



**STAFF REVIEW AND RECOMMENDATION**

**Variance Case #:** V2014-05 **Legistar #:** 20140216

**City Council Hearing:** Wednesday, April 9, 2014 – 7:00 p.m.

**Property Owner:** The Humphrey Fund, LLC  
215 S. Walker  
Oklahoma City, OK 73109

**Applicant:** QuikTrip Corporation, Inc.  
Attn: Patrick Conner  
Real Estate Project Manager  
952 Old Peachtree Road, NW  
Lawrenceville, GA 30043

**Agent:** Richard Calhoun  
Gregory, Doyle, Calhoun & Rogers, LLC  
Attorneys at Law  
49 Atlanta Street  
Marietta, GA 30060

**Address:** 692 Powder Springs Street

**Land Lot:** 02140 **District:** 17 **Parcel:** 0680

**Council Ward:** 3A **Existing Zoning:** CRC (Community Retail Commercial)

**Special Exception / Special Use / Variance(s) Requested:**

1. Variance from the requirements for planted strip/border areas. [*§712.08 (G.2.)*]
2. Variance to increase the allowable height for a monument sign on Powder Springs Street from 15’ to 16’4.” [*§714.04 (F) Table H.*]

**Statement of Fact**

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning 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**



**692 Powder Springs Street**



**Powder Springs Street frontage (looking southwest)**

**Recommended Action:**

Richard Calhoun, attorney for the applicant, is requesting variances for 692 Powder Springs Street in order to reduce the required width of the landscape strip along Powder Springs, as well as the number of trees in the landscape strip along Powder Springs Street and the internal driveway leading to the shopping center to the rear. He is also requesting a variance to increase the allowable height of a detached sign. QT Corporation was granted variances in August 2012 (V2012-28) for the site at the corner of Chestnut Hill Road and Powder Springs Street; however, their preference is to update the existing QT location. QT also received multiple variances for this site in November 2013. This property is subject to the Commercial Corridor Design Overlay – Tier B regulations.

The applicant intends to rebuild a more modern and updated QuikTrip facility. The entire site will be razed and graded to a higher elevation so the site can drain to a new stormwater facility that will be shared with the adjacent properties. As a result, a new retaining wall, ranging from two (2) to six (6) feet tall, will be required along the Powder Springs Street frontage. This will also result in the loss of the trees recently planted by the City as part of the Powder Springs Streetscapes project.

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### **Reduction in the planted border area along Powder Springs Street**

One of the variances received in November 2013 was “to eliminate the planted border area along Powder Springs Street where the right of way angles sharply.” The site plan submitted with the variance application in November 2013 also showed the width of the landscape strip near the jog in the right of way being less than the required 10.’ Although this was never explicitly listed as a requested variance, it was noted in the staff report as stated below:

*It is also worth noting that the border area meets the full 10’ width at the corner near the traffic light and slowly tapers down to 7’ near the curb cut to Powder Springs St. It is unclear whether this is unintentional or necessary to accommodate vehicles. Unless a variance is granted, the landscape strip will be required to meet the entire 10’ depth.*

According to the applicant, the property will not be deep enough to accommodate the placement of the building, the gas pumps and canopy, parking, driveways, and a full 10’ planted border area. The right of way line has also been adjusted to reflect the recent acquisition due to the Powder Springs Streetscape project, resulting in a tighter fit for the site. The existing width of the planted border area that was constructed with the sidewalk for the Powder Springs Streetscapes project appears to be only approximately 8 feet in width.

Although the site does appear to be very tight, it is worth noting that the proposed design provides almost double the amount of parking required for gas stations. If some of the parking were reduced, there may be the potential to provide the required border area.

### **Reduction in the number of street trees along Powder Springs Street**

A variance to reduce the overall number of street trees along Powder Springs Street from eleven (11) to one (1) is also being requested. One medium or large canopied tree is required every 30 feet along the entire frontage of the property. However, the requested reduction in the landscape strip along with the construction of a retaining wall will make the placement of street trees problematic. As a result, the applicant wishes to have the number of required trees reduced to one. Instead, the applicant proposed to plant Needle Point Hollies (24” height) in front of the wall. The proposed site design will result in the removal of the current strip (approximately 8’ in width) and the trees planted by the City as part of the Powder Springs Streetscapes project.

### **Waive the required trees along an internal accessway**

The applicant also wishes to have the required plantings along the driveway accessing the shopping center to the rear (former Big Lots) waived. Regulations require a 5’ planted strip, containing one small or medium canopy tree every 20 feet, along improved accessways. The difficulty planting this strip comes from the placement of a proposed retaining wall along the driveway. Overhead electrical lines also appear to run alongside the driveway.



**Increase in allowable height for a freestanding sign**

The height limits for monument signs are determined by the classification of the road on which they are located. Monument signs on Powder Springs Street are limited to 15 feet in height, which is the maximum height for most freestanding signs in the City. The applicant is requesting a variance that would allow the height of the monument on Powder Springs Street be 16'4" tall. Quiktrip has previously stated the need to construct uniform signs at all their stores; in case structure materials needed to be replaced quickly, a plentiful supply would be on hand.

In April 2009, Quiktrip requested and received multiple variances (V2009-08) for their location at the corner of South Fairground Street and South Marietta Parkway. One of the variances included a request to increase the allowable height for the monument sign on South Marietta Parkway from 15' to 16'4." In August 2012, Quiktrip requested and received a variance to increase the allowable sign height for a proposed sign at 720 Powder Springs Street to 16'4."