



Land Use Petition RZ-24-0011 & VC-24-0008
Application Date: November 5, 2024
Public Participation Meeting: December 19, 2024
Planning Commission Meeting: February 4, 2025
City Council Meeting: February 24, 2025

PROJECT LOCATION: 3730 Old Alabama Road
(Parcel ID 11 007000330722 & 11 007000330730)

DISTRICT/SECTION/LAND LOT: 1st District, 1st Section, Land Lot 33

ACREAGE: 2.696 acres

CURRENT ZONING: C-1 (Community Business District) Conditional &
O-I (Office Institutional District) Conditional

PROPOSED ZONING: C-1 (Community Business District)

**COMPREHENSIVE PLAN
COMMUNITY AREA DESIGNATION:** Newtown

APPLICANT: Baik Properties, LLC
c/o Dr. Nima Hajibaik
476 Danube Road NE
Atlanta, GA 30342

OWNER: XYZ Realty LLC
1702 Macy Drive
Roswell, GA 30076

PROPOSED DEVELOPMENT: 8,000 square-foot medical office building with a concurrent variance to encroach into the 75-foot stream buffer to construct a retaining wall, building foundation footing, and an underground infiltration system for stormwater runoff reduction.

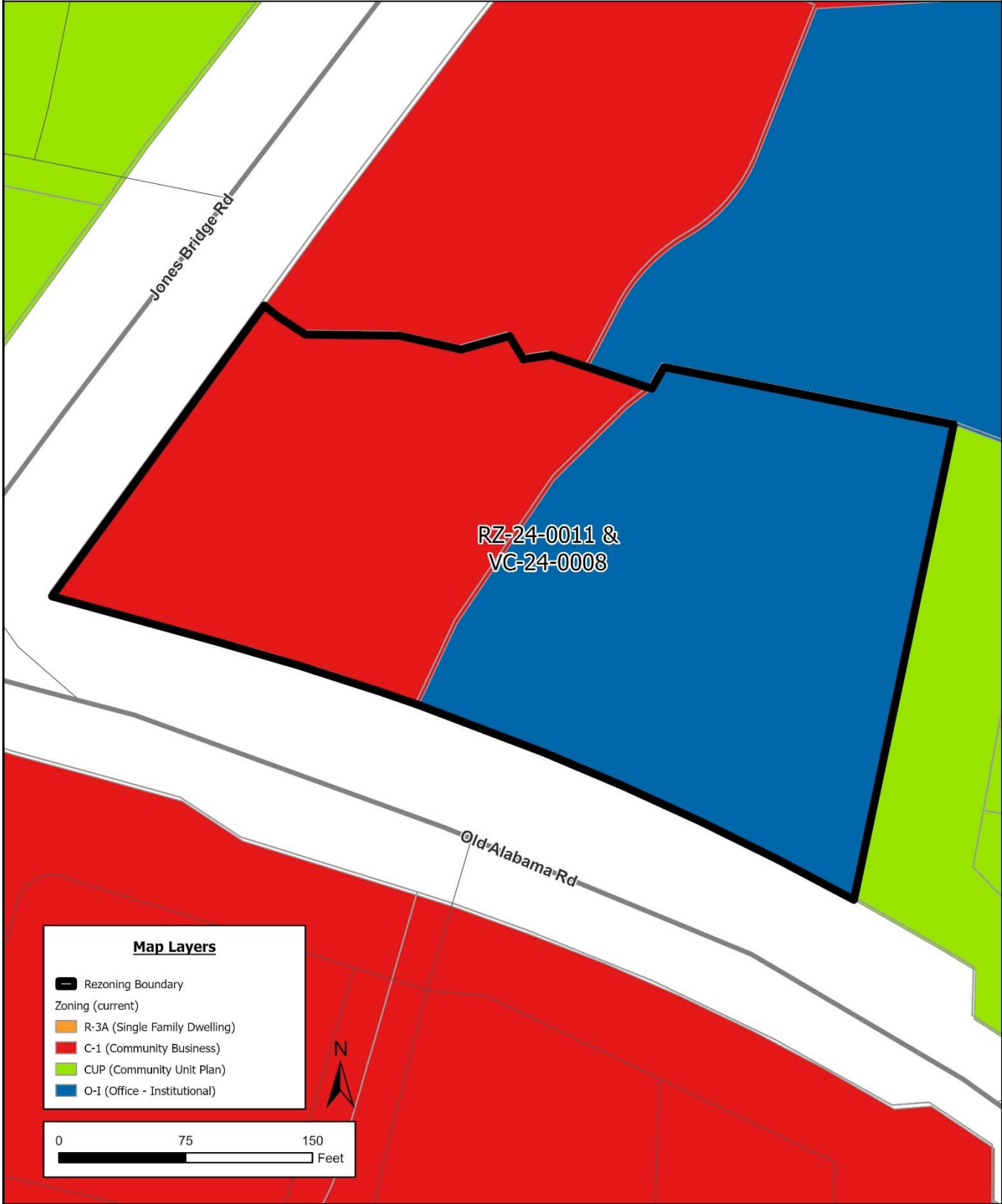
STAFF RECOMMENDATION: **Approval with Conditions**

Community Development

Aerial Map



Zoning Map



PROJECT OVERVIEW

Location

The subject property consists of two parcels totaling 2.696 acres. The tracts of land are located in the northeast quadrant of the intersection of Jones Bridge Road and Old Alabama Road. The property is bound by Sherwin-Williams paint store and Jones Bridge Promenade Shopping Center to the north, Autry Township subdivision to the east, Old Alabama Road to the south and Jones Bridge Road to the west.



Background

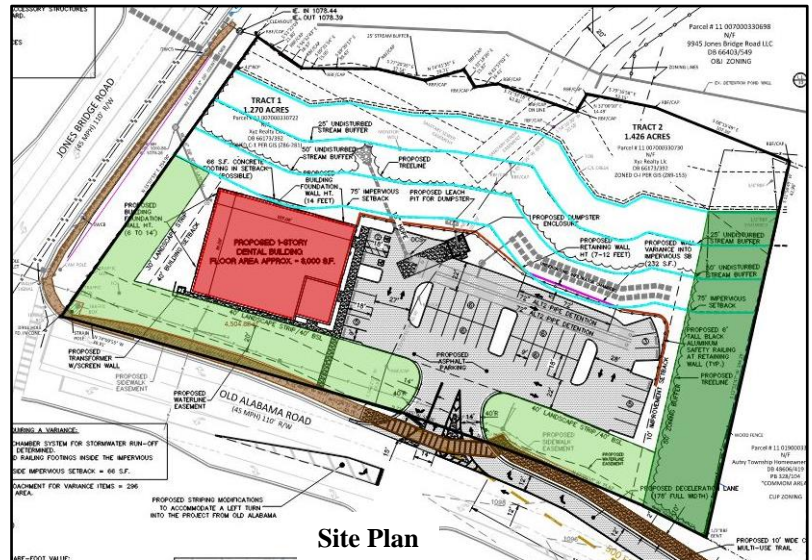
The site’s western portion is currently zoned C-1 (Community Business District) Conditional, pursuant to 1986Z-0281, allowing for retail, service commercial and/or office and accessory uses at a maximum density of 9,380 square feet per acre, excluding fast-food restaurants, service stations, commercial amusements and billboards. The parcel to the east is zoned O-I (Office Institutional District) Conditional, pursuant to 1989Z-0153, restricting the use of the property to financial institutions and accessory uses at a maximum density of 6,667 square feet per acre. The subject property is undeveloped and heavily wooded.

Rezoning Request and Concurrent Variance Requests

The Applicant is requesting to rezone the subject property to C-1 (Community Business District) to construct a 8,000 square-foot, medical office building. A concurrent variance is requested to allow encroachment into the 75-foot stream buffer to construct a retaining wall, building foundation footing, and an underground infiltration system.

Site Plan

The site plan shows an 8,000 square-foot medical office building (shown in red) with a single three-quarter access curb cut and deceleration lane off Old Alabama Road. A raised median at the entrance on Old Alabama Road is shown to eliminate the ability to make a left turn out from the site. The Applicant has proposed sidewalks to connect the building to the existing 10-foot sidewalk along Old Alabama Road.



This proposal will provide a 40-foot landscape strip along Old Alabama Road, a 30-foot landscape strip along Jones Bridge Road and a 25-foot undisturbed buffer with a 10-foot improvement setback along the east property line. Thirty-nine (39) parking spaces are proposed to serve the medical office building. The parking design shows that it is in compliance with the requirements of the Zoning Ordinance and the trash receptacle is shown to be placed towards the rear of the property.

The Applicant has proposed an underground detention facility for stormwater management and a separate infiltration chamber system to manage runoff reduction.

Elevations

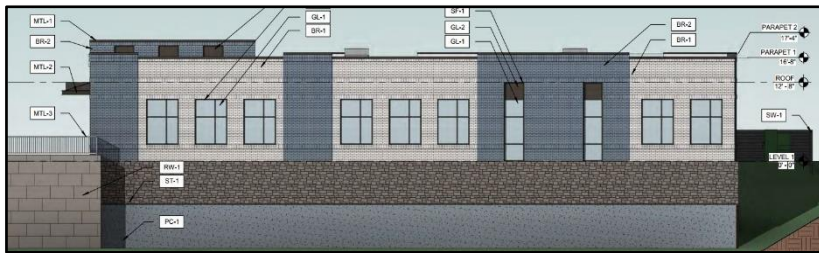
The submitted elevations indicate the building façade would be constructed primarily of brick, stone veneer and glass, in compliance with the requirements of Section 12E.3.E.1 of the Zoning Ordinance. The building has a flat roof design and architectural elements such as an accent stone wall, varied heights, recess, contrasting building colors and glass windows would provide considerable variations in the building façade. Roof mounted equipment shows to be screened by parapet walls, with the electrical transformer and utility equipment located on the ground would be shielded from view from Jones Bridge Road and Old Alabama Road by a screen wall.



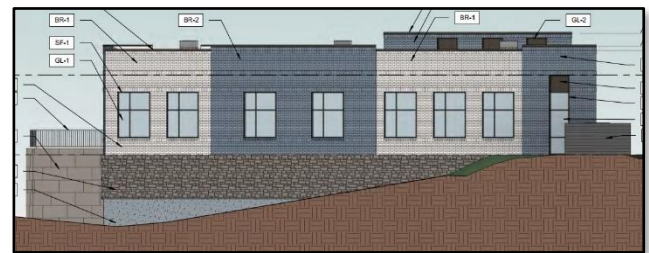
South Elevation: Facing Old Alabama Road



East Elevation: Facing Parking Lot



West Elevation: Facing Jones Bridge Road



North Elevation



South View: Facing Old Alabama Road



West Elevation: Facing Jones Bridge Road

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 December 2024 for the public participation meeting. The meeting was held in the City’s Council Chambers on December 19, 2024, and three residents attended the meeting and expressed concerns related to potential stormwater runoff impacts and sedimentation deposit in the downstream pond.

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?

Adjacent & Nearby Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre)
Application	Proposed: C-1 (RZ-24-0011)	Commercial – Office (Medical Office)	2,967 SF/Acre
Adjacent: North	C-1 Conditional (1986Z-0281)	Commercial – Retail (Jones Bridge Promenade, Sherwin-Williams)	9,380 SF/Acre
Adjacent: North	O-I Conditional (1986Z-0100)	Commercial – Office (Undeveloped)	9,810 SF/Acre
Adjacent: South (Across Old Alabama Rd)	C-1 Conditional (2002Z-0064)	Commercial – Retail (Camden Village)	7,840 SF/Acre
Adjacent: West (Across Jones Bridge Rd)	CUP Conditional (1978Z-0020)	Commercial – Retail (BP Gas Station)	3,375 SF/Acre

The development density as proposed would be significantly lower than adjacent and nearby commercial uses. Additionally, the presence of existing commercial uses surrounding the subject property suggests the proposed medical-office use would be suitable at this location.

2. Will the proposal adversely affect the existing use or usability of adjacent or nearby property?

The proposed office use would not adversely affect the use or usability of adjacent or nearby properties and would be consistent with the existing commercial uses found in the area. The proposed 25-foot undisturbed buffer with 10-foot improvement setback along the east property line would mitigate potential impacts to the adjacent residential use.

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 medical-office use is expected to generate 236 daily trips, including 25 new trips during the morning peak hour and 29 new trips during the evening peak hour. The development would be serviced by a three-quarter access at the entrance driveway allowing only right-in, right-out and left-in vehicular movements and eliminating the left-out traffic movement from the site onto Old Alabama Road to improve traffic

safety. The Applicant has proposed constructing a deceleration lane to further enhance/improve traffic flow on Old Alabama Road.

Fulton County has confirmed that adequate water and sewer capacity is available to service the proposed development. The proposed development would not cause excessive or burdensome use of 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 within the Newtown Community Area and the proposed development would provide for improvements to walkability of the site, which is one of the development aspects encouraged by the Comprehensive Plan. The Future Land Use map indicates “Mixed Use – Low Intensity” for the subject property but considering that the proposed medical-office use would complement existing commercial, retail, and residential uses found in the area, the development as proposed would be found to be in conformity with the general policy and intent of the Comprehensive Plan, but not the Future Land Use map.

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?

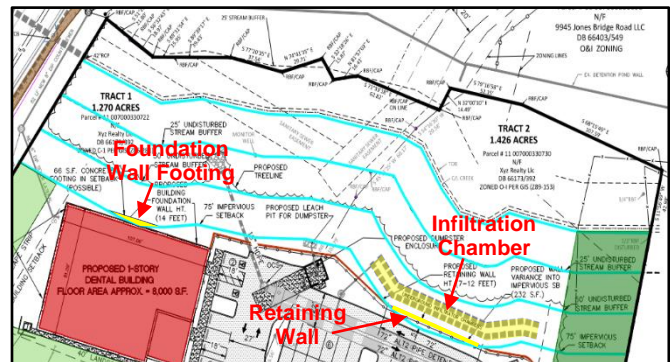
The existing conditions applicable to the site allows for a greater intensive commercial uses, up to 25,000 square-feet of commercial development. The scale and scope of the current proposal, with a smaller building size of 8,000 square feet, may provide grounds for approval of this request.

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 contains a stream on the northern end of the property. The Applicant has requested a stream buffer variance to encroach into the 75-foot stream buffer to construct a portion of the retaining wall and building foundation footing, and to install underground infiltration chambers for stormwater runoff reduction. The development as proposed would maintain the full 50-foot undisturbed stream buffer with encroachments only within the 25-foot additional impervious surface setback portion, which would present environmentally adverse impacts.

CONCURRENT VARIANCE ANALYSIS

The Applicant is requesting a stream buffer variance, VC-24-0008, to encroach into the City’s 75-foot stream buffer to construct a portion of the retaining wall and building foundation wall footing, and to install underground infiltration chambers for stormwater runoff reduction (shown in yellow). The combined encroachment will result in approximately 298 square feet of impervious surface, including 232 square feet of impervious area of the retaining wall and 66 square feet of building foundation wall footing within the 25-foot additional impervious surface setback of the stream buffer. The variance request also includes the grading, filling and earthmoving necessary to build an underground infiltration system to meet the City’s stormwater runoff reduction requirements.



The retaining wall's encroachment into the buffer is to allow an adequate shoulder along the internal drive aisle to create a safer curb line for vehicular movement internal to the site, due to the significant slope (10-foot vertical drop) that exists within the stream buffer area. Additionally, the site's shape and reduced depth restricts the buildable area because of the stream buffers on the northern portion of the site and the 40-foot landscape strip required along Old Alabama Road, which would locate a portion of the foundation wall footing in the 25-foot additional impervious surface setback of the stream buffer. The development as proposed presents the minimal encroachment needed to develop the site and construct a safe and commercially feasible building in accordance with the city's regulations. The Applicant has not proposed any land disturbance within the City's 50-foot undisturbed buffer or State's 25-foot stream buffer.

Staff supports approval of the requested variance and has recommended a condition for the developer to submit a mitigation plan to offset development impacts associated with the proposed stream buffer encroachment prior to the issuance of a Land Disturbance Permit.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of land use petition, RZ-24-0011, and concurrent variance, VC-24-0008.

1. Use of the subject property shall be limited to medical office and accessory uses at a maximum gross building area of 8,000 square feet. The following uses shall be excluded: assembly halls, automobile repair garages, automotive parking lots, automotive specialty shops, billboards, collecting recycling centers, convalescent center/nursing homes/hospice, funeral homes, group residences, indoor/outdoor commercial amusements, laundromats, lawn service businesses, alcohol package stores, parking lots, personal care homes or assisted living facilities, repair shops, and service stations.
2. The site shall be developed in general accordance with the site plan received and date stamped on December 18, 2024. Said site plan is conceptual and the final site plan must meet or exceed the land development regulations and zoning conditions prior to the approval of a land disturbance permit.
3. Owner/Developer shall execute a combination plat to combine the two parcels into a single lot of record.
4. Exterior elevations shall be substantially similar to the elevations received and date stamped on November 5, 2024. Final elevations shall be subject to the review and approval of the Community Development Director, prior to the issuance of a building permit.
5. The proposed development shall not exceed the following encroachments, as shown on the site plan received and date stamped on December 18, 2024 (VC-24-0008):
 - a. Linear encroachment of 25 feet.
 - b. 298 square feet of total impervious surface within the stream buffer, comprised of 66 square feet of building foundation wall footing and 232 square feet of retaining wall area.
 - c. Land disturbance associated with constructing an underground infiltration system shall be permitted within the 25-foot additional impervious surface setback of the stream buffer.
6. Owner/Developer shall submit a mitigation planting plan at time of Land Disturbance Permit submittal for review and approval by the Community Development Director. The final mitigation planting shall pass City inspection prior to the issuance of a Certificate of Occupancy for the medical office building.

7. Owner/Developer shall provide and replant, where sparsely vegetated, and maintain the following landscape strips, zoning buffers and improvement setbacks in compliance with the City's Tree Preservation Administrative Guidelines, subject to the approval of the Community Development Director:
 - a. 40-foot-wide landscape strip along Old Alabama Road.
 - b. 30-foot-wide landscape strip along Jones Bridge Road.
 - c. 25-foot-wide natural buffer with an additional 10-foot improvement setback, measured horizontally from the property line, undisturbed except for approved access and utility crossings, adjacent to the Autry Township Homeowners Association (HOA) property.
8. Owner/Developer shall be limited to one three-quarter-access curb cut on Old Alabama Road, as shown on the site plan received and date stamped on December 18, 2024, subject to the approval of the Public Works Director. The location of the curb cut is subject to sight distance and spacing requirements. Left turns from the site onto Old Alabama Road shall be prohibited by installing a raised median at the driveway entrance.
9. Owner/Developer shall construct a deceleration lane on Old Alabama Road, subject to the approval of the Public Works Director. The location, length, and construction specification of said deceleration lane shall comply with the City of Johns Creek regulations.
10. Owner/Developer shall provide sidewalks and crosswalks to connect the proposed building to the existing sidewalk on Old Alabama Road as shown on the site plan received and date stamped on December 18, 2024, subject to the approval of the Public Works Director.
11. Owner/Developer shall construct a 10-foot multi-use trail along Old Alabama Road, east of the entrance driveway, as shown on the site plan received and date stamped on December 18, 2024, with a permanent easement for public use and maintenance to be dedicated at no cost to the City of Johns Creek, prior to the issuance of a Land Disturbance Permit and subject to the approval of the Public Works Director.
12. No curb cut shall be permitted on Jones Bridge Road.
13. Exterior wall or ground mounted electrical, gas, and water meters shall not be visible from Jones Bridge Road and Old Alabama Road.
14. Exterior wall mounted ladder, if proposed, shall be located on the opposite side of Jones Bridge Road and Old Alabama Road and painted to blend with the color of the building.
15. Owner/Developer shall provide an executed reciprocal interparcel access easement agreement with the adjoining property to the north in accordance with the City's ordinance, prior to the issuance of a Land Disturbance Permit.
16. Owner/Developer shall provide an engineering report demonstrating that the developed land use stormwater runoff conditions are controlled at the maximum pre-developed land use level.
17. Owner/Developer shall provide double row of Type C silt fence at the limits of disturbance along the stream buffer, with mulch or hay bales located in-between the entire length of silt fence.
18. Owner/Developer shall install sod for a minimum 20-foot width, in lieu of seeding, after final grade has been achieved, along the site perimeter wherever stormwater, including sheet flow, may be discharged.

19. Owner/Developer shall submit a stormwater concept plan prior to the submittal of a land disturbance permit application.