

VARIANCE(S):

V-2011-001

V-2011-002

V-2011-003

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER(S): V-2011-001, V-2011-002, V-2011-003
REQUEST(S): V-2011-001 – REDUCTION IN TREE DENSITY REQUIREMENTS;
V-2011-002 – INCREASE NUMBER OF PARKING SPACES BETWEEN PARKING ISLANDS;
V-2011-003 – VARIANCE FROM “CRITICAL ROOT ZONE” DEFINITION

APPLICABLE SECTION(S): V-2011-001: SECTION 1704.6
V-2011-002: SECTION 1703.3
V-2011-003: ARTICLE III DEFINITIONS

LOCATION: 3359 LAWRENCEVILLE-SUWANEE RD
ACREAGE: 2.64 ACRES
DISTRICT/LAND LOT/PARCEL: 7-194-005
ZONING: C-2A (SPECIAL COMMERCIAL DISTRICT – ALCOHOL SALES)

DEVELOPMENT: PROPOSED 5,668 SF CONVENIENCE STORE WITH GASOLINE CANOPY

APPLICANT: QUIKTRIP CORPORATION
c/o ANDERSEN, TATE & CARR
1960 SATELLITE BLVD, STE. 4000
DULUTH, GA

OWNER: EUGENE WALLS
c/o ANDERSEN, TATE & CARR
1960 SATELLITE BLVD, STE. 4000
DULUTH, GA

CONTACT: MICHAEL L. SULLIVAN
PHONE: 770-822-0900

RECOMMENDATION: V-2011-001: APPROVAL WITH CONDITIONS
V-2011-002: APPROVAL WITH CONDITIONS
V-2011-003: APPROVAL WITH CONDITIONS

ANAYLSIS:

The applicant seeks variances from Section 1704.6, Section 1703.3 and the Article III definition of “Critical Root Zone” in the City of Suwanee Zoning Ordinance to allow for development of a 5,668 square foot convenience store with a gas canopy. The proposed development will be a

QuikTrip convenience store with 20 gasoline pumps. The development will have two vehicular access points; one on Satellite Boulevard and the other on Lawrenceville-Suwanee Road. The entrance on Satellite Boulevard will be a limited, right in/right out entrance allowing only vehicles traveling west to enter the site. The entrance on Lawrenceville-Suwanee Road will allow for vehicles traveling north and south to enter. As part of this development, there will be a break in the Lawrenceville-Suwanee Road median added to allow for travelers heading south to be able to turn left into the site. The subject property is located at 3359 Lawrenceville-Suwanee Road on the northeast corner of the intersection at Lawrenceville-Suwanee Road and Satellite Boulevard. The subject property currently contains a single family home and is 3.96 acres. However, the portion of the property to be used as a QuikTip store will be subdivided and contains 2.64 acres. The entire property contains approximately 15 large specimen trees and these trees contribute to the applicants request for 2 of the variaces.

The property is currently surrounded by commercial and industrial uses. The Shoppes at Highland Station commercial development is located to the north of the property. The Shops at Shawnee Ridge is located to the west and across Lawrenceville-Suwanee Road from the subject property. To south is a large commercial area consisting of a bank, tire store, fast food restaurants and Wal-Mart. Finally, to the east is an office-warehouse development.

The property was granted a rezoning to the C-2A zoning district at the November 30, 2010 City Council meeting. An application for a special use permit for a car wash was denied for this property at the same meeting. The previous zoning was R-100 Residential Single Family District.

V-2011-001

Section 1704.6 of the zoning ordinance regulates the minimum tree density for property located within City limits. A basic requirement of this section is that all applicable sites maintain a minimum tree density of 20 units per acre. The term "unit" is an expression of basal area (a standard forest inventory measurement), and is not synonymous with "tree".

As the site is currently proposed, ten specimen trees will be removed that are a total of 60.6 units. A specimen tree is one that requires special consideration for preservation due to its size, type and condition. The zoning ordinance states that any specimen tree which is removed must be replaced by trees with a total density equal to two (2) times the unit value of the tree removed. For example, if a specimen tree with a value of four units is removed, then trees totaling eight units must be replanted.

Therefore, by calculating the size of the property plus the tree compensation required by the number of specimen trees that are proposed to be removed, the site requires 174.12 tree density units. The normal tree density minimum for a 2.64 acre parcel would be 52.92 units. The applicant is requesting to reduce the minimum tree density from 174.12 to 63. As such, a variance would be required.

V-2011-002

Section 1703.3 of the zoning ordinance regulates the off-street parking lot planting requirements. In parking lots with more than five parking spaces, planted parking islands are required at each terminus and no further than seven spaces apart. The applicant is proposing, in four separate locations, single rows of parking where the parking islands are only located at the ends of the rows. The applicant feels this variance is necessary for the row directly in front of the building in order to adhere to state fire code in which the attendant must have a clear and unobstructed view of the dispensers. The single row of parking on the south side of the parking lot has nine parking spaces with no parking island. However, the spaces are broken up by marking on the pavement to delineate a crosswalk. The single row of parking on the north side of the site has eight spaces with no island. The single row of parking on the east side of the lot contains twelve uninterrupted parking spaces.

V-2011-003

The Article III Definition of "Critical Root Zone" states it is the minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. In most cases, silt fencing will surround a specimen tree in a circle equal in feet to one and half times the diameter of the tree. The applicant is requesting encroachment of the CRZ of the two white oaks near the proposed Lawrenceville-Suwanee Road entrance. The applicant feels that without encroaching on the CRZ the property would be economically unfeasible due to not having a driveway access to Lawrenceville-Suwanee Road. The applicant has also provided a letter from an arborist stating that with additional steps the trees may be preserved with a smaller tree save area.

The applicant states that literal interpretation and enforcement of the sections listed above in the zoning ordinance would create a hardship on the owner by rendering the property undevelopable for the proposed use.

V-2011-001

This property is unique in that it contains a large number of specimen trees. Due to the number of specimen trees being removed, the minimum tree density for this property would be over three times more than usual for a property of this size. The applicant is requesting the minimum tree density to be reduced to 63 units. While requiring the literal tree density minimum would place a burden on the applicant, staff feels that there is an opportunity to go above the 63 units as shown. The area to the west of the parking lot has enough space to support a number of large trees. However, it lacks any trees or plantings as currently proposed. During the zoning process a tree preservation plan was prepared which showed a total of 69 tree density units.

V-2011-002

The literal interpretation of the zoning ordinance in regards to the parking islands requires parking islands every seven spaces in single rows of parking. However, in this case the zoning ordinance and state fire code are in conflict. State code requires a clear, unobstructed view of the gas dispensers from the attendant. The single row of parking on the south side of the parking lot does not have a parking island. However, the parking spaces are broken up by a crosswalk. This

crosswalk will connect to the sidewalk on Satellite Blvd and therefore benefit walkers using the sidewalks. Adding a parking island to the row of parking on the north side of the parking would reduce the number to seven spaces which then would not require an island.

V-2011-003

The location of the two white oak specimen trees near the Lawrenceville-Suwanee Road entrance causes the need to encroach on their critical root zone. If the critical root zones were prohibited from being encroached upon the site would not have access to Lawrenceville-Suwanee Road. The entrance, as shown on the site plan will provide access to this property and the abutting property to the north.

The applicant has provided a letter from a certified arborist that the trees have a good chance of survival with additional steps taken during development and after development to insure their survival. If the developer takes these additional steps then that may make up for the reduced critical root zone.

Conclusion

The City of Suwanee'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 an unnecessary hardship to a property owner. Such variances may be granted in such individual cases of unnecessary hardship upon a find by the Board that such conditions are peculiar to the particular piece of property involved. The existence of 15 specimen trees on such a small site is peculiar. As such a variance from the City's tree density requirements would be appropriate (V-2011-001).

Such variances may also be granted if such conditions are not the result of any actions of the property owner. In the case of the parking lot tree variance the fire code creates a conflict that is beyond the control of the property owner. As such a variance from the spacing requirements for parking lot trees would be appropriate (V-2011-002).

Finally, the zoning ordinance also states that variances may be granted when, "relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance." In the case of the critical root zone requirement (V-2011-003) the applicant has indicated willingness to take additional steps in the design, during development, and after development to make up for the reduction in the critical root zone. As such, with the appropriate conditions a variance to reduce the critical root zone could be appropriate (V-2011-003). Regarding the parking lot variances for the north and south sides of the parking lot: the increase from 7 to 8 spaces does not undermine the ordinance, and the increase from 7 to 9 spaces does not undermine the ordinance as an accommodation for adequate pedestrian facilities within the parking lot (V-2011-002). However, the increase from 7 to 12 spaces without a parking lot tree is not consistent with the regulations. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2011-001 V-2011-002, and V-2011-003.

Planning Department
Recommended Conditions

The Planning Department recommends approval of **V-2011-001** subject to the following conditions:

V-2011-001

1. The four specimen trees identified on the site plan as the 34" White Oak and the 32" Scarlett Oak on the east side of the property as well as the 46" and 36" White Oaks located on the west side of the property bordering Lawrenceville-Suwanee Road shall be preserved.
2. When the 2.64 acres located on the corner of the subject property are developed, 70 tree density units shall be provided.

V-2011-002

Planning Department recommends approval of a variance for the elimination of parking islands between every seven parking spaces subject to the following conditions:

1. If a gas station is developed on site, no trees shall be required between the a building on the site and the gasoline pumps on the site as regulated by the State Fire Marshall.
2. 8 spaces between landscape islands and 9 spaces between landscape islands shall be allowed as indicated in variance Exhibit "C" on the north side and south side parking strips respectively.
3. Pedestrian access shall be provided from the sidewalk on Satellite Boulevard to the front of the convenience store as noted on Exhibit "C". The pedestrian facility shall be elevated when crossing the parking lot.

V-2011-003

Planning Department recommends approval of a variance for reduction of the critical root zone subject to the following condition:

1. Prior to, during and after development of the site the appropriate party will take all necessary steps as directed by the Planning Director to ensure the preservation of the specimen trees identified on variance Exhibit "C". Said direction shall be consistent with the steps identified by a professional arborist.

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 these variances 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. It should be noted that in the case of the parking island variance request, approval may improve public safety.

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

Approval of these 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 variance V-2011-001 and V-2011-003 would impair the public health, safety, comfort, morals, or welfare.

**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

Name: QuikTrip Corporation
Address: c/o Andersen, Tate & Carr
1960 Satellite Blvd., Suite 4000
City: Duluth
State: Georgia
Phone: (770) 822-0900
E-mail address: msullivan@atclawfirm.com

OWNER INFORMATION

Name: Eugene Walls
Address: c/o Andersen, Tate & Carr
1960 Satellite Blvd., Suite 4000
City: Duluth
State: Georgia
Phone: (770) 822-0900

CONTACT PERSON: Michael L. Sullivan

PHONE: (770) 822-0900

ADDRESS OF PROPERTY 3359 Lawrenceville-Suwanee Road

LAND DISTRICT: 7 LAND LOT: 194 PARCEL: 005 LOT:

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) QuikTrip

ZONING C-2A

VARIANCE REQUESTED Section 1704.6 Tree Density Requirements (see table on submitted site plan)

NEED FOR VARIANCE Variations are required in order to develop the property for the proposed use. Without the proposed variations the property is undevelopable for the proposed use (see supplemental materials for further information).

***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.**

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

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ADDRESS OF PROPERTY 3359 Lawrenceville-Suwanee Road

LAND DISTRICT 7 LAND LOT 194 PARCEL 005 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) QuikTrip

ZONING C-2A

VARIANCE REQUESTED Section 1703.3 - Number of parking spaces between landscape islands (to allow an increased number of spaces between islands in four different locations as shown on the submitted site plan).

NEED FOR VARIANCE Variances are required in order to develop the property for the proposed use. Without the proposed variances the property is undevelopable for the proposed use (see supplemental materials for further information).

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ADDRESS OF PROPERTY 3359 Lawrenceville-Suwanee Road

LAND DISTRICT 7 LAND LOT 194 PARCEL 005 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) QuikTrip

ZONING C-2A

VARIANCE REQUESTED Article III Definitions - allow variance from the definition of "Critical Root Zone (CRZ)" to allow encroachment into the CRZ for specific trees as shown on the submitted landscape plan.

NEED FOR VARIANCE Variances are required in order to develop the property for the proposed use. Without the proposed variances the property is undevelopable for the proposed use (see supplemental materials for further information).

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January 7, 2011

Mr. Nathan Richardson
QuikTrip Corporation
952 Old Peachtree Rd NW
Lawrenceville, GA 30043

RE: **Specimen Tree Preservation
Proposed QuikTrip
Suwanee, Georgia**

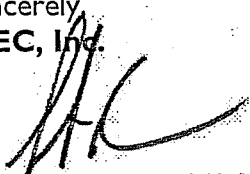
Dear Nathan:

AEC, Inc. (AEC) has reviewed the site plans by Wolverton and Associates, date December 17, 2010, to determine if the existing 36" and 46" white oaks can be saved that are located along Lawrenceville- Suwanee Road.

Based upon our preliminary review, these trees can be saved and should have a reasonable chance for survival by the combination of several actions. We recommend that minor site plan modifications be implemented to minimize the impact directly to the Critical Root Zone and special care and protection be implemented during construction. In addition, an arbor care program should be implemented that addresses preparing the trees for construction, specific care during construction and long term monitoring and maintenance after construction. The combination of these measures should allow the tree to be saved and successfully make it through the construction process.


AEC appreciates the opportunity to work with you on this project and please feel free to call if you have any questions or need further information.

Sincerely,
AEC, Inc.



Steven L. Rowe, ASLA
Vice President

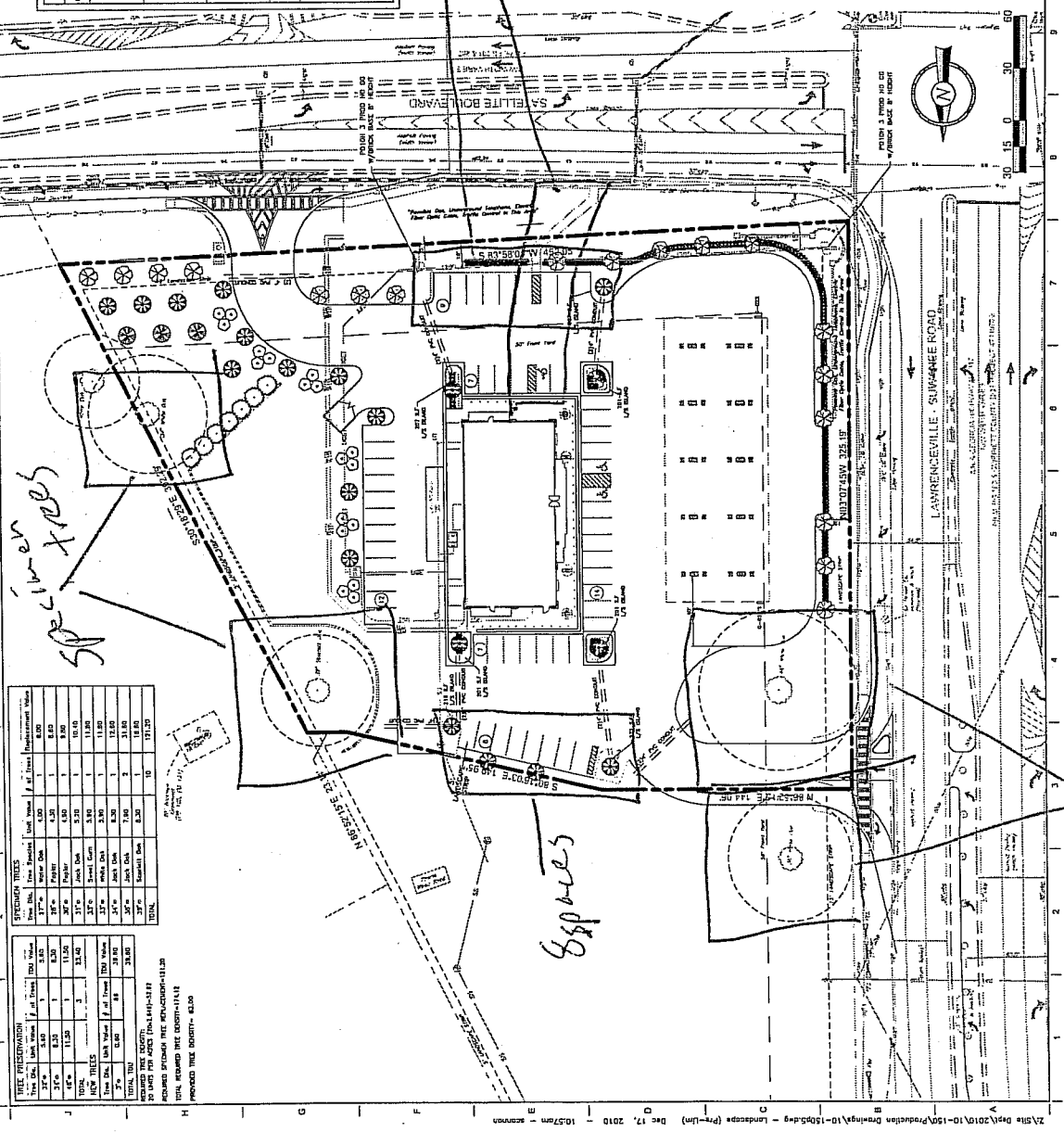
SLR/JCV/slr
Attachments



Joy C. Valerio, ISA
Arborist

U-2011-001, 002, + 003
 200

Specimen trees
 Exhibit 'C'



ITEM	SYMBOL	COMMON NAME	HEIGHT/SPACING	QUANTITIES	COMMENTS
1	○	LELAND PRINCE PINE (DBH 4.0)	12.5' ± 1.0' (DB)	18 EA	SEE LANDSCAPE PLAN AND SPECIFICATION FOR LANDSCAPING AND SYMBOL PLACING
2	○	SEA OAK (DBH 4.0)	12.5' ± 1.0' (DB)	33 EA	
3	○	3' GAUPE (DBH 4.0)	12.5' ± 1.0' (DB)	31 EA	SEE LANDSCAPE PLAN AND SPECIFICATION FOR LANDSCAPING AND SYMBOL PLACING
4	○	3' GAUPE (DBH 4.0)	12.5' ± 1.0' (DB)	31 EA	
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STORE NO.: 0844
 LAWRENCEVILLE, SUWAVEE RD & SATELLITE BLVD
 LAWRENCEVILLE, GA

QUT
 Quiktrip

DATE: 08/03/10
 ORIGINAL ISSUE DATE: 08/03/10

SHEET NUMBER: 3

PRELIMINARY LANDSCAPE PLAN

ARTICLE XVII. BUFFER, LANDSCAPE AND TREE PRESERVATION REQUIREMENTS

REQUIRED DIMENSION	CALCULATION/PROVIDED
1. BUFFER DIMENSION AS SHOWN	PROVIDED AS SHOWN
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50. BUFFER DIMENSION AS SHOWN	PROVIDED AS SHOWN

PERCENTAGE TABLE

PERCENTAGE	1/4" = 1'-0"	1/2" = 1'-0"	3/4" = 1'-0"	1" = 1'-0"	1 1/4" = 1'-0"	1 1/2" = 1'-0"	1 3/4" = 1'-0"	2" = 1'-0"	2 1/4" = 1'-0"	2 1/2" = 1'-0"	2 3/4" = 1'-0"	3" = 1'-0"
1/4"	0.25	0.50	0.75	1.00	1.25	1.50	1.75	2.00	2.25	2.50	2.75	3.00
1/2"	0.50	1.00	1.50	2.00	2.50	3.00	3.50	4.00	4.50	5.00	5.50	6.00
3/4"	0.75	1.50	2.25	3.00	3.75	4.50	5.25	6.00	6.75	7.50	8.25	9.00
1"	1.00	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	12.00
1 1/4"	1.25	2.50	3.75	5.00	6.25	7.50	8.75	10.00	11.25	12.50	13.75	15.00
1 1/2"	1.50	3.00	4.50	6.00	7.50	9.00	10.50	12.00	13.50	15.00	16.50	18.00
1 3/4"	1.75	3.50	5.25	7.00	8.75	10.50	12.25	14.00	15.75	17.50	19.25	21.00
2"	2.00	4.00	6.00	8.00	10.00	12.00	14.00	16.00	18.00	20.00	22.00	24.00
2 1/4"	2.25	4.50	6.75	9.00	11.25	13.50	15.75	18.00	20.25	22.50	24.75	27.00
2 1/2"	2.50	5.00	7.50	10.00	12.50	15.00	17.50	20.00	22.50	25.00	27.50	30.00
2 3/4"	2.75	5.50	8.25	11.00	13.75	16.50	19.25	22.00	24.75	27.50	30.25	33.00
3"	3.00	6.00	9.00	12.00	15.00	18.00	21.00	24.00	27.00	30.00	33.00	36.00

FOR THE PROJECT: 11-11-11-11
 DATE: 08/03/10
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

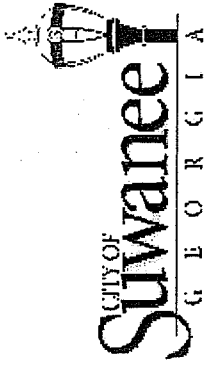





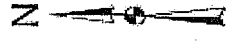
EXHIBIT A

V-2011-001-003

Aerial Map

Legend

-  V-2011-001-003
-  Property Lines
-  Streets



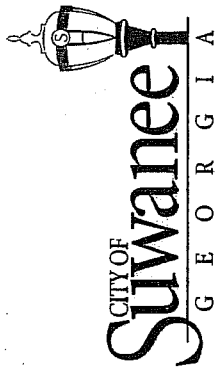


EXHIBIT B V-2011-001-003

Aerial Map

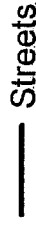
Legend



V-2011-001-003



Property Lines



Streets

