



## PLANNING COMMISSION AGENDA

Tuesday February 26, 2008, 7:00 pm

Agenda Item	Description	Meeting Dates**	Staff Recommendation	PC Recommendation
I. Invocation				
II. Call to Order				
III. Pledge of Allegiance				
IV. Public Comment				
V. Approval of Minutes	Minutes from the January 29, 2008 Planning Commission Meeting		Approval	
VI. Use Permits				
U08-001 VC08-001 Land Road Celestino Martinez	To obtain a use permit to develop a landscape business. The applicant is also requesting the following concurrent variance: To allow access from a local road (Article 19.4.27 Section B.1)	CZIM – 1/23/08 DRB- 2/5/08 PC- 2/26/08	Denial Denial	
U07-011/ VC07-017 13620 Hopewell Road Monticello Real Estate Invest, LLC JT Adams	Use Permit for a Private School to be developed with 5 buildings for a total of 63,400 square feet with a maximum of 325 students for Kindergarten – 8 <sup>th</sup> graders. The applicant is also requesting the following 5-part concurrent variance: 1) To reduce the building setback along the north property line from 100 feet to 85 feet (19.4.40.B.3) 2) To reduce the 75-foot buffer and 10-foot improvement setback to the extent necessary to all the septic field to encroach. (Article 12H.3.1C.2.) 3) To increase the 20 foot setback from the landscape strip to 500 feet. (12H.3.5.C.1) 4) To allow parking between the right of way and the building. (Article 12H.3.5.F.3) 5) To reduce parking from 171 spaces to 70 spaces (Article 18.2.1)	CZIM – 1/2/08 DRB- 1/8/08 PC- 1/29/08 PC-2/26/08	Withdrawal Withdrawal	
XI. ADJOURN				

\*\*Meeting Codes: CZIM-Community Zoning Information Meeting; DRB-Design Review Board;  
PC-Planning Commission; MCC-Mayor and City Council



**PETITION NUMBER(S):  
U08-001/VC08-001**

**PROJECT NAME**

**PROPERTY INFORMATION**

<b>ADDRESS</b>	Land Road (gravel road)
<b>DISTRICT, LAND LOT</b>	2/2 255
<b>OVERLAY DISTRICT</b>	Northwest Fulton Overlay
<b>EXISTING ZONING</b>	AG-1 (Agricultural)
<b>ACRES</b>	10.04
<b>EXISTING USE</b>	Undeveloped
<b>PROPOSED USE</b>	Use Permit for a Landscape Business (Article 19.4.27)

**OWNER** Celestino Martinez  
**ADDRESS** 16164 Hopewell Rd.

**PETITIONER/REPRESENTATIVE** Celestino Martinez  
**ADDRESS** 16164 Hopewell Rd.  
Milton, GA 30004  
**PHONE** 678-618-8375

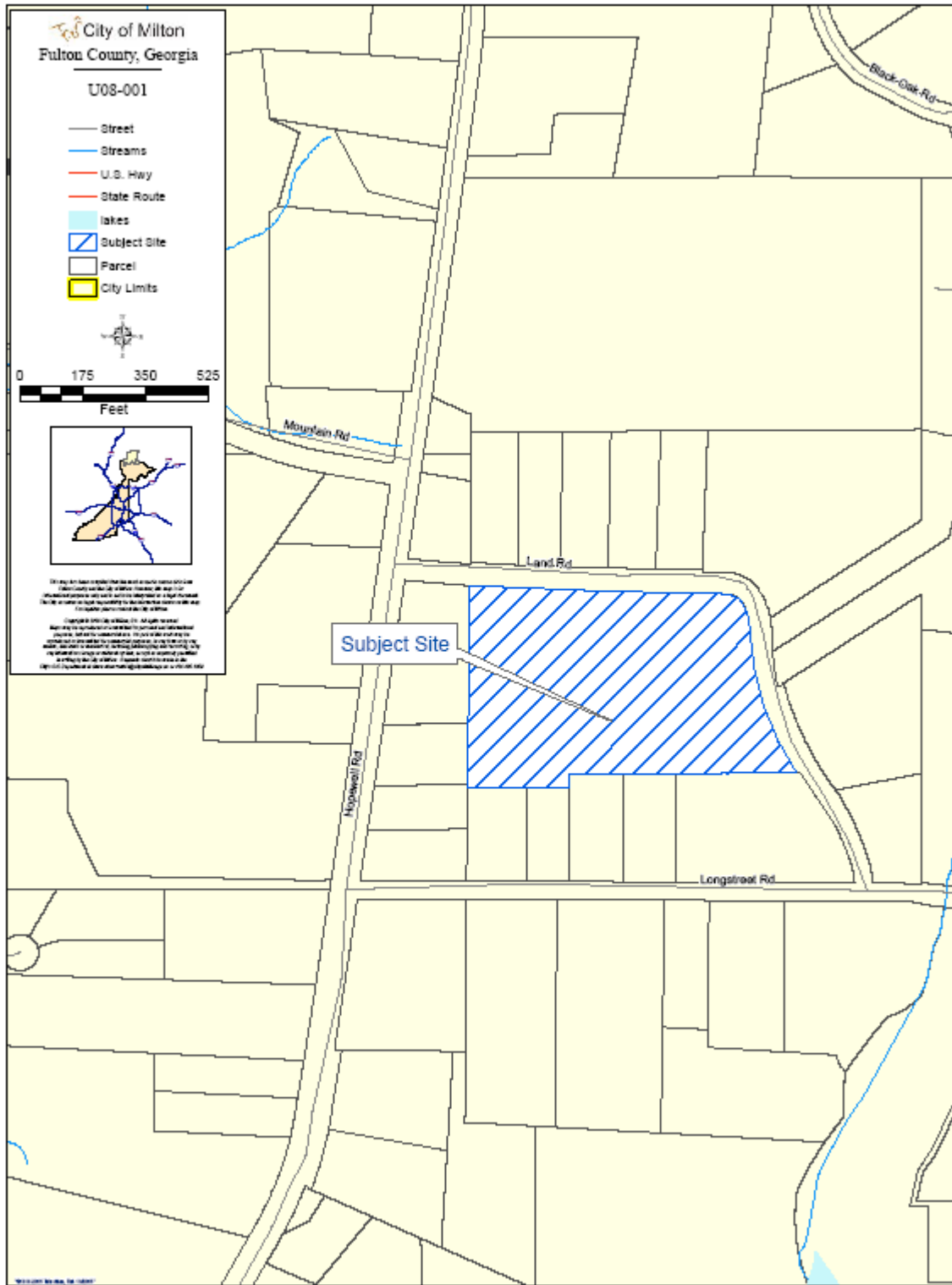
**INTENT**

To obtain a use permit to develop a landscape business. The applicant is also requesting a concurrent variance:

- 1) To allow access from a local road. (Article 19.4.27 Section B.1)

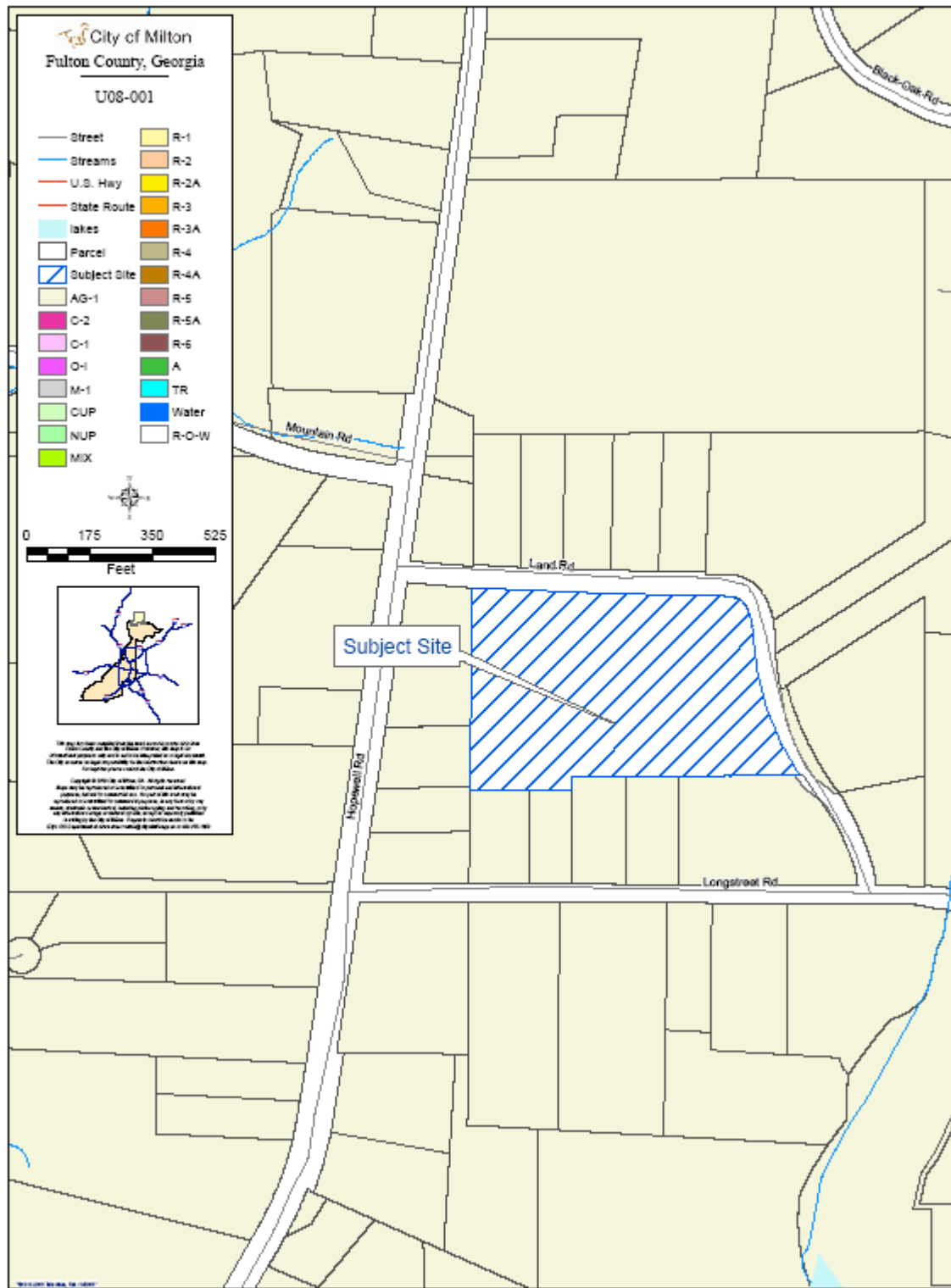
**COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION**

**U08-001 – DENIAL  
VC08-001 - DENIAL**



### LOCATION MAP

\*\*Meeting Codes: CZIM-Community Zoning Information Meeting; DRB-Design Review Board;  
 PC-Planning Commission; MCC-Mayor and City Council  
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### CURRENT ZONING MAP

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 PC-Planning Commission; MCC-Mayor and City Council  
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## City of Milton

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Deerfield Professional Centre 13000 Deerfield Parkway Building 100, Suite 107 C Milton, GA 30004

\*\*Meeting Codes: CZIM-Community Zoning Information Meeting; DRB-Design Review Board;  
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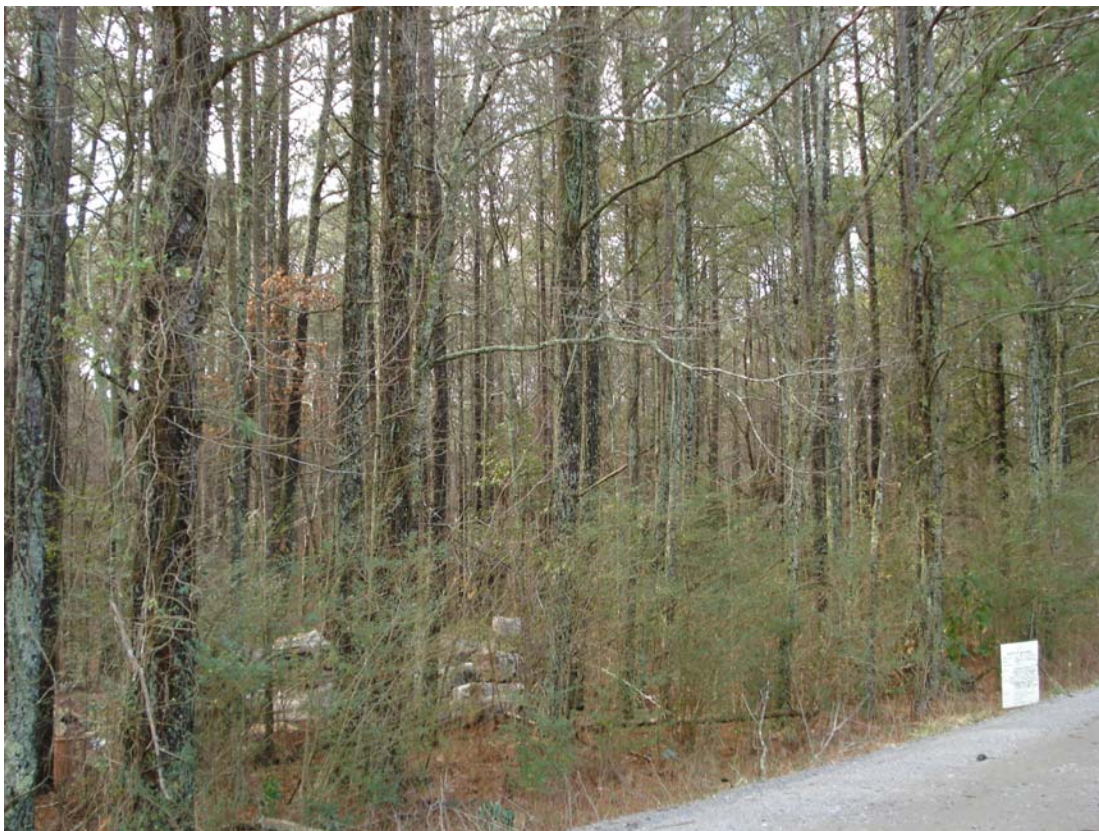


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**SOUTHWEST VIEW OF SUBJECT SITE FROM LAND ROAD**



**PROPERTIES TO THE NORTH OF SUBJECT SITE**



**SOUTH VIEW OF SUBJECT SITE FROM LAND ROAD**

**SUBJECT SITE:**

The subject site is a 10.04 acre tract of agriculturally zoned land, located on the southern and western side of Land Road. The subject site is currently undeveloped, but is used as a staging ground for a landscape business. It is located within the Agricultural, Forestry and Mining Land Use designation on the Focus Fulton 2025 Comprehensive Land Use Plan.



Existing uses and zoning of nearby property (See Map following table)

Location	Parcel / Zoning Petition	Zoning / Name	Approved Density/Min. Heated Floor Area
North/Northwest	1 (AG-1)	AG-1 Agricultural Scattered homes	Min. 1 unit/acre
Northeast	2 (AG-1)	AG-1 Agricultural Undeveloped	Min. 1 unit/acre
East	3 (AG-1)	AG-1 Agricultural Korean Christian Prayer Ministries	Min. 1 unit/acre
South/West	4 (AG-1)	AG-1 Agricultural Scattered homes	Min. 1 unit/acre
Further South	5 (AG-1)	AG-1 Agricultural Scattered homes	Min. 1 unit/acre
Southwest	6 (AG-1)	AG-1 Agricultural Undeveloped	Min. 1 unit/acre
Further Southwest/West	7 (AG-1)	AG-1 Agricultural Scattered homes	Min. 1 unit/acre

\*\*Meeting Codes: CZIM-Community Zoning Information Meeting; DRB-Design Review Board;  
PC-Planning Commission; MCC-Mayor and City Council

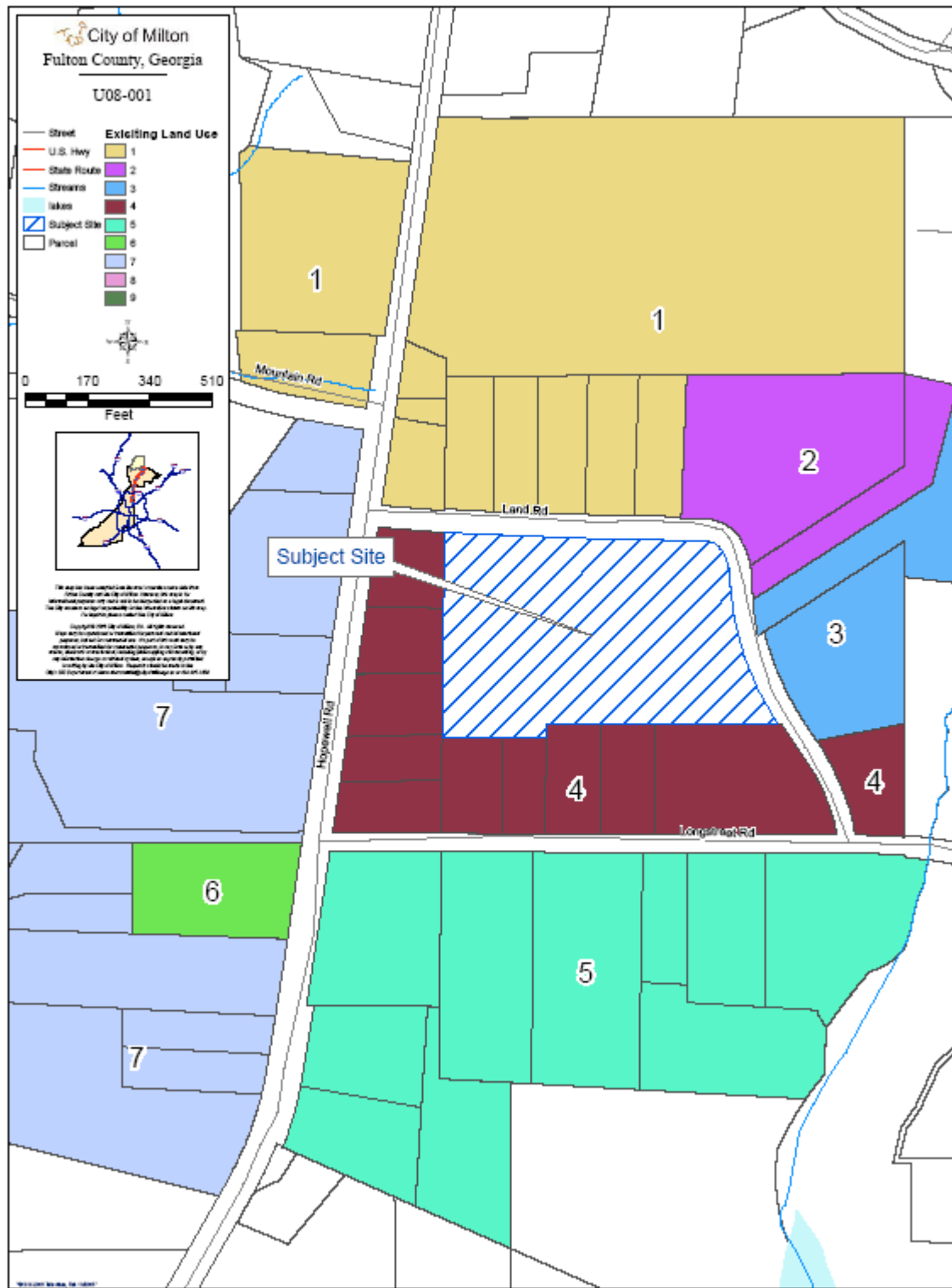


## EXISTING USES AND ZONING MAP



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In the interest of the public health, safety and welfare, the Mayor and City Council may exercise limited discretion in evaluating the site proposed for a use that requires a Use Permit. In exercising such discretion pertaining to the subject use, the Mayor and City Council shall consider each of the following as outlined in Article 19.2.4 of the Zoning Ordinance; Use Permit Considerations. Staff has reviewed said items pertaining to the subject use, and, offers the following comments:

**A. Whether the proposed use is consistent with the land use or economic development plans adopted by the Mayor and City Council:**

Provided the applicant complies with the Recommended Conditions of this petition and the Use Permit requirements of Article 19.4.27. of the Zoning Ordinance, the proposed development may be consistent with the intent and following policies of the Comprehensive Plan:

- Encourage development consistent with the surrounding scale, transition of densities and uses, and Comprehensive Plan policies, where appropriate.

**B. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed;**

If developed in accordance with Staff's Recommended Conditions and the provisions of the Zoning Ordinance, the proposed landscape business may be compatible with other land uses in the surrounding area.

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

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

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

It is Staff's opinion that the proposed use will generate a minimal increase in traffic. However, the location of the subject site on a local street is inconsistent with development standards per Article 19.4.27. There are deliveries made by 18 wheel semi-trucks to the site that have a negative impact on the area and the gravel road. Staff is of the opinion that this proposed use would have a negative impact on surrounding residentially developed properties.

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

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Article 18.2.1 requires the applicant to provide a minimum of 3 parking spaces per 1,000 sq. ft. of general office space. Article 19.4.27 requires the applicant to locate parking outside of the minimum 60-foot front yard building setback. The applicant's site plan indicates 4 parking spaces which does not meet the requirements set by Article 18.2.1. However, it appears the applicant can meet the minimum requirements of Article 18.2.1.

**F. The amount and location of open space;**

The applicant's site plan indicates that the subject site is undeveloped. Staff is of the opinion that the proposed development may provide adequate open space for the proposed development.

**G. Protective screening;**

If developed in accordance with the requirements of the Zoning Ordinance and the Northwest Fulton Overlay District, the buffer and landscape strip requirements and the existing screening around the structures will provide adequate screening for the proposed development. To help further screen the landscape materials from adjacent properties to the north, Staff recommends an 8' high opaque fence along the frontage of Land Road where residential structures are located across the street.

**H. Hours and manner of operation;**

The applicant states that the hours of operation will be from 7:00am to 7:00pm, Monday through Friday, which conforms to the hours of operation standards in Article 19.4.27. Staff notes that delivery of materials occurs before 7:00am.

**I. Outdoor lighting;**

At the time of Land Disturbance Permit the site shall be in compliance with Article 12H.3.4 of the Northwest Fulton Overlay District regarding outdoor lighting. Staff notes that the subject site's required buffers, and existing screening, will help mitigate the impact of any possible lights on the adjacent properties.

**J. Ingress and egress to the property.**

The applicant's site plan indicates one curb cut. The proposed curb cut is located east of the existing curb cut that is being currently utilized. Staff notes that the applicant is proposing a gravel drive.

Staff notes that access from the subject site to a local road is not permitted within the development standards of Article 19.4.27. Furthermore, Staff is of the opinion that access to the subject site from a local road would cause unnecessary detriment to nearby property owners, and that delivery truck traffic would not be conducive to a residential environment. Therefore, Staff recommends **DENIAL of VC08-001**. Lastly, Staff notes that

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there is no possible solution to mitigate access from a local road to the subject site due to its location and recommends **DENIAL of U08-001**.

**SITE PLAN ANALYSIS**

Based on the applicant’s site plan submitted to the Community Development Department on January 10, 2008, Staff offers the following considerations:

**Northwest Overlay District**

**BUILDING HEIGHT**

Article 12H.3.5 Section D.1 of the Northwest Overlay District requires a maximum height limit of two stories with the maximum height 30 feet from average-finished grade to the bottom of the roof eave. The applicant has not specifically indicated the height of the proposed structure, but must meet this standard before obtaining a building permit. If approved, the applicant’s proposed building would require a review by the City of Milton Design Review Board prior to the issuance of a building permit.

**LANDSCAPE STRIPS AND BUFFERS**

Article 12H.3.1 Section A.1 states that all properties shall provide a minimum 10 foot-wide landscape strip along all public streets, and it appears that the applicant has met this requirement. Furthermore, Article 12H.3.1 Section C.2 of the Northwest Overlay District requires a seventy-five (75) foot-wide undisturbed buffer, with a 10’ improvement setback, which shall be located adjacent to all AG-1 zoning districts and all property zoned, used, or developed for residential uses. In Staff’s opinion, it appears that the applicant has met this requirement.

**BUILDING SETBACKS**

Article 12H.3.5 Section C.2 of the Northwest Overlay District requires a maximum 30-foot building setback from the edge of the required landscape strip and/or easements for all properties and lots located adjacent to public rights-of-way and from 0 to 400 feet from an intersection. The applicant’s fails to meet this requirement based on the submitted site plan, but it appears that the applicant can meet this standard.

**PARKING REQUIREMENTS**

The following chart illustrates the parking required by Article 18 of the City of Milton Zoning Ordinance for the proposed use:

<b>Proposed Use</b>	<b>Minimum Requirement</b>	<b>Spaces Provided</b>
• General Office	• 3 spaces per 1,000 sq. ft. of	• 4 paved spaces

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(1,600 sq. ft.)	building area. (6 spaces)	
<b>Total 1,600 sq. ft.</b>	<b>6 spaces required</b>	<b>4 spaces provided</b>

Staff notes that the applicant is providing four (4) parking spaces, which does not meet the required six (6) parking spaces required per Article 18 of the City of Milton Zoning Ordinance. It appears that the applicant can meet parking requirements. Staff notes that the site plan is in compliance with the landscape and layout requirements of Article 12H.3.1 Section B.

OTHER CONSIDERATIONS

Staff is of the opinion that further buffering from adjacent property owners is necessary. Therefore, the applicant should construct an 8’ opaque fence on the north and east property lines to shield the use from nearby property owners.

CITY ARBORIST

An area was cleared of trees to make way for a drive, storage and parking. Reviewing the existing vegetation and aerial photos, it appears much of the removal consisted of pine trees. However, it cannot be determined if there were any specimen trees removed during the process. Trees removed were chipped on site. Not an excessive amount of wood chips was noticed, which could possibly indicate few or small trees were removed. Site does exceed the required density units.

PUBLIC INVOLVEMENT

On January 23, 2008 the applicant was present at the Community Zoning Information Meeting held at the Milton City Hall. There were two individuals from the community who were in attendance at the meeting. The applicants will be presenting their plan to the Milton Design Review Board on February 5, 2008.

Public Comments – Staff has received phone calls and emails from nearby residents. One property owner across the street from the subject site is discontent with the proposed landscaping business, and states that large delivery and construction trucks currently come and go to the subject site throughout the day and night, especially early in the morning.

Staff notes that there have been concerns by local residents that the applicant is storing muriatic acid at the subject site. In a recent site visit, Staff was unable to locate any containers containing muriatic acid.

Staff met with the adjacent property owners to discuss issues prior to the Planning Commission Meeting on February 26, 2008.

City of Milton Design Review Board Meeting – February 5, 2008

\*\*Meeting Codes: CZIM-Community Zoning Information Meeting; DRB-Design Review Board; PC-Planning Commission; MCC-Mayor and City Council



The following recommendations were made by the DRB:

- The applicant must bring back a plan for the garage if the use is approved by City Council.

### Public Notice Requirements

The use permit petition was advertised in the Milton Herald on February 13, 2008 and the sign was installed before the required date of February 6, 2008 along the frontage of Land Road. The notice of rezoning was sent, to adjacent property owners, on February 6, 2008.

### CONCLUSION

Staff notes that access from the subject site to a local road is not permitted within the development standards of Article 19.4.27. Furthermore, Staff is of the opinion that access to the subject site from a local road would cause unnecessary detriment to nearby property owners, and that delivery truck traffic would not be conducive to a residential environment. Therefore, Staff recommends **DENIAL of VC08-001**. Lastly, Staff notes that there is no possible solution to mitigate access from a local road to the subject site due to its location and recommends **DENIAL of U08-001**.



## RECOMMENDED CONDITIONS

If this petition is approved by the Mayor and City Council, it should be approved USE PERMIT for a landscape business (Article 19.4.27.) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

- 1) To the owner's agreement to restrict the use of the subject property as follows:
  - a) Landscaping business and accessory uses at a total of 1,600 square feet of office space.
- 2) To the owner's agreement to abide by the following:
  - a) To the site plan received by the Milton Community Development Department on January 10, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
- 3) To the owner's agreement to the following site development considerations:
  - a) Provide a truck routing plan and turning template for largest vehicle type that will be accessing the site and show turnaround of vehicle on site only using one driveway
- 4) To the owner's agreement to abide by the following requirements, dedication and improvements:
  - a) Driveway shall meet City of Milton Commercial Driveway Standards; driveway design shall be approved by the Director of Public Works
    - i. Driveway shall intersect perpendicular to Land Road and extend 100' at this ninety degree angle
  - b) One driveway access shall be allowed within 40' to the East of the West property line of Tract 1
  - c) Commercial/heavy vehicle access to the site shall only be from Hopewell Road
  - d) Sight distance shall be provided according to City of Milton Standards; any improvements to meet this requirement shall be complete before land disturbance permit



## City of Milton

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- 5) To the owner's agreement to abide by the following:
  - a) Provide and size a culvert at proposed driveway location; driveway apron shall be concrete and design shall be approved by the Director of Public Works.
  - b) The developer's Professional Engineer shall demonstrate to the City by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions. Locations shall be as approved by the Stormwater Engineer.
  - c) The water quality and detention facilities shall utilize earthen embankments, where possible. Walled structures are not encouraged. If walled structures are proposed, they must meet the acceptable design standards of the Department of Community Development.
    - i. Detention facility shall have a six foot high, five-board equestrian style fence with two inch by four inch welded wire constructed around it.
  - d) The Developer shall utilize GASWCC limited application controls. All water quality and detention facilities shall have vegetated surfaces to be regularly maintained by the owner.
  - e) Provide a maximum 75 percent impervious, per drainage basin, at maximum build-out.

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**APPENDIX A**

**Comments on Public Services and Utilities**

Note: Various City and/or County departments that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved are required to complete the City of Milton Plan Review process prior to the commencement of any construction activity.

Fulton County Health Department:

Comments:

- Since this proposed development constitutes a premise where people work, live or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.
- This facility must comply with the Fulton County Clean Indoor Air Ordinance.
- The Fulton County Health Department recommends that this proposed development be approved, provided the internal plumbing is inspected and adequate for the proposed use.
- This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.
- Plans of this facility must be submitted to this department for review and approval.

Fulton County Tax Assessor:

Property Tax ID#: 22 -5160-0255-070-4, 22 -5160-0255-071-2

Drainage:

Flood Plain: No Flood Plain

City of Milton Fire Marshal:

Comments:

- The proposed landscape business would have a minimal impact on police.

Public Safety:

No Comment.



**PETITION NUMBER(S):  
U07-011/VC07-017**

**PROJECT NAME**

**The Academy**

**PROPERTY INFORMATION**

<b>ADDRESS</b>	13620 Hopewell Road
<b>DISTRICT, LAND LOT</b>	2/2 909
<b>OVERLAY DISTRICT</b>	Northwest Fulton Overlay
<b>EXISTING ZONING</b>	AG-1 (Agricultural)
<b>ACRES</b>	22.15
<b>EXISTING USE</b>	Single Family Residence
<b>PROPOSED USE</b>	Use Permit for a Private School for Kindergarten through 8 <sup>th</sup> Grade up to 325 students (Article 19.4.40)*

**OWNER** Jean Elizabeth Brown Smith & James Thomas Brown  
**ADDRESS** 13620 Hopewell Road

**PETITIONER/REPRESENTATIVE** Monticello Real Estate Invest, LLC / J.T. Adams  
**ADDRESS** 8480 Holcomb Bridge Road, Suite 200  
Alpharetta, GA 30022  
**PHONE** 678-679-0365

**INTENT**

To develop a private school with 5 buildings for a total of 63,400 square feet with a maximum of 325 students for Kindergarten – 8<sup>th</sup> graders. The applicant is also requesting the following 5-part concurrent variance:

- 1) To reduce the building setback along the north property line from 100 feet to 85 feet (19.4.40.B.3)
- 2) To reduce the 75-foot buffer and 10-foot improvement setback to the extent necessary to allow the septic fields to encroach. (Article 12H.3.1.C.2.)
- 3) To increase the maximum 20 foot setback from the landscape strip to 500 feet. (12H.3.5.C.1)
- 4) To allow parking between the right of way and the building. (Article 12H.3.5.F.3)
- 5) To reduce parking from 171 spaces to 70 spaces (Article 18.2.1)\*

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**COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION**

January 29, 2008

U07-011 – DEFERRAL UNTIL FEBRUARY 26, 2008

VC07-017 – DEFERRAL UNTIL FEBRUARY 26, 2008

The applicant has requested a deferral to allow more time to work with the area residents.

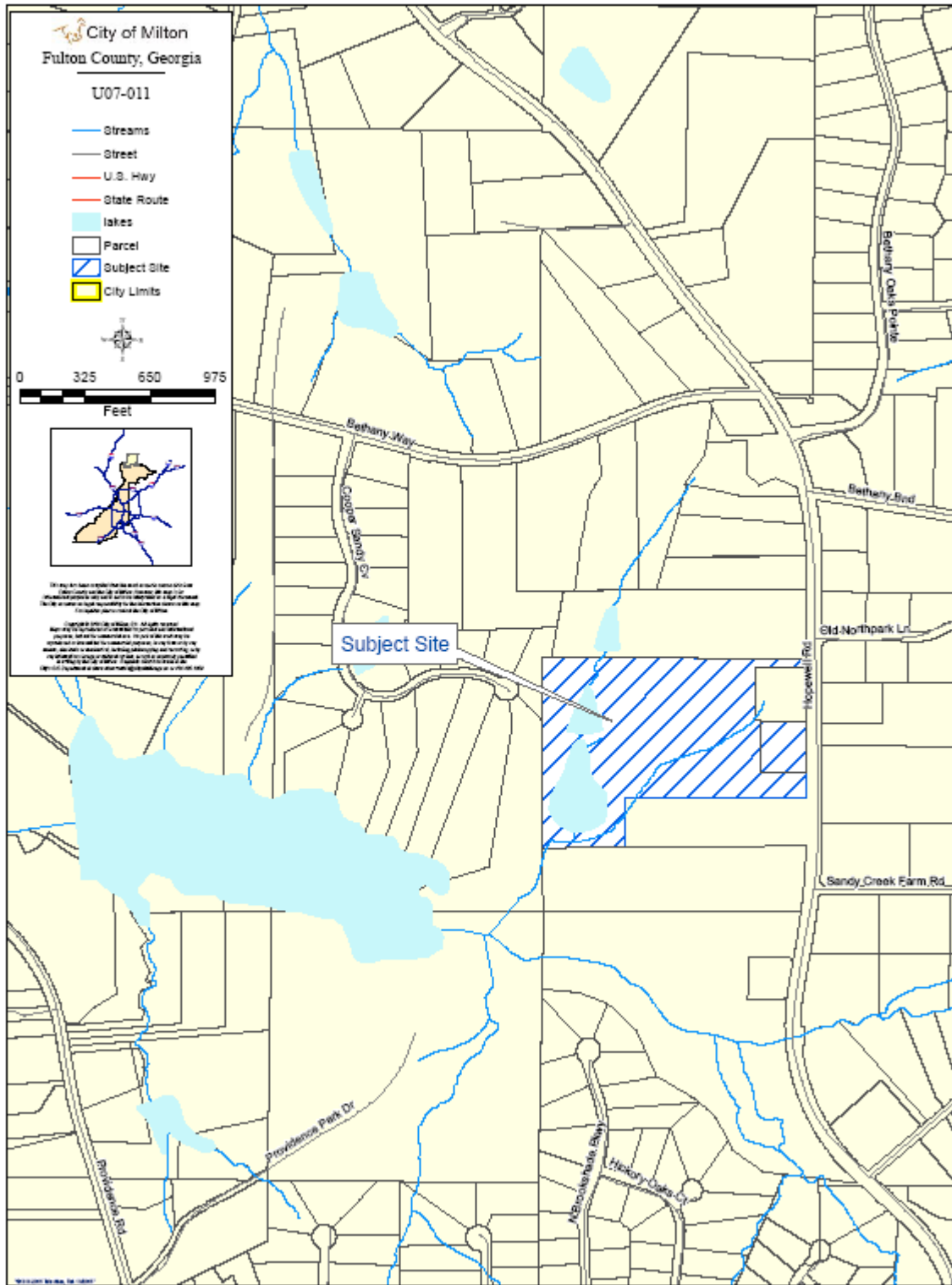
**COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION**

February 26, 2008

U07-011 – WITHDRAWAL

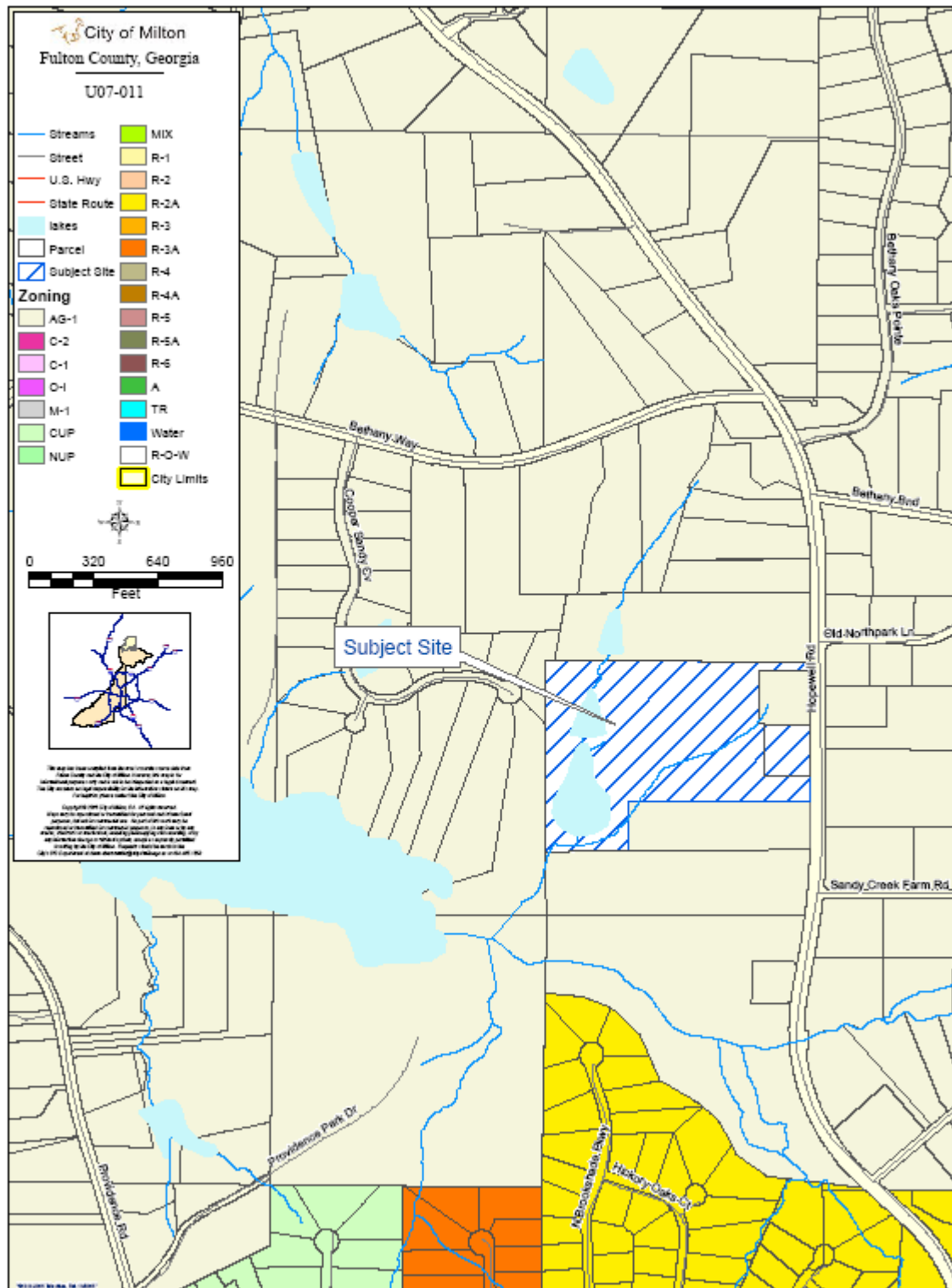
VC07-017 – WITHDRAWAL

The applicant has requested a withdrawal of this petition without prejudice.



### LOCATION MAP

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### CURRENT ZONING MAP

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**SITE PLAN RECEIVED – DECEMBER 6, 2007**



**SUBJECT SITE LOOKING NORTH**



**SUBJECT SITE – LOOKING WEST**



**SUBJECT SITE – LOOKING EAST FROM REAR PROPERTY LINE**

**SUBJECT SITE:**

The subject site is a 22.15 acre tract of agriculturally zoned land, located on the west side of Hopewell Road. There is a lake on the rear of the property and a 50' buffer and 25' non impervious buffer is required around it. The subject site is developed with a single-family residence. It is located within the Agricultural, Forestry and Mining Land Use designation on the Focus Fulton 2025 Comprehensive Land Use Plan.



Existing uses and zoning of nearby property (See Map following table)

Location	Parcel / Zoning Petition	Zoning / Name	Approved Density/Min. Heated Floor Area
Same land lot as subject site	1 U01-13	AG-1 (Agricultural) Chandler Academy	1,512.35 gross sq. ft. per acre Restricted to 60 students
East	2 (AG-1)	AG-1 (Agricultural) Sandy Creek Farms	1 unit per acre Est. 2,500 sq. ft.
East	3 (AG-1)	AG-1 (Agricultural) Scattered homes	Min. 1 unit per acre
Northeast	4 (AG-1)	AG-1 (Agricultural) North Park Subdivision	1 unit per acre Est. 3,000 sq. ft.
North	5 (AG-1)	AG-1 (Agricultural) Scattered homes	Min. 1 unit per acre
West/Northwest	6 (AG-1)	AG-1 (Agricultural) The Lake at Cooper Sandy	1 unit per acre Est. 3,000 sq. ft.
South	7 (AG-1)	AG-1 (Agricultural) Scattered homes	Min. 1 unit per acre
Further South	8 Z94-127	R-2A (Single Family Dwelling District) Conditional Brookshade	0.98 dwelling unit per acre 2,500 sq. ft.
Same land lot as subject site	9 (AG-1)	AG-1 (Agricultural) Single-family	Min. 1 unit per acre

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In the interest of the public health, safety and welfare, the Mayor and City Council may exercise limited discretion in evaluating the site proposed for a use that requires a Use Permit. In exercising such discretion pertaining to the subject use, the Mayor and City Council shall consider each of the following as outlined in Article 19.2.4 of the Zoning Ordinance; Use Permit Considerations. Staff has reviewed said items pertaining to the subject use, and, offers the following comments:

**K. Whether the proposed use is consistent with the land use or economic development plans adopted by the Mayor and City Council:**

Provided the applicant complies with the Recommended Conditions of this petition and the Use Permit requirements of Article 19.4.40. of the Zoning Ordinance, the proposed development is consistent with the intent and following policies of the Comprehensive Plan:

- Encourage compatible institutional uses in neighborhoods and communities.
- Encourage development consistent with the surrounding scale, transition of densities and uses, and Comprehensive Plan policies, where appropriate.

**L. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed;**

If developed in accordance with Staff's Recommended Conditions and the provisions of the Zoning Ordinance, the proposed private school is expected to be compatible with other land uses in the surrounding area.

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

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

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

The proposed use will generate an increase in traffic but should be mitigated by the recommended conditions.

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

Article 18.2.1 requires the applicant to provide the larger of 2 per classroom or one per 35 sq. ft. in largest assembly area, whichever is larger. There will be a total of 20 classrooms (40 spaces) and the largest assembly area is 6,000 square feet (171 spaces). Article 19.4.10 requires the applicant to locate parking outside of the minimum 60-foot front yard

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building setback. In addition, the Northwest Overlay District does not allow parking to be located to the front of a building and/or between a building and a right-of-way. The applicant has provided approximately 70 spaces, which does not meet the required number of spaces. The applicant is requesting concurrent variances to reduce parking and allow parking in front of the buildings.

**P. The amount and location of open space;**

The applicant's site plan indicates that approximately half of the subject site is undeveloped. Staff is of the opinion that the proposed development will provide adequate open space for the proposed development.

**Q. Protective screening;**

If developed in accordance with the requirements of the Zoning Ordinance and the Northwest Fulton Overlay District, the buffer and landscape strip requirements will provide adequate screening for the proposed development. Staff notes that later in the report the requested variance to reduce the buffer is being recommended for denial.

**R. Hours and manner of operation;**

The applicant indicates that the hours of operation will be 7:00 am to 7:00 pm, Monday through Friday.

**S. Outdoor lighting;**

At the time of Land Disturbance Permit the site shall be in compliance with Article 12H.3.4 of the Northwest Fulton Overlay District regarding outdoor lighting. Staff notes that the subject site's required buffers, and existing screening, will help mitigate the impact of lights on the adjacent properties.

**T. Ingress and egress to the property.**

The site plan indicates the existing curb cut that provides access to the existing house. It appears there is a drive further to the south but it does not connect with Hopewell Road. The City of Milton Transportation Engineer has determined that the entrance of the school should be located to north of the existing house because of the proposed location of the Milton Trail along the west side of Hopewell Road. Staff notes that there is an existing historic house built prior to Hopewell Road being developed, just north of the subject site that may be negatively impacted by a decelerate lane because of its close proximity to the street.

Staff is of the opinion that a private school is an appropriate use for this location based on the above considerations. Therefore, Staff recommends **APPROVAL CONDITIONAL of U07-011**

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## SITE PLAN ANALYSIS

Based on the applicant's site plan submitted to the Community Development Department on December 6, 2007, Staff offers the following considerations:

### USE PERMIT STANDARDS

The applicant's site plan meets all of the special use standards required for private schools, except for Article 19.4.40 Section B.3 which states that buildings and refuse areas shall not be located within 100 feet of a residential district and/or AG-1 district used for single family. The applicant is requesting that the setback be reduced to 85'. It is Staff's opinion that the private school may be arranged in a manner to accommodate the required one-hundred (100) foot setback from residential and AG-1 districts. The applicant has not shown evidence of a hardship that is not self-imposed. Therefore, Staff recommends **DENIAL of Part 1** of the Concurrent Variance **VC07-017**.

### Northwest Overlay District

#### BUILDING HEIGHT

Article 12H.3.5 Section D.1 of the Northwest Overlay District requires a maximum height limit of two stories with the maximum height 30 feet from average-finished grade to the bottom of the roof eave. The applicant's letter of intent has indicated that they will remain within these limits.

#### LANDSCAPE STRIPS AND BUFFERS

Article 12H.3.1 Section A.1 of the Northwest Overlay District requires a 10-foot wide strip along the road. It is not shown on the site plan but it appears there is sufficient area to meet this standard.

Article 12H.3.1 Section C.1 of the Northwest Overlay District requires a seventy-five (75) foot-wide undisturbed buffer, with a 10' improvement setback, which shall be located adjacent to all AG-1 zoning districts and all property zoned, used, or developed for residential uses. The applicant has stated that the septic fields are needed in the locations indicated on the site plan. Staff is of the opinion that the septic fields should be relocated so that the appropriate buffer is provided to protect the adjacent residences. The applicant has not shown evidence of a hardship that is not self-imposed. Therefore, Staff recommends **DENIAL of Part 2** of the Concurrent Variance **VC07-017**.

#### BUILDING SETBACKS

Article 12H.3.5 Section C of the Northwest Overlay District requires a maximum 20-foot building setback from the edge of the required landscape strip and/or easements for all properties and

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lots located adjacent to public rights-of-way that are 0 to 400 feet from an intersection. The applicant’s site plan does not show compliance with the requirement. It appears that the building could be reconfigured in such a way as to meet this requirement. The applicant has not yet shown evidence of a hardship that is not self-imposed. Therefore, Staff recommends **DENIAL of Part 3** of the Concurrent Variance **VC07-017**.

LOCATION OF PARKING

The applicant has requested a concurrent variance to allow parking between the street and the building. It appears that there is sufficient room to locate the parking to the rear of the main building if it is sited toward the right-of-way. It is Staff’s opinion that the applicant has not shown a hardship that is not self-imposed. Therefore, Staff recommends **DENIAL of Part 4** of the Concurrent Variance **VC07-017**.

PARKING REQUIREMENTS

The following chart illustrates the parking required by Article 18 of the City of Milton Zoning Ordinance for the proposed use:

Proposed Use	Minimum Requirement	Spaces Provided
Private school with approximately twenty (20) classrooms and 6,000 sq. ft. assembly space	<ul style="list-style-type: none"> <li>Greater of 2 spaces per classroom (40 spaces) or one per 35 sq. ft. in largest assembly area (171 spaces)</li> </ul> <p style="text-align: center;"><b>171 spaces required</b></p>	<ul style="list-style-type: none"> <li>70 paved spaces</li> </ul> <p style="text-align: center;"><b>70 spaces provided</b></p>

Staff notes that the applicant is providing seventy (70) parking spaces, which does not meet the required one-hundred seventy-one (171) parking spaces required per Article 18 of the City of Milton Zoning Ordinance. Staff notes that the applicant has indicated a hardship in meeting the required amount of parking spaces, as there are many site constraints consisting of wetland areas, the location of the septic field, and required buffers. In addition, the parking lot will be utilizing gravel parking to assist in the drainage of the site. Therefore, Staff recommends **APPROVAL of Part 5** of the Concurrent Variance **VC07-017**.

OTHER CONSIDERATIONS

The applicant has provided the following as additional building information:

- Administrative Building 16,000 sq. ft.
- Classroom Wings 41,000 sq. ft.
- Chapel/Auditorium 6,000 sq. ft.; seating for 300 persons
- Historic Structure TBD 400 sq. ft.
- Number of classrooms 20
- Number of students Kindergarten thru eighth grade -325

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Number of staff +/- 25

### CITY ARBORIST

The proposed development will not affect any specimen trees on the site and it has been determined that there are no blue line streams that flow through the site.

### PUBLIC INVOLVEMENT

On January, 2, 2008 the applicant was present at the Community Zoning Information Meeting held at the Milton City Hall. There were forty-four people in attendance from the community. One community member was concerned about the proposed developed, citing many unanswered questions. The applicants presented their plan to the Milton Design Review Board on January 8, 2008.

Public Comments – Staff has received one phone call in opposition to the proposal from the owner of Chandler Academy that is located to the south of the subject site. Members of Staff have also met with 3 neighborhood residents to address their concerns about the proposed private school.

### City of Milton Design Review Board Meeting – January 8, 2008

The following recommendations were made by the DRB:

- Increase buffer between septic field and adjacent property
- Comply with Northwest Overlay requirements
- No review by Board of hardships, only site plan.

### Public Notice Requirements

The use permit petition was advertised in the Milton Herald on January 23, 2008 and the sign was installed before the required date of January 2, 2008 along the frontage of Hopewell Road. The notice of rezoning was sent, to adjacent property owners, on January 14, 2008. Because of the applicant's request for a 30 day deferral, the notice was re-advertised on February 13, 2008, sign was updated on February 4, 2008, and notices resent on February 4, 2008.

### Public Participation Plan and Report

The applicant has met the requirements of the Public Participation Plan. The applicant will be required to submit the public participation report 7 days prior to the Mayor and City Council meeting.

### CONCLUSION

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The proposed private school is consistent with Council and Plan Policies and compatible with the surrounding area, if developed in accordance with the requirements of the Zoning Ordinance and Staff's Recommended Conditions. Based on the request of the applicant to withdraw, Staff recommends **WITHDRAWAL** of **U07-011/VC07-017**.

### **RECOMMENDED CONDITIONS**

If this petition is approved by the Mayor and City Council, it should be approved USE PERMIT for a private school (Article 19.4.40) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

- 3) To the owner's agreement to restrict the use of the subject property as follows:
  - a) Restrict the use of the subject property to a private school and accessory uses at a maximum density of 2,862.3 square feet per acre zoned or a total of 63,400 square feet, whichever is less.

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- b) Restrict the number of students to 325.
- 4) To the owner's agreement to abide by the following:
  - a) To the site plan received by the Milton Community Development Department on December 6, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
- 5) To the owner's agreement to the following site development considerations:
  - a. All building entrances shall have a direct connection to the sidewalk network.
  - b. The site plan must provide adequate fire truck access to all buildings on site, in alleys and one-way conditions; as acceptable to the Transportation Engineer and Fire Marshal.
  - c. Provide one multi bay bicycle rack at every building.
- 6) To the owner's agreement to abide by the following requirements, dedication and improvements:
  - e) Prior to the approval of a Land Disturbance Permit, dedicate at no cost to the City of Milton, sufficient land as necessary to provide the Right of Way for the approved final site plan including the following:
    - i. Provide the following improvements and necessary striping as approved by the Transportation Engineer for Milton:
      - 1. All lanes in road improvement area shall be twelve feet wide.
      - 2. SB Right turn lane on Hopewell Road at site driveway.
      - 3. NB Left turn lane on Hopewell Road at site driveway.
      - 4. Provide overlay and striping for full width of Hopewell Road the length of property lines plus any additional taper lengths necessary.
    - ii. Provide at least 16 feet of right-of-way from the edge of pavement of all abutting road improvements, along the entire property frontage, as well as allow the necessary construction easements while the rights-of-way are being improved.
    - iii. Provide a multi-use trail along the entire Hopewell Road frontage of the entire road improvements.
      - 1. Trail along property to be ten feet wide and located at the back of the Right of Way.



2. Trail along road improvements to be ten feet wide and located four feet from the back of curb. Trail shall be no less than eight feet wide and two feet from the back of curb where feasible, as approved by the Director of Public Works.
  - iv. Provide a black four-board equestrian style fence adjacent to the trail as approved by the Director of Community Development.
  - v. Provide six foot wide concrete sidewalk connecting the multi-use trail on Hopewell Road to the buildings on the site with a minimum five foot grass strip between the sidewalk and the back of curb/edge of pavement.
- f) Any new required entrances shall meet the Community Service Policies and AASHTO guidelines, or roads be reconstructed to meet such criteria, at the approval of the Transportation Engineer for Milton.
- i. Driveway access to the site shall be allowed approximately eighty-five feet north of existing 13620 Hopewell Road driveway and at a minimum distance to provide the necessary turn lane lengths required by the city of Milton for the existing right turn lane into Chandler Academy for such time this improvement may be required. There shall be no other access driveways allowed for this site.
  - ii. The Hopewell Road access driveway to the school shall be a right/left in, left out, and right out driveway. This 3 lane section shall extend a minimum of 200' or the 95% queue length, whichever is greater.
- 7) To the owner's agreement to abide by the following:
- a. The developer's Professional Engineer shall demonstrate to the City by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions. Locations shall be as approved by the Stormwater Engineer.
  - b. The water quality and detention facilities shall utilize earthen embankments, where possible. Walled structures are not encouraged. If walled structures are proposed, they must meet the acceptable design standards of the Department of Community Development.
    - i. Detention facility shall have a six foot high, five-board equestrian style fence with two inch by four inch welded wire constructed around it.



- c. The Developer shall utilize GASWCC limited application controls. All water quality and detention facilities shall have vegetated surfaces to be regularly maintained by the owner.
- d. Provide a maximum 75 percent impervious, per drainage basin, at maximum build-out.
- e. Provide for maximum slopes of 3:1 and a maximum disturbed area of sixteen acres open at any time as shown on the LDP phasing plan, as approved by the Stormwater Engineer.



## APPENDIX A

### Comments on Public Services and Utilities

Note: Various City and/or County departments that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved are required to complete the City of Milton Plan Review process prior to the commencement of any construction activity.

#### Transportation:

- Site plan does not show all proposed improvements to site entrances including turn lanes
- Analysis indicated drive on site plan does not meet spacing minimums
- Show trip generation rates used for each land use in table
- Drive location should be shifted to the north as recommended in the study to meet minimum spacing requirements.
- Current GDOT practice on Traffic Signal Warrants is to exclude right turning volume when a separate right turn lane exists. At both intersections that signals are recommended, the significant majority of the volume is right turning. With the right turn volume, these intersections would likely meet signal warrants, but without the right turn volumes, it is likely that they would not meet warrants. A full warrant analysis should be done on these two intersections.
- Site plan does not clearly indicate building uses.
- Underground detention is shown. Why are the lakes not used?
- Water quality features should be placed to protect the lake.
- What is the wetland study area?
- Septic system area on north property line does not seem like an appropriate area.
- Show correct buffers on both lakes and on stream.
- Clearly denote flood zones AE and X.
- Provide bus route or drop off route.
- Site plan does not show current conditions on the existing site south of this project including the right turn lane and sidewalk.
- Delineate between vehicular and pedestrian paths on plan.
- Is there a bridge/culvert over the wetland area? No

#### Fulton County Health Department:

- This department recommends that the applicant be required to connect the proposed development to public water available to the site.
- Due to the inaccessibility of public sewer to serve the proposed development, this department recommends that individual onsite sewage management systems be utilized. However, the "Design Limits for conventional or chamber Septic Tank Systems" for County Health Department as defined by Georgia Department of Natural Resource (DNR) are limited by size and subsurface introduction of effluents. Onsite sewage management systems having a septic tank capacity of greater than ten thousand (10,000) gallons, or where the total length of absorption trenches required, would exceed three thousand (3000) linear feet, or where the total absorption trench bottom area required, would exceed nine thousand (9000) square feet, will be governed and placed under the statutory authority and jurisdiction of the Department of Natural Resources.

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- Due to the inaccessibility of public sanitary sewer to sewer the proposed development, this department recommends that individual onsite sewage management systems be utilized. However, this department will require all necessary percolation and soil data, required layouts, and supportive data be submitted for review and determined acceptable prior to preliminary plat and/or Land Disturbance Permit (LDP) approval.
- Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.
- Since this development utilizes an onsite sewage management system, the owner must obtain approval from this department prior to issuance of a building permit and before building construction or renovation.
- This facility must comply with the Fulton County Clean Indoor Air Ordinance.
- If this proposed development includes a food service facility, the owner must submit kitchen plans for review and approval by this department before issuance of a building permit and beginning construction. The owner must obtain a food service permit prior to opening.
- This department is requiring that all existing structures to be demolished must be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demotion.
- If this proposed development includes an existing individual onsite sewage management system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.
- If this proposed development includes an existing individual onsite water supply system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.

### Fulton County Tax Assessor:

Property Tax ID#: 22 -4770-0909-030-3

### City of Milton Fire Marshal:

#### Comments:

- For the Hopewell private school-Possible increase in call volume for emergency services, water consumption demands will increase, traffic increase could slow response times, and access to the proposed building needs to be around the entire building and to allow parking between the building and right of way could pose a problem for emergency access.

### Public Safety

- The public safety impact would be primarily traffic related, specifically during drop-off and pick-up times in the morning and afternoon. The projected enrollment of 325 students means up to 325 additional cars on Hopewell between 7:00 and 9:00 in the morning and 2:00 and 4:00 in the afternoon which may increase traffic congestion in the area. The school must have some means

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of managing parent-student traffic that does not result in traffic backing up and potentially blocking Hopewell Rd during these time periods. As a two lane road, the daily influx of these vehicles can adversely impact traffic in the area if the school has not developed a means of keeping the road clear of waiting parents before and after school. Potential traffic hazards include increased accidents, and restricted emergency vehicle access during these times due to the nature of the roads and traffic patterns on Hopewell Rd. Otherwise, the impact on public safety will be negligible.

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