

Amended Application of RaceTrac Petroleum, Inc. as to Variance Request for Case Number: V17-08-24,  
City of Mandeville Zoning Commission

Please accept this email filing as an amended application, on behalf of my client, RaceTrac Petroleum, Inc., the Petitioner/Applicant, in connection with the above referenced case, scheduled for public hearing on September 12, 2017.

The initial and pending application seeks the following variances, to-wit:

1. Sections 5.2.3 Grading, Fill and Foundations Supplement
2. Section 9.2.4.7 Live Oak Protection Requirements
3. Section 9.2.5.5.3(2) Buffer Zone Requirements
4. Section 10.3.2 Sign Code Definitions
5. Section 7.5.9.3.8 Maximum Impervious Site Coverage
6. Section 9.1.2. Parking Facility Design
7. Section 10.5.3.11 Electronic Message Centers or Digital Signs
8. Section 7.5.9.4.10 Canopy Clearance Requirements
9. Section 7.5.9.10 Canopy Lighting Requirements
10. Section 7.5.9.3.6(c) Minimum Yard Setback Requirements

Based on the discussions at the Work Session on August 2, 2017, my client went back to the drawing board and revised its plans to be in full and complete conformity/compliance with the CLURO as it relates to Items 4-10 above, thereby obviating the need for variances in connection therewith. A copy of the (revised and current) Site Plan dated August 16, 2017 is attached hereto.

As per CLURO Section 4.3.4.5, due to the existing topography (including elevations and location of live oak trees) of the site, Petitioner alleges that a strict application of the CLURO relating to the use and/or construction of the buildings and/or structures, as well as the use of the land (site), will impose unusual and practical difficulties or particular hardship, and accordingly the grant of the following requested variances:

1. Will not merely serve as a convenience to the Applicant;
2. Will alleviate demonstrable and unusual hardship or difficulty warranting deviation from the CLURO, without sacrificing protection for the surrounding property; and
3. Will be consistent with similar variances granted by the Mandeville Zoning Commission for other properties in both the immediate and general vicinity of the site.

Accordingly, variances are warranted for the first three items listed (of the 10 initially requested variances) above, more particularly:

1. As to Section 5.2.3 (Grading, Fill, and Foundations Supplement), the attached DRAINAGE IMPACT STUDY of Duplantis Design Group PC ("DDG"), originally dated August 2, 2017, Revision #1 dated August 25, 2017 (a copy of which is attached hereto), states that the average depth of fill to be imported to the site, excluding the building, will be 1.67 feet, approximately one foot (12 inches) less

than the initial plan, and nearly identical in elevation to the abutting developed property (Fifth District Savings Bank).

2. As to Section 9.2.4.7 (Live Oak Protection Requirements), please see the attached:

a) Tree Removal Plan of DDG dated August 29, 2017 (a copy of which is attached hereto) indicating the 13 "Existing Live Oaks To Remain" as well as the 6 "Existing Live Oaks To Be Removed" due to site constraints; and

b) Concept Landscape Plan Existing Tree Plan of DDG dated August 28, 2017 (a copy of which is attached hereto), thereby warranting the removal of the 6 live oaks, and with the placement of pervious pavement within the drip line areas, the continued prosperity of the live oaks "to remain".

3. As to Section 9.2.5.5.3 (2) (Buffer Zone Requirements), the attached Site Plan includes, along and inside the rear (southern) boundary line:

a) A 15 foot wide landscape buffer behind "Proposed Lot A-2", which is code compliant; and

b) A 25 foot wide landscape buffer behind the developed RaceTrac site which is code compliant, with the minor variation due to the location of the dumpster and a small amount of parking area.

Please review and provide comments in connection therewith and also distribute to the Commissioners at your earliest convenience.

RaceTrac continues in its commitment to make every reasonable effort to comply with the CLURO, but for the deviations cited above, requiring the requested remaining variances."

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