



Land Use Petition SUP-15-001

Date of Staff Recommendation Preparation: 8/14/15

PROJECT LOCATION: 5055 Morton Road and 5000 Morton Road
(5000 Block of Morton Road)

DISTRICT/SECTION/LANDLOT(S): 1st Section, 1st District, Land Lots 205

ACREAGE 9.90 acres

EXISTING ZONING: AG-1 (Agricultural District)

PROPOSED ZONING: AG-1 (Agricultural District)

FUTURE LAND USE PLAN DESIGNATION: Character Area 4: Warsaw/Morton Road

PETITIONER: Atlanta Chinese Christian Church North, LLC
c/o Douglas Dillard/PFT
1230 Peachtree Street NE, Suite 1200
Atlanta, GA 30306
Contact: Julie Sellers
404-665-1241

OWNER: Morton 5000, LLC
c/o Douglas Dillard/PFT
1230 Peachtree Street NE, Suite 1200
Atlanta, GA 30306

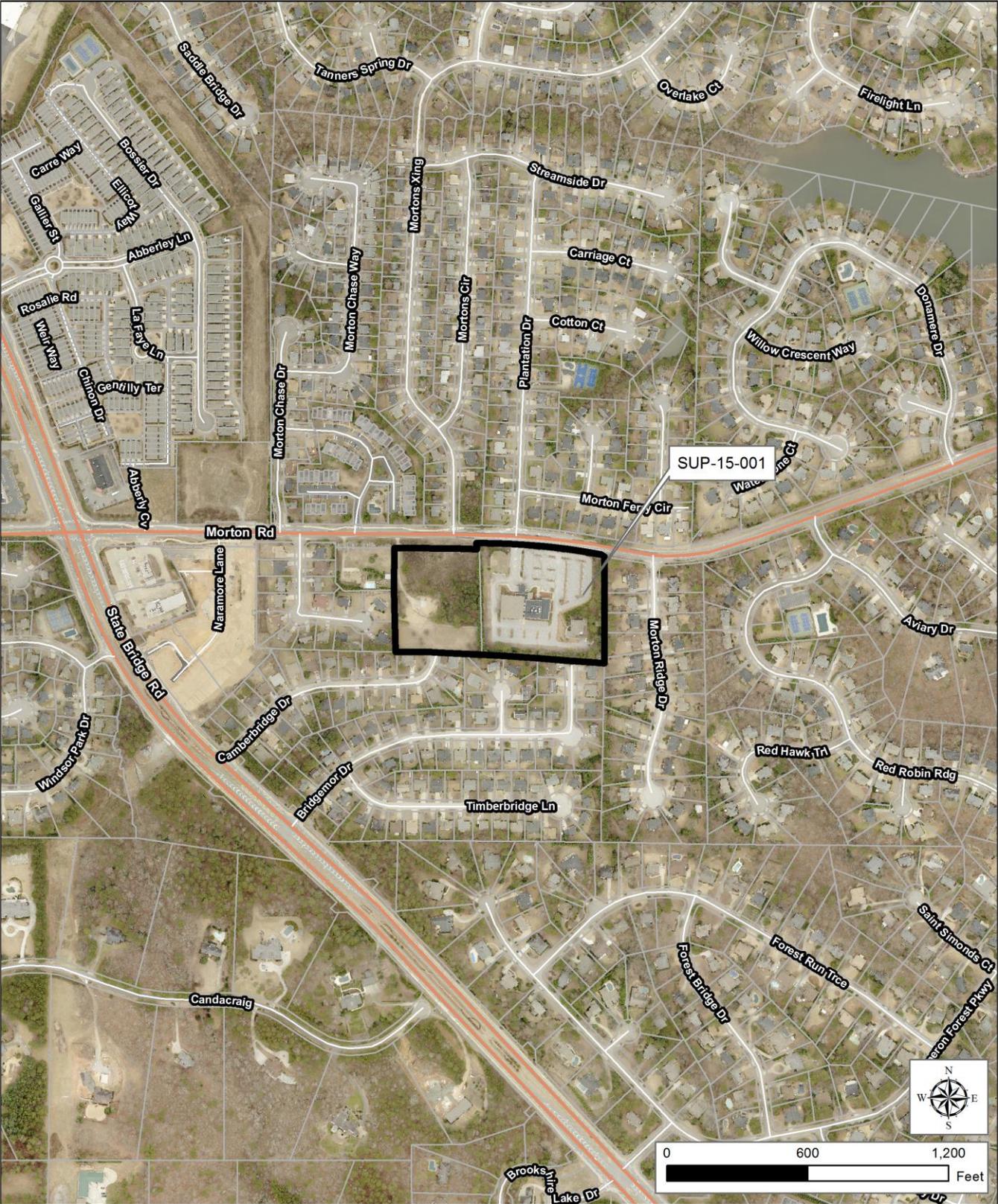
PROPOSED DEVELOPMENT: Special Use Permit to allow for the expansion of a parking lot at an existing church

STAFF RECOMMENDATION: **APPROVAL OF SUP-15-001, WITH CONDITIONS**

SUP-15-001



SUP-15-001



PROJECT OVERVIEW

The applicant requests a Special Use Permit (SUP) to operate a place of worship on a vacant site located at 5000 Morton Road. The adjacent parcel, 5055 Morton Road, is currently operated as Atlanta Chinese Christian Church per 2001U-0029NFC (Attachment A). This Special Use Permit was granted by Fulton County to operate a “church and accessory uses, at a maximum density of 7,403.69 square feet per acre zoned or a total of 44,200 square feet, whichever is less.”

The church is requesting the current SUP to expand their existing parking lot onto 5000 Morton Road. The request will be applied to both parcels so that the entire church property, once consolidated, will be subject to one SUP. In addition, there are existing conditions that must be revised or eliminated since they are no longer necessary or conflict with the current request. Staff recommended conditions state that the parcels shall be consolidated to avoid having two SUP cases for one use. The site plan shows building additions as well, however, these changes are in general conformance with the previous SUP case and are permitted by right.

The site is located at 5000 and 5055 Morton Road, just east of State Bridge Road. The vacant site (5000 Morton Road) includes a large overgrown area of kudzu at the street, a concrete foundation from the previous single-family residence towards the middle of the site, and a large grass area at the rear. The previous house was demolished in 2014 (Permit 14-1922). The grass area in the rear has been cleared for some time (prior to 2001 SUP). The kudzu area at the street was previously cleared, but has grown up over time. There is an existing curb cut on the western edge of the property, however, the proposed site plan shows that this driveway and curb cut will be eliminated. Before the 2001 rezoning, both lots were large single-family estates in AG-1. 5055 Morton Road features a 28,220 square foot church building and 250 parking spaces which encompass the church on the front and rear. Buffers and landscape strips are present along all property lines. The property has one access point which is located off Morton Road. The prior principal residence on 5055 Morton Road remains and is currently used for accessory uses for the church, per the conditions of approval for 2001U-0029NFC.

There are currently 250 existing parking spaces at the church, however, some of these spaces will be removed in the future to allow for the construction of a new family life center, education building, and children’s playground. The proposed site plans shows a total parking count of 400 spaces, once completed. 239 of those spaces will be on the vacant lot at 5000 Morton Road.

The site plan complies with the City of Johns Creek Zoning Ordinance with the exception of the parking lot layout. Section 4.23.2 requires a “minimum 10 foot wide landscape island at the end of each parking bay, and a 10 foot wide landscape island every 6th parking space.” The applicant will be required to meet these requirements. The total building area listed on the site plan, with existing and future, is 44,980 square feet. However, the previous SUP condition states a maximum size of 44,200 square feet. The site plan will need to be revised to reflect a future total building area of 44,200 square feet.

STAFF ANALYSIS

The subject property includes two parcels which total 9.9 acres and is located off Morton Road, approximately .3 miles east of the intersection of Morton Road and State Bridge Road. The surrounding area is zoned residential, with a mix of R-3, R-4, R-4A, and TR. Commercially zoned sites are located closer to State Bridge Road. The applicant is requesting a Special Use Permit (SUP) in order to expand the Atlanta Chinese Christian Church parking lot onto an adjoining property. The submitted site plan also indicates future alterations to include the construction of a new family life center, education building, and children's playground. According to the applicant, the church has no immediate plans to complete these additions. The proposal includes an overall increase of 150 new parking spaces.

Section 19.4.10 lists the following four standards for a "church, temple, or place of worship:"

1. All buildings and use areas/structures other than parking and pedestrian walkways shall be located at least 100 feet from any adjoining residential district and/or AG-1 district used for single-family.
2. No parking shall be located within the minimum front yard setback.
3. Any associated day care centers, private schools, recreational fields or other uses requiring a Use Permit or Administrative Permit shall be allowed only under a separate approved Use Permit or Administrative Permit for each use.
4. The minimum buffers and landscape strips required for the O-I zoning district as specified in Section 4.23 shall be required.

It appears that the applicant's request conforms to these standards, with a minor exception to standard 1. All buildings and use areas/structures are located at least 100 feet from any adjoining residential district with the exception of the proposed family life center and the existing house. The existing house was approved for use in the previous rezoning, so its proximity to surrounding single-family residential is grandfathered. While the proposed family life center building is in general conformance of the previously approved site plan, the building is only located 98 feet from the nearest residential district. Staff recommends that the plan be revised to meet all required setbacks. The minimum front yard requirement in AG-1 is 60 feet. The proposed parking lot at 5000 Morton Road complies with this setback requirement. The existing parking lot at 5055 Morton Road does not comply, but is grandfathered due to the 2001U-0029NFC. Staff is not aware of any day care centers or private schools that wish to operate at the existing church.

Per Standard 4 above, the site plan must confirm to the O-I zoning district for minimum buffers and landscape strip requirements. The minimum buffers and landscape strips for the O-I zoning district, as specified in Section 4.23, include a 25 foot side buffer with a 10 foot improvement setback and a 50 foot rear buffer with a 10 foot improvement setback. Table 4.23.1 references the standards in Section 12E.3.A for the front landscape strip, which is classified as a 25 foot landscape strip for Morton road. The applicant has complied with all buffer and landscape strips, including exceeding the buffer on the east property line by providing an additional 10 feet of buffer. This 45 foot buffer was shown on the original approved site plan and will remain.

The current church and parking lot were approved by Fulton County per 2001U-0029NFC in 2001. At that time, a private agreement was developed between the church and the surrounding property owners. This agreement was presented during the public hearing. According to the meeting minutes, "a motion was made by Commissioner Fulton and seconded by Commissioner Lowe to approve Petition 01U 0029 as recommended and conditioned by Staff and the Private Agreement (Attachment B) to be Spread upon the Minutes." According to the City Attorney, this means that development of the property is subject to the private agreement. The current proposal does not conflict with staff conditions from 2001U-

0029NFC, but does conflict with condition no. I in the private agreement. According to this condition, “the church will not seek additional property and will not expand either its land holdings or the square footage beyond the approximately 45,000 square feet shown on the Site Plan.” The applicant wishes to amend the current conditions to allow the additional parking at 5000 Morton Road. The applicant is not seeking to expand the church, but rather is requesting to accommodate an existing parking shortage. It should also be noted that the adjoining property is not owned by the church. Rather, it is owned by an LLC that was formed by a group of the church’s congregation.

The 2030 Future Development Map identifies the subject property as being within Character Area 4: Warsaw/Morton Road. Parks, schools, and places of worship are encouraged institutional uses within this character area. However, the Comprehensive Plan does state that some “facilities requested by places of worship, such as sports stadiums, may not be compatible with the existing development pattern.” The expansion of a church use onto a neighboring property meets the policy and intent of the Comprehensive Plan for this area.

The Zoning Ordinance includes minimum parking space requirements for all land uses within the City. Churches and other places of worship must provide a minimum of one space per four fixed seats. According to the applicant, there are 500 fixed seats which would require a minimum of 125 parking spaces. There are currently 250 parking spaces on the site. The submitted site plan indicates 400 parking spaces, which would result in 0.80 spaces per fixed seat. The applicant has indicated that the proposed building additions are planned for a future date and will not be constructed immediately. Therefore, if the additional parking area is approved, there would be more than 400 parking spaces due to the existing spaces where the additions are shown. Staff recommends these existing parking spaces be counted until a building permit is issued for any new additions. This would ensure that no more than 400 parking spaces be provided at any given time.

The proposed 400 parking spaces exceeds the minimum number of required parking spaces. However, the City does not regulate the maximum number of parking spaces allowed. The applicant has submitted an attendance and parking space tracking sheet (Attachment C) (Note: staff has not verified the information in this tracking sheet). Since March 22nd, 2015 the tracking sheet indicates that an average of 330 vehicles have been parked on-site during Sunday services. On average, 209 of these vehicles parked within the 250 space parking lot, 72 parked along the side of the parking lot and 49 cars parked in the grass on the adjacent lot. So, it does appear that even though the existing parking lot is not being fully utilized, there is not currently adequate room to accommodate the parking demand. In fact, even if fully parked there would be on average 80 vehicles parked along the sides of the current parking lot or on the adjacent lot.

In conclusion, the requested Special Use Permit to expand a place of worship onto an adjoining property at 5000 Morton Road would be consistent with the recommendations of the Comprehensive Plan and the minimum use permit standards listed in Article 19. It would also be compatible in use with the established residential uses that surround the area. In addition, the applicant has provided information that indicates there is a need for additional parking even without any future building expansion. The applicant has also made effort to visually conceal the proposed parking area from the street and adjoining property. The area is currently being used for overflow parking. Approving the SUP would create a more suitable parking area that better meets the church’s needs and is more attractive to adjoining property owners. Therefore, Staff recommends **APPROVAL with conditions** of this land use petition, SUP-15-001.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of Land Use Petition **SUP-15-001, with conditions.**

1. All previous conditions shall be removed and replaced with the following conditions.
2. The property shall be developed in general conformance with the site plan submitted on August 4, 2015 to the Community Development Department with revisions to meet these conditions.
3. A maximum of 400 parking spaces shall be provided. Parking spaces proposed to be eliminated by future building expansions shall be included in the maximum number of spaces until issuance of a building permit for said expansions. At such time as when a building permit is issued for future structures at 5055 Morton road, parking spaces to be eliminated may be added to the 5000 Morton Road property.
4. The two parcels shall be consolidated thorough the City of Johns Creek Minor Plat process prior to construction of the new parking area.
5. The applicant shall bury or relocate the single pole utility line located along the front portion of 5000 Morton Road.
6. The parking lot layout shall comply with the standards of Section 4.23.2. Any reduction in parking spaces shall not be accommodated in other areas outside of the proposed parking area shown on the site plan dated Aug. 4, 2015, but shall instead be deducted from the maximum 400 parking spaces.
7. The proposed location of the new family life center shall be at least 100 feet from any adjoining residential district and/or AG-1 district used for single-family.
8. The church and accessory uses shall be limited to a maximum density of 7,403.69 square feet per acre zoned or a total of 44,200 square feet, whichever is less.
9. Additional accessory uses shall be permitted in the existing structure previously used as a single-family residence.
10. The number of fixed seats in the church shall be limited to 500.
11. No more than 1 exit/entrance shall be permitted on Morton Road and shall align with Plantation Drive.
12. Dumpster pick up will not occur between the hours of 10:00 p.m. and 7:00 a.m. on any day.
13. A fence shall be provided along Morton Road placed in a similar manner and constructed with the same materials as fencing located along the existing church property.
14. All landscape buffers shall be planted to the City's landscape buffer standards.

15. A Land Disturbance Permit (LDP) is required to develop the property. Development plans will have to comply with the Development and Zoning Regulations, Tree Preservation, Erosion & Sediment Control, Floodplain, Stream and Post-Development Stormwater Management Ordinances. A surety will be required for erosion control and any right of way improvements prior to issuance of land disturbance permit.
16. Fulton County Water and Sewer approval shall be required prior to issuance of land disturbance permit.
17. Water/ Sanitary/ Storm as-builts, and a stormwater maintenance agreement (if applicable) shall be required prior to issuance of a building permit.
18. Development on the existing church parcel must meet Water Quality requirements and the existing detention pond must be inspected and cleaned to insure that it is functioning as designed. The new parking lot shall meet all of the Stormwater management requirements.
19. Site is within the Johns Creek Watershed which is an impaired stream segment for fecal coliform and biota macroinvertebrates. Erosion Sediment and Pollution Control plan shall include additional Best Management Practices.
20. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Morton Road a minimum of thirty feet (30ft) from the centerline of the road and dedicate such additional right-of-way as may be required to provide at least 11 feet of right-of-way from back of curb or 1 foot from edge of sidewalk, whichever is greater, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
21. Owner/Developer shall construct a 5' wide sidewalk along the entire property frontage of Morton Road. Curb & gutter and drainage improvements will be required as approved by the City of Johns Creek Director of Public Works
22. Owner/Developer shall extend the existing right turn (deceleration) lane as approved by the City of Johns Creek Director of Public Works.

STANDARDS OF REVIEW

The surrounding zoning, land uses and development criteria are as follows:

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North (across Morton Road)	TR Conditional (Z-85-169)	Townhomes (Morningside)	6.0 units/acre
Adjacent: North (across Morton Road)	TR Conditional (Z-85-169)	Single-Family Detached Residential Subdivision (Hunters Close)	6.0 units/acre
Adjacent: North (across Morton Road)	R-4 Conditional (Z-86-157)	Single-Family Detached Residential Subdivision (Morton Plantation)	3.46 units/acre
Adjacent: West	R-3 Conditional (Z-96-079)	Single-Family Residence	N/A
Adjacent: West	R-4 Conditional (Z-94-004)	Single Family Detached Residential Subdivision (Pine Ridge)	3.05 units/acre
Adjacent: South	R-4 Conditional (Z-87-103)	Single Family Detached Residential Subdivision (Bridgemor Heights)	3.45 units/acre
Adjacent: East	R-4A Conditional (Z-86-198)	Single Family Detached Residential Subdivision (Aviary Ridge)	2.09 units/acres
Nearby: Northwest	M-1 Conditional (Z-74-148)	Vacant	N/A
Nearby: Northwest	MIX Conditional (Z-02-077)	Townhomes (Abberly Township)	2.72 units/acre

- 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 4: Warsaw/Morton Road. The character area suggests parks, schools, and places of worship as an appropriate institutional use in this area.
- Compatibility with the land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed?**
A place of worship is compatible with the surrounding land uses and zoning districts as it supports the surrounding residential neighborhoods as a gathering place for the community.
- Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development?**
The proposed use shall comply with all regulations.
- The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets?**

The site plan shows a designated right turn lane which will help alleviate any traffic back-up during peak hours. An additional access lane within the site will also alleviate the stacking of vehicles entering and exiting the church.

- **The location and number of off-street parking spaces?**
The applicant is proposing to enlarge their parking lot from 250 parking spaces to 400 parking spaces. This exceeds the minimum requirement of one parking space per four fixed seats. All of the parking spaces are off-street and screened from the public right-of-way. The applicant has indicated the proposed parking area will accommodate existing overflow parking.
- **The amount and location of open space?**
A garden is proposed for the front of 5000 Morton Road. This will provide green space to a site which will be mostly paved, as well as provide screening for the parking lot.
- **Protective screening?**
Protective screening is provided by the required 25 foot landscape strip along Morton Road, the 25 foot buffer and 10 foot improvement setback along the side (west) property line, the 50 foot buffer and 10 foot improvement setback along the rear property line, and the 45 foot buffer along the other side (east) property line.
- **Hours and manner of operation?**
The church mainly operates on Sunday and Tuesday. On Sundays, the church hosts two morning church services, one from 10:00 a.m. to 11:15 a.m. and one from 11:30 a.m. from 12:45 p.m. An outside Bible study group uses the church building on Tuesdays.
- **Outdoor lighting?**
Any proposed parking lot lighting will be required to comply with Section 4.9 - Night Sky Ordinance.
- **Ingress and Egress to the property?**
The church has one access point on Morton Road. The additional parking lot would not add additional ingress/egress to the property. The site plan shows the addition of an extended right turn lane into the parcel, as well as the addition of an extra access lane on the site.

DEPARTMENT COMMENTS**PUBLIC WORKS**

1. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage of Morton Road a minimum of thirty feet (30ft) from the centerline of the road and dedicate such additional right-of-way as may be required to provide at least 11 feet of right-of-way from back of curb or 1 foot from edge of sidewalk, whichever is greater, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.
2. Owner/Developer shall construct a 5' wide sidewalk along the entire property frontage of Morton Road. Curb & gutter and drainage improvements will be required as approved by the City of Johns Creek Director of Public Works.
3. Owner/Developer shall extend the existing right turn (deceleration) lane as approved by the City of Johns Creek Director of Public Works.

FIRE MARSHAL

1. Shall provide a current water flow report for the proposed site and GPS locate all fire hydrants on plans by LDP submittal;
2. By LDP submittal will need to indicate the fire main sizes and all valves for water lines;
3. An additional fire hydrant shall be installed in a location agreed on with Fire Marshal's Office to provide protection for new structures at rear of the property;
4. Not enough information has been provided about the proposed new structures. A sprinkler system may be required in both locations with separate free standing FDC's. Will need to consult with Fire Marshal's Office;
5. Accessible access to these new structures is not clearly visible at this point.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, density requirements, parking islands, and any specimen recompense are to be protected and/or planted per the Guidelines.
 - a. A 25-foot landscape strip is required adjacent to Morton Road per the Zoning Ordinance; the landscape strip is measured from the dedicated right-of-way. Planting requirements are found in the Administrative Guidelines.
 - b. The tree density required for this site is 15 units per acre.
 - c. Undisturbed zoning buffers must be planted to buffer standards if determined to be sparsely vegetated by the City Arborist or Land Development Inspector prior to close out of the Land Disturbance Permit. Buffer planting requirements and approved species list are found in the Administrative Guidelines.

SITE DEVELOPMENT

- 1) A land Disturbance Permit (LDP) is required to develop the property. Development plans will have to comply with the Development and Zoning Regulations, Tree Preservation, Erosion & Sediment Control, Floodplain, Stream and Post-Development Stormwater Management Ordinances. A surety will be required for erosion control and any right of way improvements prior to issuance of land disturbance permit.
- 2) Fulton County Water and Sewer approval is required prior to issuance of land disturbance permit.

- 3) Water/ Sanitary/ Storm as-builts, and a stormwater maintenance agreement (if applicable) will be required prior to issuance of a building permit.
- 4) Development on the existing church parcel must meet Water Quality requirements and the existing detention pond must be inspected and cleaned to insure that it is functioning as designed. The new parking lot must meet all of the Stormwater management requirements.
- 5) Site is within the Johns Creek Watershed which is an impaired stream segment for fecal coliform and biota macroinvertebrates. Erosion Sediment and Pollution Control plan must include additional Best Management Practices.

FULTON COUNTY DEPARTMENT OF WATER RESOURCES

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete the Johns Creek Plan Review process and the Fulton County Review process for sewer (and/or water) prior to the commencement of any construction activity.

WATER:

Anticipated water demand: 100 gallons per day per 1,000 square feet for a 44,980 sq. ft. (existing and) building addition. There is a total water demand of 4,498 gallons per day for the church campus at 5000 and 5055 Morton Road (Atlanta Chinese Christian Church).

This project is within the Fulton County Government water service jurisdiction. There is an 8 inch water line on the north side of Morton Road.

SEWER:

Basin: Johns Creek

Treatment Plant: Johns Creek

Anticipated sewer demand: 4,049 gallons per day

There are two sewer manholes within the northern property boundary of the 5.94 tract (5055 Morton Road) (Sewer manholes # SMJC2805910 and SMJC2805920). There is a sewer manhole on the southern boundary of the 5.94 tract (Sewer manhole #SMJC2812310) and there is a sewer manhole on the southern boundary of the 3.91 tract (Sewer manhole # SMJC2815750) located in land lot 205, district 1-1.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Public Works for more information.

FULTON COUNTY DEPARTMENT OF HEALTH SERVICES

EHS Comments:

- If the new parking lot will include a dumpster pad or changes to the solid waste plan, this department is requiring that solid waste 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.

EJ and General Public Health Comments:

- The Fulton County Department of Health and Wellness does not anticipate any adverse impacts to of humans or the environment provided that there are not any existing hazards on the property.
- Impervious surfaces have the potential to negatively affect water quality. If feasible, the Department of Health and Well ness recommends that the owner/developer consider the use of porous surface(s) for the new parking area.

FULTON COUNTY BOARD OF EDUCATION

No comment.