

**VARIANCE(S):**

**V-2019-021**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBER:** V-2019-021  
**REQUEST:** REMOVAL OF REQUIRED OVERSTORY  
TREES IN A PARKING LOT

**APPLICABLE SECTION:** SECTION 1703.3 (ZONING ORDINANCE)

**LOCATION:** 165 SATELLITE BOULEVARD  
**DISTRICT/LAND LOT:** 7-170-105  
**ZONING:** C-2A

**APPLICANT:** SHARON CHAPMAN  
3665 FISHINGER BOULEVARD  
HILLIARD, OH 43026

**OWNER:** USPG PORTFOLIO FIVE, LLC  
3665 FISHINGER BOULEVARD  
HILLIARD, OH 43026

**CONTACT:** SHARON CHAPMAN  
**PHONE:** 803-331-3479

**RECOMMENDATION:** **DENIAL**

**ANALYSIS:**

The applicant seeks a variance from Section 1703.3 of the City of Suwanee Zoning Ordinance to allow for the removal of required overstory trees from the parking lot serving the multi-tenant shopping center located at 165 Satellite Boulevard.

The property is located on the south side of Satellite Boulevard adjacent to the Walmart property to the west. The subject property is approximately 11.3 acres and has approximately 580 linear feet of road frontage along Satellite Boulevard. The property is accessed from Satellite Boulevard as well as an interparcel connection to the adjacent Walmart parking lot to the west. A monument sign for the shopping center is located at the entrance to the property along Satellite Boulevard.

The property contains two single story, multi-tenant commercial buildings. The building that is parallel to Satellite Boulevard is approximately 50,000 square feet and was constructed in 2002 (Building A). The building that is perpendicular to Satellite Boulevard is approximately 20,000 square feet and was constructed in 2003 (Building B). The parcel located between the parking lot on the subject property and Satellite Boulevard contains a one story multi-tenant commercial building that is approximately 12,000 square feet that was built in 2003. The parking lot on the subject property is in compliance with the regulations that were in place at the time the property

was developed. If the property were developed today, the current requirements would require more trees in the parking lot than were required in 2003.

Section 1703.3 of the City of Suwanee Zoning Ordinance, regulates off-street parking lot planting requirements. The current regulations and those that were in place in 2003 require planter islands containing two overstory trees with anticipated canopies of 900 square feet required at the terminus of each parking row. The applicant requests a variance to remove the existing 15 trees in the planter islands closest to Building A that were required by the City of Suwanee Zoning Ordinance and replace them with a narrower species to increase visibility of tenant wall signs above their storefronts.

Section 1705.4.3 of the City of Suwanee Zoning Ordinance requires trees to be maintained if they were planted to meet the requirements of the zoning ordinance. The trees the applicant is requesting to remove were planted to meet requirements of the landscape ordinance as it applies to parking lots. As such, they are not allowed to remove the trees.

The applicant claims that the subject trees are impeding visibility for current and potential tenants and contributing to their high vacancy rate. Building A is currently 27% vacant and Building B is 60% vacant. The shopping center has issues with visibility due to the location of the building on the property. The property is located behind another property that fronts Satellite Boulevard. This visibility issue is compounded by the orientation of Building B, which is facing away from Satellite Boulevard where the property does have road frontage. While these conditions are somewhat unique to the property, this arrangement is the result of decisions made by the original developer of the two properties, and removing the required trees would not eliminate these issues. The photos in Exhibit B illustrates that the signage on Building A is visible from the parking lot despite the trees that are proposed to be removed. Building B, which has no trees in front of the building, has more vacancy than Building A, which further demonstrates that the trees are not the problem with attracting tenants and customers to shopping center.

The subject property is zoned C-2A (Special Commercial District). This district allows all the uses allowed in C-2 (General Commercial District) but also allows for the sale of alcohol. The property to west (zoned C-2A) contains a Walmart store, the property to the north sits between the subject property and Satellite Boulevard and contains a multi-tenant commercial building that fronts Satellite Boulevard (zoned C-2A). The adjacent property to the east and the property across Satellite Boulevard are zoned M-1 (Light Industry District) and contain large warehouse buildings surrounded by wooded areas. The property behind the shopping center to the south is undeveloped and wooded (zoned C-2A).

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 unnecessary hardship to a property owner. A variance may be granted if the conditions are unique to the property and/or are unlikely to cause substantial detriment to the public good or if the variance will not undermine the intent of the zoning ordinance. In addition, a variance may be granted when such conditions are not the result of any actions of the property owner.

The subject property does not appear to have a hardship due to compliance with the City's regulations and eliminating the trees would undermine the intent of the zoning ordinance to keep and maintain trees in parking lots. Poor visibility of the buildings in the shopping center is the result of decisions made by the developer about location of the buildings on the subject property and the adjacent property. Removal of the trees in the parking lot will not improve the visibility of the signs from Satellite Boulevard; therefore, staff recommends **DENIAL of V-2019-021**.

Recommended Conditions  
V-2019-021

If the Zoning Board of Appeals should choose to grant a variance to allow the subject trees to be removed, the Planning Department recommends the following conditions:

1. Tree removal shall be limited to the 15 trees located closest to Building A and highlighted in Exhibit A.
2. Planter islands shall be replanted and maintained with alternate trees. Said trees shall be 3” caliper trees. The species of the columnar tree shall be subject to the approval of the Planning Department.

## **Standards for Consideration**

**Pursuant to Section 1909A 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 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 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?**

The City has a number of shopping centers with the exact same landscaping arrangement. Approval of this variance undermines the City's intention to have landscaping throughout parking lots. This could ultimately lead to less aesthetically appealing shopping centers throughout the City, which would have negative effects on property values.

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

Approval of this variance would not 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**

Name: Sharon Chapman  
Address: 3665 Fishinger Blvd  
City: Hilliard  
State: OH  
Phone: 803-331-3479  
E-mail address: schapman@uspginc.com

**OWNER INFORMATION**

Name: USPG Portfolio Five, LLC  
Address: Same  
City: Same  
State: Same  
Phone: Same

CONTACT PERSON: Sharon Chapman

PHONE: 803-331-3479

ADDRESS OF PROPERTY 3255-3265 Lawrenceville Suwanee Rd - Suwanee, GA

LAND DISTRICT 7 LAND LOT 170 PARCEL 105 LOT \_\_\_\_\_

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) Suwanee Crossroads Center

ZONING C2A

VARIANCE REQUESTED We are requesting the ability to remove (and replace) the trees in the islands that are immediately in front of our tenant spaces - limiting the visibility of those tenants by traffic in the center. We are willing to replace with a more columnar species to comply with code and enhance look of property.

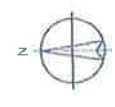
NEED FOR VARIANCE Continued tenant complaints that visitors that are actually able to find the center can also easily see their sign bands/storefronts to ultimately enter their premises. Since purchasing this center approx 4 years ago - we have had multiple tenants leave with the complaint that it is mostly vacant and that is due to the site being buried in the valley. We have tried to get approval to place a tall sign, make our one monument sign on Satellite larger for visibility and City has rejected those requests.

**\*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.**



SPACE	NAME	AREA	LAYOUT
1-2A-B	WILD WINGS CAFE	7,850 SF	76.5' X 100'
3-C	AVAILABLE	1,350 SF	19' X 70'
4-D	AVAILABLE	1,215 SF	17' X 70'
5-E	AVAILABLE	1,485 SF	21' X 70'
6-F	AVAILABLE	1,350 SF	19' X 70'
7-G	AVAILABLE	1,350 SF	19' X 70'
8-I	AVAILABLE	1,500 SF	35' X 100'
9-T	ESTORRES MEXICAN RESTAURANT	3,510 SF	35' X 100'
10-S	CAMP TRANSFORMATION	4,000 SF	40' X 100'
11-R	AVAILABLE	1,500 SF	15' X 100'
12-Q	AVAILABLE	1,500 SF	20' X 100'
13-P	MAIL DEPOT	1,500 SF	15' X 100'
14-O	GOLDEN WOK	1,500 SF	15' X 100'
15-N	GAMESTOP	1,800 SF	18' X 100'
16-M	AVAILABLE	4,200 SF	42' X 100'
17-L	THE GIFTS	2,500 SF	25' X 100'
18-K	MAY MESSAGE	3,000 SF	30' X 100'
19-J	AVAILABLE	2,000 SF	20' X 100'
20-I	HUSKERS CAFE	2,500 SF	25' X 100'
21-H	AVAILABLE	1,600 SF	16' X 100'
22-G	CLIPPER KINGS	1,500 SF	15' X 100'
23-F	STAR NAILS & TAN	1,500 SF	15' X 100'
24-E	DOLLAR TREE	9,200 SF	92' X 100'
26-C	AVAILABLE	2,000 SF	20' X 100'
27-B	SALLY BEAUTY SUPPLY	1,500 SF	15' X 100'
29-A	METRO PCS/T-LINK	2,500 SF	25' X 100'
29-H	AVAILABLE	1,500 SF	15' X 100'

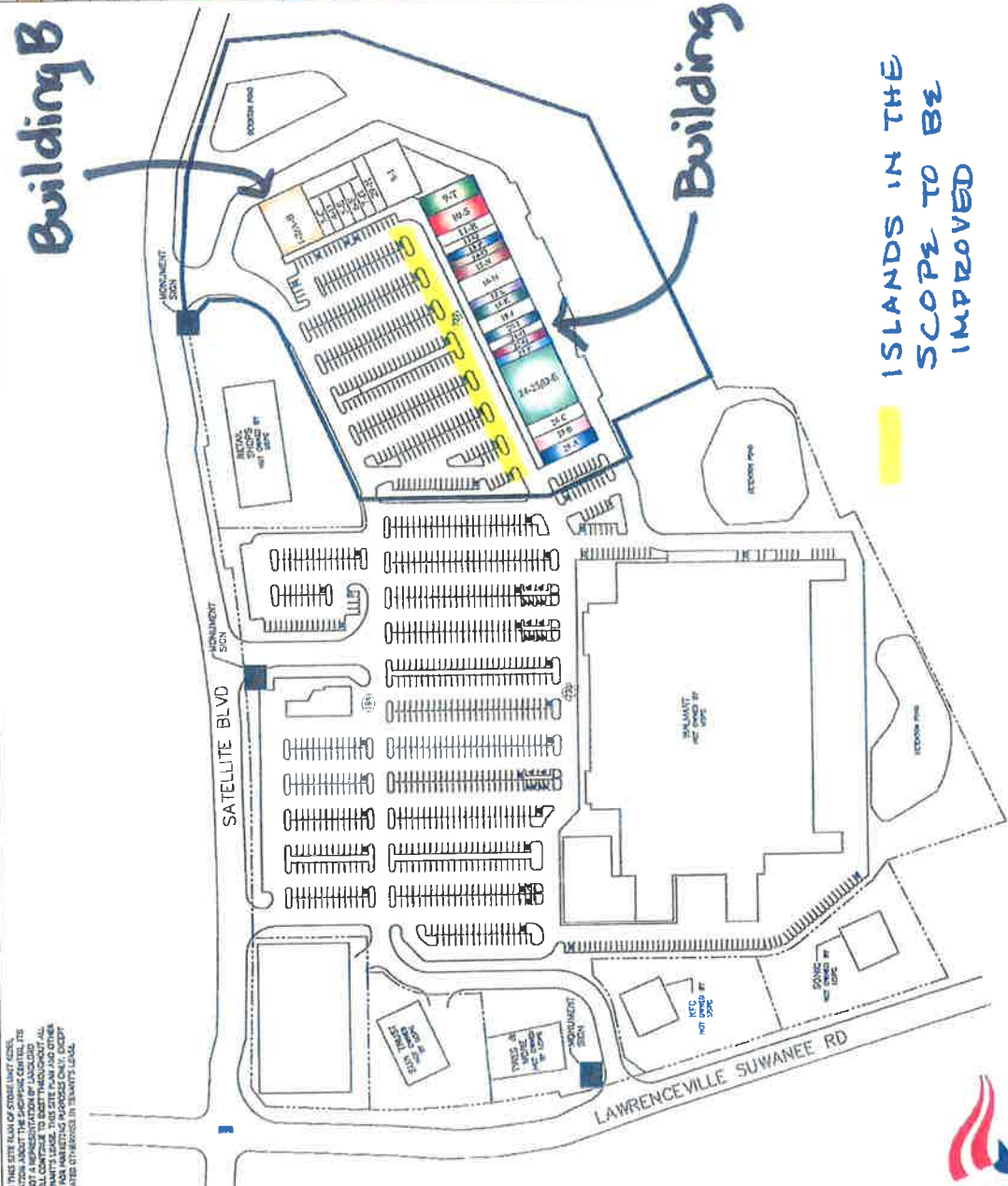


U.S. PROPERTIES GROUP, INC.  
 3665 FISHER BLVD. HILLIARD, OH. 43026  
 LOCATION:  
 SUWANEE CROSSROADS  
 SUWANEE, GA.  
 GWINNETT COUNTY

AC: G/LA DATE: 10/01/13  
 69,100 SF

PARKING: 334 TOTAL SPACES (234 STANDARD, 10 HANDICAP)

DEVELOPED: 2002



NOTE: THE SHOPPING CENTER DOES NOT INCLUDE ANY LAND OUTSIDE OF THE BOLD BOUNDARY LINE.



# Exhibit A

V-2019-021



Exhibit B (1 of 2)  
View of Building A from  
parking lot

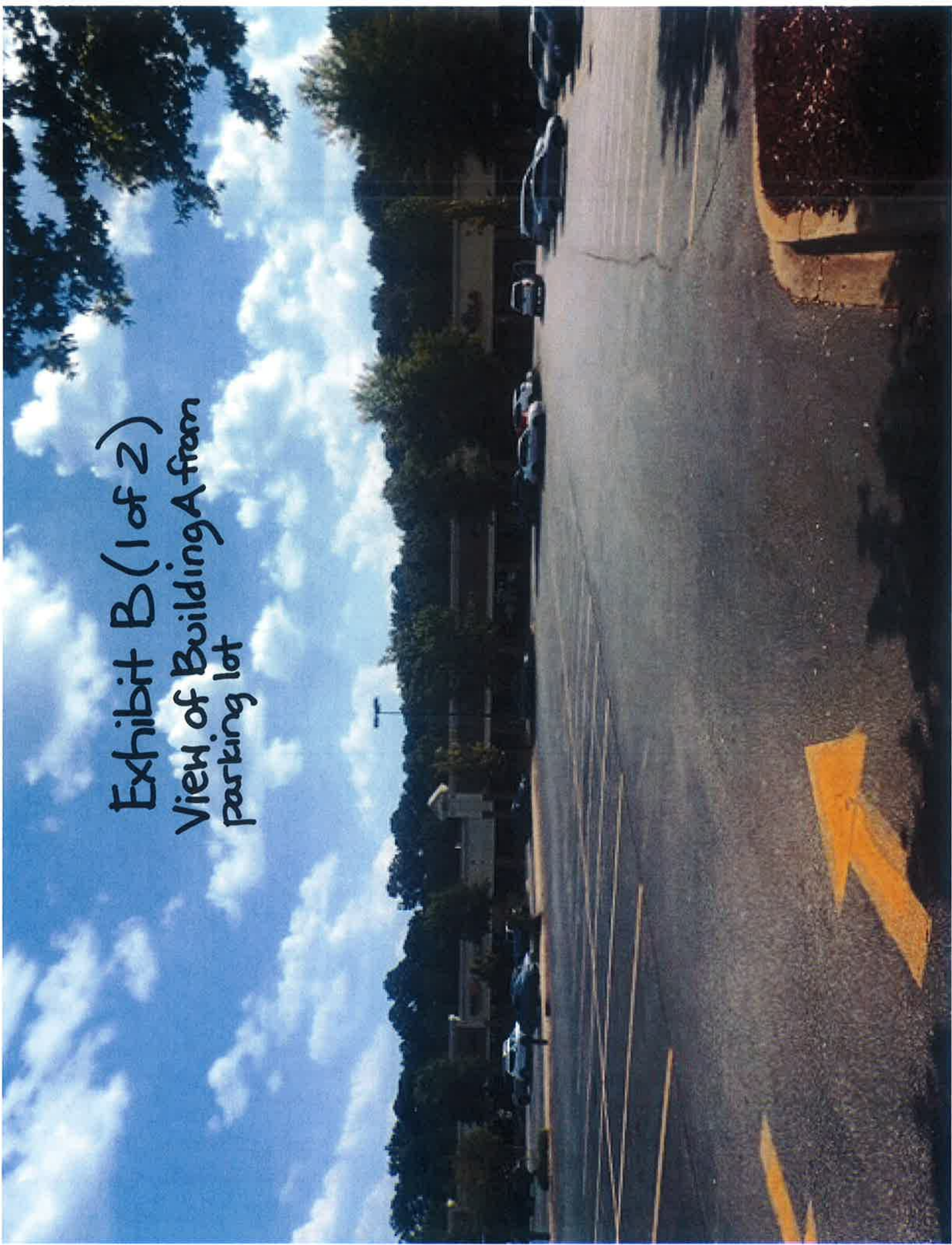




Exhibit B (2 of 2)

Building B

Building A





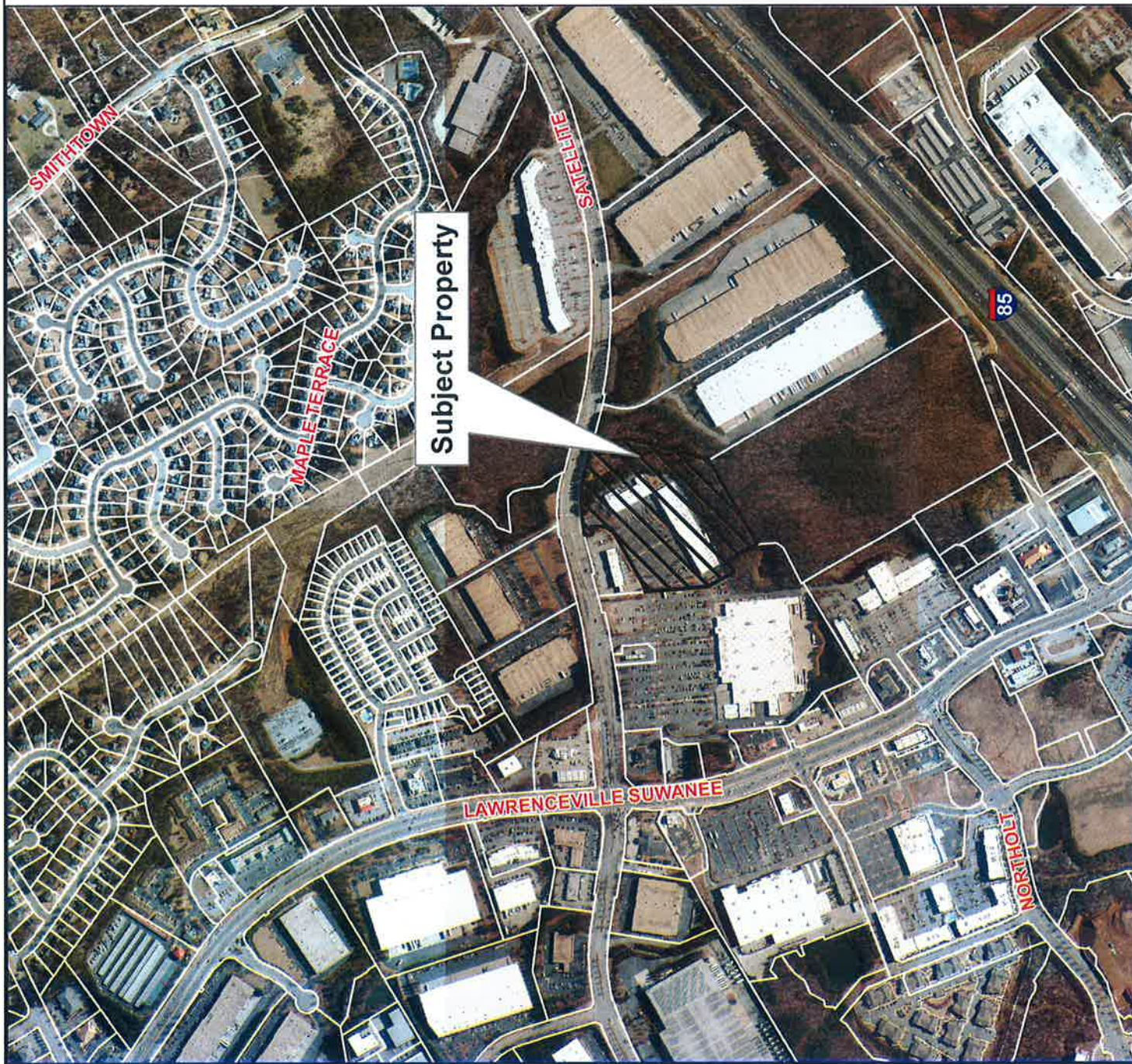


# Location Map

V-2019-021



0 750 1,500 Feet







# Zoning Map

V-2019-021

Zoning	Color/Pattern
OTCD	Light Pink
C-1	Red
C-2	Dark Red
C-2A	Red with vertical stripes
C-3	Dark Red with diagonal stripes
M-1	Blue
O-1	Grey
PMUD	Pink
GCA	Green with diagonal stripes
R-140	Light Green
R-100	Yellow-Green
R-85	Yellow
R-75	Light Yellow
IRD	Orange
RM-6	Brown
RM-8	Dark Brown



0 750 1,500 Feet

