

**MINUTES
CITY OF SUWANEE, GEORGIA
PLANNING AND ZONING COMMISSION
SEPTEMBER 7, 2010**

PLANNING AND ZONING MEMBERS: Present: Anthony Manners, Pete Charpentier, Joy Mitchell and Jodi Nevels. Staff members present: Josh Campbell, Matt Dickison, Daniel Robinson and MaryAnn Jackson. Absent: Larry Pettiford

CALL TO ORDER

Chairman Anthony Manners called the meeting to order at 6:44 pm.

ADOPTION OF THE AGENDA

Pete Charpentier moved to adopt the September 7, 2010 agenda as presented, second by Jodi Nevels. Motion carried 4-0.

ADOPTION OF THE MINUTES: August 3, 2010

Jodi Nevels moved to approve the August 3, 2010 minutes, second by Pete Charpentier Motion carried 3-0-1. Pete Charpentier abstained

PROCEDURES FOR PUBLIC MEETING

Anthony Manners read the procedures for the Public Meeting for the record.

OLD BUSINESS

NEW BUSINESS

RZ-2010-004 – Applicant: QuikTrip Corporation. Owner: Eugene Walls. Requests a rezoning from R-100 (Residential Single Family District) to C-2A (Special Commercial District with alcohol sales) to allow for a convenience store with gasoline pumps. The site is located at 3359 Lawrenceville-Suwanee Road and contains approximately 3.96 acres.

SUP-2010-002 – Applicant: QuikTrip Corporation. Owner: Eugene Walls. Requests a special use permit to allow for a car wash facility. The site is located at 3359 Lawrenceville-Suwanee Road and contains approximately 3.96 acres.

Josh Campbell presented the staff analysis as follows: The applicant requests rezoning of a 3.96 acre site from R-100 to C-2A to allow for a convenient store with accessory gas pumps, in addition to a special use permit to allow for a future car wash facility. The site is located on Lawrenceville-Suwanee Road and Satellite Boulevard. Access is proposed from both Satellite Boulevard and Lawrenceville-Suwanee Road. From Satellite Boulevard it will be a right-in right-out. From Lawrenceville-Suwanee Road it would involve a median cut which will result in the removal of about 10 median trees. The proposed convenience store is approximately 5,700 square feet. It includes a restaurant component. The car wash totals about 4,900 square feet. In order to accommodate the two uses, a number of variances would be required. There are a number of specimen

trees on the site. Our ordinance encourages the preservation of specimen trees. There are so many on this site it would be impossible to develop the site without removing some of those trees or getting variances. There are also variances related to landscape strips and possibly parking. As currently proposed it does not appear that site can support both proposed uses without variances for the City of Suwanee Zoning Regulations.

The subject property is located at the intersection of the highly commercialized Lawrenceville-Suwanee Road corridor and the industrial Satellite Boulevard corridor. It is surrounded by intensive non-residential uses. To the west of the subject property, across Lawrenceville-Suwanee Road, is a retail shopping center, zoned C-2A. To the east of the subject property is a warehouse facility zoned M-1. To the north of the subject property is a retail shopping center, zoned PMUD that permits uses in the C-2A zoning district and office buildings, zoned PMUD that permit uses in the O-I zoning district. To the south of the subject property, across Satellite Boulevard are C-2A zoned parcels developed with a bank and a Wal-Mart Shopping Center.

It should be noted that the City's Alcohol Beverage Regulations require distance separation from places that sell alcohol and certain other land uses. The regulations prohibit alcohol sales within 300 feet of a church or 600 feet of a school. No uses currently exist near the subject property that would prohibit such sales.

The City's Future Land Use Plan recommends Parks/Recreation/Preservation uses for this site. The proposed convenience store and carwash facility are not consistent with this designation. The 2030 Comprehensive Plan designates the area as the Suwanee Gateway Character Area. The plan calls for higher intensity developments in the Suwanee Gateway due to the areas economic potential and proximity to the interstate and other major roadways. It is recommended that the Suwanee Gateway present a strong, positive image of the city that is forward looking and progressive. Nonresidential uses are an appropriate land use in this area. However, with the recent approval of a carwash facility on Lawrenceville Suwanee Road, the concentration of vehicle service establishments threatens the community's vision for the Suwanee Gateway area. A mix of retail and office uses is more appropriate for undeveloped and redeveloping parcels as opposed to concentrated vehicle services. A mix of retail and office uses more closely fits the expectations of the 2030 Comprehensive Plan. While the request is inconsistent with the future landuse plan, if the applicant is able to preserve some of the high profile hardwood trees on site, then that could meet the spirit of the comprehensive plan for this site.

The proposed Special Use Permit request includes a carwash facility with accessory vacuuming stations. These facilities often include an excessive amount of outdoor storage, directional signage and accessory equipment such as trash receptacles and shade structures as well as a significant amount of asphalt coverage for parking and drives. The potential negative visual impact of the carwash and vacuum facilities could adversely impact the desire of the City for this area to present a strong, positive image of the City.

The site currently includes several specimen trees that will be removed as part of the development. Several of these trees are very visible and have become a fixture of the

area as the property has been used as a single family residence subsequent to development of surrounding properties. Removal of these specimen trees will require the developer to replant more trees than is currently possible on the site, thus requiring a variance from this requirement. However, a site plan could be developed for the convenience store utilizing the available acreage that would mitigate these negative impacts. This revised plan could save several trees, including a few of the highly visible specimen trees located on the site. Approving a plan that would require deviations from the City's zoning ordinance through the granting of variances is not appropriate when additional acreage is available to accommodate the request with a lesser impact.

In conclusion, the requested Special Use Permit for a carwash facility would not be appropriate at this location. The inclusion of a fully-staffed carwash facility creates negative visual impacts to an area intended to present a strong, positive image. The concentration of vehicle service establishments threatens the community's vision detailed for the Suwanee Gateway area in the 2030 Comprehensive Plan. In addition, the site cannot adequately support the convenience store and carwash facility as currently proposed. By excluding the carwash facility, the applicant could utilize the existing land to accommodate the convenience store while minimizing the need for variances and preserving existing specimen trees. As such, the Planning Department recommends denial of SUP-2010-002 and denial as proposed of RZ-2010-004. It is important to note that should the Planning Commission deny the rezoning request then it is not necessary to make a recommendation on the Special Use Permit since carwashes are not allowed in R-100 as a special use.

Anthony Manners asked Josh Campbell what is unique about the trees chosen by staff to be saved. Josh Campbell explained the trees were chosen because of their size, canopy and the arborist report that was submitted by the applicant.

Jodi Nevels asked Josh Campbell where the median cut will be located. Josh Campbell stated the median cut will line up with the right-in right out for the shopping center across the street. There will be a right in right out on Satellite Boulevard.

Discussion ensued amongst the Planning Commission and staff regarding the staff recommended conditions referencing inter-parcel access and the preservation of specimen trees.

Anthony Manners called upon the applicant.

Michael Sullivan, Anderson, Tate and Carr, 1960 Satellite Boulevard, Duluth. Mr. Sullivan is representing Quiktrip Corporation and Eugene and Kathleen Walls. Mr. Sullivan stated he requests approval of RZ-2010-004 for the Quiktrip and SUP-2010-002 for a carwash. Quiktrip is proposing to build a convenience store on the southern portion of the property. The carwash is proposing to build on the northern portion. The carwash will be fully staffed.

Mr. Sullivan stated that the property is located at the fully signalized intersection of two of the highest traffic volume roads in the City of Suwanee or anywhere in Gwinnett County. Each of these roads is a highly commercialized corridor in its own right. The property sits at the epicenter of one of the most intensive commercial nodes on either road in either direction with C-2A zoned properties completely surrounding this property in almost every direction. The other three corners at this intersection are already zoned and developed for commercial use. This property is the only one at this intersection that is not.

Mr. Sullivan stated that it would be hard to argue that there is a better location in the entire City of Suwanee for a Quiktrip than one of the prime corners of a fully signalized intersection of two major arterial roads and what development patterns have already established as a major commercial node. Nearby properties in the immediate vicinity are already zoned and feature convenience stores. Convenience stores have no adverse impact on the property in the Suwanee Gateway. Suwanee Gateway has flourished with convenience stores. Opus endorsed that concept when they invested millions to redevelop a site that was directly adjacent to and across the street from several convenience stores.

The subject property consists of about 4 acres. Quiktrip only needs about 2 acres. Mr. and Mrs. Walls put the remaining property on the market. No stand alone restaurants want to build on this site. The only users who expressed an interest in this property were carwashes. Mr. Sullivan and his client believe this property is a prime location for a Quiktrip and a carwash.

Mr. Sullivan indicated that his clients are willing to work with staff to try to find a compromise to the City of Suwanee's aesthetic concerns.

Mr. Sullivan explained to the Planning Commission that his client has engaged a professional arborist to try to preserve the trees. There is no way to preserve the trees and meet the business objectives of Quiktrip. Quiktrip is not interested in this site if it can not be located directly at the corner. The property owner is entitled to a reasonable economic use for all of their property. It is not permissible for a local government to effectively take half of the Walls' property by regulating it in such a way that the remaining half of the property is unmarketable. It is also grossly unfair to Mr. and Mrs. Walls to leave them with two acres of open space that they get to pay taxes on so that people driving by can see specimen trees on their way home from work. It also is not reasonable to regulate land use so as to require a business that only requires two acres of property to build their site to purchase four acres of property. If the cost of a proposed location can not be justified on its own the company will not purchase the site. If visibility does not meet Quiktrip requirements they will not purchase the site.

Pete Charpentier asked Mr. Sullivan who he is representing. Mr. Sullivan stated he is representing Quiktrip Corporation in the rezoning, and Mr. and Mrs. Walls and the company they are negotiating with for the northern portion of the property.

Pete Charpentier asked Mr. Sullivan if it is financially viable for Quiktrip to purchase the entire property. Mr. Sullivan stated Quiktrip is not interested in purchasing the four acres.

Pete Charpentier asked if there had been any attempts to save the specimen trees on the property. Mr. Sullivan indicated that significant attempts had been made. Services of an arborist have been engaged. A retaining wall will be required in the rear of the store to preserve the one specimen tree in the rear. It will cost approximately \$50,000. Also, inter-parcel access would result in removal of specimen trees.

Discussion ensued amongst the Planning Commission and Mr. Sullivan regarding Quiktrip's need for only 2 acres.

Jodi Nevels asked about the restaurant component of the Quiktrip. Mr. Sullivan indicated this Quiktrip will be somewhat different.

Nathan Richards, Quiktrip Corporation, 952 Old Peachtree Road, Lawrenceville, GA. Mr. Richards stated Quiktrip is looking to expand the food and beverages that will be offered. The layout has not been disclosed yet. This will be the first type of Quiktrip of its kind in Georgia.

Jodi Nevels asked if there will be a drive thru component. Mr. Richards indicated there will not be a drive thru.

Anthony Manners asked if there will be outdoor storage of sodas and water. Mr. Richards stated he is unsure.

Joy Mitchell asked Mr. Richards when he will have an idea of the design of the store. Mr. Richards indicated the design of the store will be ready in December.

Joy Mitchell asked Josh Campbell if there are any other specimen trees that could be saved. Josh Campbell explained there are other trees that can be saved but they will be behind the Quiktrip and next to an industrial building.

Anthony Manners called for support of the project. There was none.

Anthony Manners called for opposition.

Wendy Butler, Coleman Talley Lawfirm. Ms. Butler is working with residents and business owners in the immediate area who are opposed to this project. Ms. Butler has a petition with 25 names on it. The 2030 Comprehensive Plan designates this location for a park. It is designated as the only park in the area. The number of specimen trees is problematic.

Chip Hackett, Ultra Car Wash. Mr. Hackett received the special use permit for the carwash at 3121 Lawrenceville-Suwanee Road. The economy and the rain impacted the

plan to open the carwash in 2008. Mr. Hackett is now ready to proceed with permits for the carwash.

Mr Nokoye, 335 Fire Creek Drive. Mr. Nokoye stated there is a school across the street from the proposed site. There should not be alcohol sales allowed so close to the school.

Mr. Sullivan stated that Quiktrip will comply with all requirements of the alcohol beverage license regulations. A daycare is not considered a school under state law and local ordinance.

Mr. Sullivan explained that the City of Suwanee has no current or future plans to purchase this property for a park. It is not fair to force property owners to pay taxes on a park.

Pete Charpentier asked Josh Campbell to review the proposed conditions with the Planning Commission. Discussion ensued amongst the Planning Commission and staff regarding the proposed conditions.

Pete Charpentier moved to approve RZ-2010-004 with amended conditions, second by Jodi Nevels. Motion carried 4-0 (deletions =bold strikethrough)

1. ~~Commercial use shall be limited to a convenience store with restaurant services and gasoline pumps.~~
2. No vehicular sales, service or rental establishments are allowed.
3. The site shall be limited to a total of no more than one (1) ground sign and one (1) wall sign per building elevation. No additional banners, flags, pennants, balloons, etc. shall be provided, except that the site may be allowed up to two (2) 2.5' X 8' banners for up to 90 day period year pursuant to the city's Temporary Advertising Device stipulations.
4. If a development permit is issued for the site, then a sidewalk shall be provided along all public streets.
5. Any median trees removed from Lawrenceville Suwanee Road shall be replanted as directed by the Planning Director and as approved by any applicable regulatory agencies.
6. The developer shall provide an enhanced landscape/streetscape area at the intersection of Lawrenceville Suwanee Road and Satellite Boulevard. A plan for such landscaping/streetscaping shall be approved by the Planning Director. Said plan should be consistent with the landscaping/streetscaping located at the other three corners of the intersection of Lawrenceville-Suwanee Road and Satellite Boulevard.

7. Inter-parcel access shall be provided to the adjoining parcel on Lawrenceville Suwanee Road.
8. The architecture for all structures and landscaping of the site shall be subject to the approval of the Planning Director.
9. The site plan shall be redesigned to preserve the specimen trees identified on Attachment "C".
10. Outdoor storage or outdoor retail display of goods shall be prohibited.

Pete Charpentier moved to deny SUP-2010-002, second by Jodi Nevels. Motion carried 3-1. Anthony Manners voted against the denial.

OTHER BUSINESS

ANNOUNCEMENTS

Josh Campbell welcomed Daniel Robinson as the City Planner.

ADJOURNMENT

Joy Mitchell moved to adjourn at 7:43 pm.