



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**



**900 Whitlock Avenue**



**Whitlock Avenue frontage (looking west**



**Burnt Hickory Rd frontage (looking south)**



**Graded pad on shopping center site**



**Shopping center to the rear**



**Parking to be removed from shopping center site**



**Parking to be removed from shopping center site**



**Staff Analysis:**

QuikTrip Corporation is requesting ten (10) variances for the property located at 900 Whitlock Avenue. The property and all surrounding properties are zoned CRC (Community Retail Commercial) and is also located within the Commercial Corridor Design Overlay – Tier B. A former Caldwell Banker office building, vacant since 2006, is currently located at the site. The applicant’s intent is to build a new QuikTrip location using one of their new store prototypes, which features a typical site layout for a gas station with an updated building design.

Aside from the maximum front setback and street tree variances listed above, the site is expected to comply with the Commercial Corridor Design Overlay standards for Tier B. The applicant intends on paying into Tree Replacement Fund for the tree density that cannot be provided for onsite.

On August 13, 2008 per V2008-13, City Council granted variances to waive the Commercial Corridor Design Overlay district criteria and reduce the required number of parking spaces for a 21,600 square foot, 2-story retail building. This project was never built.

**Impact on adjacent site’s parking**

The proposed QT site area (1.27 acres) is larger than the existing parcel (0.896 acres), meaning that the new gas station will impact some areas of the existing shopping center’s parking lot (800 Whitlock Avenue). Based on the construction plans for the shopping center approved in 2006, 223 spaces are required while 291 spaces are provided. The construction of the QT site will result in the removal of 60 parking spaces from the adjacent shopping center. The submitted site plan shows that 52 spaces will be replaced by removing the graded pad and reconfiguring it into usable parking. However, the applicant has stated that they will not be handling the offsite construction. If this work is completed as shown, it will result in the net loss of 8 spaces from the shopping center site (283). If it is not completed, the shopping center will be left with 231 spaces after the QT site is constructed.

While either scenario will leave the shopping center with enough spaces to satisfy the required parking calculations shown below, it should be noted that the calculations for the shopping center were conducted using a 100% retail scenario (one space for every 250 square feet). Many of the tenant spaces in this shopping center are devoted to restaurants, which have a higher parking ratio (one space for every 175 square feet). As a result, the required parking spaces shown below are understated. However, it should be noted that the QT site will be over parked with 43 spaces provided and only 29 required. According to the applicant, the QT site and the shopping center site will have a shared parking agreement.

REQUIRED PARKING STATISTICS		
BLDG AREA	PARKING SPACES	PARKING RATIO
55,600 S.F.	223	4.00
PROVIDED PARKING STATISTICS		
BLDG AREA	PARKING SPACES	PARKING RATIO
55,600 S.F.	291	5.23

The review and approval on an exemption plat will be necessary in order to reconfigure the parcel’s boundary lines.

**Variance #1 - Maximum Front Setback**

The applicant is requesting to eliminate the maximum front setback of 75.’ An increase of the maximum front yard setback is incompatible with the intent of the ordinance, which seeks to create pedestrian friendly corridors by orienting buildings toward the street. Although this request does not represent an exceptional or extraordinary circumstance, it is not detrimental or injurious to any adjacent properties.

On August 8, 2012, City Council approved a similar variance for QuikTrip Corporation for a new location at Chestnut Hill Road and Powder Springs Street (V2012-28).

### **Variance #2 - Rear Yard Setback**

The placement of the new building in relation to the new property lines leaves no room for a rear setback. As a result, the applicant is requesting a variance to reduce the required rear yard setback from 35' to 0.' The property most affected by this encroachment is a shopping center to the north containing a building that is at least 50' away. The most detrimental impact the placement of the QT building will have is possibly blocking visibility of the retail suites behind it.

### **Variance #3 - Impervious Surface**

The site is currently covered in 72% impervious surfaces. Although properties in CRC are limited to 80%, the impervious surface coverage after the proposed work is complete will be 85%. Projects that are developed under the Commercial Corridor Design Overlay standards are given the incentive to allowing up to 90% impervious surfaces if the project is mixed use. As a result, a variance for this project would be needed to allow an impervious surface coverage of 85%.

### **Variations #4 & #5 - Height for Monument Signs**

The height limits for monument signs are determined by the classification of the road on which they are located. Monument signs on Whitlock Avenue are limited to 15 feet in height, which is the maximum height for any freestanding sign in the City; monument signs on Burnt Hickory Road are limited to 10 feet. The applicant is requesting variances that would allow the height of the monument on Whitlock Avenue be 16'4" tall and the monument on Burnt Hickory Road be 10'9" tall. Quiktrip has expressed a need to install uniform signs at all their stores; in case structure materials needed to be replaced quickly, a plentiful supply would be on hand.

On August 8, 2012, City Council approved similar sign variances for QuikTrip Corporation for a new location at Chestnut Hill Road and Powder Springs Street (V2012-28).

### **Variance #6 - Accessory Structure Location in Relation to Roads**

The proposed dumpster location and enclosure is shown near the driveway closest to the Burnt Hickory Road entrance into the shopping center. City code requires that accessory structures located on corner lots be placed no closer to the road than the principal building. This regulation would dictate that the structure be placed in the northeastern corner of this property. However, the applicant is requesting a variance for the placement of this structure.

### **Variance #7 - Accessory Structure Visibility**

Standards specified under the Commercial Corridor Design Overlay require that all *"loading or service areas, including refuse and recycling, must be out of public view and must not front onto the primary street."* Although the dumpster location does not front on the primary street (Whitlock Avenue), it will be highly visible to drivers along Burnt Hickory Road. However, the dumpster enclosure, according to the design submitted by the applicant, will be constructed of the same building materials (brick) as the principal building.

### **Variance #8 - Street Trees along Burnt Hickory Road**

In order to contend with the topography of the site, the construction of a retaining wall (315 lineal feet) along the Burnt Hickory Road and Whitlock Avenue frontages will be necessary. This will put the entire QT site higher than both roads. At this time, staff has not yet been provided with the height or composition of the wall, or the height and composition of the fence at the top.

The placement of this wall makes it difficult to provide street trees in the 10' planted border area. The applicant is requesting a reduction in the number of street trees from 7 to 4 along Burnt Hickory Road. Despite the presence of the wall, it is possible to provide the necessary street trees, either atop or below the wall. Placing trees at the top of the wall is problematic if the wall is modular block – the roots can compromise the integrity of the wall if not placed carefully. However, placing trees below the wall or on the slope would place the trees within the right of way, which would require permission from City Council. The Marietta Public Works Department has commented that trees located on this slope may cause sight distance problems for cars exiting the development onto Burnt Hickory Road.

It should also be noted that the applicant is proposing to plant 4" street trees for the ones being provided, despite the Tree Ordinance only requiring 3" street trees.

**Variance #9 - Street Trees along Whitlock Avenue**

The applicant is requesting a reduction in the required number of street trees along Whitlock Avenue from 8 to zero because of the retaining wall. Similar to the situation above, it is possible to place trees at the top of the wall as long as the wall is specifically designed to withstand pressure from tree roots. Placing trees at the base of the wall could be an option; however, permission from GDOT would be necessary if the trees encroached on the state right of way.

**Variance #10 - Fuel Storage Tank Setback**

The required setback for all gas pumps, tanks, and other service facilities is 20' from any property line. The submitted plan shows the fuel tanks being located 10' from the property line at the corner of Burnt Hickory Road and Whitlock Avenue. The applicant has not stated a particular hardship for this request. Typically, setbacks along interior property lines are of more importance since they affect how close structures on separate properties may be. A setback along a right-of-way affects how the structure will affect the vehicular and pedestrian travel path. Since the tanks will be underground, a setback reduction should not be detrimental to the surrounding area.



## PUBLIC WORKS COMMENTS

**V2012-46**

**900 Whitlock Avenue -- QuikTrip**

### 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?	Ward 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?	Whitlock Avenue Burnt Hickory Road
What is the classification of the road?	Whitlock Avenue: Arterial Burnt Hickory Road: Collector
What is the traffic count for the road?	Whitlock Avenue: 24,960 AADT 2-way Burnt Hickory Road: No Data Available
Estimated number of cars generated by the proposed development? **	Insufficient Data
Estimated number of trips generated by the proposed development? **	Insufficient Data
Do sidewalks exist in the area?	YES – along Whitlock Avenue
Transportation improvements in the area?	NO
If yes, what are they?	---

*\*\* 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.*

- Site plans will be required for construction. Site plans must include parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality, and any other applicable improvements required by City Code and 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.
- A 6' sidewalk is required along both roads (Collector & Arterial). A 2' grass strip with 6' sidewalk – if additional R.O.W. is required (greater than the above) then it must be provided to ensure the sidewalk is within the R.O.W. All sidewalks must be within R.O.W.
- The following R.O.W. requirements must be shown on the plan with appropriate Quit Claim Deeds provided:
  1. The southeast corner R.O.W. must be mitred by approximately 20' along both roads (triangle).
- A minimum of 20' wide travelway plus curb and gutter, is required in addition to a minimum 9' wide x 20' long parking spaces. All parking is to meet ITE standards for Level A parking. All turning radii is to meet the standards for SU-30 AASHTO.
- By City Code, radii on curbs must be 25' +. The Fire Department may require larger radii at the time of Site Plans.
- The proposed entrance allow for at least a 20' lane past the gas pumps in addition to the space for the parked car at the pump. The lane must be stripped clearly at the time of Site Plans. It appears that this may be the case but the scale of the reviewed drawing made it difficult.
- A Georgia DOT Permit is required for relocation of the drive, and all other access discussions along Whitlock Avenue, in addition to the Public Works Director.
- A cross-over easement is required for all shared access or parking to be recorded and noted on the Plat by Deed Book and Page.

## **FIRE DEPARTMENT COMMENTS**

**V2012-46**

**900 Whitlock Avenue -- QuikTrip**

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

1. Canopy must be at least 13feet 6 inches tall
2. Building shall comply with the City of Marietta Fire Sprinkler Ordinance
3. Fire department access roads shall have a 35' turning radius