



Land Use Petition RZ-16-006

Date of Staff Recommendation Preparation: December 12, 2016 (KLA)

Date of Planning Commission Recommendation: January 3, 2017

PROJECT LOCATION: 11350 Technology Circle

DISTRICT/SECTION/LANDLOT(S): 1st Section, 1st District, Land Lots 397 and 398

ACREAGE 4.42 acres

EXISTING ZONING: M-1A (Industrial Park) Conditional

PROPOSED ZONING: TR (Townhouse Residential)

FUTURE LAND USE PLAN DESIGNATION: Character Area 02: Technology Park

PETITIONER: Ashton Atlanta Residential, LLC
3820 Mansell Road, Suite 300
Alpharetta, GA 30022
Contact: Ethan Underwood
770-781-4100

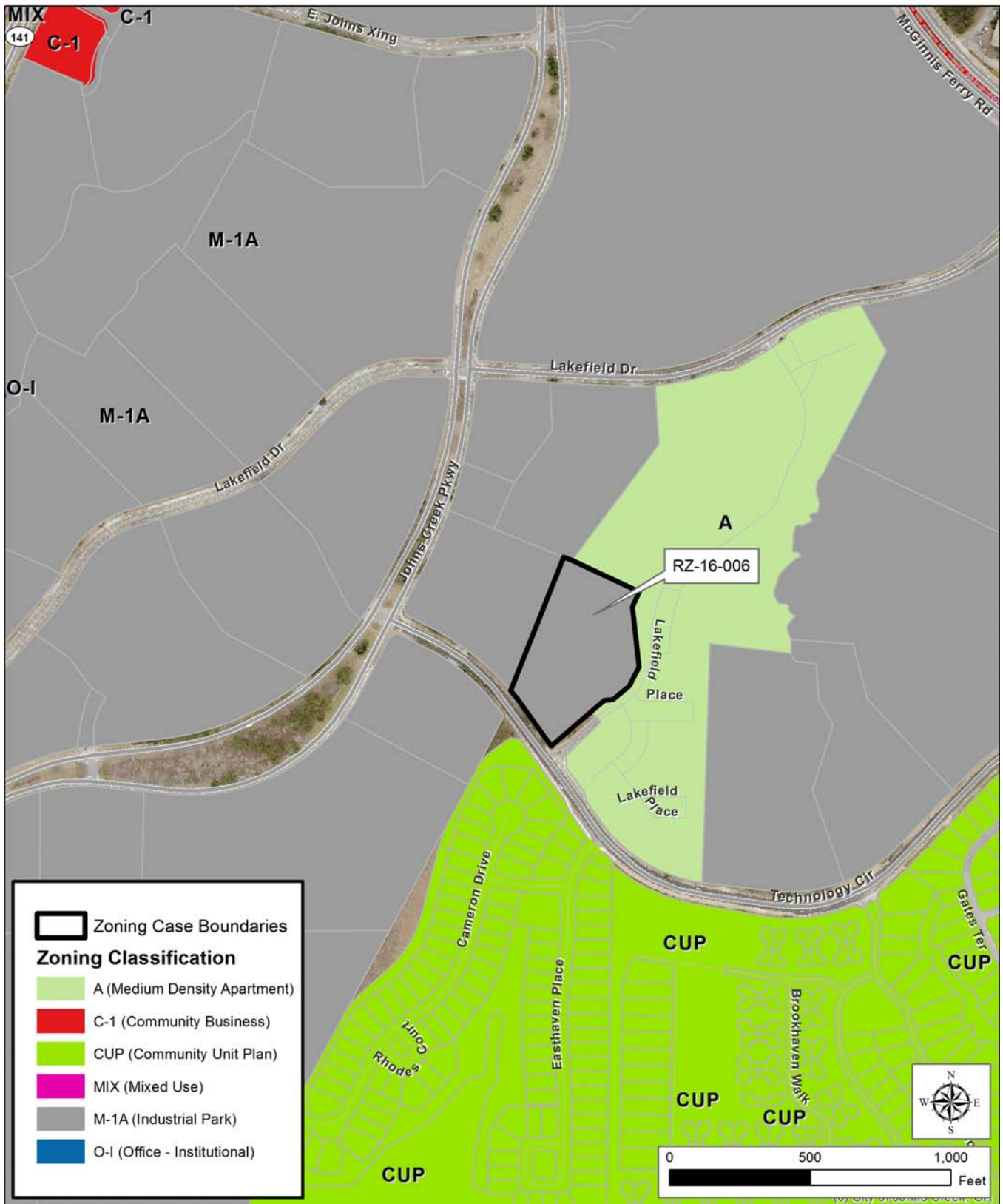
OWNER: The David E Chymiak Trust
21553 E Apache
Catoosa, OK 74015

PROPOSED DEVELOPMENT: 50-unit attached townhome subdivision

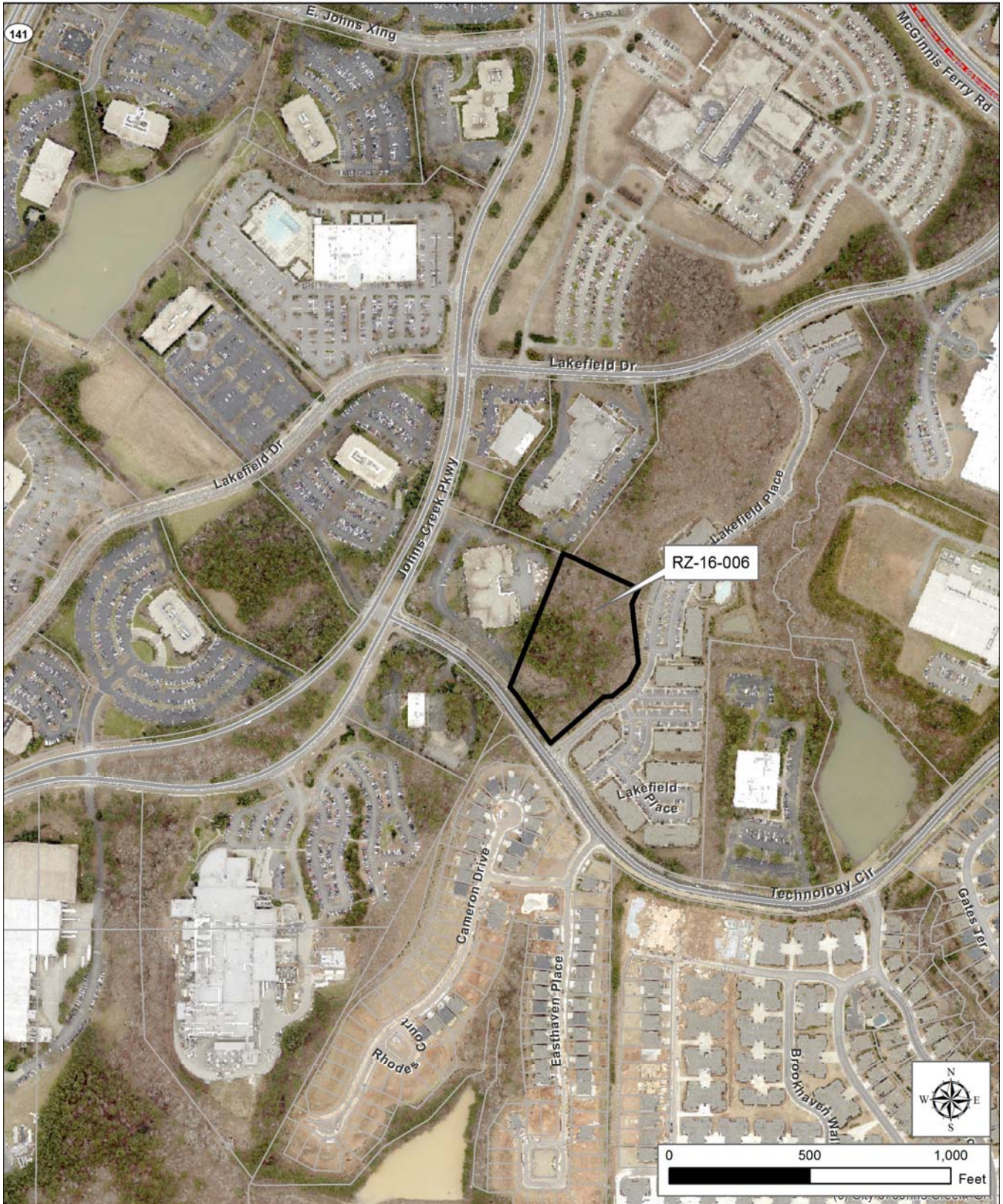
STAFF RECOMMENDATION: **DENIAL of RZ-16-006**

PLANNING COMMISSION RECOMMENDATION: **DENIAL of RZ-16-006**

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PROJECT OVERVIEW

The applicant is requesting to rezone 2 vacant parcels along Technology Circle, near Johns Creek Parkway to allow for the construction of 50 attached townhome lots at a density of 11.3 units per acre. The parcel is approximately 4.42 acres. Proposed lots would conform in size to the minimum development standards of the TR zoning district, and the applicant proposes 1,790 to 2,200 square feet of minimum heated floor area per dwelling. The site plan indicates an ungated subdivision with proposed point of ingress/egress onto Technology Circle. The development would be comprised of seven buildings, containing between six to nine townhome units each.

The site is currently a vacant, wooded lot with a mixture of large trees that is zoned M-1A (1983Z-141). The approved conditions in 1983Z-141 includes uses such as: “engineering, research and product development facilities and related operations including office, light assembly and fabrication; and storage and distribution as accessory uses related to the operation of such facilities, at a maximum density of 10,000 square feet of total floor area per acre.”

TR zoning districts are intended to provide a transition between single-family residential and non-residential areas. The proposed density (11.3units/acre) is higher than surrounding single-family and apartment areas; and the presence of the industrial park immediately to the west does not support the intent of TR zoning. Attached townhomes at this density are not a suitable use in this location.

The Easthaven, Brookhaven, and the Oaks subdivisions are located immediately to the south and east of the subject property, and are currently zoned CUP Conditional. Easthaven has a maximum density of 2.71 units/acre, Brookhaven has a maximum density of 3.82 units/acre, and The Oaks has a maximum density of 4.06 units/acre. Adjacent to the subject property, along the eastern property line, is The Oaks subdivision; a development zoned Medium Density Apartment, with a density of 11.26 units/acre. Along the western property line, is a one-story office building. The proposed attached townhome development is not an appropriate use for this location which is zoned for industrial and office uses, as it is not harmonious in use and scale with the developments that surround this area.

A neighborhood meeting was held for this application on Thursday, December 8, 2016. Approximately 6 citizens were in attendance. Several concerns were raised about the project, including issues with existing traffic at the intersection of Technology Circle and Johns Creek Parkway and whether the Comprehensive Plan supports this type of development. Concern was also expressed over the architectural features of the townhomes.

SEVEN STANDARDS OF REZONING REVIEW (STEINBERG ACT) -

- **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: Northeast	M-1A Conditional (Z-83-141)	Industrial Park	10,000 SF/Acre
Adjacent: South	CUP Conditional (RZ-13-011)	Single-family detached subdivision (Easthaven)	2.71 Units/Acre
Adjacent: North, East	A Conditional (Z-11-006)	Apartment	11.26 Units/Acre
Adjacent: West	M-1A Conditional (Z-83-141)	Industrial Park	10,000 SF/Acre
Nearby: East	M-1A Conditional (Z-83-141)	Industrial Park	10,000 SF/Acre
Nearby: Southeast	M-1A Conditional (Z-83-141)	Industrial Park	10,000 SF/Acre
Nearby: South	CUP Conditional (RZ-12-006)	Single-family detached subdivision (Brookhaven)	3.82 Units/Acre

The City of Johns Creek Future Development Plan designates the property as Character Area 2: Technology Park. The TR zoning classification is “intended to provide a transition between low-density and higher-density residential areas or between low-density residential and non-residential areas.” Additionally, TR areas are intended to “encourage the provision of usable open space and recreation areas as part of a living environment, be located primarily in areas near or adjacent to single-family areas, be located so as to provide a transition between single-family areas and nonresidential areas, be located near retail shopping and major thoroughfares, and encourage home ownership.” The proposed development does not meet each of these criteria, and is not a suitable use in view of the use and development of adjacent and nearby properties.

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

TR development at the proposed density may adversely affect the existing use or usability of adjacent or nearby property as the primary intent of Technology Park is to promote, attract, and retain high quality businesses. The erosion of available land for new companies to come into the campus or for existing companies to expand will overtime dilute the intent of the existing office campus if only single-family residential development without commercial uses is allowed.

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

The property has a reasonable economic use as currently zoned.

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

An increase in traffic generation, utility demand, and number of school aged children would be anticipated from this request. The applicant has provided trip generation numbers estimating TKTK new peak-hour trips.

Trip Generation Report

Land Use	Daily Total Vehicle Trips	A.M. Peak			P.M. Peak		
		In	Out	Total	In	Out	Total
50 Townhomes	192	20	87	107	83	11	94

The school system estimates there would be an overall increase of between 18 and 27 students, and has provided the following estimates of school capacity:

	PROJECTED OVER/UNDER CAPACITY	
SCHOOL	Without Development	With Development
Shakerag Elementary	152 under	133 to 147 under
River Trail Middle	10 under	0 to 7 under
Northview High	81 under	64 to 78 under

While Shakerag, River Trail, and Northview are all projected to be under capacity, the proposed development is anticipated to generate only 11 to 46 new students for these schools.

- **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 2: Technology Park. The Comprehensive Plan does not list townhome developments as an appropriate use in this area. The Comprehensive Plan calls for residential development within this Character area to be “mixed-use, including a combination where residential, commercial, and office uses are contained within the same structure.” The proposed development does not meet this standard, as the applicant has proposed single-family, attached townhomes.

- **Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal?**

The subject property’s location between Industrial uses, offices, and single-family residential areas, would **not** give supporting grounds for approval of the proposal.

- **Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek.**

The proposed townhome development will not be environmentally adverse to the natural resources, environment, and citizens of the City of Johns Creek.

ANALYSIS

The subject property is an industrially zoned property that is currently vacant that is forested with a mixture of large trees. This property is zoned M-1A as part of a much larger development per zoning case 1983z-141.

Nearby and adjacent uses include several office developments, three single-family detached residential neighborhoods, and an apartment complex. Immediately to the south is Easthaven, a single-family residentially zoned subdivision, with a density of approximately 2.71 units per acre. Two other single-family residential subdivisions are to the south and east of the site, with densities of approximately 3.82 units per acre and 4.06 units per acre, which is substantially lower than the 11.3 units per acre the applicant is requesting for this development. The proposed development is not consistent in use and scale with these surrounding uses, and would likely have impacts on existing streets, transportation facilities, or utilities. Although the impact to the schools will not cause overcapacity, there will still be an impact of approximately 11-46 students at Shakerag Elementary, River Trail Middle School, and Northview High School.

The City of Johns Creek Future Development Map identifies the subject property as being within Character Area 2: Technology Park (see attached highlighted document). Policies for this area emphasize it as a “predominant economic engine and the landmark for high design standards.” Appropriate uses include corporate offices, office and personal services, food establishments, and institutional facilities. “Technology Park will continue to develop as an office/institutional land use. The Comprehensive Plan lists the appropriate scale as 4-6 stories and 6-8 stories for unique developments with varied topography or a main corporate/employment draw.” “Mixed-use development including a combination where residential, commercial, and office uses are contained within the same structure should be encouraged.” The applicant is not meeting the policies for this Character Area by proposing a 50-unit TR development at 11.3 units/acre for this area.

TR zoning districts are intended to provide a transition between single-family residential and non-residential areas. The subject property is located between an apartment complex and a high-density industrial does not allow for this transitional area. The proposed density (11.3 units/acre) is higher than adjacent single-family areas, as well as the apartment complex, and does not give support for TR zoning. Attached townhomes at this density are not a suitable use in this location.

The subject property is located east of the intersection of Technology Circle and Johns Creek Parkway. The proposed 50-unit townhouse development will not meet the policy and intent of the Comprehensive Plan, as the Technology Park Character Area supports commercial, institutional, and mixed use, not standalone single-family residential. Because of the number of units proposed in this townhouse development, it is likely to have impacts on existing traffic congestion already occurring; during peak rush hours in the morning and in the early evening. The proposed density of 11.3 units per acre is above the recommended level for this character area and due to the traffic congestion along Technology Circle and Johns Creek Parkway these factors should be taken into consideration in determining the appropriate density permitted. Based on the surrounding developments, staff could support 5 townhouse units per acre, for a total of 22 townhouses on the property. Because the proposed rezoning would not be in keeping with the policies and intent of the Comprehensive Plan and would not be suitable in view of its impacts on adjacent and nearby properties, the Department of Community Development recommends **DENIAL of RZ-16-006.**

DEPARTMENT COMMENTS**PUBLIC WORKS**

1. The City of Johns Creek has one road improvement project planned in the immediate vicinity of this site. The Bell Road Connector is a Tier 1 project in the TSPLOST program. A preliminary concept shows the road intersecting Technology Circle near the proposed driveway for this site. The proposed driveway should be aligned with the Bell Road Connector.
2. The trip generation statement is inadequate. An analysis must be done by a traffic engineer. Compare the proposed trip generation rates with those that could be anticipated from the current zoning.
3. The proposed site plan eliminates an existing parking area used by the adjacent office site. Provide a parking analysis to ensure that adequate parking exists for the adjacent site.
4. 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. Ensure that the R/W is cleared of all obstructions that may limit the sight-distance of the driver. This includes at a minimum all trees and/or shrubs and fencing. Coordinate all improvements in the R/W with the City's Director of Public Works.
 - b. Line of sight must remain entirely in the right-of-way. Additional right-of-way or a permanent easement may need to be dedicated to meet this requirement.
5. Owner/Developer shall repair any existing sidewalk or other infrastructure in the public right-of-way that is damaged during the construction of this project.

FIRE MARSHAL

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 buildings (No hydrants have been indicated on drawings)
2. Identify water main sizes along Technology Circle and within the proposed community on plans by LDP submittal.
3. Shall provide detailed plans @ LDP for ADA access requirements to mail kiosk including parking location and accessible access to kiosk.
4. Plans indicate two dead end roadways. If either on, or both of these roadways are greater than 150ft from the main drive road, then an approved turn around or cul-de-sac shall be added on site for emergency equipment to safety exit out of the community.
5. Depending on width of roadways, no parking shall be allowed on the street.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, density requirements, zoning buffers, and any specimen recompense are to be protected and/or planted per the Guidelines.
 - a. The tree density required for this site is 30 units per acre.
 - b. Landscape strip widths and zoning buffers are determined by zoning. Landscape strips are measured from the dedicated rights-of-way or interior property lines, and the planting requirements are found in the Administrative Guidelines.
 - c. Specimen-sized trees are defined as follows, and are required to be show on the land disturbance permit drawings:
 - i. Large hardwoods = 27-inch dbh (Oak, hickory, Yellow Poplar, Sweetgum, ect.)
 - ii. Large hardwood = 24-inch dbh (Beech)
 - iii. Large softwoods = 24-inch dbh (Pine, Deodar Cedar)
 - iv. Small native flowering = 10-inch dbh (Dogwood, Redbud, Sourwood)

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. A surface Storm Water Management facility must have 20' landscape strip and 10' access easement around entire perimeter. An underground Stormwater Management Facility must have a 10' access strip around the limits of the facility.
5. Identify location of 20' graded access easement to Stormwater Management facility from public access location.
6. Identify location of Central Mail Delivery unit and parking.

FULTON COUNTY DEPARTMENT OF WATER RESOURCES

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete the Johns Creek Plan Review process and the Fulton County Review process for sewer (and/or water) prior to the commencement of any construction activity.

WATER:

Anticipated water demand: 270 gallons per day (gpd) per lot x 50 townhomes = **13,500** gallons per day (gpd).

This project is within the Fulton County Government water service jurisdiction. There is a 12-inch water line along the east side of Douglas Road that can serve this location.

SEWER:

Basin: **Johns Creek**

Treatment Plant: **Johns Creek**

Anticipated sewer demand: **12,150** gallons per day

There are three sanitary sewer manholes located east of the eastern property line of the 4.42 acre tract ("0" Lakefield Drive (11354 Technology Circle) (Sewer manholes # SMJC3652619, #SMJC3652621 and # SMJC3652623) along an 8 inch sanitary sewer line within the right of way of Lakefield Place in land lot 397, district 1- 1 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 Fulton County Department of Water Resources (Public Works) for more information.

FULTON COUNTY DEPARTMENT OF HEALTH SERVICES

1. The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed development to public water and public sanitary sewer available to the site.
2. This department recommends that the applicant be required to connect the proposed development to public water available to the site.
3. This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.

FULTON COUNTY BOARD OF EDUCATION

Estimated New Students Generated:

Shakerag Elementary – 5 to 19
River Trail Middle School – 3 to 10
Northview High School – 3 to 17
Total students – 11 to 46

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **DENIAL** of Land Use Petition **RZ-16-006**.

Should the Board feel compelled to recommend the land use petition request, Staff recommends that such recommendation be subject to the following conditions:

1. No more than 5 dwelling units per acre. Or a maximum of 22 dwelling units.
2. Submit a site plan to the City of Johns Creek Community Development Department that conforms to the requirements of the TR zoning district and conditions found herein. The site plan shall be submitted to the Community Development Department for approval prior to application for a Land Disturbance Permit. Said site plan shall contain a maximum of 22 attached townhome units. (approximately 4.42 acres/5 units per acre=22 townhomes)
3. Dwellings shall have a minimum heated floor area of 1,790 square feet.
4. Limit the height of the buildings to no more than 3.5 stories and a maximum of 40 feet in height.
5. 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.
6. Townhome site plan shall provide a common greenspace for passive recreational use of at least 10,000 square feet.
7. Owner/Developer shall provide no more than one (1) full access driveway from Technology Circle. The curb cut location shall be aligned with the future Bell Road Connector intersection at Technology Circle. Curb cut locations meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Johns Creek Director of Public Works.
8. Owner/Developer shall construct a deceleration lane at the project entrance on Technology Circle or as may be required by the City of Johns Creek Director of Public Works.
9. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Technology Circle such sufficient right-of-way as may be required to provide at least eleven feet (11') of right-of-way from future back of curb or one foot (1') from future edge of sidewalk, whichever is greater, prior to the issuance of a Land Development Permit and as approved by the City of Johns Creek Director of Public Works.
10. Owner/Developer shall install a five foot (5') wide sidewalk on one side of all internal streets.
11. All front entry units shall have a minimum of twenty feet (20') from the back of curb to the front face of structure where sidewalk is not required, or a minimum of twenty feet (20') from the back of sidewalk to the front face of structure where sidewalk is required.
12. Owner/Developer shall provide a minimum of twelve (12) shared parking spaces.

PLANNING COMMISSION RECOMMENDATION

Based upon the findings and conclusions herein, at its January 3, 2017 public hearing, the Planning Commission recommends **DENIAL** of Land Use Petition **RZ-16-006**.