



**Land Use Petition: RZ-11-010 & VC-11-010-1**  
**Date of Staff Recommendation Preparation: December 6, 2011**

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**PROJECT LOCATION:** 11700 Block of Jones Bridge Road  
11700 Block of Addison Way

**DISTRICT/SECTION/LANDLOT(S):** 1<sup>st</sup> District, 1<sup>st</sup> Section, Land Lot 231

**ACREAGE:** 1.23 Acres

**EXISTING ZONING:** CUP Conditional (Community Unit Plan District)

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

**FUTURE DEVELOPMENT MAP DESIGNATION:** Character Area 12 – Johns Creek North; Activity Node

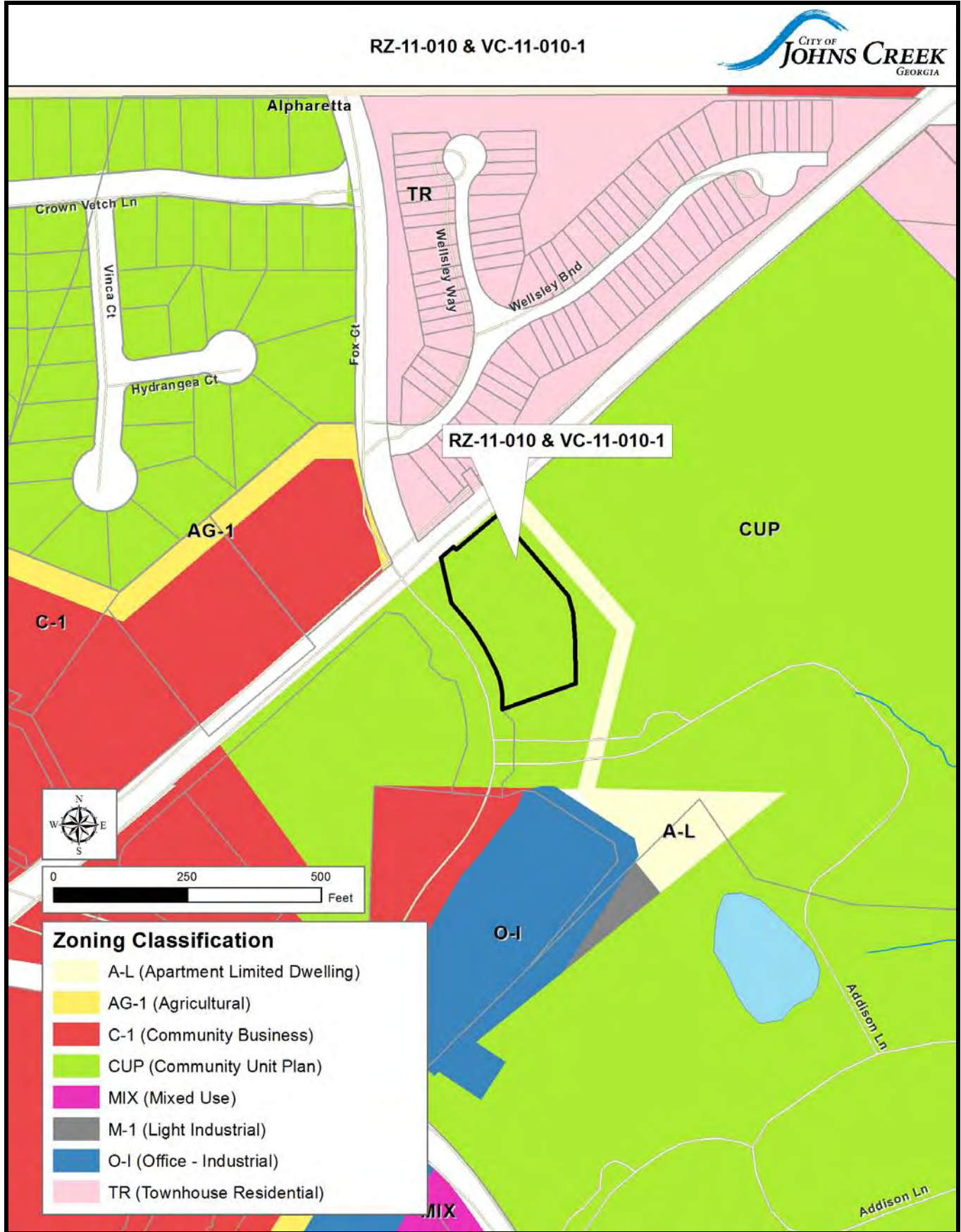
**APPLICANT:** Headstart Montessori  
Kishore Thadani  
11765 Jones Bridge Road  
Johns Creek, GA 30005

**OWNER:** JMJ Addison Plaza, LLC  
Philip Tran  
11765 Jones Bridge Road, Ste. A  
Johns Creek, GA 30005

**PROPOSED DEVELOPMENT:** Rezone existing commercial strip center from CUP Conditional to C-1, bringing the site into compliance for commercial uses, and to allow an additional 2,328 square-foot outdoor play area for a Montessori school. Concurrent variance:  

1. Maintain buffers, setbacks, landscape strips, parking spaces, and commercial structures as currently exist.

**STAFF RECOMMENDATION:** **APPROVAL WITH CONDITIONS and APPROVAL of the Concurrent Variance.**



**PROJECT OVERVIEW**

The applicant has requested rezoning of a 1.23-acre tract from CUP (Community Unit Plan District) Conditional to C-1 (Community Business District) Conditional to bring the existing retail development into compliance for commercial uses, and to alter the site plan to allow an outdoor play area for a Montessori school. The property is located adjacent to the south side of Jones Bridge Road, at the southeast corner of its intersection with Addison Way. There currently exist two single-story buildings on the site totaling 9,300 square feet, and a 2,328 square-foot outdoor play area proposed adjacent to the south end of building 2. A concurrent variance has been requested by the applicant to maintain existing building setbacks, landscape strips, parking spaces, buffers, and commercial structures as currently exist.

The commercial development has one ingress/egress access point off of Addison Way and a total of 45 parking spaces available on the site. The architectural elevations of the two existing retail buildings have been constructed with a combination of brick, stucco, and pre-cast stone.

The property was previously zoned CUP Conditional in conjunction with surrounding properties, including other retail uses, apartments and a library. The Department would note the applicant is required to obtain an approved fence permit application from the Department of Community Development prior to fence installation on the site.

**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 Properties	Zoning (Petition Number)	Land Use
North	TR Conditional (NFC 2001Z – 004)	Townhouse Residential (Wellesley Subdivision)
North & West	C-1 Conditional (NFC 1997Z –112)	Retail Strip Center (The Shoppes of Jones Bridge; Butler Tire; and RBC Bank)
East	CUP Conditional & A-L Conditional (NFC 1985Z - 085 & 1999Z –113)	Multi-Family Residential (Addison Place Apartments)
West	CUP Conditional & C-1 Conditional (NFC 1985Z – 085 & 1998Z – 085)	Retail Strip Center (Addison Place Commercial; and CVS Pharmacy)
South	O-I Conditional & CUP Conditional (NFC 2000Z – 062 & 1985Z – 085)	Institutional Use / Townhouse Residential (Dr. Robert E. Fulton Regional Library; and Addison Place Townhomes)

The proposed land use as requested would be suitable in view of the use and development of adjacent and nearby properties, which are characterized by established commercial, institutional, and multi-family uses. Additionally, the subject property is located between two commercial nodes established along the Jones Bridge Road corridor, at Abbotts Bridge Road and Sargent Road/Douglas Road. Commercial uses increase in intensity at both intersections, and are characterized by a mixture of retail strip centers, convenience stores with fuel pumps, and large-scale shopping centers anchored by grocery stores.

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

The retail development as exists would be compatible with multi-family and transitional residential uses, as well as retail uses that surround the subject property, and would not adversely affect nearby or adjacent properties. The proposed outdoor play area for the daycare may create adverse effects associated with noise to the adjacent multi-family development; however, established landscape strips and buffers along the shared property line to the east should help to reduce those impacts.

**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?**

An increase in traffic and utility demand would not be associated with the requested land use change, as the proposed site is already developed. As the overall commercial square footage would not be affected, no further impacts would be anticipated for the subject property.

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

The City of Johns Creek 2030 Future Development Map designates this area as an Activity Node within Character Area 12 – Johns Creek North. The proposed C-1 Conditional zoning request would be consistent with the suggested designation. The proposed addition of the outdoor play area would also be consistent with established policies for this character area and identical uses established in close proximity to the property.

**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 subject property was previously conditioned for commercial uses on the site, but under the CUP zoning was limited to accessory convenience retail and service establishments related to personal services for the overall CUP development. Prior to the incorporation of the City of Johns Creek, Fulton County had allowed commercial uses primarily reserved for the C-1 zoning district to be located on the subject property, rendering those businesses as nonconforming uses under the existing CUP zoning. Therefore, the C-1 zoning would be the appropriate zoning

designation to bring all existing commercial uses and the proposed outdoor play area into compliance.

**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 rezoning would not result in additional development on the site, thus no adverse environmental impacts would be anticipated with this request.

**STAFF ANALYSIS**

The proposed 1.23 acre site is located at the southeast corner at the intersection of Jones Bridge Road and Addison Way. The site is currently comprised of a commercial strip center with two existing buildings totaling 9,300 square feet. Additionally, the applicant seeks to provide an outdoor play area of 2,238 square feet for an existing Montessori school located on the property.

The surrounding area is characterized by intense commercial uses at the intersection of Jones Bridge Road and Abbotts Bridge Road, with neighborhood-oriented commercial uses and transitional residential developments extending east along the Jones Bridge Road corridor before reaching an additional commercial node at its intersections with Sargent Road and Douglas Road. The subject property was originally zoned CUP Conditional in 1985, pursuant to NFC 1985Z-0085, as a portion of a larger 348.12 acre Addison Place development comprised of multi-family and single-family (attached and detached) uses, and a commercial component oriented toward Jones Bridge Road. Single-family residential components of the original development were later subdivided and rezoned; however, the commercial portion has remained in its current zoning district. Adjacent to the east and south is Addison Place Apartments and townhome subdivision. To the west, across Addison Way is the Addison Place commercial area, zoned CUP and C-1 Conditional (NFC 1999Z-0112), and a CVS Pharmacy, zoned C-1 Conditional (NFC 1998Z-0085). To the southwest of the site is Dr. Robert E. Fulton Regional Library zoned O-I Conditional (NFC 2000Z-0062), and across Abbotts Bridge Road is Abbotts Village Shopping Center (NFC 1993Z-0023) and Abbotts Kids Village (NFC 1995Z-0055), both zoned C-1 Conditional. To the north, across Jones Bridge Road are C-1 zoned commercial uses (NFC 1997Z-0112), comprised of The Shoppes of Jones Bridge, Butler Tire, RBC Bank and Exxon service station, adjacent to the Fox Glenn and Wellesley subdivisions, zoned CUP Conditional and TR Conditional, respectively. Further northwest, across Abbotts Bridge Road are additional intensive commercial uses zoned C-1 Conditional, comprised of a Shell service station and Ocee Plaza (NFC 1987Z-0140) with an existing telecommunications tower. The proposed land use request for the existing retail development and inclusion of an outdoor play area on the site would be suitable in light of the surrounding developments which are characterized by a mixture of intense and neighborhood oriented commercial, multi-family and higher-density residential uses. The subject property would be appropriately conditioned to maintain established landscape strips, setbacks, and aggregate square footage of commercial space to ensure continued compatibility of uses with adjacent developments.

The subject property lies within the Johns Creek North (12) Character Area per the 2030 Future Development Map. The subject property is located within the Activity Node for the character area, and Comprehensive Plan designates activity nodes for the most intensive uses within an area. The established policy would recommend commercial, office, and institutional uses that may be characterized by higher-intensive uses. The existing retail development, with no intended change or expansion of the building footprint, either vertically or horizontally, the proposed rezoning to C-1 for commercial uses would be consistent with the recommendations of the policy.

The subject property was previously conditioned for commercial uses, however, limited to convenience retail and service establishments related to personal services, as an accessory feature to the (primary) residential component of the CUP development. Fulton County had allowed commercial uses reserved for the C-1 zoning district to be located on the site, although impermissible under the existing CUP zoning. Rezoning of the site to C-1 Conditional would afford the opportunity to correct issues related to permitted uses within the underlying zoning, and result in all existing commercial uses and proposed outdoor play area to conform with the appropriate zoning designation. However, established policies found in the area would exclude specific uses under the C-1 zoning, and by conditioning the subject property with similar exclusion of uses would ensure continued compatibility with adjacent developments.

The requested concurrent variance is to maintain all existing landscape strips, parking spaces, building setbacks and commercial structures as currently exist. The property has established landscape strips adjacent to all property lines and right-of-ways, with the existing landscape strips and buffers having been created in the context of an overall CUP development, and the applicant having no intention of increasing the overall impervious area, the variance could be supported by staff.

In conclusion, the proposed request to rezone to C-1 zoning and development of an outdoor play area on the property would be consistent with the intense non-residential and multi-family development established in the area, as well as the recommendations of the 2030 Future Development Map. Therefore, the Department of Community Development recommends **APPROVAL WITH CONDITIONS AS C-1 Conditional and APPROVAL of the Concurrent Variance** as requested.

### **DEPARTMENT COMMENTS**

#### **PUBLIC WORKS**

The City of Johns Creek Trail Map requires a 10 foot trail along the property frontage on Jones Bridge Road. The applicant shall dedicate the right-of-way necessary to construct the trail in the future. Applicant shall provide a plan to the city showing the proposed 10 foot trail, to be constructed by others, and the required dedication prior to construction and/or installation of fence of the outdoor play area.

#### **FIRE COMMENTS**

- 1) School staff members shall have access to the gate access key at all times to access the proposed playground via outdoor gate.
- 2) Wheel stops shall be provided at parking spaces nearest to the fenced area of the proposed playground.

#### **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.

#### **SITE COMMENTS**

No comment.

ARBORIST COMMENTS

No comment.

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL AS C-1 CONDITIONAL**, and **APPROVAL of Concurrent Variance, VC-11-010-1**, subject to the following conditions of approval or as may be amended by the Mayor and City Council:

1. Restrict the use of the property to retail, service commercial and/or office and accessory uses at a maximum area of 9,300 gross square feet, with an additional 2,350 square feet reserved for the use of an outdoor play area. Convenience stores with gas pumps, fast food restaurants with drive-thru, liquor package stores, entities that exclusively provide check cashing, pawn shops, coin operated laundries, massage parlors, discount retail shops, and billboards, shall be prohibited.
2. The site shall be developed in general accordance with the site plan submitted to the Community Development Department, dated September 6, 2011.
3. Fencing of outdoor play area shall meet State requirements and fence style. Proposed fence shall require review and approval of the Director of Community Development Department.
4. No additional curb cuts shall be allowed along the entire property frontage on Addison Way and Jones Bridge Road.
5. Dedicate at no cost to the City of Johns Creek along the entire property frontage on Jones Bridge Road, right-of-way as may be required to provide at least 1-foot from edge of future 10-foot trail or as necessary, prior to construction or installation of fence for the outdoor play area, as approved by the City of Johns Creek Director of Public Works.
6. The minimum building setbacks for the development are as follows (VC-11-010-1):
  - a. Front = 50 feet
  - b. Side = 15 feet
  - c. Rear = 40 feet
7. The 25-foot landscape strip adjacent to Addison Way may be reduced to 10 feet (VC-11-010-1).
8. A 10-foot landscape strip shall be maintained along the east and south property line adjacent to multi-family (VC-11-010-1). All existing vegetation shall remain within the 10-foot landscape strip.

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