



**Land Use Petition RZ-11-005; SUP-11-001; VC-11-005-1, 2, 3 & 4
Date of Staff Recommendation Preparation: 6/21/2011 (JK)**

PROJECT LOCATION: 12200 Block of Jones Bridge Road

DISTRICT/SECTION/LANDLOT: 1st District, 1st Section, Land Lot 58

ACREAGE: 0.90 Acres

BUILDING SIZE: 6,665 Square Feet

EXISTING ZONING: R-4 Conditional (1995Z-126)

PROPOSED ZONING: R-6 Conditional

FUTURE DEVELOPMENT MAP DESIGNATION: Character Area 06- Newtown

OWNER/APPLICANT: George and Elena Marteniuc
6212 Craftsman Street
Johns Creek, GA 30097

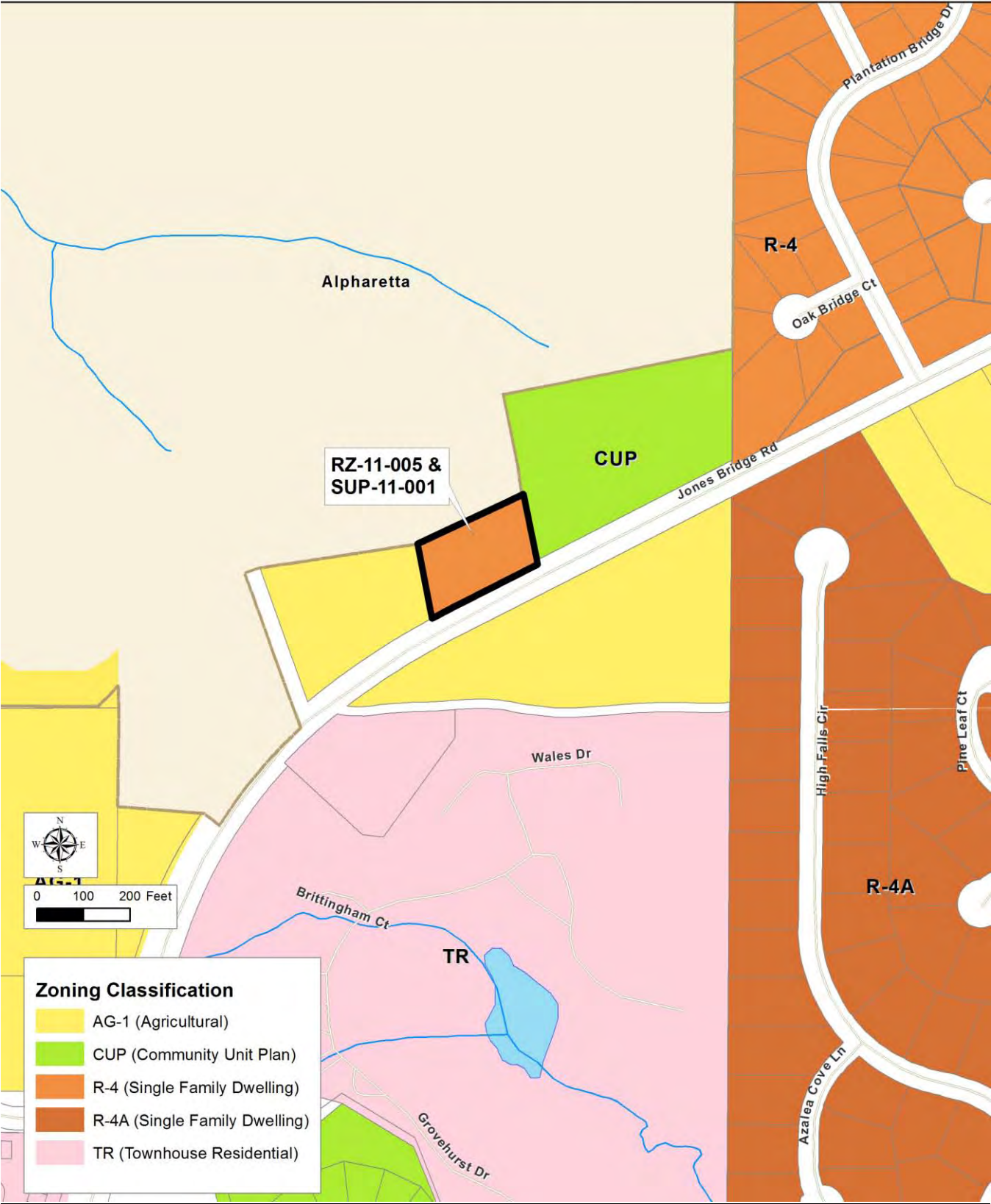
CONTACT: Nathan V. Hendricks III – 404.255.5161

PROPOSED DEVELOPMENT: Personal Care Home with the following concurrent variances

1. Reduce the 50' rear setback to 25'
2. Reduce the 50' side setback to 30'
3. Reduce the 50' undisturbed rear buffer to 15'
4. Reduce the 25' undisturbed side buffer to 20'

STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS**

RZ-11-005 & SUP-11-001



PROJECT DATA

The applicant requests rezoning of a 0.90 acre tract from R-4 Conditional to R-6 Conditional with an accompanying Special Use Permit to allow a 6,665 square foot personal care home (excluding garage) with up to twelve residents. According to the applicant’s letter of intent, the personal care home would also accommodate a caretaker and three additional employees. The property is located adjacent to the north side of Jones Bridge Road, east of its intersection with Waters Road. The property previously contained a single family residence that has been removed from the property. It is currently graded with little existing vegetation on the site.

The proposed site plan shows a single point of entrance off of Jones Bridge Road with seven parking spaces along the northeastern portion of the property and a circular drive with a porte-cochere. An additional three parking spaces would be located in an enclosed garage for an aggregate of ten spaces which exceeds the required minimum for the site. Personal care homes require a 50-foot building setback adjacent to residentially-zoned property and the applicant has requested concurrent variances to reduce the setback on the rear property line to 25 feet and on the western property line to 30 feet. Additionally, the applicant is requesting concurrent variances to reduce the 50 foot buffer on the rear property line to 15 feet and the 25 foot buffer on the western property line to 20 feet. The 10-foot improvement setbacks would remain on the buffers and the applicant’s letter of intent states that the improvement setbacks and reduced buffers would be planted to a buffer standard. The site plan indicates that the buffer would be planted with a row of maple trees and a row of Leyland cypress and supplemented with the existing wooden privacy fence along the property line. The site can accommodate the required 30-foot landscape strip off of Jones Bridge Road; however, this area currently contains a temporary construction easement for the Jones Bridge Road widening project and landscaping would have to occur after the completion of the road project.

The submitted architectural elevations depict a building constructed primarily of stone with accents of stucco and meeting the Community Standards.

STANDARDS OF REVIEW - REZONING

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 Properties	Zoning (Petition Number)	Land Use
North	CUP Conditional	Waters Cove Subdivision
West	AG-1	Single-Family Residence
South	AG-1	Single-Family Residence
East	CUP Conditional	Brookside Academy Daycare

In light of the mixture of single-family subdivisions, residences and institutional uses in the area, the proposed personal care home could be suitable at this location. Additionally, the residential appearance of the structure and the relatively low occupancy further suggests that the use could be suitable.

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

The low impact associated with a twelve-person personal care home, residential appearance of the structure and a well-planted buffer would mitigate potential adverse impacts on surrounding and 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?

The proposed development would have minimal impacts on the traffic levels of the surrounding roads. An increase in utility demand would be anticipated from the request; however, there would not be any impacts on the school system.

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

The proposed development would be in conformity with the policies of the Comprehensive Plan, which suggest a mixture of residential and non-residential uses for the area and protection of existing residential developments.

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?

The lack of internal road access to the Water Cove subdivision when the subdivision was originally developed left the subject property with its only access on Jones Bridge Road, giving further supporting grounds for approval of the request. Additionally, the presence of an adjacent daycare suggests the area would be suitable for an institutional use.

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 are no streams, wetlands or other natural features on the site that would be impacted from this request.

STANDARDS OF REVIEW – SPECIAL USE PERMIT

1. Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the Mayor and City Council;

The proposed use would be consistent with the recommendations of the Comprehensive Plan and Future Development Map, which support a mixture of residential and non-residential uses in the area.

2. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed;

The subject property is adjacent or near a mixture of residential and non-residential uses. The proposed residential-like structure to be used as a personal care home could be compatible with this mixture of uses and provide a transition from the residential subdivisions to the more intense non-residential uses found along Jones Bridge Road.

3. Whether the proposed use may violate Local, State and/or Federal statutes, ordinances or regulations governing land development;

The proposed personal care home would not violate any Local, State or Federal regulations governing land development.

4. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining street;

The proposed personal care home would contain a maximum of twelve residents. Any effect on the traffic flow would be minimal.

5. The location and number of off street parking spaces;

The proposed number of parking spaces depicted on the site plan would conform to the requirements of the City of Johns Creek Zoning Ordinance.

6. The amount and location of open space;

The proposed site plan would depict minimal open space due to the size and shape of the lot.

7. Protective screening;

Although the buffers adjacent to Water Cove would be reduced, the combination of evergreen plantings and the wooden privacy fence would provide adequate screening. Additionally, should the structure be utilized as a single-family residence, no screening would be required.

8. Hours and manner of operation;

The personal care home would be operated on a 24-hour basis and operate as a residence.

9. Outdoor lighting;

Any outdoor lighting would be required to meet the Night Sky Ordinance.

10. Ingress and Egress to the property;

A single point of access would be provided off of Jones Bridge Road and would be required to meet the construction standards of the Development Regulations.

STAFF ANALYSIS

The subject property is a 0.90 acre tract located adjacent to the north side of Jones Bridge Road, east of its intersection with Waters Road. The property is currently cleared and partially graded with a wood privacy fence surrounding the property.

The surrounding area is characterized by non-residential uses found to the southwest at the intersection of Jones Bridge Road and Old Alabama Road and transitioning towards more residential uses found to the east and north. Adjacent to the east of the subject property is the Brookside Academy daycare center, which received a Special Use Permit for a daycare and is zoned CUP Conditional. North is the Waters Cove subdivision in the City of Alpharetta and west is a tract zoned AG-1 that contains a vacant residential structure. Across Jones Bridge Road is a residence on an acreage tract, zoned AG-1 and the St. Andrews Apartments, zoned TR Conditional. Further southwest along Jones Bridge Road are commercial/retail and office uses, zoned C-1 Conditional and O-I Conditional, extending from the intersection with Old Alabama Road. The subject property was originally zoned as part of the Waters Cove subdivision by Fulton County and was to serve as the entrance point into the subdivision. Under Fulton County, however, the subdivision was allowed access to Waters Road and the subject property was omitted from the subdivision. In its current remnant state, the proposed personal care home could provide an effective infill use between the existing subdivisions and residences in the area. The submitted architectural elevations depict a structure with varying rooflines and other architectural features similar to larger residential structures and project a more residential than institutional character. Additionally, as the property is located adjacent to an existing daycare facility and fronts Jones Bridge Road, the proposed personal care home could provide a compatible use with the existing mixture of developments in the area and provide a transitional use at this location. The Department would suggest, however, that the existing privacy fence along Jones Bridge Road is not consistent with the general aesthetics along the corridor and would recommend its removal prior to issuance of a certificate of occupancy. Should the applicant seek to provide a secured site, a combination of landscaping and a decorative wrought-iron, brick or stone wall or fence would be more consistent with the area.

The Johns Creek 2030 Future Development Map identifies the property as being in Character Area 06-Newtown. Policies for this area indicate a mixture of commercial, residential and institutional uses with consideration towards the protection of the existing residential uses in the area. The residential-like appearance of the proposed personal care home, adherence with the architecture of the Community Standards and its compliance with the zoning district's height limitation suggest that the proposed personal care home would be consistent with these recommendations. Additionally, the granting of a Special Use Permit for a daycare center on the adjacent property further establishes the area's policy of allowing institutional uses along Jones Bridge Road that remain compatible with the established residential uses in the area.

The requested concurrent variances to allow the structure to encroach into the 50-foot setback and reduce the buffers adjacent to residential properties result from the property's status as remnant tract from the Waters Cove subdivision. Originally intended to provide a residential structure and entrance road to the subdivision, it was not included in the subdivision and is thus more sized for a residential lot, though its only frontage is Jones Bridge Road. While staff would generally not support reducing buffers

adjacent to residential subdivisions, the low impact of the use and residential appearance of the proposed structure would allow it to remain more compatible with the surrounding residential uses as opposed to the more institutional appearance typically found in personal care homes. Additionally, although the adjacent daycare provides 50-foot buffers, it also contains outdoor play areas and is designed to accommodate over 100 children. The proposed personal care home with 12 occupants would present significantly less noise and traffic impacts. With a proper screen provided by two staggered rows of evergreen plantings and the a solid, 100 percent opaque, privacy fence, the requested concurrent variances to reduce to the buffers and encroach into the setback could be supported in light of the hardships presented by the unusual lot configuration. The Department would note that the proposed planting plan would not meet the buffer standards for tree species and would suggest conditioning the replanting plan to trees allowed by the Tree Ordinance. Additionally, the Department would note that the same structure could be constructed on the subject property under the existing zoning and, should it only be utilized as a single-family residence, would meet the setback of 25-feet and would not require buffers.

In conclusion, the requested rezoning and Special Use Permit to allow a personal care home would be consistent with the surrounding properties and with the recommendations of the Future Development Map for the area. Additionally, the residential appearance and low impact associated with a 12-person personal care home suggests that the requested concurrent variances could be suitable at this location, as well. Therefore, the Community Development Department recommends **APPROVAL WITH CONDITIONS** of this request.

DEPARTMENT COMMENTS

PUBLIC WORKS

1. Applicant will be required to install a 5' concrete sidewalk along the entire property frontage on Jones Bridge Road as shown on the City of Johns Creek approved Trail/Sidewalk Map and City of Johns Creek Development Regulations).
2. Curb cut location and alignment are subject to an approved sight distance plan and the approval of the City of Johns Creek Traffic Engineer.
3. Driveway width requirements are as follows:
 - a. Width – 24'
 Driveway shall be located as shown on the Jones Bridge at Waters Rd Project Plans.
4. Per the City's Development Regulations, a minimum of 25 feet or to the edge of the City's R/W, whichever is greater, shall be paved with a treated hardened surface.
5. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire property frontage along Jones Bridge Road a minimum of forty feet (40ft) from the centerline of the road and dedicate at no additional cost to the City of Johns Creek 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, of all abutting road improvements or as necessary prior to the issuance of a Building Permit as approved by the City of Johns Creek Director of Public Works

WATER AND SEWER

Water and Sewer is provided through Fulton County Public Works Department.

FIRE MARSHAL

1. Prior to issuance of a building permit, demonstrate adequate emergency apparatus turnaround per IFC regulations.
2. The porte coche must provide adequate emergency vehicle clearance.
3. Building may be required to be fully equipped with a compliant NFPA 13 Sprinkler System and compliant Fire Alarm system.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through building permit. All buffers, landscape strips, and density requirements are to be planted per the Guidelines; also see the Guidelines for approved tree species. The species proposed do not meet any of the approved species.
 - a. Non-single family district density requirement is 30 units per acre.
 - b. There is a 30-foot landscape strip adjacent to Jones Bridge Road.
 - c. There is a 10-foot landscape strip adjacent to the east property line.
 - d. Two parking lot trees will be required with the current site plan.
 - e. Leyland Cypress trees do not count towards density requirements.

SITE DEVELOPMENT

1. A building permit is required. Submitted plans shall comply with the Development, Fire Safety and Zoning Regulations, Tree Preservation, Erosion & Sediment Control and Post-Development Stormwater Management Ordinances.
2. Stormwater Management Report shall be required upon submittal of plans. Report shall include accommodation for onsite water quality treatment and a downstream analysis to determine if detention is necessary.
3. A surety will be required for all right of way improvements.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of RZ-11-005 as R-6 Conditional as well as SUP-11-001 and Concurrent Variances VC-11-005-1, 2, 3 and 4, subject to the following enumerated conditions:

1. The site shall be limited to a personal care home or single-family residence.
2. The site shall be developed in general accordance with the site plan submitted to the City of Johns Creek Community Development Department on April 5, 2011.
3. The principal building setback shall be reduced to 25-feet adjacent to the rear yard (VC-11-005-1) and 30-feet adjacent to the side yard (VC-11-005-2).
4. The buffer adjacent to the north property line may be reduced to 15 feet plus a 10-foot impervious surface setback (VC-11-005-3) and the buffer adjacent to the western property line may be reduced to 20 feet plus a 10-foot impervious surface setback (VC-11-005-4). Prior to the issuance of a certificate of occupancy, the buffer shall be planted to buffer standards and a minimum 6-foot high wooden privacy fence shall be located on the side and rear property lines.
5. Prior to the issuance of a certificate of occupancy, the wooden fence along Jones Bridge Road shall be removed.
6. The owner/developer shall provide a decorative fence or wall along Jones Bridge Road that shall be constructed of wrought-iron (style) and/or stone and/or brick.
7. Owner/Developer shall provide no more than one (1) full access drive from Jones Bridge Road.
8. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire property frontage along Jones Bridge Road a minimum of forty feet (40ft) from the centerline of the road and dedicate at no additional cost to the City of Johns Creek 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, of all abutting road improvements or as necessary prior to the issuance of a Building Permit as approved by the City of Johns Creek Director of Public Works.
9. Provide Site Plan showing an overlay of the GDOT Project P.I. No 0006908 prior to the approval of the Building Permit.
10. The building shall be allowed to encroach into the front landscape strip if necessitated by the right-of-way dedication. Plantings in the landscape strip shall meet the requirements of the Tree Ordinance. Landscaping inside the construction easement shall be installed within six months of the termination of the construction easement.
11. The building shall be residential in appearance and meet the Community Standards as depicted in the architectural elevations submitted May 25, 2011.