



**Land Use Petition SUP-11-002; VS-11-002-1**  
**Date of Staff Recommendation Preparation: 9/20/2011**

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**PROJECT LOCATION:** 10800 Block of Bell Road  
11000 Block of Rogers Circle

**DISTRICT/SECTION/LANDLOT(S):** 1<sup>st</sup> District, 1<sup>st</sup> Section, Land Lot 474

**ACREAGE** 8.02 acres

**EXISTING ZONING:** AG-1 (Agricultural District)

**BUILDING SIZE:** New Structures – 3 buildings (28,350 Square Feet)  
Existing Structures – 3 buildings (17,500 Square Feet)  
Total – 45,850 Square Feet

**FUTURE DEVELOPMENT MAP DESIGNATION:** Character Area 08 – Shakerag

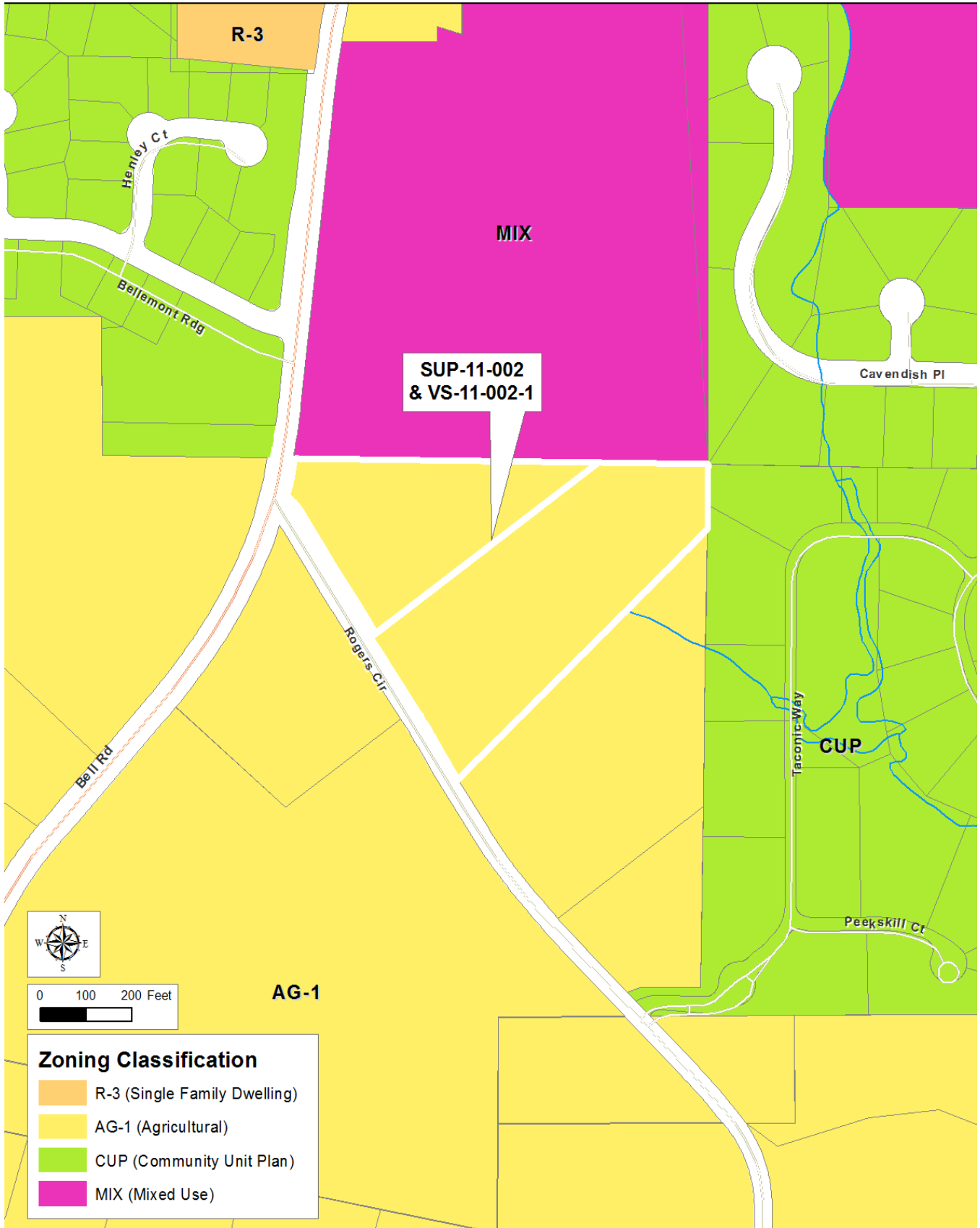
**OWNER:** Sang Yul Kim  
Good News Atlanta Church  
3500 West 1<sup>st</sup> Street  
Los Angeles, CA 90004

**PETITIONER:** Justin Park  
Office for Designated Space, LLC  
446 Skiles Court  
Suwanee, Georgia 30024  
Phone: 404.944.9614

**PROPOSED DEVELOPMENT:** Church expansion with the following concurrent variance  
1. Reduce the 100' setback from adjoining AG-1 district used for single family to 37'

**STAFF RECOMMENDATION:** **APPROVAL with Conditions of SUP-11-002**  
**DENIAL of Concurrent Variance, VS-11-002-1**

SUP-11-002 & VS-11-002-1



## **PROJECT OVERVIEW**

The applicant requests a Special Use Permit on two AG-1 (Agricultural District) zoned tracts totaling 8.02 acres to allow for a church expansion. The Good News Atlanta Church has acquired the smaller AG-1 zoned tract of land contiguous to the existing church property and would like to expand the church campus. The subject site is located adjacent to the north side of Rogers Circle, east of its intersection with Bell Road. The Good News Atlanta Church currently exists on the larger AG-1 zoned tract (5.17 acres) with an existing sanctuary, two-story residential dwelling utilized as the Pastor's residence, and partially enclosed pavilion. Existing on the smaller AG-1 zoned tract of land (2.85 acres) is a single-story residential dwelling.

The proposed site plan indicates the three existing buildings will remain and three new buildings would be constructed in phases over several years. The Department notes that all new structures and renovation or conversion of existing structures will be required to meet building code for an institutional use. New structures would consist of a 500-seat, 9,775 square foot sanctuary, an 11,375 square foot gym and fellowship hall, and a 7,200 square foot mission center. The proposed aggregate square footage, accounting for new construction and renovation/conversion of existing buildings would be 45,850 square feet or a density of 5,716 square feet per acre.

The site plan shows an existing detention pond at the southern end of the property and a proposed location for an additional stormwater facility on the northern end of the property. The applicant has also indicated that the church would construct a six-lane, 95-foot by 65-foot swimming pool on the property, exterior to the 75-foot stream buffer that extends from the banks of the existing creek. All structures are required to meet the community standards, and building elevations submitted by the applicant depict structures with a combination of glass and masonry materials. An additional ingress/egress, closer to the intersection of Bell Road and Rogers Circle, has been proposed providing direct access to the new parking area with 64 additional parking spaces. The side yard and rear yard "setbacks" shown on the site plan are required undisturbed buffers not building setbacks, and are required to be replanted if sparsely vegetated.

Churches require a 100-foot building setback adjacent to residentially-zoned and/or agriculturally-zoned property used for single family uses, and the applicant has requested a concurrent variance to reduce the setback on the south property line to 37 feet for the construction of the proposed gym and fellowship hall and mission center. The church has not requested an accessory daycare or school use as part of the request, but any future school or daycare use by the church would require an additional Special Use Permit. The Department would note that from a recent site visit to the property, it was evident that portions of the stream buffer, and side and rear undisturbed buffers were visibly bare and sparsely vegetated. If this land use petition is approved, the applicant would be required to submit a combination plat prior to issuance of a building permit.

## **BACKGROUND**

The primary church site (5.17 acres) has been utilized for a church since an approval of a Special Use Permit in 2004 by Fulton County, pursuant to 2003U-0028 NFC. The smaller tract of land is an existing AG-1 zoned property that has been utilized for a single-family dwelling.

**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 08 – Shakerag. The proposed church expansion would be consistent with the recommendations of the Comprehensive Plan and Future Development Map, which suggests maintenance of the rural and historical character of the area, while supporting a mixture of residential and institutional uses such as places of worship. However, outdoor recreational fields are discouraged by the plan, and therefore, the proposed swimming pool may not be consistent with the recommendations of 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 residential, agricultural, and mixed-use zoned properties which would be compatible with the proposed use. Implementation of full buffers and building setbacks providing adequate vegetative screening from adjacent residential uses could ensure compatibility with established and anticipated residential land use, and further reduce any potential impacts. The requested concurrent variance to reduce the setback, however, could lead to land use conflicts.

**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 may be an increase in traffic during church service times, activities, and events. The proposed conditions relating to transportation improvements may reduce these impacts.

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

The applicant has proposed 131 total parking spaces, with 67 existing parking spaces and an addition of 64 new parking spaces, which would comply with the requirements of the City of Johns Creek Zoning Ordinance for a 500-seat sanctuary.

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

The applicant has not designated open space on the subject property, but it is evident from the site plan that open space may be available near the rear portion of the site, as a result of the shape of the lot and natural features existing on the property.

**7. Protective screening;**

Undisturbed buffers are required adjacent to residentially-zoned and/or agriculturally-zoned property used for single family uses. Those portions of the undisturbed buffer that are sparsely

vegetated or bare should be required to be revegetated at time of the Land Disturbance Permit. Additionally, requiring the full 100-foot setback for buildings would provide additional space for screening and lessen the impact on neighboring residences.

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

The church currently has two Sunday services: a morning service from 10 a.m. to 12 p.m. and an evening service from 5 p.m. to 7 p.m. The church also has bible study on Saturdays from 3:30 p.m. to 5:30 p.m., and holds occasional activities at the church throughout the week. There would be no private school allowed under the existing request, and even with the conversion of the existing sanctuary to an education center, no private school would be allowed.

**9. Outdoor lighting;**

There is no additional outdoor lighting proposed as part of this request. Any future parking lot, security lighting, and/or general lighting on the property would require compliance with the Night Sky Ordinance.

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

The proposed site plan indicates two full access points off Rogers Circle, with an existing ingress/egress located further south of Rogers Circle and a new access point proposed closer to the intersection of Bell Road and Rogers Circle. There also is an existing driveway located near the intersection that provides access to the residential dwelling on the smaller AG-1 zoned tract. All driveways would be required to comply with the alignment and spacing required of the Development Regulations.

**DEPARTMENT COMMENTS**

**PUBLIC WORKS**

1. Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Johns Creek Traffic Engineer.
2. Applicant will be required to install a 10' concrete trail along the entire property frontage on Rogers Circle as required by the City of Johns Creek approved Trail Map and City of Johns Creek Development Regulations .
3. This project is in the vicinity of the Bell Road at Rogers Circle Intersection Project. This project is a local project as approved on the 2009 Transportation Capital Improvement Projects Map.

**WATER AND SEWER**

Water and Sewer is provided by Fulton County Public Works Department. Review and approval of water and sewer is required prior to development.

**FIRE MARSHALL**

Development and building plans will be subject to review and approval of the Fire Marshall prior to construction.

**ARBORIST**

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Buffers and landscape strips as required by zoning and density requirements are to be planted per the Guidelines.
2. Undisturbed buffers shall be planted to buffer standards where sparsely vegetated or where disturbed due to approved utility crossings. Replanting is subject to City Arborist approval.

**SITE DEVELOPMENT**

1. A Land Disturbance Permit (LDP) is required to develop the property. Development plans will have to comply with the Development & 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. 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).
3. Fulton County Water & Sewer approval is required prior to issuance of land disturbance permit.
4. A combination plat is required prior to issuance of LDP.
5. Prior to the first Certificate of Occupancy on the site, storm/sanitary/water as-builts; detention pond certificate; and stormwater facilities maintenance agreement are required.
6. Revegetate bare and unstabilized areas within the stream, and side and rear yard undisturbed buffers. A buffer revegetation plan using City buffer planting standards shall be submitted with the LDP.
7. The property has a 50-foot undisturbed buffer in the rear and a 25-foot undisturbed buffer on the sides. The site plan incorrectly labeled buffers as building setbacks.

**STAFF ANALYSIS**

The subject property is located on the north side of Rogers Circle, east of its intersection with Bell Road, and is the location of Good News Atlanta Church. The church proposes a master plan development that would combine two AG-1 zoned parcels for the purpose of expanding the church campus. Currently, the main sanctuary, pastor's parsonage, and pavilion, exists on the primary church site, with a single-story residential dwelling existing on the smaller AG-1 zoned tract.

The surrounding area is characterized by rural residential uses on acreage lots with institutional uses along the northern and eastern portion of Rogers Circle and western portion of Bell Road. The subject site is bordered to the north by a large tract of land zoned MIX Conditional (Mixed Use District) that fronts on McGinnis Ferry Road and extends south along Bell Road, which has yet to be developed. To the east, adjacent to the rear property line is Tavistock subdivision zoned CUP Conditional (Community Unit Plan District). Adjacent to the south and across Rogers Circle to the west are a mixture of newer

and older single family residences on acreage tracts, zoned AG-1. Additionally, within the vicinity are two church sites off Bell Road: Kingdom Hall Jehovah's Witness Church approved in 2009 (SUP-09-004) and Johns Creek Christian Church approved by Fulton County for a church. The proposed church campus expansion would be compatible in use and scale with the surrounding residential and institutional uses in the area.

The City of Johns Creek 2030 Future Development Map designates this property as part of Character Area 08 – Shakerag. Policies for this Character Area suggest the preservation of the established rural and residential uses found in the area. The proposed church expansion would be compatible to the existing uses of the character area; however, established policies for the area discourage outdoor recreational fields, which would not support the inclusion of an outdoor pool. Impacts associated with the church expansion could be mitigated with the implementation of full buffers and setbacks from external property lines, and revegetation of bare and sparsely vegetated areas. The proposed church expansion of a 500-seat sanctuary and accessory uses meeting minimum requirements, with no additional services such as a daycare or school, would be consistent with the scale of existing developments and uses of the Character Area. The Department would note, however, that the proposed concurrent variance to reduce the building setback from 100 feet to 37 feet would be inconsistent with the requirements of a Special Use Permit for a church. Additionally, the rural residential character of the area would not support the location of buildings closer to property lines abutting residential uses. The Department notes, additionally, that policies of the Johns Creek Comprehensive Plan discourage ancillary outdoor activity uses in this area, and the swimming pool could not be supported at this location.

In conclusion, the proposed church would be consistent with the recommendations of the Comprehensive Plan and would be compatible in use and scale with the established mix of uses that surround the area. Therefore, the Community Development Department recommends **APPROVAL with Conditions** of the Special Use Permit for a church expansion and **DENIAL** of the concurrent variance for a setback reduction.

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of SUP-11-002 for a church, subject to the following enumerated conditions:

1. Allow the use of the subject property to include a church sanctuary and accessory uses, at a total of 45,850 square feet, but excluding recreational/athletic fields or swimming pools. A 100-foot setback shall be maintained for all new buildings adjacent to single-family uses.
2. The site shall be developed in general conformance with the site plan submitted to the Community Development Department dated July 7, 2011, with changes to the site plan to meet these conditions.
3. All new buildings shall be limited to single story structures, and all buildings shall meet the Community Standards. Final elevations shall be subject to review and approval by the Community Development Director.
4. There shall be no access from Bell Road.
5. Property shall be limited to no more than one (1) full access drive from Rogers Circle.
6. No more than one (1) right-in/right-out only drive from Rogers Circle. Location and design of all entrances shall be subject to review and approval of the Public Works Department.
7. Provide deceleration lane at each entrance off Rogers Circle or as may be required by the City of Johns Creek Traffic Engineer.
8. Provide left turn lane at each full access project entrance off Rogers Circle or as may be required by the City of Johns Creek Traffic Engineer. Left turn lane shall be installed prior to issuance of a certificate of occupancy for the conversion of the existing sanctuary to an education center.
9. Owner/Developer shall dedicate the following rights-of-way at no cost to the City of Johns Creek:
  - a. A minimum of forty feet (40 ft.) from the centerline of Bell Road, along the entire property frontage 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 or 1 foot from edge of trail whichever is greater, of all abutting road improvements or as necessary prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Director of Public Works.
  - b. A minimum of thirty feet (30 ft.) from the centerline of Rogers Circle, along the entire property frontage 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 or 1 foot from edge of sidewalk/trail whichever is greater, of all abutting road improvements or as necessary for the City of Johns Creek Bell Road at Rogers Circle Intersection Improvement Project, prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.

10. Submitted plans shall reflect the City of Johns Creek Bell Road at Rogers Circle Intersection Improvement Project prior to the approval of the Land Disturbance Permit.
11. The stream buffer and undisturbed buffers shall be replanted where sparsely vegetated prior to issuance of a building permit. Planting plan shall be subject to review and approval of the City Arborist at time of Land Disturbance Permit.

SUP-11-002 & VS-11-002-1

