

15-70
RZ-15-008



Johns Creek

PRE-APPLICATION FORM

REZONING, USE PERMIT(S) AND CONCURRENT VARIANCE(S)

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). To schedule a meeting contact a member of the Planning and Zoning Division by calling (678) 512 - 3200. This form will be completed during the pre-application meeting. After completing the pre-application meeting, the applicant may file the Land Use Petition.

Applicant: Riverwalk Marketplace S.C., LLC

Site Address: 5945 State Bridge Rd. Parcel Size: 8.1 acres

Proposal Description: Applicant desires to remove a condition of zoning that prohibits a nail salon as a permitted use.

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Existing Zoning Designation and Case Number: C-1

Proposed Zoning Designation: C-1

Comprehensive Land Use Map Designation: 141 Corridor - Activity Node

Planner: Taylor Baxter Date: 4/30/15

RZ-15 008

**REZONING/SUP/CHANGE IN CONDITIONS
APPLICATION**

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Riverwalk Marketplace S.C., LLC</u>	NAME: <u>Riverwalk Marketplace S.C., LLC</u>
ADDRESS: <u>c/o Laurel David, Esq., The Galloway Law Group</u>	ADDRESS: <u>same as applicant</u>
CITY: <u>3500 Lenox Rd., Ste 760, Atlanta</u>	CITY: _____
STATE: <u>Georgia</u> ZIP: <u>30326</u>	STATE: _____ ZIP: _____
PHONE: <u>404-965-3680</u>	PHONE: _____
CONTACT PERSON: <u>Laurel A. David</u> PHONE: <u>404-965-3680</u>	
CONTACT'S E-MAIL: <u>laurel@glawgp.com</u>	

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): C-1 REQUESTED ZONING DISTRICT: C-1

LAND DISTRICT(S): 1st LAND LOT(S): 331 and 336 ACREAGE: 8.1

ADDRESS OF PROPERTY: 5945 State Bridge Rd.

PROPOSED DEVELOPMENT: to allow a nail salon in an existing retail center

CONCURRENT VARIANCES: _____

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>two buildings</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>approx. 79,100</u>
Density: _____	Density: <u>approx. 9,765s.f./acre</u>

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REZONING APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE CITY COUNCIL.

RIVERWALK MARKETPLACE S.C., LLC
a Delaware limited liability company
By: Riverwalk Marketplace S.C. Holdco,
LLC, its sole member
By: Kimstone Holdings, LLC, its sole member
By: KUBS Income Fund I, L.P., its managing member
By: KUBS Income Fund I GP Business Trust,
its general partner

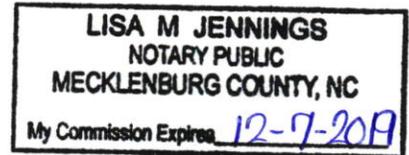
04-28-15

Signature of Applicant

Date

Gary J. Bazydlo
Vice President

Type or Print Name and Title



4-28-15

Signature of Notary Public

Date

Notary Seal

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Planning & Zoning

REZONING PROPERTY OWNER'S CERTIFICATION

RZ-15 008

THE UNDERSIGNED BELOW, OR AS ATTACHED, STATES UNDER OATH THAT THEY ARE THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE CITY COUNCIL.

RIVERWALK MARKETPLACE S.C., LLC

a Delaware limited liability company

By: Riverwalk Marketplace S.C. Holdco, LLC, its sole member

By: Kimstone Holdings, LLC, its sole member

By: KUBS Income Fund I, L.P., its managing member

By: KUBS Income Fund I GP Business Trust, its general partner

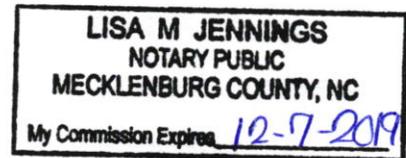
04-28-15

Signature of Property Owner

Date

Gary J. Bazydlo
Vice President

Type or Print Name and Title



4-28-15

Signature of Notary Public

Date

Notary Seal

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DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4); **NO** (if NO, complete only point 4)

- 1. CIRCLE ONE: Party to Petition (If party to petition, complete sections 2, 3 and 4 below)
In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

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4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Laurel Dand
 Signature: Laurel Dand Date: 5/4/15

Legal Description

All that tract or parcel of land lying and being in Land Lots 331 and 336, 1st District, 1st Section, Fulton County, Georgia and being more particularly described as follows;

To reach the Point of Beginning, commence at a point located at the intersection of the Easterly Right of Way of State Bridge Road (R/W varies) with the Southerly Right of Way of Medlock Bridge Road; thence southerly along the Easterly Right of Way of State Bridge Road a distance of 1976.75 feet to a ½ inch rebar found and the Point of Beginning; thence north 10 degrees 17 minutes 27 seconds east a distance of 50.01 feet to a ½ inch rebar found; thence north 55 degrees 17 minutes 27 seconds east a distance of 278.06 feet to an X cut in curb; thence south 47 degrees 00 minutes 32 seconds east a distance of 213.39 feet to a ½ inch rebar found; thence south 39 degrees 10 minutes 34 seconds east a distance of 181.43 feet to a ½ inch rebar found; thence south 43 degrees 35 minutes 27 seconds east a distance of 189.03 feet to a ½ inch rebar found; thence south 56 degrees 31 minutes 30 seconds east a distance of 136.32 feet to a ½ in rebar found; thence south 23 degrees 22 minutes 23 seconds east a distance of 111.66 feet to a ½ inch rebar set; thence south 32 degrees 36 minutes 45 seconds west a distance of 100.21 feet to a ½ inch rebar set; thence south 64 degrees 15 minutes 31 seconds west a distance of 415.00 feet to a ½ inch rebar set; thence north 70 degrees 44 minutes 29 seconds west a distance of 45.07 feet to a ½ inch rebar set on the Easterly Right of Way of State Bridge Road; thence north 26 degrees 10 minutes 50 seconds west a distance of 454.33 feet to a point on the Easterly Right of Way of State Bridge Road; thence continuing along the Easterly Right of Way of State Bridge Road and following the arc of a curve to the left a distance of 266.87 feet, said arc being subtended by a chord bearing of north 28 degrees 07 minutes 01 seconds west and a chord distance of 266.76 feet to a ½ inch rebar found and the Point of Beginning.

Said Tract or Parcel being 8.085 acres of land.

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**PUBLIC PARTICIPATION PLAN
APPLICATION FOR REZONING
CITY OF JOHNS CREEK, GEORGIA**

The Owner, Riverwalk Marketplace S.C., LLC, through its representatives, plans to schedule and hold at least one public participation meeting regarding the proposed development. The Owner intends to send a letter to all property owners within a quarter mile of the Property informing them of the time and place for the Public Participation Plan meeting and will provide them with information regarding the proposed modification of zoning conditions. This notice will also be sent to the Johns Creek Community Association. The Owner will prepare and submit a Public Participation Report meeting the requirements of the Zoning Ordinance to the Johns Creek Planning & Zoning Department at least seven (7) business days before the Mayor and City Council's hearing on the request.

THE GALLOWAY LAW GROUP, LLC

By: Laurel David

Laurel A. David
Attorney for Applicant

3500 Lenox Road, NE
Suite 760
Atlanta, Georgia 30326
(404) 965-3680

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Environmental Site Analysis

1. Conformance to the Comprehensive Plan

The Property is currently improved with a retail center consisting of one nationally known grocer and a smaller outparcel building and associated surface parking. The Property is located in the Activity Node centered on the intersection of Medlock Bridge Road and State Bridge Road in the area designated as Medlock Bridge Road/SR 141 Corridor. The City of Johns Creek Comprehensive Plan 2030 (the "Comprehensive Plan") designates this Activity Node as a possible location for a Town Center and recommends a dense mix of uses for the area.

There are no known environmental issues associated with the site. The conditions of zoning restrict the use of the Property to retail, service commercial and/or office and accessory uses at a maximum density of 78,000 square feet or 9,641.54 square feet per acre, whichever is less. However, the square footage that has been constructed on the site is 79,059 square feet. It is not known how the additional square footage was permitted. The Applicant asks that the condition be modified to address this discrepancy in the square footage. The Applicant does not propose to increase the square footage beyond what already exists on the site or make any external changes to the existing retail center. In addition, the current zoning prohibits Nail Salons and Martial Arts Studios uses on the site. The Applicant proposes to modify the conditions to allow these uses.

Although constructed before the City incorporated in December of 2006, the development fulfills many of the goals of Johns Creek's Comprehensive Plan 2030. Unlike, typical strip-mall development, the buildings were placed perpendicular to the street so that there is not a parking lot between the street and the building's facade. The parking lot is adjacent to the street frontage, but is screened from view by a berm and decorative landscaping. There is also a large greenspace feature at the corner of State Bridge Road and Camden Way and between the outparcel building and Camden Way. The development does not have its own curb cut on State Bridge Road, rather access is obtained via Camden Way, which improves access management along the corridor through the regulation of curb cuts. Further, the retail center is within walking distance of a large multi-family residential development to the north and provides convenient retail uses to these residents. Accordingly, the zoning proposal conforms to the policy and intent of the Johns Creek Comprehensive Plan.

2. Environmental Impacts of the Proposed Project:

The Property currently consists of a fully developed retail center. As based upon field observation and field survey of the subject property, there are no environmentally sensitive jurisdictional features on the site, as itemized below:

- a. **Wetlands:** There are no wetlands located on the site based on field observation and the National Wetlands Inventory.
- b. **Floodplain:** The proposed site location does not lie within the 100 year flood hazard zone as defined by the F.E.M.A Flood Insurance Rate Map (FIRM) of Fulton County, Georgia, panel numbers 13121C0093G, effective date of September 18, 2013.
- c. **Streams / Stream buffers:** There is a stream located near the property to the north based on site observation and survey. The stream buffer appeared to be intact based on site observation.
- d. **Slopes exceeding 25% over a 10-foot rise in elevation:** There are slopes exceeding these values as based upon site observation and field survey. All slopes were on the boundaries of the Property and appeared to be stabilized by grass, shrubs or trees.
- e. **Vegetation:** Given the developed condition of the Property, onsite vegetation is limited to landscaped areas and a small wooded strip along the slopes of the northern border.
- f. **Wildlife Species (including fish):** Given the developed condition of the Property, there are no known wildlife species on the existing site.
- g. **Archeological / Historic Sites:** The site does not have any known archeological or historical areas, based on Georgia DNR records and site observation.

3. Project Implementation Measures

The following measures will be enforced during implementation of the proposed development program:

- a. **Protection of Environmentally Sensitive Areas:** No environmentally sensitive areas will be impacted as a result of the proposed request.
- b. **Protection of Water Quality:** Water quality will not be negatively impacted as a result of the proposed request.
- c. **Minimization of Negative Impacts on Existing Infrastructure:** No additional building square footage is proposed as part of this request, so there will be no negative impacts on existing infrastructure.

- d. **Minimization on Archeological/Historically Significant Areas:** The property is currently fully developed, so there will be no negative impacts on any archeological or historically significant areas.
- e. **Minimization of Negative Impacts on Environmentally Stressed Communities:** There will be no negative impacts on environmentally stressed communities.
- f. **Creation and Preservation of Green Space and Open Space:** No change in the site layout is proposed, so there will be no impacts on Green or Open Spaces.
- g. **Protection of Citizens from the Negative Impacts of Noise and Lighting:** No additional construction is proposed as part of this request, so citizens are not expected to be additionally impacted.
- h. **Protection of Parks and Recreational Green Space:** There will be no impacts on Parks or Recreational Green Space as part of this request.
- i. **Minimization of Impacts to Wildlife Habitats:** The property is currently fully developed, so there will be no negative impacts on wildlife habitats.

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City of Johns Creek
*** CUSTOMER RECEIPT ***

Batch ID: JHNCMNJ 5/05/15 01 Receipt no: 11215

Year	Number	Type	SvcCd	Description	Amount
2015	70	PZ		PLANNING/ZONING PAYMENTS	\$1500.00

RZ-15-008 FEES

Tender detail

CK Ref#:	2867	\$1500.00
Total tendered:		\$1500.00
Total payment:		\$1500.00

Trans date: 5/05/15 Time: 11:05:53

*** THANK YOU FOR YOUR PAYMENT ***

APPLICANT'S ACKNOWLEDGEMENT FORM

The applicant's attendance is required during the following public hearings:

Planning Commission Date: 8/4/15

Mayor & Council Date: 8/24/15

Pursuant to Article 28.3 Public Hearing and Notice Requirements of the Johns Creek Zoning Ordinance, the applicant in a rezoning, zoning modification, special use permit or variance requiring a public hearing must post a public notice sign on the subject property at least **20 days prior** to the first public hearing by 8:30 a.m.

The applicant shall pick up the sign at:

Compelling Signs

1901 Montreal Road

Tucker, Georgia 30084

Phone: (678) 580-2452

Fax: 678-580-0934

Hours of Operation: Monday-Friday 9:00 a.m. – 5:00 p.m.

The applicant hereby certifies that they understand they must pick up the appropriate public hearing sign from Compelling Signs and post it correctly on the subject property no less than 20 days and no more than 45 days prior to the first public hearing. On the required date of posting, please take a digital photograph of the posted sign and e-mail the date-stamped photo to Marie.Janvier@johnscreekga.gov. This photograph is necessary for public record. Further the applicant certifies that the sign will be maintained in such a way that the sign is clearly visible from the right-of-way while on the property and that the applicant is responsible for reposting the sign, should it fall down or become obscured. Additionally, the applicant understands that attendance is required during the above listed public hearings.

Laurel Dand
Applicant's Printed Name and Signature

5/5/15
Date

22-15-008
Case Number

7/14/15 - 7/20/15
Deadline date for sign posting by applicant Deadline date for 300 ft mailing by applicant

Sign Posting Instruction: Signs must be posted with the sign face facing the road right-of-way. Signs must be clearly visible from the right-of-way and free of obstruction. Signs must be securely fastened to posts driven into the ground and must be independent of other structures. Signs shall not be posted on trees, utility poles, or other similar objects. Failure to comply with these regulations may result in the application being withdrawn.