



Land Use Petition RZ-15-010
Concurrent Variance VC-15-010-01 through 07
Date of Staff Recommendation Preparation: March 17, 2016
Date of Planning Commission Recommendation: April 12, 2016

PROJECT LOCATION: 10500 Parsons Road and 10570 Parsons Road

DISTRICT/SECTION/LANDLOT(S): 1st Section, 1st District, Land Lots 362

ACREAGE 1.12 acres

EXISTING ZONING: AG-1 (Agricultural District)

PROPOSED ZONING: TR (Townhouse Residential)

FUTURE LAND USE PLAN DESIGNATION: Character Area 9: Medlock Bridge Road (SR141) Corridor

PETITIONER: Flitch Holdings, LLC
67 Lafayette Drive NE, Suite 4
Atlanta, GA 30309
Contact: Ross Blaising
678-462-1234

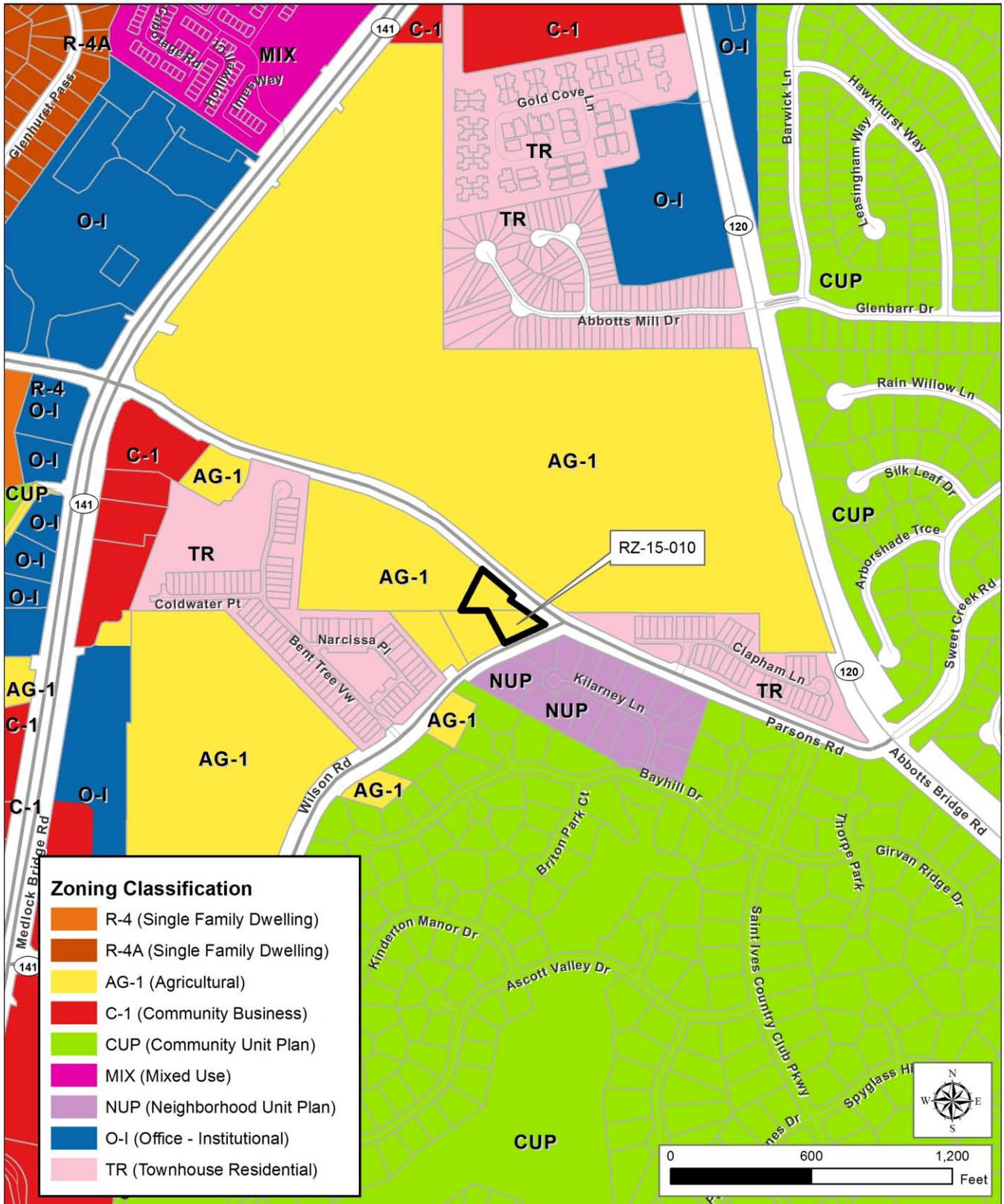
OWNER: 10570 Parsons Road Owner:
Angela May
9290 Tailey Circle
Duluth, GA 30097

10500 Parsons Road Owner:
Laila Akhavansafa
10500 Parsons Road
Duluth, GA 30097

PROPOSED DEVELOPMENT: 9-unit attached townhome subdivision

STAFF RECOMMENDATION: **WITHDRAWAL OF RZ-15-010**
WITHDRAWAL OF VC-15-010-01 through VC-15-010-07

RZ-15-010



RZ-15-010



REVISED STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **WITHDRAWAL** of Land Use Petition **RZ-15-010 and VC-15-010-01 through VC-15-010-07.**

APPLICATION BACKGROUND

The applicant originally filed for rezoning on May 18, 2015. The original application went before Planning Commission on September 1st, 2015 and City Council on September 28th, 2015. At the September 28th, 2015 City Council meeting, the application was remanded back to the Planning Commission due to an error with the applicant's land survey. The new land survey revealed that the site contains 1.12 acres instead of 1.69 acres, as shown in the original application.

The applicant submitted revised plans and updated application materials to reflect the changes that resulted from the decreased acreage. Changes included a revision to VC-010-01 to request a reduction in the rear buffer from 40 feet to 33 feet (the original request was to reduce the 40' rear buffer to 25.8'), the addition of 6 concurrent variances, and a change in the total number of units per acre from 5.3 to 8. An additional informal neighborhood meeting was hosted by the applicant to update neighbors who were previously interested in the rezoning application.

The revised application was scheduled to be heard by the Planning Commission on December 1st, 2015 and City Council on December 14th. However, the case was placed on an administrative hold prior to the Planning Commission meeting on December 1st, 2015 as the applicant notified Staff that he intended to acquire additional land to add to the proposed development. The applicant was unable to acquire additional acreage and therefore, is scheduled to come back before the Planning Commission on April 12th, 2016, per the September 28th, 2015 remand.

It has recently come to Staff's attention that the applicant, Ross Blaising, no longer has 10570 Parsons Road under contract. The property owner, Angela May, has requested that this application be withdrawn (see attached request). Section 28.2 of the City of Johns Creek Zoning Ordinance states that "land use petitions may be initiated by the property owner or the Mayor and City Council." While Angela May signed the owner acknowledgement form allowing Ross Blaising to apply to rezone her property as the contract purchaser, the lack of a current contract negates the signed form that is a part of this application, making this application incomplete. In addition, as this is a site plan specific rezoning, the construction of townhomes would require both lots; neither of which are under common ownership nor held by the same contract purchaser. An approval or denial (with or without prejudice) would not allow the property owner to rezone the property or change the site plan or conditions for a period of 12 months. As part of the recent amendment to the Zoning Ordinance, withdrawal of land use petitions may now be granted by Mayor and City Council. However, once an application has been advertised, it must go through the entire process and be considered by City Council. While Staff supports TR zoning on these two parcels, Staff feels that only valid applications should be reviewed for approval. Therefore, Staff recommends **WITHDRAWAL** of Land Use Petition **RZ-15-010 and VC-15-010-01 through VC-15-010-07.**

The original analysis and Staff recommendation follow.

PLANNING COMMISSION RECOMMENDATION

Based upon the findings and conclusions herein, at its April 12, 2016 public hearing, the Planning Commission recommends **WITHDRAWAL** of RZ-15-010 and VC-15-01 through VC-15-07.

PROJECT OVERVIEW

The applicant requests rezoning, with seven concurrent variances, of two parcels totaling 1.12 acres from AG-1 (Agricultural District) to TR (Townhouse Residential District) to develop 9 attached townhome units at a density of approximately 8 units per acre.

The concurrent variances include:

VC-15-010-01: Reduce the 40' rear buffer to 33' feet. (Section 4.23.1.B)

VC-15-010-02: Reduce the 25' landscape strip on Parsons Road to 10'. (Section 12E.3)

VC-15-010-03: Reduce the 25' landscape strip on Wilson Road to 15'. (12E.3)

VC-15-010-04: Eliminate the 10' improvement setback on the rear buffer. (4.23.1.E)

VC-15-010-05: Reduce the front yard setback from 40' to 20' along Wilson Road. (7.2.3.H.1)

VC-15-010-06: Reduce the side yard setback (adjacent to the street) from 40' to 10' on Parsons Road. (7.2.3.H.2)

VC-15-010-07: Reduce the interior setback when one building per lot in the front yard from 20' to 10' on Parsons Road. (7.2.3.I.1)

The proposed project site is located immediately to the west of the intersection of Parsons Road and Wilson Road. The subject property is located within the Medlock Bridge Road (SR 141) Corridor. There are no previous rezoning cases associated with these two parcels.

10500 Parsons Road is a corner parcel, which fronts both Parsons Road and Wilson Road. The lot contains a one-story single-family detached dwelling which was constructed in 1968. The house is oriented towards the intersection of Parsons Road and Wilson Road and the driveway is located off of Wilson Road. 10570 Parsons Road fronts on Parsons Road and contains a one-story single-family detached dwelling which was constructed in 1945. The home at 10570 Parsons Road is currently unoccupied and the windows are boarded up. There are no distinguishing natural features on either parcel.

The proposed site plan shows 9 attached townhome units. Proposed lots conform in size to the minimum development standard of 2,000 square feet for the TR zoning district. The application proposes a maximum of 3,240 square feet of floor area per dwelling (including the garage). The site plan does not indicate that the community will be gated. There is one proposed point of ingress/egress onto Wilson Road. The application proposes two buildings, breaking the units into a group of four and a group of five.

STAFF ANALYSIS

The subject property, two parcels which total 1.12 acres, is located on the west side of the intersection of Parsons Road and Wilson Road. The surrounding area is zoned AG-1, TR, and NUP. Three of the AG-1 parcels are used institutionally including a church and two schools. The remainder of the adjacent area

consists of residential dwellings, both detached and attached. The units per acre of the surrounding neighborhoods vary from 1.2 to 5.3. The closest commercially zoned property is approximately 1300 feet away and fronts Medlock Bridge Road. The two parcels are currently zoned AG-1 (Agricultural District) and contain single-family detached dwellings. There are no previous rezoning cases on either parcel.

Section 7.2.1 of the City of Johns Creek Zoning Ordinance lists intentions of the TR District. The five criteria are:

- 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 shopping and major thoroughfares.
- Encourage home ownership.

The proposed development meets these standards, with the exception of providing usable open space and recreation areas. The subject property is located near four residential subdivisions as well as individual single-family parcels. It is also located to the north, east, and south of three intuitional uses: Northview High School, Hanbit Presbyterian Church, and Wilson Creek Elementary. This proximity allows for a transitional area between single-family areas and nonresidential areas.

The property is located within close proximity to Medlock Bridge Road, a major thoroughfare. The boundaries of Medlock Bridge Road, Parsons Road, and Wilson Road create a triangular shape of land that measures approximately 65 acres. Of these 65 acres, only 7 single-family detached homes exist. The lack of single-family detached dwellings within this boundary supports this entire area as being transitional. Attached townhomes at this density are a suitable use in this location, provided that appropriate steps are taken to protect the remaining single-family residential areas.

The 2030 Future Development Map identifies the subject property as being within Character Area 9: Medlock Bridge Road (SR 141) Corridor. Townhomes at 5-8 units/acre are listed as appropriate residential uses in this area. TR development at approximately 8 units/acre meets the policy and intent of the Comprehensive Plan for this area.

The requested rezoning to allow a 9 unit attached townhome development is consistent with the recommendations of the Comprehensive Plan and the intent of the TR zoning district. In addition, the applicant has made efforts to create a pedestrian-friendly townhome development with direct connections to public sidewalks. This housing type is limited within the City and approval of the request will result in a greater variety of living options within the City. It would also be compatible in use and scale with the established mix of residential uses that surround the area. Therefore, Staff recommends **APPROVAL with conditions** of this land use petition, RZ-15-010.

The applicant has requested seven concurrent variances. VC-15-010-01 and VC-15-010-04 are related to the rear buffer and its improvement setback. VC-010-01 is for a reduction of the rear buffer from 40' to 33'. VC-010-04 is to eliminate the required 10' improvement setback on the rear buffer. The need for this variance is necessary due to the way the Zoning Ordinance defines lot frontage and a front yard. The Zoning Ordinance dictates that the front yard of a corner lot is along the property line with the shortest distance. In this case, the Wilson Road frontage is the shortest distance and is considered the front yard for the site. While this is the required front yard, the proposed townhomes physically front Parsons

Road. Therefore, the side of unit one is actually considered the rear of the property. Unfortunately, the Zoning Ordinance does not provide any flexibility in this situation. The buffer is applied to this property line due to the adjacent AG-1 zoning, which is typically used residentially. However, the use of 10590 Parsons Road is that of a church, which does not typically require the same level of buffering as a single-family dwelling.

VC-15-010-02, VC-15-010-03, VC-15-010-05, VC-15-010-06, and VC-15-010-07 are for variances to landscape strips required per Section 12E.3 and dimensional requirements required per Section 7.2.3 as follows:

VC-15-010-02: Reduce the 25' landscape strip on Parsons Road to 10'. (Section 12E.3)

VC-15-010-03: Reduce the 25' landscape strip on Wilson Road to 15'. (12E.3)

VC-15-010-05: Reduce the front yard setback from 40' to 20' along Wilson Road. (7.2.3.H.1)

VC-15-010-06: Reduce the side yard setback (adjacent to the street) from 40' to 10' on Parsons Road. (7.2.3.H.2)

VC-15-010-07: Reduce the interior setback when one building per lot in the front yard from 20' to 10' on Parsons Road. (7.2.3.I.1)

The reduction of these elements are due to the applicant's desire to build a Traditional Neighborhood Development (TND) in Johns Creek. TND's are developments that are based on human-scale design with emphasis on buildings oriented toward the street, front porches and pedestrian-orientation. By reducing and eliminating landscape strips and setbacks, the developer is able to achieve a TND type development. The small townhome development provides direct pedestrian connections to the existing sidewalk along Parsons Road. In addition, the buildings are located close to the property line to create a pedestrian friendly street frontage typical of TND development. Allowing an alternative to the typical, gated neighborhood provides more living options for Johns Creek residents. In addition, the applicant is proposing high-quality townhomes with exterior facades that exceed the architecture requirements of the City which will be attractive to passersby.

Therefore, should petition RZ-15-010 be approved, the Department recommends **APPROVAL** of VC-15-010-01 through VC-015-010-07.

PREVIOUS STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of Land Use Petition **RZ-15-010 and VC-15-010-01 through VC-15-010-07.**

1. Limit the use of the property to a maximum of 9 attached townhome units at approximately 8 units per acre.
2. The site will be developed in general accordance with the site plan received by the City of Johns Creek Community Development Department, dated November 11, 2015, with changes to meet the conditions of zoning.
3. The two parcels shall be consolidated through the City of Johns Creek Minor Plat process prior to issuance of a Land Disturbance Permit.
4. Setbacks and roof lines shall be varied by at least 2 feet so that no more than 3 adjoining dwellings within a single building shall have the same front setback or roof line.
5. Buildings shall be constructed in general conformance to the submitted elevations with final approval by the Community Development Director.
6. Owner/Developer shall provide no more than one (1) full access driveway from Wilson Road. The location is subject to the approval of the City of Johns Creek Director of Public Works.
7. Owner/Developer shall construct a 5' wide sidewalk along the entire property frontage of Wilson Road. Curb & gutter and drainage improvements will be required as approved by the City of Johns Creek Director of Public Works.
8. Owner/Developer shall construct a 10' wide trail along the entire property frontage of Parsons Road. Curb & gutter and drainage improvements will be required as approved by the City of Johns Creek Director of Public Works.
9. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Wilson 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.
10. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Parsons 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 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.
11. Owner/Developer shall dedicate at no cost to the City of Johns Creek such right-of-way as required to accommodate a future roundabout at the intersection of Parsons Road and Wilson Road. The required right-of-way shall be a minimum of 73.5' from the centerline of said intersection with a mitered corner.

12. Owner/Developer shall provide a minimum of six (6) shared parking spaces.

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 (across Parsons Road)	AG-1	Northview High School (Fulton County)	N/A
Adjacent: West	AG-1	Hanbit Presbyterian Church	N/A
Adjacent: South; Southwest	AG-1	Single-Family Residence	N/A
Adjacent: South; Southeast (Across Wilson Road)	NUP Conditional (Z-07-013)	Single Family Detached Residential Subdivision (Kilarney at St. Ives)	2.06 units/acre
Adjacent: East (Across Parsons Road)	TR Conditional (Z-02-106)	Townhomes (Eaton Manor)	5.34 units/acres
Nearby: West; Southwest	TR Conditional (Z-01-054)	Townhomes (Myers Park)	4.98 units/acre
Nearby: Southwest	AG-1	Wilson Creek Elementary School	N/A
Nearby: South	CUP Conditional (Z-91-057)	Single Family Detached Residential Subdivision (St. Ives Country Club)	1.17 units/acre

- **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 two parcels are immediately surrounded by AG-1, TR, and NUP zoning. Two of the parcels which are zoned AG-1 are used institutionally, not as single-family. Townhomes at this location would meet three of the five criteria by being located “primarily in areas near or adjacent to single-family areas” and “so as to provide a transition between single-family areas and nonresidential areas.” The property is also located near a major thoroughfare. Additional residential units would be suitable in the view of the use and development of adjacent and nearby properties.

- **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 the residential areas to the south and west and institutional uses to the north and west.

- **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.

- **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?**

A minimal increase in traffic generation, utility demand, and number of school aged children would be anticipated from this request. The applicant was not required to provide a peak-hour trip generation estimate due to the small scale of the project.

The school system estimates that there would be an overall increase of between 1 and 7 students, and has provided the following estimates of school capacity:

SCHOOL	PROJECTED OVER/UNDER CAPACITY	
	Without Development	With Development
Wilson Creek Elementary	131 to 87 under	130 to 83 under
Autrey Mill Middle	157 to 241 over	157 to 242 over
Johns Creek High	90 to 214 over	90 to 216 over

While Autrey Mill Middle School and Johns Creek High School are both currently projected to be over capacity, the proposed development is anticipated to only generate between 0 to 2 new students for these schools (middle and high). Wilson Creek Elementary School is currently under capacity and is projected to remain under capacity if this development is approved.

- **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 9: Medlock Bridge Road (SR 141) Corridor. 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.

- **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 single-family residential areas and non-residential areas, such as the institutional uses of a school and church, as well as the presence of other attached and detached TR districts in nearby areas, would give supporting grounds for approval of the proposal.

- **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 proposed development would have no environmentally adverse impact to the natural resources, environment and citizens of the City of Johns Creek.

DEPARTMENT COMMENTS

PUBLIC WORKS

1. The Georgia Department of Transportation has a future planned project (PI #721000) to widen Abbotts Bridge Road (SR 120) from Peachtree Industrial Boulevard to Medlock Bridge Road (SR 141). This design includes a potential roundabout at the intersection of Parsons Road and Wilson Road. Design is underway and construction is scheduled for FY 2019.
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 install a 5' sidewalk along the entire property frontage on Wilson Road and a 10' trail along the entire property frontage on Parsons Road at no cost to the City of Johns Creek.
5. A 20' access/utility easement is required for the private alley way.

FIRE MARSHAL

1. Shall provide a current water flow report for the proposed site and GPS locate all fire hydrants on plans by LDP submittal;
2. By LDP submittal will need to indicate the fire main sizes and all valves for water lines. Plans do not currently indicate any fire hydrants on the property;
3. Roadways shall be marked as Fire Lanes with No Parking except at designated parking locations.

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 Parsons Road per the Zoning Ordinance; the landscape strip is measured from the dedicated right-of-way. Planting requirements are found in the Administrative Guidelines.
 - b. A 25-foot landscape strip is required adjacent to Wilson Road per the Zoning Ordinance; the landscape strip is measured from the dedicated right-of-way. Planting requirements are found in the Administrative Guidelines.
 - c. The tree density required for this site is 30 units per acre.
 - d. Undisturbed zoning buffers must be planted to buffer standards if determined to be sparsely vegetated by the City Arborist or Land Development Inspector prior to close out of the Land Disturbance Permit. Buffer planting requirements and approved species list are found in the Administrative Guidelines.

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) Site is within the Johns Creek Watershed which is an impaired stream segment for fecal coliform and biota macroinvertebrates. Erosion Sediment and Pollution Control plan must include additional Best Management Practices.
- 5) Identify location of Central Mail Delivery unit and parking.

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: 270 gallons per day (gpd) per lot x 9 lots = 2,430 gallons per day (gpd).

This project is within the Fulton County Government water service jurisdiction. There is an 8 inch water line along the west side of Wilson Road that can service this location. There is an 8 inch water line along the north side of Parsons Road that can service this location.

SEWER:

Basin: Johns Creek

Treatment Plant: Johns Creek

Anticipated sewer demand: 2,187 gallons per day

There is a sanitary sewer manhole located approximately 490 feet west of the northwestern property corner of the 1.24 acre tract (10570 Parsons Road) (Sewer manhole # SMJC4033990) on Parsons Road. There is a sanitary sewer manhole located approximately 225 feet west of the northwestern property corner of the 0.61 acre tract (10500 Parsons Road) (Sewer manhole #SMJC4034090) near Narcissa Place in land lot 343, district 1- 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. Please contact the Department of Water Resources (Public Works) for more information.

FULTON COUNTY DEPARTMENT OF HEALTH SERVICES

EHS Comments:

- The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed townhome development to public water and public sanitary sewer available to the site.
- Since this proposed development constitutes a premise where people work or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.
- This department is requiring that solid waste plans be submitted for review and approval.
- This department is requiring that all existing structures to be demolished must be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.

EJ and General Public Health Comments:

- The Fulton County Department of Health and Wellness does not anticipate any adverse impacts to the health of humans or the environment provided that there are not any existing hazards on the property.

FULTON COUNTY BOARD OF EDUCATION

Estimated New Students Generated:

Wilson Creek Elementary School – 1 to 4

Autrey Mill Middle School – 0 to 1

Johns Creek High School – 0 to 2

Total students – 1 to 7

Wilson Creek Elementary School is currently under capacity and is projected to remain under capacity if this development is approved.

Autrey Mill Middle School and Johns Creek High School are both currently over capacity and are projected to remain over capacity if this development is approved.