

**ZA3958 - 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 Single Family Residential District (RES3) and Agricultural District (A1) to Master Planned District (MPD) on 84.521 acres for 93 detached residential lots, 78 attached residential units and 67 apartments with a density of 2.82 units per acre and commercial buildings totaling 57,000 sq. ft. with 501 parking spaces.

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

Applicant is requesting a variance to 1. Increase the maximum percentage of total residential units for townhomes and/or condominiums from 30% to 32.77% (UDC 20B-2.3(A)); 2. Increase the maximum percentage of total residential units for apartments from 20% to 28.15% (UDC 20B-2.3(B)).

CONTACT INFORMATION:**Applicant:**

Roberts Properties, Inc.
375 Northridge Road, Suite 330
Atlanta GA 30350

Owner(s):

Matt Highway, LLC
Anne C. Mazzawi
The Estate of Dr. High N. Mazzawi

Attorney Representation:

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

IMPORTANT DATES:**APPLICATION FOR ZONING REVIEW**

Date Submitted: 11/01/2019

Zoning Review Meeting Date: 12/04/2019

PROPERTY INFORMATION:**LOCATION:**

The property is located at 3970 Matt Highway, Cumming, GA 30028. This property is also located northeast of Matt Highway at the intersection with Gravitt Road.

SITE CHARACTERISTICS:

Wooded

BOC District: 4

Current Zoning: RES3/A1

Tax Map & Parcel #'s (PINs):

189-003, 190-004

DRI: No

Watershed: Etowah
River-Settingdown Creek

REQUESTED ACTION:

Proposed Zoning: MPD

Min. Heated Floor Area: 1,500

Method of Sewage Disposal:

County sewer

Proposed # of Lots: 171

Total Acreage: 84.5210

Min Lot Size: 1,800

Proposed # of Parking: 501

Location & Distance to

Sewer/Septic Access:

On subject property

Units or Lots /Acre: 2.82

Commercial Square
Footage: 57,000

STAFF COMMENTS & POSSIBLE ZONING CONDITIONS:

PLANNING COMMENTS:

This property is designated within the Sawnee Mountain Character Area .

The property is located within the Coal Mountain Overlay District. A Master Planned District (MPD) is not required to comply with overlay district regulations since they set their performance standards.

Any performance and design related standards not addressed within the application materials will default to the standards identified in the UDC pertaining to the applicable land use.

Open space as delineated in the Master Development Plan, which incorporates parking islands and strips render the uniform plan similar to an as built that will be problematic if changes to the layout occur after the zoning review process. Such changes will likely trigger a zoning condition amendment application.

The owner/developer shall be responsible for the design and the construction of a side path along S.R. 369/Matt Highway in accordance with the standards set forth in the North Subarea Trails Master Plan . The owner/developer shall also design and construct a multiuse spur trail connecting the project's amenity area to the North Subarea Trail network.

A potential pipeline installation in this area has been proposed . Contact Jodie Hart at Atlanta Gas Light for more information (770-337-4082).

The Master Development Plan needs to be amended to reflect the following:

1. Label the booklet as 'Master Development Plan' on the front cover; remove information referring to Matt Highway.
2. Provide information on landscape features in relation to streets, parking areas, sidewalks, building footprints and utilities.
3. Indicate the location of a 12 ft. minimum wide multi-use trail including a 20 ft. minimum wide trail buffer along S.R. 369/Matt Highway and accompanying spur trails in accordance with the Forsyth County North Subarea Trails Master Plan.
4. Indicate the location of a 10 ft. minimum wide multiuse spur trails connecting the pool and tennis court amenity to the required multiuse trail along S.R. 369/Matt Highway; the spur trail shall connect to the multi-use trail at both entrances.
5. Indicate location of bicycle parking areas in the commercial portion.
6. Page 1 - Change 'Master Development Plan' to 'Site Plan' in the Table of Contents.
7. Pages 1 and 4 - Remove Topographic Survey - 5 ft. Contours; existing topography with contour intervals no greater than 4 feet is required.
8. Page 5 - Provide a legible page indicating existing topography at 1 ft. intervals.
9. Page 9 - Change 'retiree's' to 'retirees.'
10. Page 12 - Remove 22% more open space provided than required.
11. Page 14 - Confirm the 'Nature Trails' photograph is depicting a pervious surface or replace.
12. Page 14 - Indicate location of 'Bridge Crossing on Nature trails' on the site plan.
13. Page 14 - Confirm that there will be a salt-water pool.
14. Page 16 - Remove indication of 'Minimum Lot Size' and 'Minimum Lot Width.'
15. Page 16 - Indicate performance standards for front, rear and side building setbacks or the standards shall default to those identified in the Unified Development Code (UDC).
16. Page 16 - Remove 'Loading Requirements' from the performance standards or include the standards.
17. Page 16 - Remove 'Landscape Strip Adjacent to SR369' under 'Parking and Loading Requirements'; include landscaping standards under its own category.
18. Page 17 - Indicate the location of the restaurant space with rooftop deck.
19. Pages 17 - 18 - Various architectural styles are represented; only the architectural style being used in this project shall be shown.
20. Page 19 - Provide elevations of the townhomes.
21. Page 19 - Remove indication of 30% maximum and 101 units allowed; a variance was requested for the percentage allowed and 101 units allowed is inaccurate.
22. Page 20 - Remove 'Loading' from 'Parking & Loading' requirements for townhomes.
23. Page 20 - Indicate location of guest parking spaces for each townhome pod per parking calculations or remove calculation. Mail kiosk parking may not count toward guest parking.
24. Page 20 - Revise the typical street layout of residential streets to indicate a minimum width of 50 ft.
25. Page 21 - Delete notation of '169 Units Allowed.'
26. Page 22 - Remove 'Loading' from 'Parking & Loading' requirements for single family lots.
27. Page 23 - Clarify how the thoughtfully designed homes will minimize inconvenience.
28. Page 24 - Revise the typical street layout of commercial streets to indicate a minimum width of 60 ft.; revise the two way travel lanes to a minimum width of 30 ft.
29. Page 25 - Revise the typical street layout of residential streets to indicate a minimum width of 50 ft.

30. Pages 27 - 30 - Indicate which phase the nature trails and the amenity area adjacent to the single family lots will be built; provide the anticipated duration of completion of each phase.
31. Page 33 - Change 'Matt Hwy Property Owners Association' to 'Matt Highway Property Owner's Association' so it is consistent throughout the Master Development Plan.
32. Page 34 - Include that signage will comply with the Forsyth County Sign Ordinance.
33. Page 35 - Change 'Owners' to 'Owner's'.
34. Page 36 - Provide detail on 'Building Colors' or the standards shall default to those identified in the Coal Mountain Overlay.
35. Page 36 - Move prohibited retail uses to Land Use Standards.

The Master Planned District Supplemental Application identifies minimum requirements to be addressed through the review process. The following needs to be addressed and any subsequent changes to the Master Development Plan executed.

1. Provide a plan identifying existing topography with 4 ft. intervals under C.3, Land Use Standards.
2. Provide detail on 'building colors' under C.4, Community Standards.
3. Provide conceptual materials depicting the architectural features of the townhomes.
4. Provide detail or remove 'incorporation of multi-modal transportation' under D, General Site Design.
5. Provide detail or remove 'standards of location and/or width of residential garage doors' under D, Aesthetic Quality.
6. Provide detail or remove 'fences, walls and berms in consideration with surrounding land uses' under D, Aesthetic Quality.
7. Provide detail or remove 'retaining walls constructed of architectural masonry; faced with rock, brick, or constructed per surrounding character' under D, Aesthetic Quality.
8. Provide detail or remove 'stormwater management design contributes additional open space' under D, Aesthetic Quality.
9. Provide detail or remove 'minimize visibility of service and loading zones from public streets and neighboring properties' under D, Aesthetic Quality.
10. Provide detail or remove 'transitions at property edges blend with surrounding terrain' under D, Site Development.
11. Provide detail or remove 'cut and fill slopes rounded where they meet natural grade' under D, Site Development.
12. Provide detail or remove 'decorative fences or walls, plantings, berms, or other similar features used to screen surface parking lots' under D, Parking.
13. Provide detail or remove 'minimize visibility of the location and design of parking structures from the street or other public areas' under D, Parking.
14. Provide detail or remove 'orient parking lots behind or to the side of the building; surface lots should not be on street corners' under D, Parking.
15. Provide detail or remove 'vertical focal points to visually anchor street corners' under D, Pedestrian Scale.
16. Provide detail or remove 'canopies and roof forms identify entrances to nonresidential buildings' under D, Pedestrian Scale.
17. Provide detail or remove 'clear pedestrian paths via covered arcades and/or walkways' under D, Pedestrian Scale.
18. Provide detail or remove 'clear pedestrian paths via courtyards or landscape patterns' under D, Pedestrian Scale.
19. Provide detail or remove 'clear pedestrian paths via consistent paving materials' under D, Pedestrian Scale.
20. Provide detail or remove 'minimal interruption of pedestrian paths' under D, Pedestrian Scale.
21. Provide detail or remove 'sidewalks in all residential areas' under D, Pedestrian Scale; no sidewalks are shown for the townhomes.
22. Provide detail or remove 'sidewalks along both sides of all streets for nonresidential areas' under D, Pedestrian Scale.
23. Provide detail or remove 'preservation and/or planting of trees between buildings and the street' under D, Aesthetic Quality.
24. Provide detail or remove 'exterior signage thematic compatibility with proposed and surrounding development under D, Built Environment.

The applicant must address all of the following site plan modifications prior to submitting for Board Consideration. Site plan revisions must be integrated in the Master Development Plan.

1. Note variance requests so they are congruent with the application; revise percentages to reflect variance requests in the site data table.
2. Provide front, rear and side setback standards for the commercial portion or the standards shall default to those identified in the UDC; delineate setbacks to scale; setbacks and buffers shall be measured from the proposed right-of-way. All structures including trash enclosures, the community room and restrooms must meet setbacks.
3. Include the commercial performance standards noted on page 16 of the Master Development Plan; including the parking calculations.
4. Number the parking spaces; label accessible spaces and delineate parking spaces reserved for loft residents.
5. Add a note indicating "The anticipated commercial mix (retail/restaurant) may change and therefore parking will be adjusted accordingly."
6. Note the maximum gross sq. ft. per business establishment under commercial standards.

7. Label the square footage for each proposed commercial/retail/restaurant building on the subject property.
8. Delineate the landscape strips to scale and provide a standard for the interior roads in the commercial portion or the standard will default to those identified in the UDC (UDC 12-10.15); ensure the parking does not encroach into the landscape strips.
9. Provide residential standards for the lofts and include them on the plan.
10. Show and label the front, side and rear setbacks to scale for the townhomes and single family detached residential lots.
11. Include the residential performance standards from page 20 and 22 of the Master Development Plan; include typical lot layouts.
12. Revise the minimum lot size for the townhomes so it is congruent in the Master Development Plan and on the site plan.
13. Label guest parking for townhomes per parking calculations noted on page 20 of the Master Development Plan or remove calculations; mail kiosk parking may not count toward guest parking.
14. Note the maximum density and revise the proposed density to 2.82 units per acre.
15. Provide performance standards for the exterior setback and exterior buffer for the residential portion or the standards will default to those identified in the UDC; delineate the exterior setback and exterior buffer on the plan.
16. Provide a performance standard for the minimum heated floor area per dwelling unit for the townhomes and single family detached lots or the standard will default to those identified in the UDC.
17. Number the detached single family lots.
18. Relocate water quality detention out of the buffer.
19. Show all owner's names of subject property as shown on current county tax map records.
20. Revise the tax map/parcel number from 189-004 to 190-004 in the site data table.
21. Show and label preliminary and existing sewer easements and manholes.
22. Relocate parking spaces so they are not encroaching in the buffer.
23. Show all sidewalks throughout the residential and commercial portions of the subject property.
24. Remove "hammerhead" streets.
25. Show and label wetlands.
26. Provide design elevations that include style, color, and exterior materials for all commercial buildings.
27. Provide a viable common area, which 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. Note acreage of common area in site data table.
28. Viable open space shall be provided. Amend open space design to ensure it is accessible for use by residents and commercial customers. Passive amenities, such as walking trails, may be located in required open space, but passive amenities may not comprise more than 25% of the required open space and may not include impervious materials.
29. Show and label proposed right-of-way dimensions to scale for S.R. 369/Matt Highway as 120 ft.; revise setbacks and buffers so they are measured from the proposed right-of-way.
30. Show and label a 12 ft. minimum wide multiuse trail including a 20 ft. minimum wide trail buffer along S.R. 369/Matt Highway in accordance with the North Subarea Trails Master Plan.
31. Show and label a 10 ft. minimum wide multiuse spur trails connecting the pool and tennis court amenity to the required multiuse trail along S.R. 369/Matt Highway; the spur trail shall connect to the multi-use trail at both entrances.
32. Show and label a minimum width of 50 ft. for internal residential streets for townhomes; show and label a minimum width of 60 ft. for commercial streets.
33. Show and label bicycle parking (UDC 21-12.5(F)(1-3)).
34. Remove the number of units allowed from the residential units, lofts, townhomes and single-family detached in the site data table.
35. Note the acreage provided for the residential portion.
36. Show and label the fitness center as noted on page 13 of the Master Development Plan.

City of Cumming: None.

Building Inspections: Building plans are required per the procedure outlined on our website; this project will require a Commercial Plan Review.

Business License: Future businesses will need to apply for a business license.

Health Department: None.

Board of Education:

CURRENT SCHOOL: Coal Mountain Elementary School

CURRENT CAPACITY: 775

CURRENT ENROLLMENT: 836

OVER (-UNDER) CAPACITY: 61

NEW DEVELOPMENT: 238 units

ADDITIONAL STUDENTS: 59
PREVIOUS ZONINGS: 3 developments
ESTIMATED STUDENTS: 32
% CAPACITY: 119.6%
NEXT SCHOOL OPENING: Poole's Mill Elementary School
FUNDING APPROVED: YES

CURRENT SCHOOL: North Forsyth Middle School
CURRENT CAPACITY: 1,025
CURRENT ENROLLMENT: 1,251
OVER (-UNDER) CAPACITY: 226
NEW DEVELOPMENT: 0 units
ADDITIONAL STUDENTS: 31
PREVIOUS ZONINGS: 0 developments
ESTIMATED STUDENTS: 170
% CAPACITY: 141.7%
NEXT SCHOOL OPENING: Hendricks Middle School
FUNDING APPROVED: YES

CURRENT SCHOOL: North Forsyth High School
CURRENT CAPACITY: 2,400
CURRENT ENROLLMENT: 2,578
OVER (-UNDER) CAPACITY: 178
NEW DEVELOPMENT: 0 units
ADDITIONAL STUDENTS: 38
PREVIOUS ZONINGS: 0 developments
ESTIMATED STUDENTS: 261
% CAPACITY: 119.9%
NEXT SCHOOL OPENING: East Forsyth High School
FUNDING APPROVED: YES

POSSIBLE PLANNING CONDITIONS:

1. Development shall be substantially in accordance with the site plan on file in the Department.

ARBORIST COMMENTS:

None.

ENGINEERING COMMENTS:

Review Date: 12/04/19

Road Name: S. R. 369 (Matt Highway) Classification: Minor Arterial
Existing R/W: 80' Proposed R/W: 120'

Traffic Considerations: Anticipated Traffic Generation Rates from S/D: 171 Units
Average Daily= 1633
Peak AM Hour= 130
Peak PM Hour= 172

A traffic study has been submitted.

Recommended Improvements: Per GDOT and/or 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 right of way of 60 feet from centerline of SR 369 (Matt Highway) as as part of site development or when required for road improvement project as determined by GDOT or Forsyth County Department of Engineering.

STATE WATERS COMMENTS:

State waters are shown correctly.

WATER & SEWER COMMENTS:

Review Date: 18 November 2019

Road Name: Matt Highway. Parcel 189-003

Water Service and Location: 12" water main on Matt Highway.

Receiving Sewer WRF: Fowler WRF. Sewer capacity for 238 residential units and 57,000 SF Commercial.

Comments: Gravity sewer is located on the property.

POSSIBLE WATER & SEWER CONDITIONS:

1. Development shall tie onto Forsyth County sewer system. All gravity sewer outfalls shall follow natural contours to minimize depth.
2. Sewer access must be provided to all upstream properties.
3. Sewer capacity is not guaranteed for this property. All sewer capacity agreements must be approved by the Forsyth County Board of Commissioners.
4. Any improvements to the water or sewer systems required to meet fire flow or other requirements shall be done at developer's expense.
5. There shall be no trees, fences, walls, monument signs, or other obstructions within the utility easements or R/W.
6. There shall be a 10-foot setback from all Water & Sewer Utility Easements to any building, unless otherwise approved by Department of Water & Sewer.

NRCS COMMENTS:

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

INFORMAL RECOMMENDATION:

Based upon the information submitted in this application:

To be determined.

PROCEDURES:

Please be aware of the following important information:

APPLICANT WORK TIME INFORMATION

Your Applicant Work Time starts on **12/05/2019** and will extend through **06/01/2020**. 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 **12/05/2019**, 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.