



Land Use Petition RZ-24-0003 & VC-24-0002
Public Participation Meeting: April 4, 2024
Planning Commission Meeting: June 4, 2024
City Council Meeting: June 17, 2024

PROJECT LOCATION: 11085 State Bridge Road

DISTRICT/SECTION/LAND LOT: 1st District, 1st Section, Land Lot 154

ACREAGE: 2.886 acres

CURRENT ZONING: C-1 (Community Business District) Conditional

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

**COMPREHENSIVE PLAN
COMMUNITY AREA:** Ocee

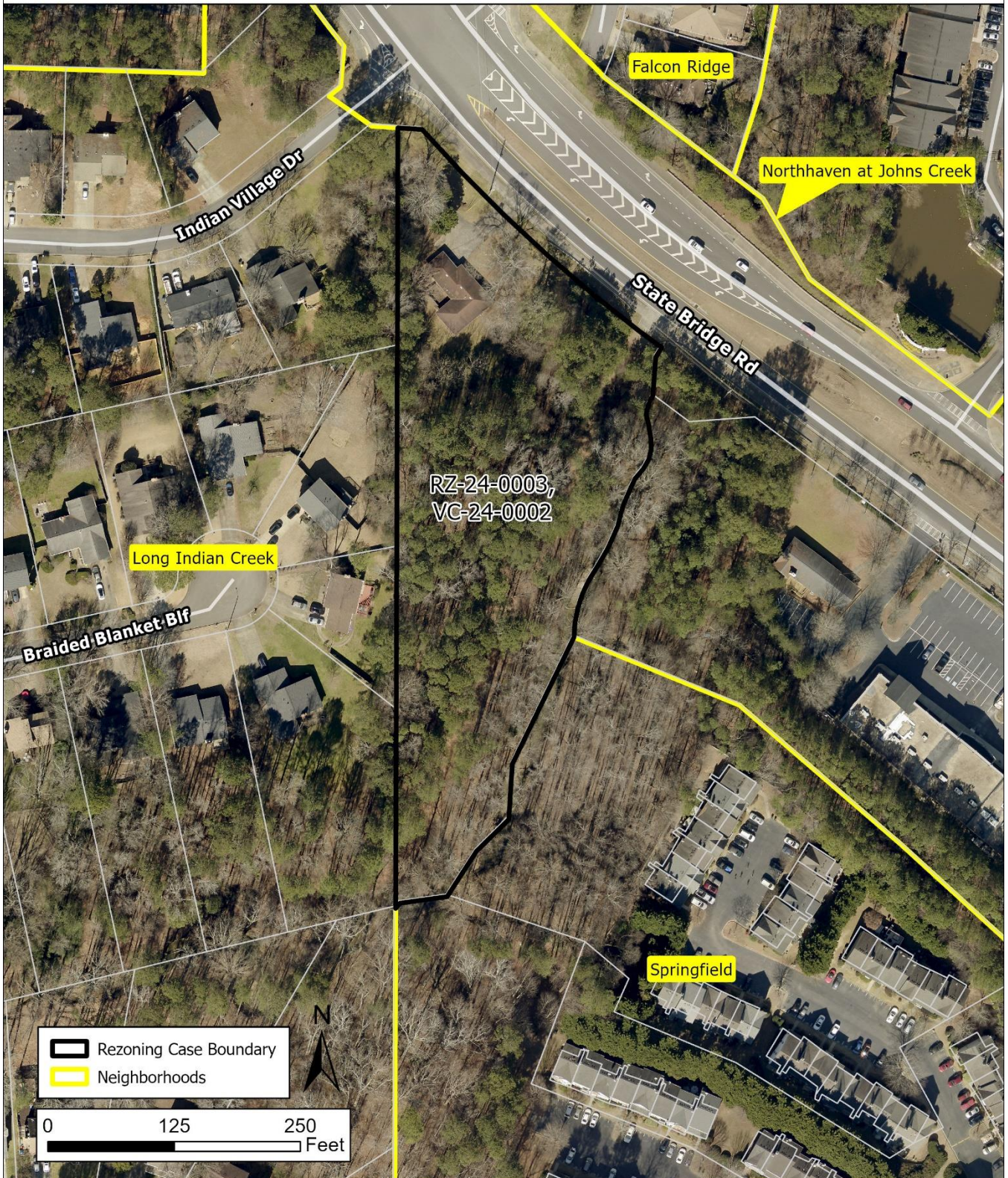
APPLICANT: Ingenium Enterprises
Contact: Ryan Henderson
5995 Parkway North Boulevard, Suite B
Cumming, GA 30040

OWNER: CNF Community Holdings
10180 Jones Bridge Road
Johns Creek, GA 30022

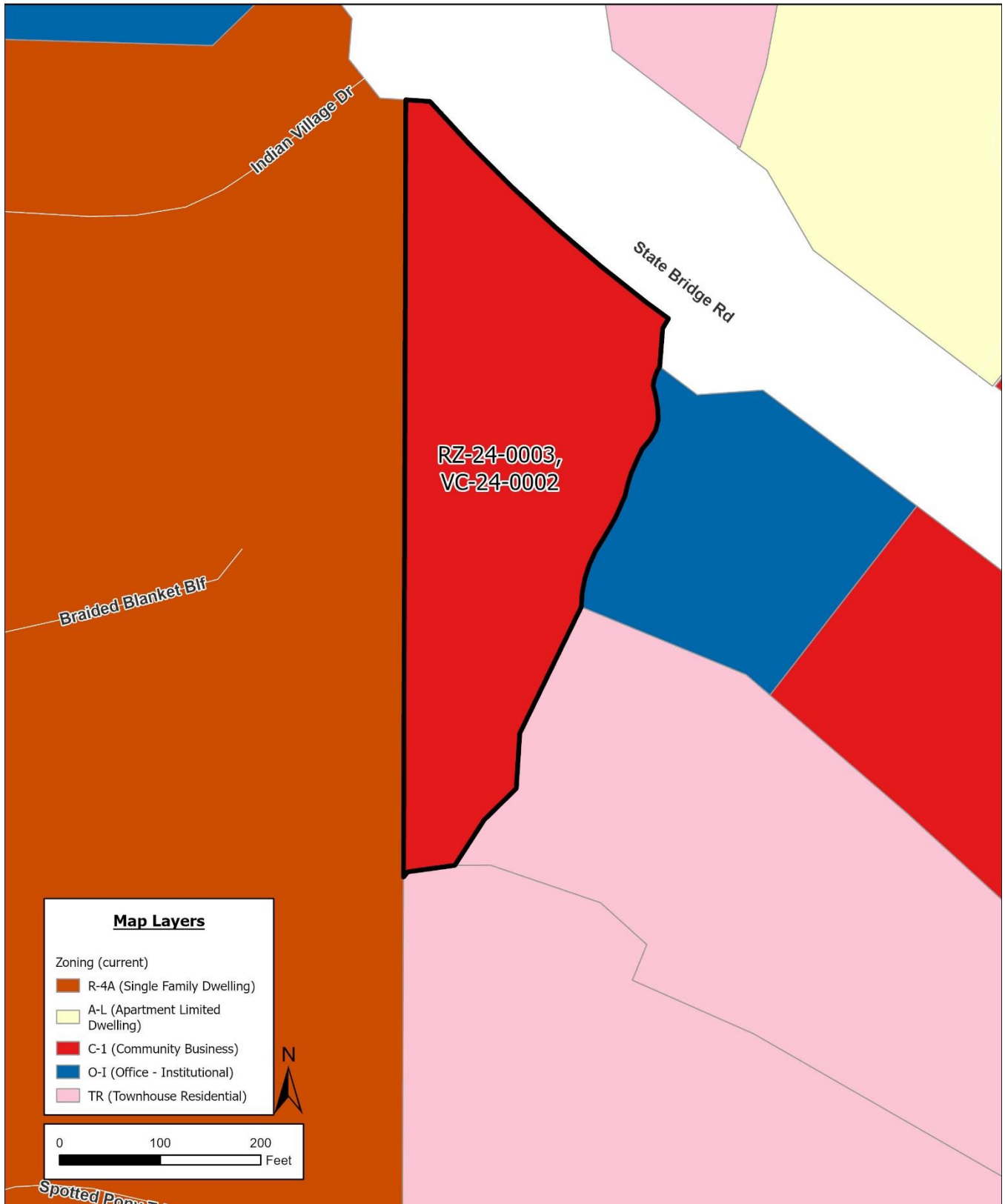
PROPOSED DEVELOPMENT: Single-family detached residential subdivision with three lots at a density of 1.04 units per acre with a concurrent variance to eliminate the 10% common open space requirement.

STAFF RECOMMENDATION: **Approval with Conditions**

Aerial Map



Zoning Map



Map Layers

Zoning (current)

- R-4A (Single Family Dwelling)
- A-L (Apartment Limited Dwelling)
- C-1 (Community Business)
- O-I (Office - Institutional)
- TR (Townhouse Residential)

0 100 200 Feet

PROJECT OVERVIEW

Location

The subject property is a 2.886-acre parcel located south of the intersection of State Bridge Road and Indian Village Drive. It is bounded by Long Indian Creek subdivision to the west, State Bridge Road to the north, a commercial strip center and vacant office building to the east, and Springfield townhome residential community to the southeast.

Background

The site is currently zoned C-1 (Community Business District) Conditional, pursuant to 2002Z-0088, and the land use is limited to an antique shop and accessory uses at a maximum gross floor area of 4,000 square feet. The site is currently improved with a vacant, 2,055 square-foot, single-story building, with the balance of the lot being predominantly wooded and consisting of mature hardwoods and pine trees. The topography of the site generally slopes downward from the north and west toward the south and east. The center line of Long Indian Creek functions as the east property line of the subject property.

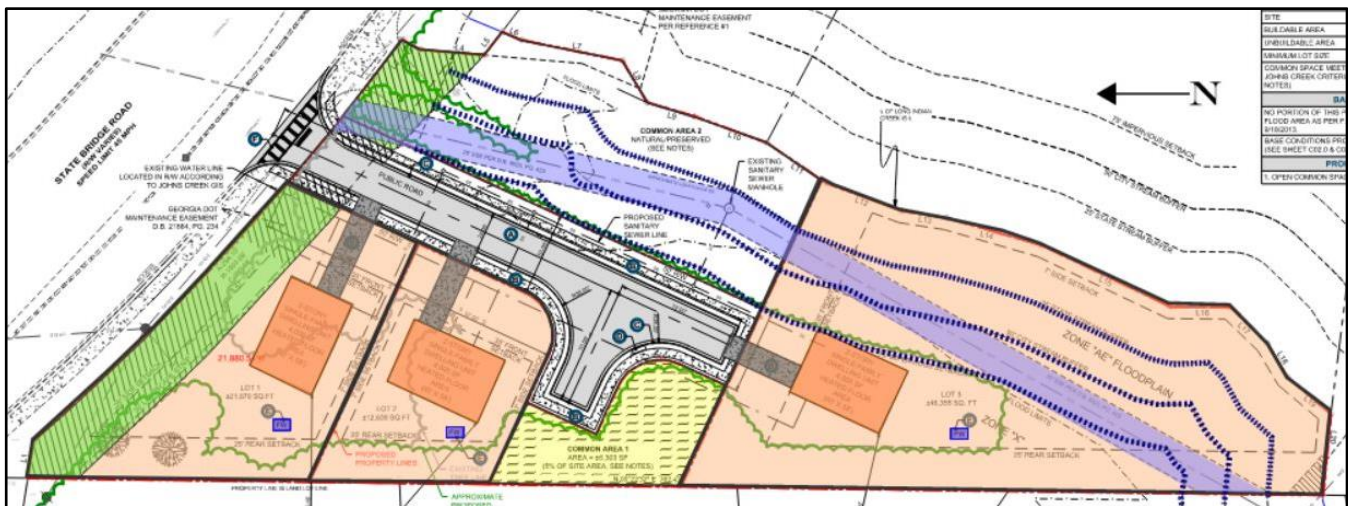


Rezoning and Concurrent Variance Requests

The Applicant is requesting to rezone the subject property from C-1 (Community Business District) Conditional to R-4A (Single-Family Dwelling District) to develop a single-family detached residential subdivision consisting of three lots at a density of 1.04 units per acre. A concurrent variance is requested to eliminate the 10% common open space requirement.

Site Plan

The site plan shows the required 30-foot landscape strip along State Bridge Road, with the development accessed by a single right-in/right-out curb cut connecting to an internal public road providing access and frontage to each lot. The Applicant proposes a minimum lot area of 12,000 square feet and a minimum heated floor area of 4,000 square feet. Each lot is proposed to have individual underground stormwater facilities (in purple) to manage stormwater runoff. The development seeks to preserve much of the existing



tree line as shown in the site plan and identified an area totaling 6,303 square feet as common area (in yellow), but does not meet the standard to comply with the required common space requirement. The Applicant does not propose any disturbance or impervious coverage within the 75-foot stream buffer.

Elevation

The submitted elevation and rendering presents a modern architectural style, 2-story single-family detached homes with a balcony. The exterior building materials are shown to consist of brick, stucco and glass.



Public Participation

As part of the required land use petition process, property owners within one-quarter mile of the subject property were mailed notices in March 2024 for the public participation meeting. The meeting was held at the City Hall Council Chambers on April 4, 2024, and approximately 10 citizens attended the meeting. Several concerns were raised related to the existing tree canopy, distance of proposed dwelling units from existing homes in Long Indian Creek subdivision, traffic impacts on State Bridge Road, and stormwater runoff.

STANDARDS OF REZONING REVIEW

1. Will the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?

The residential uses adjacent to and nearby the subject property maintain higher densities with similar or smaller lot sizes. The proposed use at a density of 1.04 units per acre would be suitable in light of similar residential uses found in the area.

Adjacent & Surrounding Properties	Zoning (Rezoning Number)	Land Use	Residential Density (Units/Acre)	Minimum Lot Size (SF)
Application	Proposed: R-4A	Single-Family Dwelling	1.04	12,000
Adjacent: West	R-4A Conditional (Z-82-142)	Single-Family Dwelling (Long Indian Creek)	2.50	12,000
Adjacent: East	TR Conditional (Z-99-016)	Single-Family Attached Dwelling (Springfield Townhomes)	9.00	2,000
Adjacent: East	O-I Conditional (Z-99-017)	Commercial Office	N/A	N/A
Nearby: North	TR Conditional (Z-86-029, M-86-039)	Single-Family Dwelling (Falcon Ridge)	3.50	2,000

2. Will the proposal adversely affect the existing use or usability of adjacent or nearby property?

The proposed development at a density of 1.04 units per acre with a minimum lot size of 12,000 square feet would provide a less intense development than the surrounding residential communities and will not adversely impact adjacent or nearby properties. With proper conditions to ensure compatibility with adjacent residential uses found in the area, the proposed development would not adversely affect the existing use or usability of surrounding properties.

3. Does the subject property have a reasonable economic use as currently zoned?

The property appears to have reasonable economic use as currently zoned.

4. Will the proposal 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 is expected to generate 40 daily trips, including 9 trips in the morning peak hour and 4 trips in the evening peak hour. Fulton County Public Works has confirmed adequate water and sewer capacity is available to service the proposed development. The Fulton County School Board does not provide comments for residential developments with fewer than 5 units.

The proposed development as proposed would not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. Is the proposal in conformity with the policy and intent of the Comprehensive Plan including the land use element?

The subject property is located in the Ocee Community Area, and the vision for all new infill housing developments for the Area is to be limited to single-family detached homes at three units per acre. The development as proposed would yield a density of 1.04 units per acre. The Comprehensive Plan's Future Land Use Map indicates "Commercial – Retail/Shopping Centers" for the subject property. The residential development as proposed would not be consistent with the land use map, but is in conformity with the policy of the Character Area related to infill housing.

Although inconsistent with the land use map, when considering the existing uses found in the area, the subject property would have greater compatibility with adjacent residential uses. Development of the site for a commercial use poses challenges due to the existing 100-year floodplain and stream and its applicable stream buffers, rendering up to 46% of the site undevelopable, in addition to the site being limited to a right-in/right-out only access due to the existing median along State Bridge Road.

6. Do existing or changed conditions affecting the use and development of the property give supporting grounds for either approval or disapproval of the proposal?

There are no conditions giving support for approval or disapproval of the proposal.

7. Does the zoning proposal permit a use which can be considered environmentally adverse to the natural resources, environment, and citizens of the City of Johns Creek?

The 30-foot landscape strip, 100-year floodplain and stream buffers comprise about 46% of the subject property. The planned development does not propose any encroachment into the applicable stream buffer and floodplain thus protecting environmentally sensitive areas of the property. The Applicant is proposing underground stormwater facilities on each lot to comply with the City's stormwater management and runoff reduction requirements.

CONCURRENT VARIANCE ANALYSIS

The Applicant is requesting a concurrent variance, VC-24-0002, to eliminate the common open space requirement. Section 12.E.3.A.1. of the Zoning Ordinance requires R-4A zoned property to have a minimum of 10% of the subject property designated as common open space. The intent of the common open space requirement is to enhance the overall quality of life and foster a sense of community, typically for a multi-lot residential subdivision and not specifically intended for a development of the scale proposed. However, in lieu of not providing for useable open space, Staff is recommending a condition for the development to maintain a separate 6,303 square-foot parcel, referred to as “Common Area 1” in the submitted site plan to preserve a natural/undisturbed area adjacent to the Long Indian Creek subdivision. Staff is of the opinion that the request, if granted with the recommended condition, would be in harmony with the general purpose and intent of the Zoning Ordinance.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of land use petition, RZ-24-0003, and concurrent variance, VC-24-0002.

1. The subject property shall be limited to three single-family detached residential dwellings at a maximum density of 1.04 units per acre.
2. The site shall be developed in general accordance with the site plan received and date stamped by the City of Johns Creek on April 16, 2024. Said site plan is conceptual and the final site plan must meet or exceed the land development regulations and zoning conditions prior to the approval of a land disturbance permit.
3. Exterior elevations shall be constructed primarily of at least 50% brick or stone on all sides. Accent materials may be stucco, board and batten siding, and/or fiber-cement siding. Final elevations shall be substantially similar to the elevations received and date stamped on April 10, 2024, subject to the review and approval of the Community Development Director, prior to issuance of a building permit.
4. The minimum heated floor area for each dwelling shall be 4,000 square feet.
5. The minimum lot area shall be 12,000 square feet.
6. All lots shall maintain a 25-foot perimeter setback along the west property line, adjacent to Long Indian Creek subdivision. No accessory structures, pools or decks shall be constructed or located within the perimeter setback.
7. Owner/Developer shall provide a minimum 6,300 square-foot parcel designated as a natural, undisturbed common area adjacent to the Long Indian Creek subdivision, to be maintained by an established Homeowners Association (VC-24-0002).
8. Owner/Developer shall install a black aluminum ornamental fence along the entire property frontage of State bridge Road with 6-foot-high brick or stacked stone columns. Final fence design and location shall be subject to review and approval of the Community Development Director.
9. Owner/Developer shall be limited to one right-in/right-out curb cut on State Bridge Road, as shown on the site plan received and date stamped on April 16, 2024. The location of the curb cut is subject to

sight distance, spacing requirements, and approval of the Public Works Director. No direct access shall be provided to any individual lots on State Bridge Road.

10. Owner/Developer shall construct a five-foot wide concrete sidewalk on both sides of the interior road, as shown on the site plan received and date stamped by the City of Johns Creek on April 16, 2024.
11. Owner/Developer shall establish a Homeowners Association (HOA), and the covenants and bylaws are subject to review and approval of the Community Development Director.
12. Owner/Developer shall submit a stormwater concept plan prior to the submittal of a land disturbance permit application.