

Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



150 Cobb Parkway South



Parking lot of 150 Cobb Parkway South



Aerial of 150 Cobb Parkway South



Staff Analysis:

The applicant, Erik Juliano with Creech Engineers, Inc., is requesting multiple variances for site improvements at the Sam’s Club property, located at 150 Cobb Parkway South. The subject property consists of approximately 13 acres and is zoned CRC (Community Retail Commercial). The properties to the north, east, and south are also zoned CRC and contain mostly retail uses. A Marietta Fire Station and the bus parking facility for Marietta City Schools are located to the west and are zoned OI (Office Institutional). And, although the property is not located directly on the Roswell Street Corridor, it is considered within the Commercial Corridor Design Overlay – Tier A.

The improvements proposed for the site include the removal and replacement of most of the existing pavement and 2’ of soil underneath, for a total disturbance of approximately 8 acres. The projected project costs are not expected to exceed 50% of the building’s replacement cost so the entire site will not be required to come into compliance. However, any area being modified or disturbed during construction will be required to be built back according to code. For any area being disturbed, the end result must include tree islands every 12 spaces, a planted border area along any road frontage, and tree density for the disturbed area. Also, because the site contains a single, retail tenant occupying more than 40,000 s.f., the City’s Big Box Ordinance (708.16 (B)(45) criteria would apply.

Tree Density- Variance #1

At the time of application, sites containing over 5 acres are required to provide 25 units per acre. In this case, 200.5 units would be required (8.02 acres of disturbance * 25). Considering most of the disturbed acreage consists of replacement pavement, it will be difficult to provide the necessary units. However, the applicant has stated that 25 density units can be satisfied within or very near the area of disturbance through the existing street trees, existing tree islands, and proposed tree islands. Should a variance be granted that reduced the density to 25 units for the 8.02 units of disturbance, this would result in a density per acre of 3.125.

A code amendment is currently being considered that would reduce the density requirement to 17 units per acre, and would also increase the unit value given to 2” and 3” trees. Below is a table detailing the current number of trees required and the number of trees required, if the code amendment passes. The numbers below do not take into account the 25 units provided by the applicant.

	Current Regulations	Proposed Code Amendment
Required Density <i>(8.02 acres disturbed)</i>	200.5	136.34
Density replaced using only 2” Trees	669	341
Density replaced using only 3” Trees	401	228
Density replaced using only 4” Trees	251	171
Alternative Compliance Amount	\$147,180	\$74,987

Tree Islands- Variance #2

No more than 12 parking spaces in a row are allowed without a planter island. The current parking lot contains very few islands. The applicant is requesting a variance that would allow the parking lot to be rebuilt according to the current configuration with the addition of six new islands. The new islands would be provided mostly around the periphery, while the parking area toward the interior portion of the site nearest the building entrance would not contain any islands.

Planted Border Area along Cobb Parkway South- Variance #3

Each area of the site that abuts a public street must provide a planted border parallel to the roadway, at least 10' in width, and containing one 3" caliper tree planted every 30 lineal feet. The parking lot nearest to Cobb Parkway South is currently configured so that the spaces run parallel to the road, but only provide a 4' wide border area. Site plans submitted for construction indicate a line of 8" maple trees spaced approximately 40' apart along the road frontage. The trees appear to be located either on the property line or slightly into the right of way. Despite not meeting the full 10' width, the presence and spacing of the street trees appear to meet the intent of the regulations, if not the specific requirements. However, care should be taken throughout construction to protect and preserve the trees.

Planted Border Area along Trade Center Parkway- Variance #4

The 10' planted border area is provided along most of Trade Center Parkway except for 65' lineal feet near the eastern-most entrance to Trade Center Parkway. At this point, a portion of six parking spaces encroach into the 10' planted border area. Submitted site plans show an even line of 8" maple trees, spaced approximately 30' apart and placed within the right of way, running down the Trade Center Parkway frontage. Despite not meeting the specific requirements set forth in the ordinance, the trees do provide the tree-lined street effect intended by the regulation.

Big Box: 8' sidewalk and 6' planting bed along the length of the building- Variance #6

One of the site requirements under the Big Box Ordinance is the provision of an 8' wide sidewalk along the length of the building containing a customer entrance. A 6' wide planting bed is required between the sidewalk and the building. As part of the proposed project, 270 of the 408 lineal feet (66%) of the building's frontage is being modified, either through façade improvements or site work. For the portions of the front of the building experiencing disturbance, the 8' wide sidewalk and 6' planter could be provided. The applicant is requesting a variance from this requirement.

In July 2011, the Board of Zoning Appeals (V2011-25) approved a variance to eliminate portions of the 6' planting bed for the new Walmart Neighborhood Market at 1137 Powder Springs Street. However, the variance requested by Walmart did not include a reduction or waiver in the 8' wide sidewalk along the building face.

Big Box: 8' Exterior Sidewalks- Variances # 7 & # 8

Although the cost of the proposed improvements is not expected to exceed 50% of the replacement cost of the building, there is disturbance occurring along most of the road frontages. The Big Box Ordinance requires 8' sidewalks along all public streets. Currently, the sidewalk along Trade Center Parkway is only 5' wide while the sidewalk along Cobb Parkway South is 6' wide. The applicant is requesting variances that would allow the existing sidewalks to remain.



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

A similar variance was requested and granted by the Board of Zoning Appeals on July 25, 2011 (V2011-25) for the new Walmart Neighborhood Market, located at 1137 Powder Springs Street. That property was also subject to the Big Box Ordinance, which required an 8' sidewalk along Bellemeade Drive. In that case, the BZA granted a variance to reduce the required sidewalk width to 4' to allow the existing sidewalk to remain.

Big Box: 8' Internal Pedestrian Walkways-Variance #9

Another requirement of the Big Box Ordinance is the provision of continuous internal walkways from the public streets to the primary customer entrance. This would require walkways leading from both Cobb Parkway South and Trade Center Parkway, through the development, to the main customer entrance.

The Board of Zoning Appeals granted a variance on July 25, 2011 (V2011-25) for the new Walmart Neighborhood Market, located at 1137 Powder Springs Street, reducing the required internal walkway width from 8' to 5.'



V2012-43
Sam's Club – 150 Cobb Parkway South

Drainage and Environmental Concerns

Does flood plain exist on the property?	NO
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

Transportation

What is the road affected by the proposed change?	Cobb Parkway South Trade Center Parkway
What is the classification of the road?	Cobb Parkway South - Arterial Trade Center Parkway - Collector
What is the traffic count for the road?	Cobb Parkway South: 30,880 AADT 2-way
Estimated number of cars generated by the proposed development? **	N/A
Estimated number of trips generated by the proposed development? **	N/A
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	NO

Site plans are required for construction, and currently being reviewed by all Depts.