

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



Aerial of 30 Whitlock Avenue



Existing building



North Marietta Parkway frontage



Whitlock Avenue frontage



Existing driveway onto North Marietta Pkwy



Existing drive-thru on north side of building



Existing dumpster location & enclosure

Staff Analysis:

Parks Huff, as petitioner for the owner, is requesting multiple variances for the property located at 30 Whitlock Avenue, which has operated as a Krystal's fast food restaurant until earlier this year. The subject property is zoned CRC (Community Retail Commercial) and, although located within the Commercial Corridor Design Overlay District (Tier B), it is exempt from those requirements because of its inclusion in the Downtown Marietta Historic District. Properties to the north, east (across the railroad tracks), and south (across Whitlock Avenue) are all zoned CBD (Central Business District). Starbucks Corp. is proposing improvements to the building and the site which will require multiple variances.

The property is located within the Downtown Marietta Historic District so a certificate of approval for any material work on the exterior appearance of existing contemporary buildings subject to view from a public street or walk is required by the Historic Board of Review (HBR). At their October 1st meeting the HBR reviewed and approved the design and materials of the building's exterior, a conceptual site layout, dumpster enclosure, and multiple signs.

Based on discussions with the petitioner, the proposed project is expected to exceed the threshold given under Section 706, Nonconforming Uses. As a result, each aspect of the site is expected to come into compliance with all codes. However, much of the work involves only slight modifications of the existing infrastructure, leaving portions of the site unimproved and, thus, nonconforming. Much of the cost of the upgrade will likely be due the improvements to the building itself (with a current building tax value of \$114,075) such as brick exterior addition, new energy efficient windows, interiors, equipment, etc.

The site work proposed includes the addition of landscape islands, the extension of an existing landscape strip along Whitlock Avenue, the creation of a new driveway around the front of the building, a relocated curb cut in the drive thru (accessing City property to the north), and curb reconstruction. Overall, the work will clean up the internal configuration of the site as well as improve the general aesthetics of a very prominent corner.

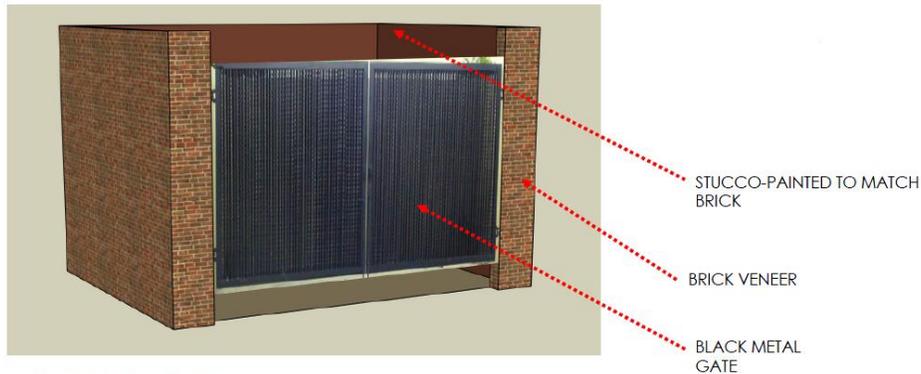
The following variances are being requested by the applicant:

Placement of the dumpster enclosure- Variances #1 & 2:

The existing dumpster enclosure is located in the far eastern corner of the property and appears to be constructed of cinder block painted white. The design of the new enclosure submitted to and approved by the HBR consists of a brick veneered enclosure with black metal gates. Because of the location of the building and drive through on the "L" shaped lot, there is no feasible location for the dumpster that would place it further from the right of way than the principal building, as required by Section 708.16 (F)(1). Not only will the higher quality building materials planned for the enclosure aid with aesthetics, the proposed placement will be in the least visibly obtrusive location of the site.

Section 708.16 (F)(1) also requires all accessory structures to be placed at least 10' from the side and rear property lines. Although the site plan shows the structure 5' from the rear, the petitioner is asking for a variance to reduce the setback from 10' to 3' to take into consideration possible design

modifications or field error. Because the adjacent property is another parking lot, a reduction of the required setback should not adversely affect the neighboring property.



Dumpster design:

Setback for the principal building- Variance # 3

The applicant intends on making improvements to the existing building, which means leaving it in its current location 13’ from the rear property line. As a result, the petitioner is requesting a variance to reduce the required rear yard setback from 35’ to 13.’ The property most affected by this encroachment is a city-owned parking lot that does not contain another building so a reduction in the setback should not adversely affect the use of the adjacent property.

Impervious surface- Variance # 4

The site is currently covered in 93.3% of impervious surfaces. The impervious surface coverage after the proposed work is complete will be 84.9%. Although this does constitute a reduction in the impervious surfaces on the site, it does not bring the percentage down below the maximum of 80%. As a result, a variance is needed.

(It should be noted that stormwater management will be required if the project has greater than 5,000 square feet of new or replacement impervious.)

Planter Island- Variance #5

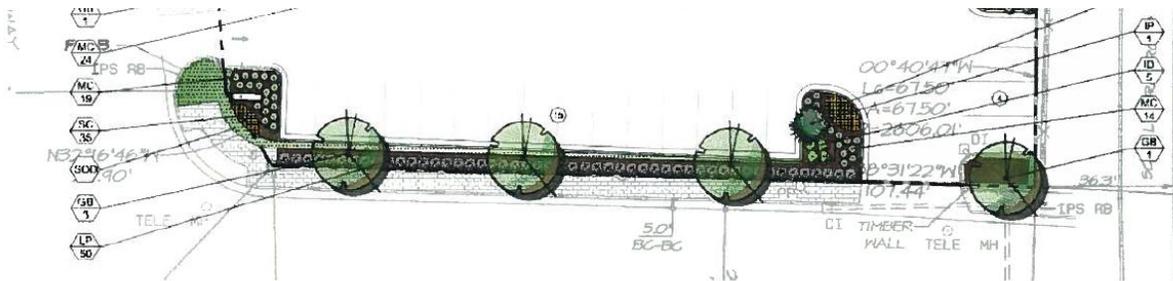
No more than 12 parking spaces in a row are allowed without a planter island. The current parking lot contains only one tree island at the southeastern corner. And, although the proposed plan shows the creation of four new tree islands, the proposed stretch of 15 spaces against Whitlock Avenue will not meet code.

The code contains an alternative design approach to providing tree islands. The tree island requirement may be waived in those instances where facing parking rows are separated by a continuous island at least five feet in width containing at least one small or medium canopy tree every twenty feet. Although this clause appears to imply that the strip must be provided between two facing rows, staff has historically taken the interpretation that the islands may be waived as

long as the parking spaces face a landscape strip at least 5' wide and containing a small or medium canopy tree every twenty feet. However, the proposed design by Starbucks will not comply with this alternative because the landscape strip does not meet the 5' width required.

Street trees along Whitlock Avenue- Variance #6

Based on 176 lineal feet of frontage along Whitlock Avenue, six street trees would be required. There are currently five maples in declining health along this frontage. The applicant would like to remove these trees and replace them with four newly planted trees instead, requiring a variance since the tree ordinance requires one tree every 30 feet. Granting this variance would result in an average spacing of one tree every 44.'



Landscape plan:

Reduction in the planted border area (Whitlock Avenue and North Marietta Parkway)- Variance #7

Each area of the site which 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 existing strip on Whitlock Avenue is only 3'-4' wide and only runs partially down Whitlock Avenue. The proposed improvements would include extending the strip all the way down the Whitlock Avenue frontage to the curb cut. However, the applicant is requesting a variance that would allow the strip to match existing 3' strip rather than providing the full 10' width required by the code.

The applicant and staff have discussed reducing the parking space depth from 20' to 18' for the spaces along Whitlock Avenue, which would give an additional 2' to the planted border area along Whitlock Avenue, increasing it from 3' to 5' wide. While this will not eliminate the need for the variance, it will provide the trees with more area in which to grow.

The frontage on North Marietta Parkway would also require a 10' strip be provided between the curb cuts. However, the site modifications include cutting a driveway across the front of the building where the landscape strip would be required. Plans show the provision of a 3' wide landscape strip along the North Marietta Parkway. Although located in the right of way, there is currently 6.5' provided between the back of the sidewalk and the property line. Paired with the 3' provided on site, a 10.5' wide landscape strip is being provided, although with the majority of the strip being provided by the right-of-way.



Should these variances be considered for approval, Staff recommends that the following stipulation be included as part of the approval motion:

- Except as specifically provided herein, this approval does not waive or reduce the obligations of the applicant to comply with all other codes, ordinances and laws of the City of Marietta.

WORKSHEET

V2012 - 44
30 Whitlock Avenue, Starbucks

Drainage and Environmental Concerns

Table with 2 columns: Question and Answer. Questions include: 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? (Ward Creek), Is there potential for the presence of wetlands...? (NO), If so, is the use compatible...? (---), Do stream bank buffers exist...? (NO), Are there other topographical concerns...? (NO), Are there storm water issues...? (NO), Potential presence of endangered species...? (NO)

Transportation

Table with 2 columns: Question and Answer. Questions include: What is the road affected...? (Whitlock Avenue, South Marietta Parkway), What is the classification...? (Whitlock Avenue: Arterial, South Marietta Parkway: Arterial), What is the traffic count...? (Whitlock Avenue: 13,360 AADT, South Marietta Parkway: 31,620 AADT, 1220 AADT (85 Peak PM Hour) - see below)**



Estimated number of cars generated by the proposed development? ** _____

Estimated number of trips generated by the proposed development? ** _____

Do sidewalks exist in the area? YES

Transportation improvements in the area: No

*** The above Trip Generation numbers are estimated from an ITE list. We make these estimates in good faith using known data at the time of the review. ITE Code 934 (Fast Food with Drive-Thru (1000 sf)) - 2460 sf; 2.46 x 496.12 = 1220 average daily trips (2-way), Peak PM Hour: 2.46 x 34.64 = 85 trips (2-way)*

- Site plans will be required for construction. Site plans must include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater quality, and any other applicable improvements required by City Code and the Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.
- If the project has greater than 5000 square feet of new or replacement impervious, then stormwater management will be required as well. A note on the plan that that it is either less than 5000 square feet as reference above, or that the work is maintenance will be sufficient.
- Any future changes to the ingress / egress from South Marietta Parkway will require a permit from GA DOT as well as the City.
- Access on South Marietta Parkway is to be right-in / right out, with a no left turn sign and barrier island to prevent left turns onto South Marietta Parkway.
- The grade at the entrances are to be per Ordinance and ITE standards. Proper vertical and horizontal curves are required. Accel / decel lanes shall be exclusive of the vertical curve for the entrance roads / drives.
- All drive access are to be per City Standards are to be designed to AASHTO standards using the SU-30 vehicle with a minimum 25' or greater radii on curves.
- Parking spaces to be designed per ITE "Level A" standards exclusive of curb and gutter. Parking spaces are minimum of 9' x 20', and minimum of 20' drive aisle with all dimensions exclusive of curb and gutter.



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

Marietta Fire Department

The fire department has the following comment regarding the above referenced:

1. Construction cost exceeding the gross assessed tax value of the structure shall require compliance to the City Of Marietta Fire Sprinkler Ordinance.