewhere on the subject property.

Standards for Consideration

Pursuant to Section 2009A of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

A. Will approval of the variance unreasonably increase the congestion in public streets?

Approval of these variances would not increase the congestion in public streets.

B. Will approval increase the danger of fire or endanger public safety?

Approval of these variances would not increase the danger of fire or endanger public safety.

C. Will approval unreasonably diminish or impair established property values within the surrounding area?

Approval of the variances would not unreasonably diminish or impair property values within the surrounding area.

D. Will approval in any other aspect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City?

Approval of the variances will not in any other aspect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

APPLICATION FOR VARIANCE FROM THE CITY OF SUWANEE ZONING BOARD OF APPEALS

Please complete this application and submit with all necessary attachments as stated on the Variance Information Form (please type or print)

APPLICANT INFORMATION	OWNER INFORMATION
Name: Development Consultants Group	Name Gwinnett Prado, LP
Address: 2400 Meadonbrook Parkway	Address P. O. Box 957209
City: Duluth	City: <u>Duluth</u>
State: GA	State_GA
Phone: 770-279-1710	Phone: 770-476-4801
CONTACT PERSON: DOT YOUNT	PHONE: 770-279-1710
ADDRESS OF PROPERTY	
LAND DISTRICT 7 LAND LOT 238	PARCEL OOI LOT
SUBDIVISION OR PROJECT NAME (IF APPLICABL	E) McGinnis Crossing Phase III
ZONING C-3	
VARIANCE REQUESTED Increase single	row island spacing from
every seven spaces to every	

NEED FOR VARIANCE See attacked Let	ter of intent

^{*}A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED. SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.

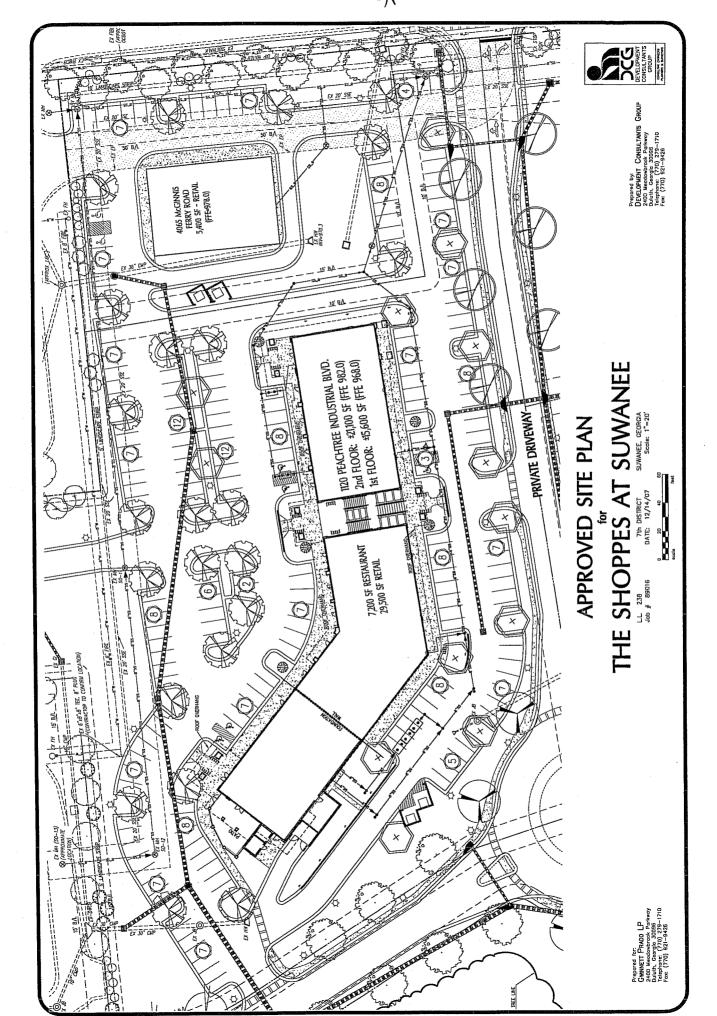
^{***}The property owner, applicant and /or a representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance or application for amendment. The failure of the property owner, applicant and/or a representative to attend such meetings shall result in the denial of said variance or application for amendment.

LETTER OF INTENT The Shoppes of Suwanee

The owner, Gwinnett Prado, LP, is requesting a variance from the City of Suvanee Zoning Ordinance Section 1703.3 - Off-Street Parking Lot Planting Requirements for the proposed multi-tenant building The Shoppes at Suwanee which occupies Tract 2 of the commercial development McGinnis Crossing Phase III (zoned C-3). The development is located in Land Lot 238 of the 7th Land District in the City of Suwanee, and Tract 2 contains approximately 5.2 acres. The section of the Ordinance from which the variance is requested is Section 1703.3.A.2; it states that "For single rows of parking around the exterior of parking lots and/or directly adjacent to buildings, planter islands shall be located at the terminus of each parking row and no farther apart than every seven (7) parking spaces. Each planter island shall be a minimum of 200 square feet and contain 1 tree." The Planning & Community Development Department has previously approved a plan showing several bays containing eight (8) parking spaces, but did not feel comfortable approving nine (9) spaces adjacent to the building. As such, we are applying for a variance from Section 1703.

The owner requests approval of nine (9) spaces along the eastern side of the building as illustrated on the attached *Variance Exhibit #1*. A copy of the previously approved site plan is also attached. The approved site plan shows 18 parking spaces in this location. We are requesting two 9-space bays as shown on *Variance Exhibit #1*. No additional parking spaces are requested. The island that was shown on the approved site plan will be relocated to the end of the parking bay, increasing the available planting area. *Variance Exhibit #1* illustrates that two additional Red Cedars and two Crape Myrtles are being added to the approved plan. The owner plans to install deciduous trees with a minimum size of 4-inch caliper rather than the required 3-inch caliper for all parking-lot trees.

If approved, the variance allowing nine (9) spaces will create a large island at the north end of the building which protects two building columns supporting the canopy overhang. The proposed parking field, island size and island placement will create a symmetry that complements the building architecture.



APPLICATION FOR VARIANCE FROM THE CITY OF SUWANEE ZONING BOARD OF APPEALS

Please complete this application and submit with all necessary attachments as stated on the Variance Information Form (please type or print)

APPLICANT INFORMATION	OWNER INFORMATION
Name: Development Consultants Group	Name Gwinnett Prado, LP
Address: 2400 Meadowbrook Parkway	Address P.O. Box 957209
City: Duluth	City: Duluth
State: Georgia	State Georgia
Phone: 770-279-1710	Phone: 770-476-4801
CONTACT PERSON: DOT YOUNT ADDRESS OF PROPERTY 1120 Peachtee Ind. B)	PHONE: 770-279-1710
	•
LAND DISTRICT 7 LAND LOT 238	PARCEL OOI LOT
SUBDIVISION OR PROJECT NAME (IF APPLICABLE) McGinnis Crossing Phase III	
ZONING C-3	
VARIANCE REQUESTED Change front landscape strip to one tree per	
40 linear feet.	
NEED FOR VARIANCE See attached Letter of Intent.	

^{*}A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED. SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.

^{***}The property owner, applicant and /or a representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance or application for amendment. The failure of the property owner, applicant and/or a representative to attend such meetings shall result in the denial of said variance or application for amendment.

LETTER OF INTENT McGinnis Crossing Phase III

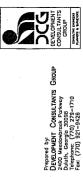
The owner, Gwinnett Prado, LP, is requesting a variance from the City of Suwanee Zoning Ordinance Section 1703.2 - Landscape Strip Planting Requirements for the proposed commercial development McGinnis Crossing Phase III (zoned C-3). The development is located in Land Lot 238 of the 7th Land District in the City of Suwanee, and contains approximately 28.0 acres. The proposed multi-tenant building The Shoppes at Suwanee will occupy Tract 2 of the development. The section of the Ordinance from which the variance is requested is Section 1703.2.1.A.1.; it states that "One (1) tree for each 25 linear feet of strip length shall be provided. Each tree shall be at least 6 feet in height at time of planting and shall be a species native or suitable to this region."

The Shoppes at Suwanee will be set back approximately 200 feet from McGinnis Ferry Road and approximately 400 feet from Peachtree Industrial Boulevard. These great distances, as well as existing buildings (Bank of America, Walgreen's) and proposed parking lot landscaping, will all serve to reduce visibility of the building façade from the adjoining roadways. Trees planted at a 25-foot interval in the required landscape strips would obscure the building to an even greater extent. To improve visibility, and the marketability of the development, the owner would like to modify the required plantings within the 10-foot landscape strips along the frontages of Peachtree Industrial Boulevard and McGinnis Ferry Road to one tree per 40-linear feet (see *Variance Exhibit #2*).

As stated in Section 1703.2.1.A.1, all plant material is required to be 6 feet in height. The Ordinance also states that all trees planted to meet the requirements of that section shall be a minimum of 3-inch caliper trees with an anticipated canopy of 900 square feet (Section 1703.2.1.B). The owner would like to plant trees twice as large (minimum of 6-inch caliper) with an anticipated canopy of 900 square feet. The larger trees will immediately create a more established appearance and enhance the overall aesthetic and marketability of the development. The increased spacing will improve visibility, but will also provide greater room for the trees to fully develop and mature.

The trees proposed for the 10-foot landscape strips are "October Glory" Red Maples. It is estimated that these trees (6-inch caliper) will be 20 feet tall at the time of planting (6-foot minimum required by the *Ordinance*). At maturity, these trees will grow to between 40 and 50 feet in height and 30 to 40 feet in width. To ensure their viability, and sufficient room to grow into specimen trees, spacing at about 40 feet on center is ideal. At a spacing of one tree per 25 feet, there is an increased risk of damage and disease due to overcrowding as the trees age.







GAION DOMINO MONTO

2000' CHATTAHOOCHEE (

0 50 (00 ecole

Prepared for:
GWINETT PRADO LP
2400 Meadawbrook Porkway
Duluth, Georgic 30096
Telephone, (770) 279–1710
Fox: (770) 921–9426

6" caliper October Glory Red Maple



3" caliper October Glory Red Maple

