



Land Use Petition RZ-12-001

Date of Staff Recommendation Preparation: January 24, 2012

PROJECT LOCATION: 7500 Block of McGinnis Ferry Road

DISTRICT/SECTION/LANDLOT: 1st District, 1st Section, Land Lot(s) 462 & 463

ACREAGE: 14.38 Acres

EXISTING ZONING: AG-1(Agricultural District)

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

FUTURE DEVELOPMENT MAP DESIGNATION: Character Area 11: McGinnis Ferry Road Corridor

OWNER(S): Donald T. Settle, Nancy A. Settle, & Brenton Bagley
Trustees of The Revocable Living Trust of John Thomas Settle
4305 Dinwiddie Court
Raleigh, NC 27604

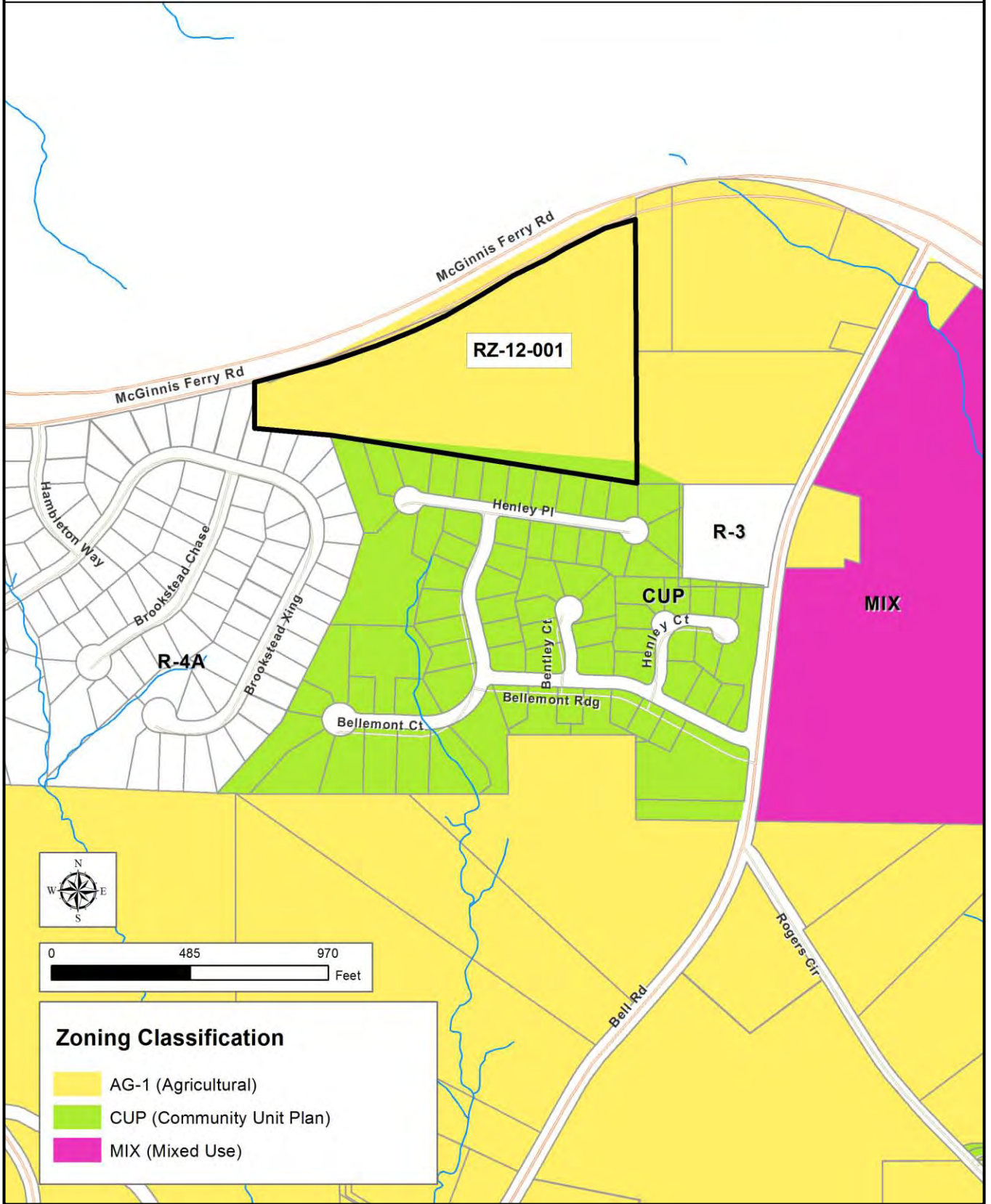
APPLICANT: Carson Developments, Inc.
3082 East Shadowlawn Avenue
Atlanta, GA 30305

CONTACT: E. Howard Carson, Jr.: 404.264.0930

PROPOSED DEVELOPMENT: 33 lot single-family residential subdivision, at a density of 2.29 units per acre.

STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS as R-4 Conditional**

RZ-12-001



Zoning Classification

- AG-1 (Agricultural)
- CUP (Community Unit Plan)
- MIX (Mixed Use)

PROJECT DATA

The applicant requests rezoning of a 14.38 acre tract from AG-1 to R-4 Conditional to allow a residential development of 33 single-family detached lots. The subject property is located along the south side of McGinnis Ferry Road, west of its intersection with Bell Road and adjacent to a Georgia Power transmission station. The property is partially wooded with pine and evergreen vegetation on the balance of the site, and groundcover along the property's frontage. There is an existing dirt driveway that had provided access to a residential dwelling that is no longer on the property. As stated in the applicant's letter of intent, the proposed single-family residential subdivision would consist of 33 detached lots proposing a density of 2.29 units per acre. According to the applicant, interior lots would conform to the minimum lot size of 9,000 square feet as required in the R-4 zoning district, while lots averaging 12,000 square feet would be situated along the perimeter of the proposed subdivision.

The proposed site plan shows a single ingress/egress off of McGinnis Ferry Road at the northeast corner of the development, with a 40-foot landscape strip provided along the entire frontage. The detention facility would be situated on the southern end of the development and surrounded by a 20-foot wide landscape strip. A public road would provide access to two cul-de-sacs on opposite ends of the development. The applicant did not indicate building materials in their letter of intent or submit building elevations.

The Department notes that the applicant was recently approved for a similar rezoning request (RES4) on a parcel of land also owned by the Trust of John T. Settle, located adjacent to the north side of McGinnis Ferry Road in Forsyth County, directly across from the subject property. The approval allows for no more than 101 single-family lots at a density of 2.29 units per acre. The Department notes that a construction and slope maintenance easement exists on the subject property varying from 25 feet at its shortest distance to 72 feet in depth from the right-of-way of McGinnis Ferry Road as a result of the Georgia Department of Transportation widening project. Development within the easement would be prohibited until the easement has been released by the Department of Public Works.

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	Density (Dwelling units/acre)
Across McGinnis Ferry Road: North	RES4 (Forsyth County)	Single-Family Residential	2.29
East	AG-1	Georgia Power Transmission Station and Undeveloped Tracts	N/A
Across Bell Road: East	MIX Conditional	Undeveloped Tract	N/A

West	R-4A Conditional	Single-Family Residential (Huntington Subdivision)	2.43
Nearby: West	R-4A Conditional	Single-Family Residential (Amberleigh; Devonhall; & Laurelwood Subdivisions)	2.32; 2.63; 2.64
South	CUP Conditional	Single-Family Residential (Bellemont Farms Subdivision)	2.07

In light of the mixture of single-family residential uses and larger residential tracts established adjacent to and nearby the subject property, the proposed development could be suitable at this location. With proper conditions to mitigate impacts to adjacent residential properties, the proposed development at a density of 2.29 units per acre may be suitable at this location.

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

With proper conditions on architectural materials, and dwelling and lot size that would conform to established standards of adjacent residential uses and zoning, adverse impacts on neighboring properties would be reduced.

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

The subject property has a reasonable economic use as currently zoned.

D. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

An increase in utility demand would be anticipated from this request. An increase in the number of school aged children would be anticipated from this request and Shakerag Elementary School, River Trail Middle School and Northview High School are over capacity. With a proposal of 33 single-family detached lots, a total of 25 students would be anticipated, based on the Fulton County School system calculations. At a similar density to surrounding properties the impact on the school system would be comparable to established subdivisions in the area. A minimal increase in the use of existing streets could also be anticipated from this request; however, the recently completed expansion of McGinnis Ferry Road from two lanes to four lanes, would help to lessen traffic concerns anticipated with the proposed development.

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 consistent with existing neighborhood developments and intensity of uses found in the area, and would be in conformity with the policies recommended for residential land uses in Character Area 11 – McGinnis Ferry Road Corridor, as established in the 2030 Comprehensive Plan.

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 completion of the McGinnis Ferry Road Corridor widening project and the development pattern of emerging and existing residential uses in the area within the City of Johns Creek and across McGinnis Ferry Road in Forsyth County suggest the proposed single-family residential development may be suitable at this location and give further supporting grounds for approval of this request.

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 found on site; therefore, the proposed development would not adversely affect the environment or natural resources.

STAFF ANALYSIS

The subject property is located adjacent to the south side of McGinnis Ferry Road, west of its intersection with Bell Road and a Georgia Power transmission station. The site is partially wooded with pine and evergreen vegetation. A residential dwelling that existed on the site has since been removed.

The surrounding area is characterized by a mixture of single-family subdivisions, a Georgia Power substation, and larger tracts within Johns Creek and Forsyth County. Adjacent to the east is a transmission station and undeveloped larger tracts, zoned AG-1. Further east across Bell Road is a remnant agricultural tract, zoned AG-1, currently utilized as a non-conforming pine straw sales business, and an undeveloped tract, zoned MIX Conditional. Adjacent to the west and southwest are Huntington, Laurelwood, Devonhall, and Amberleigh subdivisions, zoned R-4A Conditional. Directly south of the subject property is Bellemont Farms subdivision, zoned CUP Conditional. Across McGinnis Ferry Road to the north in Forsyth County, consists of existing and emerging single-family residential developments, a church, daycare, and commercial uses at the intersection with Bell Road. Of the emerging residential developments in Forsyth County, the undeveloped parcel of land directly across from the subject site was approved for single-family detached lots at a density of 2.29 units per acre. In light of the mixture of existing and emerging subdivisions, institutional, and commercial uses that characterize the area, the proposed single-family residential development could be suitable at this location.

Although the existing residential zoning in the area is typically R-4A Conditional and not the requested R-4 zoning, conditioning exterior lot sizes to a minimum of 12,000 square feet would ensure consistency in density and lot size with adjacent neighborhoods that are zoned R-4A and CUP Conditional. Additionally, City Council has set precedent pertaining to architectural materials for zoning requests of single-family detached subdivisions in the City of Johns Creek, requiring dwellings to be constructed primarily of brick or stone, with the rear elevation constructed of at least fifty-percent brick or stone. Staff notes the property across McGinnis Ferry Road in Forsyth County was approved with similar architectural requirements for dwellings adjacent to Boyd Road, requiring three sides brick, stucco or stone with accents of cementitious siding or cedar shakes. Maintaining similarity and uniformity of lot size and architectural elevations with existing subdivisions and established precedent, the proposed development would be suitable on the subject property and would be able to minimize any adverse effects related to this request.

The Johns Creek 2030 Future Development Map identifies the property as being in Character Area 11-McGinnis Ferry Road Corridor. Policies for this area indicate a mixture of commercial, residential and institutional uses with consideration towards the protection of existing neighborhood developments, and preservation of the corridor for low intensity uses. The density of 2.29 units per acre as proposed by the applicant would be consistent with existing residential developments in the area. Conditioning perimeter lots to a minimum of 12,000 square feet would ensure the preservation of established density in the area. Additionally, by conditioning the architecture materials of the subject property to be compatible with established precedent typical of single-family residential developments and with existing and emerging residential subdivisions, the policy of respecting existing neighborhood development would be further ensured.

In conclusion, with proper conditions related to exterior lot size, building materials, and density, the proposed development as requested could be compatible with existing and anticipated developments located along the McGinnis Ferry Road Corridor. Therefore, the Community Development Department recommends **APPROVAL WITH CONDITIONS** as R-4 Conditional.

DEPARTMENT COMMENTS

PUBLIC WORKS

1. Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Johns Creek Traffic Engineer.
 - a. Ensure the R/W is cleared of all obstructions limiting the sight-distance of drivers. This includes at a minimum all trees and/or shrubs and fencing. Coordinate all improvements in the R/W with the City's Traffic Engineer.
 - 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.
2. Applicant will be required to install a 5-foot concrete sidewalk along both sides of the internal public road as shown in City of Johns Creek Development Regulations.
3. Provide curb and gutter and drainage improvements along the entire length of installed paving.
4. The driveways for Lots 1 and 3 shall be located at minimum of 50 feet from the right-of-way on McGinnis Ferry Road as measured to the nearest edge of the drive.
5. The right of way along internal public road shall be dedicated to the City of Johns Creek through the plat process. The following are the requirements of dedication along the internal subdivision street:
 - a. Public roadway – 50ft of right of way or 25ft from centerline of roadway.
 - b. Public Cul-de-sac - 60ft of right of way
6. Be advised that a permanent easement was purchased by the Georgia Department of Transportation for the McGinnis Ferry Road Widening Project (MSL-0004-00(429)). No improvements related to on site construction may be performed within this easement unless approved by the City of Johns Creek Director of Public Works.

WATER AND SEWER

Water and Sewer is provided by Fulton County Public Works Department. Review and approval of water and sewer is required prior to development.

FULTON COUNTY DEPARTMENT OF HEALTH SERVICES

1. The plat shall be submitted for review and approval regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction and the recording of the plat. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of a residential development, nor shall a building permit be issued until this Department has reviewed and approved the plat.
2. The applicant shall be required to connect the proposed residential development to public water and public sanitary sewer available to the site.
3. Since this proposed development constitutes a premise where people work, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.
4. If the proposed development includes an existing individual on-site sewage management system(s), it shall be abandoned in accordance with Fulton County regulations.
5. If the proposed development includes an existing individual onsite water supply system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.

FULTON COUNTY BOARD OF EDUCATION

ES students – 13
MS students – 5
HS students – 7
Total students – 25

FIRE MARSHAL

1. Proposed internal road shall meet or exceed all requirements of the International Fire Code for apparatus access and the current city regulations.
2. Fire line size and distance requirements shall meet NFPA 24 guidelines, city regulations, and GA 120-3-3.
3. Development plan will be subject to review and approval prior to construction.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through Land Disturbance Permit. Residential tree site density requirement is 20 units per acre.

SITE DEVELOPMENT

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

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL with Conditions** of land use petition, **RZ-12-001** as **R-4 Conditional**, subject to the following enumerated conditions or as may be amended by the Mayor and City Council:

1. The site shall be developed as a single-family detached subdivision with a maximum of 33 units at a density not to exceed 2.29 units per acre.
2. The site shall be developed in general accordance with the site plan submitted to the City of Johns Creek Community Development Department on December 15, 2011.
3. The minimum dwelling size shall be 2,400 square feet.
4. The minimum lot size shall be 12,000 square feet for all perimeter lots. The remaining lots shall be a minimum of 9,000 square feet.
5. The exterior elevations of the front shall be constructed primarily of brick or stone, and the rear and sides shall be constructed of at least 50 percent brick or stone, and the balance of the dwelling may be cedar shake or fiber-cement siding. Final elevations shall subject to review and approval of the Community Development Director.
6. Provide an entry wall/fence on the entire property frontage along McGinnis Ferry Road. Wall shall be constructed of 6-foot high brick and/or stacked stone columns (35 feet on-center maximum) with a 5-foot high black wrought-iron style fence.
7. Owner/Developer shall provide no more than one (1) full access drive from McGinnis Ferry Road. Direct lot access to McGinnis Ferry Road shall be prohibited.
8. Owner/Developer shall provide a deceleration lane at the proposed project entrance off McGinnis Ferry Road or as may be required by the Public Works Department prior to issuance of a LDP.
9. Owner/Developer shall restripe U-turn lane on McGinnis Ferry Road to a left turn lane or as required by the Public Works Department prior to issuance of a LDP.
10. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire property frontage on McGinnis Ferry Road a minimum of 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 approval of the Final Plat.

RZ-12-001

