



## ZA3862 - STAFF INFORMAL REVIEW

**Notice to Applicant:** The informal recommendations are not binding upon the applicant or the County, but are intended to serve as a guide and to advise the applicant in advance of the formal Proposal for Board Consideration of any issues which will or may subsequently be presented to the Planning Commission and Board of Commissioners. The information presented by the County Staff is intended to be used by the applicant during the Applicant Work Time to ensure the applicant is aware of all issues prior to submitting a Proposal for Board Consideration.

### PROJECT SUMMARY:

Applicant is requesting to rezone from Agricultural District (A1), Single Family Community Residential District (CR1) and Single Family Residential Restricted District (R2R) to Single Family Residential District (RES2) Conservation Subdivision on 104.31 acres for 92 residential lots with a density of .89 units per acre.

### CONCURRENT REQUESTS (E.G. VARIANCES/CUPS):

Applicant is requesting a variance to 1. Reduce the exterior buffer from 25 ft. to 10 ft. (UDC 19-3.3(G)(1)); 2. Reduce the front setback from 15 ft. to 10 ft. (UDC 19-4.1(G)).

### CONTACT INFORMATION:

**Applicant:**

MKW Capital, LLC  
PO Box 149  
Jamestown RI 02835

**Owner(s):**

Seven Branches Farm, LLC  
MKW Capital, LLC  
JoJo Capital, LLC

**Attorney Representation:**

Miles Hansford & Tallant, LLC  
Attorney - J. Ethan Underwood  
202 Tribble Gap Road Suite 200  
Cumming GA 30040  
770-781-4100

### IMPORTANT DATES:

**APPLICATION FOR ZONING REVIEW**

Date Submitted: 04/06/2018

Zoning Review Meeting Date:

05/02/2018

### PROPERTY INFORMATION:

**LOCATION:**

The property is located east of Bethelview Road, approximately 200 ft. east of the intersection with Environmental Campus Drive.

**SITE CHARACTERISTICS:**

Partially wooded, undeveloped

BOC District: 3

Current Zoning: A1/CR1/R2R

Tax Map & Parcel #'s (PINs):

103-011, 103-301, 103-425, 104-069

DRI: No

Watershed: Big Creek

### REQUESTED ACTION:

Proposed Zoning: CONS

Min. Heated Floor Area: 1,800

Method of Sewage Disposal:

City sewer

Proposed # of Lots: 92

Total Acreage: 104.3100

Min Lot Size: 12,000

Proposed # of Parking:

Location & Distance to

Units or Lots /Acre: 0.89

Commercial Square  
Footage:

Sewer/Septic Access:

500 ft. south of property

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## STAFF COMMENTS & POSSIBLE ZONING CONDITIONS:

### PLANNING COMMENTS:

This property is designated within the Vickery Creek Character Area.

The western portion of this property is located within the Peachtree Parkway-Bethelview Road Overlay District and must comply with overlay district regulations.

Minimum lot size is 12,000 square feet.

This development is subject to Chapter 19 design requirements in addition to zoning district performance standards. No mass clearing or mass grading shall be permitted in the primary or secondary space; encroachments for infrastructure and stormwater shall be granted only for perpendicular buffer crossings that have been reviewed and approved per Chapter 18, Article XI (UDC 19-3.4(D)).

All primary and secondary conservation areas shall be permanently protected from further subdivision, development, and unauthorized use, by a conservation easement (UDC 19-3.6).

The applicant must address all of the following site plan modifications prior to submitting for Board Consideration:

1. Road 1 entrance shall be removed from Forsyth County property; alternate access shall be provided.
2. Provide a written notation explaining the design constraint prohibiting lots 42 - 46 and 65 - 73 from abutting open space on at least one side.
3. Show and label variance requests.
4. Reduce the number of cul-de-sacs.
5. Provide elevations including material specifications.

The following items were not included on the yield plan:

1. Road 1 entrance shall be removed from Forsyth County property; alternate access shall be provided.
2. Revise number of lots to indicate 91 as shown; revise density to indicate .88 units per acre.
3. Revise label of tax map/parcel 080-123 to show owner as Forsyth County.
4. Reduce the number of cul-de-sacs.

City of Cumming: This proposed development shall be connected onto City of Cumming Water and Sewer. The owner/developer shall notify future property owners/homeowners that this land adjoins the City's 8 MGD Wastewater Treatment Facility.

Building Inspections: Building plans are required per the procedure outlined on our web page.

Business License: Future businesses must apply for a business license.

Health Department: None.

Board of Education:

CURRENT SCHOOL: Vickery Creek Elementary School

CURRENT CAPACITY: 1,025

CURRENT ENROLLMENT: 1,207

OVER (-UNDER) CAPACITY: 182

NEW DEVELOPMENT: 92 units

ADDITIONAL STUDENTS: 26

PREVIOUS ZONINGS: 7 developments

ESTIMATED STUDENTS: 135

% CAPACITY: 133.5%

NEXT SCHOOL OPENING: Pooles Mill

FUNDING APPROVED: NO

CURRENT SCHOOL: Vickery Creek Middle School

CURRENT CAPACITY: 1,050

CURRENT ENROLLMENT: 1,233

OVER (-UNDER) CAPACITY: 183

NEW DEVELOPMENT: 92 units

ADDITIONAL STUDENTS: 13

PREVIOUS ZONINGS: 7 developments

ESTIMATED STUDENTS: 90  
% CAPACITY: 130.1%  
NEXT SCHOOL OPENING: MS# 11  
FUNDING APPROVED: NO

CURRENT SCHOOL: West Forsyth High School  
CURRENT CAPACITY: 2,100  
CURRENT ENROLLMENT: 2,502  
OVER (-UNDER) CAPACITY: 402  
NEW DEVELOPMENT: 92 units  
ADDITIONAL STUDENTS: 15  
PREVIOUS ZONINGS: 9 developments  
ESTIMATED STUDENTS: 812  
% CAPACITY: 158.5%  
NEXT SCHOOL OPENING: Denmark  
FUNDING APPROVED: YES

**POSSIBLE PLANNING CONDITIONS:**

1. Development shall be substantially in accordance with the site plan on file in the Department.
2. Increase the width of the multi-use path abutting the Big Creek Greenway from 8 ft. to 12 ft., which shall be constructed during road construction.
3. Big Creek Greenway trail access shall not be gated.
4. The proposed secondary conservation areas shall remain undisturbed and be incorporated into the Tree Protection Plan for the project. A multi-use path may be permitted within the secondary conservation area.

**ARBORIST COMMENTS:**

1. It is the intent of the Tree Ordinance that when trees exist on a site, the required Tree Density should be met with those trees.
2. Approximately half of his site is heavily wooded. By incorporating undisturbed tree save areas into the planning and development of the site, the required tree density could be satisfied utilizing existing trees and any planting requirement greatly reduced if not eliminated.
3. The proposed Secondary Conservation Areas should remain undisturbed in order to protect as many existing trees as possible.

**ENGINEERING COMMENTS:**

Review Date: 05/02/18

Road Name: Silver Leaf Drive (REAR OF) Classification: Local  
Existing R/W: 50' Proposed R/W: 50'

Road Name: Keithwood Drive (REAR OF) Classification: Local  
Existing R/W: 60' Proposed R/W: 60'

Traffic Considerations:

Anticipated Traffic Generation Rates from S/D: 92 Lots  
Average Daily= 879  
Peak AM Hour= 70  
Peak PM Hour= 93

No traffic study will be required unless recommended improvements are not incorporated into construction plans .

Recommended Improvements: Per Forsyth County Ordinance # 101.

Stormwater Considerations: All developments must comply with Ordinance 75, Stormwater Management and Ordinance 55, Flood Damage Prevention.

**POSSIBLE ENGINEERING CONDITIONS:**

1. Owner/Developer shall dedicate a 20' right of way adjacent to the Big Creek Mitigation Bank (for the construction of the additional section of the Big Creek Greenway) as part of site development or when needed for the greenway construction as determined by the Department of Engineering. Greenway construction shall be completed by the subdivision developer.

**STATE WATERS COMMENTS:**

State Waters are shown correctly.

**WATER & SEWER COMMENTS:**

Review Date: 17 April 2018

Road Name: Bethelview Road

Water Service and Location: City of Cumming Service Area

Receiving Sewer WRF: City of Cumming Service Area.

Comments: None.

**POSSIBLE WATER & SEWER CONDITIONS:**

None.

**NRCS COMMENTS:**

The existing property contains hydric soils, which are not suitable for building, and soils that are eroded with some of these being steep to moderately steep. All state waters and buffers should be clearly delineated at the beginning of the project and maintained throughout the project in order to maintain undisturbed buffers and protect water quality . If disturbed area is more than 50 acres at any one time, prior written authorization must be obtained from the Georgia EPD district office.

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**INFORMAL RECOMMENDATION:**

**Based upon the information submitted in this application:**

Supportive of a Single Family Residential District (RES2), not a conservation subdivision as illustrated, due to the submittal not meeting the purpose and intent of the preservation of conservation areas given that a substantial portion of these areas are already designated under a mitigation bank.

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## PROCEDURES:

Please be aware of the following important information:

### APPLICANT WORK TIME INFORMATION

Your Applicant Work Time starts on **05/03/2018** and will extend through **10/29/2018**. During the Applicant Work Time, it is the applicant's responsibility to fully implement the public participation plan. It is also in the applicant's best interest to try to work with both the Planning Commissioner and the District Commissioner. Staff is also available to answer any questions about the process and to assist in any way.

### POSTING ORANGE PUBLIC PARTICIPATION SIGNS

You must post your orange public participation signs by **05/03/2018**, and submit your notarized affidavits the following day. The sign affidavit with photos shall be submitted to the Department of Planning & Community Development by 5:00 p.m. on the 2nd business day after the Zoning Review Meeting. The submittal may be either hand-delivered or scanned and emailed to the Zoning Administrator with all appropriate documentation.

### FINISHING APPLICANT WORK TIME (OPTIONS)

Once in the Applicant Work Time process, the Applicant can choose one of three (3) options:

(1) Submit a Proposal for Board Consideration - Although it is not required, it is recommended that you schedule an appointment with the Zoning Administrator to submit your Proposal for Board Consideration.

(2) Make a Major Change to the Application - If the applicant chooses to modify the original application for any of the below specified reasons, the applicant may have to resubmit an Application for Zoning Review.

- (a) Any change which results in a more intense land use;
- (b) Any change in method of sewage treatment;
- (c) Any change in use or housing type;
- (d) Any change in the boundary of the subject property (not including minor surveying inconsistencies);
- (e) Adding variances or conditional uses;
- (f) 10% or greater increase in the number of lots;
- (g) 10% or greater increase in the density;
- (h) 10% or greater decrease in the amount of open space; or
- (i) As specified by the Director.

(3) Withdraw the Application - Anytime during the Applicant Work Time, an applicant can withdraw the application without prejudice.

### QUESTIONS

If you have any questions about the Unified Development Code, the process, or anything else, please contact the Department of Planning & Community Development at (770) 781-2115 ext. 4568. It is in everyone's best interest to ask early in the process.