



Land Use Petition RZ-15-002
Concurrent Variances VC-15-002-01, VC-15-002-02, and VC-15-002-03
Date of Staff Recommendation Preparation: 2/17/15
Revised to Incorporate Planning Commission Recommendation: 3/3/2015

PROJECT LOCATION: 9900 Block of Jones Bridge Road

DISTRICT/SECTION/LANDLOT(S): 1st District, 1st Section, Land Lot 33

ACREAGE: 1.27 acres

EXISTING ZONING C – 1 (Community Business District) Conditional

PROPOSED ZONING: C – 2 (Commercial District)

FUTURE DEVELOPMENT MAP DESIGNATION: Character Area 6: Newtown Activity Node

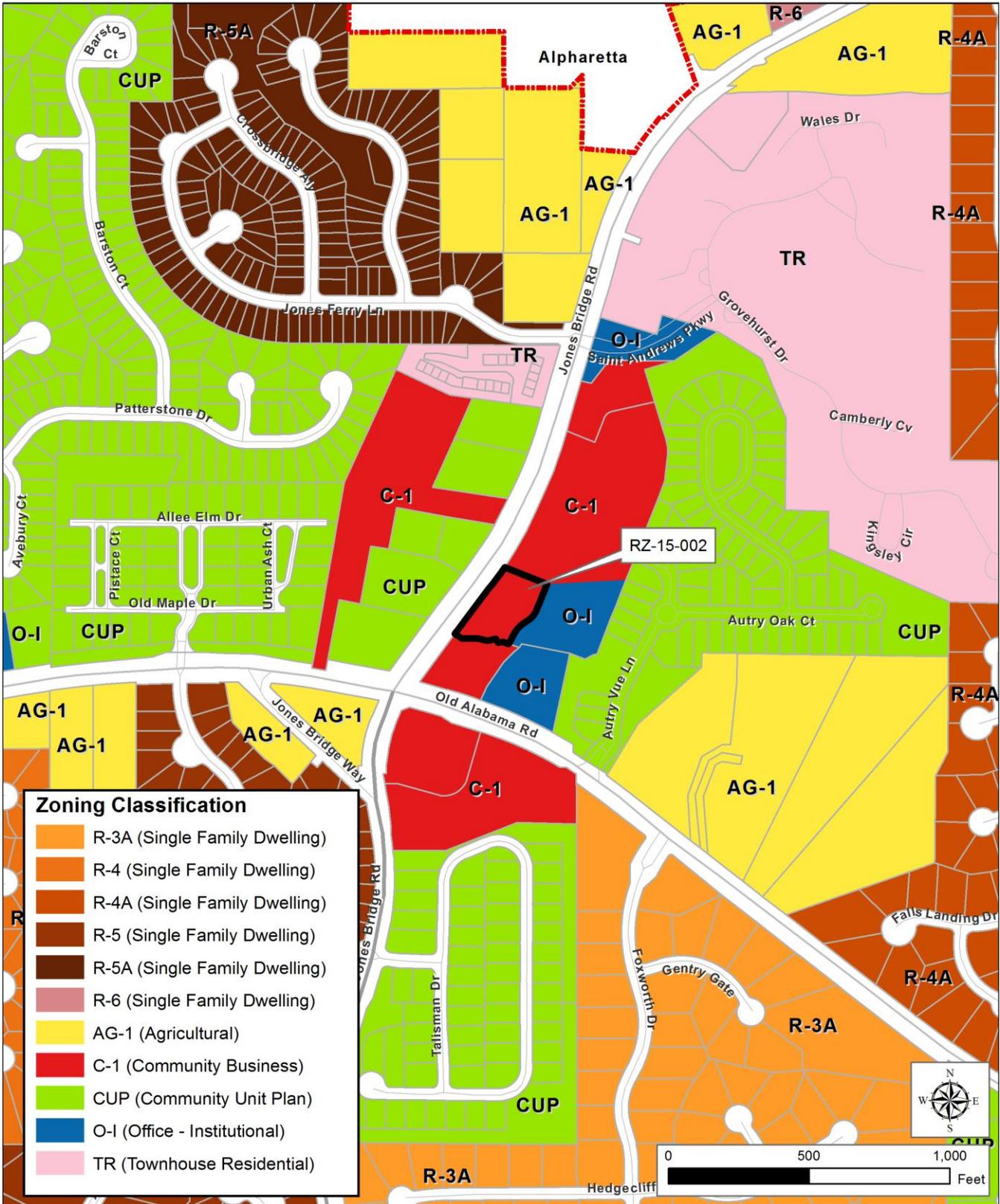
APPLICANT: Jimmy Tester
2135 Old Milton Parkway
Alpharetta, GA 30004
678-591-0596

OWNER: JRG Associates LP
22 Edgewood Road
Edison, NJ 08820
732-735-7948

PROPOSED DEVELOPMENT: 2,970-square-foot car wash, 3,400-square-foot retail
Variances to reduce the Jones Bridge Road landscape strip from 30 feet to 25 feet.
Reduce the required parking spaces from 15 to 9.
Allow a non-pitched roof on a commercial building of less than 10,000 square feet.

STAFF RECOMMENDATION: **DENIAL of C-2**
APPROVAL of VC-15-002-01
DENIAL of VC-15-002-02
DENIAL of VC-15-002-03

RZ-15-002



PROJECT OVERVIEW

The applicant requests rezoning of a 1.27-acre tract from C-1 (Community Business District) to C-2 (Commercial District) to develop a 2,970-square-foot car wash and a 3,400-square-foot retail center at a combined density of 5,015 square feet per acre. The site is located on the east side of Jones Bridge Road, approximately 250 feet north of its intersection with Old Alabama Road. The site is currently undeveloped except for a retaining wall to the north of a stream that runs west to east near the southern property line, along with one curb cut and entry drive that would remain in place if rezoning is approved. The subject property, along with the Jones Bridge Promenade shopping center to the north and the undeveloped parcel to the south, was zoned C-1 Conditional in 1986 under Fulton County case Z-86-281 (NFC), which allows retail, service commercial, or office and accessory uses at up to 9,380 square feet per acre.

In addition to the one existing right-in, right-out access point onto Jones Bridge Road, the proposed site plan shows inter-parcel access to Jones Bridge Promenade directly to the north. The retail component of the development would have a total of 17 parking spaces, while the car wash would require a variance to reduce the number of spaces from 15 to 9. The applicant has also requested a variance to reduce the required 30-foot landscape strip along Jones Bridge Road to 25 feet in order to match the existing landscape strip at the shopping center to the north.

The submitted elevations appear to meet Community Standards requirements for building materials. However, the applicant has requested a variance to allow for a non-pitched roof on a commercial building of less than 10,000 square feet. The Department would note that at time of building permit, compliance with Community Standards for building materials and colors would be required.

The site is located in Character Area 6: Newtown on the Future Development Map, and is also within an Activity Node.

STANDARDS OF REVIEW

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-86-281 NFC)	Retail (Jones Bridge Promenade Shopping Center)	9,380 SF/Acre
Adjacent: East	O-I Conditional (Z-86-100 NFC)	Undeveloped	9,810 SF/Acre
Adjacent: South	C-1 Conditional (Z-86-281 NFC)	Retail (Jones Bridge Promenade Shopping Center)	9.380 SF/Acre
Adjacent: West (Across Jones Bridge Road)	CUP (Z-78-020 NFC)	Retail, Service Station	6,286 SF/Acre (existing)
Nearby: Northwest (Across Jones Bridge Road)	C-1 Conditional (Z-93-026 NFC)	Self-Storage	12,255 SF/Acre
Nearby: East	CUP (Z-05-118 NFC)	Single-Family Subdivision (Atry Township)	3.16 Units/Acre
Nearby: East	AG-1	Single-Family Residences	1.0 Unit/Acre
Nearby: South (Across Old Alabama Road)	C-1 Conditional (Z-02-064 NFC)	Retail, Restaurant, Office (Camden Village)	7,840 SF/Acre

The site is located near the center of a small commercial node in the Newtown area. In light of the mixture of lower-intensity commercial and residential uses in the area, the proposed predominately automotive use would not be suitable. C-2 zoning represents an increase in intensity of use that may negatively impact the use and development of nearby properties as C-1, O-I, and residential districts. Additionally, as the Atry Township subdivision has access through the adjacent shopping center, more localized and pedestrian-friendly commercial uses would we appropriate on the subject property.

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

Commercial development at the intersection of Old Alabama and Jones Bridge roads has been increasingly characterized by lower-intensity retail and office uses, and rezoning a parcel in the center of this node from C-1 to a more high-intensity C-2 district would carry the potential for adverse effects on the area as a whole. The Department would note that the car wash and automotive uses located in the CUP district across Jones Bridge Road from the proposed development are legal non-conforming and would not be permitted under current Johns Creek

zoning regulations. The City's zoning regulations for this area have evolved in such a way as to limit the potential for these high-intensity uses, and allowing them to encroach further into the area's lower-intensity commercial core would serve to undermine these changes.

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

The 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?

An increase in traffic and utility demand would result from this request as compared to its current undeveloped state, and the proposed automotive use may affect traffic patterns and distribution in the area. The proposal would not impact schools.

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

The proposed project is located within Character Area 6: Newtown on the City's Future Development Map, and is also within an Activity Node. The Comprehensive Plan calls for pedestrian-oriented, village-style retail, office, or live-work/mixed-use commercial development. New commercial development is to be "neighborhood-serving". While the retail aspect of the proposed development would meet these policies, the car wash would not be considered an appropriate use. It is unlikely to serve as a "village center" for surrounding neighborhoods, does not significantly improve the pedestrian-oriented nature of the area, and the existence of several non-conforming nearby car-wash options also makes this proposal insufficiently "neighborhood-serving".

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

The presence of several residential communities in close proximity to the proposed development, along with a neighborhood commercial core characterized by lower-intensity C-1, O-I, and CUP uses gives supporting grounds for disapproval of the proposal.

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.

The subject property has one stream flowing roughly west-to-east near its southern property line. With the exception of an existing retaining wall that would remain after construction, site plans show no structures or impervious surfaces within this stream's 50-foot undisturbed buffer and additional 25-foot impervious surface setback. The proposed development would also be required to meet the additional standards required by development regulations for car washes.

STAFF ANALYSIS

The subject property is a 1.27-acre parcel located on the east side of Jones Bridge Road approximately 250 feet north of its intersection with Old Alabama Road. The property is currently zoned C-1 Conditional pursuant to Z-86-281 and is limited to retail, service commercial, or office and accessory uses at up to 9,380 square feet per acre. Except for one curb cut and access drive onto Jones Bridge Road and a retaining wall near the parcel's southern property line, both of which would remain after construction, the site is currently undeveloped and wooded.

The subject property is located near the center of a commercial area in the Newtown area, and is surrounded by C-1, O-I, and CUP districts. There are no C-2 properties in this area, and the single-family residential Autry Township subdivision is located approximately 300 feet to the east. Autry Township has direct road access to the Jones Bridge Promenade shopping center, which was zoned C-1 in 1986 along with the subject property and the undeveloped parcel directly to the south. These commercial properties are limited to lower-intensity uses than those allowed under C-2 zoning. Two parcels to the east and southeast of the subject property are zoned O-I Conditional, which would also not permit higher-intensity C-2 uses. Commercial properties across Jones Bridge Road to the west that are zoned CUP include retail uses. However, the car wash and automotive uses located in this area are no longer conforming under the City's Zoning Ordinance, and would not be permitted as new construction or new businesses.

The retail section of the proposed development would be suitable in scale and use with surrounding and nearby properties. However, rezoning a parcel in the center of this area's commercial core from C-1 to C-2 to allow for a car wash could negatively impact the lower-intensity retail and office character of the area as a whole. The City's zoning regulations have worked to lessen the allowable intensity of commercial uses in this area, and C-2 zoning would work against this move away from higher-intensity and automotive-focused uses.

The Comprehensive Plan includes several policies and recommendations that would not be met by rezoning the subject property from C-1 to C-2. First, commercial areas within Character Area 6: Newtown are to encourage retail, office, or live-work/mixed-use development. A car wash does fall under any of these categories. Additionally, new commercial development is to be increasingly pedestrian-friendly and neighborhood-focused in such a way that "this area will develop as a 'village'", with an emphasis placed on making development "neighborhood-serving". The proposed development is unlikely to contribute to a pedestrian-friendly, village-center-type commercial node within the Newtown area, and an additional car wash in the area is unlikely to significantly benefit current residents. Finally, the Comprehensive Plan calls for the city to concentrate on protecting residential property within the Character Area. While the proposed retail development would be unlikely to have detrimental effects on surrounding residential areas, breaking up C-1 and O-I areas with C-2 development does not meet the policies and intent of the Comprehensive Plan. Additionally, the established zoning conditions from 1986 prohibit service stations and fast food establishments, further suggesting that limitations on intensity are appropriate.

The Department would suggest that changing the conditions under the existing C-1 zoning may allow the subject site to develop in a manner more consistent with the developed area and allow more neighborhood-scale uses such as fast casual restaurants that are not as reliant on high-volume automotive traffic.

In conclusion, the requested rezoning to allow a car wash would not be consistent with the recommendations of the Comprehensive Plan and would not be compatible in use and scale with the established mix of uses. Therefore, the Community Development Department recommends **DENIAL** of this land use petition, RZ-15-002 as C-2 conditional.

The applicant has requested three concurrent variances. Variance VC-15-002-01 requests a reduction of the landscape strip along Jones Bridge Road from 30 feet to 25 feet. The subject property, the undeveloped property to the south, and Jones Bridge Promenade to the north are all currently required to provide a 25-foot landscape strip under rezoning case Z-86-281. Jones Bridge Promenade has been developed with a 25-foot landscape strip, and allowing neighboring properties to do the same would meet the intent of the zoning ordinance without causing any detrimental effects to adjacent or nearby properties. Therefore, should petition RZ-15-002 be approved, the Department recommends **APPROVAL** of VC-15-002-01.

VC-15-002-02 requests a reduction in the number of required parking spaces for the car wash portion of the proposed development from 15 to 9. While opportunities for shared parking would be available at Jones Bridge Promenade to the north and the retail component of the proposed development to the south, a 40 percent reduction in required parking is significant, and the subject property's limited size does not constitute an extraordinary and exceptional condition that creates an unnecessary hardship for the applicant. Therefore, the Department recommends **DENIAL** of VC-15-002-02.

VC-15-002-03 requests a non-pitched roof on a commercial building of less than 10,000 square feet. The subject property does not constitute an extraordinary and exceptional condition that creates an unnecessary hardship for the applicant that would require a non-pitched roof. Additionally, recent zoning cases for car washes in 2013 and 2014 did not allow buildings with non-pitched roofs. Therefore, the Department recommends **DENIAL** of VC-15-002-03.

DEPARTMENT COMMENTS

PUBLIC WORKS

1. City of Johns Creek has two Capital Improvement Project located in the vicinity of property to be considered for rezoning. Reference the following project numbers for details on these projects:
 - a. Operation and Safety Improvements on Old Alabama Road from Jones Bridge Road to Nesbit Ferry Road - This local project is under construction and nearing completion.
 - b. Operation and Safety Improvements on Jones Bridge Road from Old Alabama Road to Waters Road - This local project is under construction and nearing completion.
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 Jones Bridge Road is not a State Route
 - b. Ensure that the right-of-way 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 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.
2. The submitted site plan should be modified to show the current improvements on Jones Bridge Road including curb & gutter, pavement markings, drainage structures, and sidewalk.
3. Applicant will be required to repair and/or install any concrete sidewalk along the entire property frontage of Jones Bridge Road damaged during construction at no cost to the City of Johns Creek.
4. A perpetual sidewalk easement shall be provided for the existing sidewalk outside of the right-of-way. Said easement shall extend 5 feet in width on each side of the sidewalk.

FIRE MARSHAL

1. Owner/applicant shall provide a current water flow report by LDP submittal.
2. Owner/applicant shall add additional fire hydrant(s) to this proposed site for proper fire protection.
3. Necessary fire apparatus access and protection will depend on whether commercial area and car wash are developed at the same time.
4. Car Wash building shall provide clear unobstructed access around the building for fire apparatus. Details of the canopy and the clear space between it and the parking spaces is not clear.
5. ADA parking may not be sufficient for both buildings to access them individually.
6. Vehicle cueing is not identified on plans to prevent road blocking.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, density requirements, required parking islands, and any specimen recompense are to be protected and planted per the Guidelines.
 - a. If 25-foot landscape strip is approved adjacent to Jones Bridge Road, then it should be planted per the Administrative Guidelines; the landscape strip is measured from the dedicated right-of-way.
 - b. 10-foot landscape strips area required adjacent to the north and east property lines; if sanitary sewer and/or drainage easements run through the strip, trees would need to be placed elsewhere in the strip to avoid planting trees within the easements.
 - c. The tree density required for this site is 30 units per acre.
 - d. Per the Zoning Ordinance, plant material is required directly in front of or on the front façade of a building.
 - e. Per the Zoning Ordinance, parking islands are required at the end of bays and after every sixth parking space; and the island is to be planted with a shade tree from the Administrative Guidelines.
 - f. Site plan shows property to be divided, which means there should be 10-foot landscape strips on either side of the property line; an additional variance may be needed.

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 (if applicable) will be required prior to issuance of a building permit.
4. Provide Maintenance Agreement for Maintenance facility. All stormwater management facilities must have 20' graded and stabilized access with easement from a location of public vehicle access.
5. IF claiming existing facility provided any detention of water quality, provide certification of detention facility that functions as designed. Certification includes as-built survey and routing of design flows thought as-built pond.
6. Stream Buffer Ordinance states that impervious cover includes any man-made paved surface regardless of material. Pervious pavement is considered an impervious surface. A stream buffer variance would be required for building and impervious surface encroachment in 75 impervious surface set back.

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: 100 gallons per day (gpd) per 1,000 sq. ft. x 2,970 square feet (Car wash) = 297 gallons per day (gpd) plus 100 gallons per day (gpd) per 1,000 sq. ft. x 3,800 square feet (retail) = 380 gallons per day (gpd) = 677 gallons per day

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

SEWER:

Basin: Johns Creek
Treatment Plant: Johns Creek
Anticipated sewer demand: 383 gallons per day

There is a sewer manhole next to the southwestern property corner of the 1.20 acre tract (Mammoth Detail Salon (carwash), 0 Jones Bridge Road (Parcel 1.0: 11 007000330706) (Sewer manhole #SMJC240931 0) Land Lot 33, District 1, Section 1 that can service this project.

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

The Fulton County Department of Health and Wellness will require that the applicant connects the proposed car wash 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 persons under the age 18 will be served, no smoking will be allowed on the premises at any time.

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.

PLANNING COMMISSION & STAFF RECOMMENDATION

Based upon the findings and conclusions herein and at their public hearing on March 4, 2015, the Community Development Department recommends **DENIAL** of Land Use Petition **RZ-15-002** as C-2. Should the petition be approved, the Department has provided the following conditions as a guide:

1. Limit the use of the property to commercial/retail uses including a car wash and accessory uses.
2. The site shall be developed in general accordance with the site plan received by the City of Johns Creek Community Development Department dated February 9, 2015, with changes to meet the conditions of zoning.
3. Building architecture shall meet the Community Standards and shall be in general conformance with the elevations submitted December 4, 2014.
4. Owner/Developer shall provide no more than one (1) right-in/right-out only driveway from Jones Bridge Road.
5. Owner shall obtain an interparcel access easement with the commercial property immediately to the north.
6. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Jones Bridge Road a perpetual sidewalk easement for the existing sidewalk outside of the right-of-way. Said easement shall extend 5 feet in width on each side of the sidewalk.

RZ-15-002

