



PROPERTY INFORMATION

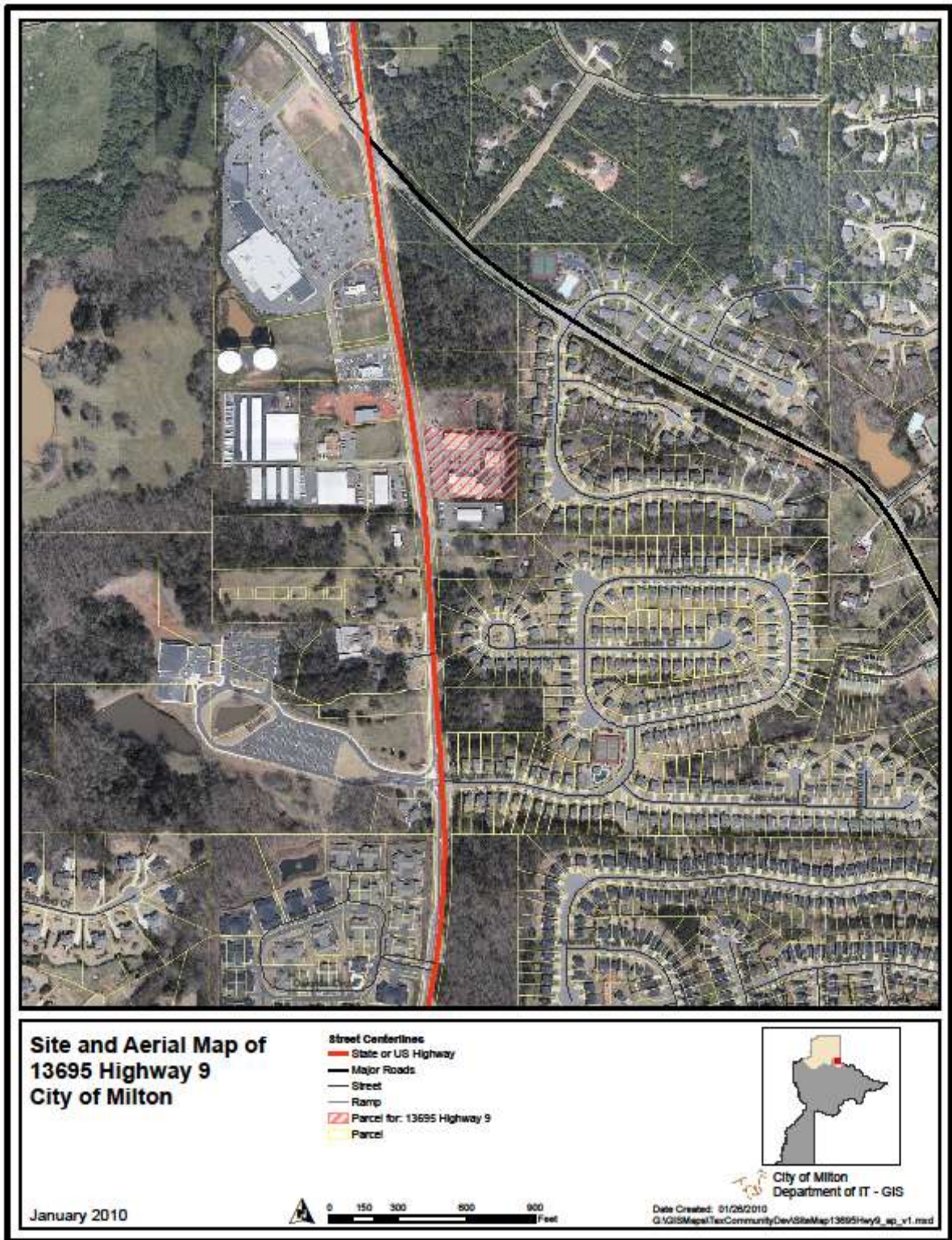
ADDRESS	13695 Highway 9		
DISTRICT, LAND LOT	2/2, 898		
OVERLAY DISTRICT	HIGHWAY 9		
EXISTING ZONING	C-1	ACREAGE	2.73
EXISTING USE	RETAIL/COMMERCIAL/RESTAURANT		
FUTURE LAND USE DESIGNATION	NEIGHBORHOOD LIVING-WORKING		

REQUESTED VARIANCE(S):

- To allow a reduction in the required number of parking spaces for a church (Article 8, Section 64.1410)

PETITIONER(S) Stephen Bullen, Christian City Church
ADDRESS 1572 Holcomb Bridge Road
Roswell, GA 30076
PHONE 770.337.4756

SITE LOCATION MAP



COMMUNITY DEVELOPMENT STAFF ANALYSIS

STAFF CONTACT: ANGELA RAMBEAU
678.242.2539

Background:

The site, 13695 Highway 9, is a 24,350 square foot commercial center, known as the Legacy Crossing Pavilion, located on 2.73 acres. Fronting Highway 9, the property is zoned C-1 and is located in the Highway 9 Overlay. Currently, the subject building consists of a 4,524 square foot restaurant (Montana's) and a 9,783 square foot vacant commercial space, formerly occupied by Dollar General. The other building on the property consists of 4 in-line tenant spaces, including a hair salon, a takeout pizza shop, and dry cleaners. One space is currently vacant.

The applicant, Steve Bullen, is the Senior Minister with the Christian City Church, currently located in Roswell, Georgia. The Church currently has about 150 members. Minister Bullen plans to lease suite 107 to use as the new location for his church. The main assembly area for the space will be approximately 2,000 square feet, seating 130 people. The rest of the space will include 4 classrooms.

Article 8, Section 64.1410, states that churches without fixed seating require one parking space per 30 square feet in the largest assembly area. Per this requirement, the Church is required to provide 67 parking spaces. The remaining restaurant and commercial spaces require 76 spaces, resulting in a total of 124 spaces for the entire commercial center. Currently, the center provides 105 parking spaces, 19 short of the Ordinance's requirement.

Minister Bullen is asking for a reduction in the required number of parking spaces for a church—from 67 to 48 spaces. He states that the mix of uses in the center will support a parking reduction, since most businesses will be closed during the time that the Church is holding services. Sunday morning service starts at 10:30, and ends around 12:30. At this time, there are no formal weekday services or programs.

According to the Transportation Demand Management (TDM) Encyclopedia, peak use occupancy rates for a restaurant are Monday through Friday from 6pm to 12 pm and Saturday and Sunday from 6pm through 12 am. The restaurant is the main traffic generator in the Center; its parking needs should not be hindered by the church services, according to the current schedule.

Staff notes that this commercial center is not eligible for a formal shared parking agreement. The Ordinance requires that approval be reflected in the conditions of zoning for each such property. However, the applicant has stated that the adjoining properties, a vet clinic and a tire store, will both allow the church to park any overflow vehicles on their property.

DRB Courtesy Review:

On February 2, 2010, the Design Review Board reviewed the applicant's petition, and offered the following comments:

- No aesthetic changes to site.
- The Board asked if the Church will hold any other programs during the week.
- Possibly condition variance to time of use.
- A traffic engineer will be worth its weight in gold. May be able to provide valuable information on time of use numbers.



ADDITIONAL DEPARTMENT COMMENTS

The staff held a Focus Meeting on February 1, 2009 at which the following comments were provided:

BUILDING PLAN REVIEW STAFF CONTACT MELISSA HENDERSON 678.242.3292	<i>NO ISSUES</i>
SITE PLAN REVIEW STAFF CONTACT JIMMY SANDERS 678.242.2543	<i>NO ISSUES</i>
ARBORIST STAFF CONTACT MARK LAW 678.242.2552	<i>NO ISSUES</i>
DOT STAFF CONTACT SARAH LEADERS 678.242.2559	<i>NO ISSUES</i>

Standards for Consideration:

The approval of a variance is based on the following considerations:

- Relief, if granted would not offend the spirit or intent of the Ordinance;
- There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of the Ordinance would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the variance applicant;
- Relief, if granted would not cause a substantial detriment to the public good and surrounding properties;
- That the public safety, health and welfare are secured, and that substantial justice is done.

The applicant addresses the considerations as follows:

"Enforcement of the existing code prevents the Premises us as a place of assembly and thus by virtue unusable to Applicant, limiting the Applicant's ability to conduct and sustain a community service of this nature."

Relief if granted would be in harmony with the general purpose and intent of the Zoning Resolution, as it will not create an unsafe traffic situation.

Relief if granted would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a balanced and proportional use of the available parking area due to the Applicant's primary time for assembly being Sunday mornings and concluding prior to other tenants opening.

The community at large will not be adversely affected by the approval of the requested variance. The variance, as requested, will not restrict access by the community to other businesses in the Development, nor will it cause dangerous traffic flow on the Development. Therefore, this application for variance is entirely appropriate."

Recommended conditions:

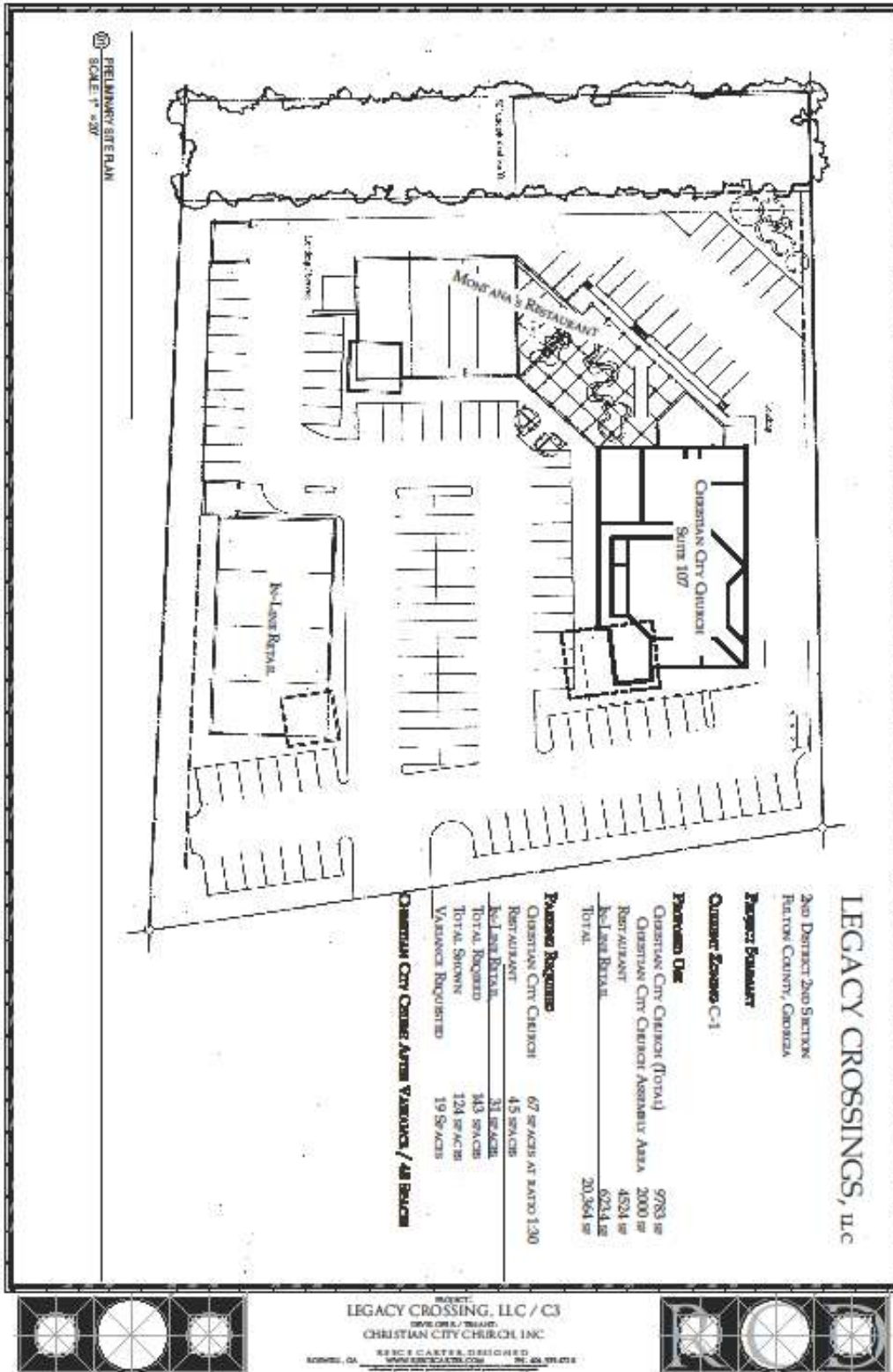
Should the Board choose to approve the application, Staff recommends the following conditions(s):

- Staff has no conditions at this time.



ATTACHMENTS: Site plan, letter of appeal, pictures

SITE PLAN SHOWING PARKING CALCULATIONS



LETTER OF APPEAL

January 8, 2010

Ms. Angela Rambeau
City Of Milton
Department of Community Development
13000 Deerfield Pkwy, Bldg. 100
Milton, GA 3004

Re:.
Legacy Crossing Pavilion

.
13695 Highway 9, Suite 107, Alpharetta, Georgia

.
Tenant Parking Variance Application

Ms. Rambeau:

Please accept this correspondence as Christian City Church Inc's ("Applicant") official request for variance pursuant to the City of Milton Variance Application at the above referenced Development. The details of the requested variance are as follows:

Development's Characteristics

The development is a 24,350 SF single story retail center comprised of three independent structures ("Development"). The Development is located within the State Route 9 Overlay District. The Applicant's suite, commonly known as Suite 107, includes 9,783 SF with a main assembly area of 2,000 SF ("Premises").

Variance Requested

The Applicant is requesting a variance to seek relief from the existing zoning ordinance establishing the number of required parking spaces according to the City of Milton articles.

Hardship / Statement of Justification

The enforcement of the above noted City of Milton Parking Ordinance restriction upon the development will result in a significant hardship to Applicant. Enforcement of the existing code prevents the Premises' use as a place of assembly and thus by virtue unusable to Applicant, limiting the Applicant's ability to conduct and sustain a community service of this nature.

The Development's one hundred and twenty four (124) total available parking spaces, less other tenant allocation of seventy six (76) spaces, allows for forty eight (48) dedicated spaces serving the Christian City Church. For Applicant to be within the existing ordinance, sixty seven (67) dedicated parking spaces would be required to serve the Premises.

A variance reduction totaling nineteen (19) spaces will allow the Applicant's occupancy of the facility and results in the Applicant being able to conduct sustainable use of the Premises. We offer the following in support of the request for the variance as outlined above.

1.
Relief if granted would be in harmony with the general purpose and intent of the Zoning Resolution as it will not create an unsafe traffic situation.

2.
Relief if granted would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance, as the request would result in a balanced and proportional use of the available parking area due to the Applicant's primary time for assembly being Sunday mornings and concluding prior to other tenants in the Development business's opening.

3.
The community at large will not be adversely affected by the approval of the requested variance. The variance, as requested, will not restrict access by the community to other businesses in the Development nor will it cause dangerous traffic flow on the Development. Therefore, this application for variance is entirely appropriate.

Based on the above, we respectfully request approval of the variance depicted and presented on the attached exhibits. Please feel free to contact us should you have any questions.

Respectfully,

Stephen T Bullen
Pastor Christian City Church Inc.

PICTURES: VARIOUS VIEWS OF THE BUILDINGS AND PARKING LOT







