



**Land Use Petition RZ-15-004**

**Date of Staff Recommendation Preparation: March 31, 2015**

**Revised to Incorporate Planning Commission Recommendation: 4/15/2015**

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**PROJECT LOCATION:** 10500 Block of Medlock Bridge Road  
10600 Block of Parsons Road

**DISTRICT/SECTION/LANDLOT(S):** 1<sup>st</sup> District, 1<sup>st</sup> Section, Land Lots 324 and 343

**ACREAGE:** 6.12 acres

**EXISTING ZONING** C-1 (Community Business District) Conditional

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

**FUTURE DEVELOPMENT MAP DESIGNATION:** Character Area 9: 141 Corridor

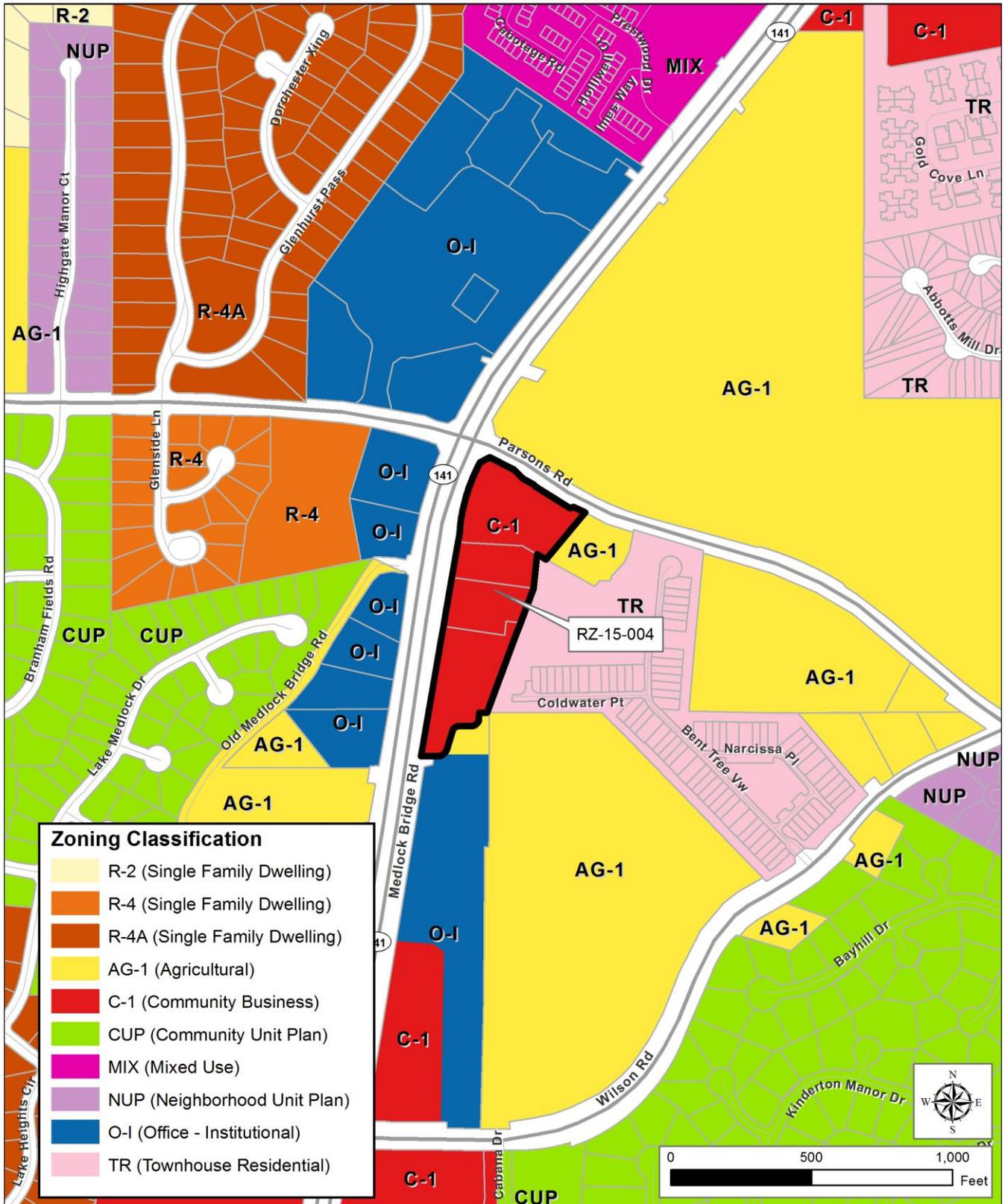
**APPLICANT:** TXG, LLC  
416 Audubon Road  
Greenville, SC 29609  
Contact: Dan Simmons  
772-473-4393

**OWNER:** Medlock Parsons, LLC  
550 S. Main St., Suite 300  
Greenville, SC 29601

**PROPOSED DEVELOPMENT:** Change zoning conditions to allow for the construction of an assisted living facility totaling 107,265 square feet

**STAFF RECOMMENDATION:** **DENIAL**

RZ-15-004



**PROJECT DATA**

The applicant requests rezoning of a 6.12-acre tract from C-1 (Community Business District) Conditional to C-1 (Community Business District) in order to develop a 107,265-square-foot assisted living facility. The property is currently zoned C-1 Conditional under Fulton County zoning case Z-06-025, which limits its use to retail, service commercial, office, and accessory uses in general accordance with a site plan. The property is located on the southeast corner of Medlock Bridge Road and Parsons Road, within Character Area 9: 141 Corridor on the Future Development Map. The site is currently partially developed with grading, driveways, and elements of infrastructure in place, including a retaining wall, water and sewer infrastructure, and a stormwater retention basin.

The proposed development would include a three-story, 86-bed assisted living facility and a one-story, 26-bed memory care unit, for a total residential density of 18.30 units/acre and approximately 17,527 square feet/acre. The site plan shows one access point onto Parsons Road, along with a second, right-in, right-out access point onto Medlock Bridge Road. The site plan indicates 89 total parking spaces.

Building elevations submitted by the applicant indicate primarily brick facades. The Department would note that all structures must meet Community Standards guidelines for materials and colors before issuance of a building permit.

The site plan shows the provision of required zoning buffers.

**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:

<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	AG-1	Northview High School	N/A
Adjacent: East	AG-1	Single-family home	1.0 units/acre
Adjacent: East	TR Conditional (Z-01-054)	Townhomes (Myers Park)	4.98 units/acre
Adjacent: East	AG-1	Wilson Creek Elementary School	N/A
Adjacent: South	O-I Conditional (RZ-08-007)	Office, Commercial	13,397 sf/acre
Adjacent: West	O-I Conditional (six parcels under Z-98-003, Z-98-004, Z-99-130, Z-02-074, and Z-03-187)	Office, Commercial	6,805 sf/acre

Nearby: Northwest	O-I Conditional (Z-94-057)	Office, Commercial	9,289 sf/acre
Nearby: West	R-4 Conditional (Z-97-040)	Single-Family Residential (Glenside)	2.9 units/acre
Nearby: West	R-4 Conditional (Z-06-097)	Single-Family Residential (currently undeveloped)	3 units/acre
Nearby: West	R-4A Conditional (Z-94-059)	Single-Family Residential (Glenhurst)	2.19 units/acre
Nearby: Southwest	C-1 Conditional (five parcels under Z-56-014, Z-58-029, Z-99-089, and Z-03-009)	Retail, Commercial	12,390 sf/acre (existing)
Nearby: South	C-1 Conditions (Z-03-033)	Retail, Commercial	7,818 sf/acre

The area adjacent to and near the subject property is characterized by several small- and medium-scale retail, office, and institutional uses, along with large high school and elementary school campuses. Nearby residential areas are limited to one attached townhome subdivision immediately to the east of the subject property and several detached single-family subdivisions along Parsons Road to the west across Medlock Bridge Road. The proposed assisted living facility would not be suitable at this location as it presents a residential-only use immediately along the 141 Corridor.

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

The proposed residential use would impose additional buffers on adjacent non-residential properties and could potentially restrict the ability of those properties to fully utilize the land.

**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 development of 112 residential units would be expected to generate an increase in automobile trips and utility usage over current conditions. However, the development of an assisted living facility is likely to have a relatively moderate impact on utilities, and resident driving would be limited, minimizing impacts on existing streets and transportation facilities. Similarly, there would be no impact on local schools. At the same time, a significant increase in service calls for EMS-related activity would be anticipated with this development. There were 587 calls for service in Johns Creek in 2014, and the proposed development would further escalate this number.

**E. 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. It is not located within an Activity Node or Gateway area. 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 Comprehensive Plan also calls for this Character Area to allow for “community seniors to ‘Age in Place’.” The corridor is to become a viable option for seniors and empty-nesters that are looking for higher-density, more walkable residential options. The proposed scale of the building would be in keeping with Character Area prescriptions of four stories, and although the residential density would be above the desired 5-8 units/acre, an assisted living facility is likely to generate fewer negative impacts on nearby properties than similarly scaled multi-family residential development.

However, the Comprehensive Plan specifically lists senior housing as a preferred residential or institutional use only within the three Activity Nodes along the 141 Corridor. The proposed use would not be in conformity with this policy of the Plan. Additionally, one of the stated goals of the Character Area is to “discourage residential encroachment and erosion of non-residential uses and zoning.” Replacing commercial C-1 zoning with an assisted living facility without any non-residential component would not be in keeping with the intent of this stated goal.

**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?**

In the time since the site’s last rezoning, the City has adopted the goal of preserving commercially zoned properties within the 141 Corridor. This increased emphasis on retaining an adequate base of non-residential properties in the area would give supporting ground for disapproval.

**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 is one stream that runs near the property’s south and eastern boundaries, along which the property would be subject to a 50’ undisturbed stream buffer and additional 25’ impervious surface setback. Any incursion into this buffer and setback would require the approval of a stream buffer variance.

**STAFF ANALYSIS**

The applicant is requesting rezoning from C-1 (Community Business District) Conditional to C-1 (Community Business District) in order to construct an assisted living facility totaling approximately 108,000 square feet in 112 units. The subject property is a 6.12-acre tract located on the southeast corner of Medlock Bridge Road and Parsons Road that is currently zoned for retail, service commercial, or office uses at a maximum density of 6,486 square feet/acre with a building height limit of two stories. However, the site has only been partially developed, with grading, parking, water, sewer, and stormwater infrastructure in place. No buildings have been constructed.

Nearby and adjacent commercial uses include several office, institutional, and commercial sites, and larger commercial sites further south along Medlock Bridge Road. Two large school campuses are located adjacent to the site to the north and east, and one attached townhome subdivision is located immediately to the east. Single-family residential neighborhoods are located a quarter-mile or more to the west along Parsons Road across Medlock Bridge Road. The proposed assisted living facility would

introduce a residential-only land use that would be inconsistent with the commercial nature of the 141 Corridor and unsuitable for this location.

The City of Johns Creek Future Development Map identifies the property as being in Character Area 9: 141 Corridor. Policies for this area emphasize the development of a relatively high-intensity, mixed-use, walkable, and accessible boulevard corridor, with a stated goal of allowing for senior citizens to “age in place” in higher-density housing types. Apartments are encouraged at up to four stories, and the reduced impact of assisted living residents on transportation infrastructure would likely mitigate the relatively high number of units/acre in the proposed development.

However, the Comprehensive Plan does not list senior housing as a desired use in the 141 Character Area, except within Activity Nodes. Additionally, the plan clearly states that the City should “discourage residential encroachment and erosion of non-residential uses and zoning.” While a multi-story assisted living facility meets the policy and intent of the Comprehensive Plan in terms of providing higher-intensity, accessible senior housing, it does not meet the policy of placing this housing within Activity Nodes, nor the intent of the plan to preserve an adequate base of commercially zoned land. While the goals of the 141 Corridor include a move away from the strip-style commercial development required under the subject property’s current zoning conditions, the Comprehensive Plan’s vision for the Character Area would likely be better met with a proposed development that includes an high-quality, accessible, and walkable non-residential component.

In conclusion, while the proposed assisted living facility would be suitable in view of the use and development of adjacent and nearby properties, it is not in keeping with the overall policy and intent of the Comprehensive Plan. Therefore, the Department of Community Development recommends **DENIAL** of this request.

**DEPARTMENT COMMENTS**

**PUBLIC WORKS**

1. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Parsons Road a minimum of thirty-five feet (35ft) from the centerline of the road as approved by the City of Johns Creek Director of Public Works.
2. Owner/Developer shall provide no more than one (1) full access driveway on Parsons Road, (1) right in/right out only driveway and (1) right-in only driveway on Medlock Bridge Road per the existing condition. Curb cuts shall meet minimum sight distance and spacing requirements and are subject to the approval of the City of Johns Creek Director of Public Works and the Georgia Department of Transportation.

**WATER AND SEWER**

**WATER:**

Anticipated water demand: 270 gallons per day (gpd) per housing unit x 112 units (86 assisted living plus 26 memory care units) = 30,240 gallons per day (gpd).

This project is within the Fulton County Government water service jurisdiction. There is a 10-inch water line along the west side of Medlock Bridge Road and an 8-inch water line along the north side of Parsons Road that can service this location.

**SEWER:**

Basin: Johns Creek

Treatment Plant: Johns Creek

Anticipated sewer demand: 27,216 gallons per day

There are three sanitary sewer manholes located south of the southern property line of the 2.16-acre tract (10565 Medlock Bridge Road) (Sewer manholes #SMJC3033490, #SMJC3033500, and #SMJC3033510) in Land Lots 324, 343, 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. New fire hydrants shall be added to the site for this proposed building. (No hydrants have been indicated on drawings.)

2. Owner/developer shall identify water main sizes on plans by LDP submittal. None have been provided.

3. Building will be required to have an approved fire sprinkler system (NFPA 13 system). Therefore, owner/developer shall identify location of FDC by LDP submittal.
4. Wheel stops will most likely be needed for the required clear space from the ADA parking stalls to the entrance of the proposed building.
5. Proposed plans indicate only two accessible parking stalls. Developer shall provide at least four with at least one van accessible.
6. The proposed layout of the building does not provide adequate access around the structure and could pose a safety issue to its residence and our emergency personnel. An approved apparatus turnaround may be needed at the service entrance.

### 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. A 40-foot landscape strip is required adjacent to Medlock Bridge Road per the Zoning Ordinance; the landscape strip is measured from the dedicated right-of-way. The existing trail easement is not discounted from the landscape strip calculations, per the previous land disturbance permit.
  - b. A 25-foot landscape strip is required adjacent to Parsons Road per the Zoning Ordinance; the landscape strip is measured from the dedicated right-of-way.
  - c. The tree density required for this site is 30 units per acre.
  - d. Per the Zoning Ordinance, plant material is required directly on or in front of the building.
  - e. Per the Zoning Ordinance, parking islands are required at the end of bays and after every sixth parking space; and each island is to be planted with a shade tree from the Administrative Guidelines.
  - f. Per the previously approved land disturbance permit, there are three specimen trees that shall be recompensed: 1-28-inch pine tree, 1-30-inch pine tree, and 1-32-inch hardwood. Recompense requirements are detailed in the Administrative 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.
- 4) Site must comply with 75' impervious surface set back or obtain a stream buffer variance. Existing impervious surfaces in the 75' setback must be removed if no variance is obtained.

- 5) Stormwater Management Report is required upon submittal of development plans. Site was previously permitted under LDP 2007-56 (08-271). The report should certify that the new develop meets the permitted conditions of the original site or the report must current new water, channel protection and detention requirements for the entire site.
- 6) An as-built pond re-certification will be required prior to receiving a certificate of occupancy
- 7) Storm Water Management facility must have 10' access easement around entire perimeter and 20' access easement to public road.
- 8) 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.

### HEALTH AND WELLNESS

The Fulton County Department of Health and Wellness will require that the applicant connects the proposed assisted living 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 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 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.

This Department is requiring that this facility meet the permit requirements for assisted living/personal care homes under the Rules and Regulations of Georgia Department of Community Health.

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **DENIAL** of Land Use Petition RZ-15-003. The following conditions are provided as a guide should the City Council choose to approve the petition:

1. Allow the subject property to include:
  - a. Personal care facility containing a maximum of 108,000 aggregate square feet containing one principal structure with a maximum height of four stories and a basement.
  - b. No more than 112 total residential units, including 86 assisted living units and 26 memory care units.
2. The site shall be developed in general accordance with the site plan received by the City of Johns Creek Community Development Department dated January 7, 2015. Minor modifications, provided no increase in number of units or density, may be approved subject to the review and approval of the Community Development Director.
3. Building elevations shall be in general accordance with elevations submitted to the Community Development Department dated January 7, 2015.
4. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Parsons Road a minimum of thirty-five feet (35ft) from the centerline of the road as approved by the City of Johns Creek Director of Public Works.
5. Owner/Developer shall provide no more than one (1) full access driveway on Parsons Road, (1) right in/right out only driveway and (1) right-in only driveway on Medlock Bridge Road per the existing condition. Curb cuts shall meet minimum sight distance and spacing requirements and are subject to the approval of the City of Johns Creek Director of Public Works and the Georgia Department of Transportation.
6. Prior to the issuance of a Certificate of Occupancy, the developer shall provide pedestrian connectivity by constructing the internal sidewalk as shown on the approved LDP and provide pedestrian connectivity to the building.

**PLANNING COMMISSION RECOMMENDATION**

At the April 14, 2015 Planning Commission public hearing, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **RZ-15-004**. The following conditions are provided as a guide should the City Council choose to approve the petition:

1. Allow the subject property to include:
  - a. Personal care facility containing a maximum of 108,000 aggregate square feet containing one principal structure with a maximum height of ~~four~~ **three** stories and a basement.
  - b. No more than 112 total residential units, including 86 assisted living units and 26 memory care units.
2. The site shall be developed in general accordance with the site plan received by the City of Johns Creek Community Development Department dated January 7, 2015. Minor modifications, provided no increase in number of units or density, may be approved subject to the review and approval of the Community Development Director.
3. Building elevations shall be in general accordance with elevations submitted to the Community Development Department dated January 7, 2015.
4. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Parsons Road a minimum of thirty-five feet (35ft) from the centerline of the road as approved by the City of Johns Creek Director of Public Works.
5. Owner/Developer shall provide no more than one (1) full access driveway on Parsons Road, (1) right in/right out only driveway and (1) right-in only driveway on Medlock Bridge Road per the existing condition. Curb cuts shall meet minimum sight distance and spacing requirements and are subject to the approval of the City of Johns Creek Director of Public Works and the Georgia Department of Transportation.
6. Prior to the issuance of a Certificate of Occupancy, the developer shall provide pedestrian connectivity by constructing the internal sidewalk as shown on the approved LDP and provide pedestrian connectivity to the building.
7. **Deliveries to the facility shall be restricted to hours between 7:00am and 10:00pm.**
8. **At least one resident of any assisted living unit shall be a minimum of 55 years of age.**
9. **All exterior lighting shall be hooded and aimed downward.**

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