



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Hearing; Aug 14, 2018

Case: **V18-0017 – 7799 Roswell Road – Classic Karma of Atlanta**

Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)

Report Date: August 2, 2018

REQUEST

1. Variance from Section 4.9.1.d of the Development Code to eliminate outdoor amenity space coverage.
2. Variance from Section 10.4.9 of the Development Code to modify the Roswell Road Streetscape Standards.
3. Variance from Section 8.2.2.C of the Development Code to eliminate shade trees in three (3) interior islands.

APPLICANT

Property Owner: 7799 LLC by Michael Domenicone, Member	Petitioner: Michael Domenicone	Representative: Eric M. Taylor, et ventures
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PROPERTY INFORMATION

Location:	7799 Roswell Road, Parcel ID 17 0031 LL 005 7
Council District:	4 – Jody Reichel
Road frontage:	Roswell Road approximately 290 feet
Acreage:	Approximately 3.7 acres
Existing Zoning:	CC-3
Existing Land Use:	Commercial
Character Area	Commercial/ Mixed Use

PROPOSED DEVELOPMENT

The applicant is proposing to renovate an existing 3,499 SF one-story auto showroom building and expand an existing parking lot for new automobile inventory from approximately 75 parking spaces to approximately 220 parking spaces. Much of the parking expansion is within a 125' wide easement for overhead Georgia Power transmission lines and on top of a 30' wide Colonial Pipeline Company Gas Easement that extend the length of the site. The site has a large Georgia Power transmission tower located along the Roswell Road frontage and stream setbacks cutting across the southeast rear corner of

the site. The applicant is also proposing to relocate and upgrade the storm water detention facilities within the site.

RECOMMENDATION

Department of Community Development

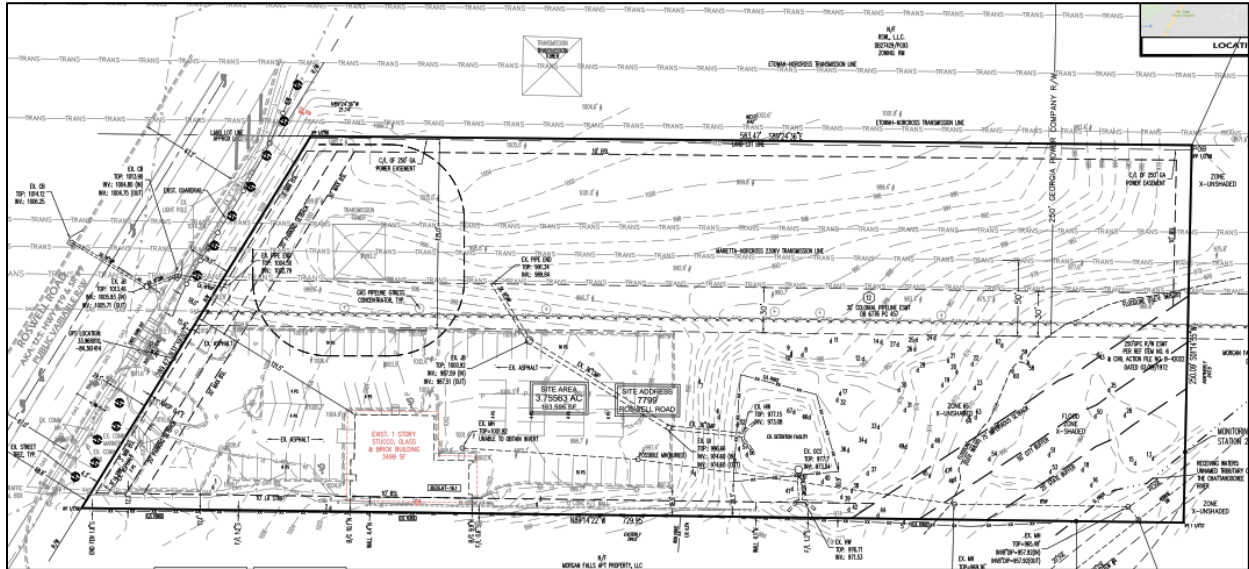
Staff recommendations for V18-0017:

APPROVAL WITH CONDITIONS 1. Variance from Section 4.9.1.d of the Development Code to eliminate outdoor amenity space coverage.

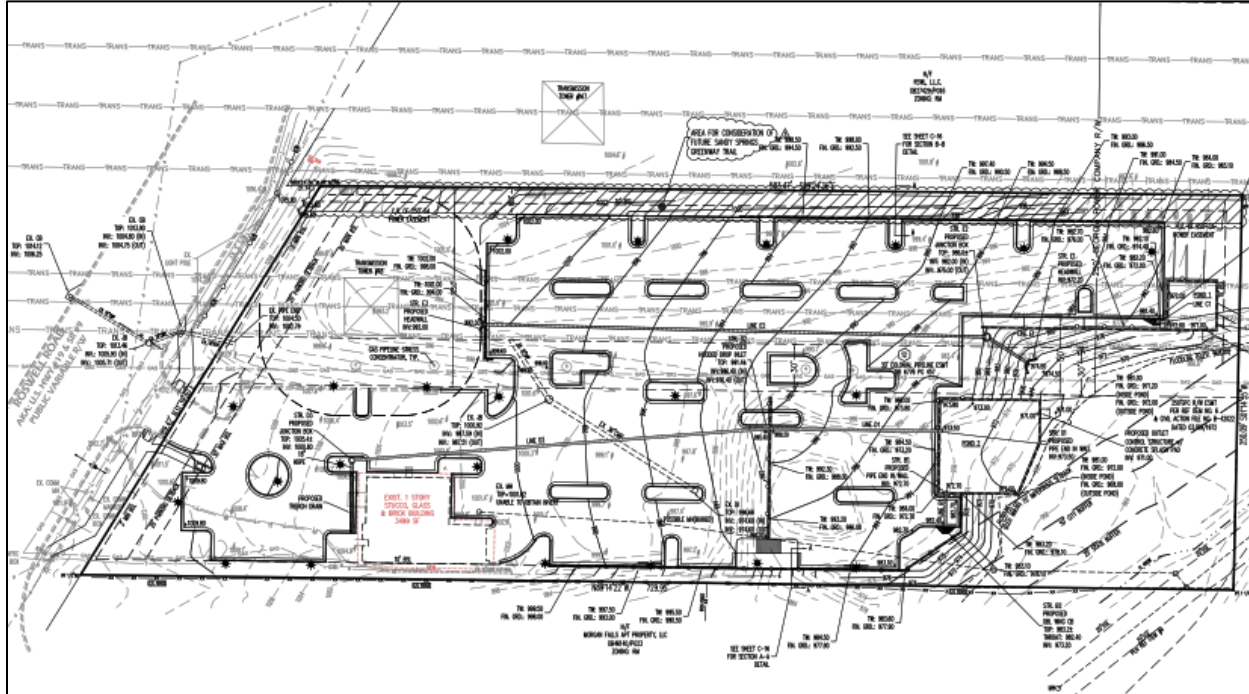
APPROVAL WITH CONDITIONS 2. Variance from Section 10.4.9 of the Development Code to modify the Roswell Road Streetscape Standards.

APPROVAL WITH CONDITIONS 3. Variance from Section 8.2.2.C of the Development Code to eliminate shade trees in three (3) interior parking islands.

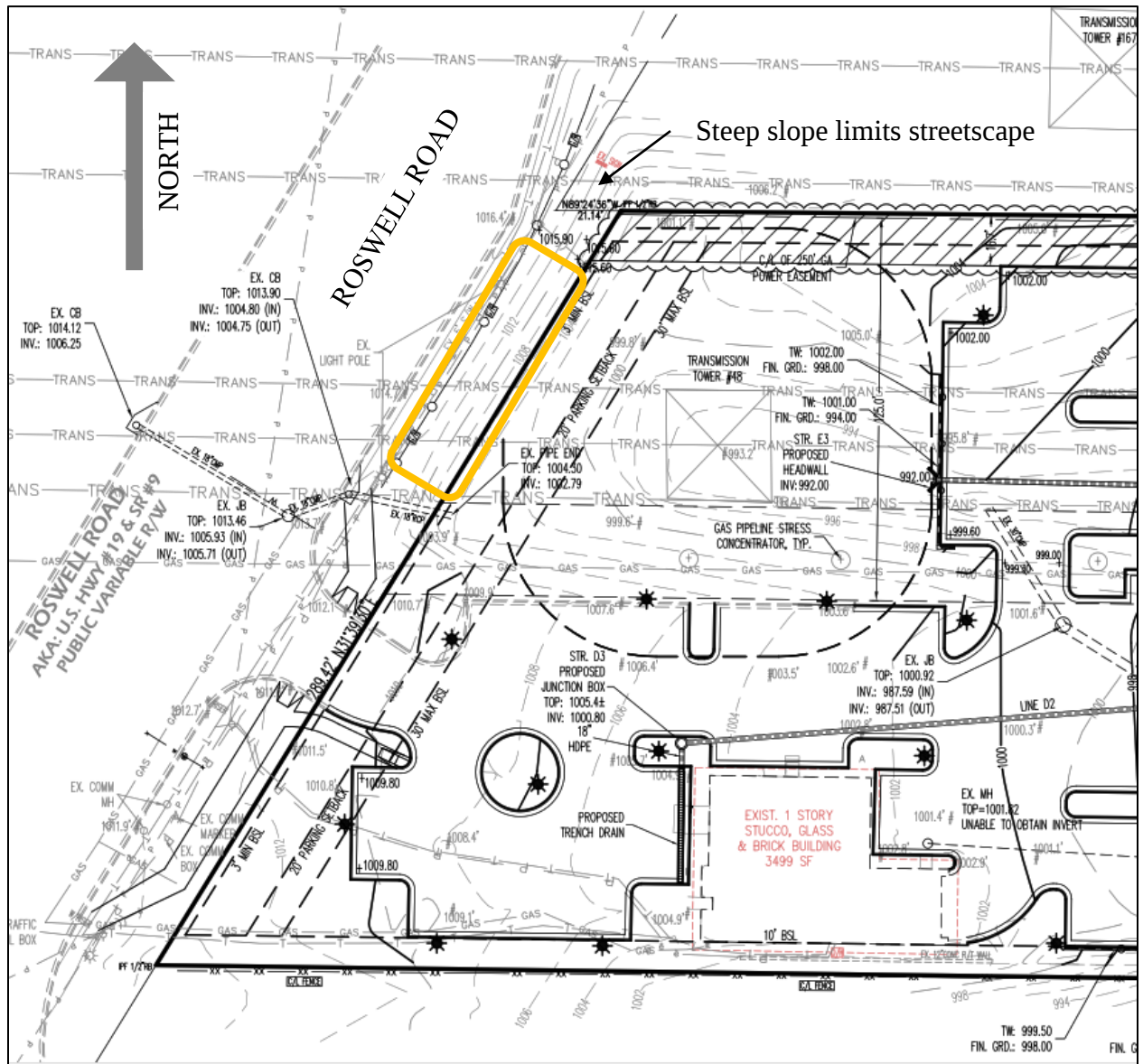
EXISTING CONDITIONS SURVEY



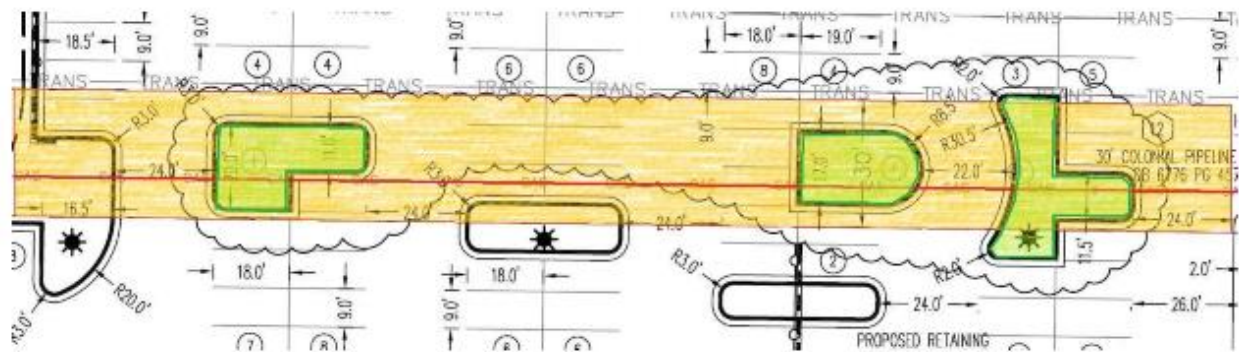
PROPOSED SITE PLAN



DETAILED SITE PLAN-ROSWELL ROAD FRONTAGE



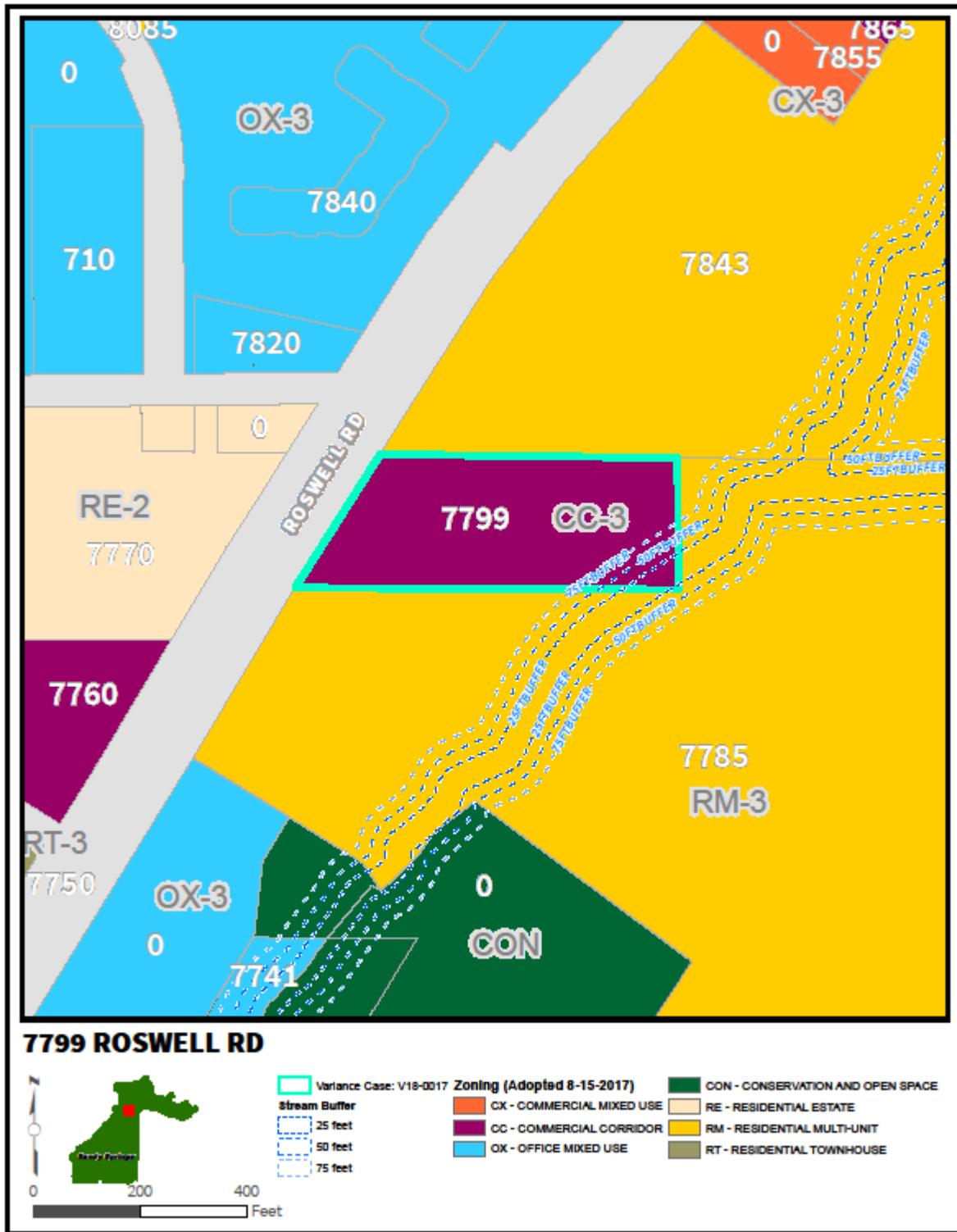
DETAILED SITE PLAN-PARKING ISLANDS OVER COLONIAL PIPELINE EASEMENT



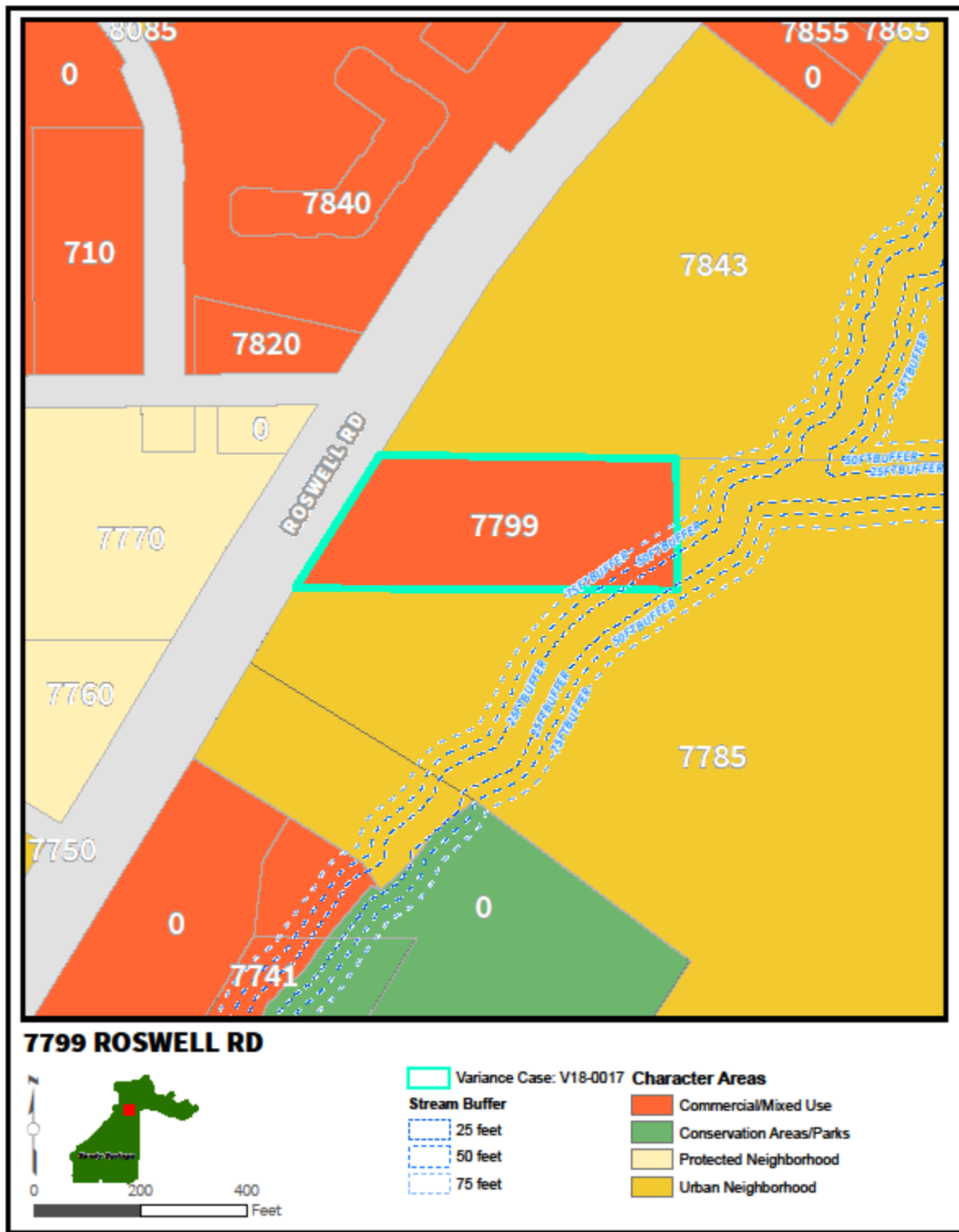
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



VARIANCE CONSIDERATIONS

Per Section 11.6.2.G, of the Development Code,

1. *Variances will only be granted upon showing that:*
 - a) *The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or*
 - b) *There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;*
2. *Further, the application must demonstrate that:*
 - a) *Such conditions are not the result of action or inaction of the current property owner; and*
 - b) *The variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and*
 - c) *The variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.*

1. VARIANCE TO ELIMINATE OUTDOOR AMENITY SPACE COVERAGE

The applicant has requested a variance from Section 4.9.1.d of the Development Code to eliminate outdoor amenity space coverage due to power transmission easement limitations that run the length of the site, no-build regulations that run with the property, a large transmission tower located at the front of the site adjacent to Roswell Road, a Colonial Pipeline Company gas easement that runs the length of the site, and stream buffer setbacks on the south east corner of the subject property.

Section 4.9.1.d of the Development Code requires a minimum 15% of the site be outdoor amenity space. This equals 0.56 AC (24,539 SF) on the subject site. Section 6.1.1.I of the Development Code requires the subject property amenity area be provided at grade with a minimum area of 625 SF and no dimension less than 25'. The Code also requires 14 linear feet of seating be provided for this site.

Findings:

1.a The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant. Staff finds that there is no hardship in providing outdoor amenity space coverage on the subject property because parking spaces could be reduced. However, the configuration of the outdoor amenity space as required by Section 6.1.1.I of the Development Code with a minimum width of 25' may be difficult due to the configuration of easements and setbacks on the site. Additionally, an outdoor amenity space may not be used as intended on this site due to the low number of employees and customers.

1.b There are extraordinary and exceptional conditions due to size, shape or topography which are specific to the subject property and not generally found in similar properties.

The subject property is unique due to power transmission easement limitations that run the length of the site, no-build regulations that run with the property, a large transmission tower located at the front of the site adjacent to Roswell Road, a Colonial Pipeline Company gas easement that runs the length of the site, and stream buffer setbacks on the south east corner of the subject property. There is also a steep bank where the grade drops 14' in 30' (46% slope) along the Roswell Road property line and then drops 9' more in 60' (15% slope) to the base of the transmission tower at the front of the site.

2.a Such conditions are not the result of action or inaction of the current property owner.

The site conditions and limitations are not the result of action or inaction of the current property owner.

2.b The variance request would provide the minimum relief necessary to make possible the reasonable use of the property.

The applicant has minimized the relief necessary from the outdoor amenity space coverage by proposing a 15' wide multi-use trail easement along the northern boundary of the site. The trail easement is approximately 8,745 SF in area. The linear form of the trail easement meets the intent of providing an outdoor amenity space and works within the constraints of the subject property. This trail, an initiative of the Sandy Springs Conservancy, could connect Morgan Falls to the City of Dunwoody in the future.

2.c The variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.

The general intent of the outdoor amenity space coverage requirement is to provide common outdoor area for social and recreational activities. The applicant has proposed an easement for a multi-use trail that would provide common outdoor area for social and recreational activities, an amenity useable by the whole community. Staff recommends 14 linear feet of bench seating also be provided according to Section 6.1.1.I.2.g of the Development Code.

Staff finds that eliminating the outdoor amenity space coverage would not be detrimental to the public good, safety and welfare, but recommends the conditions that a 15' wide multi-use trail easement be provided along the northern site boundary and 14' length of seating be provided in a place that would provide employees and customers a pleasant outdoor seating or lunch spot.

2. VARIANCE TO MODIFY ROSWELL ROAD STREETSCAPE STANDARDS

The applicant has requested a variance from Section 10.4.9 of the Development Code to modify the Roswell Road Streetscape Standards due to the steep bank between the back of the sidewalk and the property line and the location of the power transmission tower adjacent to the steep slope and Roswell Road ROW. The proposed site plan shows approximately 110 feet of streetscape left as it exists today with a 2' landscape strip behind the curb, 5' wide sidewalk, decorative streetlights, a guardrail, and a row of Crape Myrtle trees at the top of a steep slope on the northern half of the site frontage. A 10' landscape strip, 5' bicycle path, 9' sidewalk and 4' maintenance strip are proposed on the southern half of the site

frontage (approximately 180') where the grade is less extreme according to the Development Code requirements.

Findings:

1.a The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant. The subject property is encumbered with a number of easements and setbacks that limit development throughout the site. It is further encumbered by a steep bank along the Roswell Road ROW that creates a hardship to provide the Roswell Road Streetscape improvements. According to Section 10.4.9 of the Development Code a 10' minimum Street tree planting zone, 5' minimum bike facility, 9' minimum walkway, and 1' maintenance strip would be required adjacent to the curb. Grading the site to provide these streetscape improvements would push into the adjacent transmission tower and surrounding setbacks.

1.b There are extraordinary and exceptional conditions due to size, shape or topography which are specific to the subject property and not generally found in similar properties. The subject property has extraordinary and exceptional conditions due to site topography, the large transmission tower adjacent to the Roswell Road ROW, the transmission easement and Colonial Pipeline Company gas easement traversing the length of the site which are not generally found in similar properties.

2.a Such conditions are not the result of action or inaction of the current property owner. The topography and easements limiting the streetscape improvements are not the result of action or inaction of the current property owner.

2.b The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. Streetscape improvements were recently implemented along the frontage for the subject property. COSS Transportation comments state "Based on Site topography along the Roswell Road Frontage, support for streetscape reduction to provide 2 feet grass strip and 6 foot sidewalk is reasonable."

2.c The variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare. The general intent of the streetscape standard is to create a more pedestrian and bicycle friendly public environment by providing a safe and accessible bicycle and pedestrian network. The applicant is proposing to provide the required Roswell Road streetscape improvements along the southern half of the site where the topography will allow it but proposes to leave the existing Roswell Road streetscape on the northern section of the site adjacent to the steep bank.

Staff finds that granting a modification in the Roswell Road Streetscape Standards would not be detrimental to the public good, safety and welfare but recommends the condition that the Roswell Road streetscape standards be implemented where the grade allows on the southern half of the site as shown on the site plan received by COSS on August 2, 2018.

3. VARIANCE TO ELIMINATE SHADE TREES IN THREE (3) INTERIOR PARKING ISLANDS

The applicant has requested a variance from Section 8.2.2.C of the Development Code to eliminate shade trees in three (3) interior parking islands that are within the Colonial Pipeline Company's gas easement and constrained by the encroachment agreement planting limitations that prohibit shade tree planting within their ROW. The Development Code requires 5 shade trees in the three parking islands within the Colonial Pipeline Company's gas easement.

Findings:

1.a The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant. The subject property is encumbered with a number of easements and setbacks that limit development throughout the site. The Colonial Pipeline Company restricts shade tree planting within the gas pipeline easement and creates a hardship for the applicant to provide the shade trees required in three parking islands located within the gas pipeline easement.

1.b There are extraordinary and exceptional conditions due to size, shape or topography which are specific to the subject property and not generally found in similar properties. The subject property has extraordinary and exceptional conditions due to site topography, the large transmission tower adjacent to the Roswell Road ROW, the transmission easement, and the Colonial Pipeline Company gas easement traversing the length of the site and not generally found in similar properties.

2.a Such conditions are not the result of action or inaction of the current property owner. The conditions and planting limitations of the Colonial Pipeline Company's gas easement and encroachment agreement are not a result of action or inaction of the current property owner.

2.b The variance request would provide the minimum relief necessary to make possible the reasonable use of the property. Relief of shade tree planting in these three (3) interior islands is needed to conform to the easement overlay conditions. This is the minimum relief necessary. Staff wondered if the applicant could have located the parking islands in a different configuration outside the Colonial Pipeline Company's gas easement but it appears there are Gas Pipeline Stress Concentrators above grade that force the location of parking islands around them.

2.c The variance request would result in development that is consistent with the general intent of the Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare. The general intent of the shade tree requirements in the interior parking islands is to create a more attractive, shaded and pedestrian friendly public environment. The applicant states "The conceptual plan has adhered to the landscaped interior island code in all other permitted locations throughout the site. The resulting comprehensive landscaping plan produced an overall proposed tree density calculation meeting Development Code requirements."

Staff finds that granting a variance from Section 8.2.2.C of the Development Code to eliminate shade trees in three (3) interior parking islands that are within the Colonial Pipeline Company's gas easement would not be detrimental to the public good, safety and welfare but recommends the condition that the five (5) shade trees required in the three (3) islands be planted in another location on the site.

COMMENTS FROM OTHER PARTIES

Transportation:

1. Based on Site topography along the Roswell Road Frontage, support for streetscape reduction to provide 2 feet grass strip and 6 foot sidewalk is reasonable.
2. Landscape Islands should remain within the Transmission Line Easement. Planting of trees should be in accordance with Georgia Power's list which does not allow canopy type trees or waived.
3. If Applicant is seeking to eliminate landscape islands over the Gas Pipeline, they should:
 - A. Obtain a letter from the Pipeline owner expressing support for not installing curbed islands in these areas.
 - B. Provide depth measurements as taken by the Pipeline showing depth of pipes that are causing the conflict to support this request.
4. Amenity area - no comment.

Site Development:

No comment

Arborist:

No comment

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff has reviewed the three requests relative to the variance standards contained in Section 11.6.2.G of the Development Code. Based upon this review, staff recommends **APPROVAL WITH CONDITIONS** of the three variance requests contained in V18-0017:

1. Variance from Section 4.9.1.d of the Development Code to eliminate outdoor amenity space coverage.
2. Variance from Section 10.4.9 of the Development Code to modify the Roswell Road Streetscape Standards.
3. Variance from Section 8.2.2.C of the Development Code to eliminate shade trees in three (3) interior parking islands.

Should the Board of Appeals choose to approve the three requests, Staff recommends the following conditions:

1. A 15' wide multi-use trail be provided along the northern site boundary and 14 linear feet of seating be provided in a place that would provide employees and customers a pleasant outdoor seating or lunch spot.
2. The Roswell Road streetscape standards be implemented on the southern half of the site as shown on the site plan dated July 16, 2018 received by COSS on August 2, 2018.
3. The five (5) shade trees required in the three (3) interior parking islands be planted in another location on the site.