



Land Use Petition RZ-24-0007 & SUP-24-0002
Application Date: July 3, 2024
Public Participation Meeting: August 1, 2024
Planning Commission Meeting: October 1, 2024
City Council Meeting: October 21, 2024

PROJECT LOCATION: 11350 Johns Creek Parkway

DISTRICT/SECTION/LAND LOT: 1st District, 1st Section, Land Lots 398, 399, 400, 403, 404 and 405

ACREAGE: 41.71 acres

CURRENT ZONING: TC-X (Town Center Mixed Use District)

PROPOSED ZONING: TC-X (Town Center Mixed Use District)

**COMPREHENSIVE PLAN
COMMUNITY AREA DESIGNATION:** Tech Park

**TOWN CENTER VISION & PLAN
NEIGHBORHOOD:** Innovation Hub

APPLICANT: Toro Development, LLC
c/o Kathryn M. Zickert
6200 Avalon Boulevard
Alpharetta, GA 30009

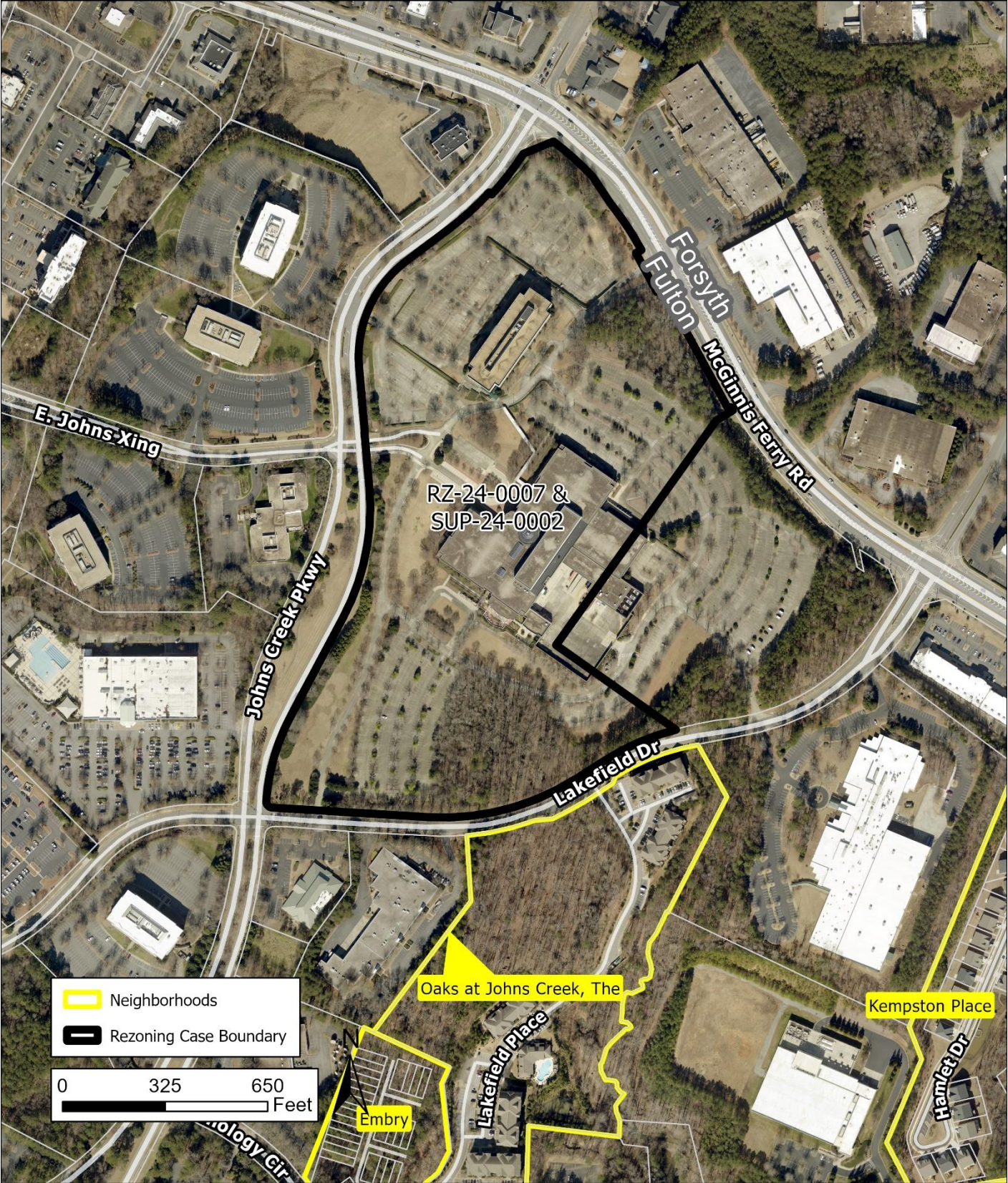
OWNER: Medley Johns Creek Phase 1 Owner, LLC;
Medley Johns Creek Phase 2 Owner, LLC;
Medley Johns Creek TH Owner, LLC
6200 Avalon Boulevard
Alpharetta, GA 30009

PROPOSED DEVELOPMENT: Change in conditions to allow for a 175-room, 6-story, 75-foot-tall hotel building at Medley, a mixed-use development with a Special Use Permit (SUP-24-0002) to exceed the maximum height limit of 60 feet in the TC-X zoning district.

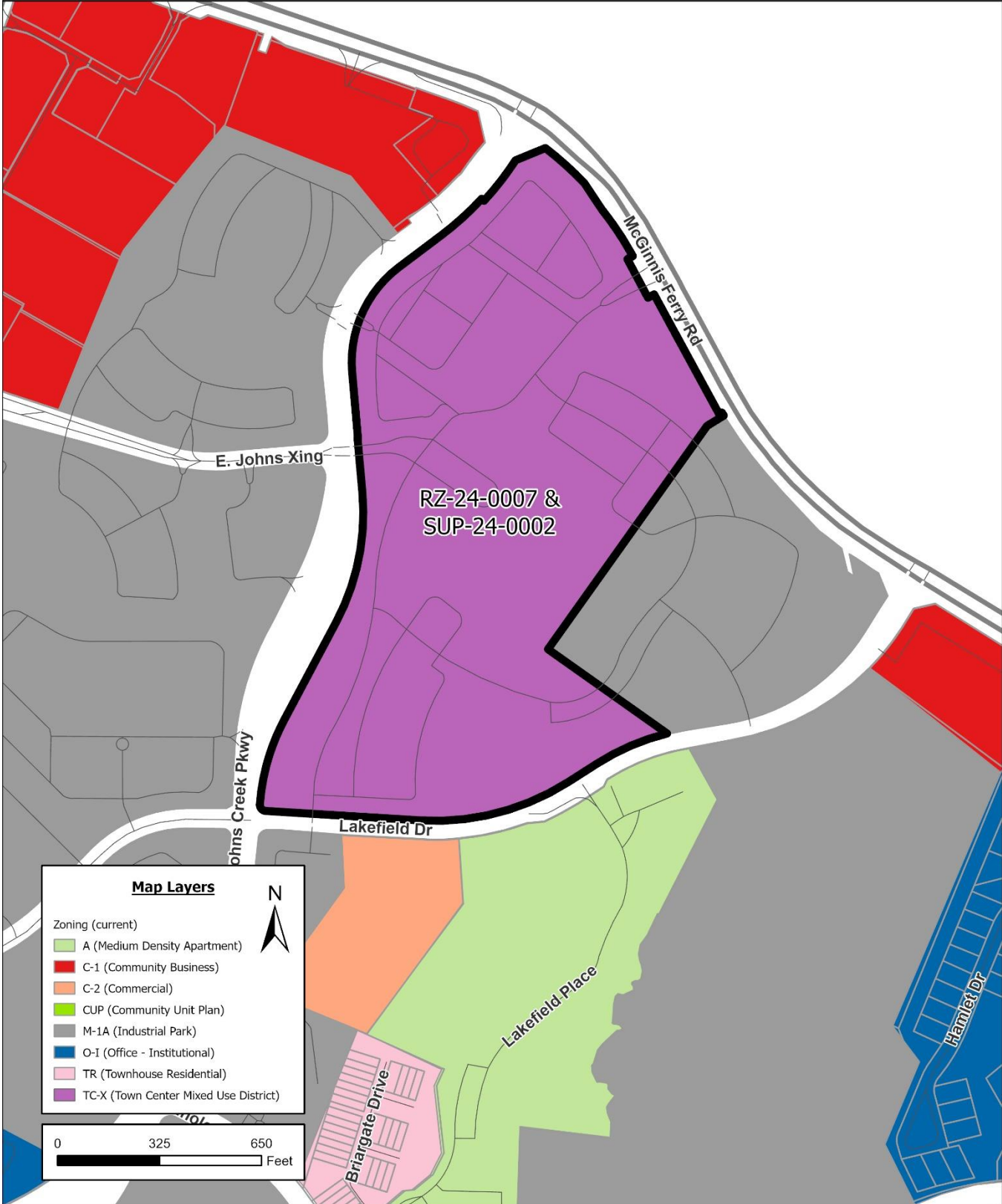
STAFF RECOMMENDATION: **Approval with Conditions**



Aerial Map



Zoning Map



PROJECT OVERVIEW

Location

The subject property is a 41.71-acre tract for the Medley development, located in the southeast quadrant of the intersection of McGinnis Ferry Road and Johns Creek Parkway. The property is bounded by McGinnis Ferry Road to the north, M-1A zoned parcel (Boston Scientific site) to the east, Lakefield Drive to the south, and Johns Creek Parkway to the west.

Background

Medley Johns Creek mixed-use development was approved for TC-X (Town Center Mixed Use District) Conditional zoning by the City Council on December 12, 2022, pursuant to RZ-22-0008. The rezoning was approved with a total of 23 conditions, with condition #1 limiting the use of the property to 750 multifamily units, 137 for-sale townhome units, 200,000 square feet of commercial use and 110,000 square feet of office use.

Rezoning and Special Use Permit Request

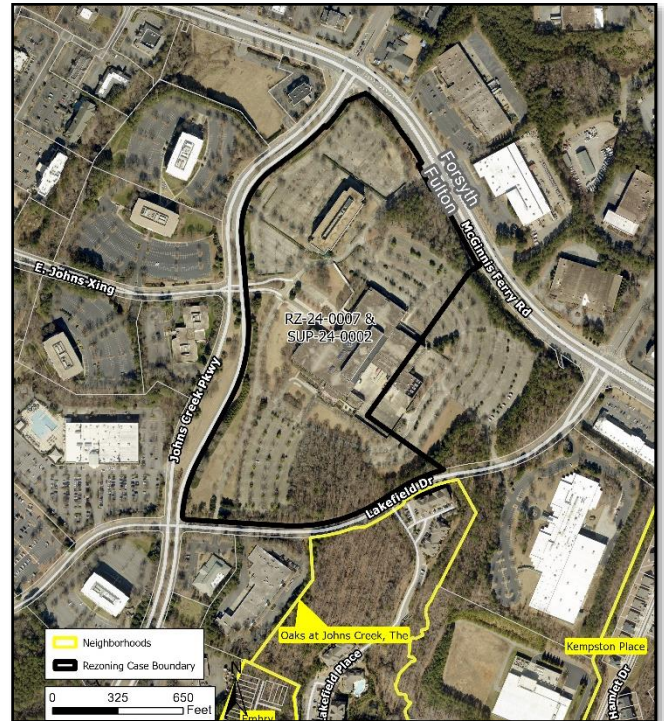
The Applicant seeks to modify the existing zoning conditions to allow for a 175-room, 6-story hotel, including a 5,000 square-foot restaurant and 8,000 square feet of meeting and event spaces. A Special Use Permit has also been requested to allow the proposed hotel to exceed the maximum permitted height of 60 feet to 75 feet.

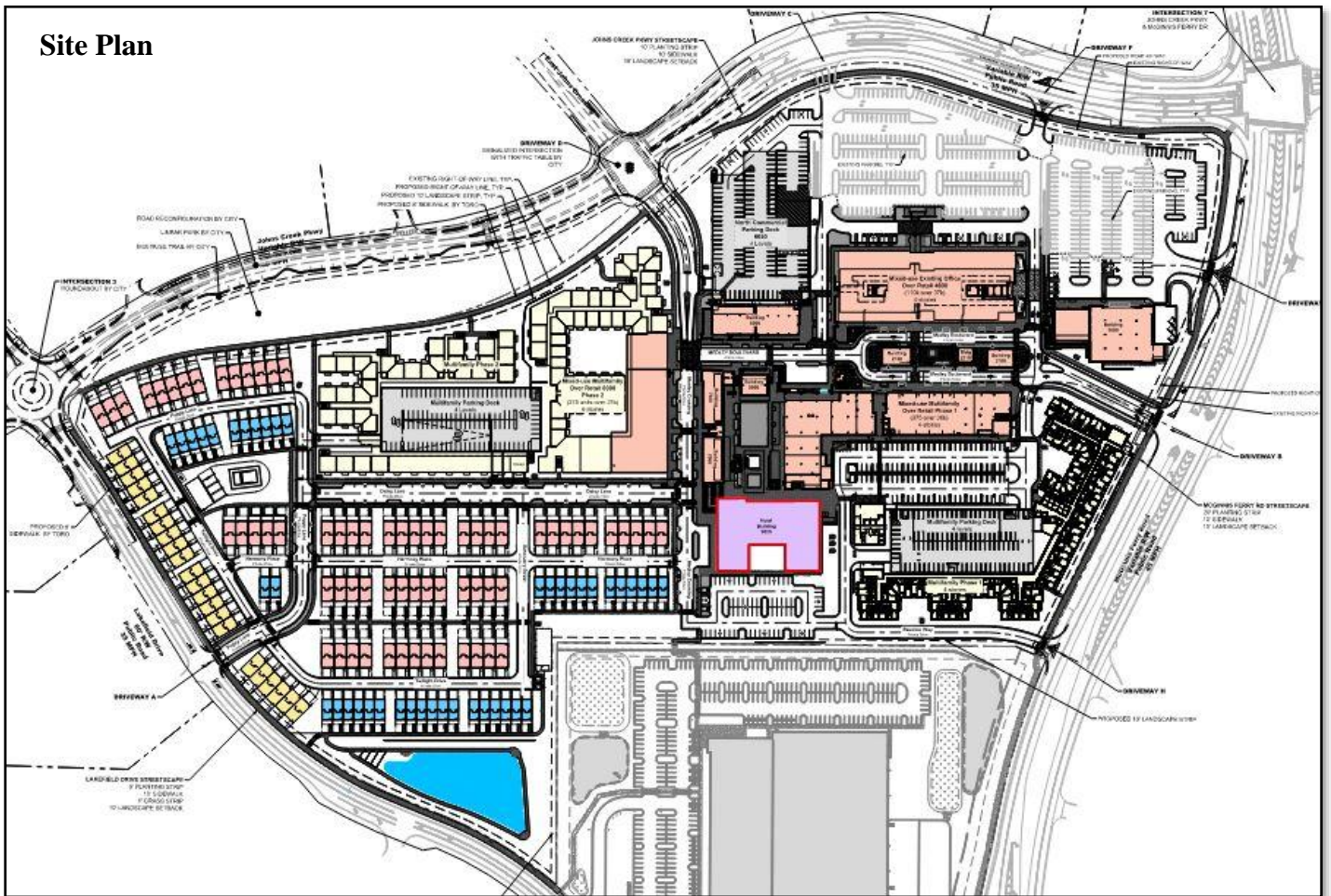
Site Plan

The site plan on the following page shows the approved Medley development consisting of commercial and office space, fee-simple townhomes and luxury multifamily units. The Applicant seeks to replace the approved 60,000 square-foot entertainment space with a 175-room hotel building (shown in red outline) with an associated 5,000 square-foot restaurant and 8,000 square feet of meeting and event spaces. No changes are requested to the type or number of residential units as part of this request.

There is a net increase of 104 parking spaces with the requested change of replacing the entertainment space with the hotel building bringing the total required parking to 2,336 spaces. The Applicant intends to provide a total of 2,599 parking spaces across the development, in the form of surface parking lots, parking decks, podium parking and on-street parking, which would exceed the parking spaces required per Section 12.3.4 of the Town Center Code.

All other previously approved amenities and improvements associated with open space, streetscape, site-access and roadway improvements, pedestrian connectivity, bicycle and electric vehicle parking, EcoMeasurement and stormwater management remain unaltered by this proposal. Staff would note that if the proposed modification to the Medley development is approved, all applicable conditions from the previously approved rezoning would be carried over.





Elevations

The submitted renderings for the hotel building indicate the building façade would be constructed primarily of brick veneer, hard-coat stucco and glass. The building massing, orientation, varied heights, exterior building materials and colors and architectural elements like canopies and balconies would provide for considerable variations in the building façade. The proposed hotel building is shown to not exceed 4 stories or 60 feet on the façade fronting the centralized plaza area. However, the hotel building exceeds the maximum allowable height limits on the two sides and the rear of the building, requiring the Applicant to submit for a Special Use Permit in accordance with Section 12A.4.7. of the City of Johns Creek Town Center Code. Staff would note that the proposed hotel building would have to comply with all applicable building types (12A.3.9.9) and building design (12A.3.10.) requirements of the Town Center Code prior to issuance of a building permit.



Front View: View from Centralized Plaza



Front View - Plaza View from Centralized Plaza



Side View - View from Medley Crossing



Rear View - View from Parking Lot

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 July 2024 for the public participation meeting. The meeting was held at the City Hall Council Chambers on August 1, 2024, and three members of the public attended the meeting to inquire about the hotel brand and availability of meeting space in the hotel building.

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?

The Town Center Vision and Plan and Town Center Code has identified the subject property as an appropriate site for a mixed-use development including a hotel. The proposed hotel would be suitable at this location and would complement the mixture of uses in the Medley development and other adjacent and nearby existing commercial service, retail and office uses as shown in the following table:

Adjacent & Nearby Properties	Zoning (Petition Number)	Land Use	Density Non-Residential
Application	Proposed: TC-X	Commercial Service (Medley Hotel)	175 rooms/6-story
Adjacent: Southeast	M-1A Conditional (1983Z-141)	Light Industrial (Boston Scientific)	10,000 SF/Acre
Adjacent: Northwest	C-1 Conditional (Z-04-094)	Commercial Service (Delta Community Credit Union)	7,102.28 SF/Acre
Adjacent: Northwest	C-1 Conditional (RZ-23-0003)	Commercial Service and Retail (Terraces)	14,486 SF/Acre
Adjacent: West and Southeast	M-1A Conditional (1983Z-141)	Commercial Office	10,000 SF/Acre
Nearby: West	C-1 Conditional (RZ-16-002)	Commercial Service (Hampton Inn)	100 rooms/5-story
Nearby: West	C-1 Conditional (RZ-09-007)	Commercial Service (Hilton Garden Inn)	125 rooms/5-story
Nearby: Southwest	O-I Conditional (RZ-96-051)	Commercial Service (Hyatt Place)	128 rooms/5-story

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 property, but instead enhance and complement existing office, commercial, and residential uses found in the area by providing luxury short-term lodging for corporate staff and visitors on business or recreational related trips to the surrounding area. The proposed hotel would be replacing the previously approved 60,000 square feet of entertainment space and would have a positive impact to traffic, noise, and aesthetics.

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 hotel is projected to generate approximately 460 fewer daily trips, 25 additional morning peak hour trips, and 14 fewer evening peak hour trips than the previously approved 60,000 square feet of entertainment space. Staff is carrying over existing conditions regarding roadway and operational improvements for the development. No additional improvements are required as a result of the hotel development. The current zoning conditions would mitigate any potential adverse traffic impacts associated with the overall Medley development and alleviate the excessive or burdensome use of the existing streets, transportation facilities and utilities.

Fulton County has confirmed adequate water and sewer capacity would be available to service the development based on the anticipated demand.

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 in the Tech Park Community Area of the Comprehensive Plan and the "Innovation Hub (Mixed Use/Flex Core)" neighborhood as identified in the Town Center Vision and Plan. The Future Land Use map designates the site as a high-intensity mixed-use area and the proposed hotel development would align with the Comprehensive Plan's vision to redevelop Tech Park into a

live, work, play destination with rich amenities, restaurants, and events without negatively impacting surrounding residential neighborhoods.

The Town Center Vision and Plan envisions “[c]reating meaningful mixed use development, office, and retail with complementary open space connecting the site to the Civic Core.” The hotel development as proposed with an associated restaurant and meeting and event spaces would be in conformity with the policy and intent of both the Comprehensive Plan and Town Center Vision and 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?

The existing site was approved for 60,000 square feet of entertainment use as part of the Medley development on December 12, 2022. The proposed hotel is planned at the location of the entertainment space as shown on the approved site plan and would complement the overall mix of uses to be included in the development, giving supporting grounds for approval with conditions of this 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 site does not contain any environmentally sensitive features, and the proposed use would not present environmentally adverse impacts to the area requiring no additional changes to the approved stormwater detention facility, bioretention areas, planters, infiltration techniques and eco-friendly and sustainable design measures to meet the City’s stormwater and Town Center Overlay regulations at full buildout.

STANDARDS OF REVIEW – SPECIAL USE PERMIT

1. 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

The proposed land use for a hotel would be consistent with the vision and policy of both the Comprehensive Plan and the Strategic Economic Development Plan (SEDP) 2016-2021. The Comprehensive Plan promotes the mix of uses in the Tech Park and Town Center area, and with the development contributing to the economic benefit of the City, the proposed increase in height can be supported. Furthermore, Goal 4 of the SEDP acknowledges unmet need of hotels and meeting space in the City and encourages to identify potential sites for hotels and associated meeting space as an asset to the City.

2. Compatibility with the land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed

All three existing hotels located in the Town Center area – Hampton Inn, Hilton Garden Inn and Hyatt Place – are 5 stories in height. The Applicant’s proposed 4-story building height of the hotel in the front and 6-stories on the two sides and the rear facades falls within the average height of existing hotel buildings. Staff is of the opinion that the proposed height of the hotel, when taking into consideration of the topography between the plaza and the parking lot where it will be located, would be fairly consistent with similar developments in the vicinity of the property.

3. Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development

The proposed development as submitted does not appear to be in violation of local, state, and/or federal statutes, ordinances, or regulations governing land development. The City is unaware of any adverse impacts associated with the proposed development to local land development regulations.

4. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets

The proposal would generate 460 fewer daily trips, including 25 additional trips during A.M. peak hour and 14 fewer trips during P.M. peak hour than the previously approved entertainment use at this location. The proposed increase in building height would not have negatively impact traffic.

5. The location and number of off-street parking spaces

The Applicant is proposing a total of 2,599 parking spaces which is more than the required number of parking spaces (2,336). Ample parking will be provided to support all uses planned for the development.

6. The amount and location of open space

The open space plan providing amenity and civic spaces remains unchanged from the original approved zoning case.

7. Protective screening

One of the key aspects of a mixed-use development is to have a mixture of complementing land uses in close proximity to each other to promote optimal land planning with greater efficiency of shared services and amenities. The mixture of uses and building types forms the applicable building landscape and no protective screening would be required for the hotel building.

8. Hours and manner of operation

The Applicant's letter of intent indicates that the proposed hotel will be operational with staff and on-site security measures 24 hours per day.

9. Outdoor lighting

All lighting improvements for the property would require review for compliance with Section 4.9 - Night Sky Ordinance of the City's Zoning Ordinance.

10. Ingress and egress to the property

Ingress and egress to the property will remain as proposed in the originally approved site plan.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of land use petition, RZ-24-0007 and Special Use Permit, SUP-24-0002.

1. The property shall be limited to residential, commercial, public/institutional and accessory uses allowable in the TC-X Zoning District, not exceeding the following density and height:
 - a. 750 multifamily units and 137 for-sale townhome units at a density of 21.27 units per acre, not greater than 4 stories or 60 feet in height.
 - b. 200,000 square feet of commercial use at a density of 4,795.01 square feet per acre, not greater than 4 stories or 60 feet in height. Rooftop and outdoor dining areas shall not count against the maximum non-residential entitlement.
 - c. 110,000 square feet for office use at a density of 2,637.26 square feet per acre, not greater than 4 stories in height.
 - d. 175-room hotel and associated restaurant and meeting spaces with a maximum height of 6-stories or 75 feet (SUP-24-0002).
2. The site shall be developed in general accordance with the site plan received and date stamped by the City of Johns Creek on July 3, 2024. Said site plan is conceptual, and the final site plan must

meet or exceed the Town Center Code, land development regulations and zoning conditions prior to the approval of a land disturbance permit.

3. Owner/Developer shall submit and obtain approval of a “Medley Development Design Standards” document by the Community Development Director. This document shall include the main entrance treatment, elevations and architectural themes, specifications for street furniture (benches, trash receptacles, lighting, bicycle racks, etc.), signage, storefronts, and landscaping, prior to the submittal of a land disturbance permit. Exterior elevations for all commercial and multifamily buildings shall be substantially similar to the renderings received and date stamped by the City of Johns Creek on September 13, 2022.
4. Exterior elevations of the hotel building shall be substantially similar to the renderings received and date stamped by the City of Johns Creek on July 3, 2024, and August 2, 2024.
5. Exterior elevations for townhome units shall be substantially similar to the “Medley Masterplan and Elevations Book” received and date stamped by the City of Johns Creek on November 11, 2022, and shall adhere to the design standards listed below. Final elevations shall be subject to the review and approval of the Community Development Director, prior to issuance of a building permit.
 - a. Architectural elements such as columns, arcades, covered entry-walkways, arches, façade offsets, chimneys, windows, dormers, balconies, porches, rooftop terraces, recesses/projections and cupolas, shall be incorporated on all sides of a townhome pod.
 - b. No two adjacent townhome units shall have the same color scheme. Contrasting shades of a single color shall be accepted as an alternative for each townhome pod.
 - c. Adjacent townhome units forming one building shall have façade offsets and varied roofline.
 - d. Exterior elevations for townhome units facing the rear-loading street shall include architectural elements such as arches, dormer windows and decorative overhangs above garage doors.
6. Multifamily units shall be limited to studio, one-bedroom or two-bedroom units. No three-bedroom units shall be allowed. No more than 5% of multifamily units shall be studio and 40% two-bedroom units. No Certificate of Occupancy shall be issued for the multifamily building in Phase I until 75% of Phase 1 commercial shell space, the boulevard, plaza, office renovation, and associated infrastructure have been constructed and inspected by the City.
7. No more than 10% of townhome units shall be permitted to be rented, as recorded in the Homeowners’ Association (HOA) covenants and declarations, subject to the review of the Community Development Director, prior to the approval of the final plat.
8. Owner/Developer shall provide a minimum of 8.64 acres of open space (6.55 acres of civic space and 2.09 acres of amenity space), consisting of a boulevard, plazas, pocket parks, pedestrian pathways, yards, patios, balconies, outdoor dining, rooftop terraces, swimming pool, courtyards, amenity areas and bioretention areas, as depicted on the submitted site plan received and date stamped by the City of Johns Creek on November 15, 2022.
9. Owner/Developer shall provide a minimum of five monuments, murals or sculptures at prominent locations throughout the development, prior to the Certificate of Occupancy of the multifamily building in Phase 2 of construction.

10. Owner/Developer shall provide a minimum of 2,336 parking spaces.
11. Parking decks visible from any public streets shall be treated with comparable materials and finishes as the building they serve or screened from view with evergreen landscaping, as approved by the Community Development Director.
12. Owner/Developer shall provide ground-level units facing the linear park along Johns Creek Parkway) for the Phase 2 multifamily building, as approved by the Community Development Director.
13. A maximum of eight vehicular access points are allowed, as depicted on the submitted site plan received and date stamped by the City of Johns Creek on November 15, 2022.
14. Owner/Developer shall dedicate sufficient right-of-way along the entire frontage of McGinnis Ferry Road, Johns Creek Parkway and Lakefield Drive, at no cost to the City of Johns Creek, as shown on the site plan received and date stamped on November 15, 2022, prior to the issuance of a land disturbance permit, subject to the approval of the Public Works Director.
15. Owner/Developer shall complete the following roadway and operational improvements, prior to the issuance of a Certificate of Occupancy for the Phase 1 multifamily building, as shown on the site plan received and date stamped on November 15, 2022, subject to the approval of the Public Works Director:
 - a. Driveway A on Lakefield Drive: Construct a two-lane, full-access driveway.
 - b. Site Driveway B on McGinnis Ferry Road: Reconfigure existing driveway into a three-lane driveway with one deceleration lane entering the site and two lanes exiting the site (left-turn/through lane, and exclusive right-turn lane).
 - c. Driveway E on Lakefield Drive: Construct a right-in/right-out driveway, as approved by the City of Johns Creek.
 - d. Driveway F on Johns Creek Parkway: Construct a right-in/right-out driveway.
 - e. Driveway G on McGinnis Ferry Road: Construct a right-in/right-out driveway and provide a westbound deceleration lane entering the site.
 - f. Driveway H on McGinnis Ferry Road: Construct a right-in/right-out driveway.
16. Owner/Developer shall provide the following landscape/planting strips, according to the City's Town Center Code and Tree Preservation Administrative Guidelines, subject to the review and approval of the Community Development Director:
 - a. Minimum 20-foot planting strip along McGinnis Ferry Road.
 - b. Minimum 6-foot planting strip along Lakefield Drive.
 - c. Minimum 6-foot planting strip along Johns Creek Parkway.
17. Owner/Developer shall provide the following sidewalks and crosswalks, as shown on the site plan received and date stamped on November 15, 2022, subject to the approval of the Public Works Director:
 - a. Construct a 10-foot sidewalk along McGinnis Ferry Road, Lakefield Drive and Johns Creek Parkway between McGinnis Ferry Road and East Johns Crossing.
 - b. Provide pedestrian and bicycle connectivity throughout the site between all buildings and uses to enable continuous and safe pedestrian and bicyclist movement. Surface materials of pedestrian crossings throughout the development shall be brick paver, cobblestones or architecturally treated concrete products.

18. Owner/Developer shall complete the following roadway and operational improvements, as shown on the site plan received and date stamped on November 15, 2022, subject to the approval of the Public Works Director or enter into a development agreement for the construction of these improvements with the City of Johns Creek prior to the issuance of a land disturbance permit. If the City of Johns Creek is to complete the required improvements on behalf of the Owner/Developer, as part of the development agreement, Owner/Developer shall contribute funds to the City of Johns Creek for these improvements, equal to the cost of design, engineering and construction determined by the Council approved construction bid, prior to the issuance of the building permit for the Phase 1 multifamily building.
 - a. Driveway D (Johns Creek Parkway at East Johns Crossing)
 - i. Install a traffic signal and implement a raised intersection to provide speed control along Johns Creek Parkway as approved by the Public Works Director.
 - ii. Provide one exclusive left-turn lane, one through lane, and one exclusive right-turn lane, along Johns Creek Parkway northbound.
 - iii. Provide one exclusive left-turn lane and one shared through/right-turn lane, along Johns Creek Parkway southbound.
 - iv. Provide one exclusive left-turn lane and one shared through/right-turn lane, along the eastbound approach of East Johns Crossing.
 - v. Provide one exclusive left-turn lane, one through lane, and one exclusive right-turn lane, along the westbound approach exiting the site.
 - b. Parallel parking spaces along Johns Creek Parkway between Lakefield Drive and East Johns Crossing.
 - c. 10-foot sidewalk along Johns Creek Parkway between Lakefield Drive and East Johns Crossing.
19. Owner/Developer shall provide bicycle racks, benches, trash receptacles, decorative crosswalks, planters, kiosks and other street furniture, where appropriate, throughout the development.
20. Retaining walls shall receive architectural façade treatment or be heavily landscaped, subject to the review and approval of the Community Development Director. Retaining walls visible from developed areas exceeding 16 feet in height shall be terraced with landscaping to break up large expanses of retaining wall.
21. Owner/Developer shall make reasonable efforts to save healthy specimen trees, tree groupings and stands of specimen trees along McGinnis Ferry Road, Johns Creek Parkway and Lakefield Drive, subject to the review and approval of the Community Development Director.
22. Owner/Developer shall submit a stormwater concept plan for each phase/interval of development prior to the submittal of a land disturbance permit application.
23. Owner/Developer shall provide for EcoMeasurement as outlined in the letter submitted to the City on November 3, 2022, subject to the review and approval of the Community Development Director. Detailed information shall be provided at the time of application for the land disturbance permit and building permit showing compliance with the required ten EcoMeasurement points.