



Land Use Petition RZ-23-0003, VC-23-0004 & VC-23-0005  
Public Participation Meeting: November 2, 2023  
Planning Commission Meeting: January 9, 2024  
City Council Meeting: January 22, 2024

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<b>PROJECT LOCATION:</b>	6650 McGinnis Ferry Road
<b>DISTRICT/SECTION/LAND LOT(S):</b>	1st District, 1st Section, Land Lots 399 and 400
<b>ACREAGE:</b>	4.777 acres
<b>CURRENT ZONING:</b>	C-1 (Community Business District) Conditional
<b>PROPOSED ZONING:</b>	C-1 (Community Business District) Conditional
<b>COMPREHENSIVE PLAN COMMUNITY AREA DESIGNATION:</b>	Tech Park
<b>TOWN CENTER VISION &amp; PLAN NEIGHBORHOOD:</b>	Business Anchor + Gateway
<b>APPLICANT:</b>	Vantage Commercial Contractors 6075 Barfield Road Sandy Springs, GA 30328
<b>OWNER:</b>	Romo-PADA Development, LLC 4725 Peachtree Corners Circle Peachtree Corners, GA 30092
<b>PROPOSED DEVELOPMENT:</b>	Change in conditions to allow for a 69,192 square-foot commercial development including daycare, restaurants, liquor store, retail and medical offices.
<b>CONCURRENT VARIANCE:</b>	VC-23-0004: Encroachment into the 75-foot stream buffer for a stream restoration project including construction of a 10-foot wide trail, public amenity areas and pedestrian access to the trail.  VC-23-0005: To vary from exterior building materials required in the Town Center Code.
<b>STAFF RECOMMENDATION:</b>	Approval with Conditions

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## Community Development

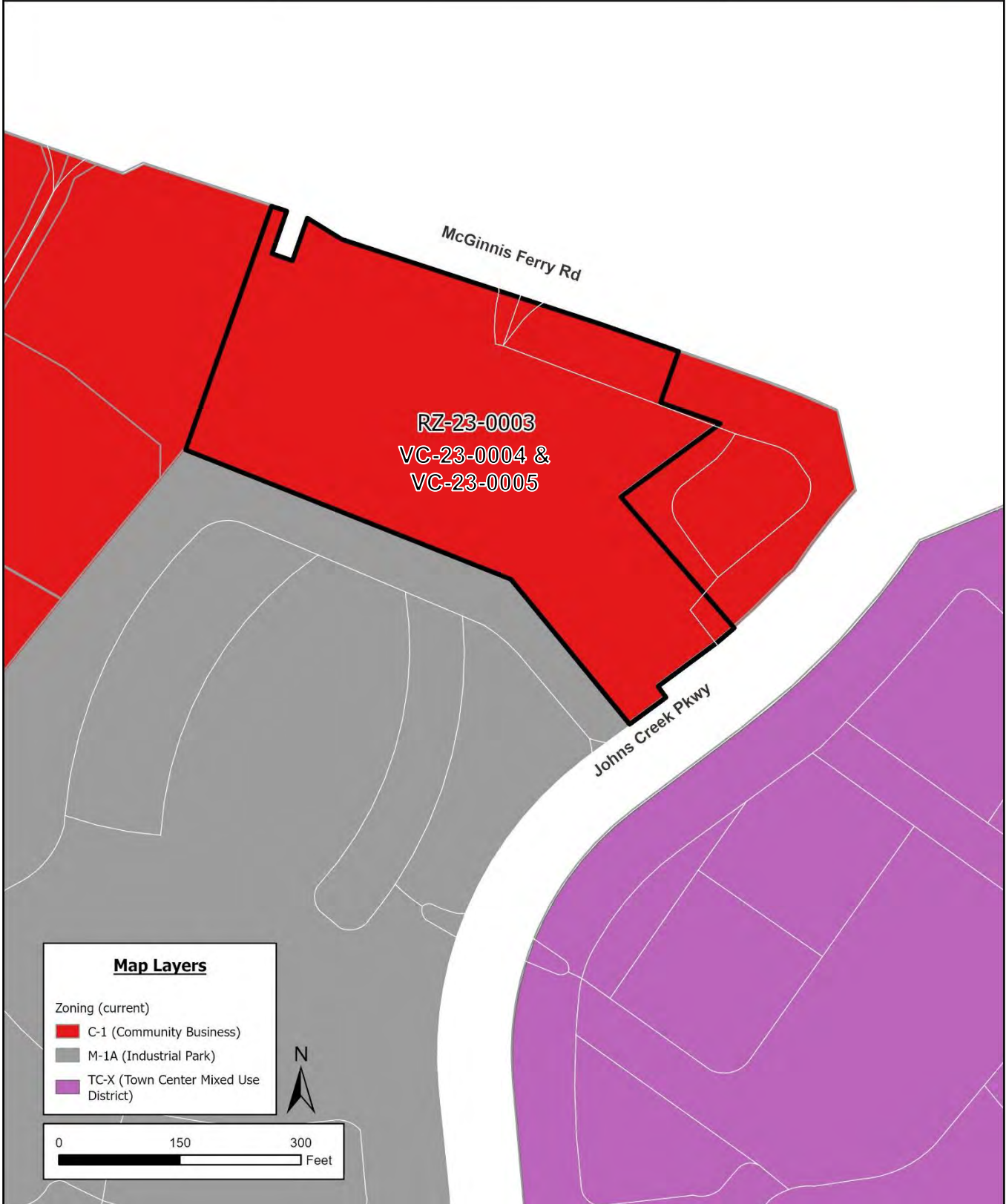


Aerial Map





Zoning Map



**PROJECT OVERVIEW**

**Location**

The subject property is a 4.777-acre tract located in the southwest quadrant of the intersection of McGinnis Ferry Road and Johns Creek Parkway. The property is bounded by McGinnis Ferry Road to the north, Delta Community Credit Union to the east, a four-story office building to the south, and medical offices to the west.



**Background**

The subject property is currently undeveloped except for 17 parking spaces located along McGinnis Ferry Road in the northeast portion of the site. There are two full-access points serving the site, one off McGinnis Ferry Road and the other off Johns Creek Parkway, which also serves as the primary (and shared) ingress/egress for Delta Community Credit Union. A stream traverses the western portion of the property and adjacent to it is an existing concrete sidewalk.

The subject property was rezoned in 2019 to C-1 (Community Business District) Conditional pursuant to RZ-19-008, which allowed for retail and service commercial at a maximum gross floor area of 33,000 square feet. As part of the land use petition, a concurrent variance, V-19-002, was approved to grant a linear encroachment of 23 feet into the 75-foot stream buffer to construct a 128 square-foot pedestrian pathway connecting the then approved development to the existing sidewalk parallel to the stream along the western portion of the property.

**Rezoning and Concurrent Variance Request**

The Applicant is requesting a change in zoning conditions to allow for 69,192 square feet of gross floor area spread across four buildings that would include such uses as a daycare, restaurant, liquor store, retail and medical offices. There are two associated concurrent variances requested: 1) to allow an encroachment into the 75-foot stream buffer for a stream restoration project including construction of a 10-foot wide greenway, public amenity areas and pedestrian access to the trail; and 2) to vary from the building materials requirement of the Town Center code.

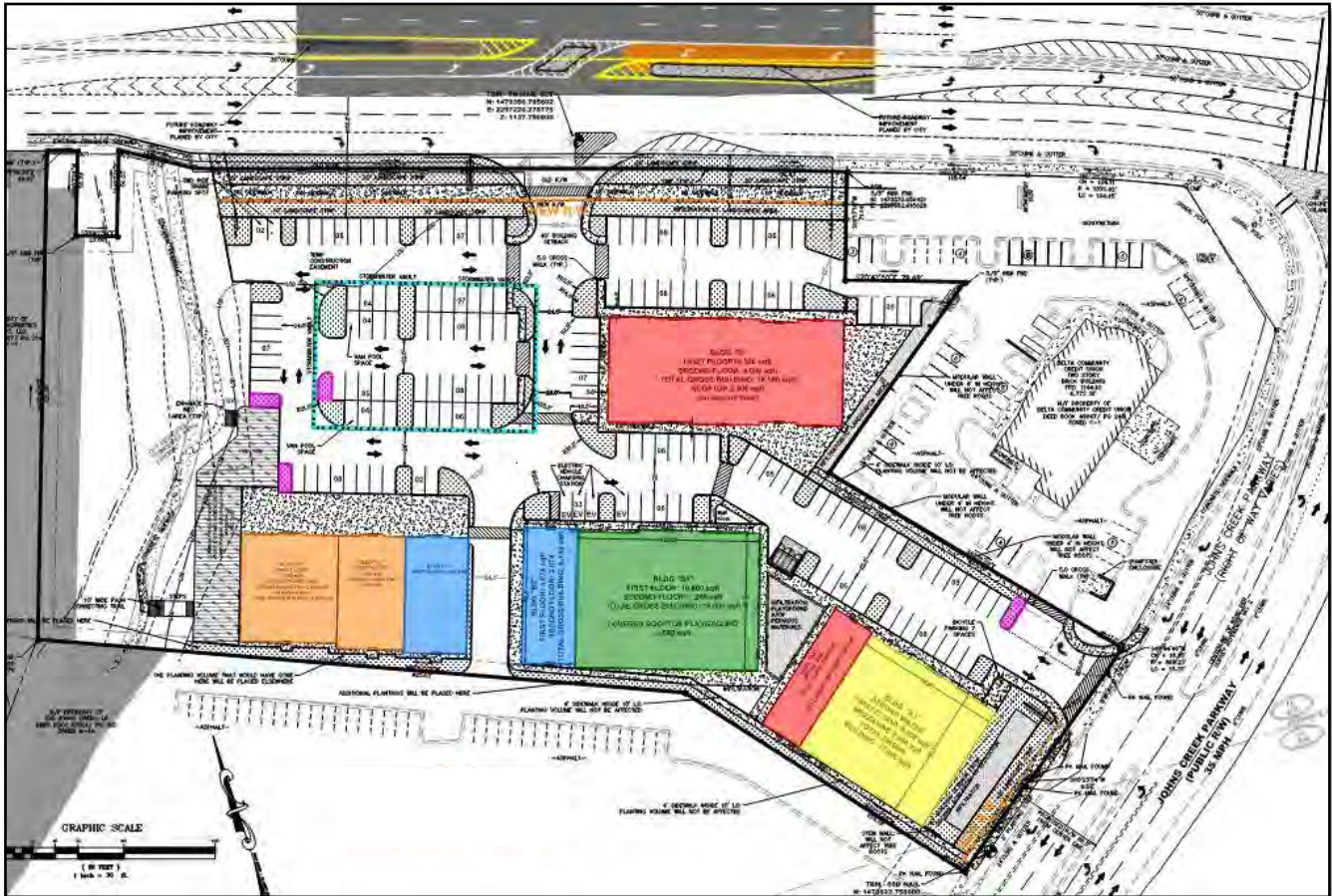
**Site Plan**

The site plan (on the following page) shows four commercial buildings integrated with outdoor patios, activated open space, and rooftop decks/patios for a total of 69,192 square feet. The proposed uses within these four buildings (A, B, C and D) are listed in the table on the right.

Building Identifier	Proposed Use	Gross Floor Area (Sq. Ft.)
A1 – in Yellow	Package Store (Strong Water)	11,000
A2 – in Red	Retail	2,500
B1 – in Green	Daycare (LUMA)	18,000
B2 – in Blue	Medical Office (LUMA Autism)	6,148
C1 – in Blue	Medical Office	3,161
C2 – in Orange	Restaurant (Brunch Bar)	3,303
C3 – in Orange	Restaurant (Bru Foundry)	6,580
D – in Red	Office and Retail	18,500
<b>All Buildings</b>	<b>Total</b>	<b>69,192</b>



A total of 171 surface parking spaces are proposed for the development, exceeding the number of parking (162) required per Section 12A.3.4 of the Town Center Code. Four electric vehicle charging spaces, two rideshare spaces, two vanpool parking spaces and parking for seven bicycles will be incorporated into the overall development. Staff would note that some of the proposed parking islands (highlighted in pink) shown in the site plan would not meet the minimum 10-foot wide landscape island requirement specified in Section 12A.3.4.6.B of the Town Center Code. The Applicant shall correct the width of these parking islands at time of Land Disturbance Permit submittal.



The proposed development shows one full-access driveway on Johns Creek Parkway and a three-quarter driveway on McGinnis Ferry Road. A median at the entrance on McGinnis Ferry Road is shown to eliminate the ability to make a left turn out from the site. The proposal also connects public sidewalks along McGinnis Ferry Road and Johns Creek Parkway to internal walkways and sidewalks to safely direct pedestrians and bicyclists into the development.

A 10-foot landscape strip will be provided along the street frontage on McGinnis Ferry Road and Johns Creek Parkway as measured from the new right-of-way on the subject property and also along the east and the south property lines. The proposed development includes sidewalks and planting strips meeting streetscape standards specified in Section 12A.3.3.2. of the Town Center Code as shown below:

- **McGinnis Ferry Road:** 20-foot planting strip and 10-foot sidewalk from back of curb.
- **Johns Creek Parkway:** 6-foot planting strip and 10-foot sidewalk from back of curb.

The Applicant has proposed an underground detention facility (shown in blue dashed outline) and combination of various infiltration techniques such as rain water harvesting and infiltration trenches throughout the site to manage stormwater and runoff reduction. These proposed stormwater management

BMPs will be thoroughly reviewed to ensure compliance with the requirements of the City’s post-stormwater Management Ordinance prior to issuance of a Land Disturbance Permit.

**Open Space**

The Town Center Code, under Section 12A.3.6., requires a minimum of 15% civic space and amenity space to be provided on the site as part of any nonresidential development under 5 acres in the Town Center area. This quantifies to 31,167.18 square feet of required open space for the proposed development. According to the Applicant’s submitted site plan, approximately 11,371.10 square feet of civic space (shown in yellow) will be provided in the form of a stream overlook, activated greenspace and playground; and 19,910.35 square feet of amenity space (shown in orange) as rooftop decks and patios, totaling 31,281.45 square feet of combined open space.



**EcoMeasurement**

As a requirement for development within the Town Center area, EcoMeasurements must be incorporated to the overall plan. Particular to rezoning requests, a total of 10 EcoMeasurement points must be met in compliance with the Town Center Code. The Applicant proposes to incorporate a combination of the following ecofriendly and sustainable design measures as specified in the code to meet or exceed the requirement:

- Building energy Efficiency Measure (2 points)
- Building Water Efficiency Measure (2 points)
- Heat Island Reduction (2 points)
- Sustainable Landscaping Measure (1 point)



- Transportation Demand Management (2 points)
- Alternative Transportation Measure (1 point)

**Elevations**

The submitted elevations for all four commercial buildings indicate the building façade would be constructed primarily of brick veneer, aluminum composite material (ACM) panels (varied finishes) and glass. The proposed exterior building materials, colors, varied heights, recess, and architectural elements provide for considerable variations in the building façade. The proposed 2-story buildings with a rooftop patio are a maximum of 44 feet in height and would be compliant with the maximum building height permitted in the C-1 Zoning District and Town Center Overlay. Staff would note that all proposed commercial buildings must comply with Section 12A.3.9. (Building Type) and Section 12A.3.10. (Building Design) requirements of the Town Center Code prior to issuance of building permits.



**Building A - Front Elevation**



**Building B - Right Elevation**



**Building B - Left Elevation**



**Building C - Front Elevation**



**Building C - Right Elevation - View from Existing Trail**



**Building C - Left Elevation**



**Building D - Front Elevation – View from McGinnis Ferry Road**



**Building D - Left Elevation**



**Building D - Right Elevation**

**Public Participation**

As part of the land use petition process, property owners within one-quarter mile of the subject property were mailed notices in October 2023. The meeting was held in the Council Chambers at City Hall on November 2, 2023, and no residents attended the meeting.

**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?**

As shown in the table below, the presence of adjacent and nearby commercial, office, and retail uses suggests the proposed development would be suitable at this location.

<b>Adjacent &amp; Nearby Properties</b>	<b>Zoning (Petition Number)</b>	<b>Land Use</b>	<b>Density (SF/Acre)</b>
Application	Proposed: C-1	Commercial	14,484
Adjacent: Northeast	C-1 Conditional (Z-04-094)	Commercial Service (Delta Community Credit Union)	7,102
Adjacent: South	M-1A Conditional (1983Z-141)	Commercial Office	13,653
Adjacent: West	C-1 Conditional (1990Z-037)	Medical Office	5,445
Nearby: East	TC-X Conditional (RZ-22-008)	Mixed Use (Medley)	7,432
Nearby: South	M-1A Conditional (1983Z-141)	Commercial Office	13,051
Nearby: Southwest	C-1 Conditional (1997Z-071)	Commercial (Hilton Garden Inn)	15,983
Nearby: Southwest	C-1 Conditional (RZ-16-002)	Commercial (Hampton Inn & Suites)	18,018



**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, and the upcoming Medley development. The proposed development would bring additional dining options, medical and childcare services to the Town Center area. The proposed development will create new connectivity points by foot, bicycle and car to adjacent properties and Creekside Park, which will all be integrated to interface with active open spaces in the development. Lastly, the development will preserve the existing access easement with Delta Community Credit Union.

**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 commercial development is anticipated to generate 166 trips during morning peak hour and 305 trips during evening peak hour, with a total of 2,679 net new daily trips. The proposed mix of uses would result in different peak periods and help to disperse the generated trips throughout the day, lessening its influence on the customary morning and evening peak hours.

The Applicant has proposed to eliminate the left turn movement from the site onto McGinnis Ferry Road to improve traffic safety. With this new configuration, the proposed development will maintain a satisfactory Level of Service (LOS) during peak hours at both access points for the site. However, the intersection at McGinnis Ferry Road and Johns Creek Parkway is projected to continue to operate at LOS E during the evening peak hour. Staff is recommending a condition to extend the existing northbound left-turn lane on the Johns Creek Parkway at McGinnis Ferry Road intersection to mitigate potential traffic delays attributed from the proposed development.

Fulton County has confirmed adequate water and sewer capacity would be available to service the development based on the anticipated demand. With the staff recommended condition, the proposal as presented would not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

**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 Business Anchor + Gateway (Business 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.

The subject property is located in the City's Town Center area, which is envisioned to be developed with rich amenities and attract new businesses, expanding City's health, wellness, and innovation sectors and create vibrancy and a sense of place for Johns Creek. The development as proposed would be in conformity with the policy and intent of both the Comprehensive Plan and Town Center Vision and Plan, based on the mix of retail, restaurants, medical offices and service commercial uses with complimentary open space and pedestrian connectivity to existing and new amenities on the site.

**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 has been rezoned twice in the recent past, once in 2014 and again in 2019 for planned commercial developments. Both the approved developments did not come to fruition and the site has





The Applicant would be required to provide a mitigation plan to offset adverse impacts associated with their commercial development encroaching into the stream buffer. The mitigation for the City's stream restoration project will be achieved with the completed restoration and bank stabilization, incorporating the planting of native riparian forest vegetation. Staff has recommended a condition requiring a mitigation plan to be approved by the City's Land Development Manager prior to the issuance of Land Disturbance Permit.

The proposed trail connection and open space is consistent with the objectives and strategies of the Comprehensive Plan and Town center Vision and Plan. Staff is of the opinion that the request, if granted, would be in harmony with the general purpose and intent of the City's codes and ordinances.

Variance request, VC-23-0005, seeks to vary from the building materials requirement of Section 12.A.3.10.4.B.1., of the Town Center Code. The Applicant seeks to construct the commercial buildings primarily of brick veneer, aluminum composite material (ACM) panels and glass. Although, ACM is not identified as a permitted external building material in the Town Center Code, the Applicant seeks to utilize the material to provide varied/contrasting textures, colors and appearance. No single building will be built of only ACM, but the material will be heavily incorporated. The Applicant has shared in their letter justifying the use of this exterior material that ACM is a sustainable and eco-friendly product and that the product "will add another level of material richness and texture...surely enhanc[ing] the aesthetic appeal of the overall project."

Staff would opine that aesthetics and overall visual appeal are important elements of developing on the subject property, considering its location on the border of Johns Creek, being located within the Town Center area, and proximity to Medley. The use of ACM, in conjunction with brick and glass, would bridge this new development to upcoming and existing buildings found in the Technology Park/Town Center area. Additionally, one of the five core themes of the Town Center Vision and Plan is sustainability. The utilization of recycled building materials such as ACM and how the material may be able to enhance the building's energy performance while reducing its environmental impact would be consistent with the intent of the Town Center Vision and Plan. Staff is of the opinion that the request, if granted, would be in harmony with the general purpose and intent of the City's codes and ordinances.

## **STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of land use petition RZ-23-0003 and concurrent variances, V-23-0004 & VC-23-0005.

1. The property shall be limited to retail and service commercial uses allowable in the C-1 zoning district, at a maximum gross building area of 69,200 square feet. The following uses shall be excluded: assembly halls, automotive parking lots, automotive specialty shops, automobile repair garages, catering, cigar shops, convalescent center, drive-throughs, funeral homes, group residences, laundromats, landscaping/lawn service businesses, motels, personal care homes, pet grooming, repair shops not involving any manufacturing on the site; recycling centers/collecting and service stations.
2. The site shall be developed in general accordance with the site plan received and date stamped on December 6, 2023. Said site plan is conceptual and the final site plan must meet or exceed all applicable conditions, codes and regulations prior to the approval of a land disturbance permit.

3. Exterior elevations shall be substantially similar to the elevations received and date stamped on December 20, 2023. Final elevations shall be subject to the review and approval of the Community Development Director, prior to issuance of a building permit.
4. The proposed development shall not exceed the following encroachments, as shown on the site plan received and date stamped on December 6, 2023 (VC-23-0004):
  - a. 50 linear feet of encroachment into the stream buffer for the public amenity areas and the stream restoration project, including construction of the City's 10-foot concrete greenway;
  - b. 16,040 square feet of disturbance within the stream buffer;
  - c. 6,477 square feet of total impervious surface within the stream buffer comprised of 3,263 square feet of 10-foot wide concrete greenway and 3,214 square feet of commercial development's public amenity areas.
5. Owner/Developer shall submit a mitigation planting plan to the Community Development Department for approval by the City's Land Development Manager, prior to the issuance of a land disturbance permit. The final mitigation planting shall pass City inspection prior to the issuance of the first Certificate of Occupancy (VC-23-0004).
6. Owner/Developer shall provide 31,281 square feet of open space, consisting of activated greenspace, pedestrian pathways, patios, outdoor dining, rooftop patio/terrace, playground, and landscaped areas as depicted on the submitted open space plan received and date stamped on November 28, 2023.
7. Aluminum Composite Material (ACM) shall be a permitted exterior building material. No exterior wall of any structure shall be constructed only of ACM (VC-23-0005).
8. Owner/Developer shall provide a minimum of 162 parking spaces.
9. Owner/Developer shall dedicate sufficient right-of-way along the entire frontage of McGinnis Ferry Road and Johns Creek Parkway at no cost to the City of Johns Creek, as shown on the site plan received and date stamped on December 6, 2023, prior to the issuance of a land disturbance permit, subject to the approval of the Public Works Director.
10. Owner/Developer shall provide no more than one full-access driveway on Johns Creek Parkway and no more than one three-quarter driveway on McGinnis Ferry Road. Left turns from the site onto McGinnis Ferry Road shall be prohibited by installing a raised median at the driveway entrance, as shown on the site plan received and date stamped on December 6, 2023, subject to the approval of the Public Works Director.
11. Owner/Developer shall extend existing northbound left turn lane on Johns Creek Parkway at McGinnis Ferry Road intersection by 100 feet or to the extent required by the Public Works Director.
12. Owner/Developer shall provide only one receiving lane at the Johns Creek Parkway entrance into the development and shall shift the curb cut south to avoid conflict with turning movement into Delta Community Credit Union and the proposed parking island, subject to the approval of the Public Works Director.



13. Owner/Developer shall provide pedestrian connectivity throughout the site between all buildings and uses to enable continuous and safe pedestrian movement. Surface materials of pedestrian crossings throughout the development shall be brick paver, cobblestones or architecturally treated concrete products.
14. Owner/Developer shall provide bicycle racks, benches, trash receptacles, decorative crosswalks, planters and other street furniture, where appropriate, throughout the development, subject to the approval of the Community Development Director.
15. Owner/Developer shall submit a stormwater concept plan for the proposed development prior to the submittal of a land disturbance permit application.
16. Owner/Developer shall provide for EcoMeasurement as outlined on the site plan received and date stamped on December 6, 2023, 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 prior to issuance of building or land disturbance permits.
17. The 10-foot wide concrete greenway parallel to the stream shall be constructed by the City. The Owner/Developer, prior to the submittal of a land disturbance permit, shall work with the Public Works Director to determine the development timeline of the subject property to ensure the delineated limits of disturbance (LOD) for the stream restoration project, as shown on the site plan received and date stamped on December 6, 2023, is made available for use and access by the City.