



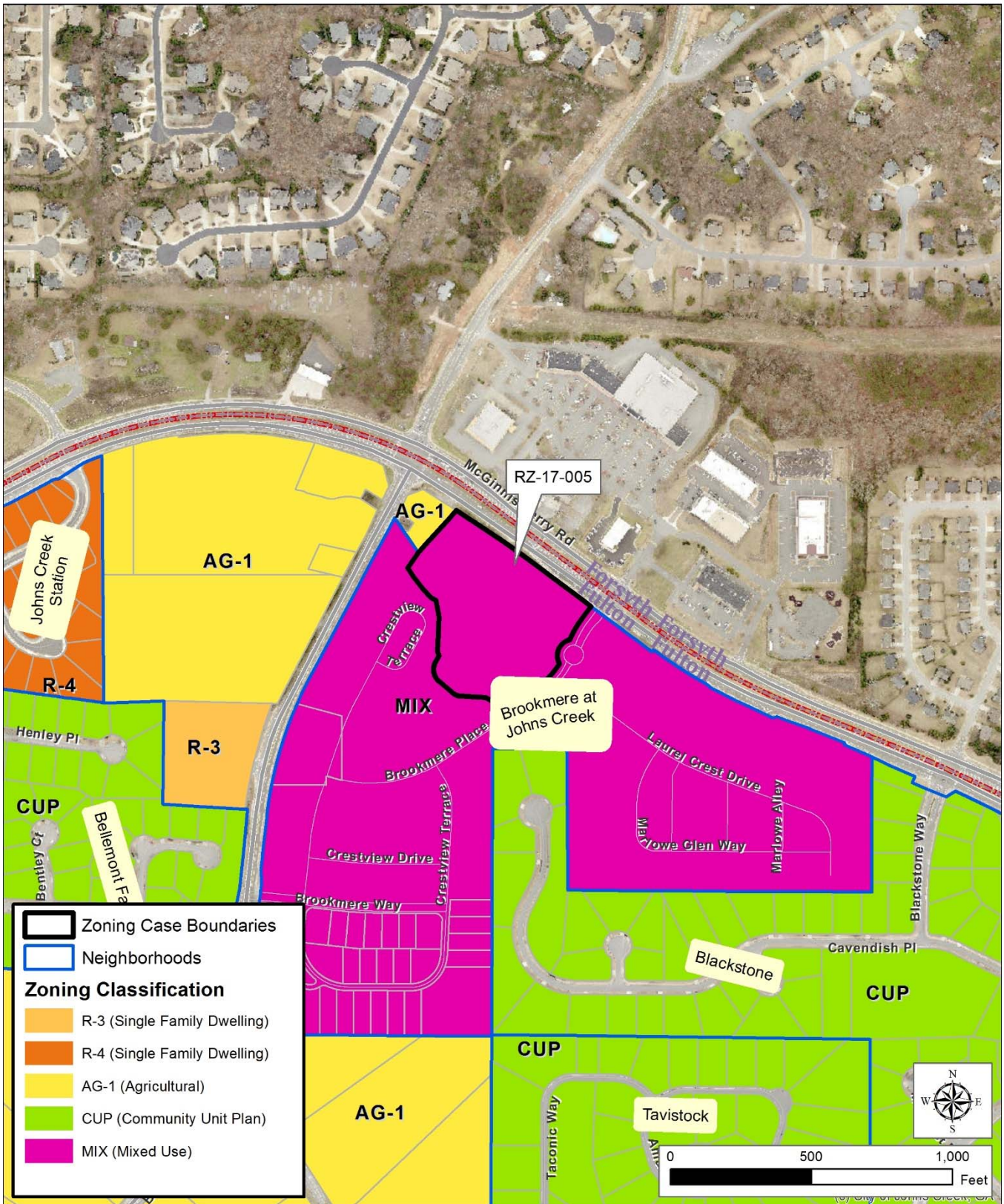
**Land Use Petition RZ-17-005**

**Date of Staff Recommendation Preparation: March 21, 2017**

---

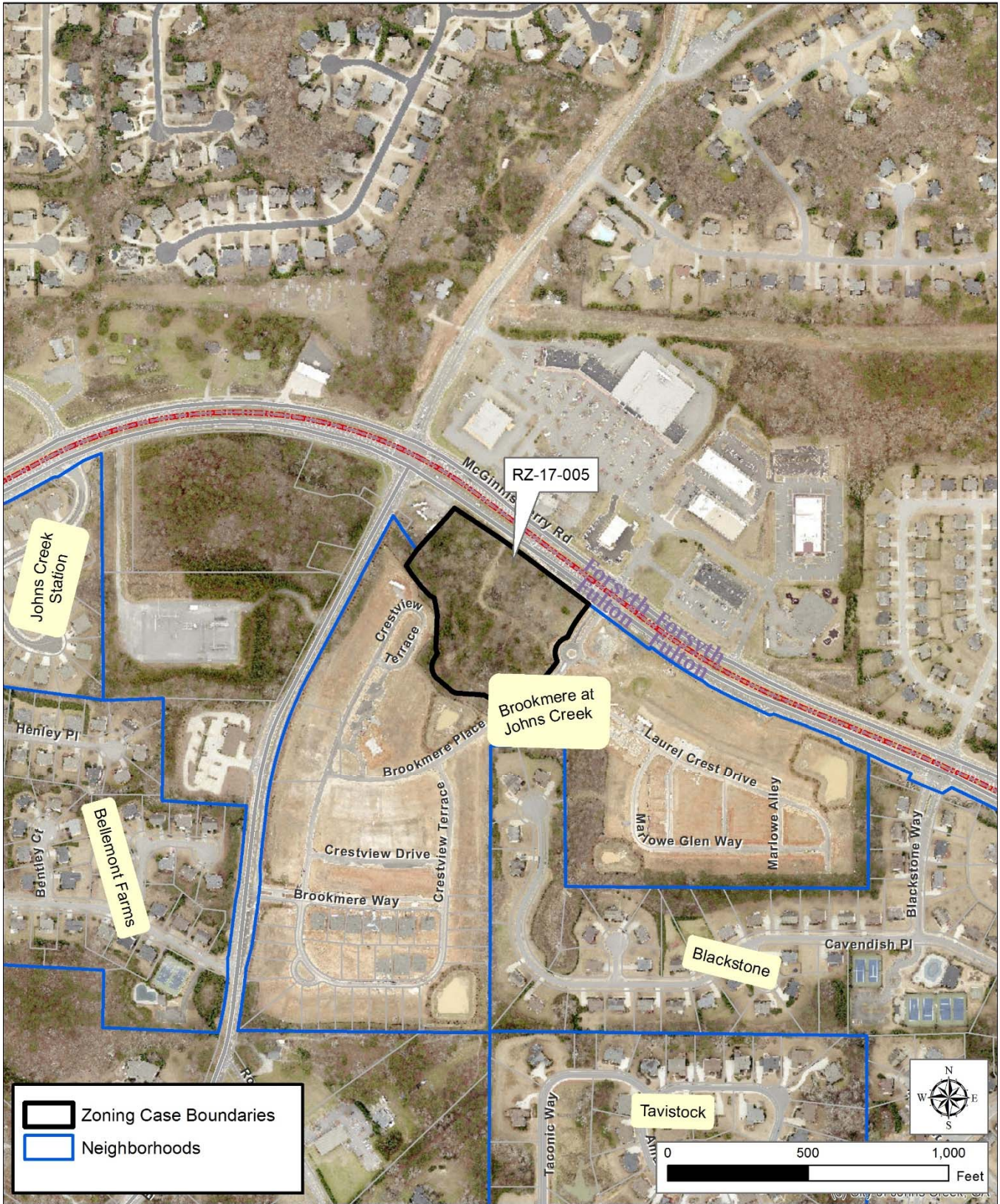
<b>PROJECT LOCATION:</b>	7775 McGinnis Ferry Road
<b>DISTRICT/SECTION/LAND LOT(S):</b>	1 <sup>st</sup> District, 1 <sup>st</sup> Section, Land Lots 472 and 484
<b>ACREAGE:</b>	6.0 acres
<b>EXISTING ZONING:</b>	MIX Conditional (Mixed Use District)
<b>PROPOSED ZONING:</b>	MIX Conditional (Mixed Use District)
<b>FUTURE DEVELOPMENT MAP DESIGNATION:</b>	Character Area 11: McGinnis Ferry Transitional Area and Activity Node
<b>OWNER:</b>	Shops at Creekside LLC 5720 Buford Highway, S-301 Norcross, GA 30071
<b>APPLICANT:</b>	Development Planning & Engineering, Inc. 5074 Bristol Industrial Way, S-A Buford, GA 30518 Contact: Jimmy Garrison
<b>PROPOSED DEVELOPMENT:</b>	Change in Conditions to allow for an additional right-in only driveway.
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

Zoning Map





Arial Map



**PROJECT OVERVIEW**

The applicant is requesting to change a condition of zoning case (RZ-13-015), to allow for an additional right-in only driveway along McGinnis Ferry Road. The property is located near the southeastern corner at the intersection of McGinnis Ferry Road and Bell Road.

The six (6) acre site is currently developed as a mixed-use (MIX Conditional) lot, with multiple commercially zoned businesses on it. The previously approved land use petition, RZ-13-015, has conditions, one of which states: "Owner/Developer shall provide no more than one (1) full access driveway and one (1) right in/right out only driveway from McGinnis Ferry Road." The proposal of an additional right-in only driveway along McGinnis Ferry Road is to give vehicles to exit off of McGinnis Ferry Road, and into the development in two places rather than just one, to eliminate some of the stacking and congestion currently happening at this location. The proposed access will not create any additional traffic on McGinnis Ferry.

The surrounding area is characterized by a mixture of single-family subdivisions and larger tracts with older residences within Johns Creek and emerging commercial uses across McGinnis Ferry Road in Forsyth County. Adjacent to the east and south is the Blackstone subdivision, zoned CUP Conditional. Across Bell Road to the west are larger tracts with a Georgia Power transmission station and an abandoned church, zoned AG-1, and the Bellemont Farms subdivision, zoned CUP Conditional. Further south and east is Tavistock subdivision, zoned CUP Conditional. Adjacent to the south of the property is Good News Atlanta Church, zoned AG-1. Across McGinnis Ferry Road to the north is the Publix Shopping Center. Adjacent to the subject property at the intersection of Bell Road and McGinnis Ferry Road is a remnant agricultural tract, zoned AG-1, which formerly contained a service station. The property is currently being utilized as a non-conforming pine straw sales business.

A neighborhood meeting was held for this application on Thursday, March 9, 2017. Approximately 7 citizens were in attendance. There were no concerns raised about the project or issues with the plans proposed.



**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:

<b>Adjacent &amp; Surrounding Properties</b>	<b>Zoning (Petition Number)</b>	<b>Land Use</b>	<b>Density (Dwelling units/acre)</b>
Across McGinnis Ferry Road: North	CBD (Forsyth County)	Publix Shopping Center	N/A
West	AG-1	Non-conforming Commercial Use; Pine Straw Sales	1 Acre
Across Bell Road: West	AG-1	Georgia Power Transmission Station and Undeveloped Tracts	1 Acre
Across Bell Road: West	CUP Conditional (1994Z-0124NFC)	Single-Family Residential (Bellemont Farms)	12,000 SF & 27,000 SF
Adjacent: South	AG-1 (2003U-0028NFC)	Institutional/Religious (Good News Atlanta Church)	1 Acre
Adjacent: South & East	CUP Conditional (1998Z-0066NFC)	Single-Family Residential (Blackstone)	15,000 SF
South & East	CUP Conditional (2004Z-0137NFC)	Single-Family Residential (Tavistock)	18,000 SF; 21,780 SF; & 1 Acre

By positioning the commercial and office uses along the McGinnis Ferry Road frontage, the development has maintained compatibility with adjacent and nearby properties. By adding another entrance/exit into and out of the development, McGinnis Ferry will be relieved of traffic. The proposed project will be suitable 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?**

The proposed project will not adversely affect the existing use or usability of adjacent or nearby property, but will help to relieve traffic from McGinnis Ferry and make adjacent and nearby properties more usable.

- **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?**

The proposed project will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

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

The City of Johns Creek Future Development Map identifies the subject property as being within Character Area 11: McGinnis Ferry Road Corridor and is located within an Activity Node. Policies for this area indicate a mixture of commercial, office, and mixed-use residential within the Activity Node. Additionally, design and transportation considerations for this area include, “future improvements include working with property owners near the Bell Road intersection to provide alternative connections for each quadrant, as well as possibly improvements to Bell Road in the vicinity of McGinnis Ferry Road to support commercial development.” The proposed development, of a right-in only driveway, would be consistent with these recommendations. By adding another access point to the existing development, cars will more quickly be off of McGinnis Ferry Road, and thus freeing much-needed travel space along this busy regional through route.

- **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 completion of the McGinnis Ferry Road widening project since the original rezoning of the subject property further suggests maintaining the commercial uses along the McGinnis Ferry Road frontage.

- **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 zoning proposal will not permit a use which can be considered environmentally adverse to the natural resources, environment, and citizens of the City of Johns Creek.

## ANALYSIS

The surrounding area is characterized by a mixture of single-family subdivisions and larger tracts with older residences within Johns Creek and emerging commercial uses across McGinnis Ferry Road in Forsyth County. Adjacent to the east and south is the Blackstone subdivision, zoned CUP Conditional. Across Bell Road to the west are larger tracts with a Georgia Power transmission station and an abandoned church, zoned AG-1, and the Bellemont Farms subdivision zoned CUP Conditional. Further south and east is Tavistock subdivision, zoned CUP Conditional. Adjacent to the south of the property is Good News Atlanta Church, zoned AG-1. Across McGinnis Ferry Road to the north is the Publix Shopping Center. Adjacent to the subject property at the intersection of Bell Road and McGinnis Ferry Road is a remnant agricultural tract, zoned AG-1, which formerly contained a service station. The property is currently being utilized as a non-conforming pine straw sales business. The proposed driveway will have little impact on existing streets, transportation facilities, and utilities, and will have no impact on surrounding schools.

The proposed right-in only driveway would be consistent with the development pattern in the area. By placing the driveway closer to the intersection of Bell Road and McGinnis Ferry Road, residents would be able to more easily access the shopping center as well as relieve McGinnis Ferry Road of additional traffic, as this is one of the busier roads within the City.

The City of Johns Creek Future Development Map identifies the subject property as being within Character Area 11: McGinnis Ferry Road Corridor and is located within an Activity Node. Policies for this area indicate a mixture of commercial, office, and mixed-use residential within the Activity Node. Additionally, design and transportation considerations for this area include, “future improvements include working with property owners near the Bell Road intersection to provide alternative connections for each quadrant, as well as possibly improvements to Bell Road in the vicinity of McGinnis Ferry Road to support commercial development.” The proposed development, of a right-in only driveway, would be consistent with these recommendations. By adding another access point to the existing development, cars will more quickly be off of McGinnis Ferry Road, and thus freeing much-needed travel space along this busy regional through route.

The subject property is located east of the intersection of McGinnis Ferry Road and Bell Road. A large portion of the property is traversed by a stream and is heavily wooded with several specimen trees, located primarily along the stream buffer and along the perimeter of the property. The proposed right-in only driveway will meet the policy and intent of the Comprehensive Plan, as the McGinnis Ferry Road Corridor calls for mixed use developments that are compatible in scale and design with surrounding developments. In addition, this area calls for alternative connections and improvements to Bell Road in the vicinity of McGinnis Ferry Road to support commercial development. Because of the scope of the project, the additional right-in driveway is not likely to have impacts on existing traffic congestion already occurring, but rather relieve some of the overcrowding from McGinnis Ferry Road. Because the proposed zoning would be in keeping with the policies and intent of the Comprehensive Plan and would be suitable in view of its impacts on adjacent and nearby properties, as well as the intensity of the project, the Department of Community Development recommends **APPROVAL of RZ-17-005**.

## DEPARTMENT COMMENTS

### PUBLIC WORKS

No comments.

FIRE MARSHAL

1. No obvious concerns from fire with this proposed right-in entrance.

ARBORIST

1. Existing Land Disturbance Permit drawings must be revised, if approved.
2. 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, etc.)
    - 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 property. Development plans will have to comply with the Development & 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 & Sewer approval is required prior to issuance of land disturbance permit.~~
- ~~3. A final subdivision plat, water/sanitary/storm as-builts, and a stormwater maintenance agreement will be required prior to issuance of a building permit.~~
- ~~4. Stormwater Management Report required upon submittal of development plans. A downstream analysis, water quality, channel protection, post to pre, peak discharge control for the 25-year storm, and detention/safe passage of the 100-year storm are required for each basin (per the Georgia Stormwater Management Manual).~~
- ~~5. Upon submittal of a land disturbance permit, the stormwater facilities will need a 20 foot access easement to the ponds, a 10 foot access easement around the ponds, and a 20 foot pond landscape buffer around the ponds. A six foot tall fence with a 10 foot wide access gate shall be placed between the 10 foot access easement and 20 foot landscape buffer. The stormwater facility and required 10 foot access easement cannot be located within the stream or zoning buffer or impervious setback.~~
- ~~6. Land Disturbance Permit shall show that the principle structures can fit on the lot without the need for a 50-foot stream buffer or 75-foot impervious setback variance.~~
- ~~7. Fulton County approval is required to locate the stormwater facility within a sanitary sewer easement.~~



WATER AND SEWER

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 AND WASTEWATER (SEWER):WATER:

Anticipated water demand: 100 gallons per day (gpd) per 1,000 sq. ft. x 38,750 square feet (Commercial buildings) = 3,875 gallons per day (gpd).

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

SEWER:

Basin: Johns Creek

Treatment Plant: Johns Creek

Anticipated sewer demand: 3,488 gallons per day

There is a sanitary sewer manhole within the eastern property boundary of the 6.00 acre tract (7775 McGinnis Ferry Road (Sewer manhole # SMJC4460325) along an 8 inch sanitary sewer line in land lot 484, 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 Department of Public Works for more information.

FULTON COUNTY DEPARTMENT OF HEALTH SERVICES

1. The Environmental Health Services Division of the Department of Health and Wellness does not anticipate any issues with the proposal to add an additional right-turn lane and entrance into the existing commercial area of Brookmere.
2. The Department of Health and Wellness does not anticipate any adverse health impacts as a result of allowing the rezoning from Mixed-Use District Conditional to Mixed-Use District Conditional for a change in conditions to all an additional right-in only driveway provided that the design considers vehicular and pedestrian safety.

FULTON COUNTY BOARD OF EDUCATION

1. The proposed project will have no impact on Fulton County Schools.



**PLANNING COMMISSION AND STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of Land Use Petition **RZ-17-005**, subject to the following conditions:

1. All conditions/requirements placed on the property from previous zoning case, RZ-13-015, shall remain in effect.
2. Owner/Developer shall provide no more than two (2) right in/right out only driveways from McGinnis Ferry Road.