



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. adjacent to Lots 1 - 6 and 60 - 64 (UDC 19-3.3(G)(1)); 2. Reduce the front setback from 15 ft. to 10 ft. adjacent to Lots 1 - 6 and 60 - 64 (UDC 19-4.1(G)); 3. Reduce the exterior setback from 50 ft. to 40 ft. adjacent to Lot 47 (UDC 19-4.1(G)); 4. Reduce the side setback from 5 ft. to 3 ft. adjacent to Lots 40 and 51 (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: 05/17/2019

Zoning Review Meeting Date:

07/03/2019

PROPERTY INFORMATION:

LOCATION:

The property is located south of Environmental Campus Drive, approximately 200 ft. east of the intersection with Bethelview Road. The property is also located west of Keithwood Drive, south of property known as 5320 Keithwood Drive and north of property known as 5350 Keithwood 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

Proposed # of Lots: 92

Min Lot Size: 12,000

Units or Lots /Acre: 0.89

Min. Heated Floor Area: 1,800

Total Acreage: 104.3100

Proposed # of Parking:

**Commercial Square
Footage:**

Method of Sewage Disposal:

City sewer

**Location & Distance to
Sewer/Septic Access:**

500 ft. south of subject property

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. Include a note on the site plan regarding the potential land swap with Forsyth County, which would allow the construction of Road 1 across the County's property as noted in a letter provided to the Department on October 19, 2018.
2. Include a note on the site plan explaining the design constraint prohibiting lots 42 - 46 and 65 - 73 from abutting open space on at least one side, as noted in a letter provided to the Department on October 19, 2018 (UDC 19-4.1 (B)).
3. Increase the width of the multi-use path abutting the Big Creek Greenway from 8 ft. to 12 ft.
4. Revise the setbacks for lots 20-27; small strips of land remaining randomly among parcels or isolated "alley" strips do not qualify as meeting the required secondary conservation area standards (UDC 19-3.2). Show and label a 75 ft. rear or side setback on lots abutting primary conservation areas (UDC 19-4.1(E)).
5. Indicate the square footage for each lot; minimum lot size is 12,000 sq. ft. Strongly consider limiting the size and widths of lots to avoid the look of conventional subdivisions (UDC 19-4.1(H)).
6. Reduce the number of cul-de-sacs (UDC 19-6.7).
7. Provide elevations including material specifications.
8. Show and label the flood elevation boundary.
9. Note and delineate all variance requests so they are congruent with application materials.
10. Each lot shall be abutted on at least one side by open space; revise lots 1-19, 24, 28, 52 and 92. The exterior buffer can qualify as open space only if the area is designated as a primary conservation area (UDC 19-3.1).
11. Relocate secondary conservation areas so state waters are not included in them; state waters are only permitted in primary conservation areas. Clarify how secondary conservation areas constitute a design amenity (UDC 19-3.2).
12. Stream buffers and impervious setbacks shall not be incorporated within individual residential lots. The site plan shall be revised. (UDC 19-3.3(G)(2)).
13. The minimum width of any open space tract shall be at least 25 ft.; revise lots 1-6 and 60-64 (UDC 19-3.5(A)).
14. Revise zoning district from R2R to CR1 for tax map/parcel numbers 103-295, 103-296, 103-297 and 103-300.
15. Show and label owner name and zoning district for tax map/parcel number 103-301.
16. Revise tax map/parcel number from 080-123 to 081-666 so it is congruent with GIS.
17. Add 'existing and proposed' after right-of-way dimensions labeled for Silver Leaf Drive and Keithwood Drive.
18. Show and label existing tree canopy (general location of existing canopy as indicated on the county GIS aerial photography) or revise the tree canopy note on plan to remove "see tree canopy line of said tract".

The following items were not included on the yield plan:

1. Show and label the flood elevation boundary.
2. Revise zoning district from R2R to CR1 for tax map/parcel numbers 103-295, 103-296, 103-297 and 103-300.
3. Show and label owner name and zoning district for tax map/parcel number 103-301.
4. Revise tax map/parcel number from 080-123 to 081-666 so it is congruent with GIS.
5. Add 'existing and proposed' after right-of-way dimensions labeled for Silver Leaf Drive and Keithwood Drive.
6. Revise the front setback to 30 ft. for lots 1-8.
7. Common area as shown on the plan does not meet the purpose and intent of UDC 18-5.23. Common area shall be located and designed to ensure it is capable of being used and enjoyed by the residents for active or passive recreation. This area shall be accessible via pedestrian connections and include some combination of walking trails, bikeways, neighborhood pocket parks, community gardens, civic gathering places, and passive and/or active recreation facilities.
8. Note the maximum building height (UDC Table 11.2(b)).
9. Revise lot 65 so it meets the minimum lot size requirement (UDC Table 11.2(b)).
10. Relocate the 20 ft. greenway right-of-way out of the exterior buffer for lots 37-46 and 70-81 (UDC 18-10.3).

11. Revise calculations for required and proposed common area so the percentage is congruent with the acreage noted.
12. Show and label preliminary and existing locations of storm drainage and structures, if applicable.
13. Remove lot 92 as there is no access to the proposed lot through the proposed development; either the conservation plan or the yield plan will need to be revised so the conservation subdivision does not have more lots than the total number of dwellings a conventional subdivision would yield (UDC 19-5.1).

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: None.

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: 07/03/19

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 and County Undisturbed Buffers are shown correctly. Flood Elevation boundary is missing.

WATER & SEWER COMMENTS:

Review Date: 21 November 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.

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.

PROCEDURES:

Please be aware of the following important information:

APPLICANT WORK TIME INFORMATION

Your Applicant Work Time starts on **07/04/2019** and will extend through **12/30/2019**. 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 **07/04/2019**, 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.