



Land Use Petition RZ-15-012, VC-15-012-01, VC-15-012-02, SUP-15-002, VS-15-002-01  
Date of Staff Recommendation Preparation: 9/23/15

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**PROJECT LOCATION:** 6200 Block of Abbotts Bridge Road

**DISTRICT/SECTION/LANDLOT(S):** 1<sup>st</sup> Section, 1<sup>st</sup> District, Land Lots 359

**ACREAGE** 1.77 acres

**EXISTING ZONING:** O-I (Office-Institutional District) Conditional

**PROPOSED ZONING:** C-1 (Community Business District)

**FUTURE LAND USE PLAN DESIGNATION:** Character Area 9: 141 Corridor  
Activity Node: Abbotts Bridge Road/Medlock Bridge Road

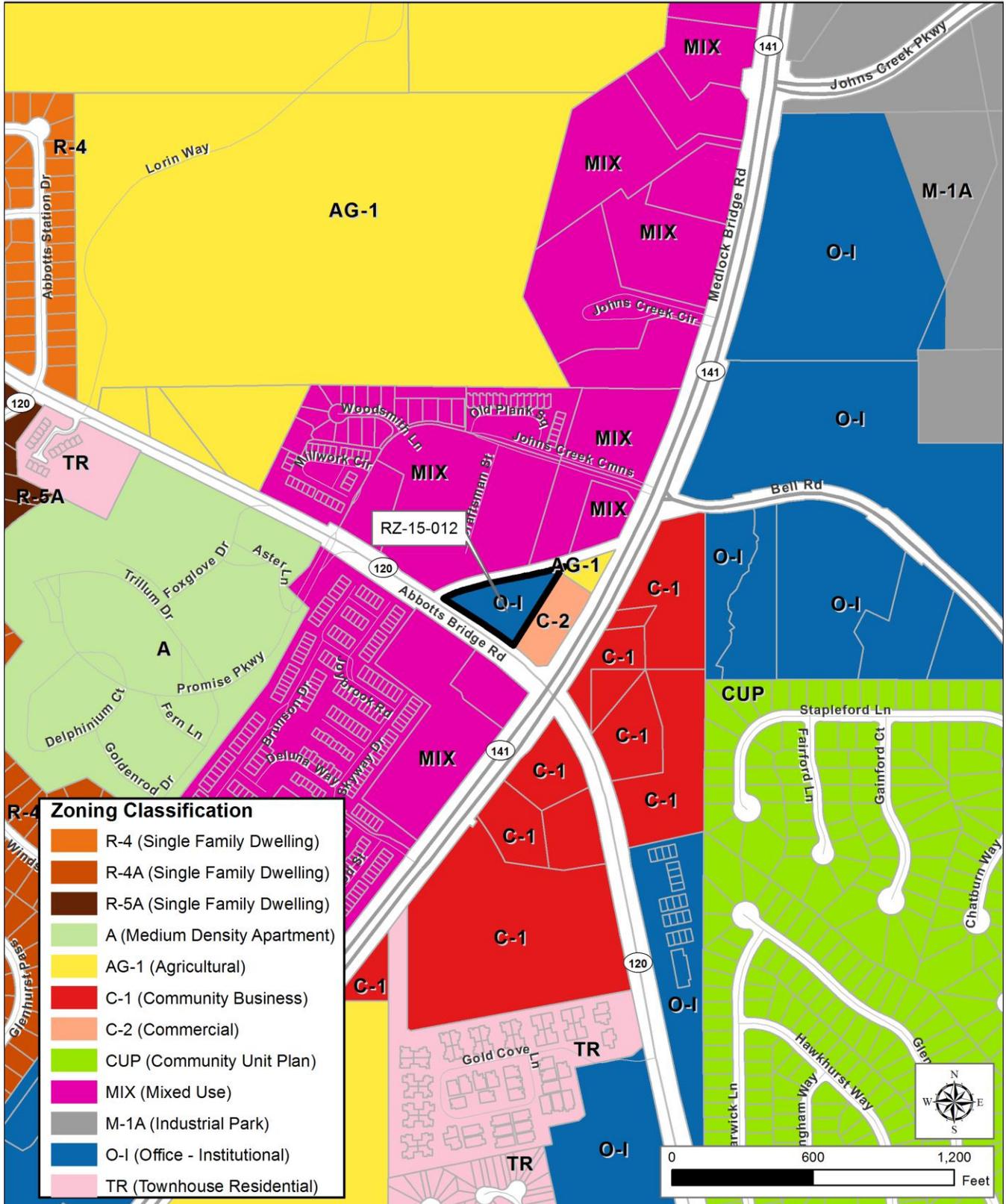
**PETITIONER:** GreyBull, LLC  
8965 Etching Overlook  
Johns Creek, GA 30097  
Contact: Frans Van Leewen  
404-697-2490

**OWNER:** Abbotts Bridge Center, LLC  
5211 Jimmy Carter Blvd.  
Norcross, GA 30093

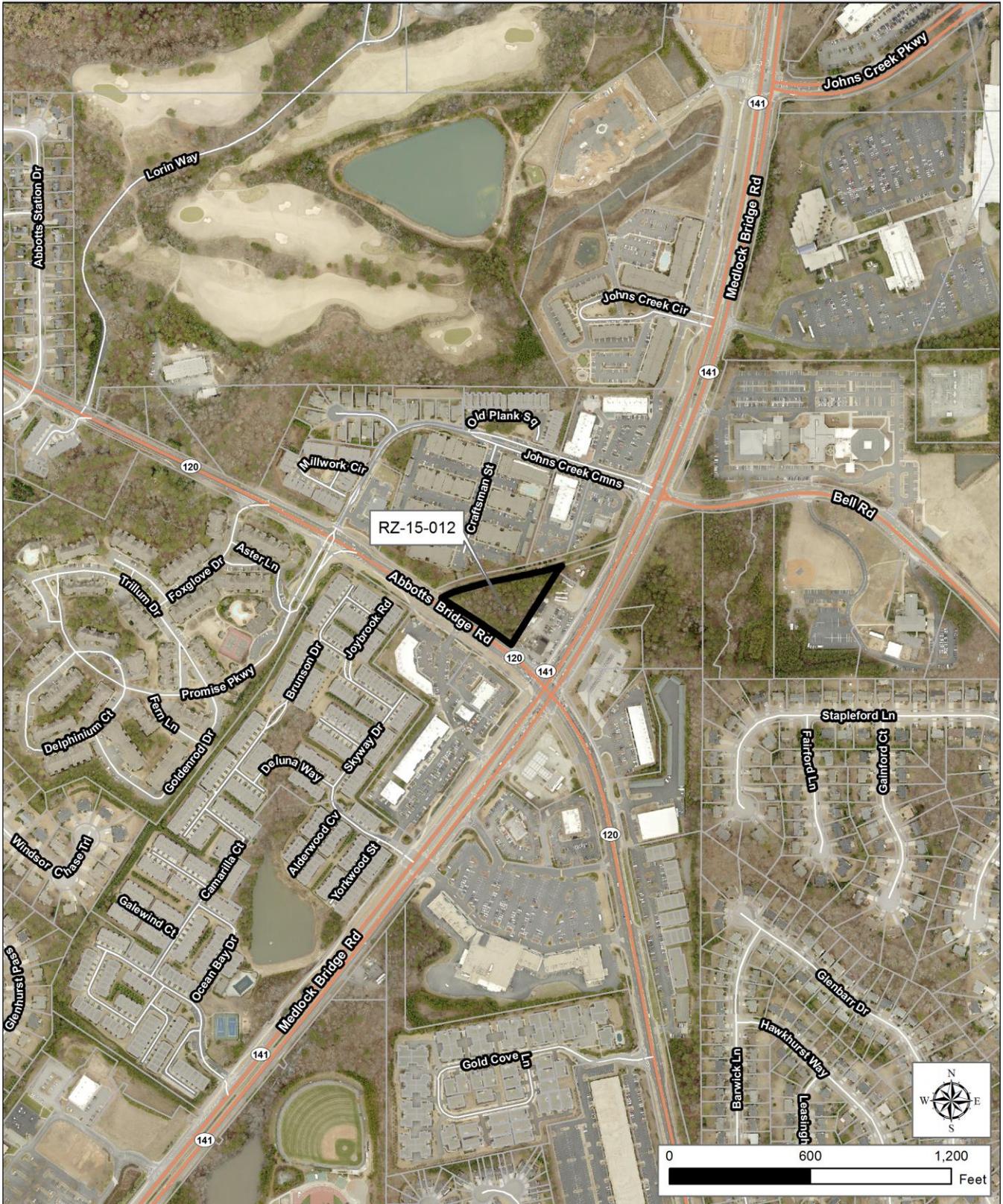
**PROPOSED DEVELOPMENT:** 80,370 square foot self-storage facility

**STAFF RECOMMENDATION:** **DENIAL OF RZ-15-012**  
**DENIAL OF VC-15-012-01**  
**DENIAL OF VC-15-012-02**  
**DENIAL OF SUP-15-002**  
**DENIAL OF VS-15-002-01**

RZ-15-012



RZ-15-012



## **PROJECT OVERVIEW**

The applicant requests a Rezoning and a Special Use permit (SUP) in order to construct a 3-story, 80,370 square foot self-storage facility on a vacant site located in the 6200 Block of Abbotts Bridge Road. The property is currently zoned O-I (Office-Intuitional) Conditional which does not permit a self-storage facility. "Self Storage/Multi" centers are only permitted, with a SUP, in the MIX (Mixed Use), C-1 (Community Business), and C-2 (Commercial) Zoning Districts. The applicant is requesting the C-1 (Community Business) Zoning District. Three concurrent variances are also being requested. Two concurrent variances are related to the rezoning application, while one is related to the SUP application.

The subject property was previous rezoned per Z-09-001, which rezoned the property from AG-1 to O-I Conditional. This rezoning allowed for "office and intuitional uses with a maximum area of 17,000 gross square feet and limited to two (2) stories." The two story office building that was approved, was never constructed. The vacant site is triangular in shape and filled with large growth trees. It is bounded on the south by Abbotts Bridge Road, on the west by a multi-use trail, and to the east by an open air pine straw retailer and an automobiles sales and service center. There is currently one curb cut to the property, off of Abbotts Bridge Road.

The proposed site plan does not comply with the City of Johns Creek Zoning Ordinance and requires three concurrent variances. The requested variances are as follows:

VC-15-012-01: Reduce the 40 foot landscape strip along Abbotts Bridge Road. If measured from the requested ROW, as stated by the Public Works Department, the applicant would be asking to reduce the 40 foot landscape strip to 17 feet at its narrowest point. The encroachment, which allows for parking spaces and a fire lane, varies along the front of the property leaving a landscape strip that is between 17 feet and 25 feet. A variance reducing the 40 foot landscape strip by 23 feet is necessary to implement the proposed site plan if approved with recommended conditions.

VC-15-012-02: Reduce the number of parking spaces from 19 parking spaces to 8, which includes 7 regular automobile parking spaces and 1 handicap space. The parking lot will also contain 2 loading spaces, which are not counted towards their overall required parking.

VS-15-002-01: This variance request is to Section 19.4.41(1) which states that "a new or expanded self-storage facility shall be located a minimum of 1,500 feet from the boundary of any other self-storage facility (mini or multi)." The proposed self-storage facility is located 840 feet from the nearest self storage facility, which is located on the northeast side of Medlock and Abbotts Bridge Road.

At one point, the applicant requested a fourth variance in order to reduce the 25 foot landscape strip along the multi-use path. However, the applicant has revised their site plan and letter of intent to remove this request (dated September 22, 2015.)

The property is located in Character Area 9: 141 Corridor. It is also located in the Abbotts Bridge Road/Medlock Bridge Road activity node.

## **STAFF ANALYSIS**

The subject property includes a 1.7 acre parcel located off Abbotts Bridge Road, near the intersection of Medlock Bridge Road. The surrounding area is comprised of MIX and C-1 zoning, with the exception of the two parcels to the immediate east, which are zoned AG-1 and C-2. The applicant is requesting a Rezoning from O-I Conditional to C-1, as well as a Special Use Permit (SUP), in order to construct a 3 story, 80,370 square foot self-storage facility (self-storage/multi). The proposal requires 3 concurrent variances for a 40 foot landscape strip reduction, a parking space reduction, and a reduction to the 1500 foot separation requirement for a new or expanded self-storage facility.

The Zoning Ordinance divides self-storage facilities into two categories: “Self-Storage/Mini” and “Self-Storage/Multi.” “Self-Storage/Mini” is defined by “a single-level structure or group of structures containing separate spaces/stalls and which are leased or rented to individuals for the storage of goods.” “Self-Storage/Multi” is defined as “a multi-level structure containing separate storage rooms/stalls under a single roof that are leased or rented.” The proposed self-storage facility is 3 stories tall which classifies it as a “self storage/multi.”

Section 19.4.41(1) lists the following five standards for a “Self Storage/Multi” facility:

1. No outside storage shall be allowed, including vehicle leasing.
2. All buildings shall have windows or architectural treatments that appear as windows.
3. No activities other than the dead storage or transfer of nonvolatile goods, or leasing of storage space are permitted. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment or other goods; transfer-storage business based on site; residential uses (other than the resident manager’s apartment), or any use which creates a nuisance due to noise, odor, dust, light or electrical interference.
4. Permitted curb cut access shall not be from a local street.
5. A new or expanded self-storage facility shall be located a minimum of 1,500 feet from the boundary of any other self-storage facility (mini or multi).

The applicant’s request does not conform to standard 5. The proposed self-storage building is located approximately 840 feet away from Extra Space Storage at 6260 Abbotts Bridge Road, which puts the proposed self-storage facility 660 feet closer than the Zoning Ordinance allows. This provision was established to discourage over concentration of self-storage facilities within the City of Johns Creek. The applicant has requested a concurrent variance to the SUP to allow their self-storage facility to be sited at this reduced distance. The applicant understands the other 4 standards and does not intend to seek relief from them.

The 2030 Future Development Map identifies the subject property as being within Character Area 9: 141 Corridor. It is also located within the Abbotts Bridge Road/Medlock Bridge Road Activity Node. As a whole, the intent for Character Area 9 is to allow the corridor to evolve from being a “sprawling strip commercial store to Johns Creek’s premier boulevard.” This particular activity node promotes successful mixed-use developments as well as retail, restaurants, Class A office space, business services, hotels, and live work development at 4-6 stories. A self-storage facility does not fit within any of the encouraged uses, nor is it an active use that would serve as a compatible use as part of a “premier boulevard.”

The applicant is requesting to rezone the subject parcel to allow a self-storage/multi facility that is only permitted in the MIX, C-1, and C-2 zoning districts, with an SUP. As currently zoned, the parcel is unable to request a SUP. C-1 might be considered a suitable zoning category for this parcel as the Community Business District permits the prescribed uses listed in the Comprehensive Plan for this

character area and activity node. However, the C-1 Zoning District cannot be supported due to the associated use of a self-storage facility. Rezoning in the City of Johns Creek are ultimately tied to an approved use and site plan and Staff believes that supporting the C-1 Zoning District without an appropriate use and site plan would not be in the best interest of the City.

The first requested concurrent variance, VC-15-012-01, is to Section 12E.3.A.1 which requires a 40 foot wide landscape strip along Abbotts Bridge Road. As proposed with the current right-of-way, the applicant would need to reduce the landscape strip from 40 feet to 32 feet. However, since the Public Works Department is requesting a condition that states that 15 feet of right-of-way shall be dedicated, Staff would like to clarify that the variance should actually be for a 23 foot reduction, leaving a 17 foot landscape strip at its narrowest point. Landscape strips define the roadways in the City of Johns Creek and provide screening. A reduction from 40 feet to 17 feet would not be in keeping with the standards established for the city as it diminishes greenspace vegetation and screening.

The second concurrent variance, VC-15-012-02, is for a parking space reduction per the requirements in Section 18.2. The table in Section 18.2 states that mini-warehouses are required to have 1 parking space per employee and 1 parking space per 5000 square feet. The proposed self-storage facility will encompass 80,370 square feet and will have no more than 2 employees per shift. The 80,370 square feet will require 17 spaces and the employee count will require 2 spaces, for a total of 19 spaces. The applicant has stated that they are requesting a variance to reduce the requirement of 19 spaces down to 8. While a self-storage facility would not generate a lot of traffic, as shown by the submitted peak trip count, Staff cannot support this concurrent variance request as it is directly tied to a use which is not supported at this location. Also, the main reason to request relief is because there is not enough space on the site which is not a hardship.

The third concurrent variance, VS-15-002-01, is related to the request for the SUP. The applicant is requesting to vary the requirement in Section 19.4.41(1) that requires “a new or expanded self-storage facility shall be located a minimum of 1,500 feet from the boundary of any other self-storage facility (mini or multi).” The proposed self-storage facility is located approximately 840 feet from an existing self-storage facility so the applicant is asking for relief from this standard. The intent of this standard is to discourage over concentration of self-storage facilities within the City of Johns Creek. Approval of this concurrent variance would exceed the need for self-storage in this location. In addition, there are likely other suitable locations in the city that meet this request. Therefore, there is no hardship to justify a variance.

In conclusion, the requested Rezoning and Special Use Permit to construct an 80,370 square foot self-storage facility in the 6200 block of Abbotts Bridge Road is inconsistent with the recommendations of the Comprehensive Plan and the minimum use permit standards listed in Article 19. The site is located within an activity center which recommends active land use. A self-storage facility is not compatible with active land uses. The need for three concurrent variances further illustrates that the self-storage facility is not a good fit for this property. In addition, the Fire Marshall has expressed concerns about the ability of a fire apparatus to make the sharp turn into the front fire lane further indicating that the use is not a good fit for the site. Therefore, Staff recommends **DENIAL** of the following applications: **RZ-15-012, VC-15-012-01, VC-15-012-02, SUP-15-002, and VS-15-002-01.**

## **STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **DENIAL** of Land Use Petition RZ-15-012, VC-15-012-01, VC-15-012-02, VC-15-012-03, SUP-15-002, VS-15-002-01. The following conditions are provided as a guide should the Planning Commission choose to recommend approval of the petition:

1. The property shall be developed in general conformance with the site plan submitted on September 22<sup>nd</sup>, 2015 to the Community Development Department;
2. Access hours to the storage units shall be clearly posted on all doors;
3. Owner/Developer shall provide no more than one (1) right in/right out only driveway from Abbots Bridge Road. The curb cut location shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Johns Creek Director of Public Works.
4. No vehicular access will be allowed from the site onto the City-owned right-of-way to the north (FKA Bell Road).
5. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Abbots Bridge Road an additional fifty-five feet (55') from the centerline of Abbots Bridge Road or fifteen feet (15ft) from the current northern right-of-way line of Abbots Bridge Road, whichever is greater, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
6. The /fire lane shall not be constructed within the required right-of-way of Abbots Bridge Road.
7. Exterior elevations including feature materials, fenestration and color schemes is subject to the review and approval of the Community Development Director.

**STANDARDS OF REVIEW - REZONING**

- **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:

<b>Adjacent &amp; Surrounding Properties</b>	<b>Zoning (Petition Number)</b>	<b>Land Use</b>	<b>Density Non-Residential (SF/Acre) Residential (Units/Acre)</b>
Adjacent: North	MIX Conditional (Z-03-145)	The Reserve at Johns Creek Walk Apartments	Multiple. No more than 210 multi-family units
Adjacent: North	MIX Conditional (Z-11-003)	Retail	82,350 sq ft max
Adjacent: East	AG-1	Wireless Infrastructure	N/A
Adjacent: East	C-2 Conditional (Z-97-088)	Used Car and Pine Straw Retailer	2468.35 sf/acre
Adjacent: South	MIX Conditional (two parcels Z-01-070)	Shopping Center; Bank of America Out Parcel	Retail: 1,126.43 sf/acre
Adjacent: South	MIX Conditional (Z-01-133)	Commercial, Retail	Retail: 14,150.95 sf/acre
Nearby: East	C-1 Conditional (Z-00-109)	BP Gas Station	2122.659 sf/acre
Nearby: Southeast	C-1 Conditional (Z-85-095)	Gas Station	8665 sf/acre

The subject property is located within the Abbotts Bridge Road/Medlock Bridge Road Activity Node. It is almost completely surrounded by MIX and C-1 zoning, with the exception of the two parcels to the immediate east, which are zoned AG-1 and C-2. The area is characterized with apartments and small-scale retail. The proposed use is not compatible with the surrounding area or with the activity node.

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

The proposed use could impact the success of the Abbotts Bridge Road and Medlock Bridge Road Activity Node as a self-storage facility is not an active use.

- **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.

- **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 development would not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

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

The subject property is located in Character Area 9: 141 Corridor on the Future Development Map. Policies for this area call for Medlock Bridge Road to evolve from being a “sprawling strip commercial store to Johns Creek’s premier boulevard.” The parcel is also located within an Activity Node, which lists mixed-use developments with a focus on arts and culture, as a priority. Appropriate uses and scale include retail, restaurants, Class A office space, business services, hotels, live work, and mixed-use development at 4-6 stories.

The proposed use of a self-storage facility does not meet any of the prescribed uses in this Activity Node.

- **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 Zoning Ordinance states that a “new or expanded self-storage facility shall be located a minimum of 1,500 feet from the boundary of any other self-storage facility (mini or multi).” There is an existing self-storage facility located approximately 840 feet away at 6260 Abbotts Bridge Road. This is grounds for disapproval of the proposal.

- **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.**

The proposed development would have no environmentally adverse impact to the natural resources, environment and citizens of the City of Johns Creek.

**STANDARDS OF REVIEW – SPECIAL USE PERMIT**

- **Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the Mayor and City Council?**

The City of Johns Creek Future Development Plan designates the property as Character Area 9: 141 Corridor and the Abbotts Bridge Road/Medlock Bridge Road (SR 141) Activity Node. The character area suggests retail, restaurants, Class A office space, business services, hotels, live work, and mixed-use as appropriate commercial and office uses in this area. Self-storage is typically considered more of an industrial use, which is not listed as an appropriate use in this activity node.

- **Compatibility with the land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed?**

The subject property is located within the Abbotts Bridge Road/Medlock Bridge Road Activity Node. It is almost completely surrounded by MIX and C-1 zoning, with the exception of the two parcels to the immediate east, which are zoned AG-1 and C-2. The area is characterized with apartments and small-scale retail. The proposed use is not compatible with the surrounding area or with the activity node.

- **Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development?**

The proposed use shall comply with all regulations.

- **The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets?**

There will be minimal impact on vehicular and pedestrian traffic flow.

- **The location and number of off-street parking spaces?**

The applicant is proposing 8 automobile parking spaces, which includes 1 handicap space, and 2 truck (loading area) spaces.

- **The amount and location of open space?**

There is no designated open space on the proposed site plan. Landscape strips are required along all three property lines, however, the applicant has requested a variance to reduce the width of front landscape strip from 40 feet to 17 feet.

- **Protective screening?**

Protective screening could be provided by the required 40 foot landscape strip along Abbotts Bridge Road, however, the applicant is requesting to reduce this strip significantly to allow for a parking spaces and a fire lane. The required 25 foot landscape strip along the multi-use trail, which separates the subject parcel and The Reserve at Johns Creek Walk Apartments, provides protective screening.

- **Hours and manner of operation?**

The applicant has stated that the proposed self-storage facility would operate mostly during daylight hours, and that it would be very low in noise generation. The hours of operation would be Monday-Saturday 9am-6pm; Sunday 9am-2pm. Access to the storage units would be permitted from 6am-10pm, 365 days a year. The facility will be staffed only during the hours of operation.

- **Outdoor lighting?**

No outdoor lighting is shown on the proposed site plan, but the applicant has stated that minimal down lighting will be used in order to allow for security and public safety.

- **Ingress and Egress to the property?**

The property will be accessed from a right-in, right-out driveway along Abbotts Bridge Road.

## DEPARTMENT COMMENTS

### PUBLIC WORKS

#### Zoning Comments

1. City of Johns Creek has 2 Capital Improvement Projects located in the vicinity of property to be considered for rezoning. Reference the following project numbers for details on these projects:
  - **Operation and Safety Improvements on Abbotts Bridge Road from Parsons Road (west) to Medlock Bridge Road** (PI #0012788)- This local project is under design. It is scheduled for right-of-way acquisition in 2016.
  - **Widening on Abbotts Bridge Road from Peachtree Industrial Boulevard to Medlock Bridge Road** (PI #721000) - This project is in the conceptual design phase by GDOT. It is scheduled for right-of-way acquisition in 2018 and construction in 2019.
2. Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Johns Creek Director of Public Works.
  - a. Note that Abbotts Bridge Road is a State Route
  - b. Ensure that the R/W is cleared of all obstructions that may limit the sight-distance of the driver. This includes at a minimum all trees and/or shrubs and fencing. Coordinate all improvements in the R/W with the City's Director of Public Works.
  - c. Line of sight must remain entirely in the right-of-way. Additional right-of-way or a permanent easement may need to be dedicated to meet this requirement.
3. Curb cut locations shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Johns Creek Director of Public Works.
4. Owner/Developer shall provide ADA compliant pedestrian access from the building frontage to the sidewalk along Abbotts Bridge Road.
5. Any existing sidewalk along Abbotts Bridge Road that is damaged shall be repaired/replaced at no cost to the City of Johns Creek.

#### Zoning Conditions for Requested C-1 Zoning:

1. Owner/Developer shall provide no more than one (1) right in/right out only driveway from Abbotts Bridge Road. The curb cut location shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Johns Creek Director of Public Works.
2. No vehicular access will be allowed from the site onto the City-owned right-of-way to the north (FKA Bell Road).
3. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Abbotts Bridge Road an additional fifty-five feet (55') from the centerline of Abbotts Bridge Road or fifteen feet (15ft) from the current northern right-of-way line of Abbotts Bridge Road, whichever is greater, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
4. The proposed water quality feature and fire lane shall not be constructed within the required right-of-way of Abbotts Bridge Road.

FIRE MARSHAL

1. Shall identify on plans a proposed location for the required FDC and Fire hydrant on the actual site property. These items cannot be on Abbots Bridge;
2. With a right turn in and right turn out, there would not be adequate room for a fire apparatus to make the sharp turn into the front fire lane.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, density requirements, parking islands, and any specimen recompense are to be protected and/or planted per the Guidelines.
2. The required tree density for this site is 30 units per acre.
3. Unless approved otherwise by zoning, the landscape strip is measured from the right-of-way; the right-of-way of Abbots Bridge Road appears to jog in two places, and the landscape strip has not been accommodated.
4. Landscape strip widths and parking island locations are determined by the Planning and Zoning Department.
5. Stormwater facilities are not allowed within required landscape strips; the water quality area should be removed from the landscape strip adjacent to Abbots Bridge Road.
6. The fire lane is also not allowed within the required landscape strip adjacent to Abbots Bridge Road.
7. Unless concurrent variance for reduction of 25-foot landscape strip is approved, the pavement and curb and gutter need to be removed from the required landscape strip adjacent to the old Bell Road right-of-way.

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) Fulton County Water and Sewer approved Water and Sanitary as-builts, City approved Storm as-builts, and a stormwater maintenance agreement (if applicable) will be required prior to issuance of a building permit.
- 4) Site is within the Johns Creek Watershed which is an impaired stream segment for fecal coliform and biota. Erosion Sediment and Pollution Control plan must include additional Best Management Practices.

FULTON COUNTY DEPARTMENT OF WATER RESOURCES

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete the Johns Creek Plan Review process and the Fulton County Review process for sewer (and/or water) prior to the commencement of any construction activity.

**WATER:**

Anticipated water demand: 20 gallons per day (gpd) / 1,000 sq. ft. (storage space) x 95,325 square feet.  
= 1,907 gallons per day

This project is within the Fulton County Government water service jurisdiction. There is a 10 inch water line along the east side of Abbotts Bridge Road that can serve this location.

**SEWER:**

Basin: Johns Creek

Treatment Plant: Johns Creek

Anticipated sewer demand: 1,717 gallons per day

There is a sewer manhole approximately 95 feet southwest of the southern property boundary of the 1.77 acre tract ("0" Abbotts Bridge Road, Parcel 1.0.: 11 100003591083) located across Abbotts Bridge Road within the northern property boundary of 10950 Medlock Bridge Road (Sewer manhole # SMJC3434720) land lot 359, district 1-1 that can service this project and provide a gravity run sanitary sewer line.

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.

**FULTON COUNTY DEPARTMENT OF HEALTH SERVICES**

**EHS Comments:**

- The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed self-storage facility to public water and public sanitary sewer available to the site.
- Since this proposed development constitutes a premise where people work or congregate, on site 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.
- This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.

**EJ and General Public Health Comments:**

- The Department of Health and Wellness does not anticipate any adverse health impacts to the public by allowing the rezoning and variances for the proposed self-storage facility.
- This department does not anticipate any disproportionate impacts to any population from allowing the proposed development.

**FULTON COUNTY BOARD OF EDUCATION**

No comment.