

3/5/2024

Re: **Letter of Intent – SUP Expansion**
Mt. Pisgah School Expansion – 45.988 acres
PEC+ Project No. 23037.00

Received
March 5, 2024
SUP-24-0001
Planning & Zoning

Dear Community Development Officials,

This application seeks to expand the existing SUP for the approximately 45.988-acre assemblage known as the Mt Pisgah Christian School Expansion (the “Subject Property,” 9725 and 9855 Nesbit Ferry Road, PIDs 12 291008170185, 11 078003100248, 12 291008180309, 12 291008180234, 12 291008180291, 12 291008180200, 12 291008180218, 12 291008180069).

Site and Site History

Location

The site is bordered by the Old Alabama Square shopping center to the north, St. Regis neighborhood to the south, and Chartwell neighborhood to the east. Surrounding zonings include CUP, Agricultural, Commercial, and Agriculturally-zoned land in the City of Roswell. The site has a stream running through the southern corner of the north tract, and an existing lake along the southern property line of the south tract. There are small areas of floodplain along the eastern property line on the north tract, and an area of wetlands on the north tract.

Background

Mt. Pisgah Christian School has operated as a church and daycare in Johns Creek since the approval of a Special Use Permit in 1985. Since 1998, sites on both sides of Nesbit Ferry Road (including the “north” tract of the subject property) have been utilized as a church, private school, daycare, and recreational fields.

Previous SUP

The Mt. Pisgah campus is currently located on two main tracts (known as the “east” and “west” tracts) on either side of Nesbit Ferry Road near the intersection of Old Alabama Road. The previous SUPs (SUP-12-001 and SUP-12-002) were approved in 2012 to permit additional buildings and a gymnasium for the school. The east tract (SUP-12-002) was permitted a total building area of 202, 030 square feet. Not all of the approved buildings were constructed; only 127,030 square feet were actually built. The field area on the south portion of the east tract (below the stream) remained empty, delineated as an “activities field.”

Proposal

SUP Expansion Request

The Subject Property is located at 9725 and 9855 Nesbit Ferry Road on the east side of the intersection of Nesbit Ferry and Old Alabama Road. The subject property includes the “east” tract from previous SUP action (AKA SUP-12-002, a total of 24.473 acres) as well as an assemblage of parcels to the south (that totals 21.515 acres). With this project, we are proposing to combine and expand the existing SUP-12-002 to a total area of 45.988 acres.

The number of students would not increase right away, but is anticipated to increase over the course of the 15-year development/expansion period, and over the entire Mt. Pisgah campus, including the area on

the west side of Nesbit Ferry. In total, the number of students within 15 years is anticipated to be 1,350, an increase from the current enrollment of approximately 900 students.

The SUP expansion will include Parcel IDs 12 291008170185, 11 078003100248, 12 291008180309, 12 291008180234, 12 291008180291, 12 291008180200, 12 291008180218, and 12 291008180069.

The proposal would expand the existing SUP-12-002 with additional parcels to the south for a total site area of 45.988 acres, with the purpose of expanding the Mt. Pisgah Christian school campus. While most of the expansion would be focused on the newly added parcels to the south, a building for curriculum enhancement would straddle the line between the existing school site and the new parcels to the south.

Below is a summary of the existing buildings that were constructed after the approval of the original SUP-12-002:

- Building G – Gymnasium (35,330 sf)
- Building H—Upper School Classrooms (41,700 sf)
- Upper School Building (50,000 sf)

Total existing building square footage: 127, 030 sf

Below is a summary of the existing buildings that were approved but not constructed after the approval of the original SUP-12-002:

- Fine Arts Building (55,000 sf)
- Gymnasium Addition (20,000 sf)

Total approved but not constructed building square footage: 75,000 sf

Total approved building square footage (built and not built) from SUP-12-002: 202,030

Below is a summary of the additions that would be made through the expansion to SUP-12-002:

- Academic Building 1 – (21,600 sf)
- Academic Building 2 – (21,600 sf)
- Natatorium/Building 3--(31,500 sf)
- Existing house renovation/Building 4--(4,662 sf)
- Performing Arts Center/Building 5--(25,000 sf)
- Curriculum enhancement/Building 6 (19,300 sf)

Total proposed building square footage in expansion: 123,662 sf

Total square footage for SUP-12-002 expansion (including new buildings, unbuilt from original approval, and built from original approval): 325,692 sf

Below is a summary of Site Density:

- Approved SUP-12-002 Site Density: 8,255.22 sf/acre
- As-built Site Density (Existing SUP-12-002 Site): 5,190 sf/acre
- Proposed Additional Density: 4,850.66 sf/acre

Total Expanded SUP Site Density: 7,082 sf/acre

SUP Expansion Parking

The SUP expansion will include additional parking for the new proposed uses. Currently, on the existing school site, there are 274 spaces, including ADA spaces that service the existing buildings. The proposed

expansion will include 574 additional parking spaces, for a total of 848 spaces across the entire SUP-12-002 site.

We anticipate that parking for the new, expanded uses will utilize a shared parking scheme. Parking for uses is divided into two tiers: School-Day Uses (tier 1) and After School Uses (tier 2). Below is a breakdown of the shared parking scheme for the expanded (new) uses only, using the City of Johns Creek parking requirements by use:

Tier 1: School Day Uses

- Curriculum enhancement building – 120 spaces needed
- Academic buildings (buildings 1 and 2) – 400 spaces needed
- Existing House – 2 spaces needed

Total School-Day Spaces Needed: 522

Total SUP Expansion Spaces: 574

Difference: +52 spaces

Tier 2: After School Uses

- Performing arts building – 135 spaces needed
- Natatorium – 296 spaces needed
- Tennis Courts – 18 spaces needed
- Existing House – 2 spaces needed

Total After School Spaces Needed: 451

Total SUP Expansion Spaces: 574

Difference: +123 spaces

SUP Expansion Phasing

The expansion is expected to occur over the course of 10 to 15 years, and would happen in three phases:

- Phase 1: tennis courts, main connector roadway, curriculum enhancement (building 6), and house renovation (building 4)
- Phase 2: performing arts center (building 5), academic building 2, pedestrian bridge
- Phase 3: natatorium (building 3), academic building 1

Please see the provided site plans within this package for the full picture of the timing and location of the proposed expansion.

Rationale for Request

The proposed Special Use Permit is in conformity with the policy and intent of the comprehensive plan. The immediate area is characterized by single-family subdivisions on similarly-sized lots. The proposed development would fit into the character of the existing context and would present a high quality addition to the overall area, by expanding the already existing school site. This subject property has a future land use designation of R3 Residential, which is a compatible use for school facilities.

The immediate area is characterized by single-family subdivisions on similarly-sized lots. The proposed development would fit into the character of the existing context and would present a high quality addition to the overall area, based on the existing school site. The proposed expansion is not expected to have significant effect on natural or cultural resources, floodplain, or wetlands area. The expansion will not substantially increase traffic volumes in the area, since the number of students is not going to increase as

a result. Light and construction noise will be in conformance with local ordinances and will not cause an undue or increased burden on nearby uses or residents.

The school has been a good neighbor to nearby Johns Creek subdivisions for nearly 40 years. Permitting the expansion of the school would not increase the number of students, but would increase the educational and enrichment opportunities available there to ensure that the school remains a purveyor of the highest quality education.

Constitutional Objections

The portions of the Code of Ordinances and Zoning Ordinance for Johns Creek (the "Zoning Ordinance") which classifies or conditions the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are unconstitutional, in that they would destroy the Applicant's and property owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Ordinance which presently restricts the Property's use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, and constitutes a taking of the Applicant's and the property owner's property rights in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States by denying economic and viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for the expanded SUP, as amended by the Applicant, and is not economically suitable for uses restricted under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and related variances would constitute an arbitrary and capricious act by Johns Creek and the City council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment. A refusal by Johns Creek and the City council to approve this requested rezoning, with only such additional conditions as agreed to by the Applicant and/or owner, so as to permit the only feasible economic use of the Property, would be unconstitutional between the Applicant, owner, and similarly situated property owners, in violation of Article I, Section I, Paragraph II of the Constitution of the State by discriminating of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment.

Conclusion

The applicant and owner respectfully request that the Johns Creek City council, Planning Commission and Planning Staff approve and support the Applicant's Special Use Permit request to allow for the expansion of the Mt. Pisgah Christian School. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,

Hayley Todd

Zoning Manager, Planners and Engineers Collaborative, Inc.