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678-512-3200 ~ (fax) 678-512-3303

12000 Findley Road, Suite 400, Johns Creek, GA 30097

## LAND USE PETITION CHECKLIST & APPLICATION FORM REZONING, USE PERMIT & CONCURRENT VARIANCE

### INSTRUCTIONS

A properly completed application and fees are due at the time of submittal. The submittal deadline is the first Tuesday of each month. **An incomplete application will not be accepted.** Original signatures are required for the Application.

### APPLICATION MATERIALS

REQUIRED ITEMS	NUMBER OF COPIES	CHECK <input type="checkbox"/>
<b>In addition to required items listed below, provide one (1) a digital copy of <u>all</u> submitted materials in .JPEG, .TIFF, .PDF or .DOC format.</b>		
Pre-Application Meeting Form	• One (1) Copy	<input type="checkbox"/>
Site Plan with Legal Description (See Page 14 for Requirements)	• Ten (10) Full-Size Site Plan Copies • One (1) 8 ½" x 11" Site Plan • One (1) 8 ½" x 11" Legal Description	<input type="checkbox"/>
Building Elevations (Attached Residential & Non-Residential)	• One (1) Copy	<input type="checkbox"/>
Letter of Intent	• One (1) Copy	<input type="checkbox"/>
Zoning Impact Analysis Form	• One (1) Copy	<input type="checkbox"/>
Environmental Site Analysis Form	• One (1) Copy	<input type="checkbox"/>
Disclosure Form	• One (1) Copy	<input type="checkbox"/>
Public Participation Plan & Report—¼ Mile List	• One (1) Copy	<input type="checkbox"/>
Applicant Acknowledgement Form	To be Completed at Time of Submittal	<input type="checkbox"/>
<b>THE FOLLOWING ITEMS MAY BE REQUIRED</b>		
Traffic Impact Study	• Three (3) Copies	<input type="checkbox"/>
Metropolitan River Protection	• Three (3) Copies	<input type="checkbox"/>
MARTA Corridor Area Plan Review	• Three (3) Copies	<input type="checkbox"/>
Development of Regional Impact Review Form	• Three (3) Copies	<input type="checkbox"/>
Environmental Impact Report	• Three (3) Copies	<input type="checkbox"/>
Noise Study Report	• Three (3) Copies	<input type="checkbox"/>

**REZONING/SUP/CHANGE IN CONDITIONS  
APPLICATION**

APPLICANT INFORMATION	OWNER INFORMATION
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
CITY: _____	CITY: _____
STATE: _____ ZIP: _____	STATE: _____ ZIP: _____
PHONE: _____	PHONE: _____

CONTACT PERSON: \_\_\_\_\_ PHONE: \_\_\_\_\_

CONTACT'S E-MAIL: \_\_\_\_\_

**APPLICANT IS THE:**

OWNER'S AGENT   
 PROPERTY OWNER   
 CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): \_\_\_\_\_ REQUESTED ZONING DISTRICT: \_\_\_\_\_

LAND DISTRICT(S): \_\_\_\_\_ LAND LOT(S): \_\_\_\_\_ ACREAGE: \_\_\_\_\_

ADDRESS OF PROPERTY: \_\_\_\_\_

PROPOSED DEVELOPMENT: \_\_\_\_\_

CONCURRENT VARIANCES: \_\_\_\_\_

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. _____
Density: _____	Density: _____

**REZONING APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE CITY COUNCIL.

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Signature of Applicant

Date

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Type or Print Name and Title

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Signature of Notary Public

Date

Notary Seal

**REZONING PROPERTY OWNER'S CERTIFICATION**

THE UNDERSIGNED BELOW, OR AS ATTACHED, STATES UNDER OATH THAT THEY ARE THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE CITY COUNCIL.

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Signature of Property Owner

Date

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Type or Print Name and Title

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Signature of Notary Public

Date

Notary Seal

# ZONING IMPACT ANALYSIS FORM

Analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

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

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

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3. Does the property to be rezoned have a reasonable economic use as currently zoned?

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

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

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6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?

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

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# ENVIRONMENTAL SITE ANALYSIS (ESA) FORM

**Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:**

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN.** Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.** For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

- a. Wetlands
  - U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
  - Georgia Geologic Survey (404-656-3214)
  - Field observation and subsequent wetlands delineation/survey if applicable
- b. Floodplain
  - Federal Emergency Management Agency (<http://www.fema.org>)
  - Field observation and verification
- c. Streams/stream buffers
  - Field observation and verification
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation
  - United States Geologic Survey Topographic Quadrangle Map
  - Field observation and verification
- e. Vegetation
  - United States Department of Agriculture, Nature Resource Conservation Service
  - Field observation
- f. Wildlife Species (including fish)
  - United States Fish and Wildlife Service
  - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
  - Field observation
- g. Archeological/Historical Sites
  - Historic Resources Survey
  - Georgia Department of Natural Resources, Historic Preservation Division
  - Field observation and verification

## ENVIRONMENTAL SITE ANALYSIS (ESA) FORM (CONTINUED)

3. **PROJECT IMPLEMENTATION MEASURES.** Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.
- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
  - b. Protection of water quality
  - c. Minimization of negative impacts on existing infrastructure
  - d. Minimization on archeological/historically significant areas
  - e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.
  - f. Creation and preservation of green space and open space
  - g. Protection of citizens from the negative impacts of noise and lighting
  - h. Protection of parks and recreational green space
  - i. Minimization of impacts to wildlife habitats



# PUBLIC PARTICIPATION PLAN & REPORT

## GENERAL REQUIREMENTS

The Public Participation Program consists of a two-part process designed to enhance dialogue between applicants and communities which may be impacted by a proposed development.

Part 1 of the process is the Public Participation Plan which is required with all rezoning and/or use permit applications. The plan must be filed simultaneously with the application and implemented before the first public hearing. The minimum standards for the plan are as follows:

- Identification of all property owners within a quarter mile of the site and area homeowners' associations, environmentally stressed communities, political jurisdictions, and any other public agencies or organizations which may be affected by an application as determined by the applicant and the current planner at the time of the pre-application review.
- Explanation of how interested parties will be informed of rezoning/use permit applications.
- Methods for providing opportunities for discussion with interested parties before public hearings are held. Applicants are required to schedule at least one meeting at a convenient location and time and notify all interested parties, as identified above of the purpose, place and time of the meeting.
- Applicant's schedule for completion of the Public Participation Plan

Part 2 of the Public Participation Program is the Public Participation Report which is required to be filed with the Community Development Department no later than seven (7) business days before the scheduled Mayor and City Council hearing. The minimum standards for the report are as follows:

- Provide a list of all parties that were contacted, the methods of notification that were used, and copies of all notification letters.
- Provide dates and locations of all community and/or other meetings that were attended by the applicant to discuss an application. (attach meeting notices, letters, etc.)
- Provide the number of people who participated in meetings held to discuss an application. (attach sign-in sheets)
- A summary of concerns and issues expressed by interested parties.
- A summary of the applicant's response to concerns and issues.

The requirement for a Public Participation Plan does not give communities decision making powers or force a consensus on issues. Applicants are not obligated to make any concessions or changes based upon input from citizens. A refusal by the community to meet with applicants does not mean that the applicants fail to meet the requirements of the Public Participation Plan.

# PUBLIC PARTICIPATION PLAN & REPORT (CONTINUED)

## **PUBLIC PARTICIPATION PLAN (Due at the time of initial filing)**

### **Prepare a Plan that includes the following minimum standards:**

1. Identification of all property owners within a quarter mile of the site and area homeowners' associations, environmentally stressed communities, political jurisdictions, and any other public agencies or organizations which may be affected by an application as determined by the applicant and the current planner at the time of the pre-application review.
2. Explanation of how interested parties will be informed of rezoning/use permit applications.
3. Methods for providing opportunities for discussion with interested parties before public hearings are held. Applicants are required to schedule at least one meeting at a convenient location and time and notify all interested parties, as identified in 1. above, of the purpose, place and time of the meeting.
4. Applicant's schedule for completion of the Public Participation Plan.

## **PUBLIC PARTICIPATION PLAN REPORT (Due no later than 15 days prior to Planning Commission meeting)**

### **Prepare a Report that includes the following minimum standards:**

1. List the parties that were notified of the requested rezoning/use permit;
2. List the meetings which were held regarding this petition: (Include the date, time and meeting location.)
3. List the issues and concerns that were expressed:
4. The applicant's response to issues and concerns was as follows:
5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.

## EXPLANATION OF REQUIRED ITEMS

**Pre-Application Review Form**—Prior to submitting an application, all applicants are required to meet with a current planner who will review the applicant's proposal and site plan and complete a Pre-Application Review Form

**Site Plan with Legal Description**—Site Plan shall contain all items listed on the Site Plan Checklist (attached hereto) pursuant to Article 28.5.2. of the Zoning Ordinance. The legal description must be a *metes and bounds* description of the property that establishes a point of beginning and gives directions (bounds) and distances (metes) of property lines. If the property consists of more than one parcel, all parcels must be combined into one legal description.

**Letter of Intent**—The Letter of Intent should state the requested rezoning and use permit(s) and should include factual details about the proposed use(s), such as number and square footages of buildings, number of residential units, minimum heated floor area of residential units, number of fixed seats in places of worship, number of employees and beds in assisted living facilities, personal care homes and nursing homes, number of employees and students in day care facilities, number of classrooms and number of students in schools, hours of operation, and number and use of playing fields. If concurrent variances are requested, the Letter of Intent should clearly state the requested variances and include explanations of hardships and any other reasons why the development standards cannot be met. If a rezoning request is for a CUP, NUP or MIX district, the Letter of Intent should detail the proposed development standards.

**Impact Analysis**—All rezoning applications must include an Impact Analysis Form (attached hereto). An Impact Analysis is not required for Use Permits.

**Mailing Affidavit—Form 3877** (attached hereto) Notarized original to be submitted within 7 days of mailing.

**Environmental Site Analysis**—All Land Use Petitions must include an Environmental Site Analysis (ESA) identifying environmental conditions on the site to determine if the proposed use may be considered environmentally adverse. Refer to Environmental Site Analysis Form (attached hereto) for specific instructions

**Disclosure Form**— If the owner, applicant and/or applicant's representative, attorney or agent has made a campaign contribution to the Mayor or any member of the City Council for \$250.00 or more within the past 2 years, Sections 1 through 4 of the Disclosure Form (attached hereto) must be completed. If no contributions have been made, *No* should be circled and Section 4 of the form completed.

**Public Participation Plan & Report**—The Public Participation Plan (attached hereto) is to ensure that applicants pursue early and effective public participation in conjunction with their petitions, ensure that the citizens of the City of Johns Creek have an adequate opportunity to learn about petitions that may affect them, and to ensure ongoing communication between applicants, adjoining property owners, environmentally stressed communities, community associations and other organizations, elected officials and City staff. Applicants are required to submit a Public Participation Plan (attached hereto) at the time of the filing of the rezoning/use permit application. The Public Participation Plan Report must be completed and filed no later than 15 days before the Planning Commission hearing.

## THRESHOLDS FOR ADDITIONAL STUDIES, REPORTS AND FORMS

**Traffic Impact Study:** Traffic Impact Studies are required upon submittal as per the thresholds and criteria located in the Traffic Impact Study Guidelines.

**Metropolitan River Protection:** If the property is within 2,000 linear feet of the natural riverbank of the Chattahoochee River, it is part of the Chattahoochee River Corridor and subject to a Metropolitan River Protection Act Review. Applicants must complete the appropriate letter/form and submit it with all rezoning/use permit applications. The letter/form is available from the Department of Community Development.

**Marta Corridor Form:** If the property is in the proposed MARTA Corridor (within 200 feet of the planned centerline), a MARTA Corridor Plan Review form must be filed with the rezoning application.

**Development of Regional Impact (DRI):** The Department of Community Affairs (DCA) has formulated development thresholds as listed on the next page. When a development meets or exceeds the thresholds, the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA) shall review the project concurrently. Applicants shall first file the rezoning/use permit request with the City of Johns Creek. After the ARC/GRTA findings are complete, the rezoning/use permit will be placed on the next available appropriate agenda. It is the applicant's responsibility to contact and follow all ARC and GRTA review procedures. For details contact the ARC at [www.georgiaplanning.com/planners/dri/](http://www.georgiaplanning.com/planners/dri/) and GRTA at [www.grta.org/dri/home.htm](http://www.grta.org/dri/home.htm) or at 404-463-3000.

**Environmental Impact Report:** Any rezoning to M-1A or M-1 or specific use categories identified in Article 19.4 of the Zoning Ordinance, as may be deemed environmentally adverse, shall include an Environmental Impact Report as part of the rezoning/use permit process.

**Noise Study report:** Any rezoning/use permit located in an area exceeding a DNL of 65dBA within 500 feet of a principal arterial and/or expressway; within 750 feet of an active railroad line; or within the Hartsfield-Jackson Airport Noise Contours must submit a Noise Study Report.

**Effective January 1, 2005**  
**DEVELOPMENTS OF REGIONAL IMPACT**  
**Tiers and Development Thresholds**

Type of Development	Metropolitan Region
Office	Greater than 400,000 square feet
Commercial	Greater than 300,000 square feet
Wholesale & Distribution	Greater than 500,000 square feet
Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day
Housing	Greater than 400 new lots or units
Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres
Hotel	Greater than 400 rooms
Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1,800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meet or exceed a threshold as identified herein
Airports	All new airports, runways and runway extensions
Attractions and Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000
Post Secondary Schools	New school with a capacity of more than 2,400 students; or expansion by at least 25 percent of capacity
Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more
Quarries, Asphalt and Cement Plants	New facility or expansion of existing facility by more than 50 percent
Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent
Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise storage capacity greater than 200,000 barrels
Water Supply Intakes/Reservoirs	New facilities
Intermodal Terminals	New facilities
Truck Stops	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces
Any other development types not identified above (includes parking facilities)	1,000 parking spaces

# SITE PLAN CHECKLIST

**All items must be included on the Site Plan; separate Site Plans may be necessary to address all items**

1. Key and/or legend and site location map with North arrow
2. Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning
3. Acreage of subject property
4. Location of land lot lines and identification of land lots
5. Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property
6. Proposed streets on the subject site
7. Posted speed limits on all adjoining roads
8. Current zoning of the subject site and adjoining property
9. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property
10. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement or adjacent properties within 400 feet of the subject site based on the City's aerial photography or an acceptable substitute as approved by the Director
11. Location of proposed buildings (except single family residential lots) with total square footage
12. Layout and minimum lot size of proposed single family residential lots
13. Topography (surveyed or City) on subject site and adjacent property within 200 feet as required to assess runoff effects
14. Location of overhead and underground electrical and pipeline transmission/conveyance lines
15. Required and/or proposed setbacks
16. 100 year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps
17. Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed
18. Required and proposed parking spaces; Loading and unloading facilities
19. Lakes, streams, and waters on the state and associated buffers
20. Proposed stormwater management facilities
21. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access
22. Availability of water system and sanitary sewer system
23. Tree lines, woodlands and open fields on subject site
24. Entrance site distance profile assuming the driver's eye at a height of 3.5 feet (See The City of Johns Creek Subdivision Regulations)
25. Wetlands shown on the City's GIS maps or survey.

## PUBLIC HEARING INFORMATION

**The Planning Commission** *generally* holds public hearings on the first Tuesday of each month at 7:00 PM at City Hall. The Planning Commission makes a recommendation that is forwarded to the Mayor and City Council.

**The Mayor and City Council** *generally* hold public hearings on the fourth Monday of each month at 7:00 p.m. at City Hall.

## PUBLIC NOTIFICATION

Public notification shall be the responsibility of the applicant. If the applicant cannot fulfill the notification requirements, please contact the Community Development Department prior to the deadlines listed below. Failure to meet these deadlines will result in a postponement of the public hearing. The applicant shall incur all costs associated with the public notification requirements. The applicant shall be responsible for the following notifications:

- The applicant shall post a sign as issued by the Community Development Department in a conspicuous location on each public street frontage of the subject site, **at least 20 days**, but not more than 45 days, **prior to the public hearing** at which an application will be heard. The sign is prepared by Compelling Signs on behalf of the Applicant at the direction of the City. A fee of \$88 per sign is required. Compelling Signs can post the sign(s) at the applicant's request for a fee of \$65/hour. Please contact Compelling Signs for coordinating payment and installation of the sign.
- The applicant shall draft a „notice of public hearing“ letter and send by regular mail **no less than 15 days prior to the hearing** date. The notice shall contain the date, time, place and purpose of the hearing and shall be sent to all property owners within 300 feet of the boundaries of the property who appear on the current tax records of Fulton County as retrieved by the County's Geographic Information System. <http://wms.co.fulton.ga.us>. Return mailing affidavit, Form 3877 (attached hereto), to staff within 7 days of mailing.

If the Planning Commission or Mayor and City Council defer a petition, it is the applicant's responsibility to contact the Expert Signs to pick up new signs and re-post the property 20 days prior to the next hearing date. When a petition is deferred by the Mayor and City Council for less than 20 days, posting an updated sign is not required. Renotification by mail is not required when a petition is deferred by the Mayor and City Council.

## STAFF REPORT

Approximately two weeks prior to the public hearings, the Department of Community Development will publish its findings, recommendations and comments in the Staff Report. Please contact the Department at (678) 512-3200 for additional information.