

AMENDED ZONING IMPACT ANALYSIS
APPLICATION FOR REZONING AND CONCURRENT VARIANCE
CITY OF JOHNS CREEK, GEORGIA

CH Realty III/Haynes Bridge, LLC (the “Applicant”), requests a Rezoning of the approximately 15.42 acres located at 3000 Old Alabama Road (Parcel Identification Number 12 303008410790) (the “Property”) from the C-1 Community Business District to the C-1 Community Business District to modify the conditions of zoning pertaining to the Property to allow a restaurant with a drive-through window use (proposed as a Dunkin’/Baskin-Robbins) in an existing stand-alone building. As described in the Letter of Intent, a fast food restaurant (i.e. having a drive-through window) is currently allowed in the “southeast corner”. However, this site has never been used for a restaurant and is instead used as a Chase Bank today. The requested Rezoning proposes a modification of the conditions that would allow a fast food restaurant use in the existing building in the northeast corner of the Property. The existing building has two tenant units, one of which (approximately 2,550 square feet) would be converted to the proposed restaurant use with minimal structural changes to the building. Together with this Rezoning application, the Applicant requests a Concurrent Variance to reduce the required landscape strip along Haynes Bridge Road as necessary to effectuate the dedication of right-of-way that will allow the programmed expansion of that roadway.

This Rezoning request is consistent with the following zoning impact analysis factors established at Section 28.4.1. of the Zoning Ordinance of Johns Creek:

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The requested Rezoning will permit the use of an existing building as a restaurant with a drive-through window, a use that is suitable in view of the use and development of adjacent and nearby property. The existing building in which the restaurant will be located is part of a busy shopping center, which is itself part of larger commercial marketplace surrounding the intersection of Old Alabama Road and Haynes Bridge Road. Numerous restaurant uses are present in the area, and, as described in the Letter of Intent, the zoning conditions governing the Property allow a drive-through window. See Johns Creek Ordinance 2008-01-1 (RZ-08-001).

Through the requested Rezoning, the Applicant seeks locate the allowed drive-through window in an existing building in the northeast corner of the Property.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The requested Rezoning will not adversely affect the use or usability of adjacent or nearby properties. The Property's existing zoning allows a fast food restaurant use on the site where a Chase Bank is currently located. The Applicant's proposal allows such a restaurant use in an existing building on the Property well served by a signalized intersection. Buffers compliant with the conditions of zoning already exist between the location of the proposed restaurant and the residential uses to the north and west, minimizing any potential adverse effect of the relocation.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The Property's current zoning permits a reasonable economic use of the Property by allowing numerous retail and restaurant uses, subject to several conditions. See RZ-08-001. One such use allowed under RZ-08-001 is a restaurant with a drive-through window, however the location to which it was limited is no longer part of the Property and is not used for a restaurant. As such, the Property is unable to realize the full reasonable economic use for which it was zoned without the requested Rezoning.

D. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

The Property is a large-scale shopping center and is located at the busy intersection of Old Alabama Road and Haynes Bridge Road, which features large shopping centers on three of four corners and the popular Newtown Park on the fourth. Old Alabama Road and Haynes Bridge Road are constructed to handle large volumes of traffic at this location, and Haynes Bridge Road is programmed to be expanded with additional laneage. The Applicant completed a Traffic Impact Study which found that adjacent signalized intersections will not be significantly affected by the proposed restaurant use even during peak business hours, and even less so once

the forthcoming expansion of Haynes Bridge Road is complete. Accordingly, the requested Rezoning will not result in a use which will or could cause an excessive burdensome use of the existing streets or transportation facilities. Similarly, because the Property has long been developed for the existing relatively intense commercial use, sufficient utilities capacity is available for the proposed restaurant use. Because the zoning proposal does not include any new residential use, it will not burden area schools.

E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;

The Property is located in the Newtown Community Area established by the 2018 Comprehensive Plan for the City of Johns Creek (Comp. Plan). The Current Land Use identified for the Property is “Commercial – Retail/Shopping Centers”, and the Future Land Use category assigned to the Property is “Mixed-Use Low-Intensity”. Comp. Plan at page 96, 97. The types of uses recommended for the Commercial – Retail/Shopping Centers category include retail and service activities including restaurants, and the Mixed-Use Low-Intensity category calls for a mix of residential, commercial retail and office uses. Comp. Plan at page 50. Based on these recommendations, the restaurant use proposed by the requested Rezoning is in conformity with the policies and intent of the land use plan.

F. Whether there are other or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; and

The current zoning of the Property allows a restaurant with a drive-through window. However, a condition of zoning limited this use to an area that was part of the Property at the time the zoning was approved but which has since been divided from the Property. As that area has not been used as a restaurant and is currently used as a Chase Bank, the requested Rezoning proposes to locate a restaurant use in an existing building in the northeast corner of the Property, which is served by a signalized point of ingress/egress. This changed condition of the Property gives supporting grounds for approval of the requested Rezoning.

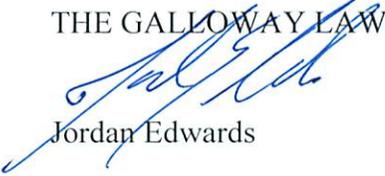
G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek;

The Property has long been developed for a large-scale shopping center, and it is adjacent to two similarly intense commercial uses. Substantial buffers are provided between the Property's development and the residential uses to the north and west, and the zoning proposal will not result in the construction of any new buildings. The proposed restaurant use is allowed under the Property's current zoning, so relocating it to the northeast corner of the Property would not be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek.

As the foregoing analysis demonstrates, the requested Rezoning is consistent with the zoning impact analysis factors established at Section 28.4.1. of the Zoning Ordinance of Johns Creek. As such, the Applicant respectfully asks that the Mayor and City Council of Johns Creek approve the Rezoning and Concurrent Variance as requested.

Sincerely,

THE GALLOWAY LAW GROUP, LLC



Jordan Edwards

4062 Peachtree Road NE, Ste A330
Atlanta, GA, 30319
(404) 965-3680

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