

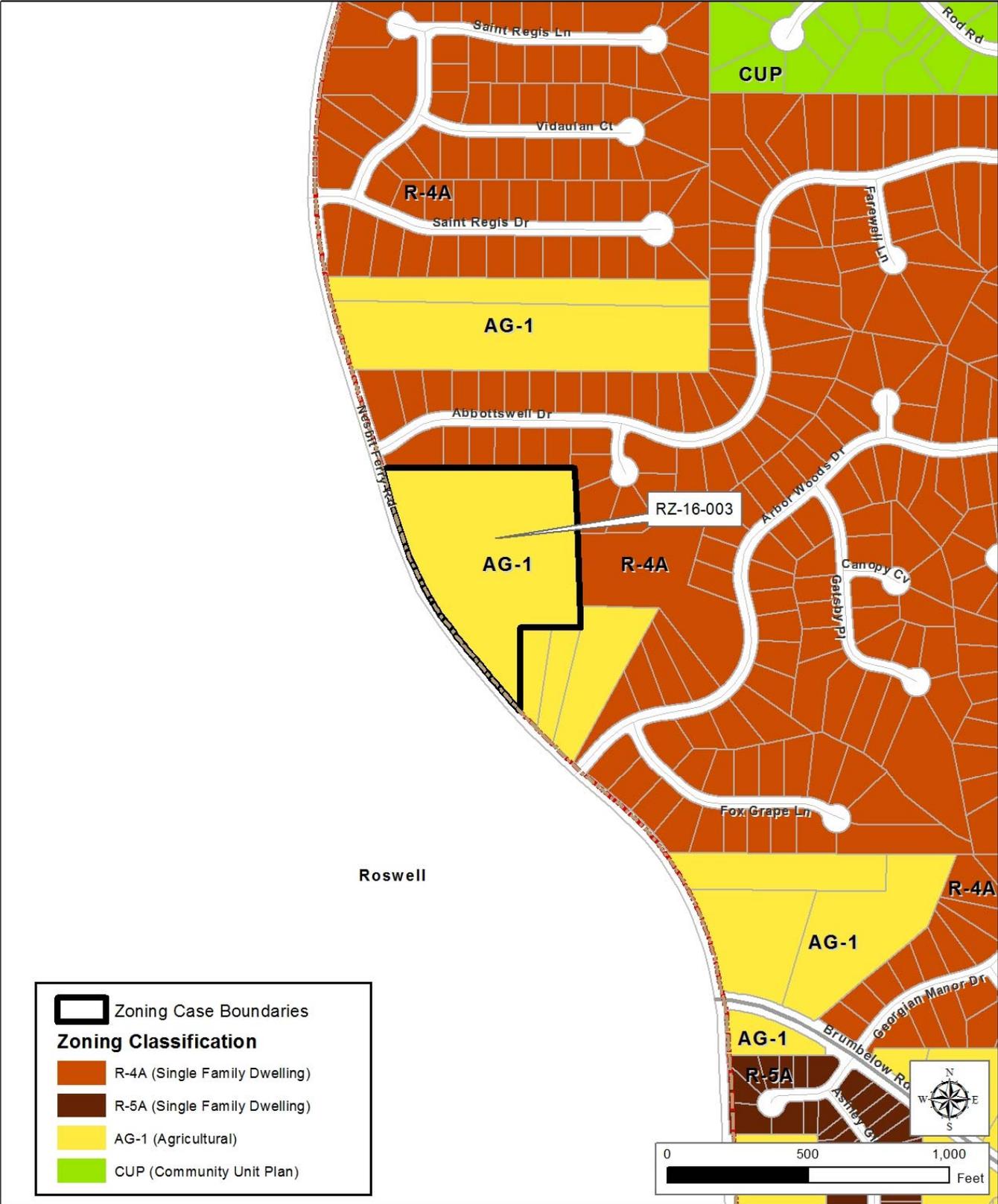


**Land Use Petition RZ-16-003 and VC-16-003-01**  
**Date of Staff Recommendation Preparation: June 14, 2016**

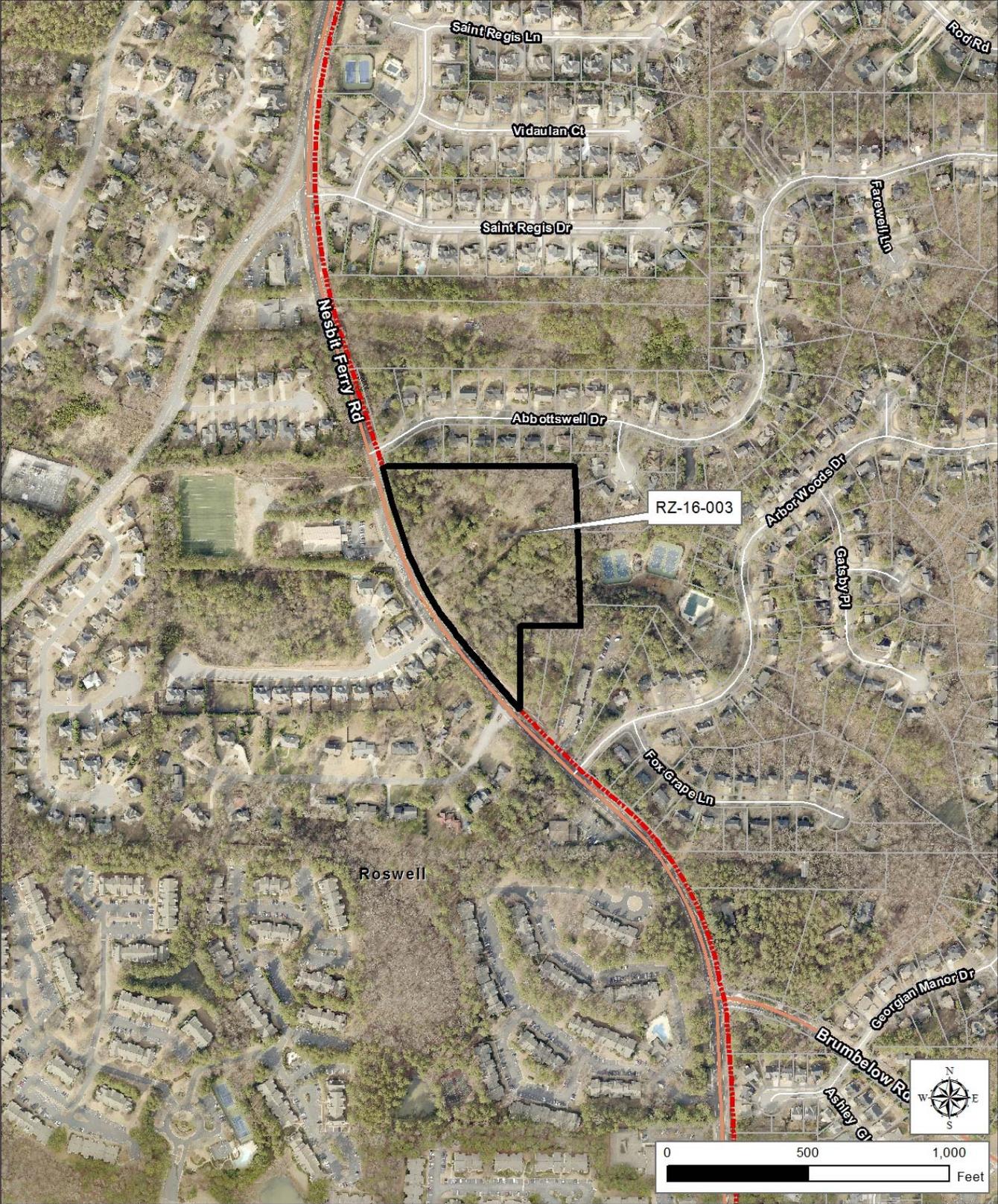
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<b>PROJECT LOCATION:</b>	9435 Block of Nesbit Ferry Road
<b>DISTRICT/SECTION/LANDLOT(S):</b>	1 <sup>st</sup> District, 2 <sup>nd</sup> Section, Land Lots 819 and 820
<b>ACREAGE:</b>	8.63 acres
<b>EXISTING ZONING</b>	AG-1 (Agricultural District)
<b>PROPOSED ZONING:</b>	R-4 A(Single Family Dwelling District)
<b>FUTURE DEVELOPMENT MAP DESIGNATION:</b>	Character Area 6: Newtown
<b>APPLICANT:</b>	Cornerstone Design & Dev., Inc. 196 Simonton Road SE Lawrenceville, GA 30046 Contact: Darrell Vaughn 404-561-4267
<b>OWNER:</b>	Green Implementation Group 3000 Smoketree Terrace Atlanta, GA 30005 404-216-6513
<b>PROPOSED DEVELOPMENT:</b>	19-Lot Single-Family Residential Subdivision. Concurrent variance to reduce the front yard setback from 35' to 20' for lots 1, 2, 3, 14, 15, 16, and 19
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL with conditions of RZ-16-003</b> <b>APPROVAL of VC-16-003-1</b>

RZ-16-003



RZ-16-003



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**PROJECT DATA**

The applicant requests rezoning of an 8.63-acre vacant tract from AG-1 (Agricultural District) to R-4A (Single Family Dwelling District) to develop a 19-unit detached single-family residential subdivision at a density of 2.2 units/acre. The property is located on the east side of Nesbit Ferry Road between Abbottswell Drive and Arbor Woods Drive, approximately 0.3 miles north of Brumbelow Road and approximately 0.85 miles south of Old Alabama Road. The Future Development Map shows the site within Character Area 6: Newtown.

A concurrent variance has been requested to reduce the front yard setback from 35-feet to 20-feet for 7 lots (lots 1, 2, 3, 14, 15, 16, and 19), as shown on the June 7, 2016 site plan. Lots 1, 2, 3, and 19 are located along the perimeter of the subdivision and lots 14, 15 and 16 are interior lots. The perimeter lots have a reduced building area due to a required 30-foot landscape strip along Nesbit Ferry Road that overlaps with the 25-foot rear building setback. The three interior lots have a reduced lot depth due to the layout of the subdivision. In both cases, the ability to construct decks and accessory structures such as sheds and playground equipment is limited. Staff recommended that the applicant seek this variance to avoid property owner generated variance requests in the future for such features.

The site plan shows one point of access from Nesbit Ferry Road, which aligns with Arden Place (entry to Arden Place Subdivision) across Nesbit Ferry Road, and no inter-parcel access. The Public Works Department has indicated that a left and right-turn lane into the development would be required and that the eyebrow cul-de-sac shown on the site plan will require two modifications. The Public Works Director has expressed preliminary support for these modifications. The Nesbit Ferry right-of-way to the west of the site is within Roswell city limits.

The site plan indicates a detention facility along the east property line, in which a portion of the required 10-foot access easement is not shown. The applicant should be prepared to provide this easement on future plans. The center portion of the property was formally used as a landfill. The Environmental Protection Division (EPD) will require an excavation plan for the inert waste and the City of Johns Creek will require certification from a profession geotechnical engineer that the land fill has been properly removed.

The applicant has stated that they anticipate the development to consist of four to five-bedroom homes at 3,000 to 4,000-square-foot. Proposed materials include brick with cement siding accents and architectural grade asphalt shingles. Photographs representing proposed architectural elevations have been provided, however, the applicant has stated that they do not intend to include stone on the facades. The developer is proposing that all of the homes will have side-entry garages, with some having a courtyard style. No front entry garages are proposed.

The minimum lot size in the R-4A district is 12,000-square-feet. The site plan proposes lots that range from 12,004-square-feet to up to 22,281-square-feet, with the majority of the lots being less than 13,000-square-feet (14-lots are in this range). An earlier submission, dated April 4, 2016, showed a 20-unit subdivision, however, the plan was revised to remove one lot as it was not buildable. The removal of this lot allowed the developer to include a 14,505-square-foot village green at the center of the development, on the front portion of the parcel that contains the detention pond. A required 20-foot detention pond access easement also runs from the road to the detention pond through the village green area. The applicant has stated that they intend to provide decorative landscaping, a mulched footpath, and benches in the village green area.

The subject property went through rezoning in 2015 (RZ-15-003) and was ultimately, denied. The first submission for RZ-15-003 was to rezone the property to O-I (Office-Institutional) for a personal care facility totaling approximately 258,000 square feet. However, the request was amended during the process to request to rezone to R-4 (Single Family Dwelling) for a 26-unit single-family detached residential neighborhood (3.01 units/acre). The final action of denial was made by Mayor and City Council on June 15<sup>th</sup>, 2015. The City of Johns Creek Zoning Ordinance states that “no final action shall be taken on a rezoning affecting the same parcel more often than once every 12 months when the petition is initiated by the property owner” and that “if a petition was previously denied, the owner must demonstrate that the proposed land use petition is significantly different from the previous denial to the satisfaction of the Mayor and City Council before it can be considered for re-initiation.” The zoning ordinance states that “a significant difference includes, but is not limited to a change in zoning district, use, density, height, buffers or other methods of screening, or other items which were discussed at a public hearing.” Staff feels that the current proposal of 19-units in the R-4A zoning district meets the requirement for a “significant difference” as the applicant has requested a different zoning district and reduced the density from 3.01 units/acre to 2.2 units/acre.

### **STAFF ANALYSIS**

The applicant is requesting rezoning from AG-1 (Agricultural District) to R-4A (Single Family Dwelling District) in order to construct a 19-unit single-family detached residential subdivision. The subject property is an 8.63-acre vacant tract located on the east side of Nesbit Ferry Road between Abbottswell Drive and Arbor Woods Drive, approximately 0.3 miles north of Brumbelow Road. The right-of-way along Nesbit Ferry Road in this location is within the City of Roswell.

The site was previously used as an unauthorized landfill and is currently undeveloped. With the exception of several small schools located nearby, the area is characterized by low- to medium-density single-family residential neighborhoods, including adjacent properties immediately to the north, east, south, and west of the project site. The subject property directly abuts a recreational area in the Mayfair and St. Clair subdivisions, along with eight single-family lots in St. Clair. These lots have a median area of 14,375-square-feet, which is similar in size to lots further to the north along Abbottswell Drive and in the St. Regis subdivision. Lots further east in St. Regis and Mayfair are typically progressively larger with some lots, which are over a quarter mile to the east of the subject property, being over one acre in size. Two single-family lots immediately to the south of the subject property are zoned AG-1 and are 1.26 acres and 33,105-square-feet. While the overall densities of the Mayfair, Saint Clair, and St. Regis subdivisions are lower than the proposed density of 2.2 units/acre, lots adjacent to and in close proximity to the subject property are comparable in size to the proposed development, which is more compatible with the proposed average lot size of 12,197-square-feet. The proposed density would be suitable in view of the use and usability of adjacent and nearby properties.

The addition of open space in the village green is a benefit to the project as it creates a relief to the development, provides a useable open area for the residents of the neighborhood, and maintains the character of the surrounding neighborhoods that also feature an amenity space. Staff recommends that this area be used and maintained as landscaped, common, open space with at least one amenity feature such as a pergola with a patio, gazebo, playground, etc. The applicant has also indicated that residents might be able to become members of the adjacent neighborhood’s amenity area.

The City of Johns Creek Future Development Map identifies the property as being in Character Area 6: Newtown. Policies for this area emphasize the protection of existing residential communities, with new residential development limited to single-family homes and “context-sensitive” infill development at one to three units/acre. The proposed development meets these guidelines for use and density, and the

housing specifications submitted by the applicant are unlikely to have a negative impact on existing residential communities.

The applicant has submitted one concurrent variance request to reduce the front yard setback from 35-feet to 20-feet for lots 1, 2, 3, 14, 15, 16, and 19, as shown on the June 7, 2016 site plan. Lots 1, 2, 3, and 19 are located along the perimeter of the subdivision and have a reduced building footprint as the required 30-foot landscape strip along Nesbit Ferry encroaches into the 25-rear building setback. Lots 14, 15, and 16 are interior lots. The reduction of the front yard setbacks on these seven lots will allow more buildable space so that homeowners can enjoy amenities such as decks and accessory structures, while also creating visual interest along the internal streetscape by varying the setbacks of the homes. The reduction to a 20-foot front setback complies with requirements for driveway length. Therefore the Department of Community Development recommends **APPROVAL with conditions of VC-16-003-01.**

The Department would note that the applicant will need to remove the existing landfill on the property, obtain two modifications for the minimum centerline radius and eyebrow cul-de-sac, and ensure that the area of the proposed detention pond can hold the capacity required for this size development. These requirements will be reviewed during the Land Disturbance Permit process.

In conclusion, the proposed single-family residential development is consistent with the overall goals and policies of the Newtown Character Area and is suitable in terms of the use and development of adjacent and nearby property. Therefore, the Department of Community Development recommends **APPROVAL** of this request, **with conditions.**

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL with conditions** of Land Use Petition RZ-16-003 and concurrent variance VC-16-003-1, subject to the following enumerated conditions:

1. Use of the subject property shall be limited to a 19-unit single-family detached residential subdivision with a minimum lot size of 12,000-square feet.
2. The site shall be developed in general accordance with the site plan received by the City of Johns Creek Community Development Department dated June 7, 2016.
3. Lots 1, 2, 3, 14, 15, 16, and 19, as shown on the June 7, 2016 site plan, shall have a front yard setback of 20-feet.
4. All lots adjacent to Nesbit Ferry Road shall consist primarily of brick or stone on all four facades. The remainder of the lots shall have primarily brick or stone on the front facades and at least 50 percent brick or stone (with the balance being the same, wood shake or fiber-cement siding) on all side and rear facades; final approval will be subject to the review and approval of the Community Development Director.
5. Dwellings shall have a minimum heated floor area of 2,100 square feet.
6. All units shall provide a side entry, two-car garage.
7. An ornamental wall/fence shall be provided along the entire property frontage along Nesbit Ferry Road. Wall/fence shall be constructed with 6-foot high brick and/or stacked stone columns at a maximum of 50 feet apart. Final wall/fence design and location shall be subject to review and approval of the Community Development Department Director.
8. The “village green” shall be considered the area outside of the detention pond and all of its required easements and buffers. The area shall be used and maintained as landscaped, common, open space with at least one amenity feature provided (i.e. pergola with a patio, gazebo, playground, putting green). An amenity area plan, that includes a landscape plan, is required to be submitted and shall be subject to the review and approval of the Community Development Department Director..
9. The land fill must be removed in accordance with state and federal requirements. Certification from a profession geotechnical engineer that the land fill has been properly removed will be required prior to Final Plat approval.
10. Owner/Developer shall obtain two modifications for the minimum centerline radius and the eyebrow cul-de-sac. Applications for Development Regulation Modifications shall be submitted to the Community Development Department.
11. Owner/Developer shall provide no more than one (1) full access driveway from Nesbit Ferry Road. The curb cut location shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Johns Creek Director of Public Works.

12. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Nesbit Ferry Road a minimum of forty feet (40ft) 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 future 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.
13. Owner/Developer shall construct a right turn (deceleration) lane into the site.
14. Owner/Developer shall construct a left turn lane on Nesbit Ferry Road into the site.
15. Owner/Developer shall construct a 10-foot wide concrete trail along the entire frontage on Nesbit Ferry Road.
16. Owner/Developer shall install sidewalk on both sides of the proposed internal streets.

**STANDARDS OF REZONING REVIEW (STEINBERG ACT)**

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, East	R-4A Conditional (Z-83-096 NFC)	Single-Family Residential Subdivision (Mayfair, Saint Clair)	1.84 Units/Acre
Adjacent: South, East	AG-1	Single-Family Residences	1.0 Unit/Acre
Adjacent: West (Across Nesbit Ferry Road)	City of Roswell	School (Andover Country Day School), Single-Family Residences	4,153 SF/Acre (existing)
Nearby: North	AG-1	Single-Family Residence	1.0 Unit/Acre
Nearby: South	AG-1	Preschool (Highlands School)	4,300 SF/Acre (existing)
Nearby: North	R-4A Conditional (Z-96-089 NFC)	Single-Family Residential Subdivision (St. Regis)	1.99 Units/Acre

**A. Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?**

The subject property is located on 8.63 currently vacant acres on the east side of Nesbit Ferry Road and is surrounded by single-family residential areas in all directions, with the exception of a school directly across Nesbit Ferry Road to the west. Single-family residential development is a suitable use in view of the use and development of these adjacent and nearby properties.

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

Single-family residential development at an appropriate scale and density would be unlikely to adversely affect the existing use or usability of adjacent or nearby property in this location. The Saint Clair subdivision, zoned R-4A Conditional, is immediately to the north and east of the subject property, and stretches to the north and west for nearly half a mile from the site. The permitted density for the subdivision as a whole is 1.84 units/acre. The larger lots in the subdivision, several of which are 0.75 acres or more in size, are typically found toward it's the northern and eastern areas, away from Nesbit Ferry Road and the subject property. Lots adjacent to the proposed development are typically 0.3 to 0.4 acres in size, with one lot containing 0.54 acres. The proposed development's typical lot size of approximately 0.28 acres, while higher in overall density than nearby subdivisions, would not be unsuitable in view of the use and development of these adjacent and nearby properties. The applicant has requested a concurrent variance to reduce the front yard setback on seven lots, however, this will only impact the proposed subdivision.

The applicant has provided photographs representing proposed architectural elevations. The Department has recommended conditions requiring primarily brick or stone facades on all residences in order to minimize any potential adverse effects on adjacent or nearby properties.

**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?**

The proposed development of 19 residential units would be expected to generate an increase in automobile trips and utility usage. The applicant has provided trip generation estimates of between 17 and 21 peak-hour trips.

Fulton County Schools have provided the following new student generation estimates:

School	New students	Capacity (current)	Capacity (with development)
Hillside Elementary	1 to 6	334 to 302 under	333 to 296 under
Haynes Bridge Middle	0 to 2	237 to 189 under	237 to 187 under
Centennial High	1 to 3	10 to 132 over	11 to 135 over
TOTAL	2 to 11		

The development as proposed would be unlikely to cause an excessive or burdensome use on streets, transportation facilities, utilities, or schools. Centennial High School is currently over capacity, but the proposed development will only add one to three new students.

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

The subject property is located in Character Area 6: Newtown on the Future Development Map. It is not located within an Activity Node or Gateway area. Policies for this area call for the city to protect existing residential property through context-sensitive infill. Single-family residential development is encouraged at one to three units/acre, “based on existing housing stock and residential regulations”. Single-family residential development at 2.2 units/acre would be in conformity with the policy and intent of the Comprehensive Plan, so long as development proceeds in such a way as to be in harmony with existing residential areas. Single-family residences with the specifications submitted by the applicant and that meet this report’s recommended conditions would meet this standard.

**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?**

Surrounding residential and institutional uses would give supporting ground for approval of single-family residential development at the densities recommended by the Comprehensive Plan.

**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 is one stream that runs near the property’s eastern boundary, along which small portion of the property would be subject to a 50’ undisturbed stream buffer and additional 25’ impervious surface

setback. Any incursion into this buffer and setback would require the approval of a stream buffer variance.

**DEPARTMENT COMMENTS**

**PUBLIC WORKS**

1. City of Johns Creek has 1 Capital Improvement Project located in the vicinity of property to be considered for rezoning. Reference the following project numbers for details on these projects:
  - o **Operation and Safety Improvements on Nesbit Ferry Road** - This project is in the concept phase and will be a joint effort with the City of Roswell.
2. Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Johns Creek Director of Public Works.
  - a. Note that Nesbit 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.
  - d. Right-of-way shall be mitered at the intersections.
3. Curb cut locations shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Johns Creek Director of Public Works.
4. Owner/Developer will be required to install a 10 ft trail concrete trail along the entire property frontage of Nesbit Ferry Road.
5. Owner/Developer will be required to install a left turn lane and deceleration lane into the facility.
6. The street layout shown violates two sections of the Development Regulations: Sec 113-127(3)a concerning minimum centerline radius, and Sec 113-125(3)e concerning eyebrow cul de sacs. Applications for Development Regulation Modifications must be submitted to the Community Development Department.

**WATER AND SEWER (based on original April 4, 2016 submission which proposed a 20-unit single-family detached residential subdivision)**

**WATER:**

Anticipated water demand: 270 gallons per day (gpd) per lot x 20 lots = **5,400** 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 Nesbit Ferry Road that can service this location.

**SEWER:**

Basin: **Johns Creek**

Treatment Plant: **Johns Creek**

Anticipated sewer demand: **4,860** gallons per day

There is a sanitary sewer manhole located west of the northwestern property corner of the 8.65 acre tract (Sewer manhole # SMJC1206080) on Nesbit Ferry Road. There are three sanitary sewer manholes located east of the eastern property line of the 8.65 acre tract (Sewer manholes #SMJC1405930, #SMJC1405940 and #SMJC1405950) in land lots 819, 820, 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.

FIRE MARSHAL(based on original April 4, 2016 submission which proposed a 20-unit single-family detached residential subdivision)

1. Shall provide a current water flow report and GPS locate all fire hydrants(latitude and longitude) by LDP submittal. New fire hydrants shall be added to the site for this proposed building (No hydrants have been indicated on drawings);
2. Identify water main sizes along Nesbit Ferry Rd and the interior roadway system of the community on plans by LDP submittal. Nothing has been provided.
3. Shall provide detailed plans @ LDP for ADA access requirements to mail kiosk including parking location and accessible access to kiosk;
4. Fire does not see any obvious concerns to deny this zoning, but would just need the mentioned items above in order to approve any future potential LDP submittal.

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. The tree density required for this site is 20 units per acre.
  - b. A 30-foot landscape strip is required adjacent to Nesbit Ferry 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 planting detail requirements for the 20-foot detention pond buffer are located on the City's website, as part of the Tree Ordinance and Administrative Guidelines:  
<http://www.johnscreekga.gov/JCGA/Media/PDF-CD/LandDev/tree-preservation-guidelines.pdf>

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) Land fill must be removed in accordance with state and federal requirements. Certification from a profession geotechnical engineer that the land fill has been properly removed will be required prior to Final Plat approval.
- 4) The proposed detention area must have 20' wide graded access from public road. The Storm Water Management facility must have 20' landscape strip and 10' access easement around entire perimeter. The Storm Water Management facility including access easement and landscape strip around the facility must be totally located on individual lot.

CITY OF ROSWELL (based on original April 4, 2016 submission which proposed a 20-unit single-family detached residential subdivision)

1. City of Roswell is notifying the developer that a ROW Encroachment Permit will be required to construct improvements within the Nesbit Ferry Road ROW. This is City of Roswell ROW.
2. Based on the proposed development the City requires a left-turn lane and right-turn lane along Nesbit Ferry Road at the main driveway.
3. City of Roswell requires review of the proposed driveway design and ROW improvements, including any sidewalks/trails, and/or drainage modifications.
4. City of Roswell requires a minimum 5 foot wide sidewalk along property frontage. In some locations a minimum 8 foot wide multiuse path is required depending on Roswell's transportation master plan. Applicant is also suggested to refer to the City of Johns Creek pedestrian/trail master plan. Applicant can contact City of Roswell for design standards. Attached is the UDC typical for minor arterial. Transportation can modify the UDC typical sections case by case, as necessary.

HEALTH AND WELLNESS (based on original April 4, 2016 submission which proposed a 20-unit single-family detached residential subdivision)

Environmental Health Services (EHS) Comments

1. The Fulton County Department of Health and Wellness requires that the plat be submitted for review and approval regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction and recording. 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 Fulton County Department of Health and Wellness will require that the owner/developer connect the proposed development to public water and public sanitary sewer available to the site.

Environmental Justice (EJ) and General Public Health Comments

1. Since the proposed use of the subject property is residential, the Department of Health and Wellness does not anticipate any adverse health impacts as a result of allowing the proposed subdivision of the existing lot.

FULTON COUNTY BOARD OF EDUCATION (based on original April 4, 2016 submission which proposed a 20-unit single-family detached residential subdivision)

Hillside ES – 1 to 6 new students  
Haynes Bridge MS – 0 to 2 new students  
Centennial HS – 1 to 3 new students  
Total students – 2 to 11 (estimated)