



**Land Use Petition RZ-11-006 & VC-11-006-1, 2 & 3**  
**Date of Staff Recommendation Preparation: September 20, 2011**

---

**PROJECT LOCATION:** 11300 Block of Technology Circle  
11400 Block of Lakefield Drive

**DISTRICT/SECTION/LANDLOT:** 1<sup>st</sup> District, 1<sup>st</sup> Section, Land Lot(s) 397, 398, 405 and 406

**ACREAGE:** 23.82 Acres

**EXISTING ZONING:** M-1A Conditional

**PROPOSED ZONING:** A (Medium Density Apartment District)

**FUTURE DEVELOPMENT MAP DESIGNATION:** Character Area 02 – Technology Park

**APPLICANT:** JC FLEX, LLC  
11555 Medlock Bridge Road  
Johns Creek, GA 30097

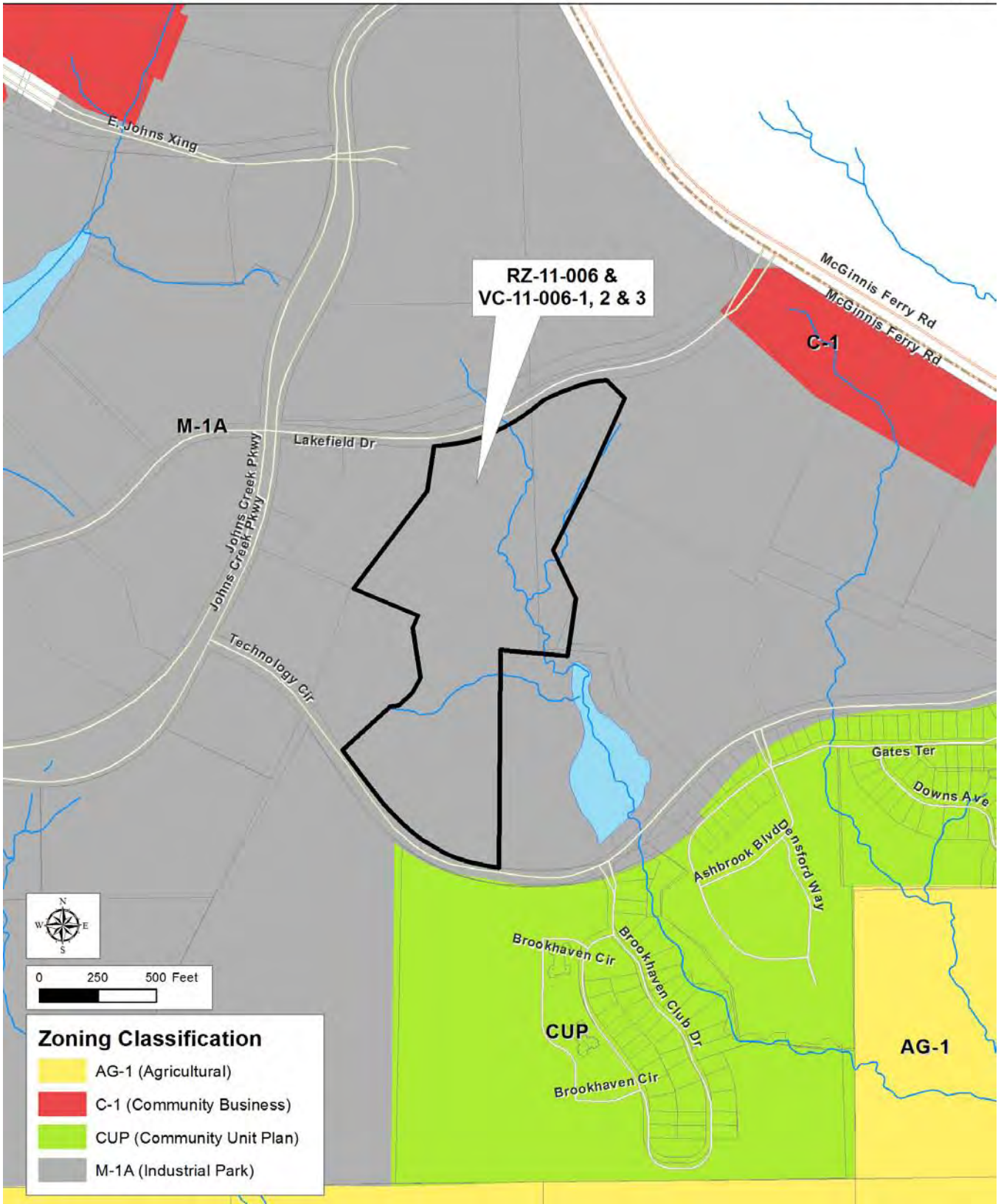
**OWNER:** Same as Applicant

**CONTACT:** Rees Waite: 770.497.1400

**PROPOSED DEVELOPMENT:** 268-unit apartments. Concurrent Variances:  
1. Reduce required parking from 536 to 436 spaces  
2. Reduce the 25-foot landscape strip to 10 feet  
3. Reduce the 40-foot setback to 20 feet

**STAFF RECOMMENDATION:** **APPROVAL WITH CONDITIONS**

RZ-11-006 & VC-11-006-1, 2 & 3



**PROJECT DATA**

The applicant requests rezoning of a 23.82-acre tract from M-1A Conditional to A Conditional to develop a 268-unit apartment complex. The property is located adjacent to the north side of Lakefield Drive and extends to the south side of Technology Circle and is within the Technology Park Business Park. The 268 units would result in a density of 11.25 units per acre. The submitted site plan indicates that 94 of the units would be one-bedroom, 148 would be two-bedroom and 26 would be three-bedroom. Access would be provided by gated entries off of both Technology Circle and Lakefield Drive. The site plan indicates that 11.04 acres of open space, resulting in 46.4 percent of the total acreage, would be provided. A large portion of the open space would be within an undisturbed tree save area oriented towards the northern portion of the property. Additionally, a stream traverses the property near the tree save area, further extending the undisturbed area. The Department would note that all water quality facilities must be outside the limits of the stream buffer and impervious surface setback. A clubhouse and amenities area, including a pool and dog park would be located near the southern portion of the property. The applicant's letter of intent states that there would not be any playground equipment.

Concurrent variances have been requested to reduce the required parking from 536 spaces to 438 spaces; reduce the front setback from 40-feet to 20-feet along a portion of Lakefield Drive and reduce the landscape strip from 25-feet to 10-feet along the same portion of Lakefield Drive. The setback and landscape strip reduction would be to accommodate building 1 and its associated parking area. Thirty of the parking spaces would be contained within garages.

Submitted architectural elevations show a mixture of brick, siding and shake with a pitched roof. The units would be three-story/four-story splits.

**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 Properties</b>	<b>Zoning (Petition Number)</b>	<b>Land Use</b>	<b>Density</b>
North	M-1A Cond (1983Z-141)	Office (State Farm)	NA
South	M-1A Cond (1983Z-141)	Vacant Industrial	NA
South	CUP Conditional (AMOD-06-002 & RZ-10-007)	Age-Restricted quadruplex/single-family (Brookhaven)	3.82 units/acre
East	M-1A Cond (1983Z-141)	Office (Nordson, Fiserv, Conklin)	NA
West	M-1A Cond (1983Z-141)	Office (Wegener)	NA

The subject property is located within the Technology Park Business Park and is surrounded primarily by office uses with attached and detached residential uses found to the south. The proposed apartment complex could provide a suitable use at this location as a transition from the lower density residential uses found along the south side of Technology Circle to the office and industrial uses that characterize the properties along the north side of Technology Circle. The Department would suggest that requiring the landscape strip along Technology Circle to be planted as a buffer would further ensure the project's compatibility with the nearby residential properties to the southeast.

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

The subject property and surrounding properties are part of a larger, mixed-use, development that contemplated the integration of multiple uses within the confines of the overall business park. As the adjacent non-residential uses are primarily office uses and do not have the intense noise or issues associated with a manufacturing use, the potential for land use conflicts would be reduced. Additionally, the preservation of a large area of open space further reduces potential impacts on nearby properties.

**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?**

According to the Fulton County School Board, the proposed development would add 62 elementary students, 20 middle students and 47 high school students. Should the request be approved with a limited number of three-bedroom units as indicated in the letter of intent, however, these impacts would be reduced. As the property is currently approved for office and industrial uses, the additional impacts on utilities would be minimal and impacts on traffic could be reduced with proper conditions.

**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 2- Technology Park. Policies for this area suggest a mixture of uses incorporated within the overall business park. Although the goals refer to mixed-use within the same building, the proposed apartment complex, with a large amount of open space and walking trails, could be incorporated into the overall business park concept. Although the Council denied a similar request on the south side of Technology Circle in 2008, the Department would note that the request was adjacent to Ciba Vision's facility. This facility contained outdoor generators and other features that create noise and pose a high potential for future land use conflicts with an adjacent residential use. The subject property is primarily situated adjacent to office uses with Brookhaven and the Gates at Johns Creek to the southeast and would maintain a more compatible use and transition in the area.

**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?**

The subject property's location adjacent to office developments, as opposed to the manufacturing facility of a previous apartment request in the area, gives further supporting grounds for approval of this request.

**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 a stream that traverses the property, however, the proper stream buffers have been provided on the proposed site plan. Additionally, the requested apartment complex requires less grading than a typical office or industrial use and allows preservation of a large amount of open space by taking advantage of the grade differential and avoiding the need to create large building pads.

**STAFF ANALYSIS**

The subject property is a 23.82-acre tract located adjacent to the north side of Lakefield Drive and extending to the south side of Technology Circle. The property is currently vacant and heavily wooded with two streams traversing the north side and is part of the Technology Park Business Park.

The City of Johns Creek Future Development Map identifies the property as being in Character Area 2-Technology Park. Policies for this area suggest primarily office and institutional uses but also support mixed-use residential developments provided they fit within the context and design of the overall business park. The proposed apartment complex would allow a substantial amount of open space to be preserved and, with appropriate conditions, could provide an enhancement to the aesthetics and walkability of the overall business park. The Department would note that Council does have precedent for denying apartment complexes in the area, as a property to the south of Technology Circle was denied rezoning to A Conditional in 2008. In the case of the denial, the property was located adjacent to Ciba Vision, which contained outdoor generators and other noise-producing uses that could have led to future land use conflicts and adjacent to a large tract of mostly-undeveloped agricultural property. The subject property lies primarily adjacent to less-intense office uses and, coupled with the substantial amount of trees to remain, could provide a more compatible use for the location and differentiating this request from the previously denied application. Precedent also exists for attached residential uses in the area, including Brookhaven at Johns Creek, across Technology Circle to the south, and Gates at Johns Creek, further to the east. The Department would note, however, that the multifamily units recently approved in Johns Creek Walk Phase II contained enhanced building and aesthetic considerations and would suggest similarly conditioning the proposed request.

The surrounding area is characterized by a mixture of office and residential uses associated with the business park. North and west, respectively, are the State Farm and Wegener office buildings and East are the Fiserv and Conklin office buildings, all zoned M-1A Conditional. South and further east are Brookhaven at Johns Creek and the Gates at Johns Creek, both zoned CUP Conditional and containing quadruplexes (Brookhaven) and townhomes (Gates at Johns Creek) along with single-family detached dwellings. The proposed apartment complex would be situated in a transitional point between the lower-density residential developments to the southeast and the office and institutional uses found throughout the business park and, with proper conditions, could provide a compatible use at this location. Additionally, the business park has an extensive walking trail system and, should the petition be approved, the amount of preserved open space could be utilized to further enhance the system. Architecture for quadruplexes at Brookhaven at Johns Creek and the multi-family in Johns Creek Walk Phase II are primarily four-sided stone construction. Although the submitted elevations meet the minimum requirements of the Community Standards, the Department would suggest requiring enhanced building materials and requiring stone would be more in keeping with the general aesthetics of the area. Board policy for recent developments have included additional enhancements, such as architectural

singles and nine-foot interior ceilings and granite countertops and the Department suggests similarly conditioning the proposed development to maintain consistency with policies. Additionally, providing a buffer adjacent to the Technology Circle Road frontage would better screen the property from the nearby residential developments and ensure greater compatibility with the area.

The first requested concurrent variance would reduce the parking from the required 536 units to 436 units. The parking ratios for all residential units were previously simplified from a graduated scale based on number of bedrooms to two spaces per dwelling unit. The requested reduction, if the development is approved with the stated number of three-bedroom units, would be in keeping with the original ratios. Although staff is typically not supportive of large parking reductions, the site's containment within a gated community would alleviate the primary concern of on-street overflow parking and the request can be supported with conditions placed on number of bedrooms and gating the development. The second and third concurrent variances would be to reduce the 25-foot landscape along Lakefield Drive to 10-feet and reduce the 40-foot setback to 20-feet along Lakefield Drive in certain locations to accommodate parking and building encroachments. The applicant could design the site to accommodate the buildings and parking without the landscape strip encroachments, however, this would require substantial grading and removal of some open space. Provided a decorative fence or wall and landscaping is provided along the frontage, the Department could support these variance requests for the benefit of the additional open space on the site.

In conclusion, the proposed apartment complex could be consistent with the overall goals and policies of the mixture of uses found in Technology Park Business Park. With conditions to limit the number of bedrooms and assure compatible aesthetics, the proposed use could be suitable at this location. Therefore, the Department of Community Development recommends **APPROVAL WITH CONDITIONS** of this request.

## **DEPARTMENT COMMENTS**

### **PUBLIC WORKS**

1. Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Johns Creek Traffic Engineer.
  - a. The driveway on Technology Circle is to be relocated such that the radius return of the drive is at least 5 feet from the property line.
  - 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 Traffic Engineer.
  - c. Line of sight must remain entirely in the right-of-way. Additional right-of-way may need to be dedicated to meet this requirement.
2. Applicant will be required to install a 5' concrete sidewalk along the entire property frontage on Lakefield Drive as shown on the City of Johns Creek approved Trail Map and City of Johns Creek Development Regulations.
3. Sufficient turnaround will be required at all gates. The width of the drive entrance needs to be able to accommodate a three point turn from a car if the gate is closed. Show a turning template for a passenger car vehicle with the Land Development submittal to demonstrate that a turn can be made from the location of a stopped vehicle at the call box.

### **WATER AND SEWER**

Water and Sewer is provided by Fulton County Public Works Department. Review and approval of water and sewer is required prior to development.

FULTON COUNTY BOARD OF EDUCATION

Elementary Students	62
Middle Students	20
High School Students	47

As the petitioner’s letter states, there are only 26 three-bedroom units planned, which could reduce the likelihood of families with school-aged children residing there.

FIRE MARSHAL

All gated entrances will be required to install a “Click to Enter” system prior to issuance of a certificate of occupancy.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Buffers and landscape strips as required by zoning and density requirements are to be planted per the Guidelines.
2. Per zoning ordinance, tree islands are required every sixth parking space. An alternative design may be approved at time of land disturbance permit if the design provides the same number of trees in close proximity to parking spaces.

SITE DEVELOPMENT

1. A Land Disturbance Permit (LDP) is required to develop the property. Development plans will have to comply with the Development & 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. Stormwater Management Report required upon submittal of development plans. A downstream analysis, water quality, channel protection, post to pre, peak discharge control for the 25-year storm, and detention/safe passage of the 100-year storm are required for each basin (per the Georgia Stormwater Management Manual).
3. Fulton County Water & Sewer approval is required prior to issuance of land disturbance permit.
4. The 2010 Parcel Digest shows proposed project on two separate parcels. A combination plat may be required prior to issuance of building permits.
5. Prior to the first Certificate of Occupancy on the site, storm/sanitary/water as-builts; detention pond certificate; and stormwater facilities maintenance agreement are required.

6. An Army Corps of Engineer permit will be needed for piping of stream. A buffer variance from the Georgia Environmental Protection Division may be required if piping exceeds 200 feet.
7. Water Quality Management Facility cannot be within 75-foot impervious setback from stream.

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** as A Conditional, and **APPROVAL** of the concurrent variances subject to the following enumerated conditions:

1. Restrict the use of the property to a gated multifamily development with a maximum of 268 units. There shall be a maximum of 26 three-bedroom units and a maximum of 148 two-bedroom units.
2. The site shall be developed in general accordance with the site plan received July 25, 2011 with changes allowed to meet these conditions of rezoning.
3. All units shall be constructed of at least 75% stacked stone on all sides. The balance may be brick, cedar shake or fiber-cement siding. The roofs shall use architectural shingles. All elevations shall be subject to review and approval of the Director of Community Development prior to issuance of a building permit.
4. The parking may be reduced to 438 spaces (VC-11-006-1).
5. Provide a 25 foot wide landscape strip along Lakefield Drive and a 25 foot wide buffer along Technology Circle. Both shall include a wrought-iron style fence with stacked stone columns (max. 30-feet on-center) for the entire frontages. Plantings shall be subject to review and approval of the City Arborist. The landscape strip may be reduced to 10 feet as depicted on the site plan (VC-11-006-2).
6. The 40-foot front yard setback may be reduced to 20 feet as depicted on the site plan (VC-11-006-3).
7. Open space shall remain undisturbed except for trails/walking paths which shall be installed prior to issuance of a certificate of occupancy. Any clearing shall require approval of the Community Development Department. Trail location and design shall be subject to review and approval of the Director of Community Development.
8. Provide external pedestrian connectivity to walking trail system.
9. The active recreational area shall be installed prior to the first certificate of occupancy.
10. All units shall have a minimum 9-foot interior ceiling and counter tops shall be of granite or similar materials, as approved by the Community Development Staff and shall be noted on all building permits.
11. Property shall be limited to no more than one (1) full access drive from Technology Circle and (1) full access drive from Lakefield Drive. Location and design shall be subject to review and approval of the Department of Public Works.
12. Owner/Developer shall provide deceleration lane at each project entrance off Lakefield Drive and Technology Circle or as may be required by the City of Johns Creek Traffic Engineer.
13. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage on Lakefield Drive and Technology Circle a minimum of thirty feet (30ft) from the existing

centerlines of the roads and dedicate at no additional cost to the City of Johns Creek such additional right-of-way as may be required to provide at least 11 feet of right-of-way from back of curb or 1 foot from edge of sidewalk whichever is greater, of all abutting road improvements or as necessary prior to the issuance of a Land Development Permit as approved by the City of Johns Creek Director of Public Works.