

<b>PROPERTY INFORMATION</b>	
<b>ADDRESS</b>	13090 Hopewell Road
<b>DISTRICT, LAND LOT</b>	2/2 1036, 1037
<b>OVERLAY DISTRICT</b>	Rural Milton Overlay District
<b>EXISTING ZONING</b>	AG-1 (Agricultural)
<b>PROPOSED ZONING</b>	R-3A (Residential)
<b>ACRES</b>	47.1145
<b>EXISTING USE</b>	Single Family Residence
<b>PROPOSED USE</b>	73 single family residential lots

**PETITIONER/OWNER** Kai Chung Su Dynasty  
**ADDRESS** 13090 Hopewell Road  
Milton, GA 30004

**REPRESENTATIVE** Joshua Scoggins  
Miles Hansford & Tallant  
202 Tribble Gap Road, Suite 200  
Cumming, Georgia 30040

**INTENT**

To rezone from AG-1 (Agricultural) to R-3A (Single Family) to develop 73 single family lots on 47.1145 acres at a density of 1.55 units per acre and a 2 part concurrent variance to 1) reduce the rural trail from 10 feet to 5.2 feet (Sec 48-674 (1)) and 2) to reduce the stream setback from 25 feet to 0 feet (Sec. 20-426 (2)).

**COMMUNITY DEVELOPMENT RECOMMENDATION – OCTOBER 24, 2018**

**RZ18-13 – DENIAL  
VC18-07 – Part 1- WITHDRAWAL  
VC18-07 Part 2 - DENIAL**

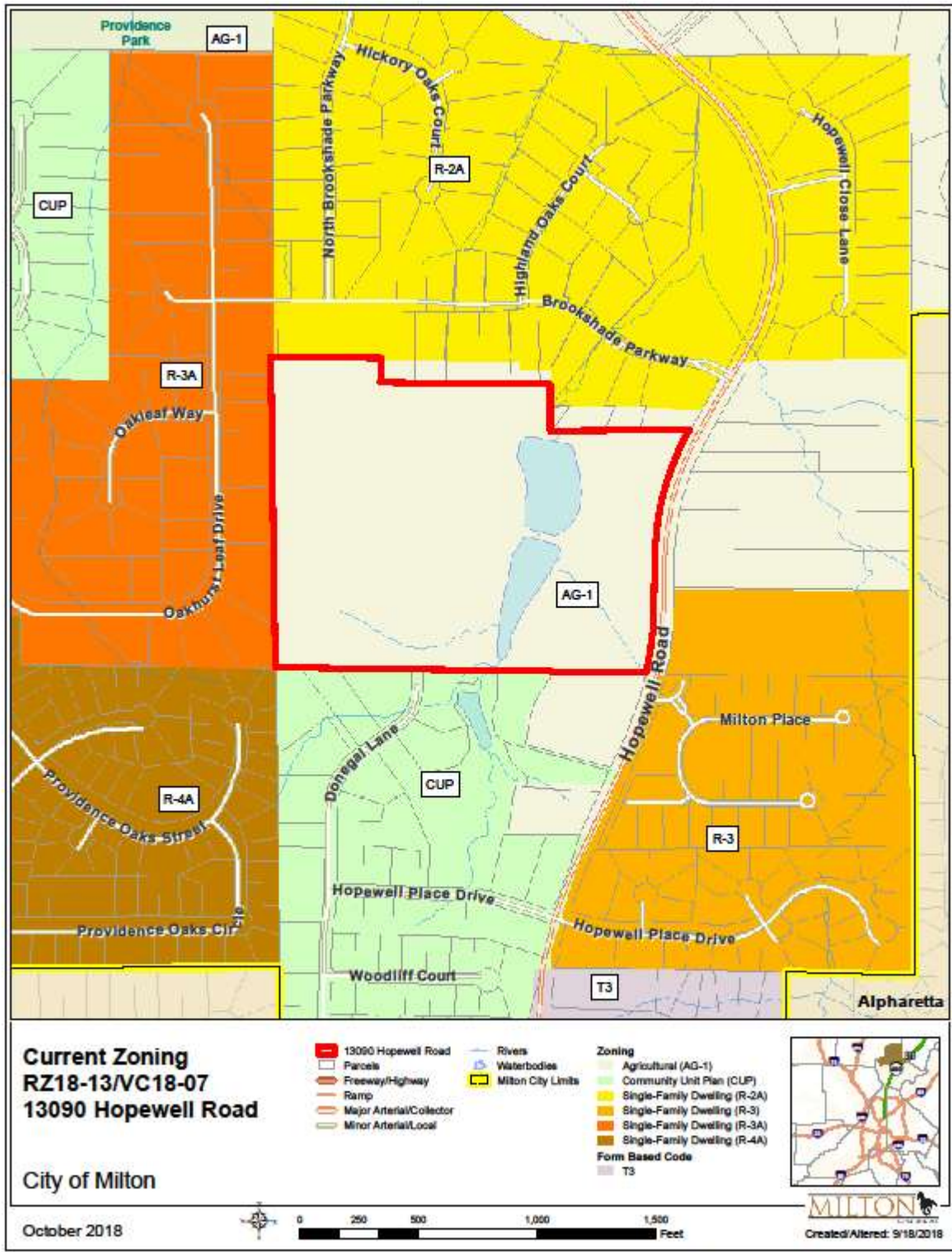
Prepared by the Community Development Department for the  
City of Milton Planning Commission Meeting on October 24, 2018



### LOCATION MAP

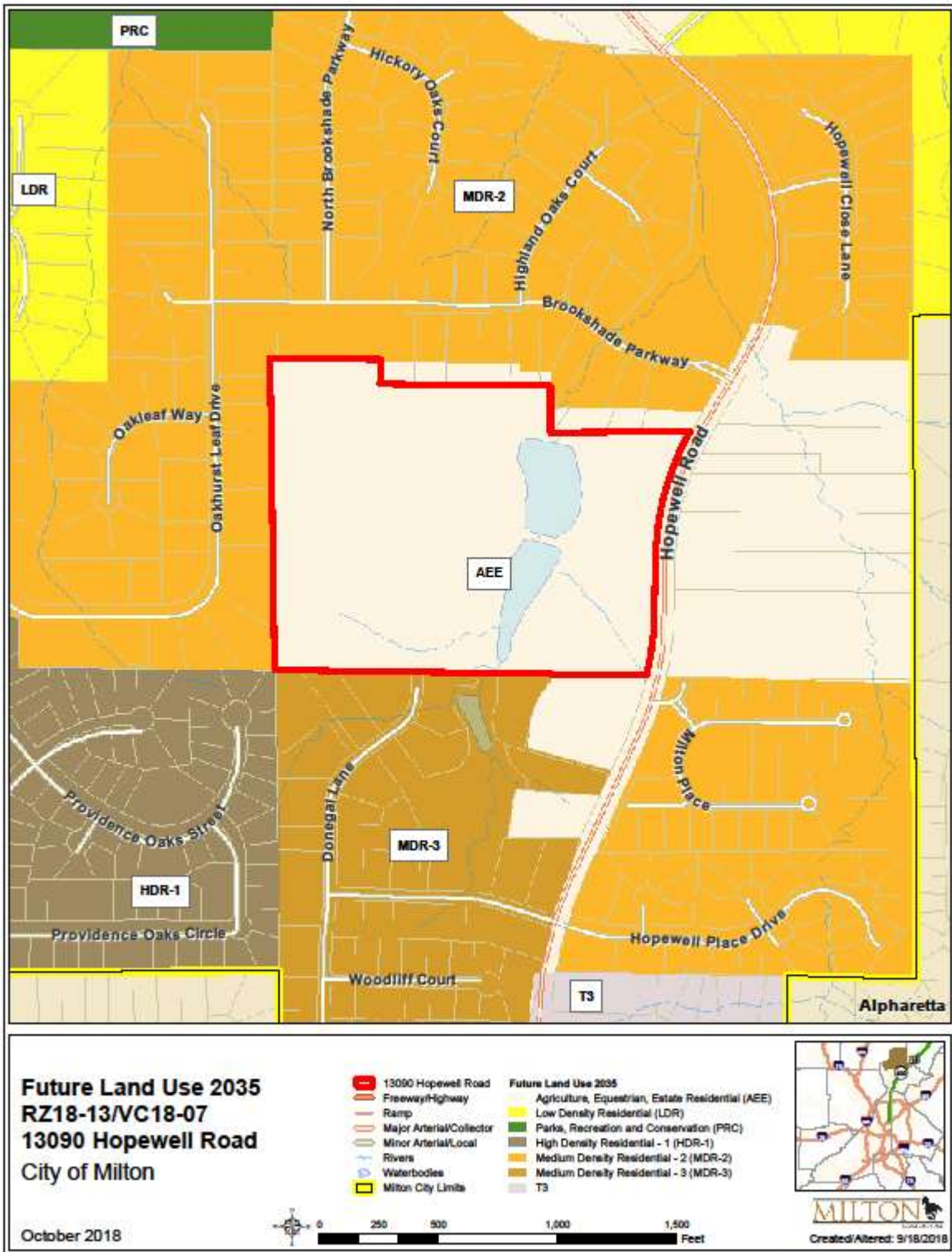
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### CURRENT ZONING MAP

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## CITY OF MILTON 2016 UPDATED COMPREHENSIVE FUTURE LAND USE MAP

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## **SUBJECT SITE AND BACKGROUND:**

The subject site contains 47.1145 acres and is developed with a single family residence as part of a site with a designated Conservation Use Valuation Assessment (CUVA). The site is located within the Agricultural, Equestrian, Estate Residential (AEE) designation of the City of Milton Comprehensive Plan Update 2016 map. Staff also notes that this property is within the Rural Milton Overlay.

The applicant is requesting a rezoning to R-3A (Residential) to develop 73 single family residences on at an overall density of 1.55 units per acre.

## **DEPARTMENT COMMENTS:**

### TRANSPORTATION ENGINEER

Per Milton Code of Ordinances, inter-parcel access shall be provided to adjacent properties upon determination by the director that such access is in the best interest of the public health, safety, or welfare. Fire access requires two separate points of entry and traffic flow is better accommodated by two entry points on Hopewell Road serving all proposed lots.

The time that the traffic counts were collected was not ideal not only because of summer but due to the major detours in place for both Mayfield and Rucker roads. Traffic counts to be collected according to standard engineering practice to determine compliance with Chapter 48 of the City of Milton Code of Ordinances prior to the issuance of a Land Disturbance Permit.

The applicant needs to update sight distance information to represent 45 MPH on Hopewell Road.

### CITY ENGINEER

Water quality cannot be provided in the lakes and will need be located outside the lake. The lakes will need to be modified with an outlet control structure for channel protection and detention. This will require a United States Corp of Engineers' permit and buffer variance from the Georgia Environmental Protection Department.

Lots 10, Block A and 33, Block C are unbuildable with the full 25' & 50' stream undisturbed buffer dome added to these lots. All lots adjacent to the flood plain will need to be reviewed for compliance with elevation requirements in Chapter 20 of the City Code.

## CITY ARBORIST


The proposed rezoning will be subject to the tree preservation ordinance including recompense and tree density requirements. The applicant has included a tree survey showing the existing specimen size and type trees on the site. Based on the proposed site plan, all but a few of them will be removed based on the number and size of the lots, except where the state and city buffers are required around the pond and stream.

## FIRE MARSHAL

After reviewing the site plan, this will need some kind of emergency access in addition to the main entrance, either a full subdivision road or just an emergency road.

The road can be restricted access with a gate and Knox lock on it, but the road/drive would have to support a fire apparatus (the prescriptive code of Appendix D in 2012 IFC is 75,000 lbs., and the applicant would have to provide engineering to demonstrate this due to the dam/lake on the property). IF they opt for an emergency vehicle only, then the dimensions need to be enough to accommodate a single vehicle, so a standard driveway width would be fine, with vertical clearance of 13' 6", maintained by the subdivision and radii that we can turn out, which can be demonstrated on the LDP with Auto turn. As long as it meets the weight load requirements, then it can be made out of gravel, grass pavers, asphalt, etc.

FULTON COUNTY BOARD OF EDUCATION



**Development Impact Statement**

10/3/2018

**PETITION: RZ18-13**

**JURISDICTION: MI**

*Proposed Residential Units*

<u>Single-family detached</u>	<u>Townhouses</u>	<u>Apartments</u>	<u>Condominiums</u>
73	0	0	0

HOME SCHOOL	2018-19 ENROLLMENT <sup>A</sup>	GADOE CAPACITY	ESTIMATED NEW STUDENTS GENERATED	DISPLACED STUDENTS	PROJECTED UNDER/OVER CAPACITY <sup>B</sup>	
					WITHOUT DEV	WITH DEV
Summit Hill ES	720	850	10 to 34	0	-130	-120 to -96
Hopewell MS	1,434	1,400	3 to 15	0	34	37 to 49
Cambridge HS	2,070	1,925	2 to 30	0	145	154 to 175
<b>TOTAL</b>			22 to 79	0		Insufficient historical data to run report? <input type="checkbox"/>

**HS REGION:** Cambridge HS

	AVERAGE - 1 STD. DEV.	to	AVERAGE + 1 STD. DEV.	
One single-family detached unit generates:	0.132880	to	0.458952	elementary school students
	0.035545	to	0.210027	middle school students
	0.117734	to	0.404536	high school students
One townhouse unit generates:	0.055853	to	0.280849	elementary school students
	0.009228	to	0.109298	middle school students
	0.002348	to	0.277014	high school students
One apartment unit generates:		to		elementary school students
		to		middle school students
		to		high school students
One condominium unit generates:		to		elementary school students
		to		middle school students
		to		high school students

**AVERAGE OPERATIONAL COST PER STUDENT (FY17):**

TOTAL COST: \$13,602	PORTION LOCAL REVENUE SOURCES: \$8,595	PORTION STATE AND OTHER REVENUE SOURCES: \$5,007
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<sup>A</sup> Based on first-month enrollment count for 2018-19 school year      <sup>B</sup> Positive values indicate numbers of students a facility is over state capacity / negative values indicate under capacity.

\* State capacity indicates space. However due to the number of special programs, portable classrooms or other measures may be needed to accommodate the instructional needs of the school.

\*\* Student yields are calculated annually based on geocode of enrolled FCS students in built-out developments within the high school zone in which the proposed development is located.

PUBLIC INVOLVEMENT

On September 24, 2018, the applicant's legal representative and surveyor were present at the Community Zoning Information Meeting (CZIM) held at the Milton City Hall. There were 67 people in attendance.

1. Traffic flow through the existing neighborhood was going to need to be addressed. Some of the residents also felt the sight distance on Hopewell Road might be an issue and should be confirmed based on the actual speed limit.

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2. Applicant should look at a connection across or around the lakes to provide ingress/egress from Hopewell Road only.
3. Lot sizes and widths should match the adjacent neighborhoods. Most felt they should consider a site plan that met the AG-1 standards.
4. Applicant should consider a buffer adjacent to other neighborhoods.
5. There were concerns regarding the sanitary sewer access and work required to make the connection to the existing lines.
6. Trees should be considered and the impacts to existing canopy should be minimized.
7. There was a lot of discussion about the ability to provide comments if they are not able to attend the meetings. One suggestion was that we have the City Clerk outline the rules regarding reading comments into the record and we post those instructions online with the packet information.

#### PUBLIC PARTICIPATION REPORT

Staff received the report on October 15, 2018. The applicant's Public Participation Meeting was held on October 9, 2018 at the Bethwell Community Center. There were twelve people in attendance. The following issues were brought to the applicant's attention:

- 1) Lot widths
- 2) Pond Buffer / Impervious Surface Setback
- 3) Number of homes proposed / lot size and desire for 1 plus acre sized lots
- 4) Tree buffer/greenspace, including preservation of trees and protection of streams/wetlands
- 5) Hopewell Road entrance including concerns over noise/traffic with existing plan
- 6) Hope plans should mirror existing neighborhoods including property lines, setbacks, home sizes, and style/quality.

#### CITY OF MILTON DESIGN REVIEW BOARD COURTESY REVIEW – OCTOBER 2, 2018

- 1) Need to tie in with minimums for Vickery Crest and Brookshade. Abide by what the rules are.
- 2) The applicant should set up a stakeholder's meeting between staff and citizens to address the citizens' bullet points.
- 3) We don't see anything viable about this proposal.

4) Address construction traffic through existing neighborhood.

**SITE PLAN ANALYSIS**

Based on the applicant's site plan submitted to the Community Development Department on August 23, 2108, Staff offers the following considerations:

**DEVELOPMENT STANDARDS – SEC. 64-531 - R-3A (Single Family Dwelling District)**

<b>Development Standards</b>	<b>Proposed Development</b>
No building shall exceed 40 feet in height	None indicated
Minimum front yard – 50 feet	50 feet
Minimum side yard as follows: Adjacent to interior line: 10 feet Adjacent to street: 20 feet	10 feet 20 feet
Minimum rear yard –35 feet	35 feet
Minimum lot area – 18,000 sq.ft.	Range from minimum 18,000 sq.ft. to 37,032 sq.ft. with an average of 24,660 sq.ft.
Minimum lot width shall be 100 ft.	100 feet
Minimum lot frontage shall be 35 feet adjoining a street	35 feet
Minimum heated floor area shall be as follows: For less than two-story dwelling: 1,600 sq. ft. For two-story dwelling: 1,800 sq.ft.	Same as minimum development standards listed to the left.

**OTHER SITE PLAN CONSIDERATIONS**

The site plan indicates a sanitary sewer easement northeast of the site originating in the Brookshade Subdivision, just north of the northern lake east of Lot #24. Staff notes that the subject site is not included for sewer service within the Intergovernmental Agreement for the Extraterritorial Provision of Sewer Service with Fulton County and the associated map. Staff notes that without the service of public sewer to the site, the requested minimum 18,000 square foot lots cannot be developed but minimum one acre lots served by individual septic systems can be developed.

## ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis (ESA) report is sufficient and satisfies the requirement of Sec. 64-2126. The applicant has stated the following: The subject site contains wetlands, flood plain, streams and ponds.

## CONCURRENT VARIANCE REQUESTS

A variance must be based upon credible evidence submitted at a public hearing compliance with 1 through 4 of the following:

(1) Relief, if granted, would not offend the spirit or intent of this zoning ordinance.

(2) There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of this zoning ordinance would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the variance applicant.

(3) Relief, if granted would not cause a substantial detriment to the public good and surrounding properties.

(4) That the public safety, health and welfare are secured, and that substantial justice is done.

Part 1: Reduce the rural trail from 10 feet to 5.2 feet (Sec 48-674 (1))

After further discussions with the Public Works Department, The Milton Trail Plan has been updated and this frontage of Hopewell Road no longer requires a trail but will be required to develop a sidewalk along the frontage of Hopewell Road. Therefore, Staff recommends **WITHDRAWAL of VC18-07 – Part 1**.

Part 2: Reduce the stream setback from 25 feet to 0 feet (Sec. 20-426 (2)).

The applicant is requesting to delete the 25 foot impervious setback which is outside of the 50 foot stream buffer (25 foot state and 25 foot city).

It is Staff's opinion that this request offends the spirit and intent of the zoning ordinance but in this case to the Environment (Chapter 20 of the City Code) since this setback intent is to protect streams and ponds from pollution through daily runoff from adjacent and nearby impervious surfaces. Secondly, the applicant has not demonstrated that there are extraordinary and exceptional situations that would create an unnecessary hardship due to size shape or



topography. It is Staff's opinion that the subject site can be developed in such a way as not to delete the 25 foot setback. Further, relief if granted would cause a substantial detriment to the public good and surrounding properties. Lastly, it is Staff's opinion based on the elimination of the 25 foot setback that the public safety, health and welfare are not secured and substantial justice is not done. Therefore, Staff recommends **DENIAL of Part 2** (VC18-07).

## **Standards of Review**

(Section 64-2104) Planning Staff shall, with respect to each zoning application, investigate and make a recommendation with respect to factors 1 through 7, below, as well as any other factors it may find relevant.

### **1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby Property?**

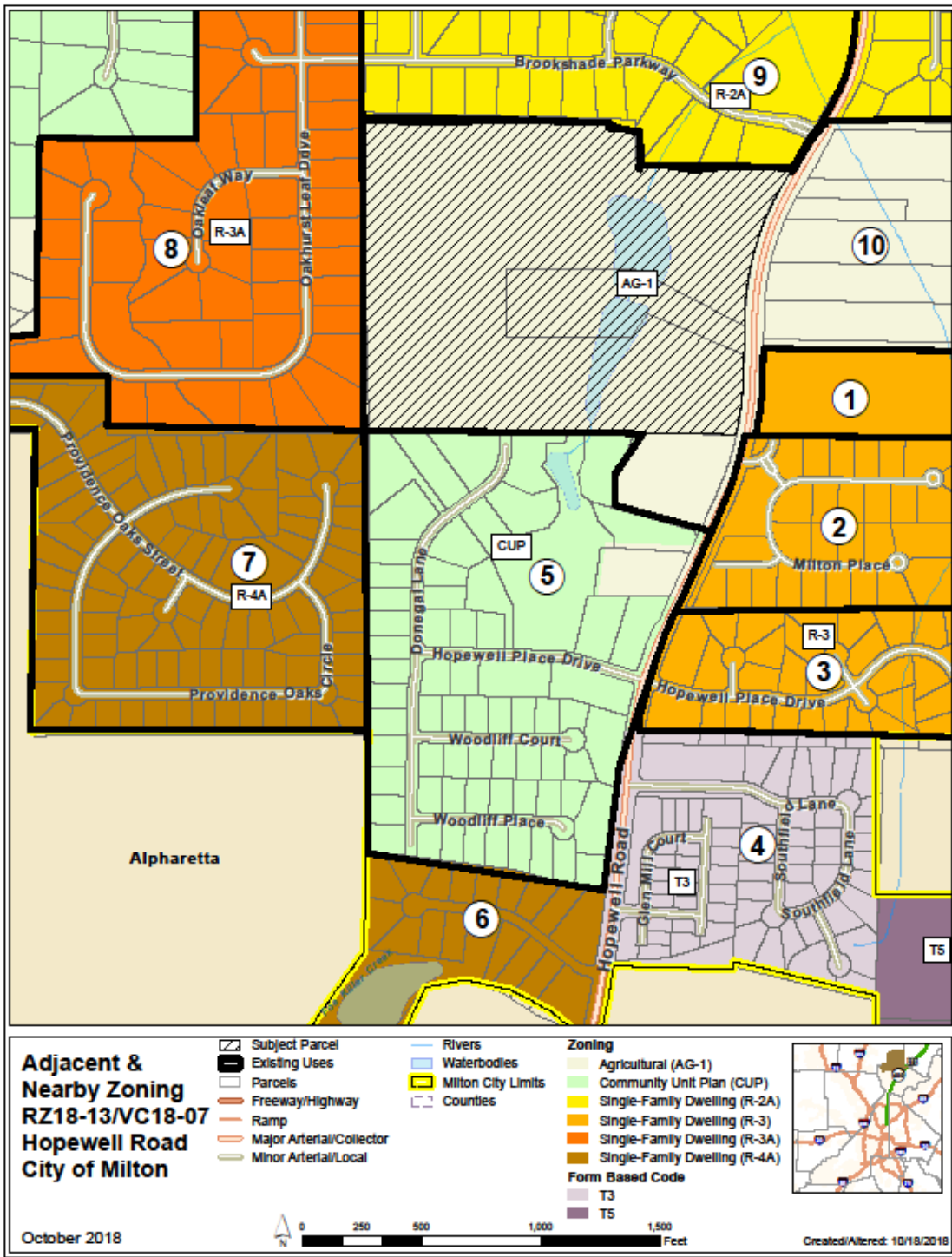
The proposed 73 lot subdivision proposes minimum 18,000 square foot lots with the largest being 1.12 acres and an average of 24,660 square feet. The proposed lots on the west range from 18,666 to 21,909 square feet which are inconsistent with the adjacent lots within Brookshade Subdivision to the west which are developed with minimum 27,000 square foot lots. The proposed lots on the northern portion range in size from 18,666 square feet to 27,220 square feet but are primarily around 18,666 square feet which are inconsistent with Brookshade where lot sizes are primarily 27,000 square feet with some up to one acre or more. Lots on the south, range from 18,666 square feet up to 38,365 square feet but primarily around 20,000 square feet in size which are inconsistent with Vickery Crest. The most northern lots in Vickery Crest are minimum one acre based on the lack of gravity flow for the sanitary sewer within Vickery Crest. The remainder of lots within Vickery Crest are between 15,000 square feet and 20,000 square feet in size. To the west are scattered single family homes zoned AG-1 as well as undeveloped R-3 (Residential) with one acre lot (with common area) adjacent to Hopewell Road. Therefore, it is Staff's opinion that the proposed development is not suitable based on adjacent and nearby properties.

**Existing uses and zoning of nearby property**

<b>Location</b>	<b>Parcel / Zoning Petition</b>	<b>Zoning / Name</b>	<b>Approved Density/Min. Heated Floor Area</b>
East	<b>1</b> RZ13-14	R-3 (Single Family Residential) Undeveloped	1.22 u/a 18,000 s.f. lots 2,500 s.f.
Southeast	<b>2</b> RZ03-122/ RZ03-41	R-3 (Single Family Residential) Milton Place	1.64 u/a 18,000 s.f. lots 2,750 s.f. 1.67 u/a 2,750 s.f. 1 acre lots along Hopewell Rd.
Southeast	<b>3</b> RZ95-21	R-3 (Single Family Residential) Hopewell Place S/D	2 u/a 18,000 s.f. lots 1,800 s.f. 1 acre lots along Hopewell Rd.
Further Southeast	<b>4</b>	T-3 (Transect Zone) Glenhaven S/D	3.46 u/a 2,700 s.f. Min 5,000 s.f. lots
South	<b>5</b> RZ04-144/ RZ05-135	CUP (Community Unit Plan) Vickery Crest S/D	1 u/a (RZ04-144) Min 18,000sq.ft. lots / 2,500 s.f. 1.88 u/a Min 15,000 sq.ft. lots/ 2,500 s.f. 1 acre lots along Hopewell Rd and north portion of Subdivision. 1.88 u/a (RZ05-135)

			20,000 s.f. adj. to Andover Norh, 18,000 s.f adj. to Providence Oaks S/D, 1 acre for septic lots and 15,000 s.f. for remaining lots. 2,500 s.f. heated floor area
Further South	<b>6</b> RZ17-02	R-4A (Residential) Undeveloped	1.09 u/a Min 15,000 sq.ft. 3,200 sq.ft. 1 story 4,000 sq.ft. 2 story 1 acre along Hopewell Road
Southwest	<b>7</b> RZ93-035	R-4A (Residential) Providence Oaks S/D	2.14 u/a 2,500 sq.ft. 50 ft. building setback to AG-1
West	<b>8</b> RZ94-102	R-3A (Residential) Brookshade S/D	1 u/a 2,500 sq.ft. 50 ft. building setback to AG-1
North	<b>9</b> RZ94-127	R-2A (Residential) Brookshade S/D	.98 u/a 2,500 sq.ft. 1 acre lots along Hopewell Rd.
East	<b>10</b>	AG-1 (Agricultural) Single Family Residences	1 u/a





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**2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property?**

It is Staff's opinion that the proposal may adversely impact existing use or usability of the adjacent properties to the east, north, west, and south as described above. The proposed development does not provide a transition between the existing lot sizes to the east, north, west and south as well as provide one acre lots adjacent to Hopewell Road.

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

The subject site may have a reasonable use currently zoned AG-1 (Agricultural).

**4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?**

It is Staff's opinion that the proposal may cause a burden on existing streets and schools if approved.

**5. Whether the zoning proposal is in conformity with the policies and intent of the land use plan?**

City of Milton Comprehensive Land Use Plan Update 2016 Map – Agricultural, Equestrian, and Estate Residential/ INCONSISTENT

Inconsistent with the following Plan Policies:

- Support appropriate residential and non-residential infill development and redevelopment in ways that complement surrounding areas.
- Encourage development that is sensitive to the overall setting of the community and will contribute to our community's character and sense of place.

**6. Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal?**

The proposed development is inconsistent with the Plan Map recommendation of Agricultural, Equestrian and Estate Residential which requires minimum one acre lots. In addition, the proposed lot sizes, specifically on the exterior of the development should be a minimum of 27,000 square feet in size and one acre lots adjacent to Vickery Crest to the south and adjacent to Hopewell Road. Based on these facts, Staff recommends denial to rezone from AG-1 (Agricultural) to R-3A (Residential).

**7. 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 Milton?**

The proposed use will be environmentally adverse to the natural resources, environment and citizens of the City as proposed based on the request to eliminate the 25 foot stream and lake setback as well as the elimination of the majority of specimen trees on the site.

CONCLUSION

The proposed 73 lot single family subdivision is inconsistent with the City of Milton's Comprehensive Land Use Plan Update 2016 Map for "Agricultural, Equestrian, and Estate Residential" and Plan Policies. In addition, Staff recommends **WITHDRAWAL of VC-18-07-Part 1** and **DENIAL of VC18-07-Part 2**. Therefore, Staff recommends **DENIAL of RZ18-13** to rezone from AG-1 (Agricultural) to R-3A (Single Family Residential). A set of Recommended Conditions are included if the Mayor and City Council chooses to approve this petition.



## RECOMMENDED CONDITIONS

If this petition is approved by the Mayor and City Council, it should be approved for R-3A (Single Family Residential) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

- 1) To the owner's agreement to restrict the use of the subject property as follows:
  - a) Single family detached dwellings and accessory uses and structures.
  - b) No more than 73 total dwelling units at a maximum density of 1.55 units per acre, whichever is less, based on the total acreage zoned. Approved lot/unit totals are not guaranteed. The developer is responsible through site engineering (at the time of application for a Land Disturbance Permit) to demonstrate that all lots/units within the approved development meet or exceed all the development standards of the City of Milton. The total lot/unit yield of the subject site shall be determined by this final engineering.
  
- 2) To the owner's agreement to abide by the following:
  - a) Substantial compliance with the site plan received by the Community Development Department on August 23, 2018, and whereby the exact layout of the project may contain minor deviations approved by the Community Development Director provided the deviations remain consistent with the purpose and intent of the Council's approval of the petition. Notwithstanding the contents of the site plan, the project must meet or exceed the requirements of the Zoning Ordinance, all other applicable city ordinances and these conditions. The site plan may be revised with the approval of the Community Development Director in order to comply with city codes and zoning conditions. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
  
  - b) All areas which are not part of an individual lot and held in common shall be maintained by a mandatory homeowners association, whose

proposed documents of incorporation shall be submitted to the Director of Community Development for review and approval prior to the recording of the first final plat.

- 3) To the owner's agreement to the following site development considerations:
  - a) Minimum 27,000 square foot lots along the north and west property lines adjacent to Brookshade Subdivision.
  - b) Minimum 1 acre lots adjacent to Vickery Crest Subdivision and lots zoned AG-1 (Agricultural) along the south property line and lots adjacent to Hopewell Road.
  - c) Minimum heated floor area per unit – 2,500 square feet
- 4) To the owner's agreement to abide by the following requirements, dedication, and improvements:
  - a) Access to the site and frontage improvements shall be subject to the approval of City of Milton Department of Public Works, prior to the issuance of a Land Disturbance Permit, Subdivision Plat or Certificate of Occupancy (whichever comes first). Entrance(s) and frontage improvements shall conform to Chapter 48 Streets, Sidewalks and Other Public Places of the City of Milton Code of Ordinances.
  - b) Two separate ingress/egress points shall be provided in compliance with Chapter 22 and 48 of the City of Milton Code of Ordinances and construction traffic shall not be permitted to use Donegal Lane for access to this property. Construction traffic shall not be permitted to use Donegal Lane for access to the subject site.
  - c) Provide sidewalk along entire Hopewell Road frontage and connecting to existing infrastructure on adjacent parcels as required and approved by City of Milton Department of Public Works.
- 5) To the owner's agreement to abide by the following:
  - a) Prior to the application for a land Disturbance Permit, the developer/engineer shall submit to the Department of Community Development a Stormwater Concept Plan. The plan shall comply

with the requirements of the Stormwater Division of Chapter 20 Environment of the City of Milton Code of Ordinances.

- b) The stormwater management facilities shall utilize earthen embankments, where possible. Walled structures are not encouraged. If walled structures are proposed, they must meet the acceptable design standards of the City of Milton Department of Community Development and the Department of Public Works.
  - 1. Where side slopes for stormwater management facility are steeper than 4:1 the facility shall have a six foot high, five-board equestrian style fence with two inch by four inch welded wire constructed around it, or equivalent as may be approved by the City of Milton Public Works Department.