



Land Use Petition RZ – 11 - 003

Date of Staff Recommendation Preparation: 3/29/2011(BL)

PROJECT LOCATION: 11000 Block of Medlock Bridge Road
(Johns Creek Walk, Phase I)

DISTRICT/SECTION/LANDLOT(S): 1st Section, 1st District Land Lot 359

ACREAGE 5.2 acres

EXISTING ZONING: MIX Conditional (RZ-07-014)

PROPOSED ZONING: MIX Conditional (Mixed Use)

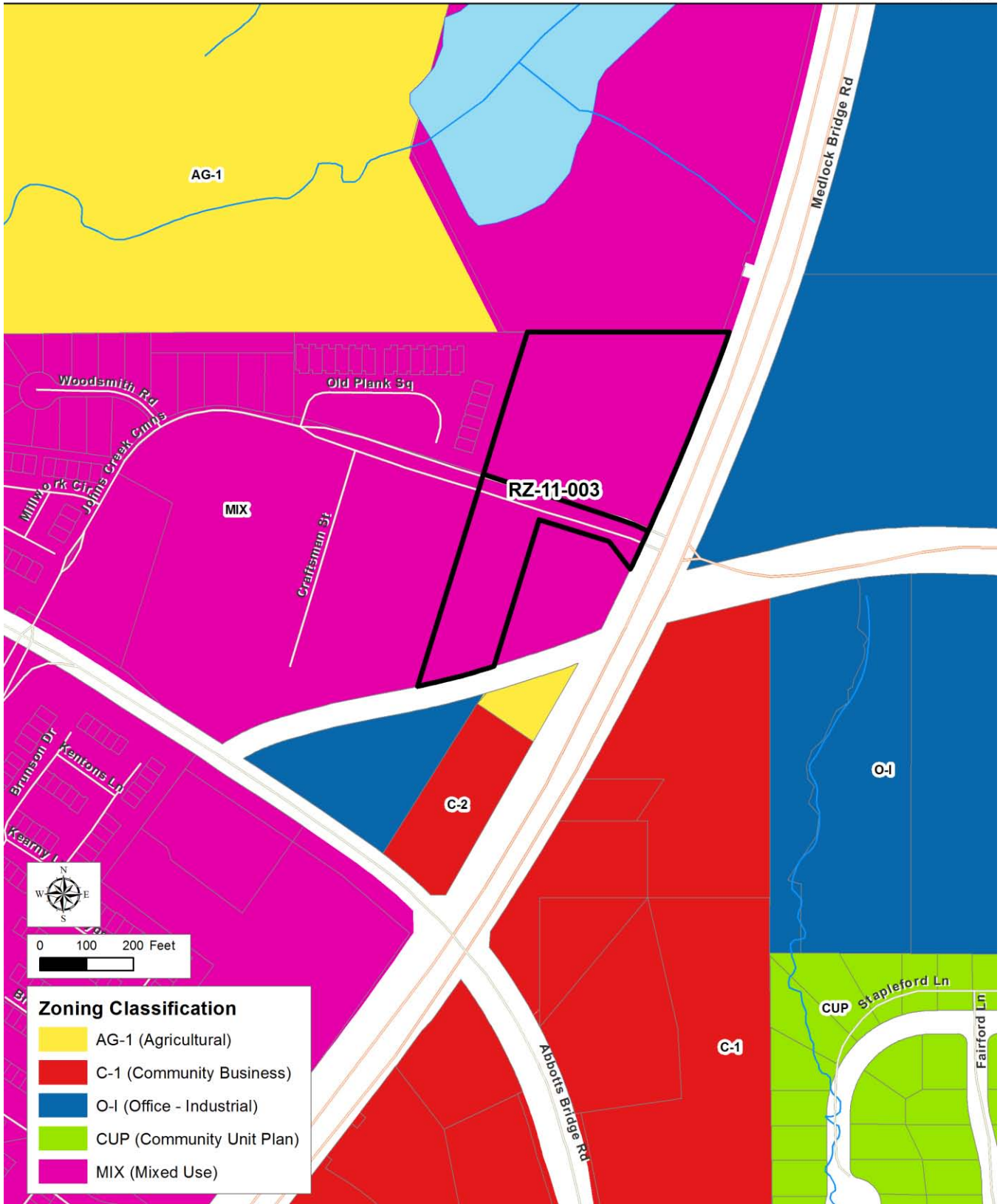
FUTURE DEVELOPMENT MAP DESIGNATION: Character Area 9:
141 Corridor

**OWNER/
APPLICANT:** Johns Walk at Johns Creek, LLC
1000 Peachtree Industrial Blvd., Suite 6-308
Atlanta, Georgia 30024
(404) 591 - 2900

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PROPOSED DEVELOPMENT: Change in conditions on a developed tract, to alter the prohibited uses.

STAFF RECOMMENDATION: **APPROVAL with Conditions**



CHANGE IN CONDITIONS SUMMARY:

The applicant requests to change conditions on 5.20 acres from MIX Conditional (RZ-07-014) to MIX Conditional in order to modify Condition 1 to alter the prohibited uses; specifically martial arts studios, cell phone/pager resellers, entities that exclusively provide dry cleaning.

The site is currently comprised of one developed parcel, which is a portion of the commercial/retail development within Johns Creek Walk Phase I. The site is located on the western side of Medlock Bridge Road at its intersection with Bell Road. The site is bound by the residential portion of Johns Creek Walk Phase I (MIX Conditional, RZ-07-014) on the west, Johns Creek Walk Phase II (MIX Conditional: RZ-10-008) to the north, a church to the east and commercially zoned property to the south.

The prohibited uses found on the subject property were originally applies by the Fulton County Commission's rezoning and carried over by the City of Johns Creek in 2007 pursuant to RZ-07-014. Since that time, the City has rezoned Phase II of the development several times, most recently in December of 2010 pursuant to RZ-10-008. Through the public hearing process, the City has established prohibited uses more reflective of the policies of the Council. As part of the overall development of Johns Creek Walk, Staff would suggest adopting the same prohibited uses on the subject property to create a more unified development. As the applicant's requested alterations to prohibited uses would comply with the conditions established for Johns Creek Walk Phase II, Staff can support the requested deletions of prohibited uses.

The 2030 Future Development Map has the proposed site located within the Medlock Bridge Corridor and suggests high intensity uses, 4 story buildings, and 5 – 8 units per acre. Therefore, the proposal would be consistent with the proposed 2030 Future Development Map. Additionally, the previously approved rezoning, concurrent variance, and special use permit established a policy through the public hearing process for the property to the north which might suggest that the requested change of conditions would be consistent with the policies of the area. Due to the established policy for the adjacent property to the north and the recommendations of 2030 Future Development Map, Staff does supports the requested change in conditions to allow certain previously prohibited uses.

For the above mentioned reasons, the precedent which has been previously established through the public hearing process for this property, staff recommends **APPROVAL with conditions**, of this request.

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 (Dwelling units/acre)
Adjacent: North	MIX Conditional (RZ-10-008 & SUP-09-001)	Mixed Use Development (Johns Creek Walk Phase II)	multiple
Nearby: East Across Medlock Bridge Rd	O - I Conditional (RZ-09-006)	Church (Johns Creek United Methodist Church)	N/A
Adjacent: South	C-2 Conditional (NFC 1997Z-088)	Commercial Development (Used Car Sales)	3,900 sq ft max
Adjacent: West	AG - 1 Conditional (NFC 1978Z – 132)	Golf Course (The Standard Club)	N/A

The proposed change in allowable uses would be suitable in light of the mixture of non-residential uses in the area.

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

The requested change in condition would not adversely affect the existing use or usability of adjacent or nearby property. The proposed site is developed and the requested change in conditions would allow similar uses to that of the adjacent properties, which consist of commercial and mixed use developments.

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 not be associated with the requested change in conditions, as the proposed site is already developed. As the overall commercial square footage would not change, no further impacts would be anticipated.

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

The proposed site is located within the Medlock Bridge Road Corridor with the proposed 2030 Future Development Map, which recommends high intensity uses, 4 story building heights, and 5 to 8 units per acre. Therefore, the proposed change in conditions would be consistent with the intent of the Future Development Map.

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 proposed site was previously conditioned to prohibit certain uses which would typically be allowed in a mixed use development. The adjacent property to the north, Phase II of the overall Johns Creek Walk mixed use development, established prohibited uses through the public hearing process and was allowed uses that were previously restricted on the proposed site. Therefore, it would appear that there are changing conditions which would suggest this previously established policy should be acceptable on the subject property.

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 proposed site is currently developed, and the requested changed in conditions would not allow additional development and therefore creating no potential environmental impacts.

DEPARTMENT COMMENTS

PUBLIC WORKS

No modifications to the existing conditions are proposed as part of the Public Works comments.

Existing Conditions:

1. Signage shall be revised, upon completion of Johns Creek Walk Phase II, to direct departing drive-thru traffic north through Phase II's travel lanes.
2. Drive-thru island shall be designed to allow for future exiting left turns (upon completion of Johns Creek Walk Phase II's travel lanes).

WATER AND SEWER

Water and Sewer is provided through Fulton County Public Works Department. Rezoning does not guarantee availability of water or sewer capacity to the site.

ARBORIST

No comment.

SITE DEVELOPMENT

No comment.

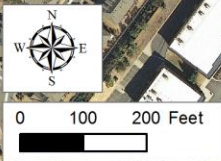
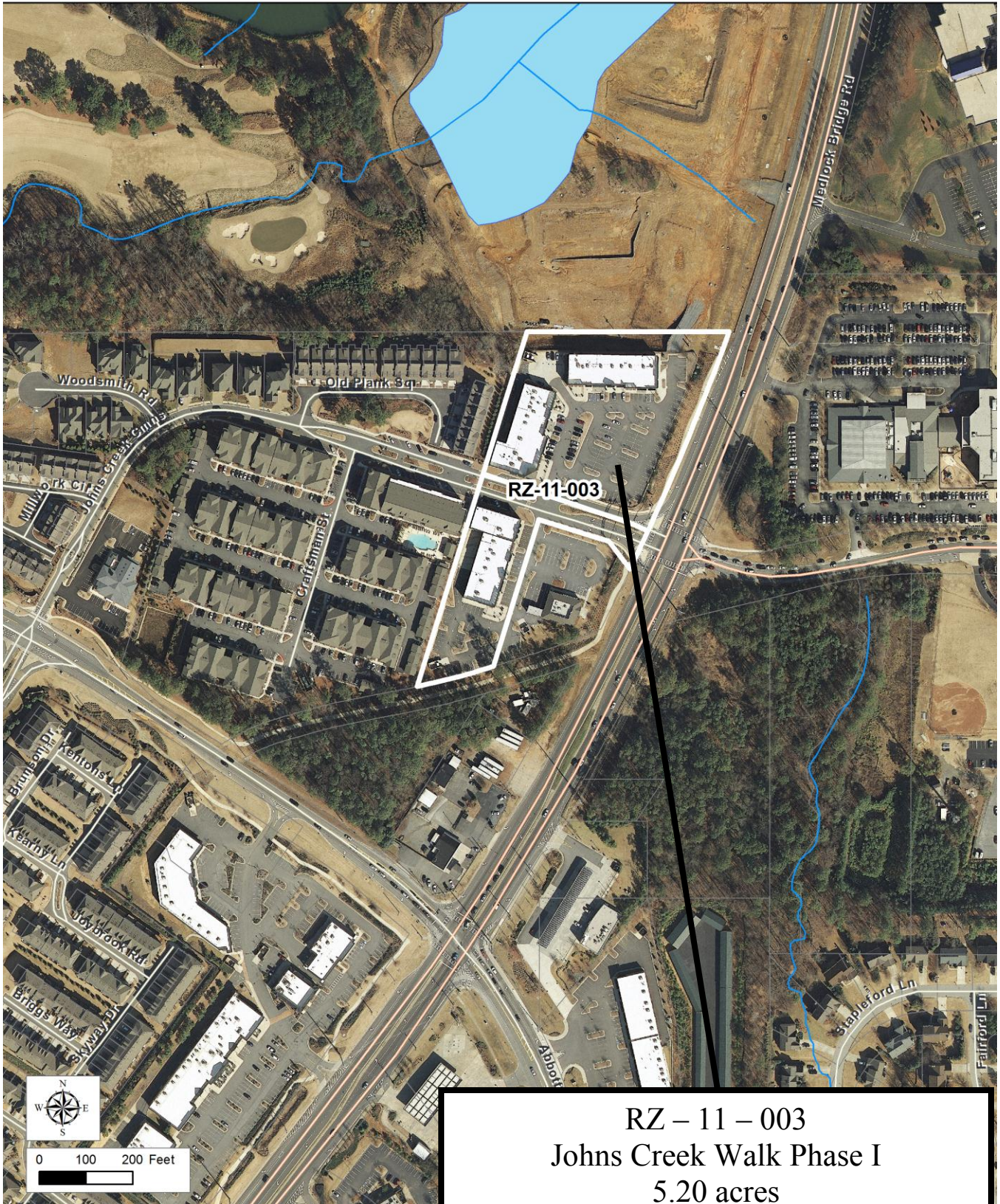
FIRE

No comment.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL, With Conditions** of Land Use Petition, RZ – 11 – 003, amending the Zoning Map. Approval as MIX Conditional subject to the following enumerated conditions:

1. Restrict the use of the property to retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas at a total of 82,350 square feet, but excluding convenience stores with gas pumps, freestanding fast food restaurants, commercial amusements, entities that exclusively sell mattresses, deep-discount merchandise stores, ~~cell phone and/or pager resellers, martial arts studios, entities that exclusively provide dry cleaning services,~~ gas stations, entities that exclusively provide check cashing, laundries, consignment shops and grocery stores whose square footage is 40,000 square feet or greater.
2. Allow outdoor sales for area vendors.
3. The site shall be developed in general conformance with the site plan submitted to the Community Development Department dated February 22, 2011.
4. A 24-foot travel lane shall be provided between the island and the rear of the parking spaces opposite the drive-thru.
5. A Yield sign shall be provided for drivers departing the drive-thru.
6. Drive-thru facility shall be permitted at the northern end of the building for a dry cleaning/clothing alteration business and at the existing bank on the property.
7. Signage shall be revised, upon completion of Johns Creek Walk Phase II, to direct departing drive-thru traffic north through Phase II's travel lanes.
8. Drive-thru island shall be designed to allow for future exiting left turns (upon completion of Johns Creek Walk Phase II's travel lanes).



RZ – 11 – 003
Johns Creek Walk Phase I
5.20 acres
MIX Conditional to MIX Conditional