



**Land Use Petition RZ-19-004, VC-19-004-01, -02, -03 and -04  
Date of Staff Recommendation Preparation: February 5, 2019**

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**PROJECT LOCATION:** 3565 Old Alabama Road

**DISTRICT/SECTION/LANDLOT(S):** 1<sup>st</sup> District, 1<sup>st</sup> Section, Land Lots 14 and 15

**ACREAGE** 0.99 acres

**CURRENT ZONING:** AG-1 (Agricultural)

**PROPOSED ZONING:** O-I (Office – Institutional) Conditional

**FUTURE DEVELOPMENT MAP DESIGNATION:** Community Area: Newtown

**APPLICANT:** Sudha Challa, MD  
6030 Carlisle Lane  
Alpharetta, GA 30022  
Phone: 678.545.5080

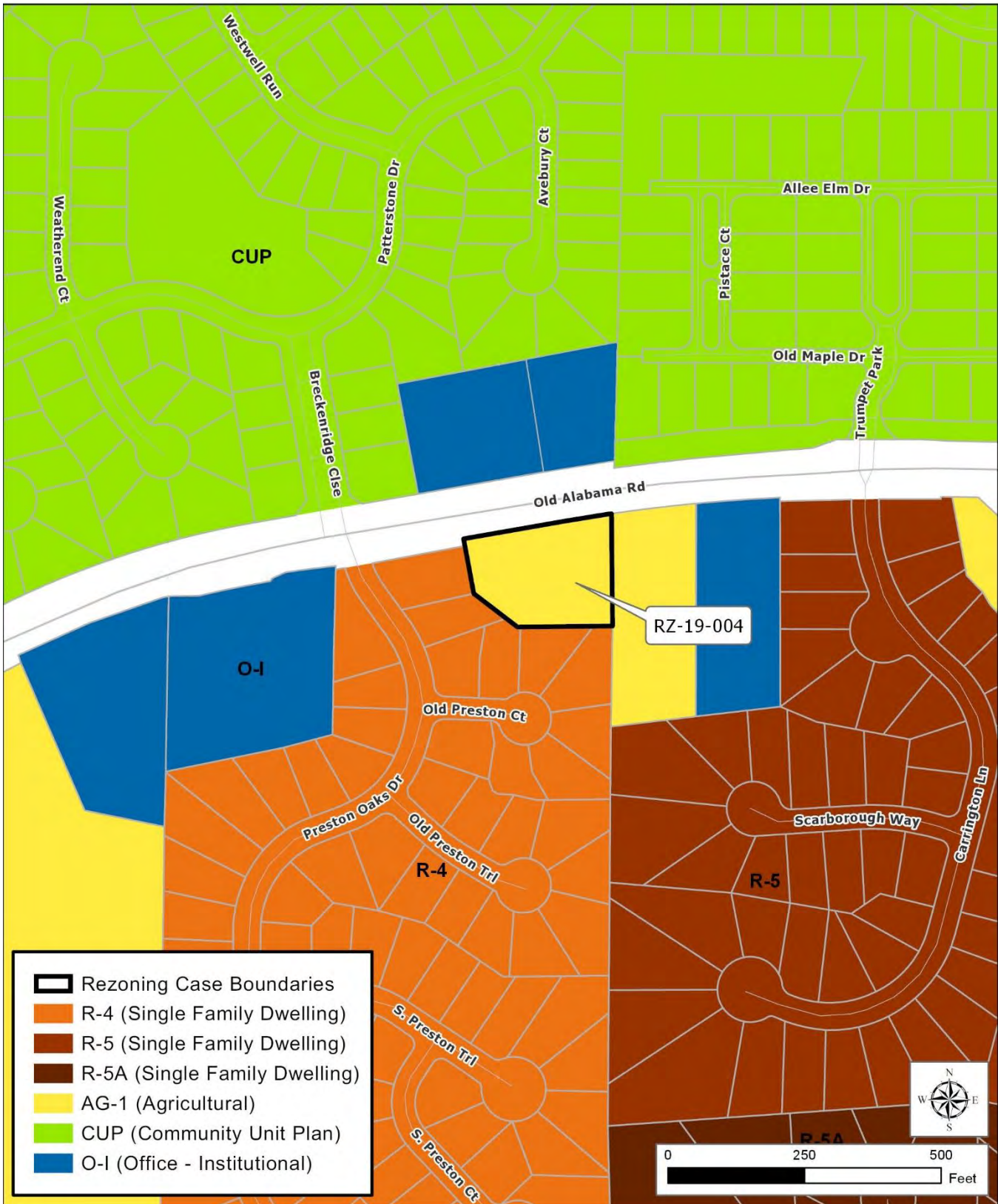
**OWNER** Betty H. Cowart  
P.O. Box 7415  
Gainesville, GA 30502

**PROPOSED DEVELOPMENT:** Construct a 5,000 SF medical office building on a vacant lot with four concurrent variances:

1. Allow encroachment of 5 feet into the 10 foot improvement setback during construction;
2. Allow for a flat roof;
3. Allow a reduction of 20 feet from the minimum landscape strip requirement of 40 feet; and
4. Allow a reduction of 20 feet in the minimum front yard setback requirement of 40 feet.

**STAFF RECOMMENDATION:** **RZ-19-004: Approval with Conditions,  
VC-19-004-01, 02, 03, 04: Approval with Conditions**

# Zoning Map RZ-19-004



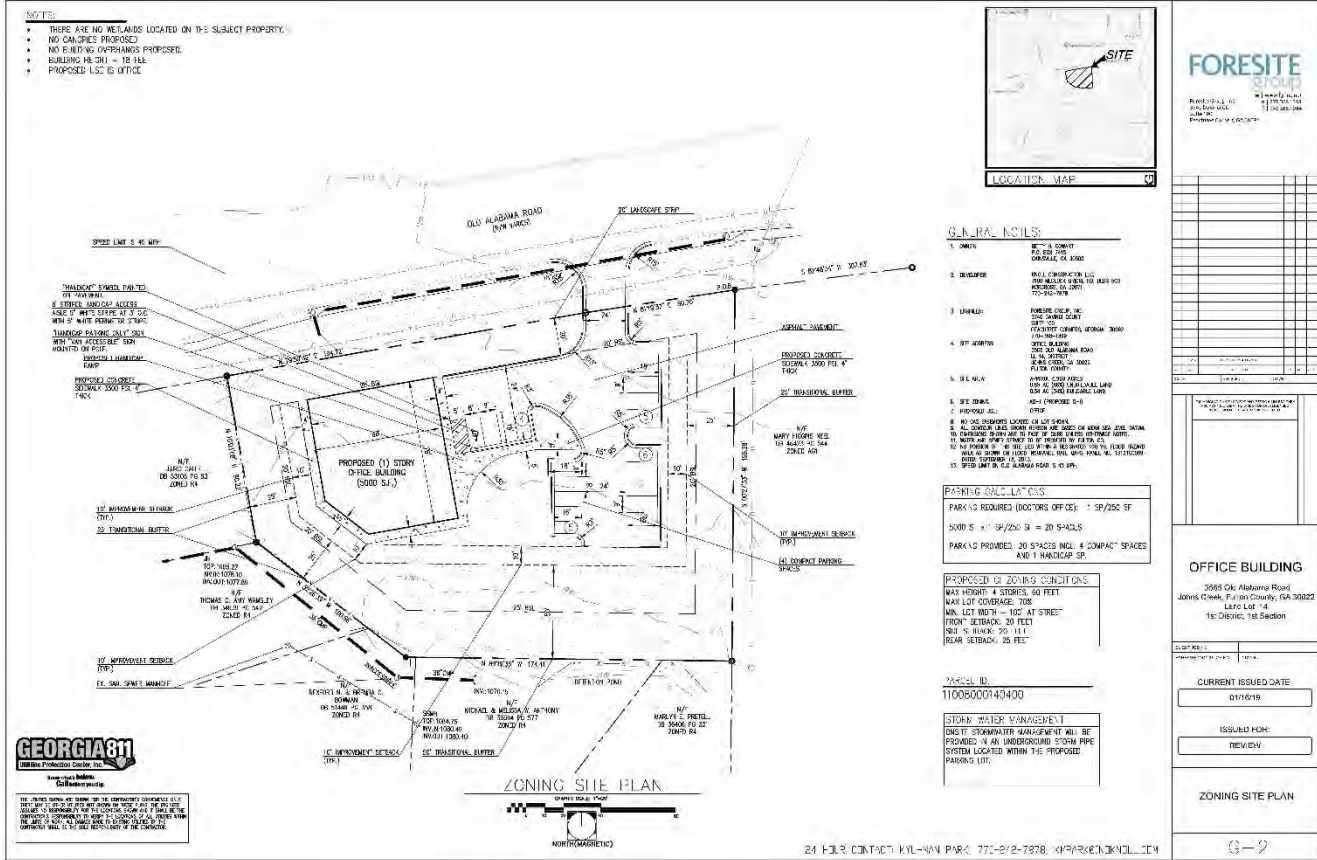


**Aerial View**  
**RZ-19-004**

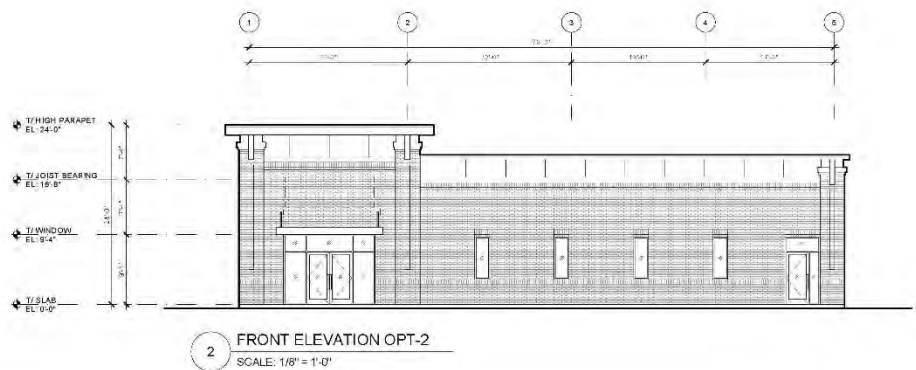
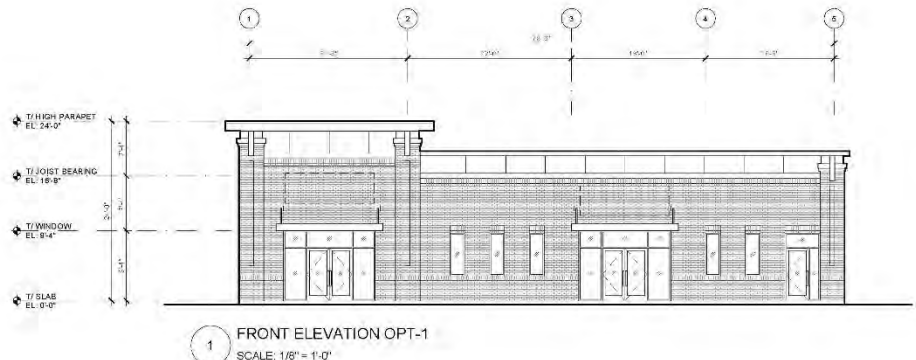




### Proposed Site Plan



### Proposed Elevations



## **PROJECT OVERVIEW**

The Applicant is requesting a rezoning from AG-1 (Agricultural) to O-I (Office – Institutional) to allow for a medical office on a vacant lot. The proposed site plan will require four variances to:

- 1) allow encroachment of 5 feet into the 10 foot improvement setback during construction and improvement (4.23.1.D);
- 2) allow a pitched roof (12E.3.D.8);
- 3) allow a reduction of 20 feet from the minimum landscape strip requirement of 40 feet (4.23.2.A.1);  
and
- 4) allow a reduction of 20 feet in the minimum front yard setback requirement of 40 feet (8.1.3.B).

The property is a vacant lot of approximately one acre that slopes from Old Alabama Road at the north side of the property to the south or rear of the property abutting the Preston Oaks neighborhood with an approximate change in elevation of 32 feet. The property is wooded throughout becoming less dense to the rear. The trees on the property are a mix of hardwoods and pines.

The subject property is surrounded on the south and west by a single-family residence subdivision, Preston Oaks, to the east by a single-family residence and an insurance office, and to the north by a daycare center and future dental office. There are several small- to mid-sized office and institutional uses along both sides of Old Alabama Road nearby.

The Applicant has proposed to construct a 5,000 SF office that will hold two medical suites.

A public participation meeting was held on December 6, 2018. The Applicant was in attendance as well as a one resident, a homeowner in the Preston Oaks neighborhood. The change from agricultural to an office institutional use was seen as generally acceptable given that nearby properties with frontages along Old Alabama have similar uses. The proposed use will allow the area to maintain the existing character of the area which is a mix of residential subdivisions with commercial office uses along Old Alabama Road. The proposed office was not interpreted to create a burdensome amount of traffic or congestion, however, there was discussion about issues that may arise should left turns be allowed out of the site. The improvements proposed for the site were scrutinized and apprehension was expressed in relation to perceived storm water runoff issues on the site currently and the potential of a new structure exacerbating the issue. Staff met with the Applicant and her design professionals shortly after the public participation meeting to address these concerns. The Applicant subsequently submitted an updated site plan to address the concerns related to storm water runoff.

**STANDARDS OF REZONING 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:

<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>
Project Site	Proposed: O-I Conditional	Office (Medical)	5,000 SF/acre
Adjacent: South, West	R-4	Single-Family Residential (Preston Oaks Subdivision)	3.34 units/acre
Adjacent: East	AG-1	Single-Family Residence	0.72 units/acre
Adjacent: North (across Old Alabama)	O-I Conditional RZ-18-003	Office (Dr. Boulden Dental Spa)	7,192 SF/acre
Nearby: Northwest (across Old Alabama)	O-I Conditional 1989Z-0043	Day Care Center (KinderCare Learning Center)	6,260 SF/acre
Nearby: West	O-I Conditional RZ-13-010	Office (Brookhaven Orthodontics)	5,164 SF/acre
Nearby: East	O-I Conditional RZ-17-014	Office (State Farm Insurance)	1,986 SF/acre
Further: West	O-I Conditional Z-00-132 NFC	Office (Old Alabama Family Dentistry)	3,369.57 SF/acre
Further: West	AG-1 (SUP-13-001)	Church and Private School (St. Brigid Catholic Church and Holy Redeemer Catholic School)	8,872 SF/acre

The proposed use is suitable in view of the uses of adjacent and nearby properties. Similar office and institutional uses are found along Old Alabama Road, and a medical office in this location would be considered suitable, provided that protections are put in place to ensure that adjacent and nearby residential properties are protected.

Three of the proposed variances are to minimize and mitigate storm water runoff impacts. The building is proposed to be located 20 feet from the front property line to decrease the impact of the improvements on the sloped site. The building is oriented perpendicular to the road frontage on the western portion of the site in an effort to compensate for the natural flow of runoff on the west side of the property. Storm water runoff created by the proposed improvement will be managed with an onsite underground storm water system located under the parking lot area. The new building, parking lot, and driveway will encroach 20 feet into the required 40 foot landscape strip and front yard setback. The construction of a retaining wall around the improvements will encroach 5 feet into the 10 foot improvement setback along the southern, eastern, and western property lines allowing for undisturbed buffers with the adjoining residential subdivision.

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

Changing from an agriculturally zoned vacant lot to an office use has minor impacts on nearby properties. The proposed use will generate minimal traffic and noise. A condition of a right in /right out driveway will mitigate traffic incidents related to turning across the lanes of oncoming traffic along Old Alabama Road. The Applicant has proposed the development of an office structure that conforms to the surrounding buildout and meets all of the Community Standards, except for a pitched roof. The proposed project has the potential for increased visual impact on the property to the south, east, west, and along the public right-of-way. The existing wooded environment of the lot will buffer the area between the development and the adjacent residential use.

- **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?**

The property has a reasonable economic use as currently zoned AG-1.

- **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 Applicant's proposed use will have no impact on schools and no significant impacts on transportation facilities and utilities.

- **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 Newtown Community Area of the Johns Creek's 2018 Comprehensive Plan. Policies for this Community Area allow for office uses at a maximum of three stories in height. Neighborhood-serving commercial development is encouraged, provided that residential properties are protected.

- **Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal?**

The existence of multiple other small- to mid-scale office and institutional properties nearby give supporting grounds for approval.

- **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 zoning proposal will not permit a use which can be considered environmentally adverse to the natural resources, environment, and citizens of the City of Johns Creek.

## **DEPARTMENT COMMENTS**

### **PUBLIC WORKS**

1. The City of Johns Creek has one planned transportation improvement project in the vicinity of this site. Old Alabama Road is proposed to be improved from Breckenridge Close to Trumpet Park. This is a Capital Improvements Project and is in the concept development phase.
2. Curb cut locations shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Johns Creek Director of Public Works.
  - a. Ensure that the R/W is cleared of all obstructions that may limit the sight-distance of the driver. This includes at a minimum all trees and/or shrubs and fencing. Coordinate all improvements in the R/W with the City's Director of Public Works.
  - b. Line of sight must remain entirely in the right-of-way. Additional right-of-way or a permanent easement may need to be dedicated to meet this requirement.
3. The entry to the parcel should be a right in /right out driveway, for the time being. The planned transportation improvement proposes adding a two-way center turn lane along the roadway in front of the parcel. After the completion of the project, the City may consider a change from a right in / right out driveway to a full-access driveway.

### **Recommended Zoning Conditions for Requested Rezoning:**

1. Owner/Developer shall be limited to one (1) right in / right out access curb cut on Old Alabama Road. The location of the proposed curb cut is subject to sight distance and spacing requirements, as approved by the City of Johns Creek Director of Public Works. After a center turn lane is added on Old Alabama Road, the City may consider a change from a right in/right out driveway to a full-access driveway.
2. Owner/Developer shall dedicate a minimum of thirty feet (30') of right-of-way from the existing edge of pavement, at no cost, to the City of Johns Creek.

Note: We prefer the previous [original site] plan from a traffic standpoint because the driveways align.

### **FIRE MARSHAL**

1. Shall provide location of existing fire hydrant and water main size. May have to add additional hydrant near the structure depending on the location of the existing hydrant (Fire hydrants shall be within 500ft of new building: IFC 507).
2. If a new hydrant is required, you will need to provide a current water flow report.

### **SITE DEVELOPMENT**

1. The project will generate over 5,000 square feet of disturbance, thus stormwater detention and water quality treatment will need to be provided per the City's stormwater management requirements.

### **WATER AND SEWER**

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 AND WASTEWATER (SEWER):**

**WATER:**

Anticipated water demand: 300 gallons per day (gpd) per 1,000 sq. ft. x 4,400 square feet (Medical Office building) = **1,320** gallons per day (gpd)

This project is within the Fulton County Government water service jurisdiction. There is an 8 (and 16 inch) inch water line along the north side of Old Alabama Road that can serve this location.

**SEWER:**

Basin: **Johns Creek**

Treatment Plant: **Johns Creek**

Anticipated sewer demand: **1, 188** gallons per day

There is a sanitary sewer manhole 40 feet south of the southern property line of the 1.20 acre tract (3565 Old Alabama Road (0 Old Alabama Road, Parcel ID: 11 008000140400)) (Sewer manhole # SMJC1404460) along an 8 inch sanitary sewer line that resides between the property boundaries of 310 and 320 Old Preston Court in the Preston Oaks subdivision in land lot 14, district 1-1 that can service this project.

It will be the developer's responsibility to run a sewer line that conforms to Fulton County Government design standards from the existing sanitary sewer manhole (Sewer manhole # SMJC1404460) to 3565 Old Alabama Road as well as acquiring any needed sewer easements (minimum width of 20 feet) as needed. This is a distance from the existing manhole to 3565 Old Alabama Road. The developer may also be asked to run a 20 foot wide sewer easement and 8 inch sewer line up to an adjacent property so Fulton County Government can provide sanitary sewer service to upstream users in the future per the Fulton County Sanitary Sewer Regulations.

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**

- The Fulton County Board of Health will require that the owner/developer connect the proposed development to public water and public sanitary sewer which are available to the site.
- Since this proposed development constitutes a premise where people work, 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 – Smoke-free Air.
- 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.

**General Public Health and EJ Comments**

- Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment by approving the rezoning of the subject property from AG-1 to O-I to allow for the development of the proposed medical office.

FULTON COUNTY BOARD OF EDUCATION

1. The proposed change in conditions will have no impact on Fulton County Schools.

## **ANALYSIS**

The subject property is approximately one acre located on the south side of Old Alabama Road, approximately a quarter mile west of the intersection of Old Alabama Road and Jones Bridge Road. The undeveloped site is currently zoned AG-1 and no applications for rezoning have previously been submitted for the site.

The subject property is surrounded by residential uses, but there are office and commercial uses both adjacent and nearby that support this land use petition. Most notably are the properties to the north, across Old Alabama Road: a day care center zoned Office-Institutional (O-I); a dental office recently rezoned to O-I; and nearby O-I zoned properties to the west: a pediatric dentistry office; and to the east, an insurance office.

The City of Johns Creek's 2018 Comprehensive Plan identifies the property as being in the Newtown Community Area. The vision for this area includes maintaining the residential neighborhood character and developing neighborhood-serving commercial uses. The appropriate uses for the Community Area include low intensity mixed uses that serve the single-family residential area. Much of the potential for commercial uses are located along Old Alabama Road. A neighborhood medical office would be supported by the Comprehensive Plan in this location.

The proposed O-I zoning to allow for a medical office is consistent with established development patterns found in the Old Alabama Road corridor. The proposed use is not uncommon to the area and would be unlikely to have significant negative impacts. Small-scale, neighborhood-serving office uses such as this are supported by the 2018 Comprehensive Plan in this location, provided that they are compatible with nearby residential developments.

The Applicant has requested four concurrent variances. The first variance (VC-19-004-01) is for the encroachment of grading for the building, parking lot, and a retaining wall abutting the 10-foot improvement setback adjacent to the rear and side zoning buffers, this is necessary for the construction phase of development, however final site buildout is not anticipated to impact this area.

The second concurrent variance (VC-19-004-02) is for a flat roof. A flat roof is requested for the office building which includes one varying roof-element on the north east corner of the building. The Community Standard's requirement for office/institutional buildings, of 10,000 SF or less, is to have a pitched roof. The Department supports the proposed flat roof due to the fact that the varying roof lines create a visual interest intended by our pitched roof regulations. The Applicant has proposed a building of brick and glass and is in compliance with the City's Community Standards.

The two proposed variance requests to encroach 20 feet into the 40 foot landscape strip and 20 foot front yard setback (VC-19-004-03 and VC-19-004-04) allow the placement of the buildings and parking lot in the most suitable location that will allow an acceptable setback from the frontage along Old Alabama and aid in addressing site concerns pertaining to slope and storm water runoff at the rear of the lot. The day care center across the street was rezoned in 1989 and was conditioned with a 10 foot landscape strip along Old Alabama Road which would give precedence to allow a reduced landscape strip in this area. The Department of Public Works has requested 30 feet of land, adjacent to Old Alabama Road, to be deeded to the City as right-of-way so that the right-of-way will match those of the two adjacent properties: this dedication of land will reduce the amount of buildable land if the required 40 foot landscape strip is required.

The proposed O-I zoning is compatible with the nearby O-I zoned properties along Old Alabama Road and are in keeping with the 2018 Comprehensive Plan and will have no significant impacts on traffic, utilities, or schools in the area. The surrounding residentially area, specifically the Preston Oaks subdivision just south of the subject property, will not be impacted by the change in stormwater conditions as the Applicant will provide on-site stormwater treatment and reduction with a stormwater facility located under the parking area.

The Department of Community Development recommends **APPROVAL with Conditions** of Land Use Petition **RZ-19-004** and concurrent variances **VC-19-004-01, VC-19-004-02, VC-19-004-03, and VC-19-004-04**.

### **STAFF RECOMMENDATION**

Based upon the findings and conclusion herein, Staff recommends **APPROVAL** of Land Use Petition RZ-19-004 as O-I Conditional and **APPROVAL** of Concurrent Variances VC-19-004-01, VC-19-004-02, VC-19-004-03, and VC-19-004-04, with the following enumerated conditions:

1. Use of the subject property shall be limited to O-I, Office and Institutional uses at a maximum gross building area of 5,000 square feet for office use.
2. The site plan shall be developed in general accordance with the revised site plan received by the City of Johns Creek Community Development Department on January 17, 2019 and dated January 16, 2019, except for all required changes needed to meet the conditions of zoning herein.
3. Retaining walls shall be located so that there is minimal disturbance within the 10-foot improvement setbacks adjacent to the property's rear and side zoning buffers. Grading for installation of the retaining walls shall be allowed in the 10-foot improvement setbacks. *(VC-19-004-01)*.
4. The building may have a flat roof, with variations to the roof profile, subject to the approval of the City of Johns Creek Community Development Director. *(VC-19-004-02)*.
5. A 20-foot landscape strip and a 20-foot front yard setback adjacent to Old Alabama Road shall be allowed. The 20-foot landscape strip and front yard setback shall be measured from the future right-of-way along Old Alabama Road. *(VC-19-004-03 and VC-19-004-04)*.
6. The proposed development shall be limited to a single right-in/right-out only driveway on Old Alabama Road. If a center turn lane is constructed on Old Alabama Road in the future, then the right-in/right-out driveway may be converted to a single full access driveway, subject to the approval of the City of Johns Creek Director of Public Works.
7. Owner/Developer shall dedicate 30 feet of Right of Way, at no cost to the City of Johns Creek, along the entire frontage of Old Alabama Road, or such sufficient right-of-way as may be required to match the existing right-of-way of the abutting properties to the east and west of said property, prior to the issuance of a Land Disturbance Permit and as approved by the City of Johns Creek Director of Public Works.
8. A Land Disturbance Permit (LDP) is required to develop the property. Development plans must comply with all Zoning Ordinance, Development, Tree Preservation, Erosion & Sediment Control,



Floodplain, Stream, and Post-Development Stormwater Management regulations. Performance sureties will be required for all erosion control, stormwater facilities, trees and landscaping, roadways, and public right of way improvements prior to issuance of the Land Disturbance Permit.

9. The zoning buffers along the south, east, and west property lines shall be planted to full buffer standards to provide a visual barrier.