



Land Use Petition: SUP-24-0003, SUP-24-0004 & VC-24-0005
Application Date: August 6, 2024
Public Participation Meeting: September 5, 2024
Planning Commission Meeting: November 4, 2024
City Council Meeting: November 18, 2024

PROJECT LOCATION: 4765 Kimball Bridge Road

DISTRICT/SECTION/LAND LOT(S): 1st District, 1st Section, Land Lots 163 and 193

ACREAGE: 3.95 acres

CURRENT ZONING: AG-1 (Agricultural District)

**COMPREHENSIVE PLAN
COMMUNITY AREA:** Ocee

APPLICANT: Shaun Fogarty
807 Forrest Street NW
Atlanta, GA 30318

OWNER: Wisconsin Evangelical Lutheran Synod
N16W23377 Stone Ridge Drive
Waukesha, WI 53188

PROPOSED DEVELOPMENT: Special Use Permits for a 2,515 square-foot expansion of the existing church building and for an accessory daycare, with one concurrent variance for encroachment of the existing playground and associated perimeter fence in the 50-foot undisturbed buffer and 10-foot improvement setback.

STAFF RECOMMENDATION: **Approval with Conditions**

Aerial Map



Zoning Map



Alpharetta

Kimball Bridge Rd

Kimball Parc West

Kimball Parc Ct

SUP-24-0003,
SUP-24-0004,
& VC-24-0005

Cotton Rd

Weathervane Dr

Ocean View Ct

Hampton Square Dr

Frederic St

Map Layers

- Special Use Permit Boundary
- Zoning (current)
 - R-4 (Single Family Dwelling)
 - R-5A (Single Family Dwelling)
 - AG-1 (Agricultural)
 - TR (Townhouse Residential)



PROJECT OVERVIEW

Location

The subject property is a 3.95-acre parcel located 0.5 miles southwest of the intersection of Kimball Bridge Road and Jones Bridge Road. It is bounded by Fire Station 64 to the northeast, Kimball Parc subdivision to the east, Kimball Bridge at Creekside subdivision to the west, Churchill Downs subdivision to the south, and Kimball Bridge Road to the north.

Background

The subject property is currently improved with an 11,710 square-foot, single-story, church building. The church was approved for the site by Fulton County, pursuant to 98U-020 NFC, which allowed a maximum of 259 seats and 31,000 square feet of gross floor area. A two-story, 21,700 square-foot education and gymnasium building was also approved under the original Special Use Permit, but was not constructed. The site is currently served by one full-access driveway off Kimball Bridge Road, and church is served by 116 total parking spaces. The topography of the site generally slopes downward from the north towards the two stormwater ponds located in the southeast and the southwest corners of the site.



Special Use Permit and Concurrent Variance Requests

The Applicant is requesting to obtain two Special Use Permits and one concurrent variance to expand services of the existing Messiah Lutheran Church and to bring the existing playground and its associated fence into compliance.

1. SUP-24-0003: to allow for a church
2. SUP-24-0004: to allow for an accessory daycare facility
3. VC-24-0005: to allow for a 20-foot linear encroachment of an existing playground and its perimeter fence in the 50-foot undisturbed buffer and 10-foot improvement setback.

Site Plan

The Applicant proposes improvements to the site based on a phased approach over five (5) years. The Applicant's letter of intent state that Phase 1 (0-3 years) shown in an area of the existing church building with orange stripes, would include 1,350 square feet of interior alterations for one Pre-K classroom for a maximum of 25 students, to support the new private Pre-K program. Phase 2 (3-5 years) shown in an area of the existing church building with blue stripes, would remodel 3,100 square feet of interior space for two additional Pre-K classrooms, increasing the total Pre-K enrollment to a total of 60 students. Phase 3 (3-5 years) would add a 2,515 square-foot addition to the church building (shown in orange) to replenish fellowship space for church use by expanding its main level footprint and an upper level created for a new stair, choir loft and storage. In addition to the expansion, a new 840 square-foot outdoor area that would be partially covered will be constructed in the area directly south of the proposed expansion (shown in light orange). The Applicant's letter of intent also stated that based on the success of the Phase 1 improvement, the church would pursue phases 2 and 3 contingent on funding and church board consensus.



The Applicant will maintain the existing full-access curb cut on Kimball Bridge Road, the 25-foot landscape strip along the road frontage, 50-foot zoning buffer and 10-foot improvement setback along the rear property line adjacent to single-family lots in Churchill Downs subdivision, and 25-foot zoning buffer and 10-foot improvement setback along all other property lines. A total of 116 parking spaces exist on the site, exceeding the 104 parking spaces required for the property per Section 18.2 of the Zoning Ordinance.

There are two detention facilities existing on the subject property, one on the east and the other on the west, accounting for the existing impervious surface. Considering that both Phase 1 and 2 involves interior alterations only and does not increase impervious surface on the site, utilization of the existing stormwater facilities would be acceptable. However, the Applicant will be required to comply with the City’s Stormwater Management regulations, including runoff reduction, to account for the Phase 3 expansion.

Elevations

The Applicant has indicated that the elevation of the proposed expansion would match the architectural style, exterior building materials and colors of the existing church building. The exterior building



EXISTING STREET SIDE ELEVATION FROM KIMBALL BRIDGE RD



EXISTING MAIN CHURCH ENTRY FROM WEST PARKING LOT

materials of the new church addition in Phase 3 are required to consist of at least 75% of brick, stone, or glass, to be compliant with the requirements of Section 12E.3.E.1. of the Zoning Ordinance.

Public Participation

As part of the required land use petition process, property owners within one-quarter mile of the subject property were mailed notices in August 2024. The meeting was held in the Council Chambers at City Hall on September 5, 2024, and no residents attended the meeting.

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 Comprehensive Plan designates the subject property as part of the Ocee Community Area and the future land use map indicates “School, Religious, Municipal” as the recommended land use. The subject property is zoned AG-1 and a request for a Special Use Permit for a daycare facility is eligible in the AG-1 zoning district when accessory to a church use. The proposed church expansion and daycare facility would be consistent with the policy and intent of the future land use map and Comprehensive Plan.

2. Compatibility with the land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed.

The subject property is adjacent to residential uses to the east, west and south, and to a civic use to the northeast. Across Kimball Bridge Road, in Alpharetta city limits, are Alpharetta International Academy (Montessori school), Radiant Church, and Valor Christian Academy, which are all institutional and religious uses. Based on adjacent and nearby uses, the proposed use would be compatible with maintaining proper conditions related to zoning buffers to protect adjacent residential uses.

3. Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development.

The proposed development as submitted does not appear to be in violation of local, state, and/or federal statutes, ordinances, or regulations governing land development. The City will review and confirm compliance with all applicable land development and stormwater management regulations at the time of Land Disturbance Permit. Staff would note that a Land Disturbance Permit will be required only if the church is to proceed with the proposed Phase 3 expansion.

4. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets.

The proposed church expansion at full buildout in Phase 3 is anticipated to generate 246 new daily trips, including 47 trips during morning peak hour and 47 trips during evening peak hour. These additional trips would be generated from the proposed private Pre-K daycare program and not from the modified church offices and fellowship area, since the daycare will not be utilized during church worship times. The proposed daycare and church expansion would only present a negligible impact to traffic flow along adjoining streets.

5. The location and number of off-street parking spaces.

The church property currently has 116 parking spaces. The total parking spaces required for the church expansion and daycare program would be 104 spaces. Therefore, there would be sufficient parking to support all existing and proposed uses on the subject property.

6. The amount and location of open space.

The site has an existing 2,140 square-foot playground and if the Applicant proceeds with Phase 3 expansion, an 840 square-foot outdoor area would be added to provide usable open space for children enrolled in the Pre-K program and church patrons. This is in addition to the natural open space that exists from maintaining the 25-foot and 50-foot undisturbed buffers and 10-foot improvement setbacks provided around the perimeter of the site.

7. Protective screening.

The Applicant is providing a 50-foot zoning buffer and 10-foot improvement setback along the rear property line adjacent to single-family lots in Churchill Downs subdivision, and a 25-foot zoning buffer and 10-foot improvement setback along all other property lines. The frontage along Kimball Bridge Road currently has a 25-foot landscape strip that will remain. The applicable landscape strip and zoning buffers would provide appropriate screening and separation of proposed uses and activities from adjacent and nearby properties. Any portion of the zoning buffer that is sparsely vegetated shall be required to be revegetated at time of Land Disturbance Permit.

8. Hours and manner of operation.

The hours of operation for the daycare program is 7:00 a.m. to 4:00 p.m., Monday through Friday. The hours of operation for the church will not be altered as part of this request.

9. Outdoor lighting.

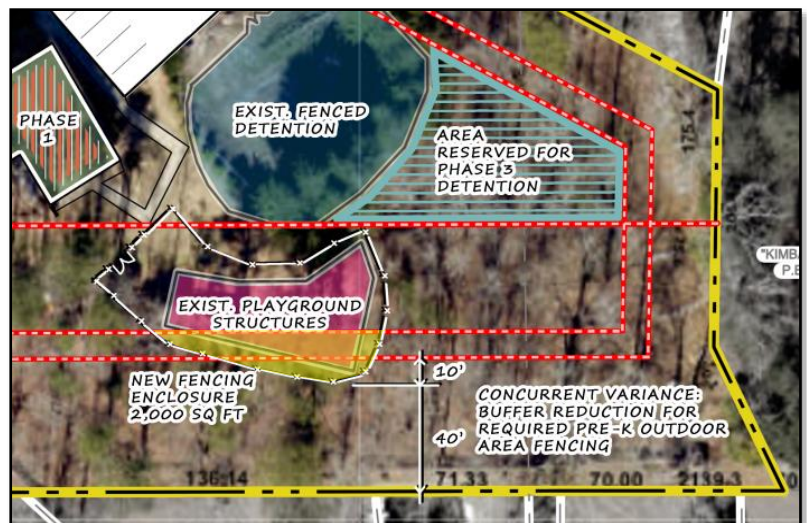
All proposed outdoor lighting shall be compliant with the City’s Night Sky Ordinance.

10. Ingress and egress to the property.

The subject property has a single full-access curb cut on Kimball Bridge Road. No new access points are proposed as part of this request.

CONCURRENT VARIANCE ANALYSIS

Concurrent variance request, VC-24-0005, is to allow for encroachment of the 2,140 square-foot existing playground (shown in yellow) and its surrounding fence into the required 50-foot buffer and 10-foot improvement setback pursuant to Section 19.4.10. and Section 4.23.1.B. of the Zoning Ordinance. The required buffer provides the necessary separation needed to offset impacts related to the church and accessory daycare use from adjacent residential properties. The maximum encroachment would be 10 linear feet and 310 square feet into the 50-foot undisturbed buffer, and 10 linear feet and 715 square feet into the 10-foot improvement setback to bring the existing playground into compliance with the Zoning Ordinance and to allow for the installation of perimeter fence around the existing playground to comply with the State requirement for a daycare program. Staff is of the opinion that granting this variance will result in an ample separation of the church and accessory uses from adjacent residential



lots by maintaining a 40-foot undisturbed buffer, and would be in harmony with the general purpose and intent of the Zoning Ordinance.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** for Special Use Permits, SUP-24-0003 and SUP-24-0004, and Concurrent Variance, VC-24-0005, with the following conditions:

1. The subject property shall be limited to a place of worship (SUP-24-0003), accessory daycare (SUP-24-0004) and associated accessory uses, at a maximum gross floor area of 14,300 square feet.
2. Daycare shall be an accessory use to the church and be limited to a maximum enrollment of 60 students. (SUP-24-0004)
3. The site shall be developed in general accordance with the site plan received and date stamped by the City of Johns Creek on September 5, 2024. Said site plan is conceptual, and the final site plan must meet or exceed the zoning conditions prior to the approval of a Land Disturbance Permit and/or building permit.
4. Exterior elevations of the church addition shall be consistent with the building materials of the existing church building and be substantially similar to the elevations received and date stamped on August 6, 2024, subject to the review and approval of the Community Development Director, prior to issuance of a building permit.
5. The existing playground and its perimeter fence are permitted to encroach into the 50-foot undisturbed buffer and 10-foot improvement setback, in accordance with the site plan received and date stamped on September 5, 2024. (VC-24-0005)
6. Owner/Developer shall provide and maintain a 25-foot landscape strip along Kimball Bridge Road (SR 120).
7. Owner/Developer shall provide and maintain the following natural buffers in accordance with the site plan received and date stamped on September 5, 2024:
 - a. 50-foot-wide natural buffer with an additional 10-foot improvement setback, measured horizontally from the property line, undisturbed except for approved access and utility crossings, and replanting where sparsely vegetated, adjacent to the single-family lots in Churchill Downs subdivision.
 - b. 25-foot-wide natural buffer with an additional 10-foot improvement setback, measured horizontally from the property line, undisturbed except for approved access and utility crossings, and replanting where sparsely vegetated, adjacent to the east property line and adjacent to the Churchill Downs Homeowners Association (HOA) property along the south property line.
8. The existing parking spaces are permitted to encroach into the minimum front yard setback as shown in the site plan received and date stamped on September 5, 2024.
9. No additional curb cut shall be permitted on Kimball Bridge Road (SR 120).

10. Owner/Developer shall provide an engineering report demonstrating that the developed land use stormwater runoff conditions are controlled at the maximum pre-developed land use level.
11. Owner/Developer shall submit a stormwater concept plan for development of Phase 3 prior to the submittal of a land disturbance permit application.