



**Land Use Petition RZ-16-002**

**Date of Staff Recommendation Preparation: April 15, 2016 (CEL)**

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**PROJECT LOCATION:** 11685 Medlock Bridge Road

**DISTRICT/SECTION/LANDLOT(S):** 1<sup>st</sup> Section, 1<sup>st</sup> District, Land Lots 380 and 381

**ACREAGE** 3.33 acres

**EXISTING ZONING:** C-1 (Community Business) Conditional

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

**FUTURE LAND USE PLAN DESIGNATION:** Character Area 9: 141 Corridor Activity Node

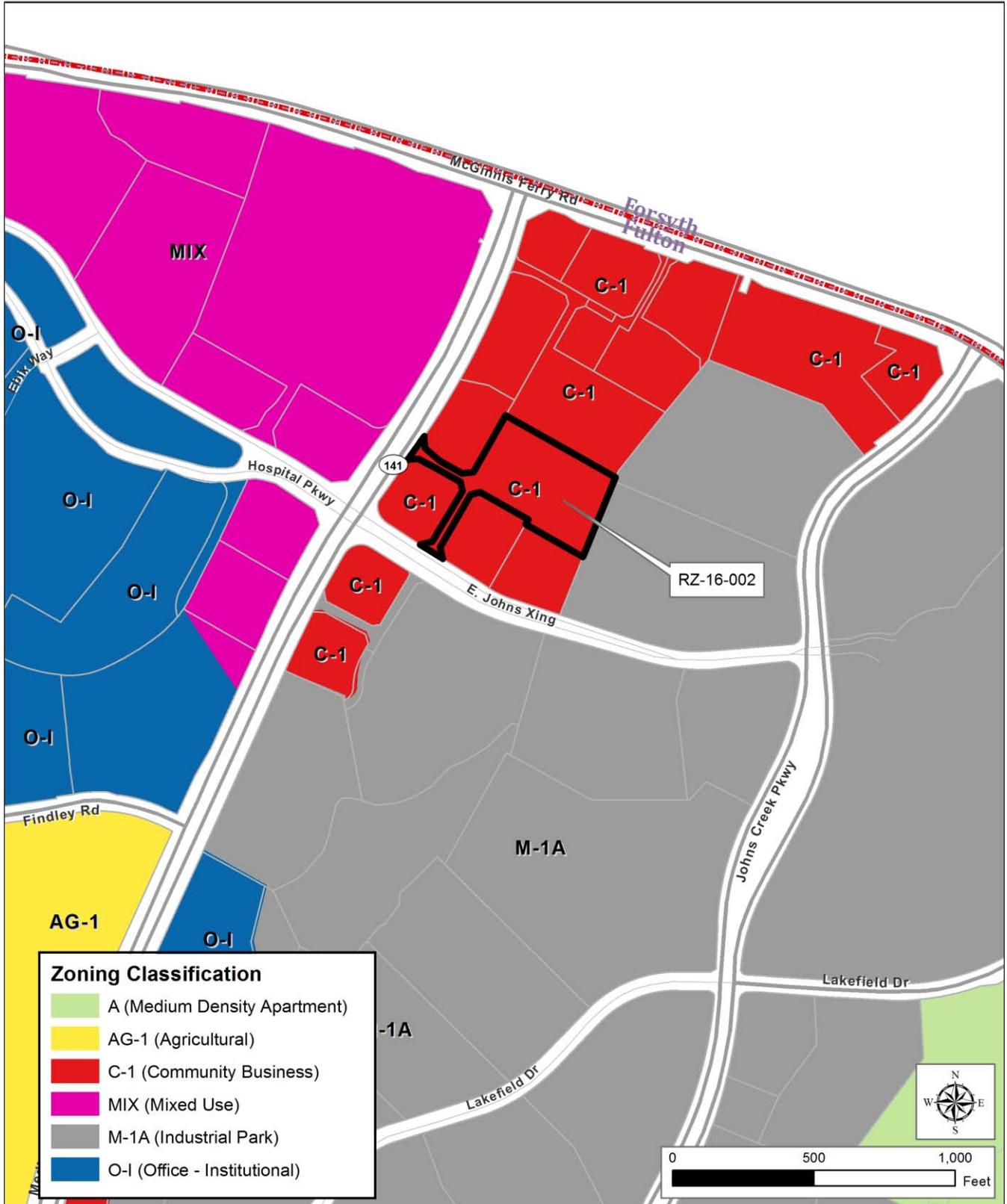
**PETITIONER:** Southern States Management  
4030 Johns Creek Parkway  
Suwanee, GA 30024  
770-497-4576

**OWNER:** Court I  
4030 Johns Creek Parkway  
Suwanee, GA 30024  
770-497-4576

**PROPOSED DEVELOPMENT:** Change of Conditions to allow a 5-story, 100-room hotel

**STAFF RECOMMENDATION:** **APPROVAL OF RZ-16-002**

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**PROJECT OVERVIEW**

The applicant is requesting a change in zoning conditions to allow for the construction of a five-story, 100-room hotel on an approximately 3.3 acre, vacant tract. The property is located at 11685 Medlock Bridge Road and is zoned C-1 (Community Business District) Conditional. Current zoning conditions allow for a hotel to be built on the site, but restrict the size to a three-story, 90-room hotel.

The property was zoned C-1 (Community Business District) Conditional per Fulton County rezoning case number Z-01-131. Condition 1.a. limits the use of the property to “a 90-room hotel and accessory uses, at a maximum density of 16,413.4 gross square feet per acre zoned or a total of 54,000 square feet, whichever is less” and condition 1.b. limits the height of the building “to no more than 3-stories.” The property is a part of Johns Creek Technology Park and it is located off a private drive from East Johns Crossing, close to the point where it intersects with Medlock Bridge Road. The original rezoning, Z-83-141, which established Technology Park allowed for no more than “10,000 square feet of total floor area per acre zoned, or a total floor area of 6,278,000 square feet whichever is less, for the overall development.” Permitted uses include “engineering, research and product development facilities and related operations including office, light assembly and fabrication; and storage and distribution as accessory uses related to the operation of such facilities.” Several adjacent and contiguous parcels are still subject to the 1983 rezoning case. However, the subject parcel was rezoned and is subject to conditions established by Z-01-131.

The front portion of the site, which is lined with large street trees, was previously graded, but is currently covered with grass and dirt. The back of the site, which is within a stream buffer, is wooded. The topography of the site is mostly flat, with some slopes located towards the stream that is along the eastern boundary. Two curb cuts, one on either side of the front portion of the lot, presently exist and will remain.

The proposed development includes a five-story, 100-room hotel totaling 59,640 square feet. The site plan indicates 90 total parking spaces, which includes a ten-percent reduction in spaces that has been requested through the administrative variance process (approval pending). An administrative variance is minor in nature and is reviewed and approved by the Community Development Director, if the request meets the requirements of Section 22.4 and is deemed appropriate. The Zoning Ordinance requires one parking space per room, which would equal 100 spaces. Should the administrative variance be denied, the site plan will have to comply with the 100-parking spaces required by the Zoning Ordinance. Building elevations have been submitted by the applicant and appear to comply with the Zoning Ordinance requirements for materials and colors.

The site plan correctly identifies current setback and buffer requirements with the exception of the ten-foot landscape strip along the north property line, which the Community Development Director has the authority to adjust per Section 4.23.2.B.2 of the City of Johns Creek Zoning Ordinance. A condition requiring this area to include a ten-foot public access easement, pedestrian connection, as well as improvements to aid in the pedestrian experience, is included in the staff recommendation. Staff believes that the pedestrian connection is crucial to the proposed development, Technology Park, and the City of Johns Creek Recreation and Parks Strategic Plan and justify an administrative adjustment of this landscape strip.

There is a discrepancy with the property lines of the subject property. The property, currently known as 11685 Medlock Bridge Road, appears as a flag lot with two stems, one on East Johns Crossing and another on Medlock Bridge Road, on the City of Johns Creek and Fulton County GIS systems. However, the submitted survey shows that the property only includes one stem that fronts on East Johns Crossing. After further review of the records held by the two jurisdictions, it has been confirmed that the survey

which shows one stem is correct. Therefore, the property lines are inaccurate in the zoning/aerial maps that are included in this report. We are working to have the two GIS systems updated and will note that while this issue has no impact on the proposed rezoning, it may impact the current address that was assigned to the site in February of 2016 (approximately one month before this rezoning application was filed).

### **ANALYSIS**

The applicant is requesting a change in condition 1.a. and 1.b. (Fulton County RZ-01-131) in order to construct a five-story, 100-room hotel totaling 59,640 square feet. The current zoning conditions limit the use of the property to a three-story, 90-room hotel at a maximum density of 16,413.4 gross square feet per acre zoned or a total of 54,000 square feet, whichever is less.

Nearby and adjacent uses include a five-story Hilton Garden Inn, office complexes, a Montessori school, and light service commercial uses. A five-story Hyatt Place is located approximately a quarter-mile to the south. The proposed hotel is consistent in use and scale with these surrounding uses, and would likely have limited to minor impacts on existing streets, transportation facilities, or utilities. There will be no impact on schools.

The City of Johns Creek Future Development Map identifies the subject property as being within the Medlock Bridge Road/McGinnis Ferry Road Activity Node in Character Area 9: 141 Corridor (see attached highlighted document). It is also located within a gateway. Policies for this area emphasize the development of a relatively high-intensity, mixed-use, walkable, and accessible boulevard corridor. Appropriate uses include commercial and office, including retail, restaurants, class A office space, business services, hotels, education, live work, and mixed use. The plan also states that “higher and more dense development may be appropriate” in this activity node. The Comprehensive Plan lists scale as four to six stories.

A five-story, 100-room hotel meets the policy and intent of the Comprehensive Plan in terms of providing a higher-intensity hotel in an activity node. The Comprehensive Plan’s vision for a walkable component is met by the ten-foot public access easement shown on the north property line which connects to the trail system that is currently in place along the northern and eastern side of the stream at the rear of the property. The dedication of a public access easement within the 75-foot stream buffer would add additional trail connectivity and align with the city’s planned pedestrian corridors for this area. In January of 2016, the City of Johns Creek purchased 20 acres of land in Technology Park, including the undeveloped parcel directly to the south of the subject property and two lakes, with the intention of creating trails that would link this area along the creek up to McGinnis Ferry Road. A proposed condition to require an easement at the rear of the property will facilitate this future connection. The construction and maintenance portion of the easement would allow flexibility for the City of Johns Creek to construct these trails and provide ancillary uses such as trash cans and benches. This easement is required for the purpose of improving connectivity and establishing recreational greenways and parks that will serve the surrounding area and the entire community, as outlined in the City of Johns Creek Recreation and Parks Strategic Plan.

A neighborhood meeting was held for this application on Thursday, April 14<sup>th</sup>, 2016. Three citizens were in attendance and no major concerns were voiced.

The subject property is located within a heavily commercialized area between Medlock Bridge Road and McGinnis Ferry Road. The proposed development is consistent in use and scale with these surrounding uses, and would likely have limited to minor impacts on existing streets, transportation facilities, or

utilities, with no impact on schools. The project complies with the policies of the Comprehensive Plan for this area which calls for a higher intensity use such as a hotel. The height and room count of the proposed hotel is also in keeping with the plan as it states that “higher and more dense development” may be appropriate. Therefore, because the proposed rezoning would be in keeping with the policies and intent of the Comprehensive Plan and would be suitable in view of its impacts on adjacent and nearby property, the Department of Community Development recommends **APPROVAL WITH CONDITIONS of RZ-16-002.**

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of Land Use Petition **RZ-16-002**, with the following conditions:

1. All previous zoning conditions applying to the subject property shall be repealed.
2. Use of the subject property shall be limited to a 5-story, 100-room hotel and accessory uses, at a maximum density of 60,000 square feet.
3. The site shall be developed in general accordance with the site plan received by the City of Johns Creek Community Development Department dated April 19, 2016. Minor modifications may be approved subject to the review and approval of the Community Development Director.
4. Should the administrative variance for the ten-percent reduction in the number of parking spaces be denied, the site plan shall be modified to include the 100-parking spaces as required by Article 18 of the City of Johns Creek Zoning Ordinance, as approved by the Community Development Director.
5. 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.
6. A Stormwater Management (SWM) Report is required upon submittal of development plans. Developer must provide water quality, channel protection, and detention for the 2-yr through 100-year storm per development regulations on-site.
7. Sidewalk connectivity and crosswalks shall be added to the property as approved by the Community Development Director.
8. A ten-foot public access easement shall be recorded with Fulton County, prior to the issuance of a Land Disturbance Permit, for the ten-foot landscape strip on the north property line. Improvements shall be made to this path in order to improve the pedestrian experience, as approved by the Community Development Director.
9. An access/construction/maintenance easement along all portions of the 75-foot stream buffer, at both sides of the stream, shall be dedicated to the City of Johns Creek and recorded with Fulton County, prior to the issuance of a Land Development Permit.

**STANDARDS OF REZONING REVIEW (STEINBERG ACT) -**

- **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:

<b>Adjacent &amp; Surrounding Properties</b>	<b>Zoning (Petition Number)</b>	<b>Land Use</b>	<b>Density Non-Residential (SF/Acre) Residential (Units/Acre)</b>
Adjacent: North	C-1 Conditional (Z-97-071)	Hilton Garden Inn	No density set by conditions. Approved for 125-room, 5-story hotel
Adjacent: East	M-1A Conditional (Z-83-141)	Office	10,000 sf/acre
Adjacent: South	C-1 Conditional (RZ-90-037)	Johns Creek Montessori School	5,445 sf/acre
Adjacent: West	C-1 Conditional (Z-08-008)	Bank	17,636 sf
Adjacent: West	C-1 Conditional (Z-90-037)	Salon and Spa	5,445 sf/acre
Nearby: South	M-1A Conditional (Z-83-141)	Office	10,000 sf/acre

The subject property is located within the Medlock Bridge/McGinnis Ferry Road Activity Node in Character Area 9: 141 Corridor. It is bounded by similar C-1 zoning to the north, south and west. Other adjacent and contiguous properties are zoned M-1A as the area is within the Johns Creek Technology Park development. Technology Park is characterized by several large office complexes, as well as facilities for research, product development, assembly and fabrication, and storage and distribution. The proposed use of a hotel is compatible with the surrounding area as it will serve the surrounding office, medical personnel and surrounding community.

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

The proposed use will not adversely affect the existing use or usability of adjacent or nearby property.

- **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?**

The proposed development would not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

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

The subject property is located within the Medlock Bridge Road/McGinnis Ferry Road Activity Node in Character Area 9: 141 Corridor. Policies for this area call for Medlock Bridge Road to evolve from being a “sprawling strip commercial store to Johns Creek’s premier boulevard.” The Comprehensive Plan recognizes that due to the existing building stock (within the activity node) being larger in scale, that it may be appropriate for “higher and more dense development” to be constructed. A five-story, 100-room hotel conforms with the policy and intent of the Comprehensive Plan.

- **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?**

There are no existing or changed conditions affecting the use and development of the property.

- **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 increase to the height and number of rooms for the proposed hotel development would have no environmentally adverse impact to the natural resources, environment and citizens of the City of Johns Creek. The applicant is not encroaching into the stream buffers at the rear of the property.

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

1. The trip generation letter is satisfactory. Trips generated are less than 100 per hour, so no further study is required at this time.

**FIRE MARSHAL**

All comments will need to be addressed prior to any approval:

1. Shall provide a current water flow report and GPS locate all fire hydrants by LDP submittal. New fire hydrants shall be added to the site for this proposed building (No hydrants have been indicated on drawings);
2. Identify water main sizes on plans by LDP submittal. Nothing has been provided.
3. Building will be required to have an approved fire sprinkler system (NFPA 13 system), therefore, shall identify location of free standing FDC by LDP submittal;
4. This type of facility could pose an increase of call volume for emergency services;
5. Fire does not see any obvious concerns to deny this zoning, but would just need the mentioned items above in order to approve the potential LDP submittal and will have to gain more information of the various uses of the interior spaces at construction;

**ARBORIST**

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, density requirements, and any specimen recompense are to be protected and/or planted per the Guidelines. Conceptual landscape plans are not reviewed or approved for compliance at time of zoning unless there is a variance to the requirements sought through the land use petition process. There was no mention of this in the letter of intent; therefore, the conceptual landscape plan was not reviewed for compliance.
  - a. The tree density required for this site is 30 units per acre.
  - b. The existing pedestrian sidewalk within the 10-foot landscape strip may be discounted from the landscape strip for calculation purposes.
  - c. There is concern that the existing trees along the private drive will have significant impact to their critical root zones from the proposed parking lot.
  - d. Please be aware that landscape strip trees cannot meet the requirements for parking islands; these are two separate requirements.

**LAND 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.
2. A Stormwater Management (SWM) Report is required upon submittal of development plans. Developer must provide water quality, channel protection, and detention for the 2-yr through 100-year storm per development regulations on-site.
3. Based on recent City analysis of existing lakes below the property, lakes are at design capacity for detention. The developer may perform his own analysis and submit for approval if he feels that the impervious surface development in the basin draining to the lakes is less than 50%.

**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: 75 gallons per day (gpd) per 1 hotel room (without a full service restaurant) x 100 hotel rooms (building sq. footage = 59,640 sq. ft.). = 7,500 gallons per day

This project is within the Fulton County Government water service jurisdiction. There is an 8 inch water line along the west side property line of the 3.3 acre tract (11685 Medlock Bridge Road) that can serve this location.

SEWER:

Basin: **Johns Creek**

Treatment Plant: **Johns Creek**

Anticipated sewer demand: **6,750** gallons per day

There are two sewer manholes along the northwestern property boundary of the 3.3 acre tract (11685 Medlock Bridge Road) (Sewer manholes # SMJC3628630 and #SMJC3628640) and there is a sewer manhole within the southeastern property boundary of the 3.3 acre tract (Sewer manhole # SMJC3628720) along 8 inch sewer lines in land lots 380, 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 Water Resources (Public Works) for more information.

FULTON COUNTY DEPARTMENT OF HEALTH SERVICES

EHS Comments:

- The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed tourist accommodation to public water and public sanitary sewer available to the site.
- Since this proposed development constitutes a premise where people work or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.
- This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 - Health and Sanitation, Article III - Smokefree Air. Since the facility will serve or allow persons under the age 18, no smoking will be allowed on the premises at any time.
- If this proposed development includes a new food service establishment, as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 - Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.
- If this development includes a public swimming pool as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 - Health and Sanitation, Article XII - Swimming Pools and Natural Bathing Beaches (including spas, whirlpools, etc.), the owner or contractor must submit plans and approval by this department and must obtain a Department of Health and Wellness permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Department of Health and Wellness permit to operate the pool prior to opening.

- Since proposed development is a tourist accommodation as defined in the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 - Health and Sanitation, Article XIII – Tourist Accommodations, the Fulton County Department of Health and Wellness requires that the owner or contractor submit plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a tourist accommodation permit prior to opening.
- 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 allowing the rezoning for the proposed tourist accommodation.

FULTON COUNTY BOARD OF EDUCATION

No comment.