



**Planning Department
Oconee County, Georgia
STAFF REPORT**

VARIANCE CASE #: 5848

DATE: May 15, 2009

STAFF REPORT BY: Brad S. Callender, Planner

APPLICANT NAME: QuikTrip Corporation

PROPERTY OWNER: JJMB, LLC & A. Paul Keller, Jr.

LOCATION: Northeast corner of the intersection with the Oconee Connector and Daniells Bridge Road

PARCEL SIZE: ±1.313 Acres

EXISTING ZONING: B-2 (Highway Business District)

EXISTING LAND USE: Undeveloped

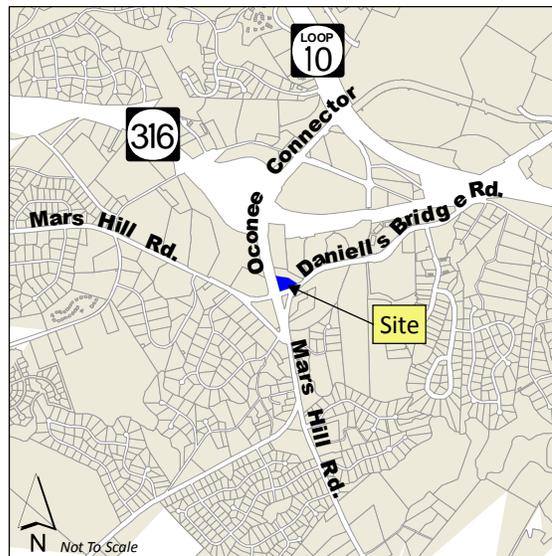
TYPE OF VARIANCES REQUESTED: 3 – Special Exception

REQUEST SUMMARY: The owner is requesting approval of three special exception variances to reduce the number of required shade trees, to eliminate minimum buffer screening requirements, and to allow parking spaces inside of the required parking space setback from the right-of-way.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: June 2, 2009

- ATTACHMENTS:**
- Application
 - Narrative
 - Site Review
 - Aerial Photo
 - Tax Map
 - Property Survey
 - Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- Property was rezoned from A-1 and A-2 to B-2 by the BOC on 10/04/88 for a shopping center
- The site has never been developed

SITE VISIT DESCRIPTION

- Wooded with terrain sloping towards the Oconee Connector and Daniells Bridge Road intersection

PROPOSED PROJECT DESCRIPTION

- Gas Station with a Convenience Market with off-street parking, landscaping, and on-site storm water management facilities
 - Project Area – 1.313 Acres
 - Convenience Market Building Area – 4,555 Sf
 - Total Number of Fueling Positions – 16

PUBLIC FACILITIES

Water:

- Existing County water mains are located in the Oconee Connector and Daniells Bridge Road rights-of-way
- Development proposes to connect to one the existing County water mains

Sewer:

- Existing County sewer main is located in the Daniells Bridge Road right-of-way
- Development will connect to the existing County sewer main

Roads:

- Deceleration lanes and acceleration tapers are proposed to be constructed at each of the project entrances
- Entrances to development include preliminary designs for upgrading Daniells Bridge Road

ENVIRONMENTAL

- No 100 Year Flood Plain or Jurisdictional Wetland areas are located on the site
- On-site storm water management facilities are proposed for the development

VARIANCE REQUEST SUMMARY

- Owner requests approval of 3 special exception variances as permitted in Section 1303.02 for relief from the following requirements of the UDC:
 - (5848-A) Section 803.03
 - To reduce the number of shade trees required to visually screen parking lots from rights-of-way
 - (5848-B) Section 803.02 & 808.03
 - To eliminate minimum buffer screening requirements
 - (5848-C) Section 607.01.b(1)
 - To allow parking spaces inside the required 30 foot parking space setback from the right-of-way

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

PUBLIC WORKS

- Regarding Variance Request #3 (5848-C), Public Works is amenable to the reduction in parking setback at the Daniells Bridge Road entrance only. It is recommended the Oconee Connector entrance maintain the minimum setback. A vehicle backing out of either of the spaces in question may interfere with entering traffic.

❖ Note: The following sections contain the analysis of each individual variance request ❖

❖ (5848-A) – Special Exception Variance

- To reduce the number of shade trees required to visually screen parking lots from rights-of-way

UNIFIED DEVELOPMENT CODE REQUIREMENT

- Section 803.03

“For landscape strips adjacent to public streets or rights-of-way, plant materials shall consist of at least one shade tree (as defined in this Development Code) for each 25 linear feet of landscape strip and visual screening as provided below. For purposes of this section, such tree may be any shade tree native to this region which, when planted, is a minimum height of 10 feet.”

VARIANCE DESCRIPTION

- Based on the applicant’s narrative and concept plan, this request is described as a variance from this UDC requirement to address 19 shade trees located on the site; However, this variance request is only dealing with the 14 required shade tree plantings along the site’s frontage adjacent to the right-of-way where a landscape strip is required between parking areas and public street rights-of-way
- In the required landscape strip, 14 shade trees are required to be planted every twenty-five linear feet (25’). These trees are required to be a native shade tree that when planted has a minimum height of ten feet (10’)
- The applicant proposes to plant only 7 of the required shade trees in the landscape strip
- In addition to the seven 7 shade trees, the applicant states 27 “understory” tree plantings are proposed in lieu of the of the additional 7 shade trees required in the landscape strip along the project’s frontage. The applicant’s concept plan only illustrates 24 of the “understory” trees inside the required landscape strip
- The applicant states the purpose of the variance request is to prevent the site and signage from being substantially blocked from view

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR SPECIAL EXCEPTION VARIANCE APPROVAL” AS SET FORTH IN SECTION 1303.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

Special exception variances may be granted upon findings that if granted, the relief will not cause occurrences of any of the following:

- Cause a substantial detriment to the public good.**

If this request were approved to reduce the number of shade trees required in the landscape strip along the project frontage, substantial detriment to the public good would include reductions to the quality and consistency of the landscaping on the site along one the most traveled corridors of the county.

- Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity.**

If the number of shade trees are reduced along the project’s frontage, the landscaping for the site will be inconsistent with other developed properties in the vicinity around the project along Daniels Bridge Road and Mars Hill Road. The proposed gas station with convenience market is a substantially higher, more intense land use compared to other developments on surrounding properties, which primarily include office buildings and one hotel. Reducing or utilizing alternative plantings will create inconsistencies between this development and the surrounding developments.

The type of native shade trees required in the landscape strip reach a minimum height of thirty-five feet (35') at maturity, and must be a minimum of ten feet (10') tall at the time of planting. Primary benefits of planting trees of this size include reducing factors contributing to urban heat island effects, including reducing additional impacts such as glare reflected from motor vehicles on the site shining onto neighboring properties and interfering with motorists traveling on adjacent roadways. Considering a majority of the site will be paved and oriented southward, planting the required trees will reduce impacts increasing urban heat island effects. The proposed alternative tree plantings will only reach a height of six feet (6') at maturity. The alternative tree plantings will not provide ample shade to reduce heat island effects.

There are no circumstances existing on the site to prevent compliance with the landscaping, buffer, and screening requirements of the UDC. The proposed alternative tree plantings appear to be contradictory to the applicant's indication the site will be visually blocked if the required tree plantings are placed on the site; especially considering 24, six foot (6') tall "understory" trees will be planted in lieu of only 7 of the 14 required shade trees.

c. Diminish and impair property values within the surrounding neighborhood.

Adjoining property values could be negatively affected by reducing the number of trees required to be planted in the project, and replaced with inconsistent and less effective alternative plantings.

d. Impair the purpose and intent of this Development Code.

The purpose of the landscaping and buffer requirements outlined in Article 8 is to improve the aesthetic qualities of the County and to protect and preserve the appearance, character and value of its neighborhoods and business areas by providing for quality and consistency in the design of landscaping and screening and for the separation of incompatible types of land uses. Approval of this variance request will be a departure from the purpose and intent of the regulations outlined in the UDC.

Due to the number of inconsistencies in the applicant's variance request description and the proposed variance concept plan, it is clear that choice in project design and not any legitimate purpose created the basis for applicant's variance request. The design of the project should be revised with the fueling area set back further from the right-of-way than the minimum distance allowed from the project boundary, allowing the landscaping strip to be set back generating ample room and sight lines for strategic placement of any proposed signage. The proposed development plan indicates the proposed signage will be located behind required landscaping. This also reflects a choice in project design and not a conflict with the requirements of the UDC.

STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS

Based upon the standards for special exception variance approval, this **request does not meet the necessary conditions to grant a special exception variance**. If granted, staff recommends the special exception variance be approved as submitted without conditions.

❖ (5848-B) – Special Exception Variance

● To eliminate minimum buffer screening requirements

UNIFIED DEVELOPMENT CODE REQUIREMENT

● Section 803.02 – Parking lot buffers

“Any parking lot designed or intended to accommodate 5 cars or more for any purpose, or to accommodate the parking of any number of light trucks or vans, which is located adjacent to any residential or office zoning district must provide a buffer as follows:

- a. The buffer shall meet the minimum width for a zoning buffer as required under Section 806, but in no case shall be less than 10 feet wide.”*

- Section 808.03 – Minimum required screening
 - a. *“A buffer shall be provided that creates a barrier between differing land uses or adjoining properties which substantially blocks the sight lines, noise transmission, and the transfer of artificial light and reflected light between said differing land uses or adjoining properties including all components of said differing land uses or adjoining properties.*
 - b. *A buffer, as defined herein, shall incorporate but not be limited to at least two or more, and in some cases all, of the following components:*
 - (1) *Fences;*
 - (2) *Berms;*
 - (3) *Free-standing walls;*
 - (4) *Evergreen plant material; or*
 - (5) *Horizontal distance.*
 - c. *A buffer, as defined herein, shall also incorporate optimal placement of the foregoing components on the property and in relationship to the adjoining property, so as to provide the most effective barrier described above. This shall include particular consideration to the vertical relationship, lines of sight and resulting view angles between differing land uses and adjoining properties and may involve the grading design, building heights, architectural styles, and placement of design elements on the property being developed.”*

VARIANCE DESCRIPTION

- The applicant is requesting this variance to eliminate the opaque evergreen screening requirements for the parking lot buffer adjacent to property zoned O-I-P
- Oconee County Fire Department Station 8 is located adjacent to the site on the O-I-P zoned property
- The site for the proposed development is currently wooded
- The development plan for the project indicates the site will be cleared of the existing trees, including trees located on the fire department site inside of a fifteen foot (15’) wide temporary construction and grading easement
- The applicant states the main purpose for requesting this variance is for security of the general public and employees of the gas station

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR SPECIAL EXCEPTION VARIANCE APPROVAL” AS SET FORTH IN SECTION 1303.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

Special exception variances may be granted upon findings that if granted, the relief will not cause occurrences of any of the following:

- a. **Cause a substantial detriment to the public good.**
 If this request were approved to reduce the opaque buffer requirements, substantial detriment to the public good would occur in the forms of a reduction in the rural character of the area and lack of buffering between incompatible land uses.
- b. **Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity.**
 The fire station site will be negatively impacted by the removal of the existing vegetation on the site, exposing direct views of the fire station and accessory structures to public right-of-ways. This negative impact will be greater if this variance is approved to eliminate the required buffer screening requirements.

As stated in the previous variance request, the proposed gas station with convenience market is a substantially higher, more intense land use compared to other developments on surrounding properties. The proposed hotel under construction on a neighboring property could also be negatively impacted if adequate buffering is not installed due to impacts typically associated by from increased traffic, noise, early and late hours of operation, lighting, trash, and reductions to air quality.

c. Diminish and impair property values within the surrounding neighborhood.

If this request is approved to reduce the opaque buffer standards, adjoining properties may be negatively affected by the same issues described in the previous section.

d. Impair the purpose and intent of this Development Code.

As previously stated, the purpose of the landscaping and buffer requirements outlined in Article 8 is to improve the aesthetic qualities of the County and to protect and preserve the appearance, character and value of its neighborhoods and business areas by providing for quality and consistency in the design of landscaping and screening and for the separation of incompatible types of land uses. Approval of this variance request will be a departure from the purpose and intent of the regulations outlined in the UDC.

This applicant indicated the basis for this variance request was primarily to enhance the security of the general public and its employees. The applicant did not submit any data or statistics with these variance requests to support the claim installing landscape buffers and screening would increase the potential for the occurrence of crimes on the site.

The National Institute of Justice funded a multi-state study of convenience store robberies in the late 1990's. In this study, a variety of factors were analyzed to determine what attracted offenders to commit crimes at certain convenience stores. The primary response from offenders on selecting a store for a robbery was the site's proximity to major roads. Other factors considered by offenders included whether any security guards were present, proximity of the store to a police station, the presence of any police in the area, and the number of individuals inside and outside the store.

The convenience store is proposed to have surveillance cameras installed at the rear of the store adjacent to the dumpster pad. If the site is adequately lighted and proper safety precautions are utilized during hours of operation, the opaque screening buffer will not negatively affect the safety and welfare of customers and employees. The buffer required along the rear property boundary should be installed as required by the UDC.

STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS

Based upon the standards for special exception variance approval, this **request does not meet the necessary conditions to grant a special exception variance**. If granted, staff recommends the special exception variance be approved as submitted without conditions.

❖ (5848-C) – Special Exception Variance

- **To allow parking spaces inside the required 30 foot parking space setback from the right-of-way**

UNIFIED DEVELOPMENT CODE REQUIREMENT

- Section 607.01.b(1) – Off-Street parking lots for automobiles; Layout and circulation

“No automobile parking spaces shall be accessible directly from an access driveway within the first 30 feet of the driveway back from the street right-of-way line of an arterial or major collector street.”

VARIANCE DESCRIPTION

- The applicant is requesting this variance to allow parking spaces inside the required thirty foot (30') parking space set back from right-of-ways
 - A total of 6 parking spaces are affected by this requirement, 4 spaces facing Daniells Bridge Road and 2 adjacent to the Oconee Connector
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STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE "STANDARDS FOR SPECIAL EXCEPTION VARIANCE APPROVAL" AS SET FORTH IN SECTION 1303.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

Special exception variances may be granted upon findings that if granted, the relief will not cause occurrences of any of the following:

- a. Cause a substantial detriment to the public good.**
If this request is approved to allow parking spaces in the required parking space setback along Daniells Bridge Road, there should not be a substantial detriment to the public good. However, parking spaces inside the setback adjacent to the Oconee Connector should not be allowed.
 - b. Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity.**
If this request is approved to allow parking spaces in the required parking space setback, the use and enjoyment of the environment and other properties in the vicinity should not be affected.
 - c. Diminish and impair property values within the surrounding neighborhood.**
This request should not have any impact on property values on neighboring properties.
 - d. Impair the purpose and intent of this Development Code.**
As long as construction of the parking lot and drive aisles include adequate accessibility for emergency vehicles and the required number of parking spaces, the purpose and intent of the Unified Development Code should not be impaired.
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STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS

Based upon the standards for special exception variance approval, this **request meets the necessary conditions to grant a special exception variance**. If granted, staff recommends the special exception variance be subject to the following conditions to be fulfilled by the owner/developer at his/her expense:

1. Parking spaces shall be allowed inside the thirty-foot (30') parking space setback adjacent to the Daniells Bridge Road right-of-way.
2. No parking spaces shall be allowed within thirty-feet (30') of the Oconee Connector right-of-way, as restricted under Section 607.01.b(1) of the Oconee County Unified Development Code.