

Primary and Secondary Application

(Page 1 of 2)

Received
Oct 10 2023
V-23-0014
Planning & Zoning

Property Owner/Applicant Information

Property Owner: New Urban Development Johns Creek, GA, LLC Phone: (404) 805-6977
Address: 5445 Triangle Parkway, Suite 220, Peachtree Corners, GA 30092

Email: johnmccleskey@newurbandc.com

Applicant: Foresite Group Phone: (770) 368-1399
Address: 3740 Davinci Ct., Suite 100, Peachtree Corners, GA 30092

Email: wavant@fg-inc.net

Contact Person: Will Avant Phone: (770) 368-1399
Email: wavant@fg-inc.net

Briefly Describe Variance Request

Reduce the parking space requirement number for the site from 14 to 6 to accommodate the development of a Dutch Bros. Coffee Shop.

Parcel Information

Assessor's Parcel Identification Number (PIN): 11 083002992181

Land Lot & District: 299 & 11th

Site Address: 9630 Medlock Bridge Road

Subdivision Name (if applicable): N/A

Parcel Size: 0.50 Acres

Zoning and Land Use

Existing Zoning Designation and Case Number: C-1 (RZ-17-007)

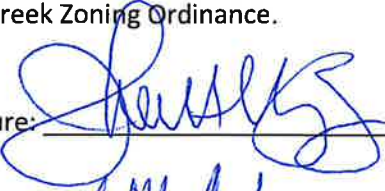
Zoning of Surrounding Properties: (N) C-1 (S) O-I (E) C-1 (W) Medlock Bridge Rd

Primary and Secondary Application

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Notarized Certification

To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Johns Creek Zoning Ordinance.

Owner Signature:  Date: 10/9/2023

Applicant Signature:  Date: 10/9/2023

Sworn to and subscribed before me this 9 Day of October 2023

NOTARY PUBLIC:

Signature: 

Email: adesilva@fg-inc.net

Phone Number: 770-368-1399



October 9, 2023
City of Johns Creek Board of Zoning Appeals
11360 Lakefield Drive
Johns Creek, Georgia 30097

RE: Letter of Appeal for Variance Application for Site Plan Related Variances

Dear City of Johns Creek Board of Zoning Appeals,

The subject parcel is located at 9630 Medlock Bridge Road and is an outparcel of the Regal Medlock Crossing shopping center (Tax Parcel # 11 083002992181). The 0.50-acre parcel was previously a Jiffy Lube Oil Change facility. The site is proposed to be redeveloped as a Dutch Bros. coffee shop. The proposed redevelopment of the parcel should have minimal impact on the adjoining land uses as the site is currently zoned General Business (C-1), which allows for this development use, and the adjacent parcels are zoned either C-1 or O-I (Office-Industrial).

The variance requested is for the subject parcel to decrease the minimum number of required parking spaces. Per City of Johns Creek Zoning Ordinance, the proposed drive-thru only coffee shop is classified as a "Restaurant" use group. Per Section 18.2.1 of the ordinance, the parking space requirement for a "Restaurant" use group is 1 space per 100 square feet of building area plus patio area. The Dutch Bros. coffee shop is proposing approximately 950 square feet of gross building floor area plus approximately 377 square feet of patio area. Using this gross building floor area and patio area, the parking requirement would equal fourteen (14) parking spaces. However, this restaurant is different than the typical restaurant the code normally applies to. The proposed restaurant is a drive-thru only coffee shop that will offer limited on-site seating only in an outdoor patio area. There will be no inside dining room area for patrons. Due to the size constraints of the parcel, the existing front and rear landscape strips of the site, and the existing access easement with the adjacent Waffle House, only six (6) parking spaces fit on the site, and these six spaces are sufficient for the needs of the proposed restaurant. Therefore, it is respectfully requested that the minimum parking requirement for this Dutch Bros. coffee shop redevelopment be reduced from fourteen (14) parking spaces to six (6) parking spaces.

Thank you for your time and consideration.

Sincerely,



Will Avant

Foresite Group, LLC

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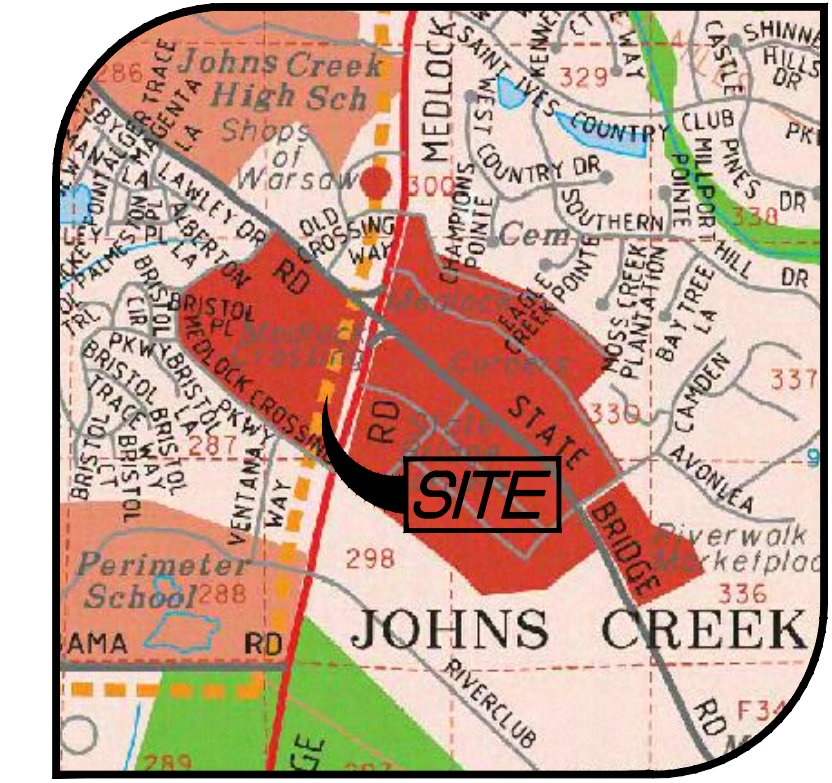
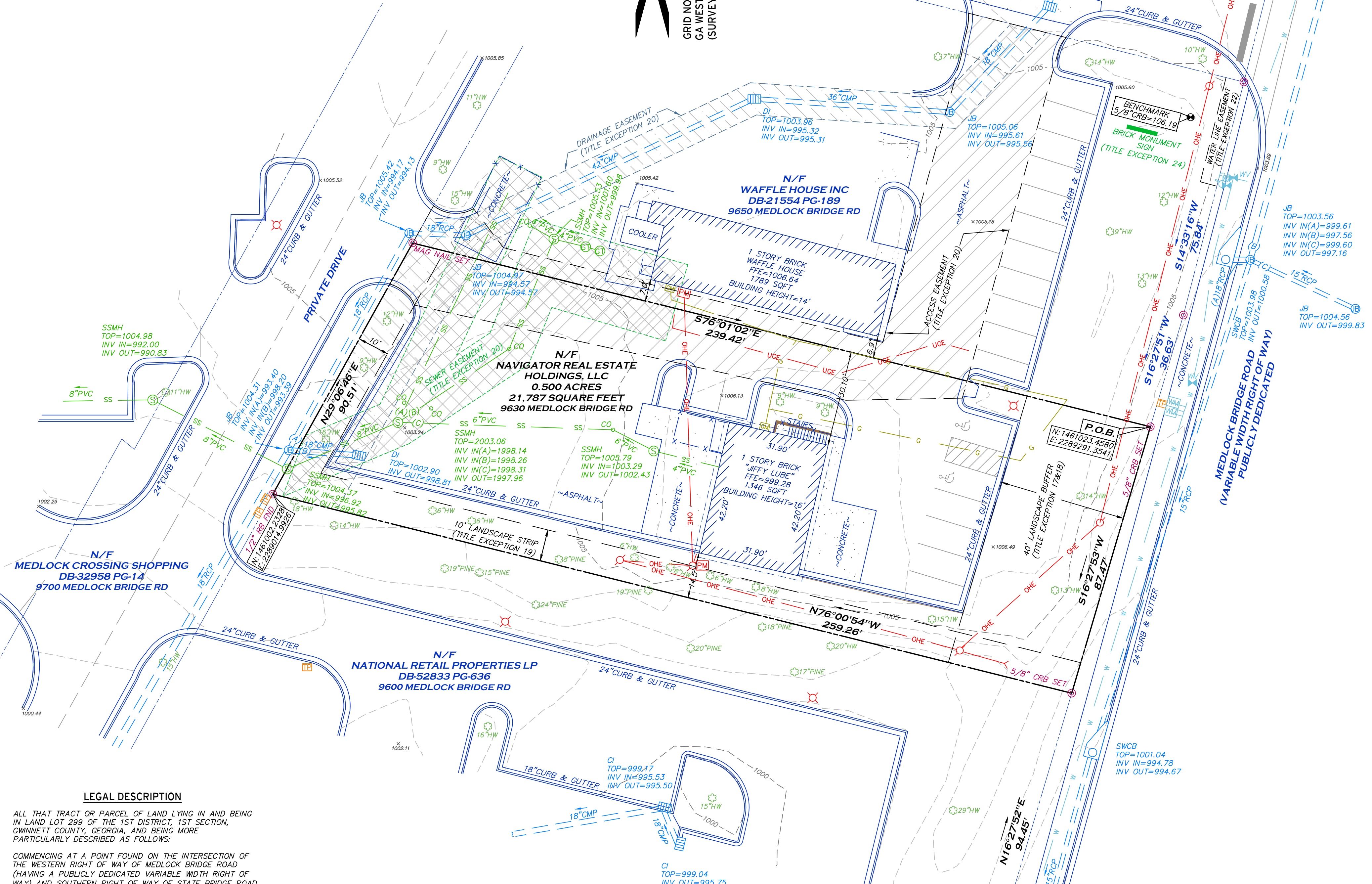
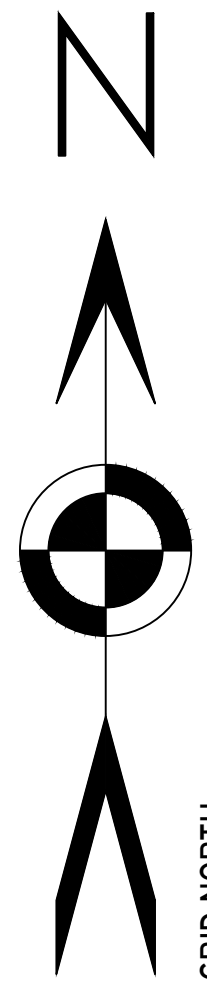
TITLE EXCEPTIONS

FIDELITY NATIONAL TITLE INSURANCE COMPANY
 COMMITMENT NO. 2133690A
 DATED: NOVEMBER 23, 2021, AT 12:00 AM.

**SCHEDULE B, PART II
 EXCEPTIONS**

13. EASEMENT FROM MRS. SUSIE MCCLURE TO GEORGIA POWER COMPANY, DATED APRIL 2, 1937, FILED JUNE 18, 1937, AND RECORDED AT DEED BOOK 1656, PAGE 22, FULTON COUNTY RECORDS. SAID DOCUMENT DESCRIBES AN EASEMENT FOR AN ELECTRIC LINE. ALSO INCLUDES THE RIGHT OF ENTRY TO ACCESS SAID LINE AND THE RIGHT TO CLEAR ANY OBSTRUCTIONS THAT MIGHT INTERFERE WITH SAID LINE. SAID EASEMENT AND RIGHTS DO AFFECT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE, UNABLE TO PLOT.
14. EASEMENT FROM FRED B. WILSON TO GEORGIA POWER COMPANY, DATED SEPTEMBER 13, 1944, FILED JANUARY 3, 1945, AND RECORDED AT DEED BOOK 1891, PAGE 536, FULTON COUNTY RECORDS. SAID DOCUMENT DESCRIBES AN EASEMENT FOR AN ELECTRIC LINE. ALSO INCLUDES THE RIGHT OF ENTRY TO ACCESS SAID LINE AND THE RIGHT TO CLEAR ANY OBSTRUCTIONS THAT MIGHT INTERFERE WITH SAID LINE. SAID EASEMENT AND RIGHTS DO AFFECT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE, UNABLE TO PLOT.
15. RIGHT OF WAY EASEMENT FROM FRED B. WILSON TO GEORGIA POWER COMPANY, DATED APRIL 24, 1952, FILED DECEMBER 2, 1952, AND RECORDED AT DEED BOOK 2800, PAGE 86, FULTON COUNTY RECORDS. SAID DOCUMENT DESCRIBES AN EASEMENT FOR AN ELECTRIC LINE. ALSO INCLUDES THE RIGHT OF ENTRY TO ACCESS SAID LINE AND THE RIGHT TO CLEAR ANY OBSTRUCTIONS THAT MIGHT INTERFERE WITH SAID LINE. SAID EASEMENT AND RIGHTS DO AFFECT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE, UNABLE TO PLOT.
16. EASEMENT FROM FRED B. WILSON TO GEORGIA POWER COMPANY, DATED AUGUST 11, 1952, AND RECORDED AT DEED BOOK 2771, PAGE 477, FULTON COUNTY RECORDS. SAID DOCUMENT DESCRIBES AN EASEMENT FOR AN ELECTRIC LINE. ALSO INCLUDES THE RIGHT OF ENTRY TO ACCESS SAID LINE AND THE RIGHT TO CLEAR ANY OBSTRUCTIONS THAT MIGHT INTERFERE WITH SAID LINE. SAID EASEMENT AND RIGHTS DO AFFECT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE, UNABLE TO PLOT.
17. EASEMENT AGREEMENT BY AND BETWEEN AMERICAN INVESTMENT/MEDLOCK I, L.P. AND SUNFLOWER EQUITY EXCHANGE, INC., DATED NOVEMBER 17, 1989, FILED NOVEMBER 20, 1989, AND RECORDED AT DEED BOOK 12989, PAGE 131, AS RECORDED AT DEED BOOK 13149, PAGE 307, ALL IN THE FULTON COUNTY RECORDS. SAID DOCUMENT DESCRIBES BUILDING & OPERATING RESTRICTIONS FOR COMMERCIAL OUTPARCELS. SAID COVENANTS DO AFFECT AND BENEFIT SUBJECT PROPERTY AS SHOWN GRAPHICALLY.
18. DECLARATION OF COVENANTS AND RESTRICTIONS BY AND BETWEEN AMERICAN INVESTMENT/MEDLOCK I, L.P. AND SUNFLOWER EQUITY EXCHANGE, INC., FILED NOVEMBER 20, 1989, AND RECORDED AT DEED BOOK 12989, PAGE 131, AS RECORDED AT DEED BOOK 13149, PAGE 307, ALL IN THE FULTON COUNTY RECORDS. SAID DOCUMENT DESCRIBES BUILDING & OPERATING RESTRICTIONS FOR COMMERCIAL OUTPARCELS. SAID COVENANTS DO AFFECT AND BENEFIT SUBJECT PROPERTY AS SHOWN GRAPHICALLY.
19. UNRECORDED DEVELOPMENT AGREEMENT EVIDENCED BY MEMORANDUM OF DEVELOPMENT AGREEMENT BETWEEN WAFFLE HOUSE, INC., A GEORGIA CORPORATION AND Q LUBE, INC., A DELAWARE CORPORATION, DATED SEPTEMBER 18, 1996, FILED SEPTEMBER 26, 1996, AND RECORDED AT DEED BOOK 21554, PAGE 162, FULTON COUNTY RECORDS. SAID DOCUMENT DESCRIBES CONSTRUCTION RESTRICTIONS AS WELL AS DRIVEWAY, ENCRAGEMENT, DRAINAGE, SEWER AND TEMPORARY CONSTRUCTION EASEMENTS. SAID EASEMENTS DO AFFECT AND BENEFIT SUBJECT PROPERTY AS SHOWN GRAPHICALLY.
20. EASEMENT AND RESTRICTIVE COVENANT AGREEMENT BETWEEN WAFFLE HOUSE, INC. AND Q LUBE, INC., DATED SEPTEMBER 18, 1996, FILED SEPTEMBER 26, 1996, AND RECORDED AT DEED BOOK 21554, PAGE 162, FULTON COUNTY RECORDS. SAID DOCUMENT DESCRIBES CONSTRUCTION RESTRICTIONS AS WELL AS DRIVEWAY, ENCRAGEMENT, DRAINAGE, SEWER AND TEMPORARY CONSTRUCTION EASEMENTS. SAID EASEMENTS DO AFFECT AND BENEFIT SUBJECT PROPERTY AS SHOWN GRAPHICALLY.
21. EASEMENT FROM WAFFLE HOUSE, INC. TO GEORGIA POWER COMPANY, DATED JANUARY 15, 1997, FILED MAY 14, 1997, AND RECORDED AT DEED BOOK 22596, PAGE 223, FULTON COUNTY RECORDS. SAID DOCUMENT DESCRIBES AN EASEMENT FOR AN ELECTRIC LINE. ALSO INCLUDES THE RIGHT OF ENTRY TO ACCESS SAID LINE AND THE RIGHT TO CLEAR ANY OBSTRUCTIONS THAT MIGHT INTERFERE WITH SAID LINE. SAID EASEMENT AND RIGHTS DO AFFECT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE, UNABLE TO PLOT.
22. WATER LINE EASEMENT FROM WAFFLE HOUSE, INC. TO FULTON COUNTY, DATED MAY 5, 2004, FILED JUNE 22, 2004, AND RECORDED AT DEED BOOK 37867, PAGE 404, FULTON COUNTY RECORDS. SAID DOCUMENT DESCRIBES A 5-FOOT-WIDE PERMANENT WATER LINE EASEMENT. SAID EASEMENT DOES NOT AFFECT OR BENEFIT SUBJECT PROPERTY. SAID EASEMENT SHOWN GRAPHICALLY ON ADJACENT PARCEL TO THE NORTH OF SUBJECT PROPERTY.

23. UNRECORDED LEASE EVIDENCED FOR RECORD BY (A) SHORT FORM SUBLEASE BETWEEN NAVIGATOR REAL ESTATE HOLDINGS, LLC, AND ATLANTA LUBES TWO, LLC, DATED DECEMBER 14, 2016, FILED DECEMBER 21, 2016, AND RECORDED AT DEED BOOK 56992, PAGE 467, FULTON COUNTY RECORDS, AFFECTED BY AMENDMENT TO SHORT FORM OF LEASE BETWEEN SAME PARTIES, FILED AND RECORDED IN DEED BOOK 59081, PAGE 117, AFORESAID RECORDS; AND (B) SUBORDINATION, NON-DISTURBANCE AND ATTORNEY AGREEMENT AMONG BANK OF NORTH CAROLINA, ATLANTA LUBES TWO, LLC, AND NAVIGATOR REAL ESTATE HOLDINGS, LLC, DATED DECEMBER 14, 2016, FILED DECEMBER 21, 2016, AND RECORDED AT DEED BOOK 56992, PAGE 522, FULTON COUNTY RECORDS. SAID DOCUMENTS DESCRIBE A LEASE AGREEMENT. SAID AGREEMENT DOES AFFECT AND BENEFIT SUBJECT PROPERTY, BLANKET IN NATURE, UNABLE TO PLOT.
24. SIGN EASEMENT AGREEMENT BY AND BETWEEN WAFFLE HOUSE, INC. AND NAVIGATOR REAL ESTATE HOLDINGS, LLC, FILED AND RECORDED IN DEED BOOK 63340, PAGE 137, AFORESAID RECORDS. SAID DOCUMENT DESCRIBES AN EASEMENT FOR THE ACCESS AND USE OF A BRICK MONUMENT SIGN. SAID EASEMENT DOES BENEFIT SUBJECT PROPERTY. SAID MONUMENT SHOWN GRAPHICALLY ON ADJACENT PARCEL TO THE NORTH OF SUBJECT PROPERTY.
25. ALL MATTERS DISCLOSED ON PLAT OF SURVEY FILED AND RECORDED AT PLAT BOOK 405, PAGE 134, AFORESAID RECORDS. SAID PLAT CONTAINS NO ADDITIONAL MATTERS THAT AFFECT THE SUBJECT PROPERTY.



**VICINITY MAP
 SURVEY NOTES**

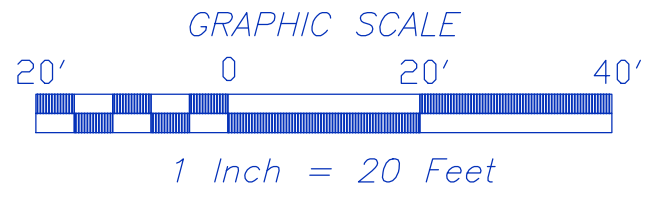
- 1) PROPERTY SHOWN HEREON WAS SURVEYED JANUARY 13, 2022.
- 2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1" IN 43,182' WITH AN ANGULAR ERROR OF 3.2 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
- 3) A SOKKIA IX SERIES ROBOTIC TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.
- 4) THIS PLAT HAS A MAP CLOSURE OF 1" IN 103,177'.
- 5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X ON FLOOD INSURANCE RATE MAP NO. 13121C00896, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 18, 2013 FOR COMMUNITY NUMBER 130678, IN GWINNETT COUNTY, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
- 6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A CARLSON BRX7 GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE ESTABLISHED POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.
- 7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C., UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.
- 8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.
- 9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION OF STATE RIGHT OF WAY LINES OF DEED RECORDED IN DEED BOOK 58359, PAGE 61, GWINNETT COUNTY RECORDS.
- 10) THIS DESCRIBES THE SAME PROPERTY AS DESCRIBED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. 2133690A, DATED NOVEMBER 23, 2021, AT 12:00 AM.
- 11) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.
- 12) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF STREET MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- 13) AT THE TIME OF THE SURVEY THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.
- 14) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- 15) SUBJECT PROPERTY HAS INDIRECT ACCESS TO MEDLOCK BRIDGE ROAD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.
- 16) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXIST.

PARKING

- 8 PARKING SPACES
- 2 OF WHICH ARE HANDICAPPED

LEGEND

---	PROPERTY LINE
---	OVERHANG/AWNING
---	RECORD CALLS
---	BUILDING SETBACK LINE
---	B.S.L.
---	BUILDING SETBACK LINE
---	INDEX CONTOUR
---	MINOR CONTOUR
x	SPOT ELEVATION
---	WATER LINE
---	OVERHEAD UTILITY LINE
---	GAS LINE
---	SANITARY SEWER LINE
---	UNDERGROUND ELECTRIC LINE
---	FENCE LINE
---	STORM DRAIN PIPE
---	WATER VALVE
---	WATER METER
---	FIRE HYDRANT
---	GAS METER
---	GAS VALVE
---	POWER METER
---	SANITARY SEWER MANHOLE
---	CURB INLET
---	DROP INLET
---	SINGLE-WING CATCH BASIN
---	DOUBLE-WING CATCH BASIN
---	JUNCTION BOX
---	REBAR
---	CAPPED REBAR
---	FOUND
---	MONITORING WELL
---	LIGHT POLE
---	SIGN
---	TREE
---	HARDWOOD
---	PINE



SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

TO NEW URBAN DEVELOPMENT CORPORATION, LLC, A GEORGIA LIMITED LIABILITY COMPANY AND FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-5, 8, 9, 11, 13, 14, 16, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JANUARY 13, 2022.



MITCHELL LOWERY GEORGIA RLS# 3109
 DATE OF PLAT OR MAP: JUNE 14, 2021

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOT 299 OF THE 1ST DISTRICT, 1ST SECTION, GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT A POINT FOUND ON THE INTERSECTION OF THE WESTERN RIGHT OF WAY OF MEDLOCK BRIDGE ROAD (HAVING A PUBLICLY DEDICATED VARIABLE WIDTH RIGHT OF WAY) AND SOUTHERN RIGHT OF WAY OF STATE BRIDGE ROAD (HAVING A VARIABLE WIDTH PUBLICLY DEDICATED RIGHT OF WAY), THENCE LEAVING SAID RIGHT OF WAY OF STATE BRIDGE ROAD AND CONTINUING ALONG SAID RIGHT OF WAY OF MEDLOCK BRIDGE ROAD IN A SOUTHWESTERLY DIRECTION 524.99 FEET TO A 5/8 INCH CAPPED REBAR SET ON THE WESTERN RIGHT OF WAY OF MEDLOCK BRIDGE ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING.
 THENCE CONTINUING ALONG SAID RIGHT OF WAY OF MEDLOCK BRIDGE ROAD SOUTH 16 DEGREES 27 MINUTES 53 SECONDS WEST A DISTANCE OF 87.47 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF MEDLOCK BRIDGE ROAD NORTH 78 DEGREES 00 MINUTES 54 SECONDS WEST A DISTANCE OF 259.26 FEET TO A 1/2 INCH REBAR FOUND; THENCE NORTH 29 DEGREES 06 MINUTES 46 SECONDS EAST A DISTANCE OF 90.51 FEET TO A MAG NAIL SET; THENCE SOUTH 76 DEGREES 01 MINUTE 02 SECONDS EAST A DISTANCE OF 239.42 FEET TO A 5/8 INCH CAPPED REBAR SET, SAID POINT BEING THE TRUE POINT OF BEGINNING.
 SAID TRACT OF LAND CONTAINS 0.500 ACRES (21,787 SQUARE FEET).