



**Board of Zoning Appeals Meeting
November 21, 2023**

CASE NUMBER:	V-23-0013
PROPERTY LOCATIONS:	6455 E Johns Crossing 6465 E Johns Crossing 11555 Johns Creek Parkway 11300 Lakefield Drive 11330 Lakefield Drive 11340 Lakefield Drive 11350 Lakefield Drive 11360 Lakefield Drive 0 Medlock Bridge Road 11355 Medlock Bridge Road 11405 Medlock Bridge Road 11455 Medlock Bridge Road 11505 Medlock Bridge Road 11555 Medlock Bridge Road
CURRENT ZONING:	M-1A (Industrial Park District) Conditional C-1 (Community Business District) Conditional O-I (Office Institutional District) Conditional
PETITIONER:	The City of Johns Creek
VARIANCE REQUEST:	Encroachment into the 75-foot stream buffer to develop the City’s Creekside Park and improve water quality within the stormwater ponds.
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

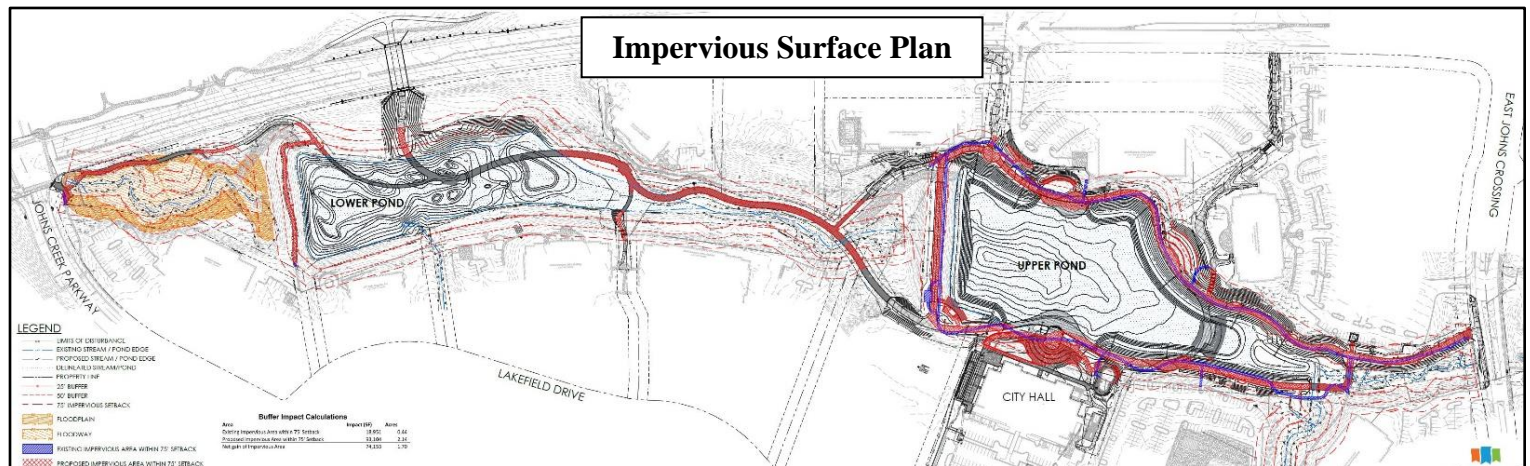
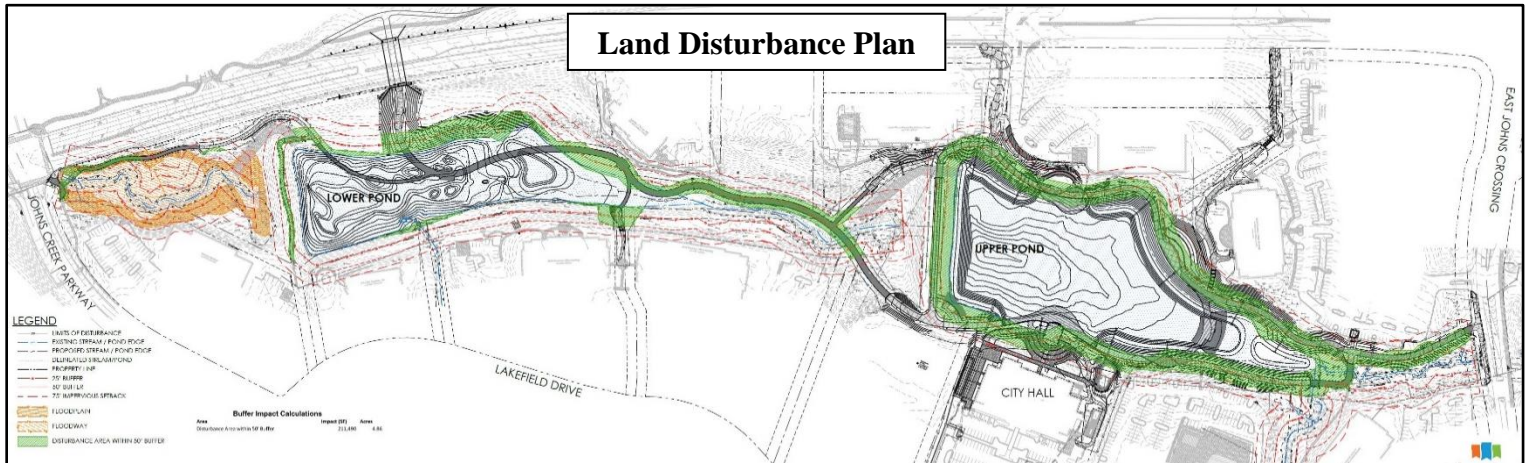
The 2018 Comprehensive Plan has prioritized the creation of a vibrant Town Center as well as a linear City Park. Since the adoption of the Comprehensive Plan, City Council and Staff have worked diligently on the development of a 20-acre park (Creekside Park) anchored by the pond behind City Hall. The engineering phase of Creekside Park began in July 2022, and the goal is to complete both engineering and environmental permitting in 2023.

Community Development

Project Description and Variance Request

Notable elements of Creekside Park include a 15-foot-wide trail, elevated boardwalks around the ponds (upper and lower ponds) and leading up to East Johns Crossing and Medlock Bridge Road, terraced seating, three viewing and overlook areas, an amphitheater with a deck over the water, and a playground.

The proposal will result in 211,490 sq. ft. of new disturbance (shown in green on the “Land Disturbance Plan”) and 93,104 sq. ft. of total impervious surface (shown in red on the “Impervious Surface Plan”) in the City’s stream buffer. However, the net increase of impervious surface in the stream buffer would only be 74,153 sq. ft., as 18,951 sq. ft. of the impervious surface already exists.



The City has also submitted for an Army Corps of Engineers Nationwide Permit (SAS-2023-00402) and a Georgia Environmental Protection Division (EPD) Stream Buffer Variance (BV-060-23-20). On October 10, 2023, the City received approval from the Army Corps of Engineers, and the Georgia EPD stream buffer variance is still under review.

Mitigation Plan

The City has proposed three mitigation measures, including 1) water quality improvement, 2) stream bank stabilization/restoration, and 3) revegetation.

1. Water Quality Improvement

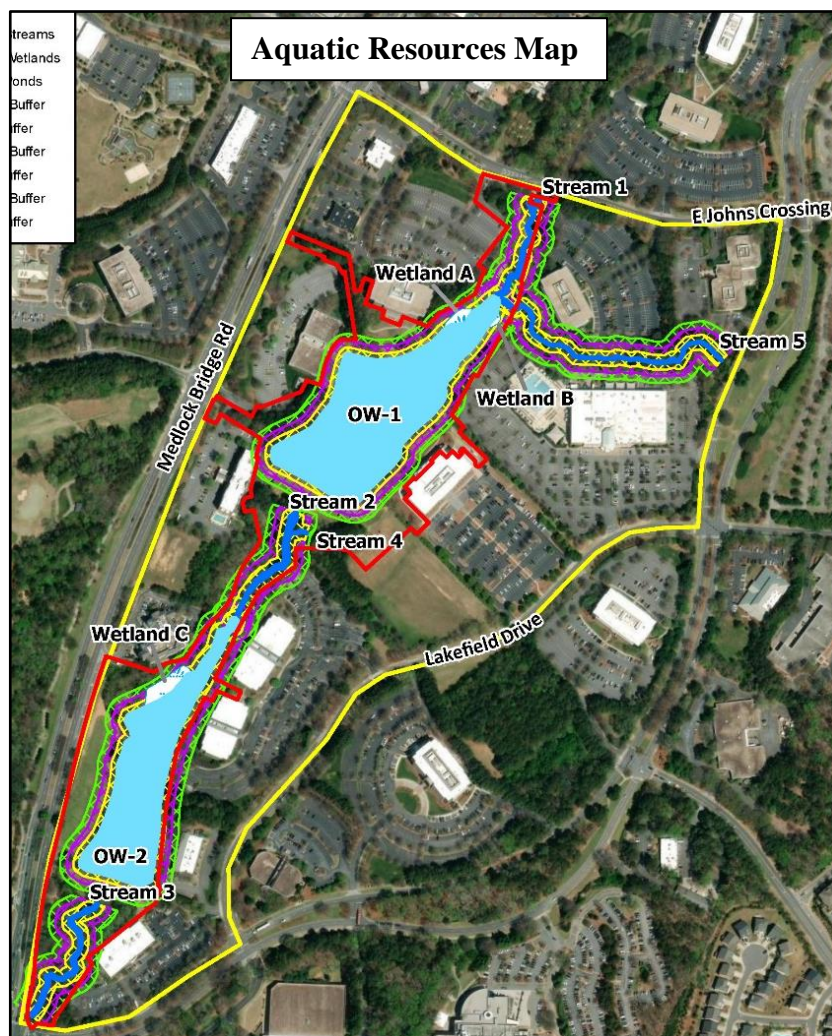
The project is designed to restore aquatic features for water quality improvements and also introduce permanent BMPs to enhance downstream water quality.

The existing detention volume of the upper pond (OW-1, labeled on the map to the right) has been significantly reduced by years of sediment deposition from commercial development within the watershed. In order to return the stormwater management function of the upper pond to its original design standards, the City proposes to dredge and remove sediment buildup within 200 feet of serviceable structures, including outlet controls and stormwater culvert outfalls. The construction of a forebay at the north tip of OW-1 and bioretention swales along OW-1 would increase the trapping of sediments entering the system.

The City will enhance the lower pond (OW-2, labeled on the map above) into a stormwater facility with a mix of open water and wetland components. The wetland would serve as a pollutant-reducing green infrastructure feature, improving the removal rates of nutrients, heavy metals, pesticides and other pollutants. The outlet control structures in both the upper and lower ponds will be modified to allow for stormflow to be captured and released at a controlled rate, which mimics and improves that of existing conditions, so as to not increase downstream flood stages.

The City will also install multiple permanent BMPs, including an underground detention system on City Hall property, infiltration trenches, bio-slopes, and permeable pavements. These BMPs will result in 46.27% of overall load reduction of total suspended solids (TSS).

This project will function as a regional stormwater facility providing detention credits for future development in the surrounding area. The constructed wetlands will serve as an ecological sanctuary and provide an economic incentive for new development and redevelopment within the Town Center overlay.



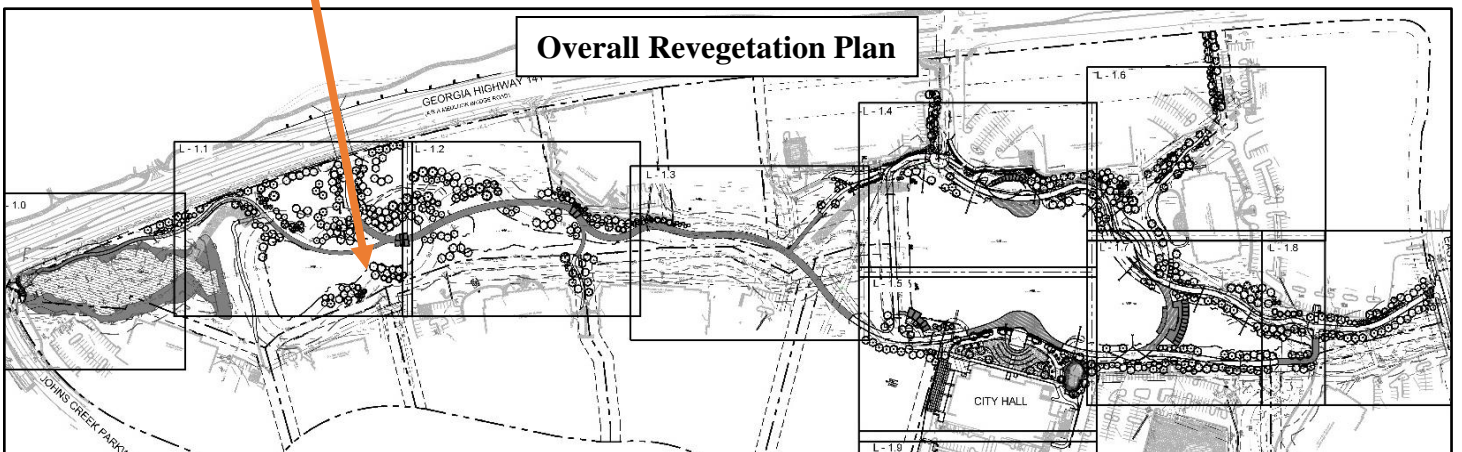
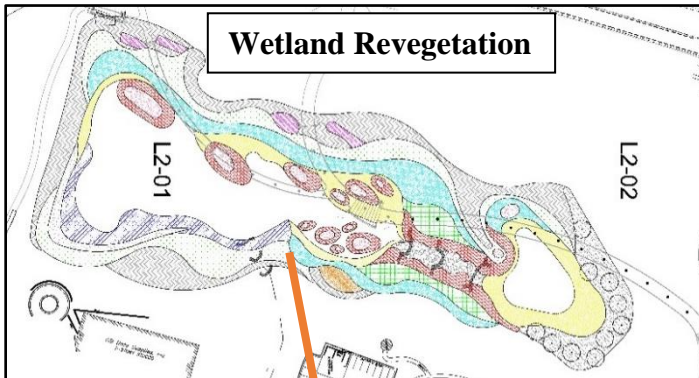
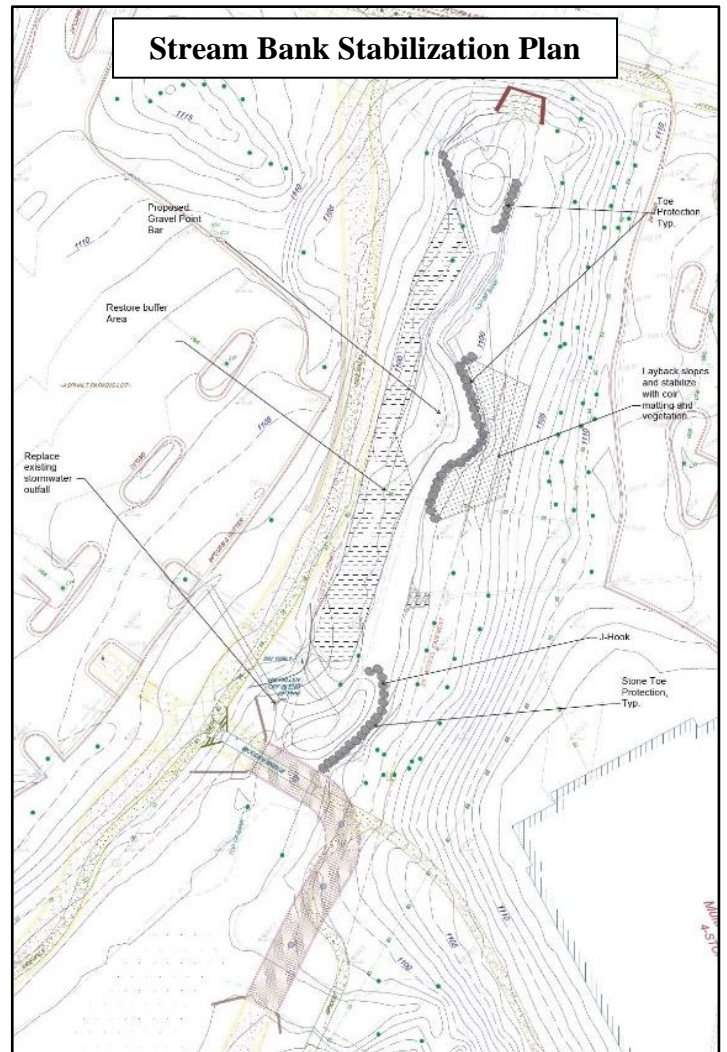
2. Stream Bank Stabilization/Restoration

The City will stabilize 372 linear feet of the banks of Stream 1 (south of East Johns Crossing), as depicted on the Stream Bank Stabilization Plan on the right. Stabilization includes the removal of deposited sediments from offsite accelerated bank erosion and installation of structure protections, such as stone toe protection, laying back slopes, matting and vegetation.

3. Revegetation

The City will provide 645 trees, 416 shrubs, 5,991 sq. ft. of shrub area and 12,049 sq. ft. of ground cover throughout the park, to offset stormwater and environmental impacts associated with the requested encroachment into the stream buffer.

The City will also utilize wetland species (108,841 sq. ft. of shrub area and 55,246 sq. ft. of wet meadow) to convert the lower pond into a wetland, as depicted below.



Applicable Code Requirements

City of Johns Creek Code of Ordinances, Chapter 109: Natural Resources and Environmental Protection, Article V: Stream Buffer Protection, Section 109-118: Land Development Requirements.

(a) *Buffer and setback requirements.*

- (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the point of wrested vegetation.
- (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

Variance Review Criteria

Zoning Ordinance Section 22.3.1 lists the following considerations for granting a variance:

- a. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; **or**
- b. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

Staff Analysis

The project is designed to avoid and minimize impacts to the City's stream buffer to the furthest extent practicable, while providing access to parkland and improving pedestrian mobility through the construction of trails/boardwalks and outdoor spaces. Complete avoidance of impact to the City's stream buffers is not feasible as the project is inherently designed around existing ponds.

The project also intends to return the stormwater management function of the upper pond to its original design standards, restore aquatic features for water quality improvements, and incorporate permanent BMPs to enhance downstream water quality. The project with all its vast components will improve aquatic resources, and enhance environmental and stormwater functions from what exists today.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-23-0013, **subject to the following conditions:**

- 1) The proposed development shall not exceed the following encroachments, as shown on the site plan received by the Community Development Department on October 11, 2023:
 - a. 211,490 square feet of new disturbance within the City's stream buffer;
 - b. 93,104 square feet of total impervious surface, including 74,153 square feet of net new impervious surface within the City's stream buffer.
- 2) The Applicant shall submit a mitigation plan as part of the Land Disturbance Permit. Said plan shall include water quality improvement, stream bank stabilization/restoration and revegetation, and shall be consistent with the mitigation plan received by the Community Development Department on October 4, 2023. The final mitigation measures shall pass final site inspection to close out the Land Disturbance Permit.
- 3) The Applicant shall provide the following documents, prior to the issuance of a Land Disturbance Permit:
 - a. Written approval or acquisition of needed land and/or easements from all property owners where construction will occur, approving the scope of work on their respective sites;
 - b. Written approval of Georgia EPD stream buffer variance (BV-060-23-20).