

REZONING/SUP/CHANGE IN CONDITIONS APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION
NAME: SHAUN FOGARTY	NAME: <u>Wisconsin Evangelical Lutheran Synod</u>
ADDRESS: 807 FORREST ST NW	ADDRESS: <u>N16W23377 Stone Ridge Drive</u>
CITY: ATLANTA	CITY: Waukesha
STATE: GA ZIP: 30318	STATE: WI ZIP: 53188
PHONE: 678 921 0301	PHONE: 770.751.9357
CONTACT PERSON: SHAUN FOGARTY PHONE: 678 921 0301	
CONTACT'S E-MAIL: SHAUN@NORWOODA.COM	

APPLICANT IS THE:	
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): AG-1 REQUESTED ZONING DISTRICT: NO CHANGE	
DISTRICT/SECTION: <u>Tax: 57</u> LAND LOT(S): <u>P.ID: 11 0450001630385</u> ACREAGE: 3.95	
ADDRESS OF PROPERTY: 4765 KIMBALL BRIDGE ROAD, JOHNS CREEK, GA	
PROPOSED DEVELOPMENT: <small>REPURPOSING OF EXIST. CHURCH SPACE FOR A PRIVATE PRE.K & BUILDING ADDITION TO EXIST. CHURCH</small>	
CONCURRENT VARIANCES: REDUCTION OF 50' BUFFER & 10' IMPROVMENT SETBACK	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: _____	No. of Buildings/Lots: 1/1
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. 14,805 heated sq ft
Density: _____	Density: 14,805sqft / 3.95 acres = 3,748 sq ft/acre

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SPECIAL USE PERMIT CONSIDERATION FORM

Analyze the impact of the proposed special use and provide a written point-by-point response to the following questions:

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;

Yes. The existing Church is continuing its use. It is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans

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

The proposed uses are compatible through a Special Use Permit in AG-1

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

The proposed use does not violate local, state and/or federal statutes, ordinances or regulations governing land development

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

Pre.K parents will park in the existing Church parking spaces for pick up / drop off. Church services are not concurrent with Pre.K use, so, the new use will not effect traffic flow.

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

The existing 116 parking spaces are located on site.

6. The amount and location of open space;

Buffers & setback open space at property perimeter. Playground and parking landscape areas

7. Protective screening;

Proposed Playground fencing, retaining wall and fence at Kimball Bridge

8. Hours and manner of operation;

Church: M-F 9am-6; & sporadically 7pm-9; Sunday 7am-2 PreK Hours: M-F 7am -4

9. Outdoor lighting;

existing site lighting to remain; no additional outdoor lighting proposed

10. Ingress and egress to the property.

existing Full Access to remain. No additional curb cuts proposed

DATE: Aug. 6th, 2024
 TO: Johns Creek Zoning

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FROM: Shaun Fogarty of Norwood Architects

PROJECT: Messiah Lutheran Pre K
 Project No. L2318
 RE: ENVIRONMENTAL SITE ANALYSIS (ESA)

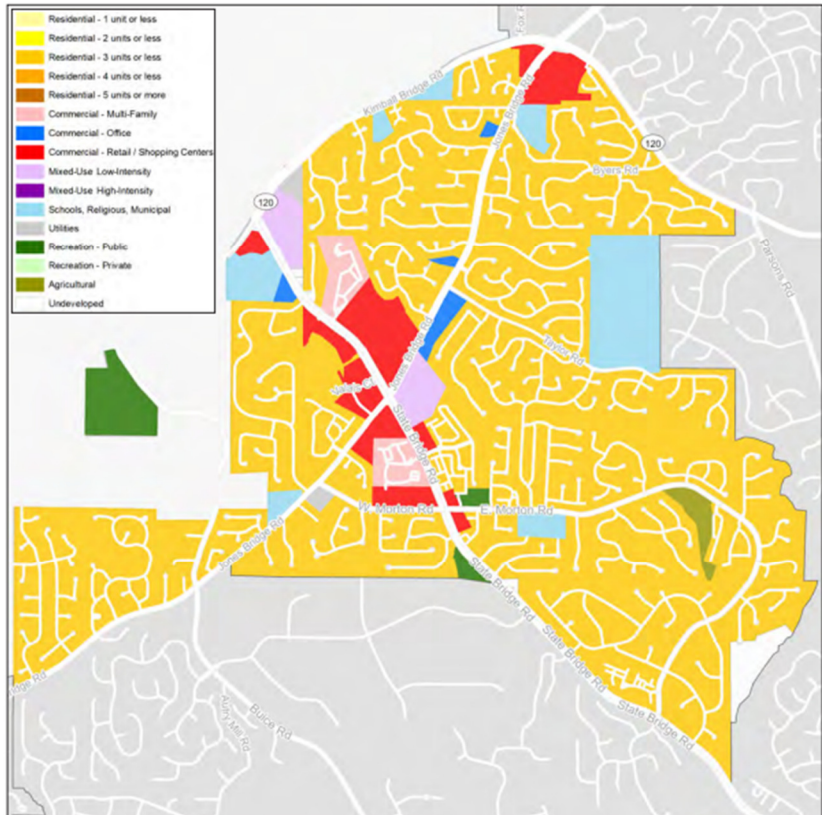
LAND USE

Future Land Use

Apart from residential density reduction, 97.7% of future land use in Ocee will match current land use. A detailed build-out analysis is available on Pages 116-117.

Table 12: Land Use Change in Ocee (Acres)

Land Use Type	Current	Future	Change
Residential - 1 unit or less	0.9	0	-0.9
Residential - 2 units or less	1.4	0	-1.4
Residential - 3 units or less	1,327.9	1,556.1	228.2
Residential - 4 units or less	145.0	0	-145.0
Residential - 5 units or more	77.1	0	-77.1
Commercial - Multi-Family	40.8	40.8	0
Commercial - Office	9.9	16.1	6.2
Commercial - Retail/Shopping Centers	152.1	112.3	-39.9
Mixed-Use Low-Intensity	0	35.9	35.9
Schools, Religious, Municipal	132.4	130.4	-2.0
Utilities	7.9	7.9	0
Recreation - Public	40.2	40.2	0
Agricultural	12.9	12.9	0
Undeveloped	25.6	21.7	-3.9



Map 50: Future Land Use in Ocee

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN. The proposed project shall modify existing interior floor area of Messiah Lutheran Church, at 4765 Kimball Bridge Road, to create two Phases of a private, Pre.K school. The 3rd Phase of development shall increase the footprint of the Church facility. The Church will remain the primary function of the facility during all Phases. The 3rd Phase is for Church expansion only and shall be the only Phase that includes land disturbance.

Site activities shall include: pouring a concrete slab, framing, planting, and expansion and/or modification of existing stormwater quality and mitigation systems. Existing environmental conditions of the site are enumerated in the next section.

Properties bordering the site include residential, an HOA owned property, and a Fire Station. Please see site plan(s) included in submittal documents.

The project conforms to the Comprehensive Land Use Plan because the primary use remains "Religious." Please see a pasted graphic of the Future Land Use Map in Ocee above.

2. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.

a. Wetlands

No wetlands are on the subject property. The proposed project will not affect wetlands.

b. Floodplain

Per FEMA maps, the subject property lies entirely within an area of minimal flood hazard. The proposed project will not affect floodplains.

d. Slopes exceeding 25 percent over a 10-foot rise in elevation

A 25% slope over a 10' rise in elevation does not, and is not proposed to exist on the subject property. The proposed project will not require substantial grading.

e. Vegetation

Any disturbed vegetation during and after the stormwater modification shall be replenished using landscape buffers.

f. Wildlife Species

No designated wildlife habitats are identified on the existing property. The proposed project will affect the site minimally and not affect wildlife species.

g. Archeological/Historical Sites

No archeological/historical sites are identified on the property. The proposed project will not affect archeological/historical sites.

3. PROJECT IMPLEMENTATION MEASURES.

a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

The proposed project does not include environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

b. Protection of water quality:

Existing conditions have been examined for Phase 3 suitability to adequately meet or exceed current water quality requirements. Because Phase 3 is contingent upon the financial success of the preceding Pre.K, site development calculations have not yet been developed for construction.

c. Minimization of negative impacts on existing infrastructure

The proposed project does not exceed existing peak-hour trips and will not impact existing infrastructure due to traffic related changes. Runoff is scheduled to be mitigated and conditioned on site.

d. Minimization on archeological/historically significant areas: The proposed project will not affect archeological/historical sites.

e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

f. Creation and preservation of green space and open space.
The Church's outdoor play structures will be fenced and will preserve open yard space. Buffers, setbacks, and landscape strips will preserve natural and or planted open space.

g. Protection of citizens from the negative impacts of noise and lighting
Exterior lighting shall remain as existing. Noise shall remain as existing as children currently use playground structures during business hours.

h. Protection of parks and recreational green space
The Church's outdoor play structures will be fenced and will preserve open yard space. Buffers, setbacks, and landscape strips will preserve natural and or planted open space.

i. Minimization of impacts to wildlife habitats
Development shall be confined to buildable area where wildlife habitats will not be affected.

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PUBLIC PARTICIPATION PLAN

1. The City of Johns Creek will notify all property owners within a quarter mile of the site. What other groups do you intend to contact?

MLC will inform their facility's patrons of proposed plans and provide information via social media, their website, incoming phone calls, and emails: [messiahjohnscreek.org/preschool](https://www.messiahjohnscreek.org/preschool) & <https://wels.net/serving-you/christian-life/education/lutheran-schools/>

2. How do plan to contact any interested parties, either before making application or after the city Public Participation Meeting, regarding the rezoning/use permit application?

MLC will inform their facility's patrons of proposed plans and provide information via websites, incoming phone calls, and emails: <https://www.messiahjohnscreek.org/preschool> & <https://wels.net/serving-you/christian-life/education/lutheran-schools/>

3. In addition to the City of Johns Creek Public Participation Meeting, do you plan to provide any other opportunities for discussion with interested parties before the PC and M&CC hearings?

MLC will inform their facility's patrons of proposed plans and provide information via websites, incoming phone calls, and emails: <https://www.messiahjohnscreek.org/preschool> & <https://wels.net/serving-you/christian-life/education/lutheran-schools/>

4. What is your schedule for completing the Public Participation Plan?
first available after initial application is reviewed and accepted by Johns Creek
-
-
-

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**Messiah Lutheran Church
Legal Description**

ALL THAT TRACT OR parcel of land lying in and being a portion of Land Lots 163 & 193, 1st District, 1st Section, Fulton County, City of Johns Creek, Georgia and being more particularly described as follows:

BEGINNING at a concrete right-of-way monument (RWM) located at the intersection of the southerly right-of-way of Kimball Bridge Road (a.k.a. State Route 120 ~ having a variable R/W) with the south line of Land Lot 163, aforesaid District and Section; thence along said right-of-way north 17 degrees 15 minutes 33 seconds east a distance of 44.87 feet to an RWM; thence continuing along said right-of-way north 65 degrees 13 minutes 32 seconds east a distance of 59.80 feet to an RWM; thence north 24 degrees 46 minute 43 seconds west a distance of 21.78 feet to a #4 rebar with cap set; thence continuing along said right-of-way north 64 degrees 20 minutes 48 seconds east a distance of 101.89 feet to an RWM; thence continuing along said right-of-way north 68 degrees 54 minutes 53 seconds east a distance of 51.22 feet to an RWM; thence continuing along said right-of-way following the curvature to the left an arc distance of 335.46 feet to an RWM, said curve having a radius of 2098.36 feet and being subtended by a chord bearing north 58 degrees 00 minutes 31 seconds east and distance of 335.11 feet; thence continuing along said right-of-way north 53 degrees 25 minutes 43 seconds east a distance of 54.00 feet to a point; thence continuing along said right-of-way north 62 degrees 33 minutes 14 seconds east a distance of 33.60 feet to a #4 rebar with cap set on the west line of property now or formerly owned by the City of Johns Creek Georgia; thence turning away from said right-of-way and continuing along said property line of the City of Johns Creek, south 28 degrees 14 minutes 54 seconds east a distance of 139.05 feet to a #4 rebar with cap set; thence continuing along said property line of the City of Johns Creek south 62 degrees 33 minutes 11 seconds east a distance of 219.38 feet to a #4 rebar with cap set; thence along the west line of property now or formerly known as Lot 31, Kimball Parc S/D (PB 203/87-88) south 00 degrees 56 minutes 01 seconds west a distance of 96.49 feet to a #4 rebar with cap set; thence continuing along said west line of Lot 31 south 27 degrees 10 minutes 38 seconds east a distance of 60.43 feet to a #4 rebar found, said pin being located on the north line of Churchill Downs S/D Phase 2 (PB 181/100), said line is also the south line of Land Lot 193; thence along said subdivision line and Land Lot Line (note: Land Lot Line crosses over and becomes the south line of Land Lot 163) south 89 degrees 52 minutes 04 seconds west a distance of 830.45 feet to a ¾" crimped top pipe found; thence continuing along the south line of Land Lot 163 north 88 degrees 20 minutes 17 seconds west a distance of 11.60 feet to an RWM and the POINT OF BEGINNING.

SAID TRACT containing 3.95 acres, more or less, and being known as #4765 Kimball Bridge Road as shown on the certain plat of survey entitled "Survey for Messiah Lutheran Church," prepared by Land Development Technologies, Inc., dated 08-02-24. Said property subject easements, covenants and restrictions of record.

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APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE CITY COUNCIL.



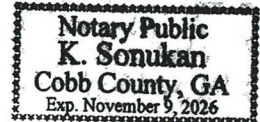
Signature of Applicant

8-05-2024

Date

SHAUN FOGARTY, ARCHITECT

Type or Print Name and Title




Signature of Notary Public

08/05/2024

Date

Notary Seal

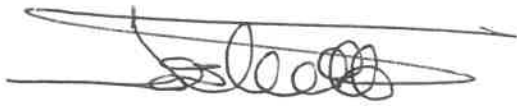
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PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Johns Creek, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning, Use Permit, & Concurrent Variance in request of the items indicated below.

I, Josh Fedke, (Property Owner), authorize, Shaun Fogarty, (Applicant) of Norwood Architect to file for SUP, CV (RZ, SUP, CV), at 4765 Kimball Bridge Road (Address) Johns Creek, GA 30065 on this date August (Month) 03 (Day), 2024

- I understand that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the City Council.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Johns Creek Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange sign permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

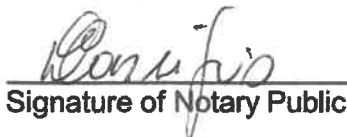


Signature of Property Owner

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

03 Aug 2024
Date

Josh Fedke, President Messiah Johns Creek
Type or Print Name and Title



Signature of Notary Public

8/3/2024
Date



DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4);

NO (if NO, complete only point 4)

1. CIRCLE ONE: Party to Petition (If party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:


1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

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3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) SHAUN FOGARTY; ARCHITECT/APPLICANT
Signature:  Date: 8-5-24

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: **YES** (if YES, complete points 1 through 4); **NO** (if NO, complete only point 4)

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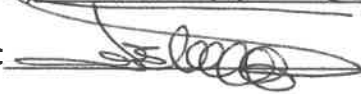
1.	5.
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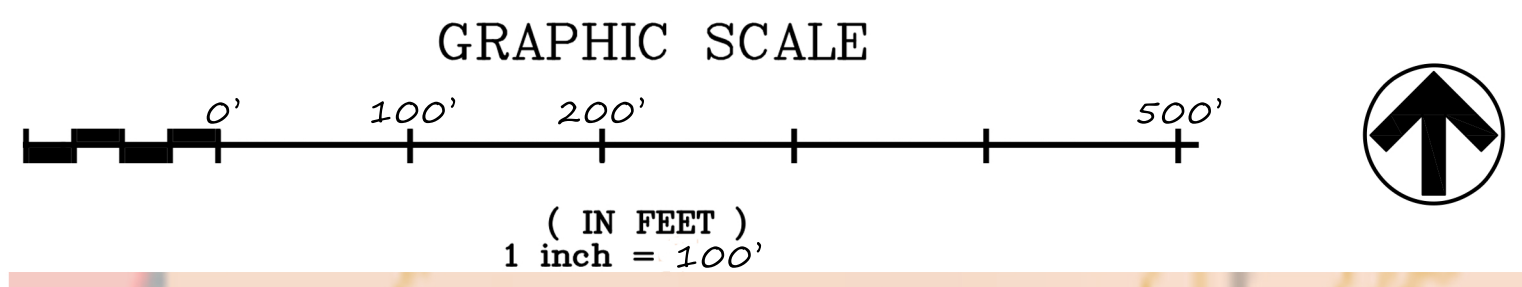
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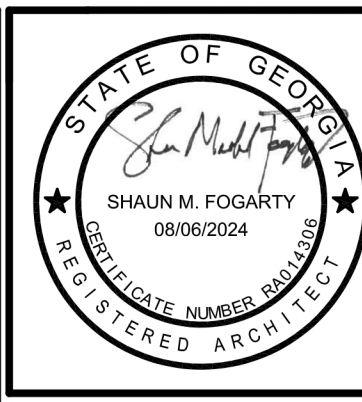
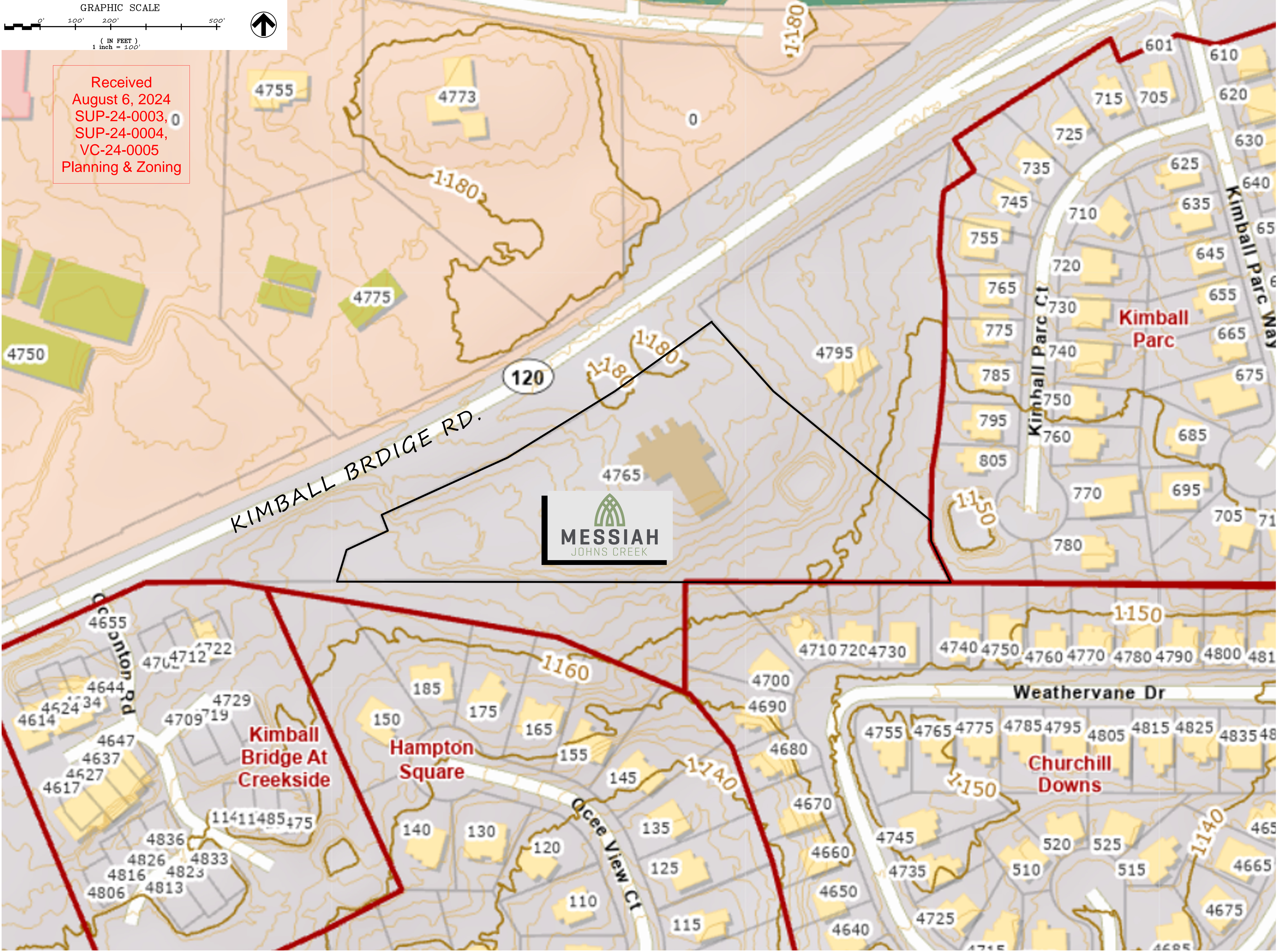
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Name (print) Josh Fedke
 Signature:  Date: 03 Aug 2024



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NORWOOD ARCHITECTS
 807 Forrest St. NW
 Atlanta, Georgia 30318
 ph. 678-921-0302 fax. 678-921-0301
 www.norwoodarchitects.com

PROJECT NO: 12318



ZONING MODIFICATION FOR:
MESSIAH LUTHERAN
 4765 KIMBALL BRIDGE ROAD
 FULTON COUNTY
 ALPHARETTA, GEORGIA 30005

NO.	DATE	DESCRIPTION
	08/06/24	

DRAWING NUMBER
AS.2

SHEET TITLE
AREA PLAN

FOR CONSTRUCTION