

V-2011-004

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2011-004

REQUEST: TEMPORARY ALLOWANCE OF PROHIBITED SIGNS

APPLICABLE SECTION: SECTION 1608

LOCATION: 1000 PEACHTREE INDUSTRIAL BOULEVARD

ACREAGE: 15.19 ACRES

DISTRICT/LAND LOT/PARCEL: 7-238-003

ZONING: C-3 (SPECIAL COMMERCIAL DISTRICT)

APPLICANT: ADVERTISING INNOVATIONS
207 COMMERCE DRIVE, BLDG 300
DALLAS, GA 30132

OWNER: WHEELER/BRAND MANAGEMENT CO.
1960 SATELLITE BLVD STE. 1300
DULUTH, GA 30097

CONTACT: MORGAN MCDONALD

PHONE: 770-505-4310

RECOMMENDATION: **DENIAL**

ANAYLSIS:

The applicant seeks a variance from Section 1608 C. to allow for the temporary display of two inflatable signs and multiple pennants within the 15.19 acre Publix Shopping Center on Peachtree Industrial Boulevard. The proposed inflatable signs are 20 feet tall and 9.5 feet wide and depict a filled grocery bag. The proposed sign's location is to be on the edge of the parking lot facing Peachtree Industrial Boulevard outside of the right-of-way. The pennants will also be located in the parking lot in front of the approximately 31,000 square foot Publix grocery store. The applicant wishes to display the inflatable sign and pennants in order to celebrate the grand re-opening of the Publix now that interior renovations have finished in the store.

The subject property is located on the east side of Peachtree Industrial Boulevard between Eva Kennedy Road and McGinnis Ferry Road. To the north of the subject parcel, is the Suwanee U.S. Post Office (zoned O-I). To the east of the subject property, is a multi-family residential property zoned RM-8. Across Peachtree Industrial Boulevard, to the west, are several commercial parcels zoned C-2A and C-3. To the south of the subject property, across McGinnis Ferry Road, is a commercial shopping center zoned C-3.

The City of Suwanee recognizes the value of temporary signs for local businesses which is why temporary signs are allowed in the City. However, the type and amount of temporary signs are limited. Banners, streamers, pennants and similar advertising devices are allowed on a temporary basis (30 days) three times per calendar year. Businesses are allowed to utilize two advertising devices at a time.

While the City does allow many types of signage, there are certain types of signs that are prohibited by the zoning ordinance. The signs that are prohibited are signs that can lead to visual clutter and can cause possible safety concerns. Inflatable signs are included in the list of prohibited signs. Section 1608 of the zoning ordinance specifically states that, "Non-recreational hot-air, cold-air, or other gas gas-filled advertising devices are prohibited at all times."

The applicant's request to display an inflatable sign and multiple pennants does not follow the regulations of the zoning ordinance. The addition of inflatables and multiple pennants signs can be visually distracting to drivers and negatively impact the aesthetic quality of the City's nonresidential areas. Distracted drives can result in vehicular accidents that impact public safety. Business owners are currently able to advertise major events, sales, etc. through the use of banners and other similar temporary advertising devices. Allowing prohibited signs, such as inflatables, when other means of advertising are available, is a substantial deviation from the Zoning Ordinance.

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 conditions are peculiar to the piece of property, or when relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance.

The City is frequently asked by businesses to allow for more banners, inflatable signs and pennants. Approval of a variance for temporary signage without a demonstrated hardship could open the doors to numerous variance requests. Approval of this request would subvert the intent of the zoning ordinance.

In conclusion, the subject property does not have a situation that rises to the level of hardship as defined by the zoning ordinance. The applicant is permitted to utilize temporary advertising devices as defined in Section 1608 of the City of Suwanee Zoning ordinance. Multiple pennants and inflatables are specifically prohibited. The applicant could adequately advertise their grand re-opening by following the regulations within the zoning ordinance. In addition, approval of the large inflatable signs and pennants could set a precedent and lead to similar requests that further impact the public welfare and safety of residents.. Therefore, staff recommends **DENIAL** of V-2011-004.

Planning Department
Recommended Conditions

If the Zoning Board of Appeals wishes to recommend approval of the variance request to allow for the temporary display of the inflatable sign, the following conditions are recommended:

1. A temporary permit for the advertising devices must be obtained through the Planning and Inspections Department.
2. The inflatable sign and pennants shall only be displayed from August 25th through August 31st, 2011.
3. The inflatable sign shall be located outside of the Peachtree Industrial Boulevard right-of-way as indicated on exhibit "C".
4. The temporary advertising devices shall not be internally or externally illuminated.

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 this variance would not increase the congestion in public streets.

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

Approval of this variance could 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 this variance would create a more cluttered appearance along Peachtree Industrial Boulevard. This negative aesthetic could adversely effect 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-2011-004 could impair the public health, safety, comfort, morals, or welfare by allowing temporary signage that is specifically prohibited in the zoning ordinance that can be distracting to drivers.

**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: MORGAN W. McDONALD FOR
ADVERTISING INNOVATIONS
Address: 207 Commerce Drive, Bldg 300
City: DALLAS
State: GA
Phone: 770-505-4310
E-mail address: ADINNOVA@AOL.COM

OWNER INFORMATION

Name: WHEELER/BRAND MANAGEMENT COMPANY
Address: 1960 SATELLITE BLVD, STE 1300
City: DULUTH
State: GA 30097
Phone: 770-476-4801

CONTACT PERSON: MORGAN W. McDONALD PHONE: 770-505-4310

ADDRESS OF PROPERTY 1000 PEACHTREE INDUSTRIAL BOULEVARD, SUWANEE

LAND DISTRICT 7 LAND LOT 238 PARCEL _____ LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) MCGINNIS CROSSING

ZONING C-3

VARIANCE REQUESTED EXCEPTION FROM TEMPORARY SIGN ORDINANCE
RESTRICTIONS FOR GRAND RE-OPENING OF PUBLIX SUPER MARKET
615 DURING THE WEEK OF AUGUST 25 THRU AUGUST 31, 2011.
(SEE ATTACHMENT 1)

NEED FOR VARIANCE INABILITY TO USE DEVELOPED PACKAGE OF
BRANDED OUTDOOR PROMOTIONAL ITEMS (INFLATABLE GROCERY BAG
PLUS PENNANTS) WILL IMPOSE AN UNFAIR ECONOMIC NEGATIVE
IMPACT BY NOT ALLOWING PUBLIX TO EFFECTIVELY COMMUNICATE NEW
STATUS OF THE UPGRADED LOCATION TO ITS PRIMARY CUSTOMER BASE.
(SEE ATTACHMENT 2)

***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.**

Variance Application
Page 2

APPLICANT CERTIFICATION

The undersigned below is authorized to make this application and is aware that an application or re-application for the same type of variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals, unless waived by the Board of Appeals. An application or reapplication shall not be acted upon in less than (6) months from the date of the last action by the Board of Appeals.

Morgan W. McDonald 7/14/11
Signature of Applicant Date

MORGAN W. McDONALD
Typed or Printed Name and Title

[Signature] 7/14/11
Signature of Notary Public Date



PROPERTY OWNER CERTIFICATION

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for the same type of Variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals unless waived by the Board of Appeals. An application or reapplication shall not be acted upon in less than six (6) months from the date of the last action by the Board of Appeals.

[Signature] July 14, 2011
Signature of Applicant Date

Lois A. Mittiga - Agent for the Owner
Typed or Printed Name and Title

[Signature] July 14, 2011
Signature of Notary Public Date



Notary Seal

DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number V-2011-004
Date Rec'd 7/14
Amount Rec'd 300.-

Variance
Rec'd By [Signature]
Receipt Yes

Administrative
Hearing Date 8/16/11

ACTION TAKEN _____

SIGNATURE _____

DATE: _____

Attachment 1,
APPLICATION FOR VARIANCE FROM THE CITY OF SUWANEE ZONING BOARD OF APPEALS
Publix Supermarket 615, 1000 Peachtree Industrial Blvd, Suwanee, GA

Variance Requested:

We request a variance from the temporary sign restrictions contained in Suwanee City Ordinances for the purpose of a grand re-opening of Publix Supermarket 615 during the week of August 25 through August 31, 2011. Specifically, we request permission to safely and professionally install a 20 ft Publix branded inflatable grocery bag with attached "Grand Opening" banner (see photo) and 21 pennant lines (see photo) in and about the Publix parking lot behind the right of way near the existing monument sign as indicated on the attached site plan.

Discussion:

Publix has invested substantially in the re-vitalization and remodeling of their store number 615 in Suwanee. A rapid recovery of this investment through increased sales is important to the economic profitability of the enterprise and will validate the decision to invest in Suwanee's economy. Since Publix is the anchor store of this center, the success of Publix at this location is important to other businesses in the center as well as the community at large.

Over the past 10 years, Publix, in conjunction with Advertising Innovations, has developed, standardized and implemented a program of outdoor promotional elements using custom branded products to communicate with their primary target customer base—people living within 5-7 miles of the store and people passing by the store on a regular basis. This package constitutes a tasteful and very effective method in which to communicate to passing traffic that the store is conducting a grand opening or re-grand opening. While other advertising media are also utilized to get the word out, these media do not have the immediate effect of triggering the desired action on the part of the consumer. When passing a location where this package of temporary signage is employed, the passing customer "acts" on the advertising message communicated by other media and actually stops in at the location to shop. A Wall Street Journal study showed that on site promotions involving inflatables communicate the changed status or opening of a business to the public in a period of 90 days what other media would require up to 3 years to accomplish.

Experiences at over 300 Publix Supermarket Grand Openings over the past 10 years have also shown dramatic increases in grand opening week customer traffic expressed in terms of sales for those locations where the inflatable and pennants were used as compared with stores where zoning restrictions would only allow a banner or similar diminished temporary signage. The increase in sales figures during the grand opening week and the month that follows, while proprietary to Publix, can be stated as significant—hundreds of thousands of dollars.

In addition to the demonstrated negative impact of not being allowed to use the advertising inflatable and pennants requested here, there is also the issue of fairness. Suwanee's City Ordinances are not proportional. That is, they do not make allowances for large business properties versus small business properties. While a banner and one pennant line may make a significant statement (impact) in front of a 2,000 square foot store, the same temporary signs would make no impact at all in front of the more than 51,000 square foot Publix at McGinnis Crossing. It is, therefore, unfair to the larger property to be limited to the same number, size and type of temporary signs as a smaller business with a smaller

footprint. Likewise, making an exemption for Publix to do more at McGinnis Crossing would have a beneficial effect on the rest of the businesses in the center as well due to the larger number of customers drawn into the center.

Installation of the Publix inflatable and the pennants requested in this application will be installed, if approved, observing all setbacks and other legal and safety considerations by an IADA certified installer with more than 5,000 installations to his credit.

**Attachment 2,
APPLICATION FOR VARIANCE FROM THE CITY OF SUWANEE ZONING BOARD OF APPEALS
Publix Supermarket 615, 1000 Peachtree Industrial Blvd, Suwanee, GA**

Need for Variance:

Disapproval of this variance application will force Publix to use only the limited temporary signage allowed by the City of Suwanee without regard to the large size of the Publix business location and will result in greatly diminished ability to communicate with passing traffic that the store is undergoing a re-grand opening. This restriction on commercial speech will result in a reduced flow of customer traffic into Publix's store and the other stores of the shopping center during the re-grand opening period and will therefore result in significantly reduced sales during the immediate period of August 25 through August 31 and a period of time immediately following.

Exhibit "C"

ROBERTS
LOIA
ROOF
ARCHITECTS & ENGINEERS
ALANTA, GEORGIA

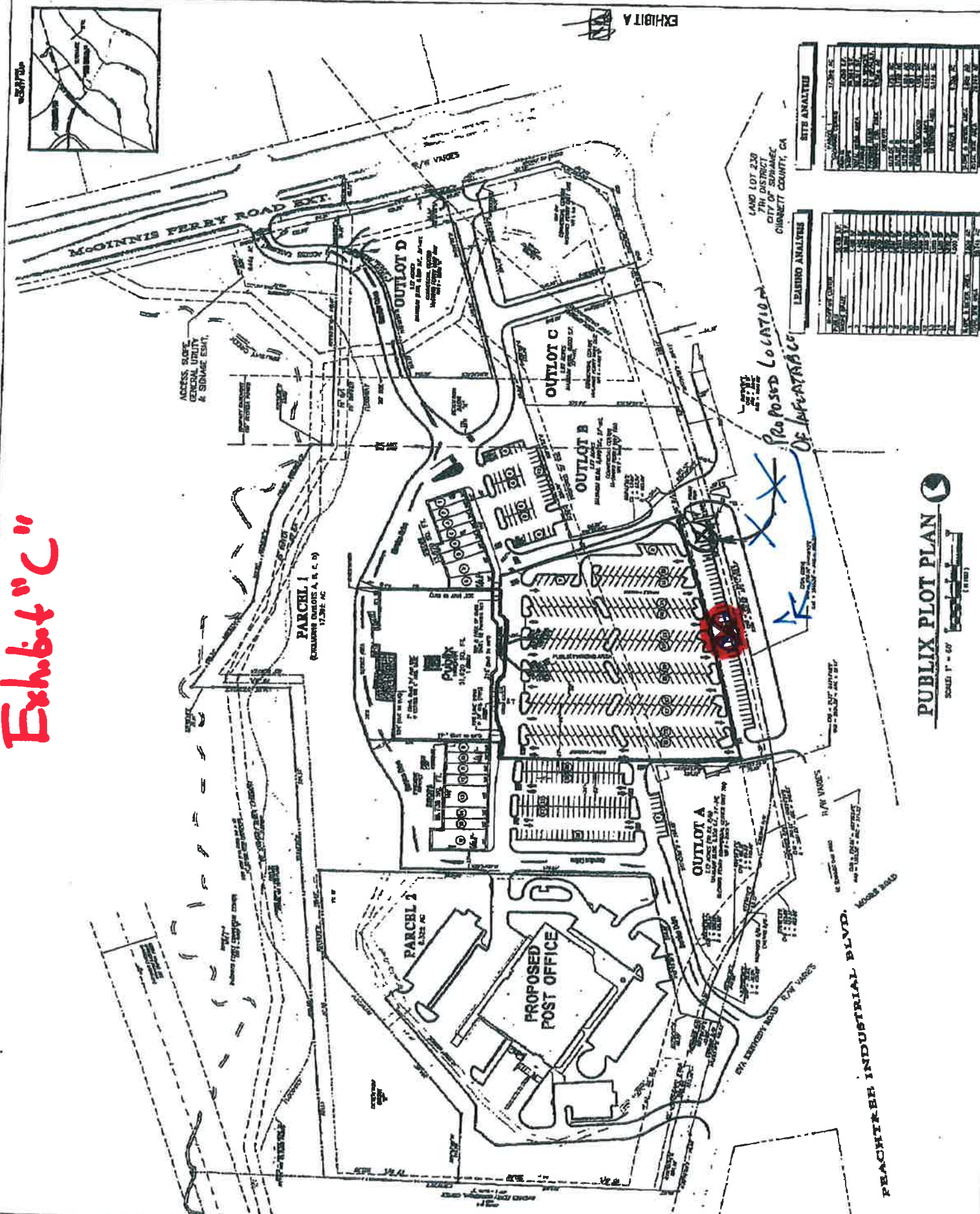
PROJECT
MCGINNIS
CROSSING
CITY OF ATLANTA
GEORGIA

SCOTT HUDGE
COMPANIES

SHEET TITLE
PUBLIX
PLOT
PLAN

DATE: 12-14-47
JOB NUMBER: 91-331
SHEET NUMBER

C.1 P



SITE ANALYSIS

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LEASING ANALYSIS

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PUBLIX PLOT PLAN
SCALE 1" = 60'
Publix Super Markets Inc.
1101 Peachtree St. N.E.
Atlanta, Georgia 30309

Exhibit "D"



Publix 20 ft Grocery Bag Inflatable, Oblique

Exhibit "E"



Publix Pennants Run Pole to Ground

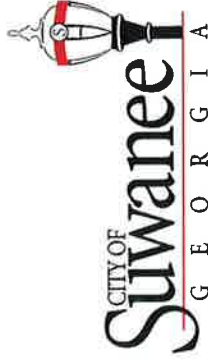




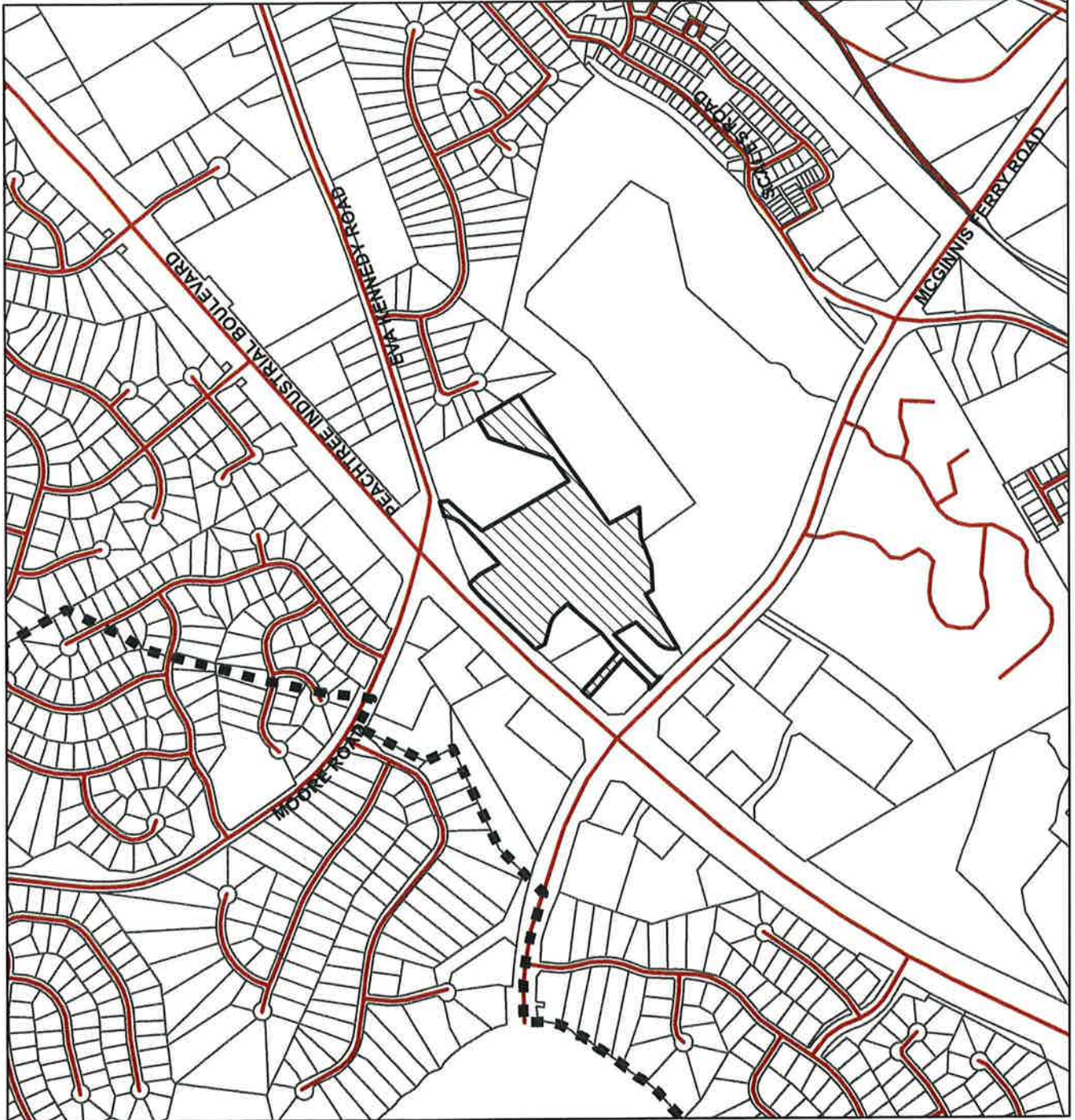


EXHIBIT A V-2011-004

Location Map

Legend

-  V-2011-004
-  Property Lines
-  Streets
-  City Limits



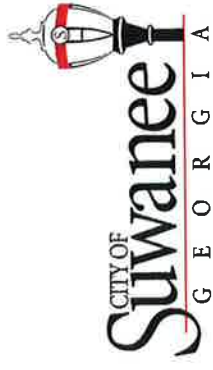





EXHIBIT B V-2011-004

Aerial Map

Legend

-  V-2011-004
-  Property Lines
-  Streets

