



***Board of Zoning Appeals Public Hearing
December 20, 2016 — 7:00 P.M***

CASE NUMBER:	V-16-025, V-16-026, V-16-027, V-16-028, V-16-029
PROPERTY LOCATION:	2000 Ray Moss Connector Johns Creek, GA 30222 1st District, 1st Section, Land Lot 153
CURRENT ZONING:	C-1 (Community Business) Conditional
PARCEL SIZE:	1.66 Acres
PROPERTY OWNERS:	Sankranti Restaurants
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

REQUEST

The subject property, located at 2000 Ray Moss Connector, was constructed in 2008 and is approximately 17,633 square feet. It is currently a commercially zoned property and the applicant is requesting five concurrent variances to allow for an event center and restaurant. These concurrent variances include:

V-16-025: Encroach approximately 9 feet into the 25-foot buffer to allow for the construction of restaurant coolers

V-16-026: To exceed the 20% (131 parking spaces) off-site parking allowance via Administrative Permit

V-16-027: To exceed the 300 foot radius shared parking provision

V-16-028: To encroach 15-feet into the 25-foot buffer for parking spaces

V-16-029: To encroach 15-feet into the 25-foot landscape strip for parking spaces

Proposed encroachments into setbacks and landscape strips are located along the northeast, northwest, and southwest property lines. The subject property was rezoned to C-1 (Community Business District) in 1996. The site plan from the conditions of this rezoning case did not include the site features necessitating these variance proposals.

BACKGROUND

The subject property, 2000 Ray Moss Connector is zoned C-1 Conditional (Community Business District) and was rezoned from to C-1 pursuant to Fulton County case Z-96-056.

Staff notes that the property is currently being used as a gym and meets all of the requirements and setbacks put forth in the zoning conditions from the 1996 rezoning case. When the rezoning came through in 1996, it was part of a larger development that included 3.89 acres and the request was for retail and service commercial uses.

The applicant is proposing an event center and restaurant, causing the need for more parking than is currently available on the property.

ADJACENT ZONING AND LAND USES

Adjacent properties to the east are commercial businesses zoned C-1 (Community Business District) conditional pursuant to zoning case RZ-10-005. Commercial businesses are also to the southeast of the subject property, and are zoned C-1 (Community Business District) conditional pursuant to Fulton County zoning case Z-96-056. To the south and east, is an attached townhome development, The Orchards at Jones Bridge subdivision, zoned TR (Townhouse Residential District) conditional pursuant to Fulton County zoning case Z-98-060. To the northeast is an attached townhome development, the Springfield subdivision, zoned TR (Townhouse Residential District) conditional pursuant to Fulton County zoning case Z-98-053. To the north is an office, zoned O-I (Office-Institutional District) conditional pursuant to Fulton County zoning case Z-85-101.

APPLICABLE CODE REQUIREMENTS

City of Johns Creek Zoning Ordinance; Article IV: Zoning Buffers and Landscape Strips; Section 4.23.1 Minimum Zoning Buffers; C:

Zoning buffers shall be undisturbed except for approved access and utility crossings and replanting's as required by the City of Johns Creek Arborist.

City of Johns Creek Zoning Ordinance; Article XIX: Administrative Permits and Use Permits; Section 19.3 Minimum Administrative Permit Standards; 19.3.6(1); Parking, Off-Site and Shared; B.2.:

No more than 20 percent of the total parking requirement may be provided off-site via this Administrative Permit.

City of Johns Creek Zoning Ordinance; Article XIX: Administrative Permits and Use Permits; Section 19.3 Minimum Administrative Permit Standards; 19.3.6(1); Parking, Off-Site and Shared; B.3.:

The property must be located no more than 300 feet from the principal use with pedestrian access provided between the sites as may be required by the Community Development Department.

City of Johns Creek Zoning Ordinance; Article XVIII: Off-Street Parking and Loading; Section 18.3 Acceptable Locations for Off-Street Parking; 18.3.5; Landscape Areas and Buffers:

No required parking shall be permitted in any required landscape area or buffer.

VARIANCE REQUIREMENTS

Staff is including the specific conditions that must be considered by the Board of Zoning Appeals in order to grant a variance. These considerations include:

- A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or
- B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or

ANALYSIS

V-16-025: Encroach approximately 9 feet into the 25-foot buffer to allow for the construction of restaurant coolers

V-16-026: To allow for more than 20% of the total parking requirement to be provided off-site

V-16-027: To allow off-site parking from properties greater than 300-feet from the principal use

V-16-028: To allow parking spaces to encroach into the 25-foot buffer

V-16-029: To allow parking spaces to encroach into the 25-foot landscape strip

V-16-025 is to encroach approximately 9 feet into the 10-foot improvement setback to allow for the construction of restaurant coolers. The proposed construction and location of the coolers, encroaching approximately 9 feet into the rear yard improvement setback on the southwestern side of the property, make for the most minimally invasive location and does not impact existing trees in the zoning buffer. Because of this, **staff will recommend approval of V-16-025** and the Applicant's request for the construction of two restaurant coolers within the 10 foot improvement setback.

V-16-026 and V-16-027 relate to the parking requirements and acceptable locations for off street parking. Section 19.3.6(1) of the Zoning Ordinance states that shared parking may be approved via an Administrative Permit per these three standards:

1. If the off-site parking is committed for a specified period of time, the duration of the Administrative Permit shall be limited to the period of time stipulated therein.
2. No more than 20 percent of the total parking requirement may be provided off-site via this Administrative Permit.
3. The property must be located no more than 300 feet from the principal use with pedestrian access provided between the sites as may be required by the Community Development Department.

The applicant has requested variances to items 2 and 3 as there is not enough parking on site. The applicant has proposed 11 new parking spaces, in addition to the 62 parking spaces that currently exist on site for a total of 73 on-site parking spaces. However, for the proposed event center and restaurant, 195 spaces are required. The applicant is requesting that 122 parking spaces or 62% of the total parking requirement be provided off-site and to allow off-site parking to be within 500 feet of the proposed event center. Allowing this would add an additional 110 new parking spaces off-site for a total of 183 available parking spaces within 500 feet of the facility. This would leave the applicant 12 parking spaces short of the required 195, which may be relieved through an administrative variance granted by the Director of Community Development. Because this site has several existing adjacent parking lots with available parking spaces for evening and weekend events **staff will**

recommend approval of V-16-026 and V-16-027 and the applicant's request to permit 62% of the required parking to be located off site within 500 feet of the facility.

The fourth variance request V-16-028 is to allow proposed parking spaces to encroach into the 25-foot zoning buffer along the northwestern side of the property. The applicant has submitted a site plan with approximately 10 parking spaces in the 25-foot zoning buffer. Staff has suggested that the applicant re-work the site's parking lot layout so as to not encroach into the 25-foot zoning buffer on the northwestern side of the property, as there are alternative ways to lay out the parking that will not impact this buffer. **Therefore staff is recommending denial of V-16-028.**

The fifth variance request, V-16-029 is to allow a portion of four existing parking spaces and a portion of two proposed parking spaces to encroach into the 25 foot landscape strip along the northeastern side of the property, adjacent to Ray Moss Connector. Since the current parking layout currently has four parking spaces encroaching into the 25 foot landscape and a redesign of the parking lot would allow for the elimination of the existing detention basin, an additional eleven parking spaces and underground storm water detention **staff will recommend approval of V-16-029** as this is a minor encroachment of approximately 442 square feet (of which 342 square feet is already existing) into the 25-foot landscape strip.

STAFF RECOMMENDATION

V-16-025, if granted, would be in harmony with the general purpose and intent of the Zoning Ordinance. The proposed construction of restaurant coolers will not adversely affect the surrounding properties, as the southwestern portion of the property, where the coolers would be located is currently heavily wooded and the proposed coolers, if granted, will be located approximately 25' from the rear property line.

V-16-026 and V-16-027, if granted would be in harmony with the general purpose of the intent of the Zoning Ordinance as there is existing non-restaurant parking lots immediately adjacent to this property that are within a short walking distance of 500 feet or less that can be made available to the applicant for evening and weekend use.

V-16-028, if granted, would not be in harmony with the general purpose and intent of the Zoning Ordinance. Zoning buffers are intended to provide adequate separation between adjacent properties. In this case, allowing 10 parking spaces to be located in the 25-foot zoning buffer on the northwestern side of the property which is adjacent to a townhome community will not meet this intent.

Additionally, there are no extraordinary or exceptional conditions on the subject property due to its size, shape, or topography that would create an unnecessary hardship under the provisions of the Zoning Ordinance which would allow 10 parking spaces to be installed in the and 25-foot zoning buffer, as there is an alternative way to layout the site's parking lot if the onsite storm water detention basin is eliminated and storm water detention is located underneath the parking lot.

V-16-029, if granted, would be in harmony with the general purpose and intent of the Zoning Ordinance. The revised layout of the site, as proposed by staff, would create a minor encroachment into the 25-foot landscape strip. There are four existing parking spaces, totaling approximately 342 square feet, that encroach into the 25-foot landscape strip and adding an additional 100 square feet of new impervious surface area for a portion of two new parking spaces would allow for a total of 442 SF into the 25' landscape which should have minimal impact on the streetscape of this secondary roadway.

Therefore, the Community Development Department recommends **APPROVAL WITH CONDITIONS of V-16-025, V-16-026, V-16-027, AND V-16-029**, as the proposed variance requests are in harmony with the general purpose and intent of the Zoning Ordinance. In addition, the Community Development Department recommends **DENIAL OF V-16-028**, as the proposed variance request is not in harmony with the general purpose and intent of the Zoning Ordinance, nor are there any extraordinary or exceptional conditions on the site which would create an unnecessary hardship.

RECOMMENDED CONDITIONS

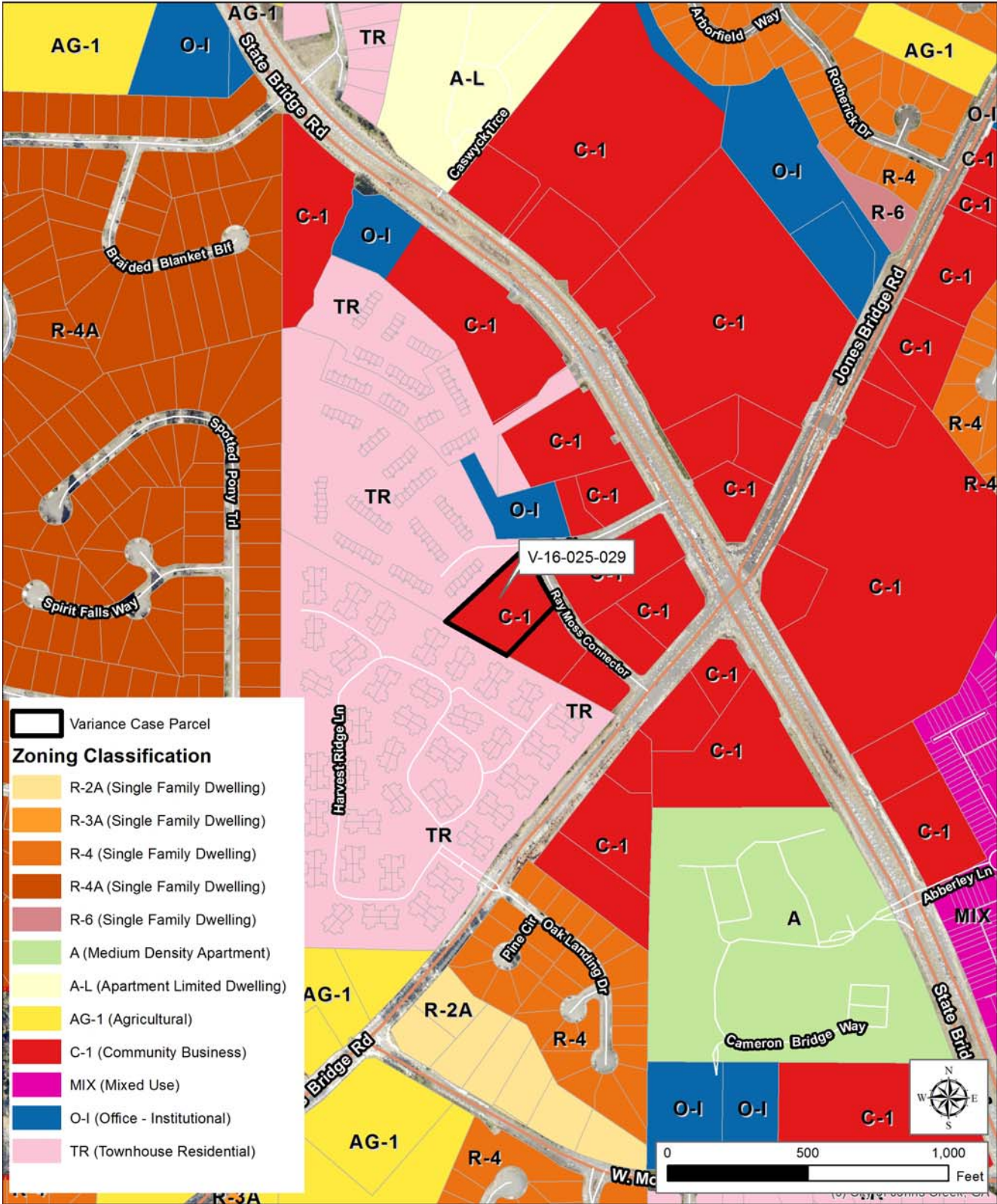
Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS of V-16-025, V-16-026, V-16-027, and V-16-029**:

1. Proposed cooler expansion shall encroach no more than 9' into the rear yard improvement setback.
2. Permit the applicant to access up to 62% of the required parking off-site from existing parking spaces that are located up to 500 feet from the property in compliance with the shared parking requirements of Section 18.2.2 of the Zoning Ordinance.
3. Obtain required building permits from the City of Johns Creek Community Development Department prior to commencement of construction.
4. No more than 2 new parking spaces and 4 existing parking spaces shall be allowed to encroach no more than a total of 442 square feet into the 25-foot landscape strip along the northeastern property line, adjacent to Ray Moss Connector, as proposed in the revised site plan recommended by staff.

Should the Board feel compelled to approve the entire variance request, Staff recommends that approval be subject to the following condition:

1. No more than 8 parking spaces shall be allowed in the 25-foot zoning buffer along the northwestern property line, as shown on the site plan received November 2, 2016.

V-16-025-029



Community Development

V-16-025-029



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