



Land Use Petition RZ-15-003

Date of Staff Recommendation Preparation: May 19, 2015

Revised to Incorporate Planning Commission Recommendation: June 3, 2015

PROJECT LOCATION: 9400 Block of Nesbit Ferry Road

DISTRICT/SECTION/LANDLOT(S): 1st District, 2nd Section, Land Lots 819 and 820

ACREAGE: 8.63 acres

EXISTING ZONING AG-1 (Agricultural District)

PROPOSED ZONING: R-4 (Single Family Dwelling District)

FUTURE DEVELOPMENT MAP DESIGNATION: Character Area 6: Newtown

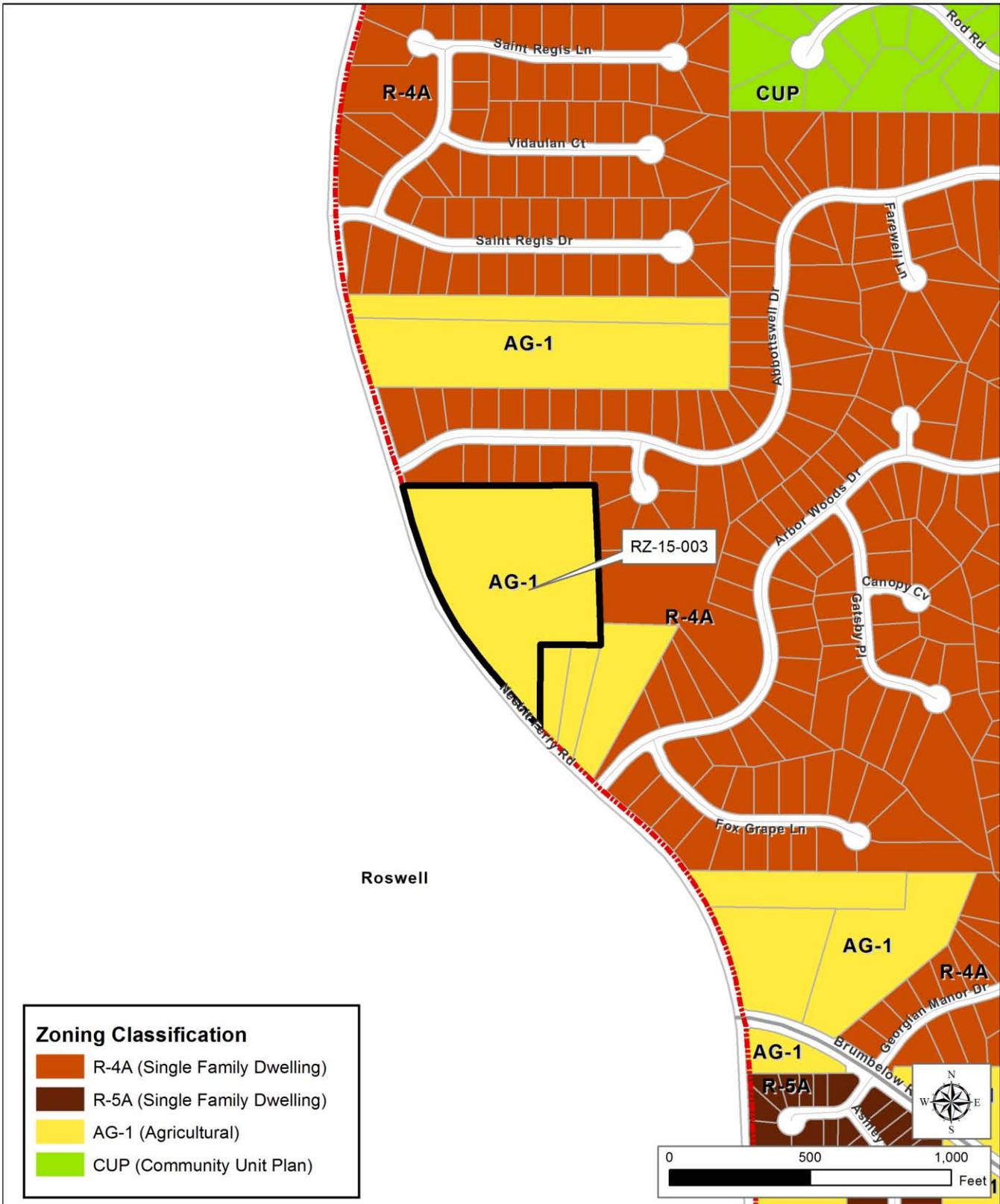
APPLICANT: Cornerstone Design & Dev., Inc.
196 Simonton Road SE
Lawrenceville, GA 30046
Contact: Darrell Vaughn
404-561-4267

OWNER: Green Implementation Group
1104 Lymoor Drive
Atlanta, GA 30319
404-388-5871

PROPOSED DEVELOPMENT: 26-lot single-family residential subdivision

STAFF RECOMMENDATION: **APPROVAL with conditions**

RZ-15-003



PROJECT DATA

The applicant requests rezoning of an 8.63-acre tract from AG-1 (Agricultural District) to R-4 (Single Family Dwelling District) to develop a 26-unit detached single-family residential subdivision at a density of 3.01 units/acre. The property is located on the east side of Nesbit Ferry Road between Abbottswell Drive and Arbor Woods Drive, approximately 0.3 miles north of Brumbelow Road and approximately 0.85 miles south of Old Alabama Road. The Future Development Map shows the site within Character Area 6: Newtown.

The site plan shows one point of access from Nesbit Ferry Road and no inter-parcel access. The Public Works Department has indicated that a left-turn lane into the development would be required, that the eyebrow cul-de-sac shown on the site plan would not be permitted as proposed, and that the entrance to the subdivision should be moved to line up with Arden Place in the City of Roswell across Nesbit Ferry Road. The Nesbit Ferry right-of-way to the west of the site is within Roswell city limits.

The site plan indicates a detention facility near the east property line. The Land Development Division has indicated that this facility as shown on the current site plan is unlikely to be sufficient in size and lacks the required 20-foot buffer and additional 10-foot access easement.

The applicant has stated that they anticipate the development to consist of three-to-five bedroom homes with brick and stone facades. Square footage is to range from a limited number of 2,400-square-foot homes to over 3,000 square feet. Architectural elevations have not been provided.

The minimum lot size in an R-4 district is 0.21 acres. The applicant has stated that lot sizes in the proposed development would average approximately 0.25 acres and would range upward to a maximum of 0.53 acres.

STANDARDS OF REVIEW - REZONING

The surrounding zoning, land uses and development criteria are as follows:

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North, East	R-4A Conditional (Z-83-096 NFC)	Single-Family Residential Subdivision (Mayfair, Saint Clair)	1.84 Units/Acre
Adjacent: South, East	AG-1	Single-Family Residences	1.0 Unit/Acre
Adjacent: West (Across Nesbit Ferry Road)	City of Roswell	School (Andover Country Day School), Single-Family Residences	4,153 SF/Acre (existing)
Nearby: North	AG-1	Single-Family Residence	1.0 Unit/Acre
Nearby: South	AG-1	Preschool (Highlands School)	4,300 SF/Acre (existing)
Nearby: North	R-4A Conditional (Z-96-089 NFC)	Single-Family Residential Subdivision (St. Regis)	1.99 Units/Acre

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 subject property is located on 8.63 currently vacant acres on the east side of Nesbit Ferry Road and is surrounded by single-family residential areas in all directions, with the exception of a school directly across Nesbit Ferry Road to the west. Single-family residential development is a suitable use in view of the use and development of these adjacent and nearby properties.

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

Single-family residential development at an appropriate scale and density would be unlikely to adversely affect the existing use or usability of adjacent or nearby property in this location. The Saint Clair subdivision, zoned R-4A Conditional, is immediately to the north and east of the subject property, and stretches to the north and west for nearly half a mile from the site. The permitted density for the subdivision as a whole is 1.84 units/acre. The larger lots in the subdivision, several of which are 0.75 acres or more in size, are typically found toward its the northern and eastern areas, away from Nesbit Ferry Road and the subject property. Lots adjacent to the proposed development are typically 0.3 to 0.4 acres in size, with one lot containing 0.54 acres. The proposed development’s typical lot size of approximately 0.25 acres, while higher in overall density than nearby subdivisions, would not be unsuitable in view of the use and development of these adjacent and nearby properties. The applicant has not requested any variances for landscape strips, building or lot size, or building setbacks.

The applicant has not provided architectural elevations. The Department has recommended conditions requiring primarily brick or natural or pre-cast stone facades on all residences in order to minimize any potential adverse effects on adjacent or nearby properties.

C. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?

The subject 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 proposed development of 26 residential units would be expected to generate an increase in automobile trips and utility usage. The applicant has provided trip generation estimates of between 21 and 24 peak-hour trips.

Fulton County Schools have provided the following new student generation estimates:

School	New students	Capacity (current)	Capacity (with development)
Hillside Elementary	1 to 8	161 under	153 to 160 under
Haynes Bridge Middle	0 to 3	248 under	245 to 248 under
Centennial High	1 to 5	85 under	80 to 84 under
TOTAL	2 to 16		

The development as proposed would be unlikely to cause an excessive or burdensome use on streets, transportation facilities, utilities, or schools.

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

The subject property is located in Character Area 6: Newtown on the Future Development Map. It is not located within an Activity Node or Gateway area. Policies for this area call for the city to protect existing residential property through context-sensitive infill. Single-family residential development is encouraged at one to three units/acre, “based on existing housing stock and residential regulations”. Single-family residential development at 3.01 units/acre would be in conformity with the policy and intent of the Comprehensive Plan, so long as development proceeds in such a way as to be in harmony with existing residential areas. Single-family residences with the specifications submitted by the applicant and that meet this report’s recommended conditions would meet this standard.

F. Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting ground for either approval or disapproval of the proposal?

Surrounding residential and institutional uses would give supporting ground for approval of single-family residential development at the densities recommended by the Comprehensive Plan.

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 is one stream that runs near the property’s eastern boundary, along which small portion of the property would be subject to a 50’ undisturbed stream buffer and additional 25’ impervious surface setback. Any incursion into this buffer and setback would require the approval of a stream buffer variance.

STAFF ANALYSIS

The applicant is requesting rezoning from AG-1 (Agricultural District) to R-4 (Single Family Dwelling District) in order to construct a 26-unit single-family detached residential subdivision. The subject property is an 8.63-acre tract located on the east side of Nesbit Ferry Road between Abbottswell Drive and Arbor Woods Drive, approximately 0.3 miles north of Brumbelow Road. The right-of-way along Nesbit Ferry Road in this location is within the City of Roswell.

The site was previously used as a landfill and is currently undeveloped. With the exception of several small schools located nearby, the area is characterized by low- to medium-density single-family residential neighborhoods, including adjacent properties immediately to the north, east, south, and west of the project site. The site subject property directly abuts a recreational area in the Mayfair and St. Clair subdivisions, along with eight single-family lots in St. Clair. These lots have a median area of 0.33 acres, which is similar in size to lots further to the north along Abbottswell Drive and in the St. Regis subdivision. Lots further east in St. Regis and Mayfair are typically progressively larger, with some lots over a quarter mile to the east subject property being over one acre in size. Two single-family lots immediately to the south of the subject property are zoned AG-1 and are 1.26 and 0.76 acres. While the overall densities of the Mayfair, Saint Clair, and St. Regis subdivisions are lower than the proposed density of 3.01 units/acre, lots adjacent to and in close proximity to the subject property are typically 0.3 to 0.4 acres, which is more compatible with the proposed average lot size of 0.25 acres. The proposed density would be suitable in view of the use and usability of adjacent and nearby properties, given that

conditions are put in place to ensure compatible development and minimize any potential adverse effects.

The City of Johns Creek Future Development Map identifies the property as being in Character Area 6: Newtown. Policies for this area emphasize the protection of existing residential communities, with new residential development limited to single-family homes and “context-sensitive” infill development at one to three units/acre. The proposed development meets these guidelines for use and density, and the housing specifications submitted by the applicant are unlikely to have a negative impact on existing residential communities. The applicant has not requested any variances for landscape strips, stormwater management, lot size or location, or building setbacks. For these reasons, given that conditions are in place to ensure the protection of existing residential areas, the proposed development would be in conformity with the intent and policies of the Comprehensive Plan.

The Department would note that the proposed site plan will need to be revised in order to meet the City’s Development Regulations. Stormwater management facilities as currently depicted are unlikely to be sufficient and must be updated to include necessary easements. The proposed street layout includes an eyebrow cul-de-sac that does not meet regulations, and the entrance to the subdivision will likely need to be moved in order to line up with Arden Place across Nesbit Ferry Road to the west. The applicant will be required to submit a revised site plan that meets all zoning conditions and development regulations for approval by the Community Development Director before the time of Land Disturbance Permit submittal.

In conclusion, the proposed single-family residential development is consistent with the overall goals and policies of the Newtown Character Area and is suitable in terms of the use and development of adjacent and nearby property. Therefore, the Department of Community Development recommends **APPROVAL** of this request **with conditions**.

DEPARTMENT COMMENTS**PUBLIC WORKS**

1. City of Johns Creek has two Capital Improvement Projects located in the vicinity of property to be considered for rezoning. Reference the following project numbers for details on these projects:
 - o Operation and Safety Improvements on Old Alabama Road from Jones Bridge Road to Nesbit Ferry Road - This local project is under construction and nearing completion.
 - o Operation and Safety Improvements on Nesbit Ferry Road - This project is in the concept phase and will be a joint effort with the City of Roswell.
2. Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Johns Creek Director of Public Works.
 - a. Note that Nesbit Ferry Road is not a State Route
 - b. Ensure that the R/W is cleared of all obstructions that may limit the sight-distance of the driver. This includes at a minimum all trees and/or shrubs and fencing. Coordinate all improvements in the R/W with the City's Director of Public Works.
 - c. Line of sight must remain entirely in the right-of-way. Additional right-of-way or a permanent easement may need to be dedicated to meet this requirement.
3. Curb cut locations shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Johns Creek Director of Public Works.
4. Owner/Developer will be required to install a 10-foot concrete trail along the entire property frontage of Nesbit Ferry Road.
5. Owner/Developer will be required to install a left turn lane and deceleration lane into the facility.
6. Per Sec. 113-125 of the City of Johns Creek Development Regulations, right-angled ("eyebrow") cul-de-sacs are not permitted. A minimum 120' centerline radius is required.
7. Note whether the proposed road will be public right-of-way or privately maintained.

WATER AND SEWER**WATER:**

Anticipated water demand: 270 gallons per day (gpd) per lot x 26 lots = 7,020 gallons per day (gpd)

This project is within the Fulton County Government water service jurisdiction. There is an eight-inch water line along the west side of Nesbit Ferry Road that can service this location.

SEWER:

Basin: Johns Creek

Treatment Plant: Johns Creek

Anticipated sewer demand: 6,318 gallons per day

There is a sanitary sewer manhole located west of the northwestern property corner of the 8.65-acre tract (Sewer manhole # SMJC1206080) on Nesbit Ferry Road. There are three sanitary sewer manholes

located east of the eastern property line of the 8.65 acre tract (Sewer manholes #SMJC1405930, #SMJC1405940 and # SMJC1405950) in Land Lots 819, 820, Districts 1 and 2 that can service this development.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. This project will require a sewer and water Land Disturbance Permit from Fulton County Government. The developer will need to contact the Department of Water Resources (Public Works) for more information.

FIRE MARSHAL

1. Owner/developer shall provide a current water flow report and GPS locate all fire hydrants by LDP submittal. New fire hydrants shall be added to the site for this proposed building.
2. Owner/developer shall identify water main sizes on plans by LDP submittal.
3. Road widths are not clearly identified on plans to verify appropriate width per ordinance.
4. Site plans must indicate location of mail kiosk and adequate off-street parking for the community.
5. The request to reduce the cul-de-sac radius from 50 feet to 40 feet could pose a difficult challenge for fire apparatus to safely maneuver equipment. If granted, additional safety features will need to be considered, such as marking the area as a fire lane per city ordinance.
6. The request to construct a 90-degree eyebrow cul-de-sac should not be an issue as long as a clear line of sight is available for emergency cress to maneuver around the turn.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, density requirements, required parking islands, and any specimen recompense are to be protected and planted per the Guidelines.
 - a. A 30-foot landscape strip is required adjacent to Nesbit Ferry Road per the Zoning Ordinance; the landscape strip is measured from the dedicated right-of-way.
 - b. The tree density required for this site is 20 units per acre.

SITE DEVELOPMENT

1. A Land Disturbance Permit (LDP) is required to develop the property. Development plans will have to comply with the Development and Zoning Regulations, Tree Preservation, Erosion & Sediment Control, Floodplain, Stream and Post-Development Stormwater Management Ordinances. A surety will be required for erosion control and any right of way improvements prior to issuance of land disturbance permit.
2. Fulton County Water and Sewer approval is required prior to issuance of land disturbance permit.
3. Water/ Sanitary/ Storm as-builts, and a stormwater maintenance agreement (if applicable) will be required prior to issuance of a building permit.

4. All stormwater management facilities must have 20' graded and stabilized access with easement from a location of public vehicle access.
5. Land fill must be removed in accordance with state and federal requirements. Certification from a profession geotechnical engineer that the land fill has been properly removed will be required prior to issuing a building permit.
6. Roofs for houses on Lots 5 through 11 must drain to the front yard and ultimately to the detention facility for the subdivision. Stormwater runoff peak, concentration and velocity off of the rear property lines must be equal to or less than pre-developed peak, concentration and velocity. The Director of Public Works may allow an exception.
7. The proposed detention area does not appear sufficient. The Storm Water Management facility must have 20' landscape strip and 10' access easement around entire perimeter. The Storm Water Management facility including access easement and landscape strip must be totally located on individual lot. Provide estimate of volume required per Georgia Stormwater Management Manual and how that will be provided on the lot including required 30' easement and landscape strip.
8. The cul-de-sac serving lots 20 and 21 appears to be unbuildable without retaining walls. Provide estimated elevation of the cul-de-sac and either show walls or move edge of cul-de-sac away from property line to provide minimum 2:1 slopes and 10' road shoulder.

CITY OF ROSWELL

1. City of Roswell is notifying the developer that a ROW Encroachment Permit will be required to construct improvements within the Nesbit Ferry Road ROW. This is City of Roswell ROW.
2. City of Roswell requests meeting with developer to review the proposed driveway location given the street/driveway locations on the opposite side of Nesbit Ferry Rd. Based on the proposed development the City requires a left-turn lane and right-turn lane along Nesbit Ferry Road at the main driveway.
3. City of Roswell requires review of the proposed driveway design and ROW improvements, including any sidewalks/trails, and/or drainage modifications.
4. City of Roswell requires a minimum 5 foot wide sidewalk along property frontage. In some locations a minimum 8 foot wide multiuse path is required developing on the transportation master plan. Applicant is suggested to refer to the City of Johns Creek pedestrian/trail master plan. Applicant can contact City of Roswell for design standards.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL, with conditions** of Land Use Petition RZ-15-003, subject to the following enumerated conditions:

1. Submit a site plan to the City of Johns Creek Community Development Department that conforms to the requirements of the R-4 zoning district and the conditions found herein. The site plan shall be submitted to the Community Development Department for approval prior to application for a Land Disturbance Permit. Said site plan shall contain:
 - a. A maximum of 26 detached single-family units
 - b. Direct lot/unit access to Nesbit Ferry Road shall be prohibited.
 - c. A 25-foot landscape strip planted to buffer standards along all subdivision perimeter property lines adjacent to lots zoned for single-family residential development.
2. Dwellings shall have a minimum heated floor area of 2,400 square feet.
3. Building elevations shall be constructed with primarily brick or stone on the façades. Sides and rear shall contain at least 50 percent brick or stone with the balance being the same, wood shake or fiber-cement siding; final approval will be subject to the review and approval of the Community Development Director.
4. All units shall provide a two-car garage.
5. An ornamental wall/fence shall be provided along the entire property frontage along Nesbit Ferry Road. Wall/fence shall be constructed with 6-foot high brick and/or stacked stone columns at a maximum of 50 feet apart. Final wall/fence design and location shall be subject to review and approval of the Community Development Department Director.
6. Owner/Developer shall provide no more than one (1) full access driveway from Nesbit Ferry Road. The curb cut location shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Johns Creek Director of Public Works.
7. Driveway shall be located directly across Nesbit Ferry Road from Arden Place.
8. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Nesbit Ferry Road a minimum of forty feet (40ft) from the centerline of the road and dedicate such additional right-of-way as may be required to provide at least 11 feet of right-of-way from future back of curb or 1 foot from edge of trail, whichever is greater, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
9. Owner/Developer shall construct a right turn (deceleration) lane into the site.
10. Owner/Developer shall construct a left turn lane on Nesbit Ferry Road into the site.
11. Owner/Developer shall construct a 10-foot-wide concrete trail along the entire frontage on Nesbit Ferry Road.
12. Owner/Developer shall install sidewalk on both sides of the proposed internal streets.

13. Roofs for houses on lots adjacent to single-family residential lots within the St. Clair and Mayfair subdivisions shall drain to the front yard and ultimately to the detention facility for the subdivision.

PLANNING COMMISSION RECOMMENDATION

At the June 2, 2015 public hearing, the Planning Commission recommends **DENIAL** of RZ-15-003.

RZ-15-003

