



Land Use Petition RZ-09-012 & AX-09-001
Date of Staff Recommendation Preparation: 10/21/2009 (BL)

PROJECT LOCATION: 12000 Block of Douglas Road

DISTRICT/SECTION/LANDLOT(S): 1st Section, 2nd District Land Lot 124

ACREAGE 1.44 acres

EXISTING ZONING: R - 1

PROPOSED ZONING: AG - 1 (Agricultural) Conditional

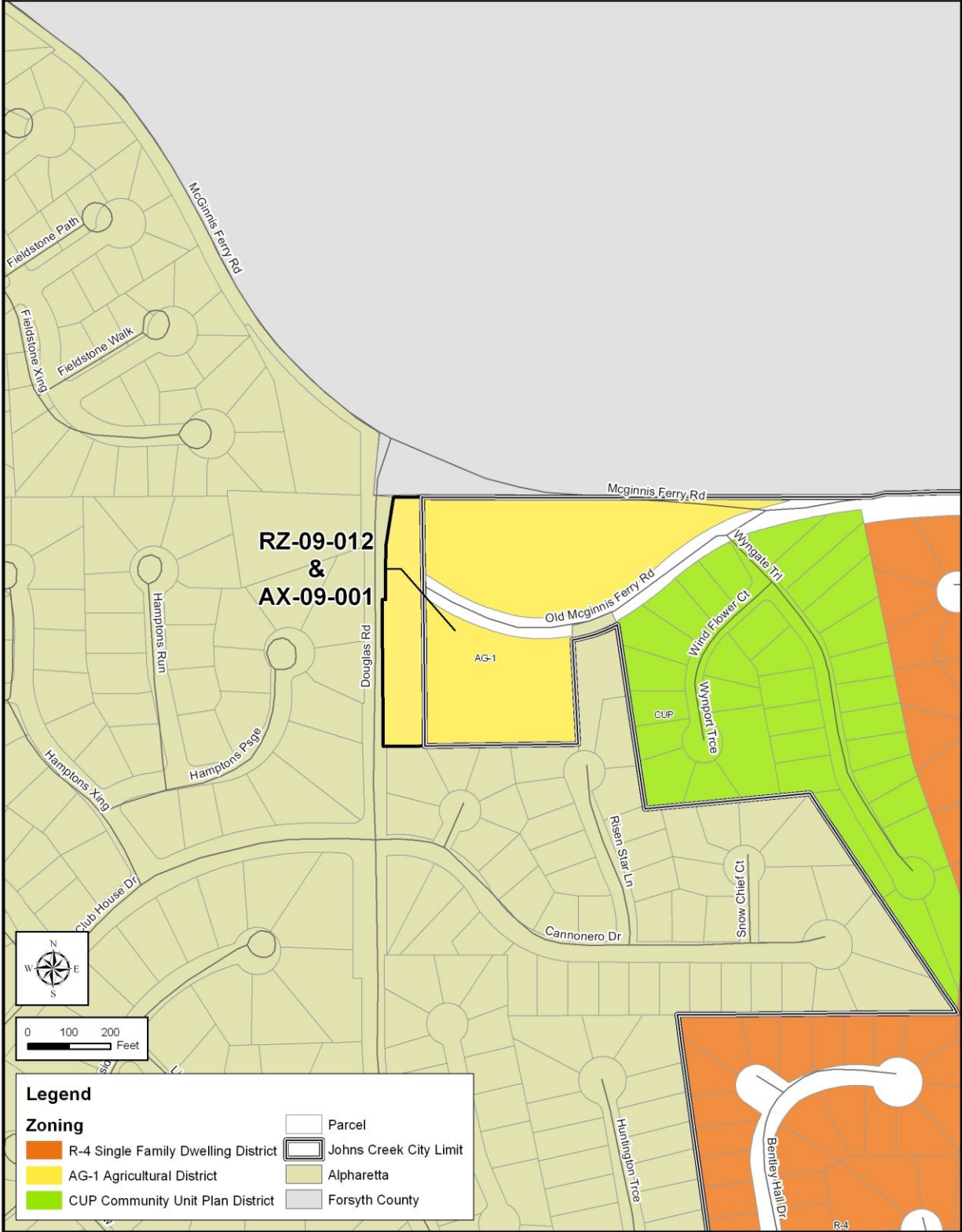
FUTURE DEVELOPMENT MAP DESIGNATION: Character Area 12: Johns Creek North

OWNER/PETITIONER: Stephen M. Thompson
8022 Tea Garden Road
Huntsville, AL 35802
256.883.0564

PROPOSED DEVELOPMENT: Existing detached single family residence to remain with no new development.

STAFF RECOMMENDATION: **APPROVAL with conditions.**

12700 Douglas Road, RZ-09-012 & AX-09-001





RZ-09-012 & AX-09-001
12700 Douglas Road
R - 1 to AG - 1 Conditional
1.44 acres

PROJECT OVERVIEW:

The applicant requests annexation and rezoning of a 1.44 acre parcel from R - 1 to AG - 1 Conditional into the City of Johns Creek. The property is located on the eastern side of Douglas Road south of its intersection with McGinnis Ferry Road. The site plan shows an existing one-story single family detached residence. The subject property will remain as developed without any increase in building square footage or change in use.

The existing gravel driveway shown off Douglas Road will remain.

BACKGROUND:

The existing R – 1 Conditional (single family detached residential) zoning is the default zoning which Fulton County utilizes when annexing property into unincorporated Fulton County. The subject property was zoned AG – 1 prior to its de-annexation from the City of Alpharetta into Fulton County. The application is requesting the prior AG – 1 zoning designation such that the property will be similarly zoned to the adjacent 2.25 acre tract which the applicant owns. The de-annexation from the City of Alpharetta created an unincorporated island; therefore requiring the annexation.

STANDARDS OF REVIEW

A. 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:

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density (Dwelling units/acre)
Adjacent: North	Forsyth County	Vacant remnant tract	N/A
Adjacent: South	CUP Conditional (Community Unit Plan)	Single Family Residential (City of Alpharetta)	N/A
Across Douglas Rd: West	CUP Conditional (Community Unit Plan)	Single Family Residential (City of Alpharetta)	N/A
Across Douglas Rd: West	AG (Agricultural)	City of Alpharetta	N/A
Adjacent: East	AG - 1	Agricultural	2.25 acres 1 dwellings

The existing land use of a single family residence would be suitable in view of the use and development of adjacent and nearby properties. Additionally, the property’s location next to existing AG – 1 zoned property on the west and east and adjacent to AG – 1 property located within the City of Johns Creek further suggests that the proposed annexation and rezoning would be suitable.

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

Limiting the site to its existing use will pose no impacts on surrounding uses.

C. 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.

D. 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 site is currently developed; therefore, would not have an increase on transportation facilities, utilities, or schools in the area.

E. Whether the proposal is in conformity with the policy and intent of the Comprehensive Plan including the land use element?

The proposed AG – 1 (Agricultural) zoning for an existing residential use would be consistent with the residential recommendations of the 2030 Comprehensive Plan Future Development Map, which designates the area as Character Areas 12 (Johns Creek North). Additional conditions proposed by Staff would ensure compatibility with existing development and maintain consistency with the goals of the Comprehensive Plan.

F. 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 previous de-annexation from the City of Alpharetta and annexation into unincorporated Fulton County would further support the annexation of the subject property into the City of Johns Creek. Annexing the subject property would provide contiguous city limits boundaries and prevent remnant unincorporated parcels.

G. 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.

There appears to be no environmentally sensitive natural conditions that would be impacted by this request.

STAFF ANALYSIS:

The proposed site is comprised of 1.44 acres and is located along the eastern side of Douglas Road, south from the intersection of McGinnis Ferry Road. There is an existing single family detached dwelling on the site. The eastern boundary is adjacent to AG – 1 property which contains a single family dwelling owned by the applicant within the city limits of Johns Creek. Adjacent to the north of the proposed site is Forsyth County and further north is McGinnis Ferry Road. Across Douglas road to the west is AG (Agricultural) and CUP (Community Unit Plan) Conditional zoned property located within the City of Alpharetta. To the south of the proposed site is CUP (Community Unit Plan) Conditional property located within the City of Alpharetta. In light of the surrounding uses, the proposed rezoning

from R-1 to AG – 1 Conditional would be consistent with the adjacent property. Although zoned R – 1 in Fulton County, the Department would note that the subject tract would not meet the minimum lot size of 2 acres required by the Zoning Ordinance, and thus would recommend the AG – 1 zoning with limitations to residential uses. Policies for the area suggest a residential density of 2 – 4 units per acre. Should the applicant seek a greater subdivision of property a future rezoning will be required.

The proposed site is located within the Johns Creek North Character Area as identified on the 2030 Comprehensive Plan Future Development Map. The 2030 Comprehensive Plan suggests that a priority for this area is maintaining the existing single family suburban character of the area. Therefore, the request would be consistent with the 2030 Future Development Map and the goals outlined in the Comprehensive Plan.

In conclusion, the proposed AG – 1 Conditional request for the existing single family detached residence would be compatible with existing land uses and is consistent with the 2030 Future Development Map. Therefore, staff recommends that the annexation and rezoning be **APPROVED with conditions.**

DEPARTMENT COMMENTS

PUBLIC WORKS

Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Johns Creek Traffic Engineer.

WATER AND SEWER

No Comments.

FIRE MARSHALL

No Comments.

ARBORIST

No Comments.

SITE DEVELOPMENT

No Comments.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL, With Conditions** of Land Use Petitions, RZ -09-012 and AX-09-001. Approval as AG – 1 Conditional subject to the following enumerated conditions:

1. Subject property will be restricted to single family detached dwellings and accessory uses and structures.