



**Land Use Petition RZ-18-001, VC-18-001-01, and VC-18-001-02**

**Date of Staff Recommendation Preparation: May 18, 2018**

**Date of Planning Commission Recommendation: June 5, 2018**

---

<b>PROJECT LOCATION:</b>	7600 Block of McGinnis Ferry Road (7603 and 7675) 7700 Block of Bell Road (7748)
<b>DISTRICT/SECTION/LANDLOT(S):</b>	1 <sup>st</sup> District, 1 <sup>st</sup> Section, Land Lot 472
<b>ACREAGE</b>	9.233 acres
<b>CURRENT ZONING:</b>	AG – 1 (Agricultural District)
<b>PROPOSED ZONING:</b>	MIX (Mixed Use District)
<b>FUTURE DEVELOPMENT MAP DESIGNATION:</b>	Character Area 11: McGinnis Ferry Activity Node Gateway Distinctive Area
<b>APPLICANT:</b>	Planners and Engineers Collaborative, Inc. c/o Kenneth J. Wood 350 Research Court Peachtree Corners, Georgia 30092 770.380.5969
<b>OWNER</b>	7603 McGinnis Ferry LLC c/o John Cowart 7603 McGinnis Ferry Road Johns Creek, Georgia 30097
<b>PROPOSED DEVELOPMENT:</b>	Rezone for a mixed-used development that will include 42 townhome lots (fee simple), and a 12,350 square-foot retail, restaurant, and office building. Proposed residential density is 4.5 units per acre, and proposed nonresidential density is 1,338 square feet per acre.
<b>STAFF RECOMMENDATION:</b>	<b>Approval with Conditions</b>
<b>PLANNING COMMISSION RECOMMENDATION:</b>	<b>Approval with Conditions</b>

---

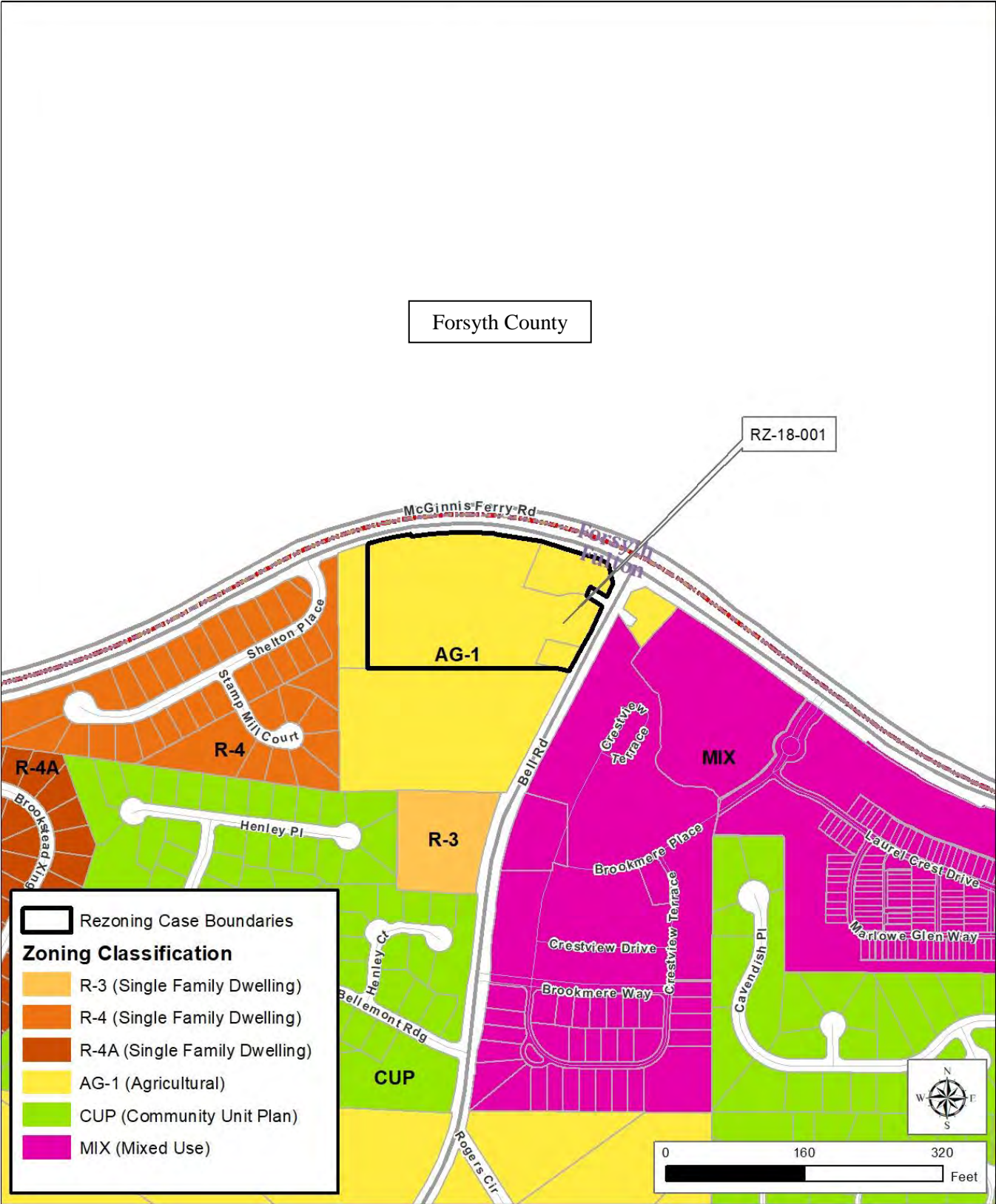
## Community Development

RZ-18-001



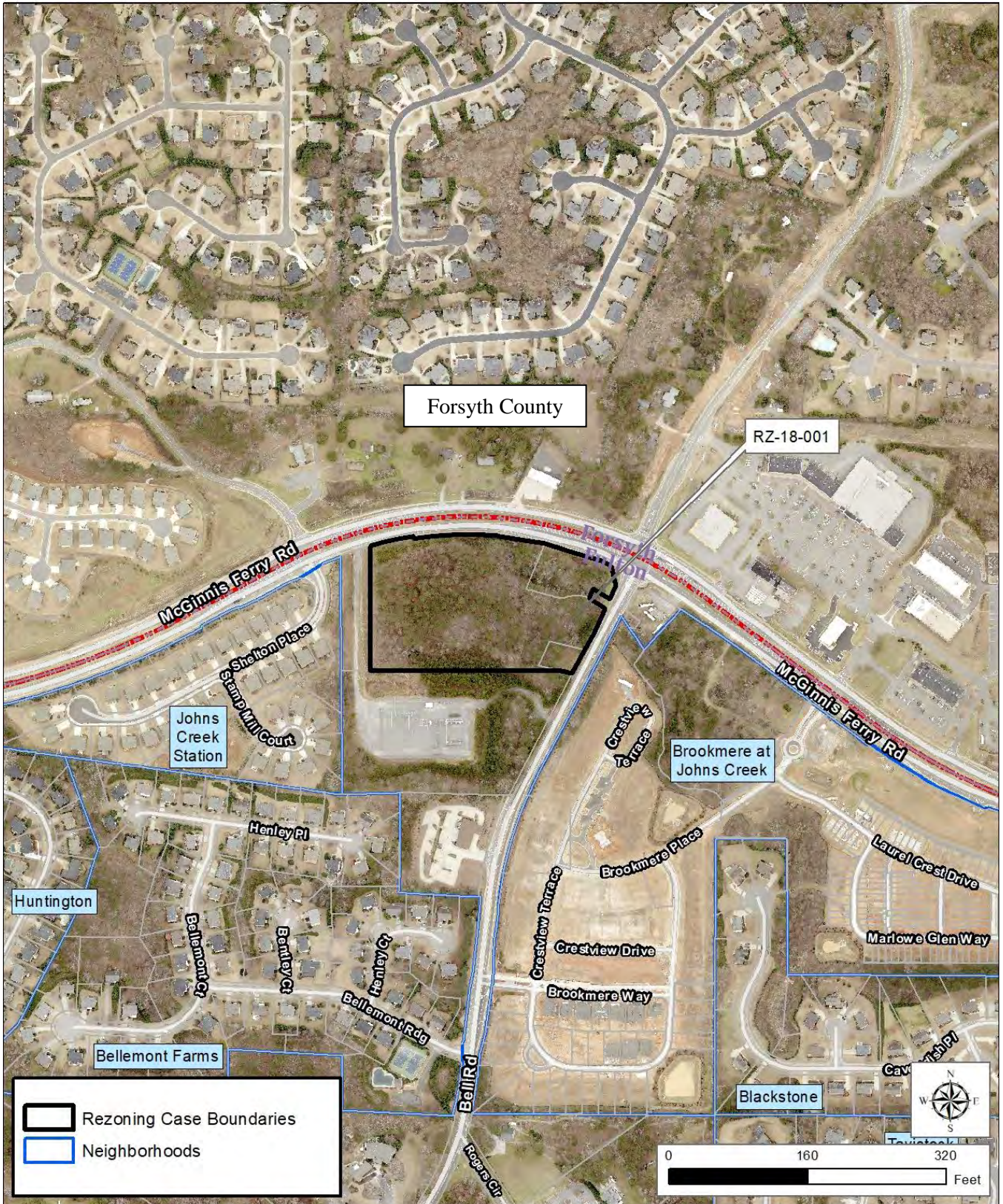
Forsyth County

RZ-18-001





RZ-18-001





## **PROJECT OVERVIEW**

The applicant is requesting to rezone 9.233 acres from AG-1 (Agricultural District) to MIX (Mixed Use District) to allow for the construction of 42 attached single-family residential townhomes and a 12,350 square-foot commercial and office building with 62 parking spaces. The Future Development Map shows the site is located within Character Area 11: McGinnis Ferry, and Activity Node, a Gateway, and a Distinctive Area.

The subject property contains three parcels and is located at the southwest corner of the intersection of McGinnis Ferry and Bell Roads. A stream traverses the property in the northeastern quadrant of the property, starting approximate 40 feet from the right-of-way of McGinnis Ferry Road and flowing eastward towards Bell Road where it enters a pipe under the road, and then daylights onto the property on the other side of Bell Road. The property is currently vacant, but is vegetated with a mixture of pines and hardwoods. The property slopes downward from the west and south sides of the property to the northeast side of the property towards the stream. The land on the northern side of the stream slopes downward from the shoulder of McGinnis Ferry Road towards the stream. There is approximately 70 feet of grade change from the west side of the property to the east side.

For the residential component of the proposed mixed-use development, the applicant has proposed 42 fee-simple townhomes that will be targeted at empty-nesters and professionals looking to down-size. The main vehicular access point will be a full access entrance from Bell Road; and the internal roads are proposed to be private. The lots are to encompass the building, patio, and driveway, which equates to zero building setbacks except for the fronts that will be at least 25 feet from the back of the curb of the private drive to the face of the garage. The townhome units are proposed to be 30 feet in width with two-car, front-loaded garages. Sidewalks are shown along both sides of the road, as well as connecting to common areas located throughout the site. Site amenities proposed in the common areas include structured areas and naturalized areas. The structured areas include a pocket park with a green, walkways, a fire pit and seating located within the residential area; the other more structured common area is a green located between the commercial and residential uses and includes walkways and benches. These two areas are connected with a mulch path through a naturalized area. Another naturalized common area is provided at the project entrance, and is accessed by the sidewalk adjacent to the private road. A mail kiosk is provided near the entrance into the residential section of the property.

The proposed two-story office and commercial building is situated prominently at the corner of McGinnis Ferry Road and Bell Road, and is accessed from the internal private drive, with a secondary egress-only point on McGinnis Ferry Road. The first floor proposes to include restaurant and retail spaces, and the second floor is proposed to be office space. The site plan shows two potential patio areas for outdoor dining. The site plan has proposed 62 parking spaces for this building.

The Applicant has proposed to pipe a portion of the stream on the property, which is in the area of the commercial building's parking lot. Stormwater for the site is proposed to be above ground in what appears to be a wet pond.

Submitted elevations for the residential units show facades of brick or stone with accents in traditional lap siding and shake. The elevations submitted for the commercial building show a variety of styles, but all have the common material of brick.

The Applicant has requested two concurrent variances to disturb the required undisturbed zoning buffers and associated 10-foot improvement setbacks along portions of the rear and side property lines. The applicant states that the encroachment is needed for grading, drainage, and retaining walls, and has provided a re-vegetation plan. The submitted section sheet attached to the site plan shows the approximate re-grading that is needed, along with an approximation of the height of the retaining wall needed along a portion of the southern property line.

A neighborhood meeting was held on Thursday, December 7, 2017, as this application was originally submitted on November 7, 2017. Two citizens were in attendance. The main concern presented was the additional traffic that would be generated by the proposed townhomes.

**STANDARDS OF REZONING REVIEW**

- **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)	Minimum Lot Size
Adjacent: North (across McGinnis Ferry Rd)	Forsyth County	Residential	N/A	N/A
Adjacent: North and Northeast (across McGinnis Ferry Rd)	Forsyth County	Commercial-Oil Change Publix Shopping Center, Ace Hardware	N/A	N/A
Adjacent: East (across Bell Rd)	AG-1	Commercial (non-conforming)	1.0 unit/acre	1 acre
Adjacent: East (across Bell Rd)	MIX (Mixed Use) RZ-13-015 & RZ-17-005	Single-Family Residential (attached and detached-Brookmere at Johns Creek) and Commercial/Office (Park Village at Brookmere)	3.7 units/acre 1,624 SF/acre	SFD: 4,000 SF SFA: 2,408 SF AVG (no min. required)
Adjacent: South	AG-1	Utility (Georgia Transmission Corp.)	N/A	1 acre
Adjacent: West	AG-1	Utility (Georgia Transmission Corp.)	N/A	1acre
Nearby: South	R-3 Residential Conditional Z-06-044 NFC	Church SUP-09-004	1,707 SF/acre	N/A
Nearby: South	CUP (Community Unit Plan) Conditional Z-94-124 NFC	Single-Family Residential Subdivision (Bellemont Farms)	2.07 units/acre	12,000 SF (Interior Lots) 27,000 SF (South Perimeter) 1 acre (Lots Adj. to Bell Rd)
Nearby: West	R-4 Residential Conditional RZ-12-001	Single-Family Residential Subdivision (Johns Creek Station)	2.29 units/acre	12,000 SF (Perimeter) 9,000 SF (Interior)

SFD: Single-Family Detached; SFA: Single-Family Attached

The subject property’s location near a developing mixed-used project in the City and near commercial uses in Forsyth County across McGinnis Ferry Road, and residential uses located nearby along McGinnis Ferry and Bell Roads to the west and south would suggest that the proposed mixed-

use development would be suitable at this location. The positioning of the commercial building adjacent to the frontages of McGinnis Ferry and Bell Roads, and then transitioning the townhomes away from the main roads would also help maintain compatibility.

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

By positioning the commercial building closest to the intersection, this allows the townhomes to act as a transition to the nearby single-family detached developments; the utility substation adjacent to the west and south of the subject property and the proposed buffer plantings also lessen any adverse impacts to nearby properties.

The applicant has provided proposed architectural elevations. The Department recommends final approval of all residential and commercial elevations by the Community Development Director in order to minimize any potential adverse effects on adjacent or nearby properties.

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

The subject property has a limited economic use as currently zoned, AG-1. The property has a large elevation change across the site from west to east making the use of the property for agricultural uses limited.

- **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?**

Fulton County Schools have provided the following new student generation estimates (these estimates were based on the original submittal of 47 townhomes):

School	New students	Capacity (current)	Capacity (with development)
Shakerag Elem	5 to 18	184 under	179 to 166 under
River Trail Middle	1 to 9	47 over	48 to 56 over
Northview High	4 to 13	93 under	89 to 80 under
TOTAL	10 to 40		

The proposed development would not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. River Trail Middle school is currently over capacity, but the proposed development is geared towards active-adult, and with appropriate conditions by Staff, may decrease the number of school-aged children overall.

- **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 within the Character Area 11 – McGinnis Ferry on the Future Development Map. The subject property is also located within an Activity Node, a Gateway, and a Distinctive area. Policies for the activity node in this area call for development such as local retail,

restaurants, neighborhood shopping scale, office, or mixed-use. The proposed mixed-use development would conform with the policies of the Comprehensive Plan and the Activity Node.

- **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 adjacent mixed-used development to the east, Brookmere at Johns Creek and Park Village at Brookmere, which include single-family detached and attached units, and commercial and office uses would give supporting grounds for approval of the proposed mixed-use development.

- **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 subject property contains a stream, which is protected by required buffers and improvement setbacks. There is a proposal to pipe a portion of the stream, which is allowed through a standardized process through the State; the development would be required to maintain the remaining stream buffers and acquire any necessary permits prior to construction.



## **ANALYSIS**

The subject property is 9.233 acres located at the southwestern corner of the intersection of McGinnis Ferry and Bell Roads. The site is covered with a mixture of pine and hardwood trees. The road shoulders along both roads are fairly level and grassed from the construction done several years ago for the McGinnis Ferry Road widening project. The subject property also has a stream traversing the northeast quadrant of the property.

The mixed-use district allows for an applicant to create 'innovative and creative' site designs to develop a property efficiently for a mix of uses that are compatible together and with the surrounding area. The mixed-use district requires a residential component with either commercial or office uses, or a combination of the two. The mixed-use district encourages innovation by allowing the applicant to determine a number of development criteria themselves, and not to rely on pre-determined standards. The mixed-use district also encourages the use of dedicated common or open space for the use of the development, whether for the residents who live there or the customers of the commercial and office uses proposed. Pedestrian connectivity is required between all the uses, but there is flexibility to provide non-conventional sidewalk materials, as well as conventional.

Nearby and adjacent uses include commercial retail, single-family residential and a developing mixed-use development that currently has single-family attached and detached units and two commercial and office buildings under construction along the frontage of McGinnis Ferry Road. The nearby residential area is low density, with the mixed-use development across Bell Road at the highest residential density of 3.7 units per acre. The proposed residential density for this development would be 4.5 units per acre.

The site plan presented by the Applicant shows 42 townhome units that are to be fee-simple, and one two-story commercial building at 12,350 square feet and a parking lot with 62 parking spaces. The Applicant has proposed approximately 22 percent in common area for the development, which exceeds the MIX development standards of a minimum of 20 percent. There are four common areas called out that include naturalized open spaces, and more structured areas that include greens, benches, and other amenity features. These areas are connected through sidewalks and paths, and connect the residential area with the commercial area, as well as to the public sidewalks along McGinnis Ferry Road and Bell Road; however, some additional connections may be needed to improve the flow to and from the public area. The rendered site plan shows a separation between the townhomes and the open space; the Department would recommend conditions to ensure that the townhomes adjacent to the common areas are afforded some sort of buffering or privacy from the common areas.

The submitted elevations for the residential townhomes meets the requirements of the zoning ordinance, however, the Department would note that facades for the residential and the commercial building be in harmony with each other to support a cohesive development. It is also noted, that the submitted elevations for the residential and commercial buildings are examples of what may be used, but that the finished products will need to meet the requirements of the zoning ordinance for finishes on all four sides and roof styles.

The City of Johns Creek Future Development Map identifies the property as being in Character Area 11: McGinnis Ferry. The property is also located within an Activity Node, a Gateway, and a Distinctive Area. Policies for this area suggest local retail, restaurants, neighborhood shopping, office, and mixed-use developments, at a scale of three to four stories. Goals for this area are further described to allow for a

low density mixed-use node to develop at the intersection of McGinnis Ferry and Bell Roads. While the proposed mix-used development is a recommended use, the residential density is higher than the surrounding area, but not to a point that would be detrimental to the area considering additional conditions to age-restrict the residential component. The subject property is also located within a Gateway, while the City has not formally adopted regulations for gateways, the Department would recommend this property provide unique features that set it apart from other developments through the architecture, signage, or other visible features.

The applicant has requested two concurrent variances for the purpose of re-grading portions of the required zoning buffers and associated improvement setbacks. The Applicant submitted additional plans to help convey their request: section and buffer re-vegetation drawings. The section drawing helps visualize the usability of the rear yard for the townhomes that back up to the perimeter property lines by showing the relation of the patios with the new grade, plant material, and in some instances, retaining walls and drainage swales. The buffer re-vegetation drawing details the evergreen material that would be used for screening. The current vegetation on the site is mostly mature tree material, which does not provide understory screening. It is also noted that the adjacent property is a utility substation. The Department supports the requested variances as the encroachment would allow for proper grading and drainage for the project, and help provide screening from the utility substation on the adjacent property.

In conclusion, the proposed mixed-use development, with proper conditions from Staff, is consistent with the overall goals and policies of the McGinnis Ferry Character Area. Therefore, the Department of Community Development recommends **APPROVAL with Conditions** of Land Use Petition **RZ-18-001**, and **APPROVAL** of Concurrent Variances **VC-18-001-01** and **VC-18-001-02**.

**DEPARTMENT COMMENTS****PUBLIC WORKS****Staff Notes:**

- Currently zoned AG-1. The applicant is requesting a rezoning to MIX Conditional construct the following improvements:
  - Total property size – 9.23 acres
  - 47 residential townhome units
  - 12,350 SF restaurant/office/retail
  - 62 parking spaces
- A trip generation letter has been received and the trips generated by this proposed development exceed 100 vehicle trips per peak PM hour. Therefore, a Traffic Impact Study is required; traffic study received February 9, 2018. This study should utilize the revised site plan submitted with the rezoning application.

**Zoning Comments**

1. The City of Johns Creek has completed several road improvements on McGinnis Ferry Road and on Bell Road in the project area. A project to provide capacity improvements on McGinnis Ferry Road at Bell Road to add a westbound thru lane is in the conceptual design phase. No additional right-of-way acquisition is anticipated.
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. 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.
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 shall repair any existing sidewalk or other infrastructure in the public right-of-way that is damaged during the construction of this project.

**Recommended Zoning Conditions for Requested MIX Zoning:**

1. Owner/Developer shall provide no more than one (1) full access driveway from Bell Road and no more than one (1) right-out only driveway on McGinnis Ferry Road. The 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.
2. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Bell Road such sufficient right-of-way as may be required to provide at least eleven feet (11') of right-of-way from the future back of curb or one foot (1') from 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.
  - a. Owner/Developer shall provide up ten (10) feet of additional pavement along the entire frontage of Bell Road to correct an alignment issue with the McGinnis Ferry Road intersection, or as may be required by the City of Johns Creek Director of Public Works.
3. Owner/Developer shall construct a deceleration lane at the project's entrance on Bell Road, or as may be required by the City of Johns Creek Director of Public Works.

4. Owner/Developer shall widen Bell Road as necessary to provide a left turn lane into the proposed driveway.
5. Owner/Developer shall provide a twenty foot (20') wide drainage easement to the City of Johns Creek for the portion of the creek to be piped, subject to the approval of the Director of Public Works.
6. Owner/Developer shall construct a five foot (5') wide concrete sidewalk along the entire frontage of Bell Road, or as may be required by the City of Johns Creek Director of Public Works.
7. Owner/Developer shall construct a five foot (5') wide concrete sidewalk along both sides of all roads interior to the development, or as may be required by the City of Johns Creek Director of Public Works.
8. Townhomes shall be setback a minimum of twenty feet (20') from the back of sidewalk to face of structure to accommodate the parking of vehicles in the driveways.

#### FIRE MARSHAL

1. Shall provide a current water flow report for this area that is within 6 months of the submittal of the LDP;
2. Shall identify water main size & location by LDP submittal;
3. Fire Hydrants shall be GPS located (Latitude and Longitude);
4. Mail kiosk shall identify an ADA parking stall and provide an accessible route from parking area to kiosk;
5. The curbs around the hammerhead turnaround shall be a roll-back/mountable curb;
6. Shall post no parking around the same turnaround and paint the curb red;
7. Would like to get more information on how this location will be addressed and clearly identified for emergency responders since the address is off of McGinnis Ferry, but the entrance is off of Bell Rd);
8. The commercial 2-story building will be required to be fully sprinklered with a free standing FDC away from the building;
9. Commercial building will be required to have at least 3 ADA parking stalls with one of the three being van accessible.

#### 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. Submitted landscape plans not reviewed for compliance.
  - 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)



LAND DEVELOPMENT

1. Georgia EPD approval is required prior to the issuance of a land disturbance permit for the proposed stream piping.
2. The Army Corps of Engineers approval is required prior to the issuance of a land disturbance permit for the proposed stream piping.
3. Fulton County Water and Sewer approval is required prior to issuance of land disturbance permit.
4. The project is within the 0.2% (500 year) floodplain Boundary and within the boundary of the Future Conditions.
5. Runoff from Georgia Transmission property of way shall be captured in a bioswale and carried away from the townhome units, the swale shall be a minimum of 20 feet from the building line and placed in a drainage easement for HOA maintenance.
6. Final Plat with Water/Sanitary/Storm as-built drawings, and stormwater maintenance and inspection agreements will be required prior to issuance of a building permit.
7. Applicant shall provide for a 10% reduction in pre-post storm water discharge rates and volumes for the 25-year 24-hour design storm. Green Infrastructure and/or Low Impact Development techniques shall be incorporated in the site design.
8. A surface Storm Water Management Facility must have 20-foot landscape strip and 10-foot access easement around entire perimeter. An underground Storm Water Management Facility must have a 10-foot access easement around the perimeter of the facility. Each Storm Water Management facility including access easement and landscape strip must be totally located on an individual lot owned by and maintained by the HOA and included in the Stormwater Management Maintenance Agreement.

FULTON COUNTY DEPARTMENT OF WATER RESOURCES

WATER:

Anticipated water demand: 270 gallons per day (gpd) per lot x 47 lots = **12,690** gallons per day (gpd) **plus** 100 gallons per day (gpd) per 1,000 sq. fee. X 12,325 square feet (Commercial building) = 1,233 gallons per day (gpd) for a **total daily water usage = 13,923** 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 of McGinnis Ferry Road and there is an 8 inch water line along the west side of Bell Road that can service this location.

SEWER:

Basin: **Johns Creek**

Treatment Plant: **Johns Creek**

Anticipated sewer demand: **12,531** gallons per day

There is a sanitary sewer manhole located east of the eastern property line of the 9.56 acre tract (7603 McGinnis Ferry Road) (Sewer manhole # SMJC4460267) within the 20 wide sanitary sewer easement in the Brookmere subdivision in land lot 472, district 1-1 that can serve this development. It will be the developer's responsibility to run an 8 inch sewer line from the newly installed sewer tap to 7603

McGinnis Ferry Road as well as acquiring any needed sewer easements (minimum width of 20 feet) if needed. This is a distance from the existing manhole to 7603 McGinnis Ferry Road. The developer may also be asked to run a 20 foot wide sewer easement and 8 inch sewer line up to an adjacent property so Fulton County Government can provide sanitary sewer service to upstream users in the future per the Fulton County Sanitary Sewer Regulations.

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 BOARD OF HEALTH

#### ENVIRONMENTAL HEALTH SERVICES (EHS) DIVISION

1. The Fulton County Board of Health will require that the applicant connect the proposed mixed-use development to public water and public sanitary sewer available to the site.
2. Since this proposed development constitutes a premise where people live, work, or congregate, onsite sanitary facilities will be mandatory prior to use or occupancy.
3. The public/commercial parts of this development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air. If those facilities will serve persons under the age 18, no smoking will be allowed on the premises at any time.
4. 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.
5. If this proposed development includes a new food service establishment, as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article V – Food Service, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning of construction. The owner must obtain a food service permit prior to opening.
6. If there are existing structures on the property, Fulton County Board of Health is requiring that all those structures to be demolished be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.

#### ENVIRONMENTAL JUSTICE PROGRAM

1. The Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment by allowing the rezoning of the subject property from AG-I (Agriculture) to MIX to allow for the construction of the proposed 47 townhomes and commercial retail/restaurant/office uses.

#### FULTON COUNTY BOARD OF EDUCATION

Shakerag ES – 5 to 18 new students  
River Trail MS – 1 to 9 new students  
Northview HS – 4 to 13 new students  
Total students – 10 to 40 (estimated)

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of Land Use Petition **RZ-18-001** as **MIX Conditional**, and **APPROVAL** of Concurrent Variances **VC-18-001-01** and **VC-18-001-02** with the following enumerated conditions:

1. Use of the subject property shall be limited to no more than 42 age-restricted (55+) townhome fee-simple lots, and no more than one, two-story commercial building with a maximum gross building area of 12,350 square-foot. All C-1 (Community Business District) uses shall be permitted service uses in the commercial building, except for the following uses which are excluded: assembly halls; automotive parking lots and garages; automotive specialty shops; drive thru restaurants and banking facilities; places of worship; funeral homes; automotive garages and gas stations; car washes; hotels; motels; group homes; landscaping business; lawn care services; research laboratories; stadiums; and recycling centers.
2. The property shall be developed in general accordance with the site plan submitted on April 23, 2018 to the Community Development Department. Site amenities shall be programmed with various uses, including, but not limited to as shown on the rendered site plan submitted to the Community Development Department on April 23, 2018, and as approved by the Director of Community Development.
3. Residential and commercial/office building facades shall be of similar or complimentary architecture, including materials, style, color and architectural features. Final elevations are subject to the requirements of the Zoning Ordinance and the review and approval of the Director of Community Development.
4. Commercial building shall have front facades facing McGinnis Ferry Road and Bell Road, and are subject to the review and approval of the Director of Community Development.
5. Residential development standards:
  - a. Minimum lot area = 2,300 square feet
  - b. Minimum lot width = 30 feet
  - c. Minimum front yard = 10 feet, and face of garage shall be 25 feet from the back of curb of the road.
  - d. Minimum side yard = 0 feet; side corner = 0 feet
  - e. Minimum rear yard = 0 feet
  - f. Minimum heated floor area = 2000 SF
6. Overall development standards:
  - a. Front yard = 25 feet
  - b. Side yard = 35 feet
  - c. Side Corner = 40 feet
  - d. Rear yard = 60 feet
7. Any retaining walls shall be faced in brick or stone.

8. Any residential units that adjoin or back up to the central common area shall be separated with fencing, decorative wall, and/or vegetation, and is subject to the review and approval of the Director of Community Development.
9. Owner/Developer shall provide no more than one (1) full access driveway from Bell Road and no more than one (1) right-out only driveway on McGinnis Ferry Road. The 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.
10. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Bell Road such sufficient right-of-way as may be required to provide at least eleven feet (11') of right-of-way from the future back of curb or one foot (1') from 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.
  - a. Owner/Developer shall provide up ten (10) feet of additional pavement along the entire frontage of Bell Road to correct an alignment issue with the McGinnis Ferry Road intersection, or as may be required by the City of Johns Creek Director of Public Works.
11. Owner/Developer shall construct a deceleration lane at the project entrance on Bell Road and or as may be required by the City of Johns Creek Director of Public Works.
12. Owner/Developer shall widen Bell Road as necessary to provide a left turn lane into the proposed driveway.
13. Owner/Developer shall provide a drainage easement, per the City's Development Regulations, to the City of Johns Creek for the portion of the creek to be piped, subject to the approval of the City of Johns Creek Director of Public Works.
14. Owner/Developer shall construct a five foot (5') wide concrete sidewalk along the entire frontage of Bell Road, or as may be required by the City of Johns Creek Director of Public Works.
15. Owner/Developer shall construct a five foot (5') wide concrete sidewalk along both sides of all roads interior to the development, or as may be required by the City of Johns Creek Director of Public Works.
16. Runoff from adjacent utility transmission property shall be captured in a bioswale and carried away from the townhome units, or as approved the Director of Community Development. Design and location shall be as approved by the Director of Community Development.
17. Applicant shall provide for a 10% reduction in pre-post storm water discharge rates and volumes for the 25-year 24-hour design storm. Green Infrastructure and/or Low Impact Development techniques shall be incorporated in the site design.



**PLANNING COMMISSION RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of Land Use Petition **RZ-18-001** as **MIX Conditional**, and **APPROVAL** of Concurrent Variances **VC-18-001-01** and **VC-18-001-02** with the following enumerated conditions:

ADDITIONS IN **BOLD**

DELETIONS IN ~~STRIKETHROUGH~~

1. Use of the subject property shall be limited to no more than 42 age-restricted (55+) townhome fee-simple lots, and no more than one, two-story commercial building with a maximum gross building area of 12,350 square-foot. All C-1 (Community Business District) uses shall be permitted service uses in the commercial building, except for the following uses which are excluded: assembly halls; automotive parking lots and garages; automotive specialty shops; drive thru restaurants and banking facilities; places of worship; funeral homes **and crematoriums**; automotive garages and gas stations; car washes; hotels; motels; group homes; landscaping business; lawn care services; research laboratories; stadiums; and recycling centers.
2. The property shall be developed in general accordance with the site plan submitted on April 23, 2018 to the Community Development Department. Site amenities shall be programmed with various uses, including, but not limited to as shown on the rendered site plan submitted to the Community Development Department on April 23, 2018, and as approved by the Director of Community Development.
3. Residential and commercial/office building facades shall be of similar or complimentary architecture, including materials, style, color and architectural features. Final elevations are subject to the requirements of the Zoning Ordinance and the review and approval of the Director of Community Development.
4. Commercial building shall have front facades facing McGinnis Ferry Road and Bell Road, and are subject to the review and approval of the Director of Community Development.
5. Residential development standards:
  - a. Minimum lot area = 2,300 square feet
  - b. Minimum lot width = 30 feet
  - c. Minimum front yard = 10 feet, and face of garage shall be 25 feet from the back of curb of the road.
  - d. Minimum side yard = 0 feet; side corner = 0 feet
  - e. Minimum rear yard = 0 feet
  - f. Minimum heated floor area = 2000 SF
6. Overall development standards:
  - a. Front yard = 25 feet
  - b. Side yard = 35 feet
  - c. Side Corner = 40 feet
  - d. Rear yard = 60 feet

7. Any retaining walls shall be faced in brick or stone.
8. Any residential units that adjoin or back up to the central common area shall be separated with fencing, decorative wall, and/or vegetation, and is subject to the review and approval of the Director of Community Development.
9. Owner/Developer shall provide no more than one (1) full access driveway from Bell Road and no more than one (1) right-out only driveway on McGinnis Ferry Road. The 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.
10. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Bell Road such sufficient right-of-way as may be required to provide at least eleven feet (11') of right-of-way from the future back of curb or one foot (1') from 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.
  - b. Owner/Developer shall provide up ten (10) feet of additional pavement along the entire frontage of Bell Road to correct an alignment issue with the McGinnis Ferry Road intersection, or as may be required by the City of Johns Creek Director of Public Works.
11. Owner/Developer shall construct a deceleration lane at the project entrance on Bell Road and or as may be required by the City of Johns Creek Director of Public Works.
12. Owner/Developer shall widen Bell Road as necessary to provide a left turn lane into the proposed driveway.
13. Owner/Developer shall provide a drainage easement, per the City's Development Regulations, to the City of Johns Creek for the portion of the creek to be piped, subject to the approval of the City of Johns Creek Director of Public Works.
14. Owner/Developer shall construct a five foot (5') wide concrete sidewalk along the entire frontage of Bell Road, or as may be required by the City of Johns Creek Director of Public Works.
15. Owner/Developer shall construct a five foot (5') wide concrete sidewalk along both sides of all roads interior to the development, or as may be required by the City of Johns Creek Director of Public Works.
16. Runoff from adjacent utility transmission property shall be captured in a bioswale and carried away from the townhome units, or as approved the Director of Community Development. Design and location shall be as approved by the Director of Community Development.
17. Applicant shall provide for a 10% reduction in pre-post storm water discharge rates and volumes for the 25-year 24-hour design storm. Green Infrastructure and/or Low Impact Development techniques shall be incorporated in the site design.