



Land Use Petition RZ-15-007
Concurrent Variances VC-15-007-01, VC-15-007-02, VC-15-007-03, VC-15-007-04
Date of Staff Recommendation Preparation: May 19, 2015
Revised to Incorporate Planning Commission Recommendations: June 3, 2015

PROJECT LOCATION: 11800 Block of Douglas Road

DISTRICT/SECTION/LANDLOT(S): 1st Section, 1st District, Land Lots 232 and 233

ACREAGE 7.90 acres

EXISTING ZONING: AG-1 (Agricultural District)

PROPOSED ZONING: TR (Neighborhood Unit Plan District)

FUTURE LAND USE PLAN DESIGNATION: Character Area 12: Johns Creek North Activity Node

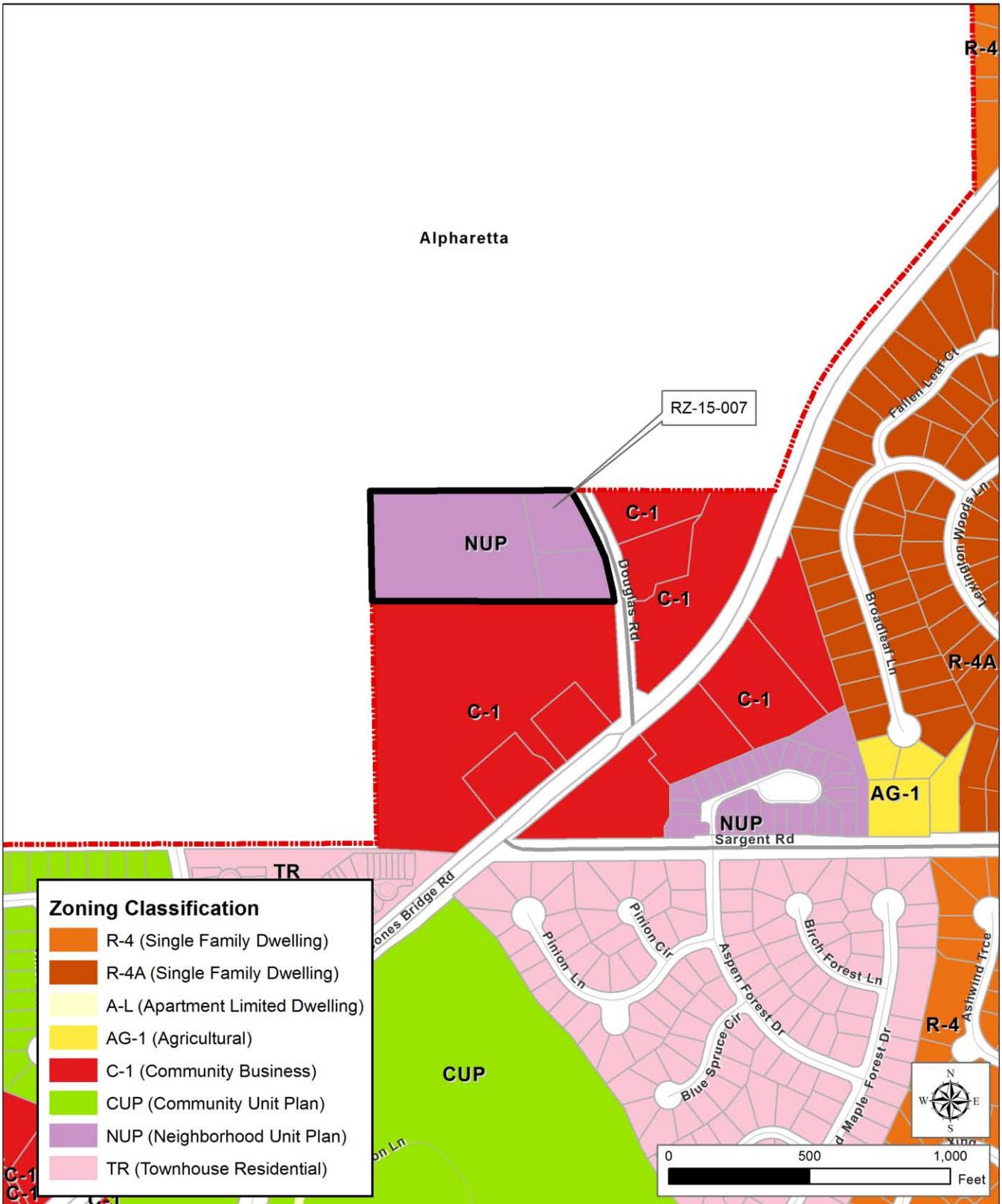
PETITIONER: The Providence Group of Georgia, LLC
11340 Lakefield Drive, Suite 250
Johns Creek, GA 30092
Contact: Dave Boccolucci
678-990-8572

OWNER: Douglas Road Partners
C/O Mr. Gary Eplan
55 Morton Road
Johns Creek, GA 30022
770-442-9790

PROPOSED DEVELOPMENT: 49-unit attached townhome subdivision
Concurrent Variances:
VC-15-007-01: Reduce the south side perimeter setback from 30 feet to 20 feet.
VC-15-007-02: Reduce the interior front building setback from 20 feet to 10 feet.
VC-15-007-03: Reduce the north zoning buffer from 25 feet to 15 feet.
VC-15-007-04: Eliminate the 10-foot improvement setback along the north property line.

STAFF RECOMMENDATION: **APPROVAL, with conditions of RZ-15-007**
APPROVAL of VC-15-007-01 and VC-15-007-02
DENIAL of VC-15-007-03 and VC-15-007-04

RZ-15-007



PROJECT OVERVIEW

The applicant requests rezoning of three parcels totaling 7.90 acres from NUP (Neighborhood Unit Plan District) Conditional to TR (Townhouse Residential District) to develop 49 attached townhome lots at a density of 6.20 units per acre, along with four concurrent variances:

VC-15-007-01: Reduce the south side perimeter setback from 30 feet to 20 feet.

VC-15-007-02: Reduce the interior front building setback from 20 feet to 10 feet.

VC-15-007-03: Reduce the north zoning buffer from 25 feet to 15 feet.

VC-15-007-04: Eliminate the 10-foot improvement setback along the north property line.

The proposed project site is located on the west side of Douglas Road approximately 0.10 miles north of its intersection with Jones Bridge Road. The subject property is located within an Activity Node in the Johns Creek North Character Area and is adjacent to the City of Alpharetta to the north. The site is predominately wooded, with a stream running approximately south-to-north through its western half. The site is currently vacant and was rezoned from R-4 to NUP in 2008 (case number RZ-08-002). The proposed zoning in RZ-08-002 was TR, which received a recommendation of approval from Staff and the Planning Commission before being changed to NUP before approval by the Mayor and City Council.

The proposed site plan shows 49 attached townhome lots. Proposed lots would conform in size to the minimum development standards of the TR zoning district, and the application proposes 2,100 square feet of minimum heated floor area per dwelling. The site plan indicates a gated subdivision with private internal roads and one proposed point of ingress/egress onto Douglas Road. The application proposes eight buildings containing between four to eight townhome units each.

STANDARDS OF REVIEW

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, West	N/A	Single-Family Detached Residential (City of Alpharetta)	3.0 units/acre
Adjacent: South	C-1 Conditional (RZ-14-013)	Shopping Center	9,648 SF/acre
Adjacent: East (Across Douglas Road)	C-1 Conditional (Z-03-183)	Shopping Center	6,835 SF/acre
Nearby: South	C-1 Conditional (Z-88-052)	Shopping Center Outparcels	6,493 SF/acre
Nearby: East (Across Douglas Road)	C-1 Conditional (Z-95-108)	Shopping Center	10,475/acre
Nearby: Southeast	TR Conditional (Z-86-070)	Single Family Detached Residential (The Forest)	3.3 units/acre
Nearby: South	TR Conditional (Z-01-004)	Attached Townhome Subdivision (Wellsley)	8.43 units/acre
Nearby: Southeast	NUP (Z-04-100)	Single-Family Detached Residential (Andover)	4.99 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?

Ordinance, the TR zoning classification is “intended to provide a transition between low-density and higher-density residential areas or between low-density residential and non-residential areas.” Additionally, TR areas are intended to “encourage the provision of usable open space and recreation areas as part of a living environment, be located primarily in areas near or adjacent to single-family areas, be located so as to provide a transition between single-family areas and nonresidential areas, be located near retail shipping and major thoroughfares, and encourage home ownership.” The proposed development meets each of these criteria, and is a suitable use in view of the use and development of adjacent and nearby property.

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

TR development at the proposed density is unlikely to adversely affect the existing use or usability of adjacent or nearby property. The proposed development would serve as an appropriate transitional area between single-family detached residential areas to the north and west and higher-intensity commercial areas to the south and east. However, the proposed variance to reduce the zoning buffer and eliminate the improvement setback along the north

property line would lessen the protection these single-family areas would otherwise have from adverse effects from more high-intensity townhome development.

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?

An increase in traffic generation, utility demand, and number of school aged children would be anticipated from this request. The applicant has provide trip generation numbers estimating TKTK new peak-hour trips.

The school system estimates there would be an overall increase of between 18 and 27 students, and has provided the following estimates of school capacity:

SCHOOL	PROJECTED OVER/UNDER CAPACITY	
	Without Development	With Development
Lake Windward Elementary	176 to 216 under	161 to 205 under
Webb Bridge Middle	21 to 93 over	22 to 97 over
Chattahoochee High	41 to 161 over	47 to 169 over

While Webb Bridge Middle School and Chattahoochee High School are both currently projected to be over capacity, the proposed development is anticipated to generate only 7 to 12 new students for these schools.

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

The proposed project is located within Character Area 12: Johns Creek North, and is within an Activity Node. The Comprehensive Plan lists townhome development between 5 and 8 units/acre as an appropriate use in this area. The proposed development meets this standard. The Comprehensive Plan also calls for development within this Activity Node to be “neighborhood-serving”. The development of townhome residences within walking distance of the Activity Node’s retail and service commercial areas fulfills this requirement.

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 subject property’s location between commercial and single-family residential areas, as well as the presence of other attached and detached TR districts in nearby areas, would give supporting grounds for approval of the proposal.

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.

The property contains a stream that runs through its western half. The property would be subject to the City's 50-foot stream buffer and additional 25-foot impervious surface setback.

STAFF ANALYSIS

The subject property is 7.90 acres located on the west side of Douglas Road approximately 500 feet north of its intersection with Jones Bridge Road. An approximately 15-acre shopping center is located immediately to the south, and two smaller retail centers are located immediately to the east across Douglas Road. Single-family residential areas with densities of approximately 3 units/acre are located immediately to the north within the City of Alpharetta. The property is currently vacant, is predominately wooded, and has a stream running through its western half.

The site is currently zoned NUP (Neighborhood Unit Plan District) under rezoning case RZ-08-002, which limits development to a maximum of 26 single-family detached units with a 25-foot front yard setback, 20-foot rear yard setback, and 5-foot side yard setback. The proposed zoning district in RZ-08-002 was TR, which received recommendations of approval from Staff and the Planning Commission before being changed to NUP before approval by the Mayor and City Council. Current zoning conditions call for a 100-foot building setback from Douglas Road and the preservation of all specimen trees within this area.

TR zoning districts are intended to provide a transition between single-family residential and non-residential areas. The subject property's locating between medium-density single-family development and a large commercial shopping center allows for this transitional area. While the proposed density (6.20 units/acre) is higher than adjacent single-family areas, the presence of the shopping center immediately to the south gives support for TR zoning. Attached townhomes at this density are a suitable use in this location, provided that appropriate steps are taken to protect existing single-family residential areas.

The Wellsley subdivision is located immediately to the south of the shopping center adjacent to the subject property, and is currently zoned TR Conditional with a maximum density of 8.43 units/acre. This attached townhome development is also an appropriate transitional area between lower-density single-family areas and commercial centers, and its higher density gives support to the proposed development's 6.20 units/acre. However, Wellsley provides a minimum 25-foot zoning buffer and additional 10-foot improvement setback along its border with single-family residential areas, and all townhomes are located at least 65 feet from single-family residences' property lines. The proposed use provides a suitable transition between single-family residential and non-residential areas, but the proposed variances to reduce zoning buffers do not adequately protect adjacent residential uses.

The 2030 Future Development Map identifies the subject property as being in an Activity Node within Character Area 12: Johns Creek. Townhomes at 5-8 units/acre are listed as appropriate residential uses in this area, and the Activity Node is intended to be "neighborhood-serving". TR development at 6.20 units/acre meets the policy and intent of the Comprehensive Plan for this area.

Concurrent Variance VC-15-007-1 requests to reduce the perimeter setback along the south property line from 30 feet to 20 feet. This setback is intended to protect adjacent lower-intensity uses from higher-intensity development, as well as to protect TR development from adjacent higher-intensity areas. The south property line directly abuts commercial areas that include a service station, parking lot, and the side of a large retail building. These areas are located approximately 120 feet from the south property line, and currently have substantial buffering. The proposed reduction would be unlikely to have any adverse effects on the commercial center or the proposed TR subdivision. Therefore the Department recommends **APPROVAL** of this variance.

Concurrent Variance VC-15-007-02 seeks to reduce the interior front building setback from 20 feet to 10 feet. This setback helps to ensure that driveways in front yards have adequate room for vehicle parking. Reducing this setback on lots with rear alleyways and parking would meet the intent of the zoning ordinance and avoid adverse impacts on surrounding areas, and the Department would support this request on these lots. On lots without rear alleyways and parking, the Department would support only a reduction of the front setback to 18 feet. If these conditions are met, the Department would recommend **APPROVAL** of this variance.

Concurrent Variances VC-15-007-03 and VC-15-007-04 seek to reduce the zoning buffer along the north property line from 25 feet to 15 feet and to eliminate the additional 10-foot improvement setback outside this zoning buffer. The northern property line of the subject property is directly to the south of five single-family residences in the City of Alpharetta, with a density of approximately three units/acre. The 25-foot buffer and additional 10-foot improvement setback are intended to protect existing single-family areas from adverse effects of higher-intensity development. The subject property does not have any extraordinary and exceptional conditions that would require these variances, their approval would not be in harmony with the general purpose and intent of the Zoning Ordinance, and they may cause a detriment to the public. Therefore the Department would recommend **DENIAL** of these variances.

In conclusion, the requested rezoning to allow a 49-unit attached townhome development would be consistent with the recommendations of the Comprehensive Plan and would be compatible in use and scale with the established mix of uses that surround the area. Therefore, Staff recommends **APPROVAL with conditions** of this land use petition, RZ-15-001, **APPROVAL** of concurrent variances VC-15-007-01 and VC-15-007-02, and **DENIAL** of concurrent variances VC-15-007-03 and VC-15-007-04.

DEPARTMENT COMMENTS**PUBLIC WORKS**

1. City of Johns Creek has a future planned project to widen Jones Bridge Road from Douglas Road to McGinnis Ferry Road. Conceptual design is scheduled for FY 2015.
2. The curb cut location and alignment is subject to an approved sight distance plan and the approval of the City of Johns Creek Director of Public Works.
 - a. 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.
 - b. 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. Note that all other existing driveways must be removed at the time the new driveway is installed.
4. Applicant will be required to repair and/or install any sidewalk along the entire property frontage on Douglas Road damaged during construction at no cost to the City of Johns Creek.
5. A 50-foot access/utility easement is required for private streets. The gated entrance must meet the requirements defined in the City of Johns Creek Development Regulations.

FIRE MARSHAL

1. Developer shall provide a current water flow report for the site and GPS locations of all fire hydrants on plans by LDP submittal.
2. Plans do not indicate fire main sizes or locations of any fire hydrants.
3. Developer shall coordinate with Fire Marshal's Office for requirements to gain the required access through the gated entry for emergency personnel.
4. Road widths are not identified on plans to verify appropriate width per ordinance.
5. Any of the dead end roadways that exceed 150 feet shall provide an approved cul-de-sac with a minimum 50-foot radius.
6. Developer will need to identify accessible parking stall and access for the mail kiosk.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, density requirements, and any specimen recompense are to be protected and/or planted per the Guidelines.
 - a. A 25-foot landscape strip is required adjacent to Douglas 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 30 units per acre.
2. It is recommended that canopy trees not be required to be planted in front yards due to the limited space available for large trees.

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. Stream on the property requires field verification to determine its full extent and location of stream buffers as soon as possible. Contact City to verify in the field the stream location which must be surveyed and shown on plans with 25-foot and 50-foot buffers and 75-foot impervious setback.
5. Storm Water Management facility must have 20-foot landscape strip and 10-foot access easement around entire perimeter. Facility including access easement and landscape strip must be totally located on individual lot.
6. Stormwater Management facility cannot be located on live stream without State Stream Buffer Variance and USACE approval.
7. No grading for stormwater management facility is allowed within the 50-foot undisturbed buffer without a stream buffer variance. No walls are allowed within the 75-foot impervious setback without a stream buffer variance.

FULTON COUNTY DEPARTMENT OF WATER RESOURCES

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete the Johns Creek Plan Review process and the Fulton County Review process for sewer (and/or water) prior to the commencement of any construction activity.

WATER:

Anticipated water demand: 49 housing units x 270 gallons per day = 13,230 gallons per day.

This project is within the Fulton County Government water service jurisdiction. There is a 12-inch water line along the east side of Douglas Road that can serve this location.

SEWER:

Basin: Johns Creek

Treatment Plant: Johns Creek

Anticipated sewer demand: 11,907 gallons per day

There is a sewer manhole 30 feet north of the 5.84-acre tract ("0" Douglas Road, rear) (Sewer manhole #SMBC5203840) in the rear yard of 933 Hawkhorn Court, Land Lot 1255, District 2-1 (Alpharetta) that can serve this project.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Fulton County Department of Water Resources (Public Works) for more information.

FULTON COUNTY DEPARTMENT OF HEALTH SERVICES

1. The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed development to public water and public sanitary sewer available to the site.
2. This department recommends that the applicant be required to connect the proposed development to public water available to the site.
3. This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.

FULTON COUNTY BOARD OF EDUCATION

Estimated New Students Generated:

Lake Windward Elementary – 11 to 15

Webb Bridge Middle School – 1 to 4

Chattahoochee High School – 6 to 8

Total students – 18 to 27

CITY OF ALPHARETTA COMMENTS

The three parcels that back up to the subject parcel are a minimum of 1/3 acres. If the buffer is to be reduced we would ask that it be heavily planted to provide year-round screening.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of Land Use Petition **RZ-15-007** and Concurrent Variances **VC-15-007-01** and **VC-15-007-02**, subject to the following enumerated conditions, and **DENIAL** of Concurrent Variances **VC-15-007-03** and **VC-15-07-004**.

1. Submit a site plan to the City of Johns Creek Community Development Department that conforms to the requirements of the TR zoning district and 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 maximum of 49 attached townhome units.
2. Dwellings shall have a minimum heated floor area of 2,100 square feet.
3. Building elevations shall be constructed of primarily brick or stone on the front façade. 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. Owner/Developer shall provide no more than one (1) full access driveway from Douglas Road. The location is subject to the approval of the City of Johns Creek Director of Public Works.
5. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of McGinnis Ferry Road a minimum of thirty feet (30ft) 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 back of curb or 1 foot from edge of sidewalk, whichever is greater, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
6. Owner/Developer shall provide a left turn lane into the project entrance on Douglas Road, or as may be required by the City of Johns Creek Director of Public Works.
7. Owner/Developer shall provide a deceleration lane with a 100-foot storage length and 50-foot taper length at the project entrance on Douglas Road, or as may be required by the City of Johns Creek Director of Public Works.
8. Owner/Developer shall install five-foot (5') wide sidewalk on one side of all internal streets.
9. All front entry units shall have a minimum of 18 feet from the back of curb to the front face of structure where sidewalk is not required, or a minimum of 18 feet from the back of sidewalk to the front face of structure where sidewalk is required.
10. Owner/Developer shall provide a minimum of twelve (12) shared parking spaces.

PLANNING COMMISSION RECOMMENDATION

Based upon the findings and conclusions herein, at its June 2, 2015 public hearing, the Planning Commission recommends **APPROVAL, With Conditions** of RZ-15-007, VC-15-007-01, VC-15-007-02, VC-15-007-03, and VC-15-007-04, 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 TR zoning district and 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 maximum of 49 attached townhome units.
2. Dwellings shall have a minimum heated floor area of ~~2,100~~ **1,900** square feet.
- ~~3. Building elevations shall be constructed of primarily brick or stone on the front façade. 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. Owner/Developer shall provide no more than one (1) full access driveway from Douglas Road. The location is subject to the approval of the City of Johns Creek Director of Public Works.
5. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of McGinnis Ferry Road a minimum of thirty feet (30ft) 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 back of curb or 1 foot from edge of sidewalk, whichever is greater, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
6. Owner/Developer shall provide a left turn lane into the project entrance on Douglas Road, or as may be required by the City of Johns Creek Director of Public Works.
7. Owner/Developer shall provide a deceleration lane with a 100-foot storage length and 50-foot taper length at the project entrance on Douglas Road, or as may be required by the City of Johns Creek Director of Public Works.
8. Owner/Developer shall install five-foot (5ft) wide sidewalk on one side of all internal streets.
9. All front entry units shall have a minimum of 18 feet from the back of curb to the front face of structure where sidewalk is not required, or a minimum of 18 feet from the back of sidewalk to the front face of structure where sidewalk is required.
10. Owner/Developer shall provide a minimum of twelve (12) shared parking spaces.
11. **Concurrent Variance VC-15-007-03, approved subject to the condition that units 14 through 28 on the submitted site plan be no more than two stories and that the fifteen-foot (15ft) buffer be planted as a complete visual barrier.**

RZ-15-007

