



PROPERTY INFORMATION

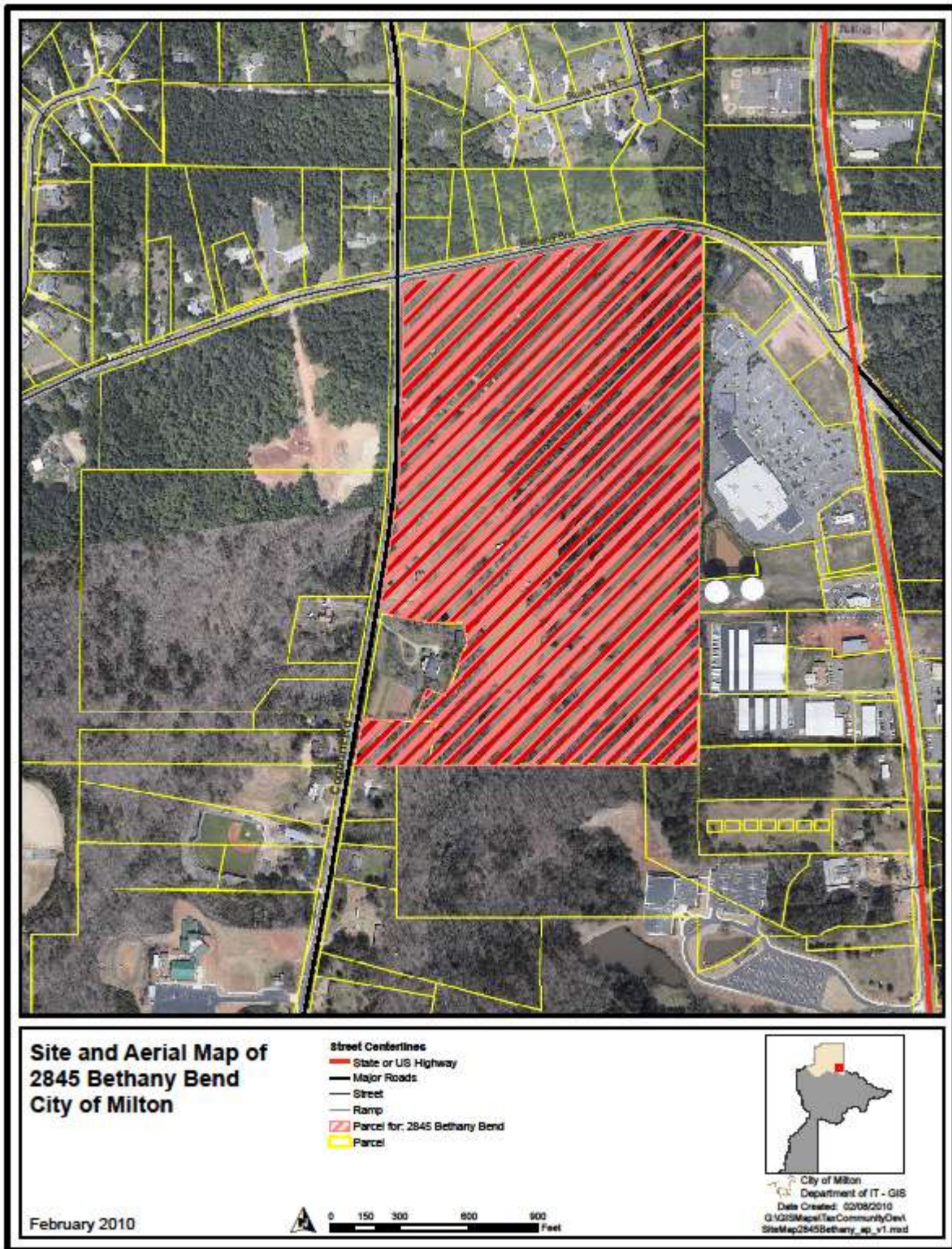
ADDRESS	2845 Bethany Bend
DISTRICT, LAND LOT	2/2, 832,896,897
OVERLAY DISTRICT	HIGHWAY 9
EXISTING ZONING	CUP(COMMUNITY UNIT PLAN) ACREAGE 64.5
EXISTING USE	VACANT (PARTIALLY DEVELOPED SINGLE FAMILY S/D)
FUTURE LAND USE DESIGNATION	1 UNIT/ACRE OR LESS RESIDENTIAL

REQUESTED VARIANCE(S):

- Request(s):
 - To allow encroachment into the 50 foot stream buffer,
 - To allow encroachment into the 75 foot impervious setback (Chapter 14, Article 6, Section 5.a.i, ii)

PETITIONER(S) Robert Sussenbach, CGLS Architects, Inc.
ADDRESS 2500 Cumberland Pkwy, Suite 350
Atlanta, GA 30339
PHONE 404.733.5493

SITE LOCATION MAP



COMMUNITY DEVELOPMENT STAFF ANALYSIS

STAFF CONTACT: ANGELA RAMBEAU

678.242.2539

Background:

The site, 2845 Bethany Bend Road, is located at the southeast corner of the Bethany Bend and Cogburn Road intersection. The 64.48 acres tract is currently zoned CUP (Community Unit Plan) per 05Z-115. Although Chatham Homes started construction of a residential development, the project was abandoned, and the Fulton County Board of Education purchased the property in 2008.

An intermittent stream currently runs southwesterly from the northeast property corner to an existing detention pond located in the south central quadrant of the property (shown as stream 1 on the site plan). In addition, two smaller intermittent streams flow into stream 1 from the eastern side of the property (streams 2 and 3). Another small branch (stream 4) flows directly into the detention pond.

The proposed site plan is the end result of several redesigns, in the applicant's attempt to place all of the required buildings and amenities required by the Fulton County's Educational Specifications for High Schools, while minimizing the impact to the buffers. There are currently five areas where the site components encroach into the 75 foot impervious buffer or 50 foot stream buffer.

- The track around the soccer/football stadium:
 - The property behind the proposed school site is the only remaining option for connecting to Highway 9. The City of Milton has requested that Fulton County Schools provide access along the school's south property line for a future road connection. This connection shifted the baseball field and stadium to the north, causing the running track and perimeter retaining wall to encroach into the 75 foot impervious setback by approximately 0.04 acres.
 - In addition, the track and retaining wall encroach into the wetland area located south of stream 3 by approximately 0.06 acres. The Board of Education (BOE) has received approval under the USACE Nationwide permit (NWP) Program for this wetland encroachment. Remediation will be provided according to the terms of the permit.
 - This driveway is an extension of the existing road constructed as part of the Chatham development.
- The driveway to the stadium/baseball field complex:
 - The new driveway and its retaining wall will encroach into the 75 foot impervious setback of stream 4 by approximately 0.05 acres.
 - The new driveway and its retaining wall will encroach into the 50 foot stream buffer of stream 4 by approximately 0.01 acres.
- The fire lane/driveway around the southwest building corner:
 - The City of Milton Fire Marshall requires a roadway around the perimeter of the high school building for access of fire trucks. This new roadway and its retaining wall will cause encroachment into the 75 foot impervious setback of stream 1 of approximately 0.03 acres.
- The 240x360 foot practice field :
 - By orienting the field in an east-west direction, the applicant avoids the need to fill and pipe the end of stream 2.
 - The field and its north and south retaining walls will encroach into the 75 foot impervious setback of stream 2 and stream 3. Other than the retaining walls, the field will be grass, negating any impact on the impervious setback.

The applicant proposes 0.01 acres of encroachment into the 50 foot stream buffer and 0.12 acres into the 75 foot impervious setbacks. The total encroachment is approximately 0.13 acres.

Chapter 14, Article 6, Section 5,a,i states, " An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the point of wretched vegetation." Part ii states, "An additional setback shall be maintained for 25 feet, measured horizontal, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback." Therefore, a variance is required for the above encroachments.

Per the list of variance consideration, Staff has received an alternative plan from the applicant. This plan dated "Received January 4, 2010," shows the 234x360 foot practice field oriented in a north-south direction. The BOE has stated that this is the ideal orientation due to sun and visibility concerns. This option would produce an encroachment into the 75 foot impervious setback and 50 foot stream bank buffer by approximately 99'6". This option would also require a variance for encroachment into the 25 foot state buffer, from the State of Georgia Environmental Protection Division (EPD). (See Arborist comments pertaining to these options).

Also, per the considerations, the applicant is required to provide mitigation for the approximately 0.13 acres of impervious setback and stream buffer encroachments. The submitted site plan indicates the use of pervious materials for the foot path connecting the pedestrian bridge over stream 1, to the practice field. The applicant indicated that storm water runoff from the campus would be controlled through storm drainage structures terminating into one of four water quality ponds, which would them drain into the existing detention pond.

Considerations for a stream buffer variance also include the long term and construction water quality impacts of the proposed Variance and whether issuance of the Variance is as least as protective of natural resources and the environment. The applicant states that due to the small amount of encroachment water quality impacts will be little, if any. The applicant also states that the designer has worked hard to minimize the impact on the buffer, while still fitting in all of the buildings and facilities that the high school needs.

Design Review Board (DRB) Courtesy Review:

- This variance petition did not go before the DRB for a courtesy review.



ADDITIONAL DEPARTMENT COMMENTS

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

<p>BUILDING PLAN REVIEW STAFF CONTACT MELISSA HENDERSON 678.242.3292</p>	<p><i>NO ISSUES</i></p>
<p>SITE PLAN REVIEW STAFF CONTACT JIMMY SANDERS 678.242.2543</p>	<ol style="list-style-type: none"> 1. Prior to permitting, applicant must demonstrate that impact has been mitigated. 2. If variance is granted, applicant must provide additional erosion and sediment measures at impact areas and keep the duration of exposure to a minimum. 3. Prior to permitting, applicant must adjust impact areas on plan to include all disturbances and provide a barrier (such as a temporary chain link fence) to entry into the protected areas. 4. Applicant has not been before the Fulton County Soil and Water Conservation District. 5. Some of the encroachments shown do not account for the area required to construct slopes or retaining walls.
<p>ARBORIST STAFF CONTACT MARK LAW 678.242.2552</p>	<p>East – West orientation.... Field located in this area would place it outside of the state waters buffer to the streams to both the north and south, however may encroach or nearly so the 25' impervious setback. This design would also require the removal of more trees than the previous plan. Most of the trees removed would be in a heavily wooded area with removal occurring up to the buffers. Most of the trees removed per this plan would occur where there is a grade change that would require an increase in height to retaining walls and an increase in length. In short, one plan would require the removal of more trees in a nicely wooded area, and preserve the intermittent spring which has little definition and little vegetation.</p>

	<p>The other would require the piping of an intermittent stream at its origin with fewer trees removed and less altering of the area.</p> <p>Design submitted showing sports field with a north – south orientation....What appears to be an insignificant intermittent stream has been observed to have little, but continuous flow. There is no springhead located, rather an area of ground seepage as the origin. Again, there is little flow, with no well developed stream banks. Water does not have continuous flow towards larger stream as it goes subsurface.</p> <p>Most of the central to east central area of the sports field, as shown, has much more level terrain than the central/west central as well as fewer trees proposed for removal.</p> <p>The field located with this orientation would impact the northern intermittent stream, requiring piping in this area and could possibly improve/enhance the stream. Fewer trees would be removed, trees which are lone groups and areas with much scrub. Less grading would be required as well as less retaining wall in both height and length. Much of the area in this plan is open field.</p>
<p>DOT STAFF CONTACT SARAH LEADERS 678.242.2559</p>	<p>The current layout for the school provides 2 entrances. The traffic volumes assigned to each of the entrances were based on estimated bus trips and parent drop-off percentages. Approximately 30% of all vehicles entering or exiting the school will use the traffic light at SR 9 and Bethany. By providing the potential for a future connection from the school to SR 9, some of this traffic could be routed to an alternate entrance and would alleviate some of the volume at SR 9 at Bethany. The traffic measures needed for an entrance from SR 9 to the school and traffic routing would need to be studied in more detail. The provision for a future connection should be considered at this time in the planning stage.</p>

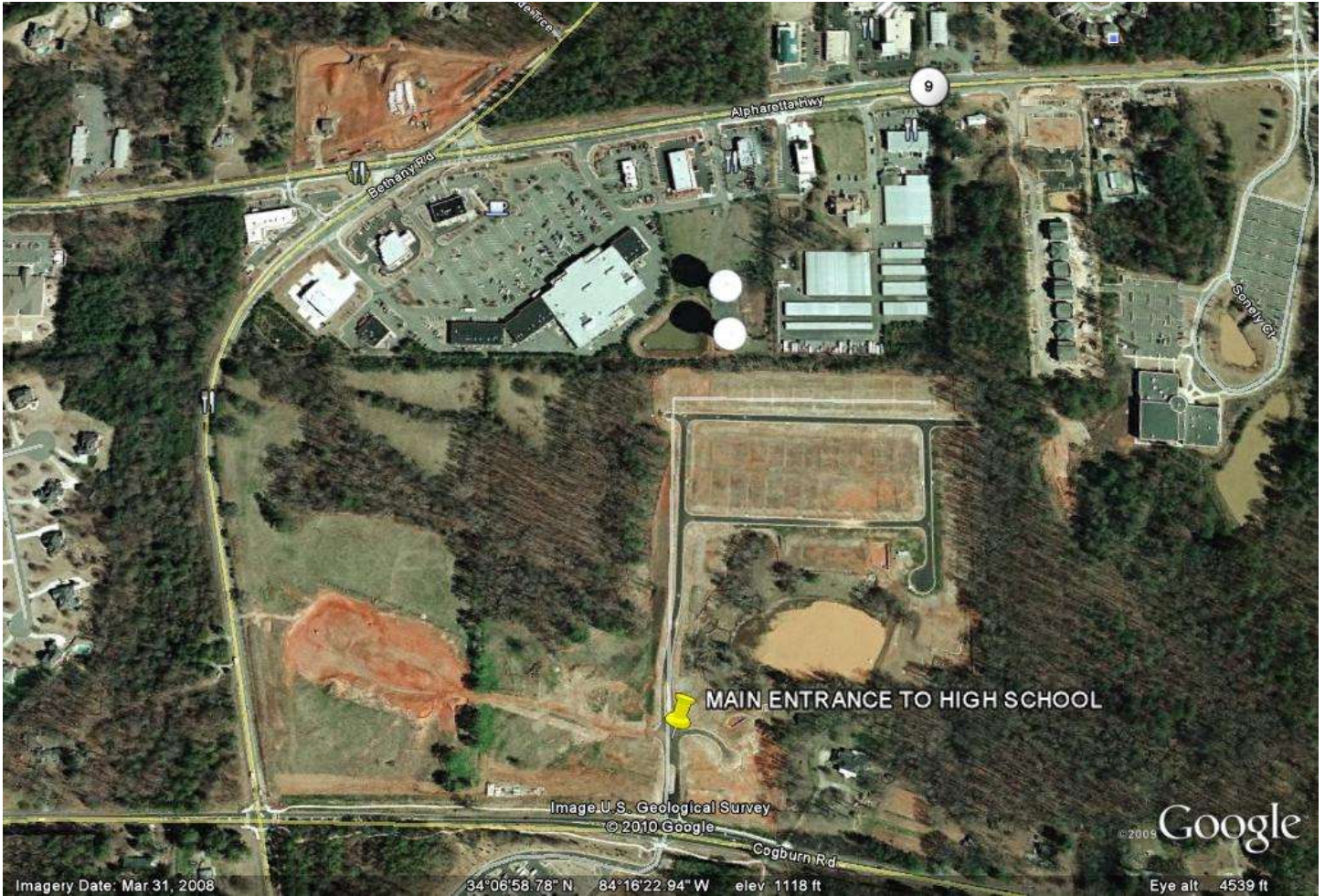
Recommended conditions:

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

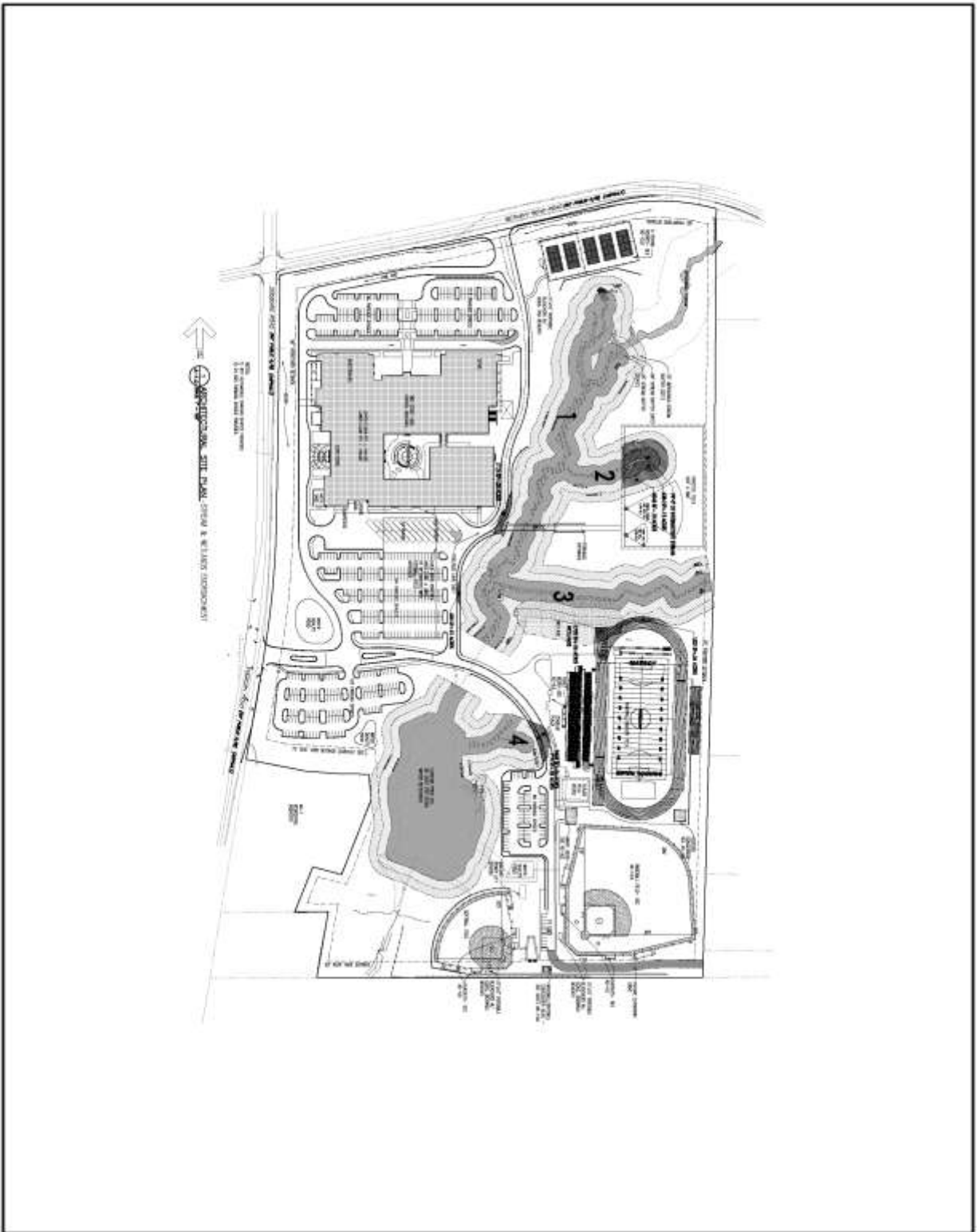
- Applicant shall provide stub for future drive leading to Highway 9.
- Applicant shall provide 4 board horse fence, painted black, along the frontages of Cogburn Road and Bethany Bend.
- All retaining walls shall be faced with or constructed of stone, brick or decorative concrete modular block. If any retaining wall equals or exceeds three feet in height, a continuous evergreen planting shall be required adjacent to it.

ATTACHMENTS: Site plan, alternative site plan, letter of appeal, pictures

AERIAL VIEW OF PROPOSED SITE



ALTERNATIVE SITE PLAN



CHAPMAN GRIFFIN LANIER SUSSENBACH ARCHITECTS <small>ARCHITECTS</small>		BETHANY ROAD HIGH SCHOOL 15100 BETHANY ROAD, MOUNTAIN VIEW, GEORGIA BETHANY ROAD, MOUNTAIN VIEW, GEORGIA FULTON COUNTY		<small>DATE: 02/11/10</small> <small>SCALE: AS SHOWN</small> <small>PROJECT NO. 09-001</small>	<small>DESIGNED BY: [Name]</small> <small>DRAWN BY: [Name]</small> <small>CHECKED BY: [Name]</small> <small>DATE: 02/11/10</small>	<small>PROJECT NO. 09-001</small> <small>DATE: 02/11/10</small> <small>SCALE: AS SHOWN</small> <small>DATE: 02/11/10</small>	
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LETTER OF APPEAL



February 5, 2010

Angela Rambeau
City Planner
City of Milton
13000 Deerfield Parkway, Suite 107C
Milton, Georgia 30004

RE: Bethany High School
Fulton County Public Schools
Stream Buffer Variance Application
LETTER OF APPEAL

Dear Ms. Rambeau;

This letter is written to appeal to the City of Milton for a variance to allow minor encroachments into the stream buffers associated with intermittent streams currently extending through the proposed Bethany Road High School site.

The High School site is a 64.48-acre tract of land located on the SE quadrant at the intersection of Bethany and Cogburn Roads in Milton, Georgia. The site was previously owned by Chatham Properties and partially developed as a residential community for 187 homes.

An intermittent stream currently runs southwesterly from the northeast property corner to an existing detention pond located in the south central quadrant of the property (Stream 1). In addition, two smaller intermittent streams flow into Stream 1 from the eastern side of the property (Streams 2 and 3). Another small intermittent stream (Stream 4) flows directly into the detention pond.

The attached site plan is the last of many attempts by the Owner's design team to place all of the building and site elements required by Fulton County Public Schools in their Educational Specifications for High Schools. Every effort has been made to preserve the streams and their respective buffers as well as place the campus elements in areas already disturbed by previous development and allow their desired/ideal orientations. For example:

- 1) The Baseball and Softball Fields need to be oriented so that a line drawn between home plate and the pitcher's mound is facing East/North-East.
- 2) The Tennis Courts need to be oriented in a North-South direction.

There are however several areas where necessary building components or athletic fields encroach into the 75' Impervious Buffer and 50' Stream Buffer as set forth by the City of Milton. These encroachments are as follows:

1. **Football/Soccer Stadium:**
 - a. The City of Milton has requested that Fulton County Schools provide access along the School's south property line for a future road connection to State Route 9. As a result, the Stadium had to be shifted northward and the Stadium's running track and

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perimeter retaining wall now encroach into the wetland area located south of Stream 3 by approximately 0.06 acres. The School System has received approval under the USACE Nationwide permit (NWP) Program for this wetland encroachment.

- b. In addition, the Stadium's running track and perimeter retaining wall now encroach into the 75' impervious buffer of Stream 3 by approximately 0.04 acres.

2. New Campus Roadway to the Athletic Field Complex:

- a. The new campus roadway to the Stadium/Baseball Field Complex and its retaining wall will encroach into the 75' impervious buffer of Stream 4 by approximately 0.05 acres.
- b. The new campus roadway to the Stadium/Baseball Field Complex and its retaining wall will encroach into the 50' stream buffer of Stream 4 by approximately 0.01 acres.
- c. Both of these encroachments are a continuation of and addition to the existing encroachments that occurred at the previously constructed roadway at this location.

3. Fire Lane around the SW Building Corner:

- a. The Fire Marshal for the City of Milton has required a roadway around the full perimeter of the High School building for access of fire trucks. This new roadway and its retaining wall will cause encroachment into the 75' impervious buffer of Channel 1 of approximately 0.03 acres.

THE TOTAL AREAS OF THE ENCROACHMENTS FOR WHICH WE ARE SEEKING A VARIANCE ARE AS FOLLOWS:

1.	75' Impervious Buffer Encroachments:	Approx. 0.12 acres
2.	50' Stream Buffer Encroachments:	Approx. 0.01 acres
		Total Approx. 0.13 acres

Because storm water runoff from the campus would be controlled through storm drainage structures terminating into one of four (4) Water Quality Ponds, which would then drain into the existing Detention Pond, there should be no long term or construction water quality impacts of the proposed Variance

It is our professional opinion that issuance of this Variance will in no way negatively impact this sites natural resources and the environment.

Please accept this Letter of Appeal for the Stream Buffer Variances requested above.

Sincerely,
CHAPMAN GRIFFIN LANIER SUSSENBACH ARCHITECTS, INC.


Robert S. Sussenbach, AIA,
Principal

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LOOKING AT STREAM 1 BACK TOWARDS SCHOOL BUILDING LOCATION



LOOKING TOWARDS STREAMS 1 & 2



VIEW FROM APPROXIMATE ENCROACHMENT OF FIRE LANE, LOOKING TOWARDS STREAMS 1 & 2



ANOTHER VIEW OF STREAM 1



OTHER VIEWS OF STREAM 1



STREAM 2 (TERMINUS OF STREAM 2)



VIEW OF STREAM 2 (FENCE IN APPROXIMATE LOCATION OF NORTHERN EDGE OF PRACTICE FIELD)



AREA OF PROPOSED PRACTICE FIELD ADJACENT TO STREAM 2



SITE LOOKING EAST FROM EXISTING ENTRANCE ON COGBURN ROAD



LOOKING SOUTH ACROSS SITE FROM BETHANY ROAD



LOOKING SOUTHEAST FROM COGBURN RD



ANOTHER VIEW FROM COGBURN ROAD



LOOKING TOWARDS KIRBY HOME FROM COGBURN ROAD

