



**Land Use Petition Case SUP-09-004**

Date of Staff Recommendation Preparation: 11/16/2009 (JPG)

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**PROJECT LOCATION:** 11200 Block of Bell Road

**DISTRICT/SECTION/LANDLOT(S):** 1<sup>st</sup> District, 1<sup>st</sup> Section, Land Lot 473

**ACREAGE** 2.92 acres

**EXISTING ZONING:** R-3 Conditional (Single Family Dwelling District)

**BUILDING SIZE:** 5,000 sq. ft.

**FUTURE DEVELOPMENT MAP DESIGNATION:** Character Area 11 – McGinnis Ferry  
Transitional Area  
Activity Node

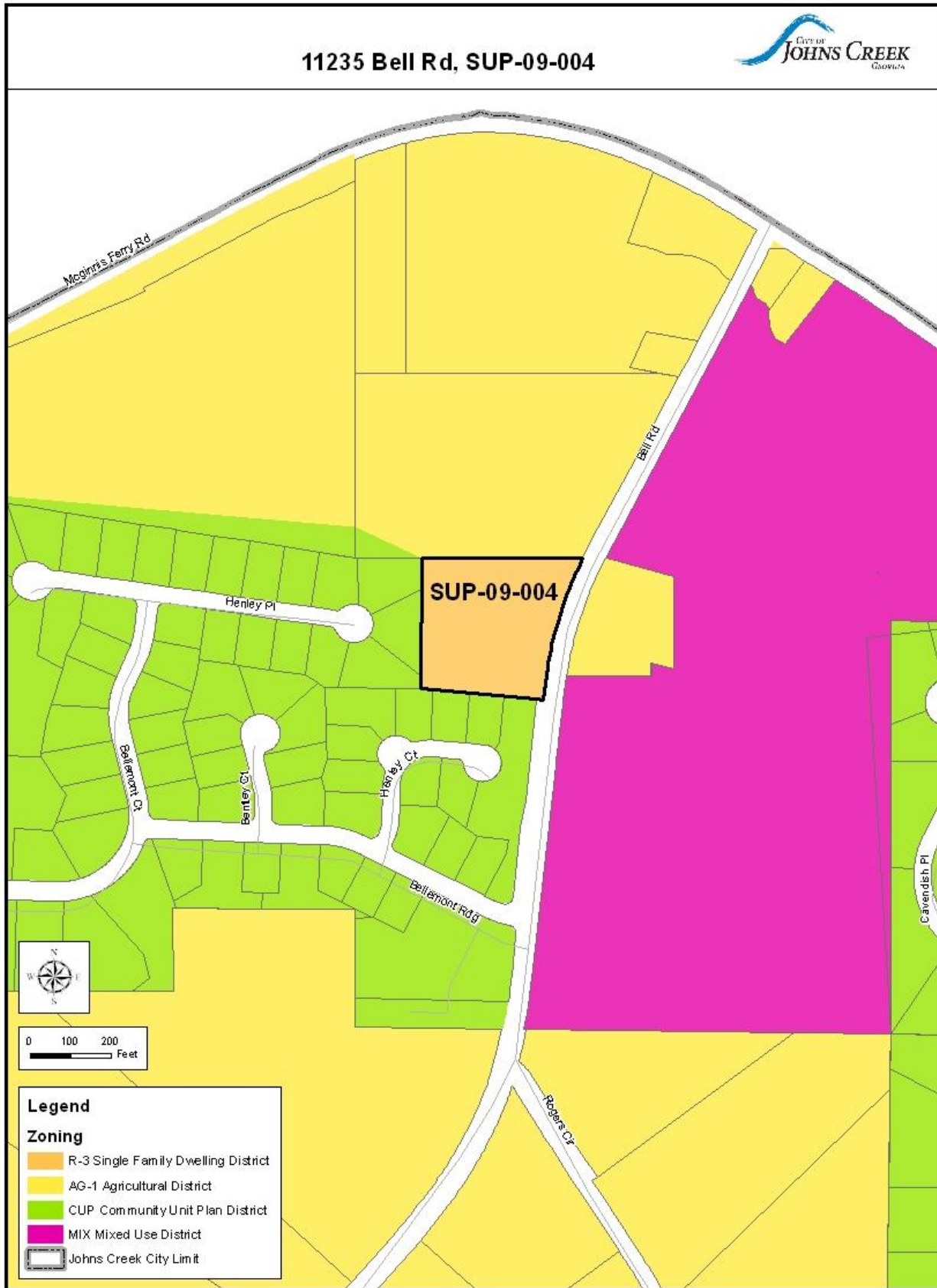
**OWNER:** Community Bank of the South  
3016 Atlanta Road  
Smyrna, Georgia 30080

**PETITIONER:** Mr. Stan Pipkin  
171 Abbey Hill Road  
Suwanee, Georgia 30024  
Phone: 770.614.6880

**PROPOSED DEVELOPMENT:** Church

**STAFF RECOMMENDATION:** **APPROVAL with Conditions**

11235 Bell Rd, SUP-09-004



## **PROJECT OVERVIEW**

The applicant requests a Special Use Permit on a 2.92-acre parcel to allow a church. The subject property is located adjacent to the west side of Bell Road, south of the intersection with McGinnis Ferry Road. The property was cleared of natural vegetation under a land disturbance permit for a single family subdivision.

The proposed 5,000 square foot church would be for church services only with no current plans for expansion. The church does not propose any accessory daycare or school use. Submitted elevations show a one-story brick building with a patron drop-off; along with a parking lot and stormwater facilities. The required buffers and landscape strips would be provided.

## **BACKGROUND**

The subject property was approved for a special use permit for a church in 2001 while it was zoned AG-1 (Agricultural District). Before a church was constructed, in 2006 the property was rezoned to R-3 (Single Family Dwelling District) to allow a five lot subdivision; and in 2007 a Land Disturbance Permit was issued for the development. The subject property was cleared pursuant to the Permit, but development of the subdivision was never completed.

## **STANDARDS OF REVIEW – SPECIAL USE PERMIT**

### **1. Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the Mayor and City Council;**

The City of Johns Creek Future Development Plan designates the property as Character Area 11 – McGinnis Ferry along with a Gateway, an Activity Node and a transitional area. The intent of the area is to maintain low intensity commercial and residential uses. The proposed church would be consistent with this designation.

### **2. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed:**

The property is bordered by the residential, agricultural, and mixed-use zoned properties which would be compatible with the proposed use. Additionally, full buffers would be provided to further reduce any potential impacts.

### **3. Whether the proposed use may violate Local, State and/or Federal statues, ordinances or regulations governing land development:**

The proposed use would comply with land development regulations.

### **4. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining street;**

There may be an increase in traffic during church service times. The proposed conditions relating to transportation improvements would reduce these impacts.

### **5. The location and number of off street parking spaces;**

The applicant has proposed 74 parking spaces, which meets the City's parking requirements for a 200-seat sanctuary.

**6. The amount and location of open space;**

There is no required or proposed open space for the proposed use other than required undisturbed buffers.

**7. Protective screening;**

Undisturbed buffers are required; and the buffers will be required to be enhanced should they be sparsely vegetated at time of the Land Disturbance Permit.

**8. Hours and manner of operation;**

The church proposes to have three Sunday services starting at 10 a.m. with the last service ending at 6 p.m. The church also proposes to have weeknight activities three times a week starting at 7:30 p.m. and ending at 9:30 p.m.

**9. Outdoor lighting;**

There is no additional outdoor lighting proposed as part of this request. Any parking lot or security lighting would be required to comply with the Night Sky Ordinance.

**10. Ingress and Egress to the property;**

The applicant has proposed one ingress and egress point on Bell Road, which complies with the requirements of the Development Regulations.

**DEPARTMENT COMMENTS**

**PUBLIC WORKS**

Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Johns Creek Traffic Engineer.

**WATER AND SEWER**

No comment.

**FIRE MARSHALL**

1. The site will need at least 3 handicap accessible parking spaces with one of them being van accessible.

**ARBORIST**

Tree Ordinance requirements to be met through Land Disturbance Permit.

SITE DEVELOPMENT

1. Provide Fulton County Water & Sewer approval prior to issuance of land disturbance permit.
2. Stormwater Management Report required upon submittal of development plans. A downstream analysis, water quality, channel protection, post to pre, peak discharge control for the 25-year storm, and detention/safe passage of the 100-year storm are required for each basin (per the Georgia Stormwater Management Manual). If disturbed area is > 1 acre, development plans will be sent to the Georgia Soil & Water Conservation Commission for review and ratification.

FULTON COUNTY DEPARTMENT OF HEALTH & WELLNESS

The Fulton County Department of Health and Wellness recommends that the applicant be required to connect the proposed development to public water and public sanitary sewer available to the site.

Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy. This facility must comply with the Georgia Smokefree Air Act of 2005.

This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.

**STAFF ANALYSIS**

The subject property is located adjacent to the west side of Bell Road and north of the Bellmont Farms subdivision, more specifically, 11235 Bell Road. The property is currently cleared with no structures.

The subject property is bordered to the north by an AG-1 property used for a power transmission station. To the west and south of the property is the Bellmont Farms subdivision that is zoned CUP Conditional (Community Unit Planned District). Across Bell Road to the east is AG-1 property with older residential structures, and a large tract of land that was zoned MIX Conditional (Mixed Use District) in 2007 and has yet to be developed. Additionally, existing churches are located south of the subject property along Bell Road and Rogers Circle. The proposed church would be compatible with the surrounding residential and mixed use properties. The Department would also note that the subject property was previously approved for a church under Fulton County, further suggesting that the proposed church would be suitable at this location.

The City of Johns Creek 2030 Future Development Map designates this property as part of Character Area 11 – McGinnis Ferry, as well as an Activity Node and a transitional area. The character area recommends keeping a mix of low intensity commercial and residential uses that remain compatible with the existing residential uses found in the area. The proposed church, a 200-seat sanctuary with no additional services such as a daycare or school, would be consistent with the low intensity uses of the Character Area. The Department would also note that athletic fields are not proposed, further indicating consistency with the intent of the Comprehensive Plan.

In conclusion, the proposed church would be consistent with the recommendations of the Comprehensive Plan and would be compatible with the established mix of uses that surround the area. Therefore, the Community Development Department recommends **APPROVAL with conditions** of this request.

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of SUP-09-004 for a church, subject to the following enumerated conditions:

1. The site shall be developed as a church in general conformance with the site plan submitted to the Community Development Department dated September 1, 2009.
2. The building shall be limited to a single story structure and shall meet the Community Standards. The building shall contain accents of stone. Final elevations shall be subject to review and approval by the Community Development Director.
3. Recreational/athletic fields shall be prohibited on this site.
4. The developer shall dedicate at no cost to the City of Johns Creek along the entire property frontage of Bell Road a minimum of thirty feet (30ft) from the centerline of the road and dedicate at no additional cost to the City of Johns Creek such additional right-of-way as may be required to provide at least 11 feet of right-of-way from back of curb of all abutting road improvements, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
5. The developer shall provide sidewalk, curb and gutter, and drainage improvements along entire property frontage of Bell Road as approved by the City of Johns Creek Director of Public Works prior to the issuance of a Land Disturbance Permit.
6. The developer shall provide a deceleration lane at the project entrance off Bell Road or as may be required by the City of Johns Creek Traffic Engineer.
7. The developer shall provide a left turn lane at the project entrance off Bell Road or as may be required by the City of Johns Creek Traffic Engineer.
8. The developer shall provide a traffic impact study to include a trip generation study and queuing analysis as may be required by the City of Johns Creek Traffic Engineer prior to the approval of a Land Disturbance Permit.
9. There shall be no more than one (1) exit/entrance provided on Bell Road as approved by the City of Johns Creek Traffic Engineer.



**SUP - 09 - 004**  
**11200 Block of Bell Road**  
**R-3 Conditional**  
**2.92 acres**