



**Land Use Petition SUP-09-005  
Concurrent Variance VS-09-005-01**

**Date of Staff Recommendation Preparation: 11/17/2009 (BL)**

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**PROJECT LOCATION:** 3000 Block of Old Alabama Road  
9000 Block of Brumbelow Road

**DISTRICT/SECTION/LANDLOT(S):** 1<sup>st</sup> Section, 1<sup>st</sup> District Land Lots 923 & 924

**ACREAGE** 25.00 acres

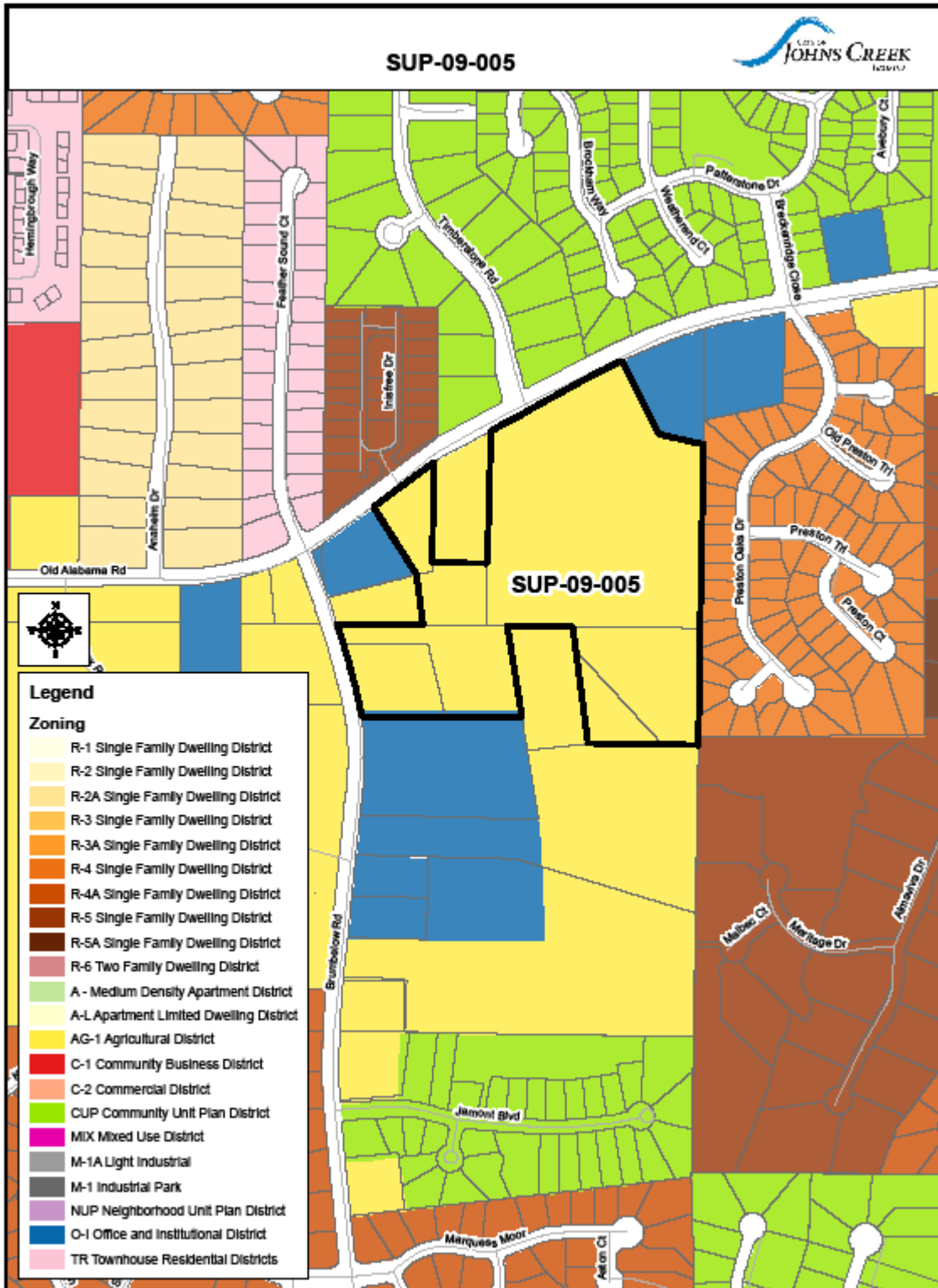
**EXISTING ZONING:** AG - 1 Conditional  
(NFC 1998U-015, 1998U-016, 2000U-026 & 2000VC - 128)

**FUTURE LAND USE PLAN DESIGNATION:** Character Area 6:  
Newtown

**OWNER:** Catholic Education of North Georgia, Inc  
Richard E Jansen  
680 West Peachtree Street  
Atlanta, Georgia 30324  
(404) 885 – 7428

**PROPOSED DEVELOPMENT:** Change in conditions to increase parking from 40 to 70 spaces.  
  
VS-09-005-01: reduce the required buffer from 50 feet to 25 feet adjacent to the eastern property boundary.

**STAFF RECOMMENDATION:** **APPROVAL with Conditions.**  
**APPROVAL of Concurrent Variance VS-09-005-01**





SUP-09-005 & VS-09-005-01  
St Brigid Catholic Church &  
Holy Redeemer Private School  
25 acres  
AG - 1

**CHANGE IN CONDITIONS SUMMARY:**

The applicant requests to change conditions of a special use permit on a 25.00 acre tract in order to modify the site plan to increase the parking spaces adjacent to the outdoor recreational field from 40 to 70 spaces. The applicant is also requesting that the northern buffer adjacent to this portion of the development be reduced from 50 to 25 feet with a 10 foot improvement setback.

The site is currently comprised of a one story 70,000 square foot private school, a two story 50,170 square foot church, an existing three story brick residence, and an existing outdoor recreational field. The site is located on the south side of Old Alabama Road southwest of its intersection with Brumbelow road. Adjacent to the south is the Mount Pisgah recreational fields (NFC 2003-162, RZ-07-007, SUP-07-00: O-I Conditional and AG - 1), adjacent to the east is Preston Oaks subdivision (NFC 1992Z-024: R - 4 Conditional). Adjacent to the north is a single family detached residence (AG - 1) and to the north and west is a Bank of America building (NFC 2002Z - 111: O - I Conditional). Across Old Alabama Road to the north is the Enclave at Brenkenridge (NFC 1991Z - 041: R - 4 Conditional) and Timberstone (NFC 1973Z - 014: CUP Conditional). Across Brumbelow Road to the west is Newtown Park (AG - 1). The existing development contains 464 parking spaces.

The applicant requests that the site plan be changed to add 30 parking spaces to the western most parking lot adjacent to the proposed softball field and ropes course therefore providing 70 instead of 40 spaces. The total spaces provided within the development would increase to 534, exceeding the required spaces. The requested site plan change would be consistent with the adjacent and nearby outdoor recreational fields and park. The previous precedent of approval for the existing and proposed development on the site would also be consistent with the adjacent and nearby single family residences.

The subject property is within Character Area 6: Newtown of the 2030 Future Development Map. This area suggests a priority to be neighborhood serving commercial with private and public recreational uses as appropriate. The minor expansion of a parking area for previously approved recreational fields would be consistent with these recommendations.

The requested concurrent variance would reduce the required buffer adjacent to the AG - 1 single family residence located along a portion of the northern boundary of the proposed site. The required 50 foot buffer with 10 foot improvement setback would be reduced to a 25 foot buffer and 10 foot improvement setback, which would be necessary to expand the parking lot. The Department would note that the previously approved use permit (NFC 1994U - 052) reduced the buffer along the adjacent western property boundary and the AG - 1 zoned property to 25 feet with a 10 foot improvement setback therefore establishing a precedent that the requested 25 foot buffer with a 10 foot improvement setback would still provide sufficient buffering to the adjacent AG - 1 zoned property. Therefore, Staff could support the buffer reduction from 50 feet to 25 feet with a 10 foot improvement setback.

In conclusion, the proposed parking expansion and requested concurrent variance for the buffer reduction would be consistent with existing single family, and outdoor recreational areas which surround the area and would not present adverse impacts on existing developments in the area. Therefore, the Community Development Department recommends **APPROVAL with Conditions** of this request.

**STANDARDS OF REVIEW**

**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 2030 Future Development Map designates the property as Character Area 06: Newtown which suggests appropriate uses of private schools, places of worship, and private recreational facilities. The proposal would be consistent with the intent of the 2030 Future Development Map and the Comprehensive Plan.

**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 existing outdoor recreational fields, residential and agricultural properties and a nearby active park all of which would be compatible with the proposed use. Additionally, the previous approval for a church, private school, and two outdoor recreational fields on the proposed site establishes a precedent that the proposal would be compatible with the surrounding and nearby properties.

**3. Whether the proposed use may violate Local, State and/or Federal statutes, 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 is no proposed increase in square footage or additional fields, therefore limiting the impacts of the proposed parking expansion on adjoining streets.

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

The applicant has proposed an additional 30 parking spaces, which would bring the parking total to 534 spaces; exceeding the City’s parking requirements for a 1200-seat sanctuary.

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

There is no required open space for the proposed use; however, the recreational fields provide open space.

**7. Protective screening;**

A 50 foot buffer with a 10 foot improvement setback is required along the property boundaries. The applicants request to reduce the required 50 foot buffer to 25 feet with a 10 foot improvement setback adjacent to the proposed parking expansion would still provide sufficient buffering and screening for the adjacent property that contains a single family detached residence to the north and to the west outdoor recreational fields and an office development. Additionally, the development was approved for a 25 foot buffer with a 10 foot improvement setback adjacent to the western property boundary and the adjacent AG – 1 zoned property with the previous use

permit approved by Fulton County (NFC 1994U – 052) which establishes a precedent that this reduction would still provide a sufficient buffer for the adjacent properties.

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

The applicant is not requesting to light the outdoor fields. The Department would not that the outdoor fields were previously conditioned to non-light recreational fields. Additionally, the applicant has stated that the fields are to be used solely by the church and private school located on the property.

**9. Outdoor lighting;**

The applicant is not requesting outdoor lighting beyond the extent allowed under the Night Sky Ordinance and the Special Use Permit Outdoor Recreational Field restrictions. Additionally, the existing special use permit restricts the recreational fields to “no lighting”.

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

The applicant is not proposing to change either existing access point to the property.

**DEPARTMENT COMMENTS**

**PUBLIC WORKS**

1. Owner/Developer may be required to provide 10’ multi-use trail on Old Alabama Road as part of the Land Disturbance Permit per the City of Johns Creek standards in the City Code or as may be required by the City of Johns Creek Director of Public Works.

Recommends the following conditions:

Owner/Developer Shall:

1. Dedicate at no cost to the City of Johns Creek along the entire frontage on Old Alabama Road at least 15 feet of right-of-way from back of curb of all abutting road improvements or as necessary for the GDOT Project STP-9408(3) (P.I. No 751650), Old Alabama Road widening between Holcomb Bridge Road and Jones Bridge Road, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
2. Dedicate at no cost to the City of Johns Creek along the entire frontage on Brumbelow Road 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.
3. Provided no additional curb cuts along the entire frontage on both Old Alabama Road and Brumbelow Road.
4. Provide 5 foot sidewalk, curb and gutter, and drainage improvements along entire property frontage of Brumbelow Road as approved by the City of Johns Creek Director of Public Works as part of the Land Disturbance Permit.

5. Upgrade deceleration lane at west curb cut on Old Alabama Road to the City of Johns Creek standards or as may be required by the City of Johns Creek Traffic Engineer.
6. Provide interparcel access to adjacent properties or as may be required by the City of Johns Creek Director of Public Works.
7. Provide Site Plan showing an overlay of the GDOT Project STP-9408(3) (P.I. No 751650) prior to the approval of the Land Disturbance Permit.

WATER AND SEWER

Water and Sewer is provided through Fulton County Public Works Department. Rezoning does not guarantee availability of water or sewer capacity to the site.

FIRE MARSHAL

No comment.

ARBORIST

Site will be required to meet Tree Ordinance requirements.

SITE DEVELOPMENT

No comment.

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL, With Conditions** of Land Use Petition, SUP – 09 – 005 and concurrent variance VS-09-005-01 subject to the following enumerated conditions:

1. Restrict the use of the subject property to:
  - a. a one story private school with a maximum of 578 students and grades Pre-K through 8<sup>th</sup> at a maximum of 75,000 square feet
  - b. 2 story church at a maximum of 52,000 square feet
  - c. One, existing single family residence.
  - d. Two, unlighted outdoor recreational fields for exclusive use by the adjoining school and church.
2. The site shall be developed in general conformance with the site plan submitted to the Community Development Department dated September 1, 2009.
3. Provide a 50 foot buffer adjacent to the Preston Oaks subdivision. Provide a 25 foot wide buffer adjacent to all other residences.
4. Provide a fence between the area of the proposed recreation field and the rectory as shown on the site plan.
5. Reduce the setback for a recreation field next to a residentially zoned or developed property from 100 feet to 60 feet.
6. The owner/developer shall dedicate at no cost to the City of Johns Creek along the entire frontage on Old Alabama Road at least 15 feet of right-of-way from back of curb of all abutting road improvements or as necessary for the GDOT Project STP-9408(3) (P.I. No 751650), Old Alabama Road widening between Holcomb Bridge Road and Jones Bridge Road, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works. The submitted site plan shall demonstrate the location of the improvements depicted in the GDOT Project as well as the existing and proposed right-of-ways along the property frontage.
7. The owner/developer shall dedicate at no cost to the City of Johns Creek along the entire frontage on Brumbelow Road 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.
8. No additional curb cuts along the entire frontage on both Old Alabama Road and Brumbelow Road.
9. The owner/developer shall provide a 5-foot sidewalk, curb and gutter, and drainage improvements along entire property frontage of Brumbelow Road as approved by the City of Johns Creek Director of Public Works prior to the issuance of a Land Disturbance Permit.
10. The owner/developer shall upgrade deceleration lane at west curb cut on Old Alabama Road or as may be required by the City of Johns Creek Traffic Engineer.

11. If required by the Director of Public Works, the owner/developer shall provide interparcel access to adjacent properties. Access design and location shall be subject to review and approval of the Director of Public Works.