

CITY OF PEACHTREE CORNERS
ZONING BOARD OF APPEALS

July 17, 2013

The City of Peachtree Corners held a meeting on Tuesday, July 17, 2013 at 7:00pm. 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
 Kym Chereck, City Clerk

MINUTES: Approval of April 14, 2013 Minutes.

MOTION TO APPROVE THE APRIL 14, 2013 MINUTES WITH CORRECTION AS STATED.

By: Eric Christ

Seconded: Amreeta Regmi

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

NEW BUSINESS:

1. Request by QuikTrip Corporation for variances associated with the development of a gas station facility on property located at 3235 Peachtree Corners Circle, District 6, Land Lot 276, Parcel 019, as follows:

- a. Increase canopy size from 8 sq. ft. to 20 sq. ft.
- b. Reduce required Tree Density Units from 20 per acre to 13.5 per acre
- c. Reduce the front landscape strip from 10 ft. to 1 ft.
- d. Increase the drive isle from 40 ft. to 47 ft.
- e. Increase the maximum drive isle from 14 ft. per travel lane to 17' 6" per travel lane
- f. Vary from the architectural requirements of the overlay district that require a minimum of 1 ft. deep cornices along the entire front and extending at least 10 ft. down the sides of a building
- g. Vary from the architectural requirements of the overlay district that require a minimum of a 1 ft. high contrasting base along the entire front and extending at least 10 ft. down the sides of the building

Diana Wheeler presented the case to the Board. Mrs. Wheeler provided background information regarding the applicant's request. The subject property consists of two parcels that will be combined to total 1.463 acres and is located on the eastern side of Peachtree Corners Circle, northeast of its intersection with Peachtree Industrial Boulevard. The site is currently developed with a coin laundry (converted from a former Waffle House) and a QuikTrip gas station. The applicant intends to initiate demolition of the existing QuikTrip and coin laundry buildings and construct in its place a new "Generation III" QuikTrip design concept that features an updated building and canopy design. The proposed rebuilding would result in a 5,858 square-foot convenience store with 16 fuel pumps and 39 parking spaces. The applicant has requested seven variances. These variances are noted above (a-g). Staff stated that several of the requested variances can be justified due to hardship or because they create an improved condition for the property over the strict application of the code. The variance to increase the size of canopy signs is justified because the overall number and aggregate square footage of canopy signage would be reduced. The applicant's intent to minimize traffic hazards and to provide for safe flow of traffic internally to the site by increasing interior driveway widths can also be justified. The architectural style of the building, while not strictly compliant with the overlay standards, is generally in keeping with the intent of the regulations. The building design incorporates elements from the overlay standards while attempting to convey a contemporary style. However, a hardship to support the reduction of tree density units from 20 units per acre to 13.5 units per acre and the reduction in the landscape strip from 10 feet to 1-foot has not been demonstrated by the applicant. With the acquisition of the adjacent coin laundry parcel, the subject property increased its overall size and developable area. Through some site modifications, the applicant might be able to construct a larger convenience store as desired while preserving existing vegetation and providing a full landscape strip on the property. Therefore, after review of the application, Staff recommended V2013-004 (a) and (d) through (g) be approved with the conditions noted below. It is also recommended that variances (b) and (c) be denied.

1. The subject property shall be limited to two canopy signs with each sign not to exceed 20 square feet.
2. Interior driveways immediately surrounding the fuel pump canopy shall be no greater than 47 feet in width.
3. Interior driveways providing primary access to loading or unloading zones shall be no greater than 17.5 feet in width per travel lane.
4. Building elevations shall be substantially similar to QuikTrip elevations drawings dated 5/29/13.
5. Lighting shall be contained in cut-off type luminaires and shall be directed in toward the property so as not to reflect into adjacent properties. Provide photometric plan at time of submittal of land disturbance permit to show compliance with this condition.

6. A site plan showing truck turning template to demonstrate the need for additional pavement shall be submitted at time of submittal of land disturbance permit.
7. Plans shall comply with the Buffer, Landscape and Tree Ordinance requirement of 16 units/ acre and Overlay requirement of 1 tree/ 50 feet of frontage.
8. Shrubs and ornamental ground covers shall be provided along front and side landscape strips (3' island minimum) and in landscape islands (instead of grass). The side shrub planting should extend 80' minimum from frontage.
9. Except for propane tanks and dispenser machines, there shall be no outdoor storage of retail products.

Mr. Lee Tucker, Esquire, represented the applicant. The applicant presented his case for hardship and stated that he was in agreement with all of Staff's conditions with the exception of condition number seven (7) which he would like modified as follows: Plans shall provide a tree density of 13.5 units/acre and meet overlay requirement of 1 tree/50 feet of frontage.

Chairman Knox asked for public comment concerning this application. There was no public comment. Chairman Knox closed the public comment portion of the meeting and asked the Board for a motion. After further discussion, the Board took the following action:

MOTION ON V2013-0004a

BASED ON A THOROUGH REVIEW OF THE 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 AS IT RELATES TO V2013-0004A, THERE ARE EXTRAORDINARY OR EXCEPTIONAL CONDITIONS PERTAINING TO THIS PARTICULAR PROPERTY; THE CONDITIONS OF THE ZONING RESOLUTION INVOLVING THIS PROPERTY CREATE AN UNNECESSARY HARDSHIP TO THE OWNER/APPLICANT; STAFF CONDITION 1 THROUGH 9 WILL BE A PART OF THAT, SUBJECT TO THE APPLICANT'S REQUEST THAT CONDITION NUMBER 7 BE MODIFIED AS IF REQUESTED TO 13.5 UNITS PER ACRE.

By: James Blum

Seconded: Marcia Brandes

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

MOTION V2013-0004b

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; THERE ARE EXTRAORDINARY AND EXCEPTIONAL CONDITIONS PERTAINING TO

THIS PARTICULAR PROPERTY; THE CONDITIONS OF THE ZONING RESOLUTION AS APPLIED TO THIS PROPERTY AFFECT ONLY THIS PROPERTY; THE CONDITION OF THE PROPERTY ITSELF IS NOT THE RESULT OF THE ACTIONS OF THE PROPERTY OWNER; THE APPLICATION IF GRANTED WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD; AND ADD THE FOLLOWING FINDING THAT THE APPLICATION BE APPROVED CONTINGENT UPON INCLUSION OF STAFF CONDITIONS 1-6, 8 AND 9, AND THAT CONDITION 7 BE MODIFIED TO READ THAT PLANS SHALL COMPLY WITH THE OVERLAY REQUIREMENT OF 1 TREE PER 50 FOOT OF FRONTAGE, AND FURTHERMORE THAT THE APPLICANT SHALL (CONDITION 10) SUBMIT A LANDSCAPE PLAN AT THE TIME OF RECEIVING THE DEVELOPMENT PERMIT; AND SUCH LANDSCAPE PLAN SHALL DOCUMENT THE COST DIFFERENTIAL BETWEEN THE BUFFER LANDSCAPE TREE ORDINANCE REQUIREMENT OF 20 UNITS PER ACRE, AND 13.5 UNITS PER ACRE, AND THAT AT THE CITY'S DISCRETION IT SHALL RECEIVE THE COST DIFFERENTIAL FOR THE LANDSCAPING BETWEEN THOSE TWO DENSITIES, AND SPENT BY THE CITY AT ITS DISCRETION LANDSCAPING AT OTHER AREAS OF THE CITY.

By: Eric Christ

Seconded: Amreeta Regmi

MODIFY THE MOTION TO MAKE THE PAYMENT BY APPLICANT OF THE LANDSCAPE DIFFERENTIAL COST TO THE CITY CONTINGENT UPON THE CITY COUNCIL APPROVING AND CREATING A MECHANISM FOR THAT TO HAPPEN.

By: Eric Christ

Seconded: Amreeta Regmi

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

MOTION V2013-0004c

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; THERE ARE EXTRAORDINARY OR EXCEPTIONAL CONDITIONS PERTAINING TO THIS PARTICULAR PROPERTY; THE CONDITIONS OF THE ZONING RESOLUTION AS APPLIED TO THIS PROPERTY AFFECT ONLY THIS PROPERTY; THE CONDITION OF THE PROPERTY ITSELF IS NOT THE RESULT OF THE ACTIONS OF THE PROPERTY OWNER; APPROVAL CONTINGENT UPON STAFF CONDITIONS 1-9 AS AMENDED WITH THE ADDITION OF CONDITION NUMBER 10.

By: Eric Christ

Seconded: Marcia Brandes

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

MOTION V2013-0004d

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; THERE ARE EXTRAORDINARY OR EXCEPTIONAL CONDITIONS PERTAINING TO THIS PARTICULAR PROPERTY; A LITERAL ENFORCEMENT OF THE ZONING RESOLUTION WILL RESULT IN UNNECESSARY HARDSHIP TO THE APPLICANT; THE APPLICATION SHALL BE APPROVED CONTINGENT UPON STAFF CONDITIONS AS AMENDED 1-9 AND THE ADDITIONAL 10TH CONDITION.

By: Eric Christ

Seconded: James Blum

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

MOTION V2013-0004e

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; THERE ARE EXTRAORDINARY OR EXCEPTIONAL CONDITIONS PERTAINING TO THIS PARTICULAR PROPERTY; THE CONDITIONS OF THE ZONING RESOLUTION INVOLVING THIS PROPERTY CREATE AN UNNECESSARY HARDSHIP TO THE APPLICANT; FURTHERMORE THE APPLICATION SHOULD BE APPROVED CONTINGENT UPON STAFF CONDITIONS AS AMENDED 1-9 ALONG WITH THE 10TH CONDITION AS PREVIOUSLY DISCUSSED.

By: Eric Christ

Seconded: Marcia Brandes

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

MOTION V2013-0004f

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; A LITERAL ENFORCEMENT OF THE ZONING RESOLUTION WILL RESULT IN UNNECESSARY HARDSHIP TO THE APPLICANT; FURTHERMORE THE APPLICATION SHOULD BE APPROVED CONTINGENT UPON STAFF CONDITIONS AS AMENDED 1-9 ALONG WITH CONDITION 10 AS PREVIOUSLY DISCUSSED.

By: Eric Christ

Seconded: Amreeta Regmi

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

MOTION V2013-0004g

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; A LITERAL ENFORCEMENT OF THE ZONING RESOLUTION WILL RESULT IN UNNECESSARY HARDSHIP TO THE APPLICANT; FURTHERMORE THE APPLICATION SHOULD BE APPROVED CONTINGENT UPON STAFF CONDITIONS AS AMENDED 1-9 ALONG WITH CONDITION 10 AS PREVIOUSLY DISCUSSED.

By: Eric Christ

Seconded: Marcia Brandes

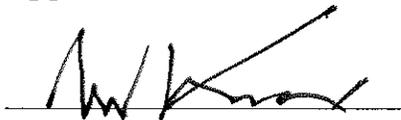
Vote: (5-0) (Christ, Brandes, Knox, Regmi, Blum)

CITY BUSINESS:

Mrs. Wheeler stated that she will present on behalf of the Board to City Council a request for a Tree Bank.

The Zoning Board of Appeals meeting concluded at 8:50 PM.

Approved,



Wayne Knox, Chairman

Attest:



Kym Chereck, City Clerk

