



Land Use Petition RZ-15-005

Date of Staff Recommendation Preparation: June 23, 2015

Revised to incorporate Planning Commission Recommendation: July 8, 2015

PROJECT LOCATION: 8100-8200 Block of McGinnis Ferry Road

DISTRICT/SECTION/LANDLOT(S): 1st Section, 1st District, Land Lots 502, 503, 508, 509

ACREAGE 9.10 acres

EXISTING ZONING: AG-1 (Agricultural District)

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

FUTURE LAND USE PLAN DESIGNATION: Character Area 11: McGinnis Ferry Road Corridor

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

PETITIONER: Joni Higgins
8225 McGinnis Ferry Road
Suwanee, GA 30024
678-643-0552

PROPOSED DEVELOPMENT: 24-unit detached residential subdivision
Concurrent Variances:
VC-15-005-01: Reduce front yard setback from 35 feet to 10 feet
VC-15-005-02: Reduce side yard setback adjacent to street from 20 feet to 10 feet

STAFF RECOMMENDATION: **APPROVAL of RZ-15-005**
DENIAL of VC-15-005-01
APPROVAL of VC-15-005-02

RZ-15-005



PROJECT OVERVIEW

The applicant requests rezoning of three parcels totaling 9.10 acres from AG-1 (Agricultural District) to R-4 (Single-Family Dwelling District) to develop 24 single-family home lots at a density of 2.64 units per acre, along with two concurrent variances:

VC-15-005-01: Reduce front yard setback from 35 feet to 10 feet

VC-15-005-02: Reduce side yard setback adjacent to street from 20 feet to 10 feet.

The proposed project site is located on the south side of McGinnis Ferry Road approximately one mile east of its intersection with Bell Road. The site is predominately wooded, with a stream running approximately northwest-to-southeast through its center. Existing conditions on the site include two residential structures and two driveways with curb cuts onto McGinnis Ferry Road. One of these structures, located at 8139 McGinnis Ferry Road, is listed on the 2012 Johns Creek Historic Resource Survey Report. This circa 1907 Queen Anne cottage “has been identified as a type significant to Georgia’s architectural history and retains the integrity to convey this significance.” Additionally, “Extant outbuildings appear historic and should be considered along with the primary structure.”

The proposed site plan shows 24 single-family residential lots. Proposed lots would be a minimum of 9,000 square feet in order to conform in size to the minimum development standards of the R-4 zoning district, and the letter of intent 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 McGinnis Ferry Road.

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 Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: East	R-4 Conditional (Z-05-051)	Single-Family Detached Residential (Jaden Woods Subdivision)	1.98 units/acre; Minimum lot size 9,000 SF
Adjacent: South, West	CUP (Z-98-066 NFC)	Single-Family Detached Residential (Blackstone Subdivision)	1.8 units/acre; Minimum lot size 15,000 SF
Adjacent: North (across McGinnis Ferry Road)	N/A	South Forsyth Soccer Complex (Forsyth County)	N/A
Nearby: East	CUP (Z-90-010 NFC)	Single-Family Detached Residential (River Walk Subdivision)	1.0 units/acre
Nearby: West	AG-1	Single-Family residence	1.0 units/acre

All developed adjacent and nearby properties are single-family detached homes, with the exception of athletic fields to the north across Medlock Bridge Road in Forsyth County. The subject property is bordered on the west and south by the Blackstone single-family residential subdivision, which is zoned CUP at a maximum density of 1.8 units/acre, with the 11 lots that directly abut the proposed development ranging in size between approximately 14,000 and 28,000 square feet. Jaden Woods, located directly to the east of the subject property, is zoned R-4 Conditional with a maximum density of 1.98 units/acre. However, because a significant portion of the subdivision falls within the Chattahoochee River Corridor and remains undeveloped, the developed areas of the subdivision exceed this maximum density with the seven lots that directly abut the proposed development ranging in size between approximately 10,000 and 18,500 square feet.

Single-family residential development is suitable in this location in view of the use and development of adjacent and nearby property. The proposed R-4 density, while slightly higher than adjacent subdivisions, would not be unsuitable in this location, provided that adequate protections are provided to adjacent lower-density properties.

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

A single-family subdivision is a suitable use in this location, and the intensity of the proposed development is unlikely to adversely affect the existing use and usability of adjacent or nearby properties.

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 school system estimates there would be an overall increase of between 14 and 37 students, and has provided the following estimates of school capacity:

SCHOOL	PROJECTED OVER/UNDER CAPACITY	
	Without Development	With Development
Shakerag Elementary	Between 39 and 87	Between 26 and 82
River Trail Middle	Between 14 and 82	Between 10 and 80 under
Northview High	Between 41 under and 73 over	Between 37 under and 83 over

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 11: McGinnis Ferry Road Corridor. According to the Comprehensive Plan, single-family residential is the only appropriate residential use in the sections of this Character Area that are not at a major intersection, with height limited to two to three stories. The proposed development meets these standards, and also meets the Comprehensive Plan’s prescriptions for appropriate scale, which call for development to be “based on existing housing stock” and for the corridor to “remain low intensity and respect the existing neighborhood development.” R-4 development in this location that exceeds minimum housing size limits meets these standards. The Comprehensive Plan encourages common open space, walking paths, and bicycle lanes that are easily accessible. The current plan does not include any of these amenities.

The Comprehensive Plan also lists policies for Natural and Cultural Resources. These policies include, “Preserve and enhance historic and archeological resources.” The Implementation Plan also includes an item calling on the City to “investigate the best way to protect identified historic/archeological resources from demolition.” A listed Quality Community Objective for the McGinnis Ferry Road Corridor Character Area is: “Heritage Preservation: The traditional character of the community should be maintained through preserving and revitalizing historic areas of the community [and] encouraging new development that is compatible with the traditional features of the community.” The proposal as submitted includes the removal of the residential structure at 8139 McGinnis Ferry Road, which is listed in the 2012 Johns Creek Historic Resource Survey Report and is also identified in the Georgia’s Department of Natural Resources Historic Preservation Office GIS system (GNARHGIS ID 239993). The structure is not listed on the National Register of Historic Places, and the applicant has stated that the structure is in dilapidated, unsafe condition, and has therefore not been under consideration for preservation.

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 presence of single-family residential subdivisions, including a subdivision zoned R-4 immediately to the east, adjacent to and near the proposed development 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 site includes a stream running roughly west-to-east through its center. This stream is subject to a 50-foot undisturbed stream buffer and additional 25-foot impervious surface setback, which the applicant has shown on the site plan.

STAFF ANALYSIS

The subject property is 9.10 acres located on the south side of McGinnis Ferry Road between the Blackstone and Jaden Woods subdivisions, approximately one mile east of its intersection with Bell Road. The property is currently three predominately wooded parcels with two residential structures and two driveways with curb cuts onto McGinnis Ferry Road that would be removed under the rezoning proposal.

The surrounding area is characterized by CUP and R-4 single-family residential uses to the west, east, and south, and recreational fields in Forsyth County across McGinnis Ferry Road to the north. One single-family home zoned AG-1 is located further west along McGinnis Ferry Road, and the nearest commercial development is located near the intersection of Bell Road and McGinnis Ferry Road. Single-family residential development is a suitable use at the proposed location.

Jaden Woods is zoned R-4 Conditional, with a maximum density of 1.98 units/acre. The seven lots that have rear yards immediately adjacent to the proposed development range in size from approximately 10,500 to 20,000 square feet and average 13,441 square feet. These lots are higher in density than the subdivision as a whole due to Jaden Woods' significant open space areas within the Chattahoochee River Corridor. Adjacent lots in the proposed development are a minimum of 9,000 square feet, with a portion of the southeast corner of the site to remain undeveloped within an undisturbed stream buffer and impervious surface setback.

Blackstone is a lower-density subdivision than Jaden Woods, with a maximum density of 1.8 units/acre under its CUP zoning. Eleven lots have rear yards that are immediately to the west and south of the proposed development, and these range in size from approximately 14,300 to 28,300 square feet and average 19,404 square feet. Adjacent lots in the proposed development range upward from 9,000 square feet. These lots are typically smaller than those found in Jaden Woods and Blackstone, their development under R-4 regulations is unlikely to adversely affect neighboring properties if adequate building setbacks and buffering are in place.

The 2030 Future Development Map identifies the subject property as being in Character Area 11: McGinnis Ferry Road Corridor. Policies for this area call for low-intensity residential uses away from major intersections, with an emphasis on single-family development that respects the use and character of existing neighborhoods. Single-family residential development that adheres to R-4 regulations is appropriate at this site. The proposed development includes housing that is not out of character with existing nearby subdivisions, and Staff has recommended conditions to ensure adequate protection of the adjacent subdivisions.

At the same time, the Comprehensive Plan includes policies that encourage new development that preserves the City's historic resources. The potential demolition of the structure listed on the 2012 Johns Creek Historic Resource Survey Report may not be in accordance with this policy. The structure is listed on Georgia's Natural, Archeological, and Historic Resources GIS (GNAHRGIS) database as included in the Historic Preservation Division's Historic Resources Survey, but is not listed in the National Register of Historic Places. The Comprehensive Plan states a City policy to "preserve and enhance historic and archeological resources." The applicant has stated that the structure is vacant and in poor condition, and is therefore not a suitable candidate for preservation.

The Comprehensive Plan also encourages common open space, walking paths, and bicycle lanes that are easily accessible. The current plan does not include any of these amenities outside of stream buffer

requirements. At a minimum, the applicant should be prepared to provide sidewalks on both sides of all internal roads.

Staff would note that the site plan received by the Community Development Department will require revisions to include a 50-foot access and utility easement along all internal streets. Underground stormwater facilities will also be required to be placed on common property and to include a 10-foot access easement. The developer will be required to construct a mail kiosk with adequate parking. The applicant has stated that the kiosk will be located across from lot 12, with parallel parking outside lot 14.

Concurrent Variance VC-15-05-1 requests to reduce the front yard setback from 35 feet to 10 feet. This setback is intended to maintain consistent development of residential structures within subdivisions while ensuring adequate space in front yards to allow for driveways and off-street parking. Residences with front-access garages must maintain a minimum setback of 18 feet from the rear of the sidewalk in order to provide adequate space for driveways and off-street parking. The proposed variance does not meet the intent of the Zoning Ordinance in this regard, and the application of this provision of the zoning ordinance on this site does not pose any unnecessary hardship. Therefore, the Department recommends **DENIAL** of this variance. The Department would support a variance for a reduction of the front yard setback to a minimum of 18 feet from the back of the sidewalk to any front-facing garage door and a minimum of 15 feet from the back of the curb to the front of any residential structure, including porches.

Concurrent Variance VC-15-05-2 requests to reduce the minimum side yard setback adjacent to a street from 20 feet to 10 feet. This variance would impact six lots on the proposed site plan, and would be in harmony with the general purpose and intent of the Zoning Ordinance, provided that any garages that face these side yards be at least 18 feet from the back of the sidewalk. Therefore, the Department recommends **APPROVAL** of this variance.

In conclusion, the requested rezoning to allow a 24-lot R-4 single-family residential 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 if amended as recommended. Therefore, Staff recommends **APPROVAL with conditions** of this land use petition, RZ-15-005.

DEPARTMENT COMMENTS**PUBLIC WORKS**

1. City of Johns Creek has no Capital Improvement Projects currently planned in the vicinity of this property to be considered for rezoning.
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. Note that McGinnis 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. 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 McGinnis Ferry Road damaged during construction at no cost to the City of Johns Creek.
5. The plan should indicate whether the applicant is requesting public or private streets. If public, show at 50' right-of-way to be dedicated at the time of final plat. If private, show a 50' access/utility easement. If a gated entrance is planned for a private community, said entrance must meet the requirements defined in the City of Johns Creek Development Regulations.

FIRE MARSHAL

1. Developer will need to coordinate with Fire Marshal's Office before installation of gated entry to provide appropriate wiring for emergency access through gate.
2. Plans must provide detail for the gated entry for turnaround or clear space between gates.
3. Road widths must be identified on plans to verify appropriate width per city ordinance.
4. Developer shall provide a current water flow report and GPS locate all fire hydrants by LDP submittal.
5. Plans must indicate fire main sizes, location, or identify any fire hydrants.
6. No parking identification signs may be needed per ordinance, depending on road width.

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 40-foot landscape strip is required adjacent to McGinnis 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.
 - c. Landscape strips that are to be planted to buffer standards will follow the planting and species standards as described in the Administrative Guidelines. All material (evergreen plants only) at time of planting must be at least five feet tall and have branching all the way to the ground.

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) Stormwater Management Report is required upon submittal of development plans. The new report must include meet new water, channel protection and detention requirements for the entire site.
- 5) Detention facilities must be on commonly owned property only and must be encompassed by a 10-foot access easement.
- 6) Stream on the property requires field verification to determine their full extent and location of stream buffers as soon as possible. Location to be verified by City staff and surveyed location to be shown on plans with 25' and 50' buffers and 75' impervious setback.

FULTON COUNTY DEPARTMENT OF WATER RESOURCES (revised comments based on original 33-unit single-family residential NUP petition)

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: 24 housing units x 270 gallons per day = 6,480 gallons per day.

This project is within the Fulton County Government water service jurisdiction. There is a 12-inch water line and an 8-inch water line along the south side of McGinnis Ferry Road that can serve this location.

SEWER:

Basin: Johns Creek

Treatment Plant: Johns Creek

Anticipated sewer demand: 6,480 gallons per day

There is a sewer manhole along the south property line of the 3.41-acre tract (8225 McGinnis Ferry Road.) (Sewer manhole #SMJC4402350) and there are two sewer manholes along the east property line of the 3.14-acre tract (8225 McGinnis Ferry Road) (Sewer manholes #SMJC4403600 and #SMJC4403610), Land Lot 509, District 1-1 that can service 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

The Fulton County Department of Health and Wellness will require that the applicant connects the proposed 33-1ot, single family 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.

If there are existing structures on the property proposed for demolition, this department is requiring that those structures 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.

FULTON COUNTY BOARD OF EDUCATION

Shakerag ES – 5 to 13 new students
River Trail MS – 2 to 4 new students
Northview HS – 4 to 10 new students
Total students – 11 to 27 (estimated)

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL with conditions** of Land Use Petition **RZ-15-005**, and concurrent variance VC-15-005-2 and **DENIAL** of concurrent variance VC-15-005-1, subject to the following enumerated conditions:

1. Property shall be developed in general accordance with the site plan received by the Community Development Department on June 23, 2015, with changes to meet zoning conditions, zoning regulations, and development regulations.
2. Site plan shall contain a maximum of 24 detached single-family dwelling units.
3. Dwellings shall have a minimum heated floor area of 2,100 square feet.
4. 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.
5. Owner/developer shall provide an ornamental wall/fence along the entire property frontage along McGinnis Ferry Road. Wall/fence shall be 6-foot high and include brick and/or stacked stone columns spaced a minimum of 50 feet apart. Final wall/fence design and location shall be subject to review and approval of the Community Development Department Director.
6. All units shall provide a two-car garage.
7. Owner/developer shall provide a minimum 25-foot landscape strip planted to buffer standards along the perimeter of the subdivision where adjacent to lots currently zoned for single-family residential development.
8. All common areas shall be held and maintained in perpetuity by a mandatory homeowners association. Documents of incorporation shall be submitted to the Community Development Department prior to recordation of the final plat.
9. Owner/Developer shall provide no more than one (1) right in/right out only driveway from McGinnis Ferry Road. No median opening will be allowed.
10. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of McGinnis Ferry Road a minimum of seventy-five feet (75ft) 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.
11. Owner/Developer shall provide a deceleration lane with a 175-foot storage length and 100-foot taper length at the project entrance on McGinnis Ferry Road, or as may be required by the City of Johns Creek Director of Public Works.

12. Owner/Developer shall provide a fifteen-foot (15-ft) wide pedestrian access easement from the internal subdivision street through the detention facility/stream lot to the southeast corner of the site.
13. Owner/Developer shall install a five-foot (5-ft)-wide sidewalk on both sides of internal streets.

PLANNING COMMISSION RECOMMENDATION

Based upon the findings and conclusions herein, at its July 7, 2015 public hearing, the Planning Commission recommends **APPROVAL, With Conditions** of RZ-15-005, VC-15-005-01, and VC-15-005-02, subject to the following enumerated conditions:

1. Property shall be developed in general accordance with the site plan received by the Community Development Department on June 23, 2015, with changes to meet zoning conditions, zoning regulations, and development regulations.
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11. Owner/Developer shall provide a deceleration lane with a 175-foot storage length and 100-foot taper length at the project entrance on McGinnis Ferry Road, or as may be required by the City of Johns Creek Director of Public Works.

12. Owner/Developer shall provide a fifteen-foot (15-ft) wide pedestrian access easement from the internal subdivision street through the detention facility/stream lot to the southeast corner of the site.
13. Owner/Developer shall install a five-foot (5-ft)-wide sidewalk on both sides of internal streets.
14. **The required front yard setback shall be a minimum of 18 feet from the back of the sidewalk to any front-facing garage door and a minimum of 15 feet from the back of the curb to the front of any residential structure, including porches.**

RZ-15-005

