

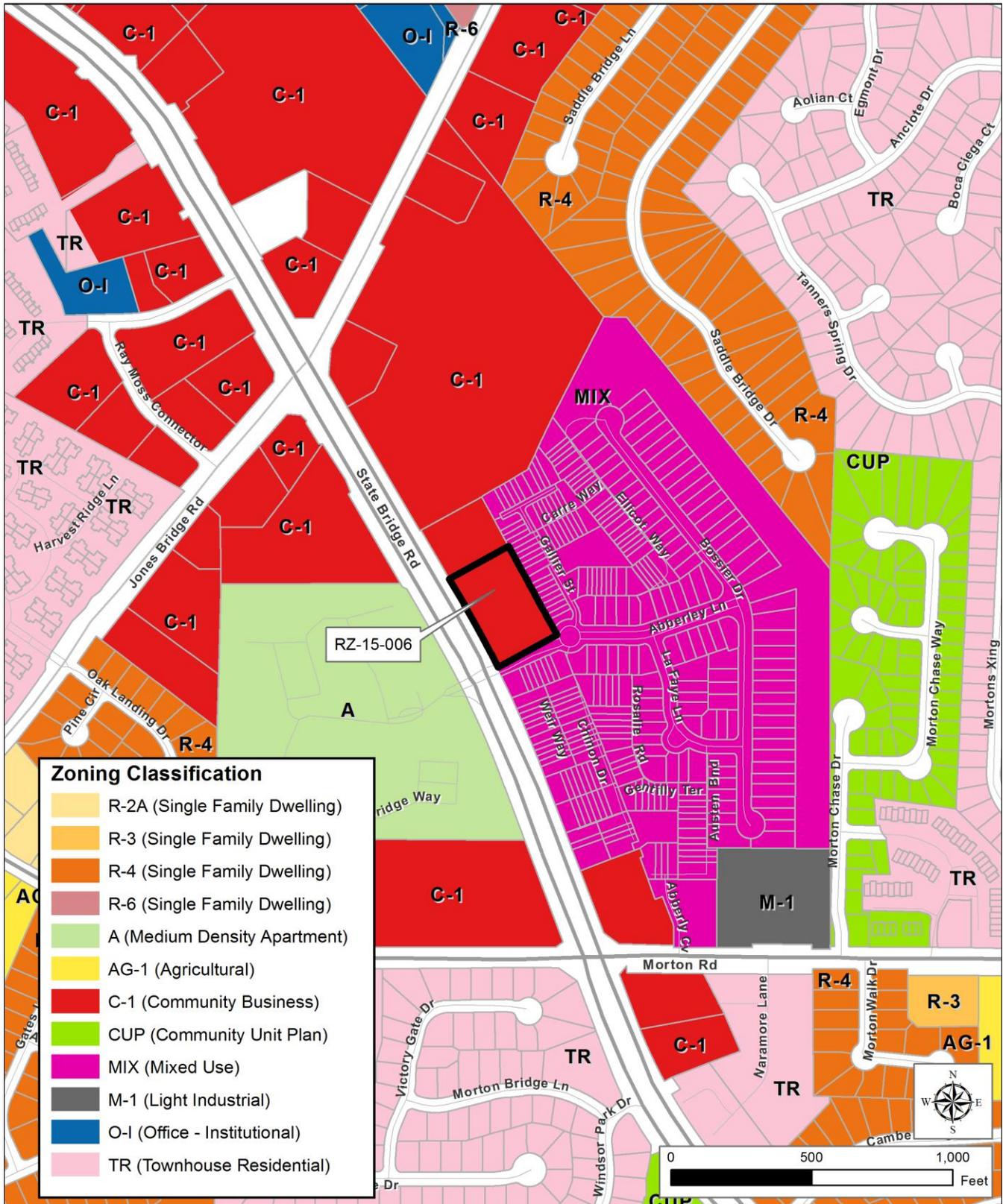


Land Use Petition RZ-15-006

Date of Staff Recommendation Preparation: April 21, 2015

PROJECT LOCATION:	10800 Block of State Bridge Road
DISTRICT/SECTION/LANDLOT(S):	1 st District, 1 st Section, Land Lots 168 and 169
ACREAGE:	1.94 acres
EXISTING ZONING	C-1 (Community Business District) Conditional
PROPOSED ZONING:	C-1 (Community Business District) Conditional
FUTURE DEVELOPMENT MAP DESIGNATION:	Character Area 10: Jones Bridge Road at State Bridge Road
OWNER & APPLICANT:	Gwinnett Prado, L.P. c/o Brogdon Consulting Duluth, GA 30096 Contact: Ted Sandler 678-648-2017
PROPOSED DEVELOPMENT:	Change zoning conditions to allow for the construction of two retail or service commercial buildings on two outparcels
STAFF RECOMMENDATION:	APPROVAL with conditions

RZ-15-006



PROJECT DATA

The applicant requests rezoning of a 1.92-acre tract from C-1 (Community Business District) Conditional to C-1 (Community Business District) in order to change zoning conditions to allow for the construction of two retail or service commercial buildings on two outparcels. The property is currently zoned C-1 Conditional as part of a larger shopping center under Fulton County zoning case Z-73-085, and is subject to subsequent modification M-02-051. This modification conditions the property to a site plan showing one 4,700-square foot building labeled “restaurant” on a single outparcel. The property immediately to the north of the subject property also falls under this modification, and is shown with a single 15,650-square-foot retail/service building. This property is currently developed with a 6,895-square-foot auto parts store, which is not part of this zoning case, and is currently graded for development.

The applicant is proposing to subdivide the subject property into two parcels of 1.10 and 0.84 acres in order to construct two retail or service commercial buildings. The proposed site plan shows these buildings to be 7,150 and 4,800 square feet.

Fulton County Modification M-02-051 included concurrent variance VC-02-204, which deleted the 25-foot buffer and 10-foot improvement setback along the south property line and replaced the 50-foot buffer and 10-foot improvement setback along the east property line with a 15-foot landscape strip and 5-foot improvement setback. The modification from M-02-051 shows the outparcel building on the subject property located approximately 65 feet from the rear property line, with a row of parking behind the building that is approximately 20 feet from this property line. The applicant is proposing a 15-foot landscape strip planted to buffer standards and additional 15-foot improvement setback with utility placement and light grading along the east property line behind each building.

The applicant submitted building elevations that were those submitted for the auto parts store on the adjacent parcel, which indicate a flat roof. The Department would note that the proposed buildings must conform to Community Standards, which prohibit flat roofs on commercial buildings of less than 10,000 square feet.

STANDARDS OF REVIEW - REZONING

A. Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?

The surrounding zoning, land uses and development criteria are as follows:

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North	C-1 Conditional (Z-73-085)	Shopping Center	4,226 sf/acre (existing)
Adjacent: East, South	MIX Conditional (Z-02-077)	Mixed-Use, Townhomes (Abberly Township)	204.56 sf/acre (commercial) 2.72 units/acre (residential)
Adjacent: West (Across State Bridge Road)	C-1 Conditional (Z-94-081)	Mini Storage	6,974 sf/acre

Adjacent: West (Across State Bridge Road)	A Conditional (RZ-10-004)	Apartments (Duck Pond)	12.05 units/acre
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Nearby commercial areas and residential areas across State Bridge Road will not be affected by allowing the property to be subdivided into two parcels. Commercial uses are suitable in view of the use and development of adjacent and nearby property. Increasing the landscape strip along the rear property line from 15 to 30 feet would help ensure adequate buffering between new commercial construction and adjacent existing townhomes.

B. Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?

The proposal would replace the single allowable building under 2002ZM-051 with two commercial buildings. However, the total commercial space indicated on the site plan from 2002ZM-051 was 21,350 square feet. The two proposed buildings from this rezoning case and the existing 6,895-square-foot auto parts store in place on the parcel to the north, which together make up the entirety of the 2002ZM-051 site, total 18,845 square feet. Allowing slightly less square footage in three buildings rather than two would not in itself have a significant adverse effect on adjacent properties. However, limiting buffering along the rear property line to a 15-foot landscape strip may negatively affect the use and usability of adjacent residences. Increasing this landscape strip to 30 feet would help mitigate any adverse effects.

C. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?

The subject property has a reasonable economic use as currently zoned.

D. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

The proposed change in conditions would not have a greater impact on streets, transportation facilities, or utilities than under ZM2002-051. There would be no impact on schools.

E. Whether the proposal is in conformity with the policy and intent of the Comprehensive Plan including the land use element?

The proposal is in conformity with the policy and intent of the Comprehensive Plan. The subject property is located in Character Area 10: Jones Bridge Road at State Bridge Road. The Comprehensive Plan lists retail as an appropriate use at this location, and the scale of the proposed construction would be in keeping with its policies and intent.

F. Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting ground for either approval or disapproval of the proposal?

The development of the parcel immediately to the north of the subject property with an auto parts store that is significantly smaller than proposed under ZM2002-051 gives supporting ground for allowing an additional building to be constructed on the remainder of the site from this modification case.

G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek.

There are unlikely to be any environmentally adverse effects resulting in allowing for the subdivision of the subject parcel into two outparcels.

STAFF ANALYSIS

The applicant is requesting rezoning from C-1 (Community Business District) Conditional to C-1 (Community Business District) in order to change conditions to allow for the construction of two retail or service commercial buildings on two outparcels. The site was originally zoned C-1 Conditional in 1973 as part of a larger shopping center, and currently operates under the conditions of Fulton County Modification case ZM-02-051, which also included the parcel immediately to the north of subject parcel. The site plan for this modification allowed for one building on each of two parcels, for a total of 21,350 square feet. The parcel to the north, which is not part of this proposal, has since been developed with a 6,895-square-foot auto parts store. The applicant has submitted a site plan that shows two retail or service commercial buildings on two parcels that, when combined with the existing auto parts store, would total 18,845 square feet.

This proposed change in conditions would be in keeping with the intent of the 2002 modification and the zoning ordinance. There would be no increased impact on transportation infrastructure or utilities, and nearby commercial properties would not be adversely affected. The townhomes that are immediately to the east of the subject property would abut two commercial buildings instead of one. However, the total size of the buildings on the properties under the current zoning modification would be slightly less than what is shown in the site plan from ZM2002-051. The proposed site plan indicates an increase in the landscape strip along the rear property line from 15 to 30 feet on the northern of the two proposed parcels, and the Department would recommend that this widened landscape strip be continued onto the second proposed parcel. Additionally the proposed change in conditions would be in keeping with the policy and intent of the Comprehensive Plan.

In conclusion, the proposed change in conditions would be suitable in view of the use and development of adjacent and nearby properties, it is in keeping with the overall policy and intent of the Comprehensive Plan. Therefore, the Department of Community Development recommends **APPROVAL** of this request.

DEPARTMENT COMMENTS**PUBLIC WORKS**

1. City of Johns Creek has no Capital Improvement Projects currently planned in the vicinity of this property to be considered for rezoning.
2. Applicant will be required to repair and/or install any trail along the entire property frontage of State Bridge Road damaged during construction at no cost to the City of Johns Creek.

WATER AND SEWER**WATER:**

Anticipated water demand: 100 gallons per day (gpd) per 1,000 sq. ft. x 8,600 square feet (Lot 2-A, retail/service) = 860 gallons per day (gpd) plus 100 gallons per day (gpd) per 1,000 sq. ft. x 4,800 square feet (Lot 2-B, retail/service) = 480 gallons per day (gpd) = 1,340 gallons per day

This project is within the Fulton County Government water service jurisdiction. There is a 12-inch water line along the east side of State Bridge Road that can service this location.

SEWER:

Basin: Johns Creek

Treatment Plant: Johns Creek

Anticipated sewer demand: 1,206 gallons per day

There are three sanitary sewer manholes located south of the southern property line of the 3.12-acre tract (10815 State Bridge Road) (Sewer manholes # SMJC3246569) in Land Lot 169, District 1-1 that can service this development.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Water Resources (Public Works) for more information.

FIRE MARSHAL

1. Owner/developer shall provide a current water flow report and GPS locate all fire hydrants by LDP submittal.
2. Depending on the elevation of the existing fire hydrant on State Bridge Road, additional fire hydrant(s) may be needed
3. To maintain the minimum accessible space to building on Lot A, wheel stops will be needed at the parking stalls adjacent to the structure
4. Please note that it was discovered by the project with the Advanced Auto that obtaining a gas line in this area could be very difficult to obtain and other means of fuel may be needed

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, density requirements, and any specimen recompense are to be protected and/or planted per the Guidelines.

SITE DEVELOPMENT

- 1) A Land Disturbance Permit (LDP) is required to develop the property. Development plans will have to comply with the Development and Zoning Regulations, Tree Preservation, Erosion & Sediment Control, Floodplain, Stream and Post-Development Stormwater Management Ordinances. A surety will be required for erosion control and any right of way improvements prior to issuance of land disturbance permit.
- 2) Fulton County Water and Sewer approval is required prior to issuance of land disturbance permit.
- 3) Water/ Sanitary/Storm as-builts, and a stormwater maintenance agreement will be required prior to issuance of a building permit.

HEALTH AND WELLNESS

The Fulton County Department of Health and Wellness requires that the applicant connect the proposed commercial development to public water and public sanitary sewer available to the site.

Since this proposed development constitutes a premise where people work or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.

This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air. If any commercial establishment serves persons under the age 18, no smoking will be allowed on its premises at any time.

If this proposed development includes a food service facility as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.

If this development includes a public swimming pool as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article XII – Swimming Pools and Natural Bathing Beaches (including spas, whirlpools, etc.), the owner or contractor must submit plans and approval by this department and must obtain a Department of Health and Wellness permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health and Wellness permit to operate the pool prior to opening.

This department is requiring that all existing structures to be demolished be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of Land Use Petition RZ-15-006, amending the Zoning Map, subject to the following enumerated conditions:

1. The site shall be limited to retail and service commercial and accessory uses with a total floor area of not more than 19,000 square feet, excluding:
 - a. Billboards
 - b. Funeral homes
 - c. Parking lots
 - d. Personal care homes or assisted living facilities
 - e. Service Stations
2. The site shall be developed in general accordance with these conditions and the site plan submitted to the Community Development Department on April 24, 2015, subject to the approval of the Community Development Director.
3. The owner shall provide a minimum 15-foot landscape strip planted to buffer standards and additional 15-foot no improvement setback allow for utility placement and light grading as approved by the Community Development Director along the east property line.
4. No additional curb cuts on State Bridge Road shall allowed. Owner/Developer shall utilize the existing right in/right out only driveway on State Bridge Road. Inter-parcel access easements are required. No median opening shall be allowed.
5. Owner/Developer shall provide no more than one (1) full access driveway on Abberley Lane. Inter-parcel access easements are required.
6. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of State Bridge Road a minimum of seventy-five feet (75ft) from the centerline of the road and dedicate such additional right-of-way as may be required to provide at least 11 feet of right-of-way from back of curb or 1 foot from edge of trail, whichever is greater, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
7. Owner/Developer shall provide pedestrian connectivity from the existing trail along State Bridge Road to each building entrance.

