



Land Use Petition SUP-16-002 and VS-16-002-01
Date of Staff Recommendation Preparation: 10/12/16

PROJECT LOCATION: 11625 Medlock Bridge Road

DISTRICT/SECTION/LANDLOT(S): 1st Section, 1st District, Land Lots 376 and 381

ACREAGE 1.31 acres

EXISTING ZONING: C-1 (Community Business)

PROPOSED ZONING: C-1 (Community Business)

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

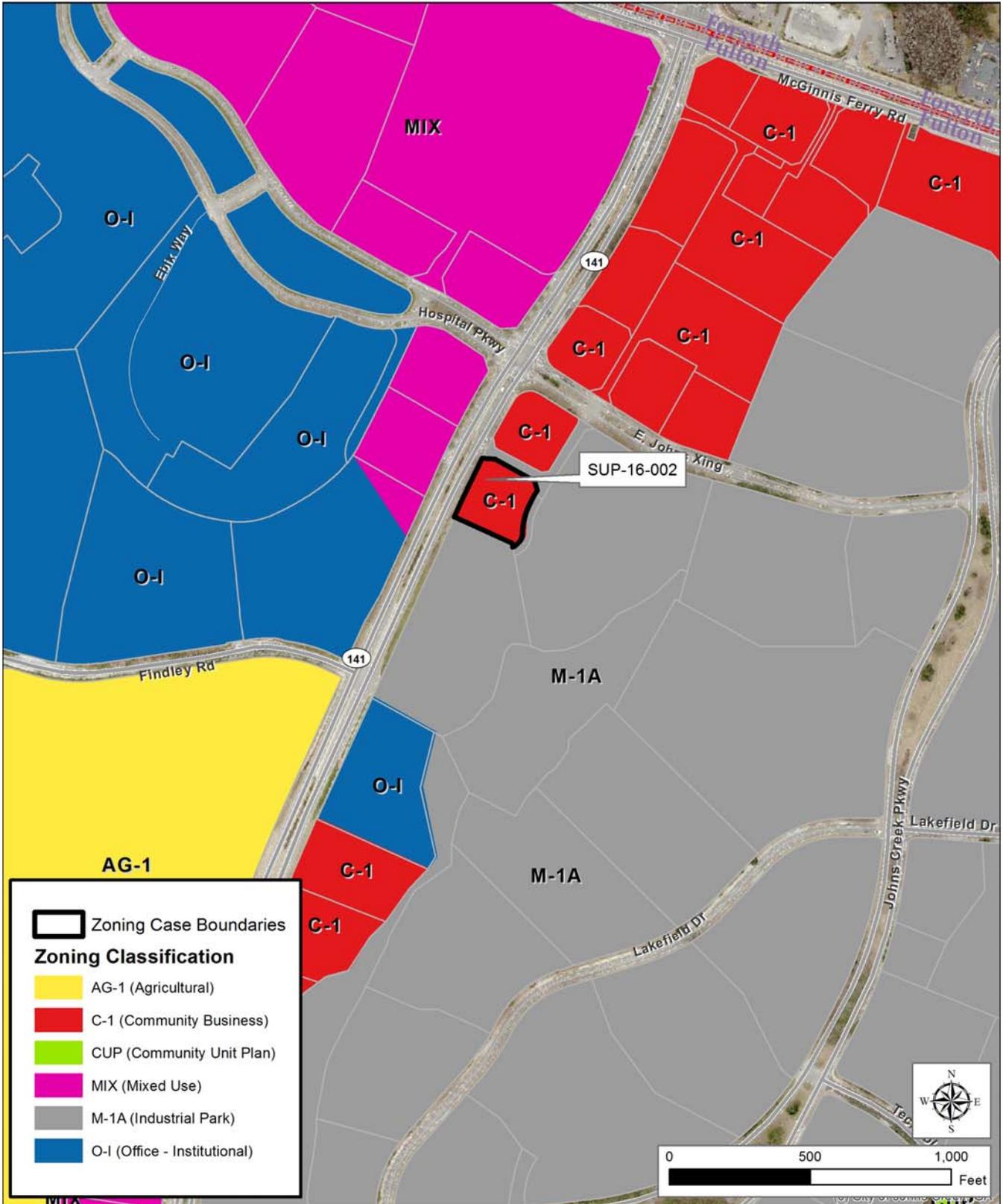
PETITIONER: Pacific Metro Bank
c/o Jerry Lewis
4207 Lakefield Place
Johns Creek, GA 30097
Contact: Jerry Lewis
229-869-0365

OWNER: Windfall Enterprises, LLC
5715 Preserve Circle
Johns Creek, GA 30005
770-740-0042

PROPOSED DEVELOPMENT: Special Use Permit to allow for a standalone ATM.
Concurrent variance:
VS-16-002-01: increase the height of canopy from 10 feet to 11.5 feet.

STAFF RECOMMENDATION: **APPROVAL OF SUP-16-002, WITH CONDITIONS**
APPROVAL OF VS-16-002-01 WITH CONDITIONS

SUP-16-002



SUP-16-002



This page intentionally left blank.

PROJECT OVERVIEW

The applicant requests a Special Use Permit (SUP) to allow for a standalone ATM on a commercially zoned site, at 11625 Medlock Bridge Road. The existing use on the property is currently operated as a Chinese Restaurant, however will become Pacific Metro Bank. The property is currently zoned C-1 (Community Business) Conditional, and will not require a rezoning, as a financial establishments is a permitted use in the C-1 district. With this, the applicant is also requesting one concurrent variance:

VS-16-02-01: Increase the permitted height of the ATM canopy from 10 feet to 11.5 feet.

The applicant is requesting a SUP for the parcel located at 11625 Medlock Bridge Road, just south of East Johns Crossing, to allow for the construction of a standalone ATM. The subject property is approximately 1.33 acres. The proposal of a standalone ATM would conform to the minimum development standards of the C-1 zoning district. The conceptual site plan shows an existing building that will have minimal exterior renovations, which are in general conformance with the previous C-1 case and are permitted by right.

The subject property is currently zoned C-1 (Community Business District) Conditional per Fulton County rezoning case number Z-01-056. This 2001 case permitted “retail, service commercial and/or office and accessory uses, at a maximum density of 5,298.5 gross square feet per acre zoned or a total of 14,200 square feet. The height of the buildings is limited to no more than one story.”

The subject property is currently used as a commercially restaurant. Pacific Metro Bank has purchased the property and will be converting the building into a financial establishment. The site has a 40’ landscape strip along Medlock Bridge Road and a 7.5 foot landscape strip on the interior property lines. The existing structure is a 7,460 square foot, single story building. Staff will note that other than minor renovations to the exterior elevations, the applicant will not be expanding the footprint of the existing structure and will only be adding a freestanding ATM. There are currently 75 existing parking spaces in use by the restaurant; however, 12 of these spaces will be removed on the southern portion of the property, to allow vehicle stacking behind the freestanding ATM. The proposed site plan shows a total parking count of 63 spaces, once completed. The parking requirements for financial institutions (Section 18.2) include 1 parking space per 200 square feet. Per the Zoning Ordinance, the use needs a minimum of 38 spaces for the 7,460 square foot building. Even with the proposal to eliminate 12 parking spaces, the property will still meet and exceed the minimum parking space requirement.

The applicant has requested one concurrent variance as a part of the SUP application. This variance has originated in an effort to accommodate larger vehicles that wish to use the freestanding ATM:

VS-16-002-01: Increase the height of the freestanding ATM canopy from 10 feet to 11.5 feet. (Section 19.4.6(1))

The proposed project has been designed to create a more accessible financial accessory use, with the request of increasing the height of the standalone ATM canopy from 10 feet to 11.5 feet to allow larger cars to use this convenience as well.

The applicant submitted architectural drawings on September 19, 2016 that meet the policies and intent of the Zoning Ordinance as well as the recommended scale and uses of the Comprehensive Plan.

ANALYSIS

The applicant is requesting to obtain a Special Use Permit (SUP) for the property located at 11625 Medlock Bridge Road in order to construct a freestanding ATM with a canopy for a financial

establishment. One concurrent variance has been requested as part of the SUP application. The subject property is a commercially zoned parcel that has an existing 7,460 square foot building that is currently used as a restaurant. Pacific Metro Bank has purchased the property and will be changing the use of the property to be a bank, which does not require a rezoning, as both restaurant and financial establishments are permitted uses on this property. The site is landscaped, with a 40-foot landscape strip along Medlock Bridge Road, and a 7.5-foot landscape strip along the additional property lines.

Nearby and adjacent uses include mixed commercial uses, office buildings, and a hospital. 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.

Section 19.4.6(1) lists the following standards for a Standalone ATM:

- A. Required Districts: MIX, O-I, C-1, & C-2
- B. Standards:

1. A vehicular circulation plan shall be provided.
2. Placement shall not impact the minimum required parking for the principal use.
3. All lighting must meet the city's night sky ordinance
4. Signage shall be limited to 16 square feet
5. Maximum height of all structures associated with the ATM shall be 10 feet.

It appears that the applicant's request conforms to these standards, with a minor exception to standard 5.

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. The proposed use meets the intent of the Zoning Ordinance as well as the Comprehensive plan; however, the requirement that all structures associated with the ATM shall be a maximum of 10' may cause potential problems to larger vehicles wishing to use the ATM. As a result, the applicant has requested a concurrent variance to increase the height by 1.5 feet, to accommodate larger vehicles.

Concurrent variance, VS-16-002-01 relates to an increase of the maximum height allowed for all structures associated with standalone ATM's, as specified in section 19.4.6(1) of the Johns Creek Zoning Ordinance, which allows only a maximum of 10 feet.

A neighborhood meeting was held for this application on Thursday, October 6, 2016. Approximately 19 citizens were in attendance. There were no concerns with the proposal of this use.

The Zoning Ordinance includes minimum parking space requirements for all land uses within the City. Financial Institutions must provide a minimum of one space per 200 square feet of occupied space. Based on the 7,460 square foot building, this would require 38 spaces. The submitted site plan indicates 63 parking spaces, which exceeds the minimum number of parking spaces required.

The subject property is located at 11625 Medlock Bridge Road, just south of East Johns Crossing. The proposed use as a financial institution is consistent with the current uses and scale of this section of Medlock Bridge Road. The requested concurrent variance to increase the height of the ATM canopy, from 10 feet to 11.5 feet to accommodate larger vehicles that may wish to use this facility does not adversely impact the scale or view from Medlock Bridge Road as the site sits below grade of the right-of-way. The development pattern in this area is characterized by commercial, office, and mixed uses, and the proposed use, if approved, will meet the intended uses of the area. While the requirements of the Zoning Ordinance require all structures associated with an ATM to be 10 feet, an additional foot and a

half is still in keeping with the intent and policies of the Comprehensive Plan, thus, the Department of Community Development recommends **APPROVAL WITH CONDITIONS of SUP-16-002 AND VS-16-002-01.**

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of Special Use Permit **SUP-16-002 and VS-16-002-01, with conditions.**

1. All previous conditions from Z-01-056 shall remain.
2. The property shall be developed in general conformance with the conceptual site plan submitted on September 2, 2016 to the Community Development Department with revisions to meet these conditions.
3. The parking lot layout shall comply with the standards of Section 4.23.2. Any reduction in parking spaces shall not be accommodated in other areas outside of the proposed parking area shown on the site plan dated September 2, 2016.
4. The canopy located over the freestanding ATM shall be limited to a height of 11.5 ft.

PLANNING COMMISSION RECOMMENDATION

Based upon the findings and conclusions herein, at its November 1, 2016 public hearing, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of SUP-16-002 and VS-16-02-01.

1. All previous conditions from Z-01-056 shall remain.
2. The property shall be developed in general conformance with the conceptual site plan submitted on September 2, 2016 to the Community Development Department with revisions to meet these conditions.
3. The parking lot layout shall comply with the standards of Section 4.23.2. Any reduction in parking spaces shall not be accommodated in other areas outside of the proposed parking area shown on the site plan dated September 2, 2016.
4. The canopy located over the freestanding ATM shall be limited to a height of 11.5 ft.

STANDARDS OF REVIEW

- **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 & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North	C-1 Conditional (RZ-08-010)	Financial Establishment	8,000 SF total
Adjacent: North (across East Johns Crossing)	C-1 Conditional (RZ-08-008)	Financial Establishment	17,636 SF/Acre
Adjacent: West	MIX Conditional (Z-01-133)	Retail, service commercial, and office/accessory uses	14,151SF/Acre
Adjacent: West	O-I Conditional (Z-90-036)	Office and accessory uses	10,950SF/Acre
Adjacent: South	M-1A (Z-83-141)	Office and accessory uses	10,000SF/Acre
Adjacent: East	M-1A (Z-83-141)	Office and accessory uses	10,000SF/Acre

In light of the developed non-residential uses in the area, the proposed standalone ATM is a suitable permitted use at this location. Additionally, a bank adjacent to the subject property, as well as one located across East Johns Crossing, both have drive through facilities further supporting grounds for the suitability of the proposed free-standing ATM in the subject location.

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

A SUP for a freestanding ATM at the proposed location is unlikely to affect existing use or usability of adjacent or nearby property. The proposed ATM as a special use will serve as an appropriate commercial area between Mixed-Use areas to the west and high intensity office/industrial and commercial areas to the north, east, and south.

- **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.

- **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?**

There is no increase in traffic generation from this request. The applicant has provided trip generation numbers estimating TKTK new peak-hour trips. The proposed use would not have an impact on the schools.

- **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 Future Development Plan designates the property as Character Area 9: Medlock Bridge Road (SR 141) Corridor. The Comprehensive Plan lists Business Services, at a maximum of 4 stories, as an appropriate use in this Character Area. The proposed use meets this standard, as the applicant is not requesting to increase the footprint of the existing one-story building, and a financial establishment is considered to be a higher-intensity use.

- **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 between office/commercial and mixed-use areas, would give supporting grounds for approval of the proposal to allow a standalone ATM.

- **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 standalone ATM will not be environmentally adverse to the natural resources, environment, and citizens of the City of Johns Creek.

DEPARTMENT COMMENTS**PUBLIC WORKS**

No comment.

FIRE MARSHAL

1. Shall provide a current water flow report (dated within 6 months of submittal) for this property by building permit submittal
2. Shall identify surrounding water main sizes and GPS located fire hydrants near the property by building permit submittal
3. Shall relocate at least some of the ADA parking stalls closer to the new covered entry location. The entire accessible pathway from all ADA parking shall provide at least 36 inches clear space. May need to install wheel stops at parking stalls along the building

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit and/or building permit. Landscape strips, parking islands, density requirements, 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. There is a 40-foot landscape strip required adjacent to Medlock Bridge Road, and 10-foot landscape strips adjacent to all other property lines per the requirements of the zoning ordinance.
 - c. Landscape strips are measured from the dedicated rights-of-way, and the planting requirements are found in the Administrative Guidelines. Existing plant material may be used to meet these requirements if located within the landscape strip.
 - d. Per the Zoning Ordinance, parking islands are required to be planted with a shade tree from the Administrative Guidelines.
 - e. 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, etc.)
 - 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)

SITE DEVELOPMENT

1. Water/ Sanitary/ Storm as-builts, and a stormwater maintenance agreement (if applicable) may be required prior to issuance of a building permit.
2. A Stormwater Management (SWM) Report may be required upon submittal of development plans. The Technology Parks lakes are being studied by the City to determine what level of detention sites within the basin need to provide to comply with the current re-development stormwater management regulations based on the existing development. It is known that the developer must provide water quality and channel protection. The amount of detention that must be provided is under study at this time. It is believed that the developer must provide detention for the 2-year thorough the 25-year storm at this time. If less than 50% of the site is disturbed, then the developer must provide water quality, channel protection and detention up through the 25-year storm for the area disturbed. If over 50% of the site is disturbed then the developer must provide water quality, channel protection and detention up through the 25-year storm for the entire site.

3. Site is within the Johns Creek Watershed which is an impaired stream segment for fecal coliform and biota. Erosion Sediment and Pollution Control plan must include additional Best Management Practices.

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: 100 gallons per day (gpd) per 1,000 sq. ft. x 7,523 square feet (Bank) = **753** gallons per day (gpd)

This project is within the Fulton County Government water service jurisdiction. There is a 16 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: 678 gallons per day

There is a sewer manhole within the property boundaries of the 1.37 acre tract (11625 Medlock Bridge Road) (Sewer manhole # **SMJC3628790**) land lot 381, district 1-1 that can service this project.

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.