



Land Use Petition RZ-23-0001, VC-23-0002 and VC-23-0003

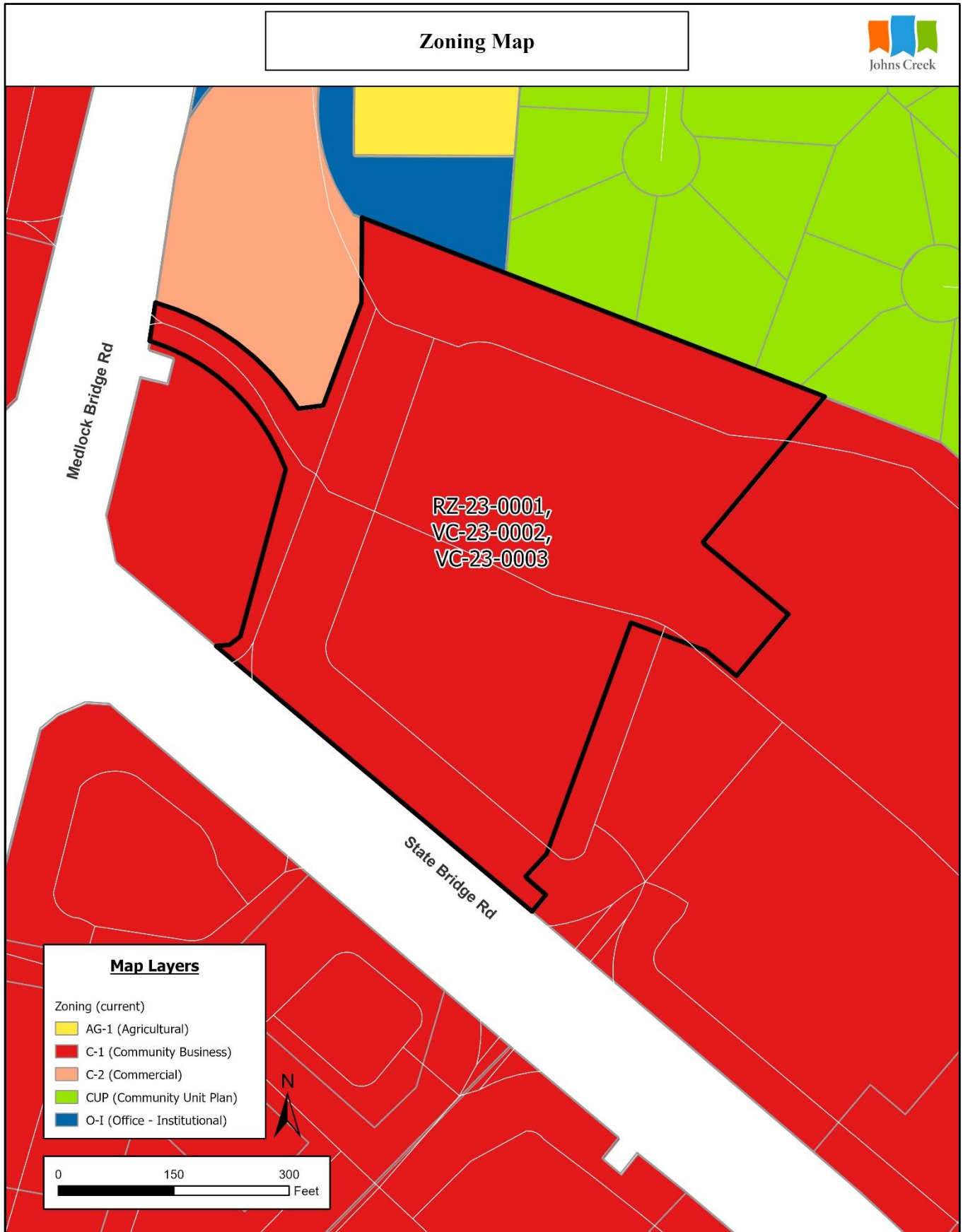
Public Participation Meeting: April 6, 2023

Planning Commission Meeting: July 10, 2023

City Council Meeting: July 25, 2023

PROJECT LOCATION:	5805 State Bridge Road
DISTRICT/SECTION/LAND LOT:	1 st District, 1 st Section, Land Lots 299 and 330
ACREAGE:	8.65 acres
CURRENT ZONING:	C-1 (Community Business District) Conditional
PROPOSED ZONING:	C-1 (Community Business District)
COMPREHENSIVE PLAN COMMUNITY AREA DESIGNATION:	Medlock
APPLICANT:	Willow Capital Partners, LLC c/o Tyler Morris 525 Pharr Road NE Atlanta, GA 30305
OWNER:	Medlock Associates, L.P. 525 Pharr Road NE Atlanta, GA 30305
PROPOSED DEVELOPMENT:	To allow for an outparcel development to construct a 3,500 SF restaurant with drive-through, and two concurrent variances: <ul style="list-style-type: none">• VC-23-0002: to reduce the required parking from 355 to 299 spaces• VC-23-0003: to eliminate landscape strips along interior property lines
STAFF RECOMMENDATION:	Approval with Conditions





PROJECT OVERVIEW

Location

The subject property is an 8.65-acre parcel located east of the intersection of Medlock Bridge Road and State Bridge Road. The property is bounded by St. Ives Country Club subdivision to the north, Medlock Corners shopping center (Hobby Lobby, Dollar Tree) to the east, State Bridge Road to the south, and two commercial properties (Wells Fargo Bank and Club Corners Car Wash) to the west.

Background

The subject property is accessible by three access points: one full-access curb cut off State Bridge Road, functioning as the main entrance to the shopping center, and two right-in/right-out curb cuts, one off State Bridge Road and the other off Medlock Bridge Road. The site is currently zoned C-1 (Community Business District) Conditional, pursuant to 1990Z-0044, allowing for retail, service commercial and/or office and accessory uses up to 283,000 square feet, excluding, service stations, commercial amusements and billboards. The site is currently developed with a 76,649 square-foot commercial building and 332 parking spaces, with Publix serving as its principal anchor store.



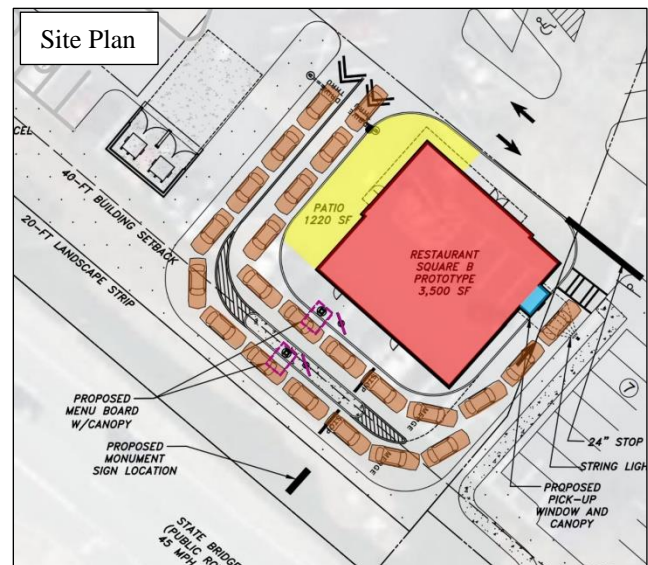
Rezoning and Concurrent Variance Requests

The Applicant is requesting to add a 3,500 square-foot Shake Shack restaurant with drive-through at the southeast corner of the site, along with two concurrent variances: 1) VC-23-0002: to reduce the required parking from 355 to 299; and 2) VC-23-0003: to eliminate the 15-foot landscape strips along interior property lines. Staff would note that the Applicant intends to subdivide the proposed 0.72-acre outparcel from the subject property for the new restaurant development.

Site Plan

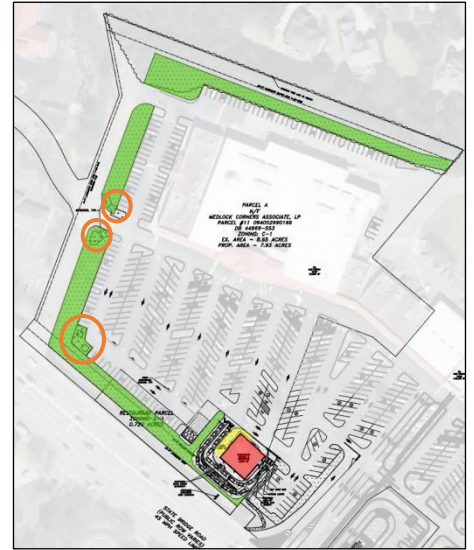
The site plan shows a 3,500 square-foot restaurant building (shown in red) with 1,220 square-foot outdoor patio (highlighted in yellow). The area is presently underutilized parking for the shopping center. The plan shows a single pick-up window (highlighted in blue) fed by two drive-through lanes providing stacking for up to 23 vehicles. The proposed menu boards and speaker posts (outlined in purple) are placed behind the building along State Bridge Road.

With the addition of the outparcel development there will be 299 parking spaces remaining to serve the entire site. The Applicant has proposed sidewalks and crosswalks connecting the existing sidewalk along



State Bridge Road to the main entrance of the proposed building.

The site plan also shows open space (highlighted in green) distributed around the perimeter of the site with the addition of three distinct seating areas (outlined in orange) within the existing open space, to include benches and tables surrounded by ornamental landscaping, specialty pavers, boulder wall and stepping stones. The Applicant proposes to shift the internal driveway 60 feet north, away from State Bridge Road, to align with the relocated driveway design approved as part of the Scooter's rezoning, to complete the other half of improvement for the main driveway providing safer in and out access for the shopping center. All other existing driveways, curb cuts, landscape strips and zoning buffers will remain intact.



Elevations

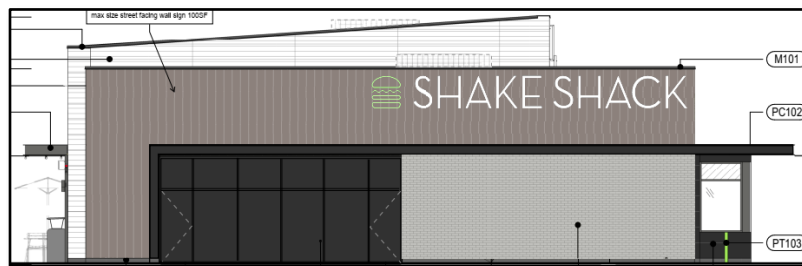
The submitted elevations indicate the building façade would be constructed primarily of cementitious siding and EIFS, which are compliant with the requirements of Section 4.4 of the Zoning Ordinance. The building has a flat roof design, façade offsets, contrasting building color and glass windows that would provide variation of the building façade.



Northeast Elevation: Facing Parking Lot



Northwest Elevation



Southwest Elevation: Facing State Bridge



Southeast Elevation

Public Participation

As part of the required land use petition process, property owners within one-quarter mile of the subject property were mailed notices in March 2023 for the public participation meeting. The meeting was held in the City's Council Chambers on April 6, 2023, and no residents attended the meeting.

STANDARDS OF REZONING REVIEW

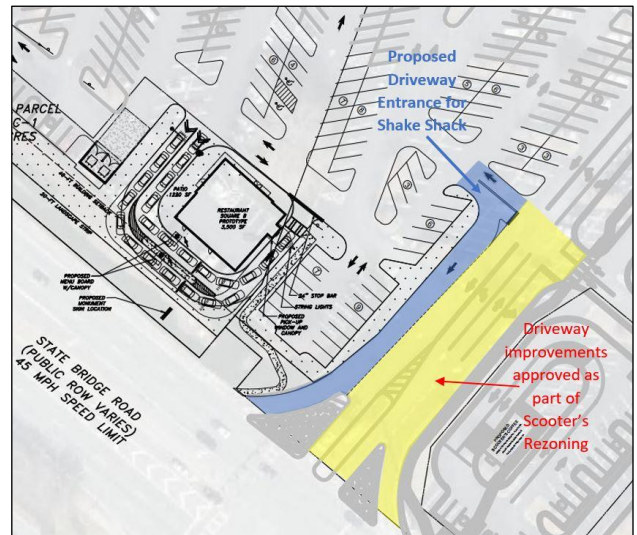
1. Will the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?

Adjacent & Nearby Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre)
Application	Proposed: C-1	Commercial – Restaurant	9,266 SF/Acre
Adjacent: East	C-1 Conditional (RZ-22-0006)	Commercial Retail (Hobby Lobby, Scooter’s Coffee)	9,681 SF/Acre
Adjacent: West	C-1 Conditional (1990Z-0044)	Commercial Retail (Wells Fargo Bank)	10,000 SF/Acre
Adjacent: South	C-1 Conditional (1994Z-0030)	Commercial Retail (Stoney River)	10,000 SF/Acre
Adjacent: South	C-1 Conditional (RZ-20-005)	Commercial Retail (Target, Regions Bank)	10,132 SF/Acre
Nearby: South	C-1 Conditional (RZ-10-002)	Commercial Retail (Home Depot)	11,976 SF/Acre
Nearby: East	C-1 Conditional (RZ-21-007)	Commercial Retail (Medlock Shops)	11,617 SF/Acre

The proposed commercial density for the proposed development is consistent with adjacent and nearby properties. With the proposed improvement to the main access into the property, aligning it with the improvements approved for Scooter's, will permit a use that is suitable with the use of adjacent developments.

2. Will the proposal adversely affect the existing use or usability of adjacent or nearby property?

The proposed development would not adversely affect the use or usability of adjacent or nearby properties with the redesign of the driveway into the shopping center. The improvement to the shopping centers ingress/egress driveway as shown on the site plan would further enhance the traffic flow and minimize conflict points that had previously impacted the ingress/egress movements for the shopping centers. The proposed design of the drive-through for Shake Shack restaurant allowing for ample vehicle stacking and directing the traffic flow in a single direction would further improve the ability for patrons of the shopping center to safely maneuver in and out of the site.



3. Does the subject property have a reasonable economic use as currently zoned?

The property appears to have a reasonable economic use as currently zoned.

4. Will the proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

The proposed restaurant is expected to generate 996 daily trips, including 52 trips during the evening peak hour. Shake Shack opens for business at 11a.m. daily, so it would not impact morning peak hour. The Applicant completed both a trip generation report and traffic study to analyze the impact of trips generated from the proposed development on the existing three-way stop (Intersection #1) and the State Bridge Road at Medlock Corners Driveway traffic signal (Intersection #2). The study reports that the proposed development would have nominal impact on the signalized intersection #2, but queuing from the signal at State Bridge Road would likely impede access to Driveway A. Therefore, the traffic study recommends Driveway A (driveway to the proposed restaurant) to be moved further north, approximately 60 feet, to align with Driveway B (east/west driveway behind Scooter's coffee shop, Arby's and Discount Tires) and to incorporate a two-lane approach with stop sign control.



With the condition of the site plan reflecting the relocation of Driveway A and its alignment with Driveway B to improve internal traffic flow within the shopping center, the proposed development would not cause an excessive or burdensome use of existing streets.

Fulton County has confirmed that adequate water and sewer capacity is available to serve this project.

5. Is the proposal in conformity with the policy and intent of the Comprehensive Plan including the land use element?

The subject property is located within the Medlock Community Area. The proposed development would be conforming with the Comprehensive Plan's Future Land Use map, which indicates "Commercial – Retail/Shopping Centers" for the subject property. The proposal would provide for useable open space in conformance with the policy and intent of the Comprehensive Plan.

6. Do existing or changed conditions affecting the use and development of the property give supporting grounds for either approval or disapproval of the proposal?

There are no conditions giving support for approval or disapproval of the proposal.

7. Does the zoning proposal permit a use which can be considered environmentally adverse to the natural resources, environment, and citizens of the City of Johns Creek?

The environmental site analysis indicates that the site does not contain any environmentally sensitive features as it relates to light and noise impacts, impacts to wildlife, streams, wetlands or floodplain. Staff would note the subject property contains a 48-inch DBH hardwood specimen tree in the parking lot that exists from the initial development of the shopping center. The Applicant has communicated his intentions to incorporate the specimen tree to the redesign of the site; however, due to conflict of the existing topography of the parking lot, which sits lower than the area of the tree bed presented a challenge to preserve the tree with the improvements required by the traffic study and built environment of the property. The single-directional parking lanes required and preferred by Publix has also contributed to the challenge of preserving the tree, as the layout provided limited options to developing the site without impacting the specimen tree. The tree bed area, approximately 5,400 square feet, is placed six to four-

feet higher than the current parking lot surface, posing difficulties for redeveloping the site without raising the grade of the proposed restaurant to preserve the existing specimen tree, and also creating complications for safe internal traffic flow of the site. Although the City's Tree Ordinance does not restrict the removal of specimen trees from a site, it does require that the removal be recompensed by providing a greater unit density of trees than removal of non-specimen trees. The Applicant proposes to compensate the removal of the existing specimen tree by installing the required units of vegetation in compliance with the City's Tree Preservation and Administrative Guidelines, but by also installing a younger hardwood specimen tree adjacent to the patio of the proposed restaurant, as shown in the concept landscape plan prepared by the Applicant.

CONCURRENT VARIANCE ANALYSIS

Concurrent variance, VC-23-0002, seeks to reduce the number of required parking spaces from 355 to 299. Section 18.2.1. of the Zoning Ordinance requires one parking space per 250 square feet for shopping centers over 15,000 square feet and one parking space per 100 square feet for a freestanding restaurant. Based on the site visit and review of the historical aerial imagery by staff, it was observed that a significant portion of parking spaces serving the existing development were unoccupied and underutilized, particularly the area of the proposed restaurant due to its location being the farthest distance away from the storefronts. The continued underutilization of parking of the site and adjacent properties' development of outparcels in place of existing parking spaces adjacent to State Bridge Road, staff would support the approval of this variance request.

Concurrent variance, VC-23-0003, seeks to eliminate the 15-foot landscape strip requirement along future interior property lines. Section 4.4.3.E.3. of the Zoning Ordinance requires a 15-foot landscape strip along interior property lines adjacent to nonresidential uses. Since the Applicant intends to subdivide 0.72 acres from the subject property, a 15-foot landscape strip would be required along the west, north and east property lines. Staff is of the opinion that providing landscape strips along interior property lines is not essential as it will detract from the overall design and functionality of the site and restrict walkability and inter-parcel access. Staff would support the approval of this variance request.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of land use petition, RZ-23-0001, and concurrent variances, VC-23-0002 and VC-23-0003.

1. Use of the subject property shall be limited to retail and service commercial, at a maximum gross building area of 81,000 square feet. The following uses shall be excluded: automobile repair garages; automotive parking lots; automotive specialty shops; collecting recycling centers; funeral homes; group residences; indoor/outdoor commercial amusements; laundromats; lawn service businesses; motels/hotels; repair shops not involving any manufacturing on the site; and service stations.
2. The site shall be developed in general accordance with the site plan received and date stamped on June 5, 2023. Said site plan is conceptual and the final site plan must meet or exceed the land development regulations and zoning conditions prior to the approval of a land disturbance permit.
3. Exterior elevations shall be substantially similar to the elevations received and date stamped on May 19, 2023. Final elevations shall be subject to the review and approval of the Community Development Director, prior to issuance of a building permit.
4. Owner/Developer shall allocate a minimum of 10% of the site as common usable open space, as shown on the site plan received and date stamped on June 5, 2023. Owner/Developer shall provide

shade trees and vegetation within the open space area to adequately shade the proposed street furniture, in general accordance with the conceptual site plan and additional greenspace concepts plan received and date stamped on March 14, 2023, subject to the approval of the Community Development Director.

5. Owner/Developer shall provide a minimum of 299 parking spaces (VC-23-0002).
6. No landscape strips shall be required along interior property lines (VC-23-0003).
7. Owner/Developer shall provide sidewalks and crosswalks to connect the proposed building to the existing sidewalk on State Bridge Road as shown on the site plan received and date stamped on June 5, 2023, subject to the approval of the Public Works Director.
8. Owner/Developer shall incorporate on the site the traffic study recommended driveway configuration and as also shown on the site plan received and date stamped on June 5, 2023, subject to the approval of the Public Works Director.
9. Owner/Developer shall provide appropriate stripping and signage to aid in the internal traffic flow as shown on the site plan received and date stamped on June 5, 2023, subject to the approval of the Public Works Director.
10. Owner/Developer shall provide and replant where sparsely vegetated following landscape strips in compliance with the City's Tree Preservation and Administrative Guidelines:
 - a. 20 feet adjacent to the existing right-of-way of State Bridge Road (Z-90-044).
 - b. 25 feet planted to buffer standards along the north property line adjacent to St. Ives Country Club (V-93-066).
11. Owner/Developer shall install one (1) 12" caliper hardwood specimen tree within or adjacent to the patio area of the Shake Shack restaurant.
12. Owner/Developer shall submit a stormwater concept plan prior to the submittal of a land disturbance permit application.