



**Land Use Petition SUP-16-001**

**Date of Staff Recommendation Preparation: December 13, 2016 (KLA)**

**Date of Planning Commission Recommendation: January 3, 2017**

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**PROJECT LOCATION:** 10475 Medlock Bridge Road

**DISTRICT/SECTION/LANDLOT(S):** 1<sup>st</sup> Section, 1<sup>st</sup> District, Land Lots 324 and 325

**ACREAGE** 10.76 acres

**EXISTING ZONING:** O-I (Office-Institutional) Conditional

**FUTURE LAND USE PLAN DESIGNATION:** Character Area 9: Medlock Bridge Road (SR 141) Corridor

**PETITIONER:** Kiersten Lurer  
1000 Holcomb Woods Parkway Towers, Ste. 210  
Roswell, GA 30076  
  
Contact: Kiersten Lurer  
404-664-2718

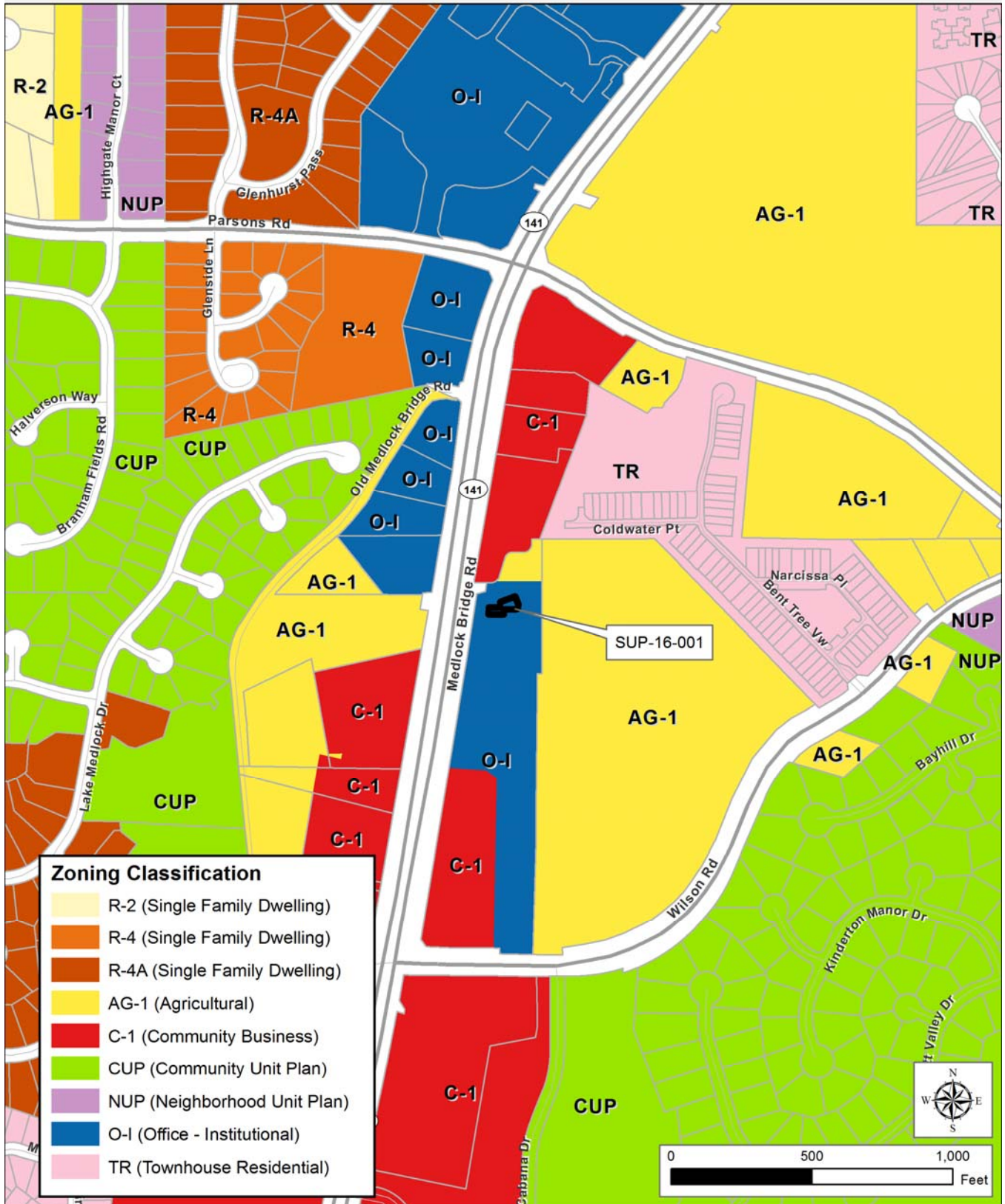
**OWNER:** Ivy Falls Office Condominium Assoc.  
10475 Medlock Bridge Road, Ste. 800  
Johns Creek, GA 30097

**PROPOSED DEVELOPMENT:** Special Use Permit to allow for a Telecommunications Facility

**STAFF RECOMMENDATION:** **APPROVAL OF SUP-16-001, WITH CONDITIONS**

**PLANNING COMMISSION RECOMMENDATION:** **APPROVAL OF SUP-16-001, WITH CONDITIONS**

SUP-16-001



SUP-16-001



**PROJECT OVERVIEW**

The applicant requests a Special Use Permit (SUP) to allow for a telecommunications facility on an Office-Institutionally zoned site, at 10475 Medlock Bridge Road. The existing uses on the property include Ivy Falls Family Medicine, Ivy Falls Day Spa, and other office uses. The property is currently zoned O-I (Office-Institutional) Conditional, and will not require a rezoning, as telecommunications facilities are permitted in the O-I district, with a SUP.

The subject property is currently zoned O-I (Office-Institutional) Conditional per Z-08-007. This 2008 case permitted “office/institutional and accessory uses with a gross floor area of 97,800 square feet, but excluding hotels.” The subject property is approximately 10.76 acres. The proposal of a telecommunications facility would conform to the minimum development standards of the O-I zoning district. The conceptual site plan shows a future building, along the northern portion of the property, along with a 76-foot tall monopine-style telecommunication tower and 4-foot lightning rod, totaling 80 feet in overall height. The proposed monopine will be housed inside a 2,984-square foot, fenced compound that will include corresponding ground equipment. The compound will be surrounded by a wooden fence and 10-foot wide landscape buffer to effectively screen the ground equipment.

A neighborhood meeting was held for this application on Thursday, December 8, 2016. Approximately 6 citizens were in attendance. No concerns were raised about the proposed project.

The applicant submitted architectural drawings on November 1, 2016 that meet the policies and intent of the Zoning Ordinance as well as the recommended scale and uses of the Comprehensive Plan.

## **STANDARDS OF REVIEW – SPECIAL USE PERMIT**

- **Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the Mayor and City Council?**

Wireless Telecommunication Facilities do not conflict with the Comprehensive Land Use Plan, as they are not prohibited in any district and the Plan does not specifically address them. Additionally, the site will be located in section 9: Medlock Bridge Rd (SR 141) Corridor on the Future Development Map, arguably the most appropriate area for towers due to the predominantly commercial design serving the larger residential community.

- **Compatibility with the land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed?**

Existing land uses and districts are a mix of commercial, office and AG-1 (schools) that support the Townhouse Residential parcels as well as the extensive residential community that surrounds the RF-designed search ring. The subject parcel is zoned O-I and houses several office buildings, including the Chamber of Commerce. To the north lies a [currently] undeveloped commercial lot; Wilson Creek Elementary borders to the east; across Wilson Rd to the south lies a commercial shopping center and across SR-141 to the west is another commercial shopping center along with another O-I complex.

- **Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development?**

The proposed use/application meets or exceeds all local, state and federal statutes, ordinances and regulations.

- **The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets?**

Once the Facility is constructed, only monthly maintenance visits lasting 20-30 minutes will take place, barring any emergency, so the impact on traffic flow will not be noticeable.

- **The location and number of off-street parking spaces?**

No parking is required for the proposed Facility, as maintenance technicians will simply use the proposed access drive (extending beyond the paved parking lot) to pull up to the compound gate.)

- **The amount and location of open space?**

The proposed compound will only take up ~2,984 square feet of the 10.76 acre tract and will be located approximately 50' north of the property owner's future "Building 900", currently open space.

- **Protective screening?**  
The compound will be screened by existing foliage to the north in addition to the proposed 10' landscape buffer which will surround the compound to the greatest extent possible (~566 square feet) and was suggested by the City Arborist.) Please refer to Tab 3, sheet L-1 for details.
- **Hours and manner of operation?**  
Monthly maintenance visits to the site will only occur from 7AM-7PM, barring an emergency and will not be noticeable. Otherwise, this will be an unmanned facility.
- **Outdoor lighting?**  
Please refer to Tab 4 in which the FCC TOWAIR study states no registration is required; therefore lighting is not required by federal law and will not be used. This can also be seen in Tab 4 on sheet C-4, which shows no lighting proposed on the tower elevation.
- **Ingress and Egress to the property?**  
Skyway Towers has secured a 30' wide Ingress-Egress easement off of Medlock Bridge Road (SR-141) that follows the paved parking lot north, then east to access the Facility's fenced compound.

## ANALYSIS

The applicant is requesting to obtain a Special Use Permit (SUP) for the property located at 10475 Medlock Bridge Road in order to construct a 76-foot tall mono-pine designed telecommunications facility with a 4-foot tall lightning rod, totaling 80 feet. The subject property is an office-institutionally zoned parcel that has multiple existing medical offices on site. The proposed mono-pine will be surrounded by a 10-foot wide landscape buffer to effectively shield the ground equipment

Nearby and adjacent uses include mixed commercial uses, office buildings, an elementary school, and townhouses. The proposed use is consistent in use and scale with the surrounding uses, and will likely have only minor impacts on existing streets and utilities. This use will not have an impact on any schools.

Wireless Telecommunications Facility—Antenna, Tower, and/or Antenna Support Structure.

### A. Required Districts:

1. Towers—Residential districts, AG-1, NUP, MIX, O-I, C-1, and C-2 (See, Administrative Permit, Section 19.3.1(2), for use of towers in M-1A and M-1 districts and for use of towers not exceeding the district height in all nonresidential districts, except AG-1).

### B. Standards for Towers in Residential, AG-1, NUP, MIX, O-I, C-2 and C-2 districts (See, Administrative Permit, Sections 19.3.1, 19.3.1(2), and 19.3.1(3), as applicable, for Standards applicable to alternative antenna support structures, towers in M-1 and M-1A districts, and attached wireless telecommunications facilities not meeting height standards):

1. Towers and accessory equipment/equipment compounds must be set back from the property lines of any residential and/or AG-1 zoned property and any residential dwelling a minimum distance equal to one and one-half times the height of the tower. The height of a tower shall be measured vertically from the average natural ground elevation within the perimeter of the base of the tower to its highest point when positioned for operation, including any antenna positioned for operation.
2. The height of the tower (or antenna support structure) shall not exceed 200 feet, as measured above.
3. The tower and accessory equipment shall be enclosed by fencing not less than 6 feet in height and shall also be equipped with an appropriate anti-climbing device.
4. Landscaping shall be designed in such a way as to preserve existing mature growth and to provide in the determination of the city arborist, a suitable buffer of plant materials that mitigates the view of the tower and accessory equipment from surrounding property. Except where access to the equipment compound is provided, a minimum 10-foot landscape strip planted to buffer standards, as set forth in the Tree Preservation Ordinance, shall be required on the exterior of all sides of the fence surrounding the equipment compound as a vegetative screen unless the City of Johns Creek Arborist determines that existing plant materials are adequate. Such landscape strip shall be maintained in accordance with the Tree Preservation Ordinance.
5. The tower shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Towers which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.

6. Wireless telecommunications facilities shall not be artificially lighted except to assure human safety or as required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) or other federal or state law.
7. Towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, according to applicable Federal Standards which may be amended from time to time.
8. Towers shall not be used for advertising purposes and shall not contain any signs for the purpose of commercial advertising.
9. A wireless telecommunications facility that ceases operation for a period of 12 consecutive months shall be determined to have been abandoned and shall be removed within 90 days of such abandonment at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the City in writing of any intent to abandon the use of the tower.
10. Towers not requiring FAA painting/marketing and accessory equipment shall have either a galvanized finish or [be] painted a dull blue, gray, or black finish.
11. An application for a wireless telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements and the requirements set forth in Subsection C. below.
12. An application for a telecommunications facility shall include a certification from a professional engineer (licensed in the State of Georgia) that the proposed structure meets the applicable design standards for wind loads.
13. Wireless telecommunications facilities shall not be located in 100-year flood plain or delineated wetlands.
14. This Section shall not apply to a request to locate a wireless telecommunications facility, tower or antenna within or upon any public right-of-way in the City or upon any property or structure of the City.

It appears that the applicant's request conforms to these standards.

The City of Johns Creek Future Development Map identifies the subject property as being within the activity center of Character Area 9: Medlock Bridge Road (SR 141) Corridor (see attached highlighted document). Policies for this area emphasize the "development of the corridor evolving from a sprawling strip commercial corridor to John's Creek's premier boulevard." While the proposed use does not meet the intent of the Comprehensive plan; it is not prohibited.

A neighborhood meeting was held for this application on Thursday, December 8, 2016. Approximately 6 citizens were in attendance. There were no concerns with the proposal of this use.

The subject property is located at 10475 Medlock Bridge Road, just north of Wilson Road. The proposed use as a monopine telecommunications facility is a passive use and is consistent with the current uses and scale of this section of Medlock Bridge Road. The development pattern in this area is characterized by commercial, office, and townhouses, and the proposed use, if approved, will meet the intended uses of the area



**DEPARTMENT COMMENTS****PUBLIC WORKS**

1. The City of Johns Creek, with approval from the Georgia Department of Transportation, is planning a project to improve Medlock Bridge Road to provide a third northbound lane. This project (PW1545) is currently under design. Construction will be completed in 2017. It may be necessary to extend a drainage culvert within the limits of this project.
2. No additional curb cuts are proposed for this project.

**FIRE MARSHAL**

1. Need more information on weight limitations on proposed gravel drive. This drive would need to be able to handle emergency apparatus and have a capacity to with stand the weight of at least 75,000 lbs. This drive would also need to be maintained at all times (This comment was provided on their earlier review on 3/19/16)
2. Provided plans also reference two future lease spaces for unknown use. Provide more information on what would be used in these spaces
3. Additional comments may be added depending on what is discovered about the future proposed lease spaces

**ARBORIST**

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, density requirements, zoning buffers, and any specimen recompense are to be protected and/or planted per the Guidelines.
  - a. The tree density required for this site is 30 units per acre.
  - b. Landscape strip widths and zoning buffers are determined by zoning. Landscape strips are measured from the dedicated rights-of-way or interior property lines, and the planting requirements are found in the Administrative Guidelines.
  - c. Specimen-sized trees are defined as follows, and are required to be show on the land disturbance permit drawings:
    - i. Large hardwoods = 27-inch dbh (Oak, hickory, Yellow Poplar, Sweetgum, ect.)
    - ii. Large hardwood = 24-inch dbh (Beech)
    - iii. Large softwoods = 24-inch dbh (Pine, Deodar Cedar)
    - iv. Small native flowering = 10-inch dbh (Dogwood, Redbud, Sourwood)
2. The 10-foot landscape strip surrounding the enclosure is to be planted to buffer standards as set forth in the Guidelines. A 10-foot wide strip requires at least two rows of evergreen material. Please see the Guidelines for further requirements.

**SITE DEVELOPMENT**

1. A land Disturbance Permit (LDP) is required to develop the property. Development plans will have to comply with the Development and 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 and Sewer approval is required prior to issuance of land disturbance permit.
3. Water/ Sanitary/ Storm as-builts, and a stormwater maintenance agreement (if applicable) will be required prior to issuance of a building permit.
4. A Stormwater Management (SWM) Report is required upon submittal of development plans. If the SWM report for the original development shows that the existing SWM facility does not

provide water quality and channel protection then the developer has two possible options. Either SWM facilities can be constructed that provide water quality and channel protection for the site being developed or the existing pond can be upgraded to meet present day SWM requirements for the entire original development. If the existing facility is used it must be maintained and an as-built certification provided to show that the facility is functioning as designed.

5. No grading is allowed within the 50' undisturbed buffer without a stream buffer variance. No walls are allowed within the 75' impervious setback without a stream buffer variance.
6. Stream buffer variance is required to install wall in 75' impervious buffer. Extreme care must be taken not to disturb 50' undisturbed buffer unless stream buffer variance is obtained to disturb portions of this buffer as well.

## FULTON COUNTY DEPARTMENT OF WATER RESOURCES

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete the Johns Creek Plan Review process and the Fulton County Review process for sewer (and/or water) prior to the commencement of any construction activity.

### WATER:

Anticipated water demand: 0 gallons per day (gpd) per 1,000 sq. ft. x 6,000 square feet = 0 gallons per day (gpd)

This project is within the Fulton County Government water service jurisdiction. There is a 12 inch water line along the west side of Medlock Bridge Road that can serve this location.

### SEWER:

Basin: Johns Creek

Treatment Plant: Johns Creek

Anticipated sewer demand: 0 gallons per day

There are three sanitary sewer manholes along an 8 inch sewer line within the northern property boundary of 10475 Medlock Bridge Road (Sewer manholes # SMJC3033490, # SMJC3033500, #SMJC3033510) land lot 324, district 1-1 that can service this project and provide a gravity run sanitary sewer line.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Public Works for more information.

## FULTON COUNTY DEPARTMENT OF HEALTH SERVICES

### EHS Comments:

- This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 - Health and Sanitation, Article III - Smoke free Air. Since the facility will serve persons under the age 18, smoking will not be allowed on the premises at any time.

- This department recommends that the building is inspected and the owner/operator is required to provide the internal plumbing and sanitary facilities necessary to serve the proposed bank and building capacity.
- This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.

EJ and General Public Health Comments:

- The Fulton County Department of Health and Wellness does not anticipate any adverse impacts to the health of humans or the environment by approving the rezoning from C-1 to C-1 for change of a condition to allow for a bank facility with a single-lane drive-thru, new entry, and modified parking.

FULTON COUNTY BOARD OF EDUCATION

No comment.

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of Special Use Permit **SUP-16-001, with conditions.**

1. All previous conditions from RZ-08-007 shall remain.
2. The property shall be developed in general conformance with the conceptual site plan submitted on November 1, 2016 to the Community Development Department with revisions to meet these conditions.
3. The telecommunications facility shall be a mono-pine structure, no more than 76 feet tall, with a 4 foot tall lightning rod.
4. Owner/Developer shall dedicate at no cost to the City of Johns Creek a forty foot (40') wide drainage and construction easement in the northwest corner of the site to allow for the extension of the existing drainage culvert. The location and dimensions of said easement are subject to approval by the City of Johns Creek Director of Public Works.

**PLANNING COMMISSION RECOMMENDATION**

Based upon the findings and conclusions herein, at its January 3, 2017 public hearing, the Planning Commission recommended **APPROVAL** of Special Use Permit **SUP-16-001**, with the following conditions: (additions = bold; deletions = strikethrough)

1. All previous conditions from RZ-08-007 shall remain.
2. The property shall be developed in general conformance with the conceptual site plan submitted on November 1, 2016 to the Community Development Department with revisions to meet these conditions.
3. The telecommunications facility shall be a mono-pine structure, no more than 76 feet tall, with a 4 foot tall lightning rod.
4. Owner/Developer shall dedicate at no cost to the City of Johns Creek a forty foot (40') wide drainage and construction easement in the northwest corner of the site to allow for the extension of the existing drainage culvert. The location and dimensions of said easement are subject to approval by the City of Johns Creek Director of Public Works.