



**Land Use Petition RZ-11-009 & VC-11-009-1& 2
Date of Staff Recommendation Preparation: November 22, 2011**

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

DISTRICT/SECTION/LANDLOT: 1st District, 1st Section, Land Lot(s) 324

ACREAGE: 5.94 acres

EXISTING ZONING: O-I Conditional & R-4 Conditional

PROPOSED ZONING: C-1 Conditional

FUTURE DEVELOPMENT MAP DESIGNATION: Character Area 09 – 141 Corridor

APPLICANT: Racetrac Petroleum
3225 Cumberland Boulevard
Atlanta, Georgia 30339

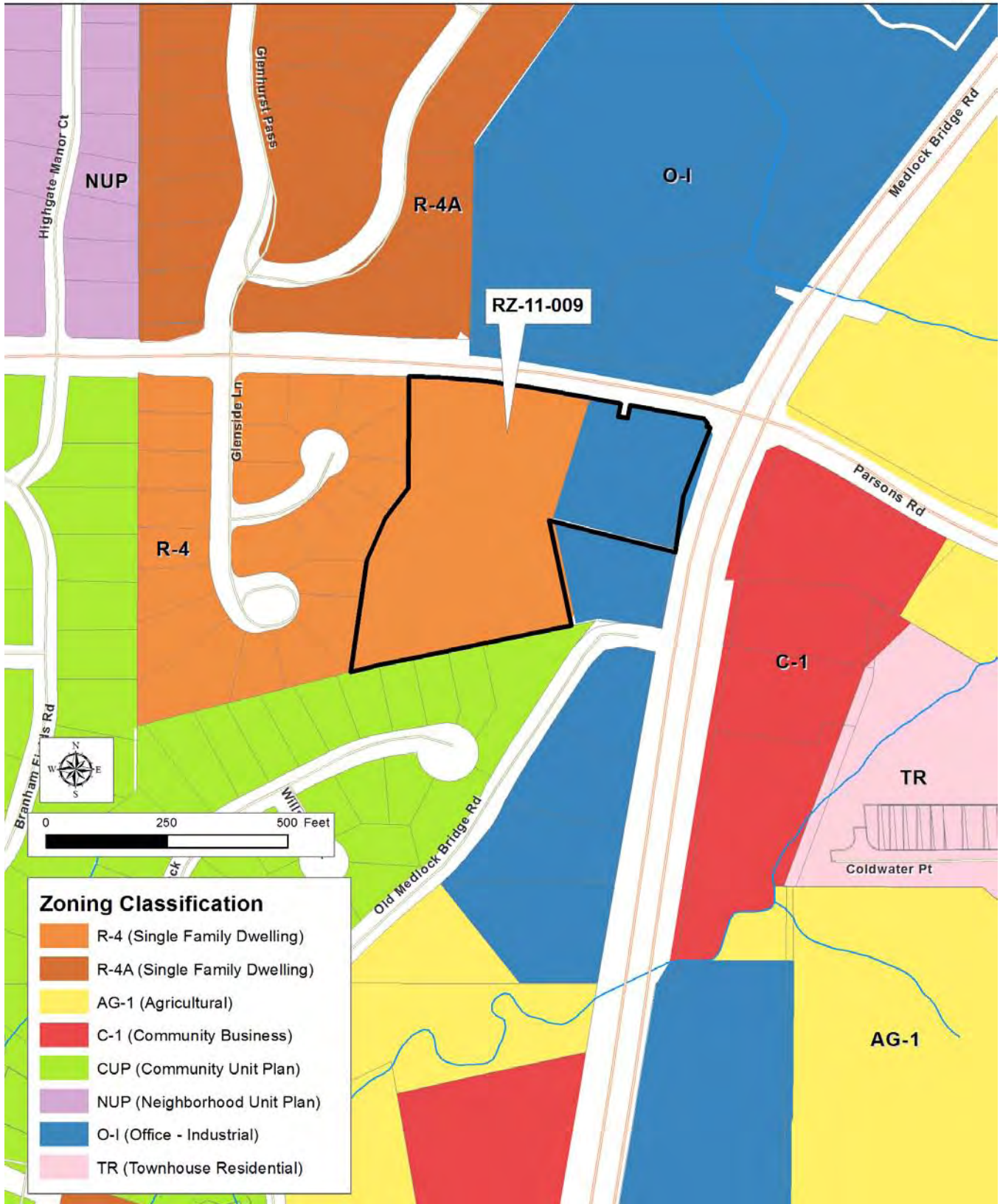
OWNER: National Land Corporation; Andalusia Properties
8020 Greenwood Hollow
Alpharetta, Georgia 30005

CONTACT: Wendy Butler – 678.252.0340

PROPOSED DEVELOPMENT: Convenience Store With Fuel Pumps
Concurrent Variance to reduce landscape strip for utility box
and allow sidewalk to encroach into buffer

STAFF RECOMMENDATION: **APPROVAL AS C-1 Conditional with a prohibition on convenience stores with fuel pumps and APPROVAL of the Concurrent Variances**

RZ-11-009



PROJECT DATA

The applicant requests rezoning of a 5.94-acre tract from O-I (Office Institutional District) Conditional and R-4 (Single-Family Dwelling District) to C-1 (Community Business District) Conditional to construct a convenience store with fuel pumps and a pocket park. The property is located at the southwest corner at the intersection of Medlock Bridge Road and Parsons Road. The proposed convenience store would be 5,900 square feet in size with ten fuel pump stations (twenty total pumps) located under a canopy that is oriented towards the corner of Parsons Road and Medlock Bridge Road. Approximately two acres of the site would be utilized for the convenience store with four acres serving as a pocket park.

Three points of access are proposed to the property, with two off of Parsons Road and a right-in/right-out off of Medlock Bridge Road. Forty-five parking spaces would be provided near the building, exceeding the required minimum. A detention pond would be located within the park portion of the property and would serve the entire property. Pedestrian connectivity would be provided throughout the site with sidewalks and multi-use paths that connect the proposed park to the existing sidewalks and trail. The park would contain open lawn areas, picnic tables, seat walls and a gazebo. A small right-of-way extension for a utility box exists along the Parsons Road frontage. The proposed landscape strip follows the predominant right-of-way of Parsons Road; and, therefore the applicant is requesting a variance to reduce the landscape strip at this location to accommodate the right-of-way extension (VC-11-009-1). The required 25-foot side buffers and 50-foot rear buffers have been provided, however, a portion of the western-most entrance drive and sidewalk would encroach (VC-11-009-2) into the 50-foot buffer.

Submitted architectural elevations show that the building would be brick with stone accents. The canopy would have a pitched roof with stone and brick columns. The proposed building would provide patron seating areas both inside and outside the building. The Community Standards require live plant material on or directly in front of the proposed building.

The Department would note that the Development Regulations require interparcel connectivity. As the adjacent office is currently developed with a stub, should the application be approved, the subject property would be required connect with the adjacent property at the time of land development.

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:

Adjacent Properties	Zoning	Land Use
West	R-4 Conditional	Single-Family Subdivision (Glenside)
North	O-I Conditional	Office Park

Northwest	R-4A Conditional	Single-Family Subdivision (Glenhurst)
East	C-1 Conditional	Undeveloped Commercial/Office
South	O-I Conditional	Medical Office
South	CUP Conditional	Single-Family Subdivision (Medlock Bridge)

The subject property could be suitable for commercial uses in light of its location along Medlock Bridge Road. The proposed pocket park would provide a large area of buffer and present a clear point of demarcation between the commercial and office uses found in proximity to the intersection of Parsons Road and Medlock Bridge Road. While a commercial use could be suitable at this location, the established non-residential uses and zonings at this intersection are either offices or less-intense commercial uses and the proposed fuel center which would operate 24-hours a day may create an intensity that would not be suitable at this location.

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

The inclusion of a four-acre pocket park would provide a large amount of buffering for the nearby residential properties and reduce potential impacts from commercial uses on the property. While some commercial uses on the property would not likely adversely impact surrounding properties, the presence of a large amount of fuel pumps and the activity they generate could present adverse impacts on surrounding properties by introducing more intense uses and associated vehicular activities to the area that is more characterized by the current zoning or other less intense commercial developments.

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 use would cause an increase in traffic and utility demand. With the recommended conditions and improvements, impacts on transportation facilities could be reduced.

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

Policies for the Character Area suggest placing commercial uses along the Medlock Bridge Road corridor. Established policies along this corridor, however, have placed gas stations within the Activity Nodes at State Bridge Road and Abbotts Bridge Road. As the subject property does not lie within an Activity Node, the proposed fuel pumps would not be consistent with zoning decisions in the past. The proposed C-1 zoning and pocket park, however, would be consistent with the recommended policies for commercial uses, greenspace, and pedestrian connectivity along Medlock Bridge Road.

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?

Although the subject property's O-I zoning was originally denied C-1 in 1998, the subsequent zoning of commercial uses in the area and the adoption of the City of Johns Creek 2030 Comprehensive Plan suggest that the proposed C-1 zoning could be suitable at this location.

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 does not contain wetlands or streams and would not present environmentally adverse impacts if developed according to established regulations.

STAFF ANALYSIS

The subject property is a 5.94-acre tract located at the southwest corner at the intersection of Medlock Bridge Road and Parsons Road. The property currently contains abandoned residential structures that would be removed as part of this request.

The surrounding area is characterized by a linear corridor of office and commercial uses and zoning off of Medlock Bridge Road with universally residential uses found west of the corridor. North of the subject property is an office park, zoned O-I Conditional pursuant to 1994Z-057. Across Medlock Bridge Road to the east is a partially developed commercial and office development, zoned C-1 Conditional pursuant to 2006Z-025. Adjacent to the south is the Gwinnett Clinic medical office, zoned O-I Conditional (1998Z-003). To the west are the single-family subdivisions, Medlock Bridge (CUP Conditional), Glenside (R-4 Conditional) and northwest is Glenhurst (R-4A Conditional). To the east is the Northview High School athletic fields and campus. Further south across Medlock Bridge Road is the Ivy Falls office and commercial center that extends to the Wilson Road intersection, zoned O-I Conditional and C-1 Conditional. The proposed C-1 zoning for commercial uses on the Medlock Bridge Road frontage with a four-acre pocket park could be consistent with the development pattern in the area that has established non-residential uses along Medlock Bridge Road. Non-residential uses in the area, however, have developed as office, retail and service commercial uses along this corridor and do not contain automotive uses or gas stations. The gas stations along Medlock Bridge Road are located to the north at the intersection of Abbots Bridge Road and further south at the intersection of State Bridge Road. Both of these intersections contain large-scale shopping centers anchored by grocery stores and big-box retail uses instead of the smaller-scale retail uses near the Parsons Road intersection. The proposed Racetrac convenience store with fuel pumps would present a deviation from the intensity associated with this intersection. The proposed pocket park, however, would provide a suitable transition and buffer from a commercial use on the corner to the residential uses found to the west.

The subject property lies within Character Area 09 – 141 Corridor of the Future Development Map. Recommendations for this character area support intense non-residential uses along the Medlock Bridge Road corridor. The proposed rezoning to C-1 for commercial uses would be consistent with the recommendations of the policy. The Character Area, however, also contains three activity nodes: at State Bridge, at Abbots Bridge and at McGinnis Ferry Road. The Comprehensive Plan designates activity nodes for the most intensive uses within the character area. This policy reflects previous land use decisions along Medlock Bridge Road that have placed gas stations within the activity nodes at Abbots Bridge Road and State Bridge Road. In between the activity nodes, there have been no gas stations zoned or developed within the Character Area. This policy has been reinforced with the

rezoning of Johns Creek Walk Phase II (MIX Conditional, RZ-10-008), which while allowing several commercial retail uses, is located outside activity nodes and contains a prohibition on convenience stores with fuel pumps. The proposed convenience store with fuel pumps would represent a change in policy regarding gas stations and the character area by the Council. Additionally, the subject property was originally proposed to be rezoned C-1 in 1998, however, was approved as O-I conditional. The proposed pocket park, however, is identified by the Comprehensive Plan as being suitable and recommended along the Medlock Bridge Road corridor. In addition to affording greenspace and a buffer for residential subdivisions, its location affords delineation between the commercial uses along Medlock Bridge Road and the subdivisions to the west.

The requested concurrent variance to reduce the landscape strip is a result of an existing utility box creating a right-of-way extension along Parsons Road. As providing the full 25-foot landscape strip at this location would significantly alter the site and the reduction would have minimal visual impact, the variance could be supported. Additionally, the concurrent variance to allow the entrance drive/sidewalk to encroach into the buffer and improvement setback would have minimal impact on the buffer, as this results in the driveway traversing a small portion of the buffer for a depth of 18-feet and then tapering out of the buffer. As the buffer still presents adequate room for additional screening, if necessary, and the driveway location provides better spacing with other curb cuts, the request can also be supported.

In conclusion, the proposed rezoning from O-I Conditional and R-4 Conditional to C-1 conditional would be consistent with the development pattern and policies for allowing commercial uses along Medlock Bridge Road. Additionally, the proposed pocket park would conform to the policies of the character area, provide a community amenity and provide a large degree of buffering for existing subdivisions in the area. The proposed convenience store with fuel pumps, however, would represent a change in the established development pattern and policies for the area, which have limited gas stations to activity nodes within the Medlock Bridge Road corridor. Therefore, the Community Development Department recommends **APPROVAL WITH CONDITIONS AS C-1 Conditional with a prohibition on convenience stores with fuel pumps and APPROVAL of the Concurrent Variances.**

DEPARTMENT COMMENTS

PUBLIC WORKS

Owner/developer will be required to resubmit Traffic Study addressing the following prior to the approval of the Land Disturbance Permit.

1. On queuing, show existing and proposed to determine capacity.
2. Show fuel truck routing and turning radii.
3. City requires eastern Parsons Road driveway to be right in right out for safety. Revise traffic study to reflect this requirement.

The applicant will meet with the Department of Public Works prior to submitting a Land Development Permit to finalize the site layout.

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. 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.
- b. Line of sight must remain entirely in the right-of-way. Additional right-of-way may need to be dedicated to meet this requirement.

Applicant will be required to install a 5' wide concrete sidewalk along the entire property frontage on Parsons Road and 10' concrete trail along Medlock Bridge Road as shown on the City of Johns Creek approved Trail Map and City of Johns Creek Development Regulations.

The City of Johns Creek is completing design of a Transportation Enhancement Trail Signage and Trail Amenities Project (GDOT Project NO. CSTEE-0009-00(055), PI No. 0009055).

- A corner treatment is currently being proposed at the southwest corner of Medlock Bridge Road and Parsons Road.
- "Off-site Trail Location" should be relocated to create a safer crossing for pedestrians and to better connect to the improvements being made with the project.

Coordination with the City at these improvement locations will be required prior to the approval of the Land Disturbance Permit. Please be aware that a temporary construction easement on the City's approved form will need to be completed for any proposed work not on the subject property or in the Right-of-Way.

Note that Medlock Bridge Road (SR141) is a state route and as such all improvements along the subject property frontage on SR141 are subject to the approval of the Georgia Department of Transportation. A Right-of-Way Encroachment permit will be required for this work.

Note that AutoTURN must be submitted to the City of Johns Creek Traffic Engineer to demonstrate that the fuel delivery trucks will not impede the flow of traffic on Parson Road and Medlock Bridge Road, prior to the approval of a Land Disturbance Permit.

Note that all right-in/right-out only drives will be raised concrete and will be designed, signed and marked to discourage left turns.

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.

FIRE MARSHAL

Wheel stops will be required around the building for pedestrian protection and ADA guidelines.

Canopy shall demonstrate adequate clearance for emergency vehicles.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Buffers, landscape strips, density requirements are to be planted per the Guidelines.
2. The tree density for this site is 30 units per an acre.
3. Per the Community Standards, there is to be planting directly in front of or on all buildings. The submitted site plan does not show any planting areas.

SITE DEVELOPMENT

1. A Land Disturbance Permit (LDP) is required to develop 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. Fulton County Water & Sewer approval is required prior to issuance of land disturbance permit.
3. A new subdivision plat may be required prior to issuance of a building permit.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, the Community Development Department recommends **APPROVAL** of RZ-11-008 as C-1 and concurrent variances VC-11-009-1 & 2, subject to the following enumerated conditions:

1. Limit the use of the property to retail, service commercial or office uses and a park. A convenience store with fuel pumps and automobile service/repair and tire stores shall be prohibited.
2. The site shall be developed in general accordance with the site plan submitted October 31, 2011 with changes necessary to meet the conditions of zoning.
3. The building architecture shall be in general accordance with the elevations submitted September 6, 2011 and shall be a maximum of 16,000 square feet. Final elevations shall be subject to review and approval of the Director of Community Development.
4. The landscape strip along Parsons Road may be reduced to accommodate the existing utility box as depicted on the site plan (VC-11-009-1).
5. The western-most entrance drive and sidewalk may encroach into the buffer as depicted on the site plan (VC-11-009-2). If sparsely vegetated, the buffer shall be replanted prior to issuance of a certificate of occupancy. Planting plan shall be subject to review and approval of the City Arborist.
6. Owner/developer shall provide no more than one (1) right-in/right-out driveway at the easternmost entrance and no more than one (1) full access driveway at the westernmost entrance on Parsons Road.
7. Owner/developer shall provide no more than one (1) right-in/right-out only drive from Medlock Bridge Road or as may be required by the Georgia Department of Transportation.
8. Owner/developer shall provide no more than one (1) utility access drive from Parsons Road at the existing utility box within the right-of-way or as may be required by the City of Johns Creek Director of Public Works.
9. Owner/developer shall provide a deceleration lane at the easternmost project entrance on Parsons Road or as may be required by the City of Johns Creek Traffic Engineer. Owner/developer shall provide a deceleration lane at the project entrance on Medlock Bridge Road or as may be required by the Georgia Department of Transportation.
10. Owner/developer shall provide a left turn lane at the westernmost entrance on Parsons Road or as may be required by the City of Johns Creek Traffic Engineer.
11. Owner/developer shall provide interparcel access to connect to the property to the south along Medlock Bridge Road. Interparcel access shall connect to existing interparcel connection on the adjacent parcel.
12. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage on Parsons Road a minimum of thirty feet (30ft) from the existing centerline of the road 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.

13. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage on Medlock Bridge Road a minimum of seventy-five feet (75ft) from the existing centerline of the road 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 trail 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.