



ZONING BOARD OF APPEALS AGENDA

**JULY 20, 2016
7:00 PM
CITY HALL**

- A. Roll Call**
- B. Approval of Minutes: April 20, 2016 and
May 4, 2016 (Special Called Meeting)**
- C. Old Business: (None)**
- D. New Business:**
 - V2016-004 Peachtree Marketplace. Request to increase the amount of wall signage from 200 sq. ft. to 379.5 sq. ft. and reduce the front setback from 38.8 ft. to 10 ft. and reduce the side yard setback from 10 ft. to 5 ft. for property located at 6131 and 6141 Peachtree Parkway in Dist. 6, Land Lots 283, 285, and 374, Peachtree Corners, GA**
- E. City Business Items: (None)**
- F. Comments by Board Members.**
- G. Adjournment.**

CITY OF PEACHTREE CORNERS
ZONING BOARD OF APPEALS MINUTES
April 20, 2016

The City of Peachtree Corners held a Zoning Board of Appeals meeting. The meeting was held at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. The following were in attendance:

Zoning Board of Appeals: Wayne Knox, Post B
 Marcia Brandes, Post A
 Amreeta Regmi, Post C - Absent
 Eric Christ, Post D
 James Blum, Post E

Staff: Diana Wheeler, Com. Dev. Director
 Jennifer Davis, Deputy City Clerk

MINUTES: Approval of February 17, 2016 Minutes.

MOTION TO APPROVE THE FEBRUARY 17, 2016 MINUTES

By: Eric Christ

Seconded: Marcia Brandes

Vote: (4-0) (Christ, Brandes, Knox, Blum)

NEW BUSINESS:

1. V2015-010 4038 Grove Hill Ct.

Request Variance to Zoning Code Article X, Off-Street Parking, Section 1001-5(b), for property located at 4038 Grove Hill Ct., Peachtree Corners, Ga., 6th Dist., LL314, Parcel 152 in order to park a recreational vehicle in the side yard instead of the required rear yard.

Diana Wheeler, Community Development Director, provided background information regarding the applicant's request. The applicant's property is located off Spalding Drive in the Spalding Corners subdivision. The applicant requests a variance in order to allow their recreational vehicle to remain parked in their side yard, approximately 5 ft. from their property line. Zoning regulations restrict the locations where recreational vehicles can be parked in residential areas, as follows: Any recreational vehicle or any non-motor vehicle may only be parked in a carport, enclosed structure, or in the rear yard. The property owners keep a recreational vehicle (motor home) parked at the end of their driveway to the side of their single family home. The motor home is situated immediately adjacent to the existing garage and is parked approximately 5 ft. from their property line and the neighboring property.

The applicant has a diamond shaped lot with a narrow frontage, a steep drive, and a wooded backyard. As can be seen from the photographs, there is a grouping of trees located between the end of the driveway and the rear yard. The property's configuration and existing landscaping would make it difficult to maneuver the motor home behind the house and place it in the rear yard as the code requires. If the applicant has to relocate the RV behind their home, they will be required to remove several existing trees and shrubs that add value to their property and the neighborhood.

If they were to build an enclosure to screen the motor home, it would negatively affect the aesthetics of the home and, by extension, its value. Such an enclosure would necessarily be much taller than the motor home in order to allow for the vehicle to access the enclosure onto a steep driveway. This means that the enclosure would be much more visible than the vehicle it is intended to screen and, therefore, more of a visual intrusion into the neighborhood. After reviewing the applicant's request and the variance criteria, Staff finds that maintaining the camper in its current location can be justified.

Christina & Vonley Starkey, applicant, spoke briefly regarding the variance application.

Chairman Knox opened the floor to anyone wanting to speak in favor or opposition to the application. Mark Shepherd, Bryan Kennedy, and Catherine Reuther spoke in opposition to the variance application. Dan Huber, Terri Huber, and Jeff Francis spoke in favor to the variance application.

A motion was made after discussion concerning, among other items, hardship of topography, no opposition from any close neighbors, and sunsetting the variance request.

BASED ON A THOROUGH REVIEW OF THE ENTIRE RECORD AND THE HEARING BEFORE THIS BODY, I MOVE THAT THE ZONING BOARD OF APPEALS MAKE THE FOLLOWING FINDINGS AND CONCLUSIONS AND APPROVE THE APPLICATION BEFORE IT; FIRST, THERE ARE EXTRAORDINARY OR EXCEPTIONAL CONDITIONS PERTAINING TO THIS PARTICULAR PROPERTY; TWO, THE CONDITIONS OF THE ZONING RESOLUTION AS APPLIED TO THIS PROPERTY ARE NOT THE RESULT OF ANY ACTIONS OF THE PROPERTY OWNER; THREE, THE CONDITION OF THE PROPERTY, ITSELF, IS NOT THE RESULT OF THE ACTIONS OF THE PROPERTY OWNER; FOUR, THE APPLICATION, IF GRANTED, WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD; FIVE, A LITERAL ENFORCEMENT OF THE ZONING RESOLUTION WILL RESULT IN UNNECESSARY HARDSHIP TO THE APPLICANT; AND SIX, GRANTING OF THIS APPLICATION WILL NOT RESULT IN A DETRIMENT TO THE PUBLIC SAFETY OR WELFARE; I FURTHER MOVE THAT THIS VARIANCE BE GRANTED WITH A CONDITION THAT IT EXPIRE (SUNSET) UPON TRANSFER OF PROPERTY TO A NEW OWNER.

By: Eric Christ
Seconded: Marcia Brandes
Vote: (4-0) (Christ, Brandes, Knox, Blum)

CITY BUSINESS ITEMS:

Diana Wheeler, Community Development Director, gave an update on the Town Center, Town Green, Botanical Garden, Multi-Use Trail, and Peachtree Parkway Bridge.

The Zoning Board of Appeals meeting concluded at 9:01 PM.

Approved,

Attest:

Wayne Knox, Chairman

Jennifer Davis, Deputy City Clerk

CITY OF PEACHTREE CORNERS
ZONING BOARD OF APPEALS MINUTES
SPECIAL CALLED MEETING
May 4, 2016

The City of Peachtree Corners held a Zoning Board of Appeals meeting. The meeting was held at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. The following were in attendance:

- Zoning Board of Appeals: Wayne Knox, Post B
Marcia Brandes, Post A
Amreeta Regmi, Post C
Eric Christ, Post D
James Blum, Post E
- Staff: Diana Wheeler, Com. Dev. Director
Jennifer Davis, Deputy City Clerk
Johnny Lawler, Zoning Administrator
- Attorney: Bill Riley, City Attorney
Joe Leonard, City Attorney
Thomas Mitchell, Zoning Board of Appeals Attorney

NEW BUSINESS:

- 1. PH2016-003 Railroad Outdoor, LLC**
Appeal of an administrative decision pursuant to Zoning Code Sec. 1606 and Sec. 54-8(b) to deny a sign permit at 4395 Buford Hwy.

Thomas Mitchell, Zoning Board of Appeals (ZBA) Attorney, stated into the record the section of the Zoning Ordinance establishing Zoning Board of Appeals jurisdiction over appeals and listing the powers granted to the ZBA relative to appeals. Section 1605 - Powers of Zoning Board of Appeals - The Zoning Board of Appeals shall have the following powers (Section 1 and 4):

1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Department of Planning and Development Director in the enforcement of this 2012 Zoning Resolution.
4. In exercising the above powers, the Zoning Board of Appeals may, in conformity with the provisions of this Resolution, reverse decisions or determinations from which the appeal is taken and, to that end, shall have all the powers of the Director of Planning and Development from whom the appeal is taken and may issue or revoke or direct the issuance or revocation of a Building or other permit.

Michael Fitzgerald, appellant, will be representing himself. Bill Riley will be representing the city. Michael Fitzgerald had no witnesses. Bill Riley had Diana Wheeler, Community Development Director, and Johnny Lawler, Zoning Administrator, as witnesses for the city.

Opening Statements

Michael Fitzgerald, appellant, made a brief opening statement that he will be responding to the three reasons for denial of the sign permit.

Bill Riley made an opening statement on behalf of the city. He stated that Diana Wheeler will present the reasoning behind the city's decision on denial as well as show evidence to support her claims.

Presentation of Evidence & Testimony of Witnesses

Michael Fitzgerald was sworn in by Thomas Mitchell. Mr. Fitzgerald presented a map of the proposed sign location. The map shows the closest residential property and the overlay district. Mr. Fitzgerald used the GDOT outdoor advertising statute (GDOT regulation 672-6 05 paragraph 3 subsection 3) for his measurement and stated that based on the measurement standard the sign meets the distance requirements. Mr. Fitzgerald stated that they intended to apply for an oversized sign and would change the size of the sign if needed. Mr. Fitzgerald answered several questions from the board.

Johnny Lawler was sworn in by Thomas Mitchell. Mr. Lawler provided testimony that he arrived at the measurements by using 500 ft. and 1250 ft. circles drawn around the property created by GIS.

Diana Wheeler was sworn in by Thomas Mitchell. Diana Wheeler presented the case to the board. On March 8, 2016, the City received an application for an oversized sign permit at 4395 Buford Highway. The proposed sign was 30x10 feet with 300 square feet of surface area and a height of 30 feet. Staff denied this permit application because the sign requested did not meet the definition of an oversized sign. An oversized size is defined as a sign that exceeds 30x10 feet with 300 square feet of surface area. If the sign was then considered a primary ground sign for an individual business, it exceeded the size and height allowed for that type of sign.

Staff's letter denying the permit application informed the applicant that the proposed sign did not exceed the 30 x 10 ft. dimension and, therefore, did not qualify as an oversized sign. Additionally, to be informative, Staff's letter noted that if the sign had met the definition of an oversized sign, the application would be denied because the location of the sign would be within 1,250 feet of the Overlay District, a violation of Zoning Code Section 54-17(3). Further, the location of the sign would be within 500 feet of a dwelling and within 500 feet of a residentially-zoned property, both not permitted by Section Zoning Code 54-17(2). It should also be noted that Gwinnett County zoning case RZ-99-048

states that, “No billboards are permitted”, as a zoning condition, for this property. Mrs. Wheeler answered several questions from the board.

Therefore, the administrative decision to deny the Railroad Outdoor, LLC sign permit should be upheld.

Mrs. Wheeler answered questions regarding zoning classifications of nearby properties from Michael Fitzgerald. Bill Riley requested to submit the following exhibits into the record:

1. Certified Copy of Ordinance 2016-02-69 & 2016-02-70
2. Map with subject property with residential & overlay areas
3. Case Number RZ-99-048
4. Section 54-16 (Page 12)
5. Section 54-17 (Page 18)
6. Oversized Sign Definition (Page 3)
7. Billboard definition (Page 2)
8. Oversized Sign Definition (Page 9)
9. Section 4 – Overlay Standards (Page 82)
10. Property location map
11. City of Peachtree Corners Zoning Map February 2014
12. Peachtree Corners Overlay District Map – Gwinnett County Department of Planning and Development – Adopted March 27, 2007

Closing Statements

Michael Fitzgerald made a closing statement that he reasserts that the application does meet the requirements of the city ordinances. Mr. Fitzgerald requested the board overturn the decision of the city and approve the application with two conditions, one, to increase the size of the sign to 301 sq. ft. and height to 30 ft. & 1 inch and, two, provide a registered land survey certification showing the distance to overlay district and residential.

Bill Riley made a closing statement that both the Zoning Administrator and Community Development Director made an appropriate decision and looked at all possibilities for the application. Mr. Riley requested that the board affirm the decision of the city staff and deny the appellant request.

A motion was made after discussion concerning, among other items, evidence presented, process of rezoning, and distance requirements.

BASED ON A THOROUGH REVIEW OF THE ENTIRE RECORD AND THE HEARING BEFORE THIS BODY, I MOVE THAT THE ZONING BOARD OF APPEALS AFFIRM THE DECISION OF THE CITY STAFF.

By: Eric Christ

Seconded: Marcia Brandes

Vote: (5-0 in favor) (Christ, Brandes, Knox, Blum, Regmi)

CITY BUSINESS ITEMS: There was no City Business.

The Zoning Board of Appeals meeting concluded at 8:14 PM.

Approved,

Attest:

Wayne Knox, Chairman

Jennifer Davis, Deputy City Clerk

V2016-004
Peachtree Marketplace
(sign and setback variances)

**City of Peachtree Corners
Zoning Board of Appeals
July 20, 2016**

CASE NUMBER:	V2016-004
PROPERTY LOCATION:	6131 and 6141 Peachtree Parkway 6th District, Land Lot 283, 285, and 374
CURRENT ZONING:	C-2
PARCEL SIZE:	5.9 acres
PROPERTY OWNER:	Peachtree Corners Marketplace, LLC and Salman Badruddin
APPLICANT:	JBL Asset Management

REQUEST

The applicant requests variances in order to exceed the maximum wall signage allowed and reduce required setbacks as follows:

1. A total of 379.5 sq. ft. of wall signs on the new LA Fitness building instead of the maximum 200 sq. ft.
2. A side setback of 5 ft. instead of the required 10 ft. on the new LA Fitness and Aspen Dental buildings.
3. A front setback of 10 ft. instead of the required 38.8 ft. on the Aspen Dental outparcel building.

LOCATION AND BACKGROUND

The property is located at the northwest corner of Peachtree Parkway and Holcomb Bridge Road and consists of a shopping center currently under renovation. Chick-fil-A and IHOP restaurants are located along the front of the shopping center. Businesses adjacent to the property include Panera Bread and Krystal restaurant. The applicant plans to construct a 37,007 square-foot LA Fitness building at the southwest corner of the shopping center where an Indian restaurant is currently located. The new building would back up to Ryan Road, which provides LA Fitness with a second road frontage and the ability to double their allowed wall signage. In addition to the LA Fitness development, the applicant would like to acquire the property where the Chevron Gas Station is currently located at the front of the shopping center. Their plan is to remove the gas station and build a 6,070 square-foot, multi-tenant outparcel building that includes an Aspen Dental office and two other tenants. Both new buildings would be placed 5 ft. from the side property line instead of the required 10 ft. In addition, the Aspen Dental building would be placed closer to Peachtree Parkway than the other out parcel buildings in the shopping center. Zoning Code Section 703 allows front setbacks to be averaged and, in this case, results in a required front setback of 38.8 ft. The application requests a front setback of 10 ft.

WALL SIGNAGE

The sign ordinance permits 100 sq. ft. of wall signage per road frontage for a building the size of the LA Fitness. With two road frontages, LA Fitness' wall signs should not exceed 200 sq. ft.

The applicant would like to place four wall signs, one on each side of the building. Each sign would be 90 square feet in size and the front would also have a corporate logo of 19.5 sq. ft. The total wall sign request is for 379.5 square feet, which is 179.5 square feet more than the sign ordinance allows. The additional signage is requested due, in part, to visibility issues. The LA Fitness building is situated behind the Panera Bread restaurant building on a site that's approximately 8 ft. lower in elevation. The lower site combined with Panera's mature landscaping along Ryan Rd. blocks visibility of the shopping center from Holcomb Bridge Rd. The southbound approach along Ryan Road to the LA Fitness site also has large pine trees along the right-of-way which obstruct views.

BUILDING SETBACKS

Front

The applicant is requesting a variance to encroach approximately 28 feet into the front setback for the proposed Aspen Dental outparcel building. This setback would place the building 10 feet from the Peachtree Parkway right-of-way. However, at this location, there is unpaved right-of-way in excess of 50 ft. in width. This portion of the right-of-way has been treated as a landscape strip and is planted with grass and trees. If the setback variance is granted, the proposed Aspen Dental building would be at least 60 ft. from the edge of Peachtree Parkway pavement. The other buildings in this shopping center located next to Peachtree Parkway have an average front setback of 38.8 ft. However, their setbacks may be greater than the applicant's proposal in order to accommodate a drive-thru and parking. Zoning Code Sec. 1315.2(3D) in the Overlay Standards stipulates that, "For developments exceeding 7,500 square feet, building placement is encouraged to be close to, and oriented towards, the public right-of-way..." The Aspen Dental building is a little smaller than the code stipulated size, but being closer to the roadway would allow visibility that would otherwise be hindered by the lower site elevation. In addition, it should also be noted that the corner of the Chevron gas station canopy is approximately 20 ft. from the property line and also does not comply with the setback requirement.

Side

The applicant is also requesting a reduction of 5 ft. on the side setback for both new buildings. The slope of the land and a continuous hedge would make up most of the remaining setback between the LA Fitness and Panera. A parking lot and billboard sign separate the proposed Aspen Dental building from the adjacent Krystal restaurant. The Krystal owner submitted a letter for support for the variance.

VARIANCE REQUIREMENTS

Sec. 1605.3 identifies specific findings that must be made in order for a variance to be granted. These findings are as follows:

- A. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography, and
- B. the requirements on this particular piece of property would create an unnecessary hardship, and
- C. such conditions are peculiar to the particular piece of property involved, and
- D. such conditions are not the result of any actions of the property owner, and
- E. relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Resolution.

ANALYSIS

The Shopping Center property was developed at a significantly lower elevation than Peachtree Parkway and most of the tenants are located to the rear of the site. In addition, trees were planted in the right-of-way along Peachtree Parkway which obstruct the view into the site. There is also a billboard on the adjacent Krystal property which further restricts view from the south side.

The applicant is upgrading the facility and has added new tenants. Since the retail stores and restaurants in the center are located well off Peachtree Parkway and at a lower grade than the roadway, additional signage would allow greater visibility for motorists and help them make informed decisions about accessing the center at safer distances. Although it will be large, the LA Fitness building will be hampered by visibility issues from both Peachtree Parkway and Ryan Rd. Both topography and existing, mature landscaping obstruct views of the building for drivers from several key vantage points. Since safety is enhanced when drivers have the opportunity to make informed decisions sooner, added signage on the LA Fitness building for north and south bound Ryan Rd. traffic can be supported. And signage on the front of the building that's visible from Peachtree Parkway would also promote vehicular safety. There is limited benefit, however, to a wall sign on the rear (west) side of the LA Fitness building because it would only be visible to the second floor of the office building across Ryan Rd. and to drivers already on the LA Fitness site.

Placing the proposed buildings closer to property lines on the front and side would not have any detrimental impacts. In fact, with regard to the Aspen Dental building, setback relief would allow the existing, unattractive gas station to be replaced with a new, aesthetically pleasing building. Krystal restaurant, the property most affected by the setback reduction, supports the applicant's request.

Further, the extra 5 ft. of setback separation required by code would add little value to the proposed buildings or the adjacent properties. The sloping land next to Panera would not benefit from an additional 5 ft., nor would the billboard and parking lot next to the Krystal. While the 5 ft. provides little value to the side of the property, it would make a very important contribution to the parking area in front of the new buildings. This additional 5 ft. would help accommodate a much needed extra row of parking spaces convenient to the building entrance.

CONCLUSION

After reviewing the applicant's proposal and the variance criteria, staff finds that the setback variance request for both the side and front can be supported, as there are hardship conditions unique to this property. A variance for some of the added wall signs requested on the LA Fitness building can also be supported to help with driver safety where visibility is hampered by topography and landscaping. However, a wall sign on the west (rear) side of the building will likely have limited benefit and contribute little to driver safety. Approaching the LA Fitness building from Ryan Rd. in either direction, the driver would see either the south side sign or the north side sign before reaching the sign on the west side of the building. This means that unless viewed from the office building across Ryan Rd., the sign on the west side of the building would serve a redundant purpose since, on approach, one of the other LA Fitness signs would be visible first.



Case Number: _____ Received Date: _____ Hearing Date: _____

**Variance Application from the Zoning Resolution
(Zoning Board of Appeals)**

Please complete this application & submit it with all attachments as stated in the Variance Application Guidelines. A variance cannot be processed unless all information accompanies the application; a variance from a condition of zoning or special use cannot be accepted.

Applicant Information	Property Owner Information
Name _____ Address (all correspondence will be mailed to this address): _____ _____ City _____ State _____ Zip _____ Phone _____	Name _____ Address _____ _____ City _____ State _____ Zip _____ Phone _____ **JBL Asset Management owns 6131 Peachtree Parkway property
Contact Person Name: _____ Phone: _____ Email Address: _____	
Applicant is the (please check or circle one of the following): <input type="checkbox"/> Property Owner <input type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser	

Address of Property _____

Subdivision or Project Name _____ **Lot & Block** _____

District, Land Lot, & Parcel (MRN) _____

Proposed Development _____

Permit Number (if construction has begun) _____

Variance Requested _____

- 2.) front building setback encroachment for outparcel building (6283 050);
- 3.) side building setback encroachment for outparcel building (6283 050)

A complete application includes the following:

- | | |
|--|---|
| <input type="checkbox"/> Application Form (1 original and 9 copies) | <input type="checkbox"/> Application Fee |
| <input type="checkbox"/> Site Plan and/or Boundary Survey (1 original and 9 copies) | <input type="checkbox"/> Adjacent owner(s) written support (1 original and 9 copies) |
| <input type="checkbox"/> Letter of Intent (1 original and 9 copies) | <input type="checkbox"/> Additional Documentation as needed |
| <input type="checkbox"/> Signed & notarized Certification page | |

Applicant Certification

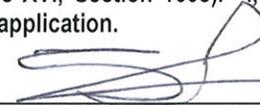
The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608).

	<u>5/26/16</u>
Signature of Applicant	Date
<u>Jacob Khotoveli, Managing Partner</u>	
Typed or Printed Name & Title	
<u>Katali Szakacs</u>	<u>5/26/16</u>
Signature of Notary Public	Date



Property Owner Certification

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608). I, as the property owner, authorize the above noted applicant to represent me with regards to this application.

	<u>5/27/16</u>
Signature of Property Owner	Date
<u>Salman Badruddin VP</u>	
Typed or Printed Name & Title	
	<u>5/27/16</u>
Signature of Notary Public	Date



Community Development Use Below Only

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Variance Description: _____



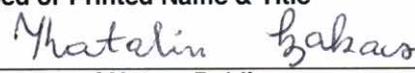
**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT**

147 Technology Parkway, Suite 200, Peachtree Corners, GA 30092
Tel: 678.691.1200 | www.peachtreecornersga.gov

Applicant Certification

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608).

	5/31/16
Signature of Applicant	Date
Jacob Khotoveli , Managing Partner	

Typed or Printed Name & Title	
	5/31/16
Signature of Notary Public	Date



Property Owner Certification

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for a variance denied by the Board of Zoning Appeals may not be made earlier than 12 months from the date of original application (Article XVI, Section 1608). I, as the property owner, authorize the above noted applicant to represent me with regards to this application.

_____	_____
Signature of Property Owner	Date

Notary Seal

Typed or Printed Name & Title

_____	_____
Signature of Notary Public	Date

Community Development Use Below Only

Fees Paid: _____ **By:** _____

Related Cases & Applicable Conditions:

Variance Description: _____



June 3, 2016

City of Peachtree Corners
Community Development Department
147 Technology Parkway
Suite 200
Peachtree Corners, GA 30092

Letter of Intent for Building Signage and Front Setback Variances for the LA Fitness and Outparcel Buildings at Peachtree Marketplace

To Whom It May Concern:

JBL Asset Management is pleased to expand the Peachtree Marketplace Shopping Center to include a new 37,007 square foot fitness club which will include such amenities as a pool, basketball court, aerobic and cycling rooms, state of the art cardio and free weight equipment, locker room and dressing areas. In addition to the LA Fitness, a new 6,070 square foot multi-tenant outparcel building will be included within the development with a dental office and restaurant as potential tenants. With the addition of the LA Fitness and the outparcel building and the work currently being done to redevelop this shopping center, we believe this center is helping to reinforce a new standard for this part of your city, along with the proposed new development and addition of many new amenities.

JBL Asset Management respectfully requests a Signage Variance, a Front Setback Variance and a Side Setback Variance in order to make this shopping center successful. Each variance request is described below:

SIGNAGE VARIANCE

JBL Asset Management is requesting a sign variance on behalf of LA Fitness for their new building prototype having a 40 inch sign located on each elevation as part of their corporate branding. Peachtree Corners will be the first LA Fitness with the new prototype design in the Metro Atlanta area. LA Fitness has recently opened new prototype clubs in Texas and Illinois and the public response has been very positive to the new contemporary look and high end interior finishes. In the past the LA Fitness prototype had 60 inch (180 square foot) wall signs on all elevations. In order to meet Peachtree Corners allowable sign size LA Fitness has reduced their sign square footage by 33% from the previous prototype. In addition, the building is now only 24 feet in height rather than 35 to 45 feet in height, which also limits building visibility from the street.

Each proposed building wall sign is approximately 90 square feet and the corporate logo is approximately 19.5 square feet, which is within the 100 square foot total allowed per sign by code. We

are requesting a variance for the total square footage allowed for the building to be increased from 200 square feet to 379.5 square feet, in order to allow for a sign to be placed on each building frontage and the corporate logo to be added to the South Elevation.

Each elevation is described below:

- East-Front Building Elevation faces towards Peachtree Parkway. Due to the building's significant setback from the street a 40 inch wall sign (90 square feet) and LA Fitness's corporate logo (19.5 square feet) is requested for a total of 109.5 square feet. Per the JBL development plan, a new shop outparcel building will be constructed directly in front of the building where the current Chevron gas station is located. This building will block visibility from the street particularly to north bound traffic.
- West-Rear Building Elevation faces Ryan Road and has visibility to the site and the building. Due to traffic volume at rear of club, the proposed 40" wall sign (90 square foot) will enhance this building elevation and allow people to know that LA Fitness is there when they pass by the rear of the shopping center. A rear sign is appropriate also since Ryan acts as secondary arterial to other businesses and offices which front this street.
- North-Side Building Elevation, this proposed 40 inch, (90 square foot) wall sign faces toward the shopping center's shops and parking areas which allow patrons of center to be aware of LA Fitness location and also southbound traffic as well. As LA Fitness is sharing a significant area of parking with the rest of the shopping center we feel it is important to have a sign on this side of the building. This sign will also be primarily seen by southbound traffic on Peachtree Parkway which is our main view corridor into the site.
- South-Side Building Elevation, this proposed 40 inch (90 square foot) wall sign would provide visibility to the intersection of Peachtree Parkway and Holcomb Bridge Road and will enhance the building's visibility in spite of the billboard located to the southeast which will obstruct part of the LA Fitness building. The billboard is located on the adjacent Krystal property and not under JBL Asset's control.

This site has very mature landscaping at the south property line and also along Peachtree Parkway and Ryan Road which also blocks and limits the visibility of the center and to the LA Fitness building. This condition creates a hardship. The trees are maintained by the State of Georgia and adjacent property owners and therefore cannot be relocated to improve visibility to the LA Fitness whose success is member driven and therefore sign visibility and brand recognition is imperative for the successful operation of LA Fitness. The proposed sign locations would help mitigate these limited visibility circumstances.

Upon review of other retail buildings and operators in the vicinity of this district level shopping area, we have noted that several businesses and major national retailers like LA Fitness including Chick Fil A and IHOP located within Peachtree Marketplace Shopping Center as well as Target, TJ Maxx and Publix

stores that have aesthetically pleasing elevations with multiple signage locations and signs which appear to exceed the city's standard. LA Fitness' proposed building wall signage would seem to mirror both the quality and design intent of these existing retail properties and would be consistent and in keeping with this precedent previously established and recognized by the city as an enhancement to its retail community members competitive success. As such it does not appear, that LA Fitness if they city were to approve the proposed building signage, would enjoy any significant privileges denied by others within the shopping center or in the surrounding retail community.

In addition, we do not believe that the requested variance would not violate more than one standard of the Unified Development Code and would not interfere with road or highway visibility at this location.

FRONT AND SIDE BUILDING SETBACK VARIANCES

In addition to the signage variance, JBL is requesting variances to encroach into the front and side building setbacks. The building will encroach 28.8 feet into the calculated average front building setback for the proposed multi-tenant outparcel building so that the building will be located 10 feet off of the front property line. The building will also encroach 5 feet into the required 10 foot side building setback.

Zoning Resolution Section 703 states that "if the average depth of the front yard is less than the required minimum front yard depth, the depth of the front yard of such lot may be less than the required front-yard depth but shall not be less than the average of the front yards of the aforementioned buildings". There is an existing IHOP building and an existing Chick-fil-a building within the existing shopping center where the outparcel building is proposed. Also, a gas station will be removed in order to construct the outparcel building. The front yard for the gas station is currently 35 feet, the front yard for the IHOP is currently 43.5 feet and the front yard for the Chick Fil A is currently 36.4 feet. The average front yard of these three buildings within the shopping center is calculated to be 38.8 feet therefore the total setback encroachment is 28.8 feet.

The Overlay District Checklist Section 3.D. states that "for developments exceeding 7,500 square feet, building placement is encouraged to be close to, and oriented towards, the public right-of-way with the majority of parking to the sides of rear, where possible." The proposed development for the 6,070 square foot outparcel building and the 37,007 square foot LA Fitness building exceeds the 7,500 square foot requirement. JBL Asset Management feels the proposed site plan follows the Overlay District Review requirements by locating the outparcel building close to the public right-of-way and providing parking to the side and rear of the building.

The geometry of the side is such that the side property line is positioned at an angle and does not run perpendicular to the front property line. Placing the building close to the front property line per the Overlay District requirements causes an encroachment into the 10 foot building setback. In an effort to reduce the amount of side setback encroachment, the building footprint has been modified to provide a cut out to keep the building corner at least 5 feet off of the side property line. The majority of the south building wall remains out of the required 10 foot building setback due to the shape of the property in this location.

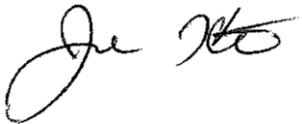
In addition to the Overlay District requirements and geometry of the property, the building encroachments are necessary to reroute the multiple existing utilities and associated easements on the property between the outparcel building and the proposed LA Fitness building while avoiding the existing 8 ft. x 8 ft. concrete box culvert that runs under the middle of the shopping center. The utilities that need to be relocated are a 36" CMP storm pipe, an 18" clay sanitary line and a 10" water line. In addition, an 8" DIP sanitary line will be relocated around the proposed outparcel building. The downstream connections of these utility lines are located between the two buildings just off the property and cannot be re-routed any other way than between the two buildings without encroaching onto the adjacent properties.

In addition to the utilities mentioned above, the additional space between the proposed buildings will allow for more room for the required underground detention system to manage post development runoff flows leaving the site and to treat water quality for the new impervious surface area. It is anticipated that approximately 35,000 cubic feet of underground storage volume will be required to meet the City's stormwater management requirements. It would be preferable to locate the detention system under the new asphalt and avoid disturbance to the existing parking areas for installation. Any disturbance to the existing asphalt for the detention system installation will require additional stormwater storage to account for the additional disturbance and will close parking areas for patrons to the existing shopping center.

If the setback variance requests were to be granted by the Board, JBL Asset Management believes that they will not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code.

Thank you for consideration of JBL Asset Management and these three variance requests. Please reference the attached Site Plan and Building Elevations for more information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jacob Khotoveli', with a stylized flourish at the end.

Jacob Khotoveli
JBL Asset Management



June 1, 2016
Community Development Department
City of Peachtree Corners
147 Technology Parkway, Suite 200
Peachtree Corners, Georgia

To Whom It May Concern:

This letter is written in support of the Sign Application Variance being submitted by JBL Asset Management.

LA Fitness is very pleased to become a part of the Peachtree Corners community, building a 37,000 square foot fitness club which will include such amenities such as a pool, basketball court, aerobic and cycling rooms, state of the art cardio and free weight equipment, locker and dressing areas. With the addition of our fitness center, and the work currently being done to redevelop this shopping center, we believe this center is helping to reinforce a new standard for this part of your city, along with the proposed new development and addition of many new amenities and services.

JBL Asset Management is requesting a Sign Variance on our behalf due to our new building prototype having a 40 inch sign located on each elevation as part of our corporate branding. Peachtree Corners will be the first LA Fitness with the new prototype design in the Atlanta Metro area. We have recently opened the new prototype clubs in Texas and Illinois and the public response has been very positive to our new contemporary look and high end interior finishes. In the past our prototype LA Fitness had 60" (108 sf) wall signs on all elevations. In order to meet the Peachtree Corners allowable sign size we have reduced our sign square footage by 33% from our previous prototype. In addition, the building is now only 24 feet in height rather than 35 to 45 feet in height, which also limits our building visibility from the street.

Each proposed building wall sign is approximately 90 sf and our corporate logo is approximately 19.5 sf, which is within the 100 sf total allowed per sign by code. We are requesting a variance for the total square footage allowed for the building to be increased from 200 sf to a total of 379.5 sf, in order to allow for a sign to be placed on each building frontage and a corporate logo to be added to the South Elevation.

Each elevation is described below:

East-Front Building Elevation faces toward Peachtree Parkway. Due to the building's significant setback from street, a 40 inch wall sign (90 sf) and our corporate logo (19.5) sf is requested for a total of 109.5 sf. Per the JBL development plan, a new shop out parcel building will be constructed directly in front of the building where the currently closed old gas station is located. This building will block visibility from the street particularly to north bound traffic.

West-Rear Building Elevation faces Ryan Road and has visibility to the site and our building. Due to traffic volume at rear of club, our proposed 40" wall sign (90 sf) will enhance this building elevation and allow people to know that LA Fitness is there when they pass by the rear of the shopping center. A rear sign is appropriate also since Ryan acts as secondary arterial to other businesses and offices which front this street.



North-Side Building Elevation, this proposed 40", (90 sf) wall sign faces toward the shopping center's shops and parking areas which allow patrons of center to be aware of LA Fitness location and also southbound traffic as well. As we are sharing a significant area of parking with the rest of the shopping center we feel it is important to have a sign on this side of the building. This sign will also be primarily seen by southbound traffic on Peachtree Parkway which is our main view corridor into the site.

South-Side Building Elevation, this proposed 40" (90 sf) wall sign would provide visibility to the intersection of Peachtree Parkway and Holcomb Bridge Road and will enhance our buildings visibility in spite of the billboard located to the southeast which will obstruct part of our building. The billboard is located on the adjacent Krystal property and not under JBL Asset's control.

As we are taking a position in the rear of the site, LA Fitness is very concerned about visibility to our location. This site has very mature landscaping at the south property line and also along the Peachtree Parkway and Ryan Road which will block and limit the visibility to the center and to our business. This condition creates a hardship. The trees are maintained by the State of Georgia, and adjacent property owners and therefore cannot be relocated to improve the visibility. Our business success is member driven and therefore sign visibility and brand recognition is imperative for the successful operation. As we are making a significant investment in this Peachtree Corners location we respectfully request that the proposed sign locations and additional signage square footage be allowed to mitigate these limited visibility circumstances.

Upon review of other retail buildings and operators in the vicinity of this district level shopping area, we have noted several businesses and major national retailers like ourselves including Chick Fil A and IHOP located within Peachtree Corners Shopping Center as well as the nearby Target, TJ Maxx and Publix stores that have aesthetically pleasing elevations with multiple signage locations and signs which appear to exceed the city's standard. LA Fitness' proposed building wall signage would seem to mirror both the quality and design intent of these existing retail properties and would be consistent and in keeping with this precedent previously established and recognized by the city as an enhancement to its retail community members competitive success. As such it does not appear, that LA Fitness if the city were to approve the proposed building signage, would enjoy any significant privileges denied to others within the shopping center or in the area or surrounding retail community.

In addition, we do not believe that the requested variance would not violate more than one standard of the Unified Development Code and would not interfere with road or highway visibility at this location.

Thank you for your consideration of JBL Asset Management and our request and we look forward to being a successful part of your community.

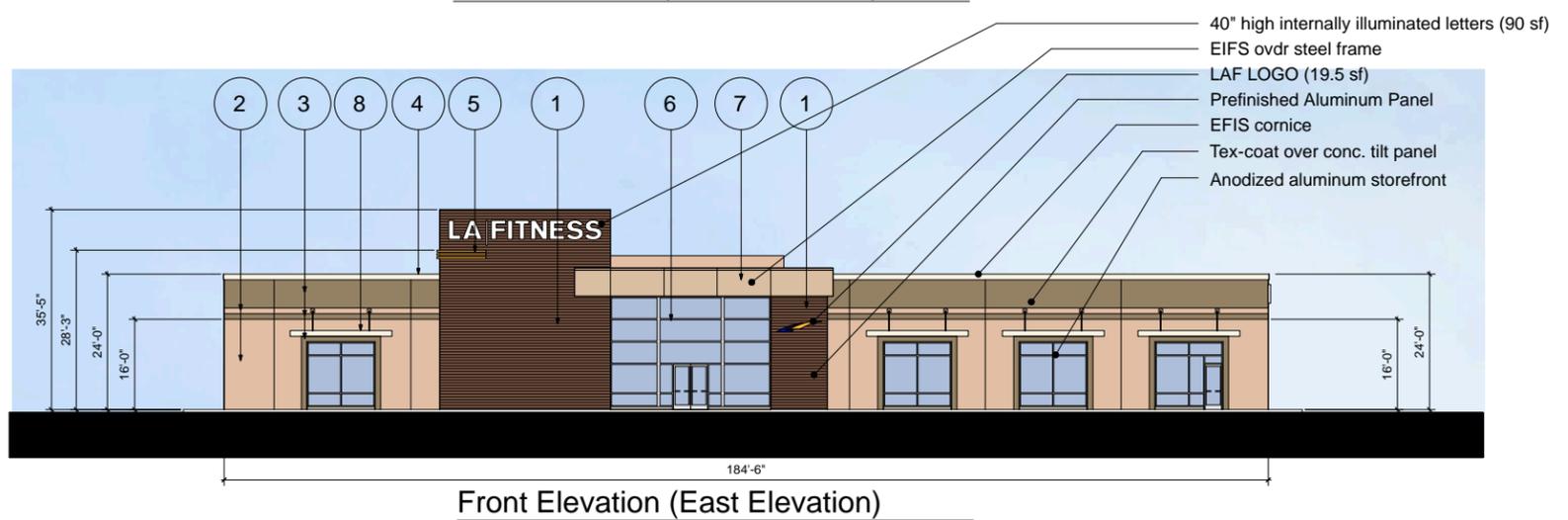
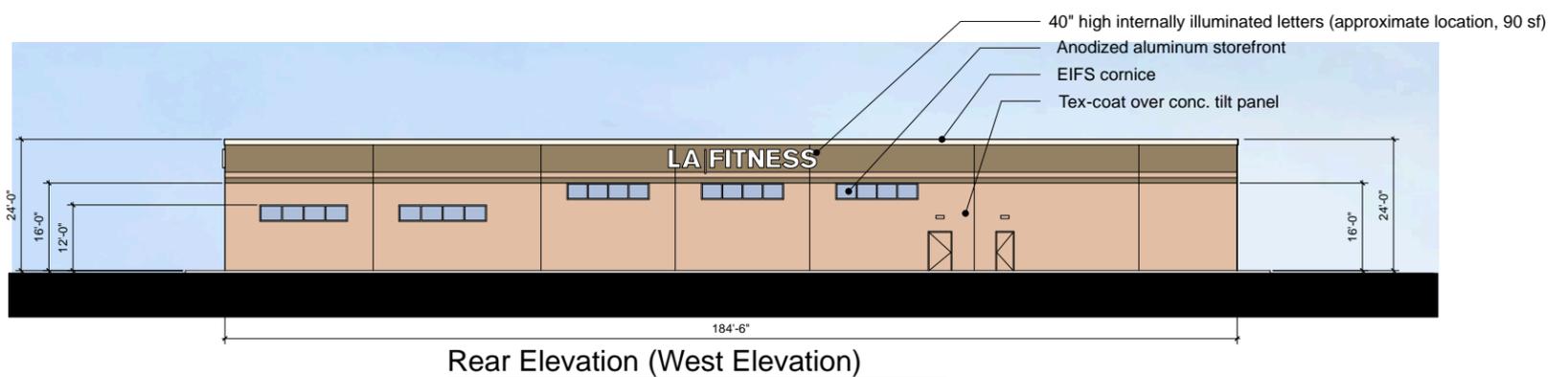
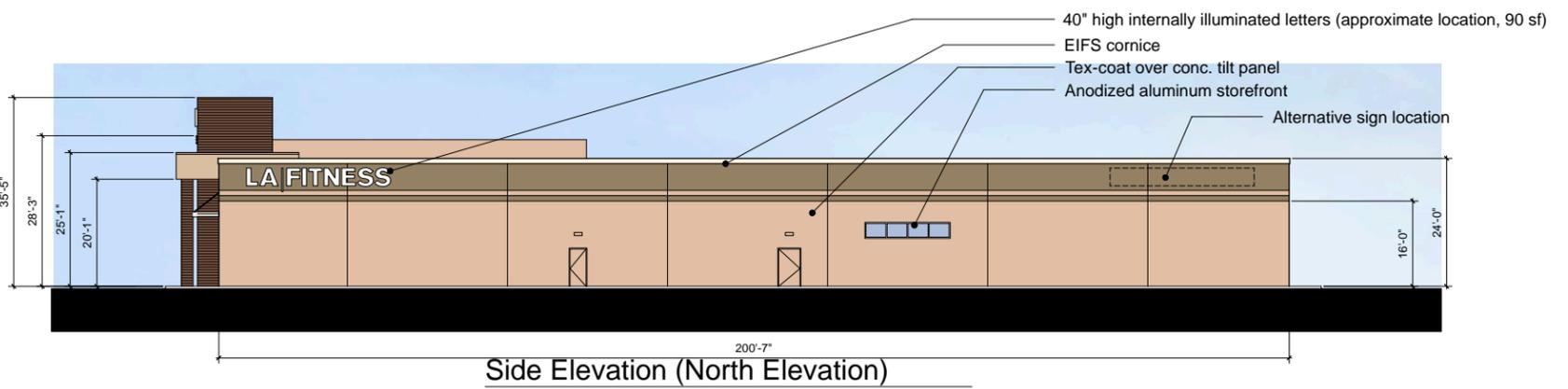
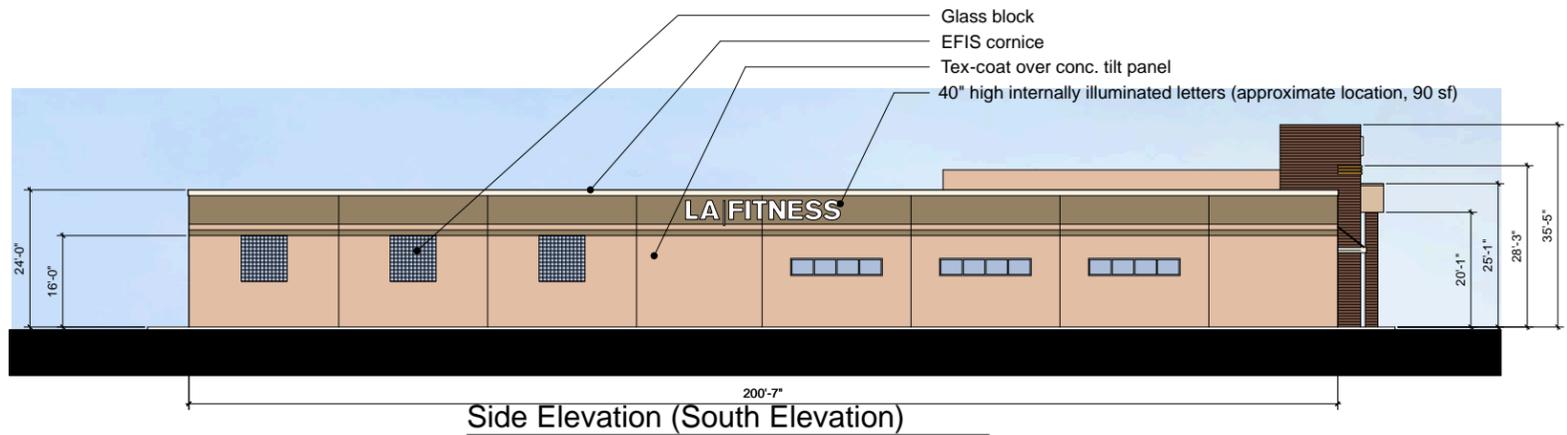
Regards,

A handwritten signature in black ink that reads "Anna Zaich". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Anna Zaich
Director of Development



Perspective for design intent reference only, see color legend below for colors and materials



Color Legend

1	Prefinished Aluminum Panel - Long Board - Color 'Light National Walnut'	2	Painted conc. tilt panel - Match Pittsburgh Paints - PPG1085-3 - Seriously Sand	3	Painted conc. tilt panel - Match Pittsburgh Paints - PPG1085-5 - Sauteed Mushroom	4	EIFS - Match Pittsburgh Paints - PPG1101-1 - China White	5	Architectural feature - Prefinished aluminum bands - Match LAF Logo color Yellow, PMS#129U
6	Storefront & Entry Doors - Clear anodized finished aluminum at storefront, panels and entry doors w/ dual glazed green tint glass	7	EIFS - Match Pittsburgh Paints - PPG1078-6 - Cocoa Delight	8	Metal canopy - Match Pittsburgh Paints - PPG1101-1 - China White				



Concept Elevations - Norcross, GA

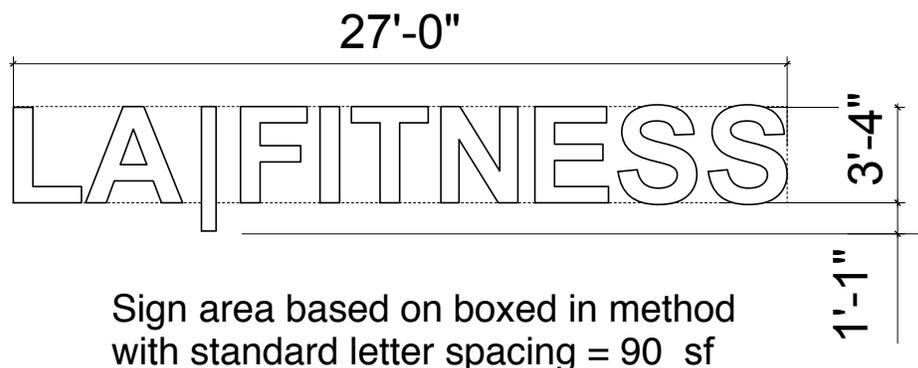
EXHIBIT "G"

TENANT'S BUILDING SIGNS

This is a generic sign specification. Project specific signs may require White, Blue or Yellow letter faces depending upon specific project design criteria and a variety of sign sizes.

Signs Specs:

- 1a. LAF PREFERRED SIGN - "Specific Project Design Requirements" require a white illuminated letter, use best acrylic material for maximum light output. The vertical bar in LA | FITNESS shall be illuminated the same as the letters.
- 1b. If "Specific Project Design Requirements" require a BLUE illuminated letter, use 3m perforated vinyl film (LAF Logo color Blue, PMS #2768U) on outside face over white acrylic and 3m 60% diffuser film (model no. 70) on letter face. Purpose of perforated film is to have sign to show bright white letter face at night and blue during daylight hours. All blue building sign faces shall have a white illuminated trim (not trim cap) around the letter. The trim is achieved by cutting the blue vinyl short of the overall sign letter. See letter detail below.
- 1c. If "Specific Project Design Requirements" require a yellow illuminated letter, use a yellow acrylic to best match PMS color 129U and submit sample for approval.
- 1d. 3/16 Acrylic letter face. A white material is required if the specific project sign will be perforated blue film.
2. Face Retention shall be painted fabricated aluminium (Medium Grey for White signs, Blue to match letter for Blue signs and Yellow to match Yellow signs) , not "Jewelite" for signs 42" high and larger. Jewelite is acceptable for signs 41" and smaller.
3. Letter returns shall be prefinished roll stock .063 aluminium or paint finish. Finished letter depth shall be approx. 5" but relative to letter size for unique signs. Color of painted return shall match or simulate brushed aluminium (note: painted medium grey, not black). Back of letters shall be .090 aluminium with welded or riveted connections to letter returns. All seams shall be caulked.
4. Interior face of letter shall receive light enhancement paint. Letters to be constructed to prevent light leaks and moisture penetration.
5. Illumination: LED - reference spec is Agilight Signrayz Series Apex. Typical install is approx 275 LEDs total for a 40" letter height sign
6. See digital artwork for exact letter font, stroke sizes and logo shapes. Digital Artwork can be obtained through the LAF On Line Project Management (OPM) system. Go to the Proto Design Manual section and find the appropriate files under the "signage"
7. See attached detailed drawing indicating size of each letter element. All elements of the sign and letter dimensions shall be increased or decreased proportionally to accommodate the specified finished letter size (24" height to 72" height).

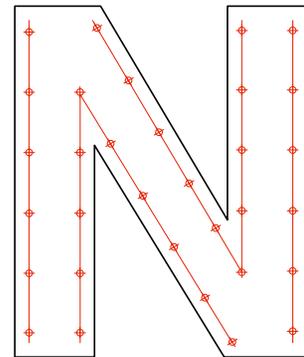


40" Building Sign

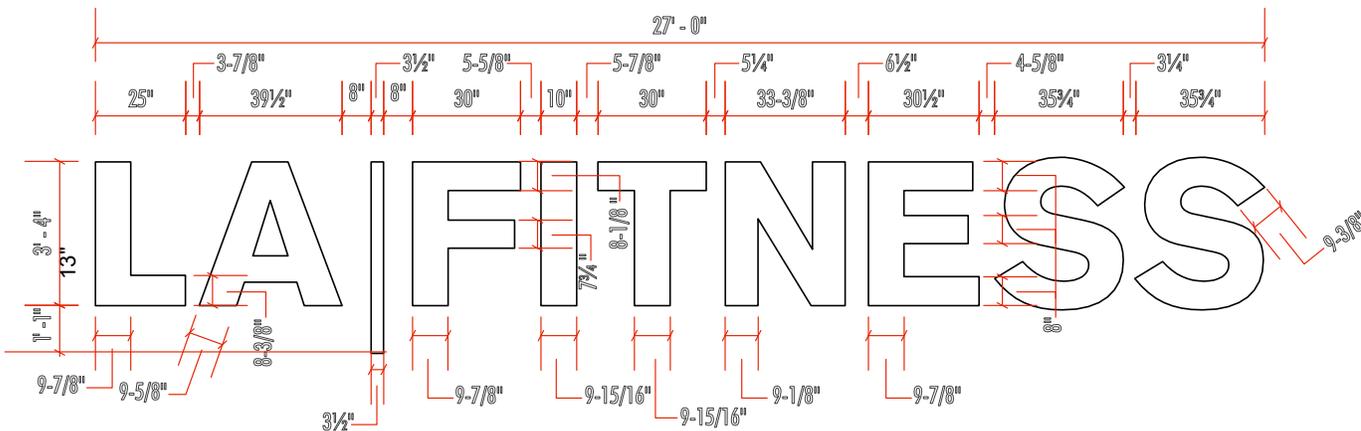


EXAMPLE BUILDING SIGN WITH PROPER CONTRASTING BACKGROUND

LEDs shall be installed in a double row layout similar to the layout shown below.



LED LAYOUT FOR A TYPICAL LETTER

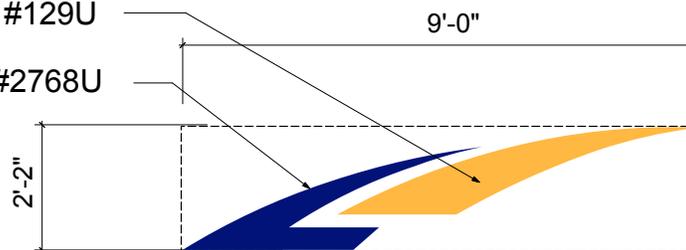


LETTER SIZE FOR 40" SIGN

LETTER SPACING IS SPECIFIC FOR A 40" SIGN ON THE PROTO ELEVATION PER THE PHOTO ABOVE

LAF Logo color yellow PMS #129U

LAF Logo color Blue, PMS #2768U



LAF LOGO PROPORTIONS WHEN USED ON THE BUILDING EXTERIOR

The size and proportions shown on this logo layout are for the typical LAF prototype entry elevation. Specific projects may require different size logos.

SIGNS IMAGES WITHIN EXISTING PEACHTREE MARKETPLACE SHOPPING CENTER
AND SURROUNDING SHOPPING CENTER

CHICK-FILA – Building Signage on all four elevations





IHOP – Building Signage on three elevations



DICK'S SPORTING GOODS – Large Front Elevation Sign and Side Elevation Sign



PUBLIX AND TARGEY FRONT ELEVATION SIGNAGE



TJ MAXX FRONT AND SIDE ELEVATION SIGNAGE





EAST ELEVATION

5.29.16 1/8" = 1' — 0"

1624



WISE
DESIGN

655 Engineering Drive, Suite 101
Norcross, Georgia 30092
P (404) 321-0667 F (404) 321-0669

wisedesignarchitecture.com

INTEGRATED ARCHITECTURAL SERVICES



NORTH ELEVATION
 5-23-16. 1/8" = 1'-0"

WALL MOUNTED
 LIGHT FIXTURE
 METAL CANOPY

TRELLIS / CANOPY
 CLEAR ANODIZED ALUM.
 STONE FRONT.



655 Engineering Drive, Suite 101
 Norcross, Georgia 30092
 P (404) 321-0667 F (404) 321-0669
 wisedesignarchitecture.com
 INTEGRATED ARCHITECTURAL SERVICES

10/24

1287

PEACHTREE CORNERS MARKETPLACE LLC

766 RIVERSIDE DR.
CORAL SPRINGS, FL 33071

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com
63-8413/2670

05/26/16

PAY TO THE City of Peachtree Corners
ORDER OF

\$ 750.00

DOLLARS

SEVEN HUNDRED FIFTY AND 00/100

MEMO
City of Peachtree Corners
147 Technology Parkway
Suite 200
Peachtree Corners, GA 30092



[Signature]
AUTHORIZED SIGNATURE

Peachtree: Outparcel Buildout - Variance Application Fee - City of Peachtree

⑈001287⑈ ⑆267084131⑆ 669712395⑈

PEACHTREE CORNERS MARKETPLACE LLC

1287

Bill Reference: Variance appl fee
Check No: 1287

05/26/16 City of Peachtree Corners Peachtree: Outparcel Buildout - Variance Applica \$ 750.00

Prop	Account	Comment	Amount
PEACHO	6250 Municipal Permit Fee	Labor & Materials VARIANCE APPLICATION FEE	750.00

Security features. Details on back.

CRYSTAC PROPERTY I LLC
C/O U.S. Realty Advisors, LLC
1370 Avenue of the Americas, 21st Floor
New York NY 10019
(212) 581-4540

City of Peachtree

RE: Peachtree Corners Marketplace
6135 Peachtree Parkway
Norcross, GA 30092

June 6, 2016

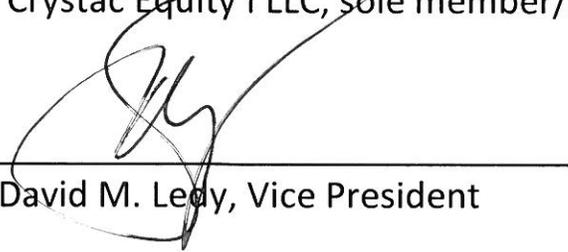
To whom it may concern,

We hereby certify that we own the adjacent property identified as The Krystal Restaurant. This letter serves to notify you that we understand that the new proposed development building at Peachtree Corners Marketplace will be five feet off of our mutual property line. Owner and our tenant, the Krystal Company, have seen the conceptual plan and support this variance request, and are amenable to the adjacent property owner proceeding with construction of the new development which will be five feet from our mutual property line.

Sincerely,

CRYTAC PROPERTY I LLC

By: Crystac Equity I LLC, sole member/manager

By: 

David M. Leedy, Vice President



View of LA Fitness site from Holcomb Bridge Rd.



View of LA Fitness from Ryan Rd. (south bound)



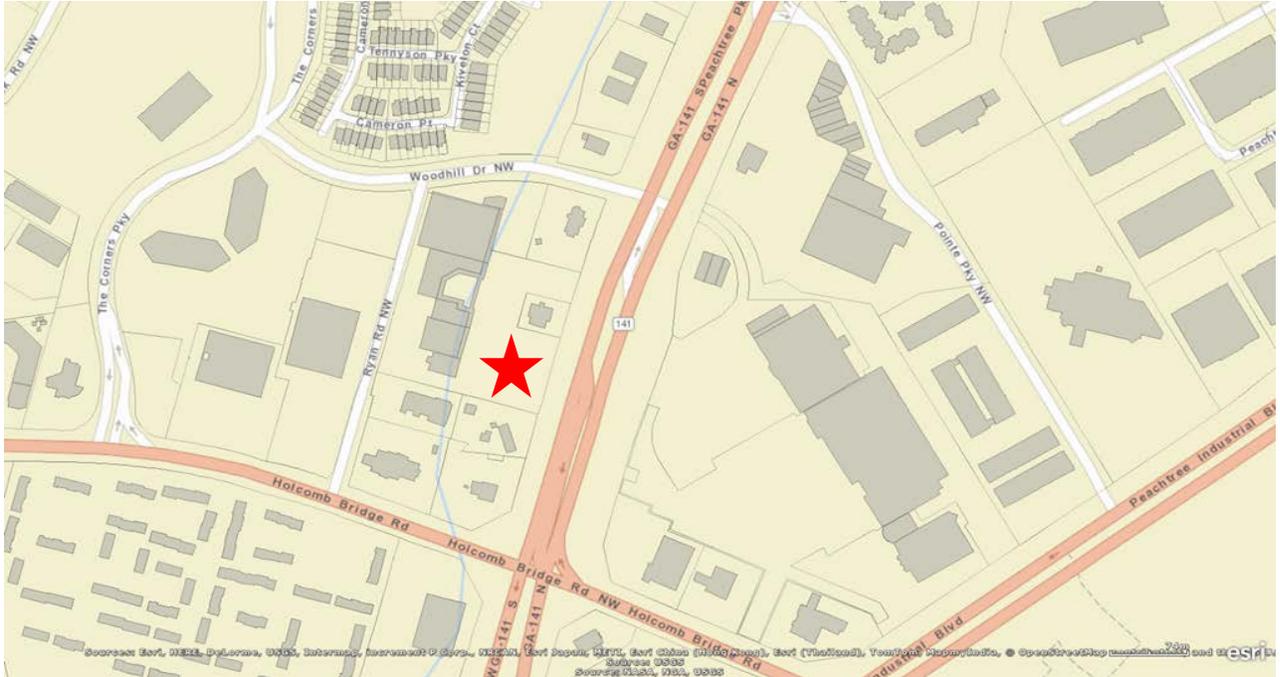
View of Chevron canopy in relation to monument sign beyond



View at LA Fitness site of grade change along Ryan Rd.

PROPERTY LOCATION MAP

6141 Peachtree Parkway



CASE NUMBER: V2016-004

HEARING DATE: July 20, 2016

PROPERTY ADDRESS: 6141 Peachtree Parkway