

MEMORANDUM



To: Honorable Mayor and City Council
Chris Lagerbloom, Interim City Manager
Planning Commission
Jeanette Marchiafava, City Clerk
Tom Wilson, Director of Community Development
Daniel Drake, PE, AICP, Director of Public Works
Mike Tuller, Deputy Director of Community Development
Sara Leaders, Transportation Planning
Mark Law, Arborist
Deb Harrell, Public Safety
Chad McGiboney, Fire
Outside Agencies

From: Robyn MacDonald, Planner, Community Development

Date: April 7, 2008

Re: Preliminary Zoning Agenda **Community Zoning Information Meeting (CZIM)**
Wednesday, April 23, 2008 - 7:00 PM at City Hall

Design Review Board (DRB)
Tuesday, May 6, 2008 – 6:00 PM at City Hall

Planning Commission
Tuesday, May 27, 2008 - 7:00 PM at City Hall

Mayor and City Council
Monday, June 16, 2008 - 6:00 PM at City Hall

Please submit any comments you have regarding the following cases to Robyn MacDonald, 678-242-2540, by **May 6, 2008**.

Please be advised, the material details of the rezoning and use petitions received on or before the April 1, 2008 submittal deadline are as follows:

REZONINGS/USE PERMITS

Agenda Item/ Location/Applicant	Request
<p>U08-03/VC08-03 2810, 2820, 2830, 2840, 2850, 2860 Bethany Bend Road Milton, Georgia 30004 The Church of Jesus Christ of Latter-Day Saints</p>	<p>To request a use permit for a 16,558 square foot church with 352 seats (199 fixed seats) and 170 square foot detached storage shed on 7.2074 acres, at a density of 2,297.36 square feet per acre. The applicant is also requesting a concurrent variance to reduce the rear building set back along the east property line from 50 feet to 25 feet (Article 5.1.3.D)</p> <p>Staff notes that this petition was previously submitted in February, 2008. The applicant requested a deferral prior to the required notification and has submitted a revised site plan that contains just over 1 acre more of property.</p>

PROJECT NAME

The Church of Jesus Christ of Latter-Day Saints

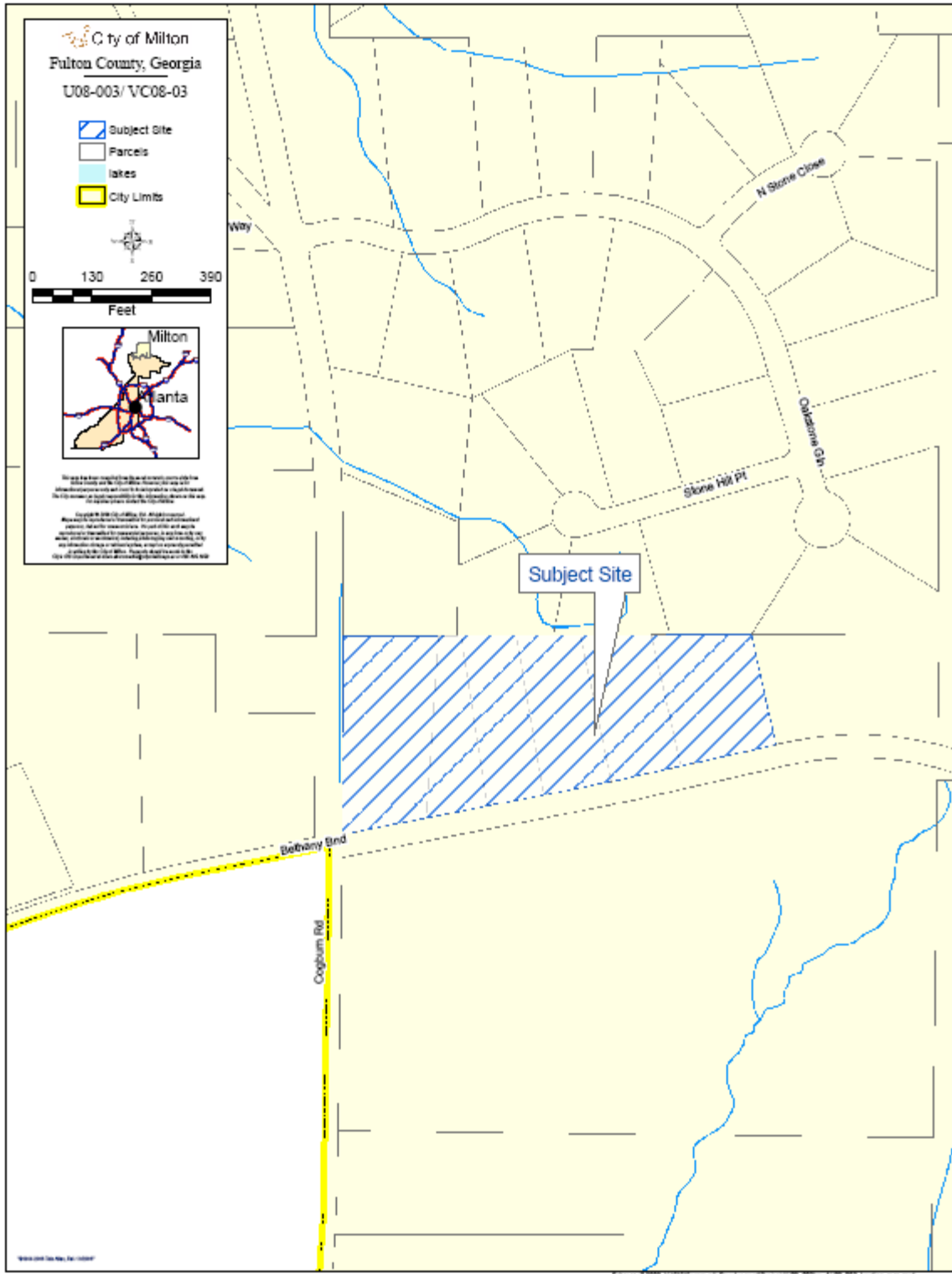
PROPERTY INFORMATION	
ADDRESS	2810, 2820, 2830, 2840, 2850, 2860 Bethany Bend
DISTRICT, LAND LOT	2/2 832
OVERLAY DISTRICT	State Route 9 Overlay
EXISTING ZONING	AG-1
ACRES	7.2074
EXISTING USE	Undeveloped
PROPOSED USE	Church

OWNER ADDRESS Cogburn and Bethany LLC
2965 Manor Bridge Dr.
Alpharetta, Georgia 30004

PETITIONER/REPRESENTATIVE ADDRESS Church of Jesus Christ of Latter-Day Saints, James Revill
376 Acuba View
Woodstock, Georgia 30188
PHONE 678-494-2371

INTENT

To request a use permit for a 16,558 square feet church with 352 seats, at a density of 2,759.6 square feet per acre on approximately 6.01 acres. The applicant is also requesting a concurrent variance to reduce the rear building set back along the east property line from 50 feet to 25 feet (Article 5.1.3.D)



LOCATION MAP

REVISED

RECEIVED

FIRST AMENDMENT TO APPLICATION FOR USE PERMIT AND CONCURRENT VARIANCE

APR 03 2008

City of Udon
Community Development

IN RE:) Application Number: U08-003

Church of Jesus Christ of)
Latter-Day Saints)
APPLICANT)

PROPERTY:)

7.2074 Acres at the Northeast)
Corner of Bethany Bend and)
Cogburn Road)

U08-03/VC08-03

Now comes Church of Jesus Christ of Latter-Day Saints (the "Applicant" hereunder) who does hereby modify and amend the above referenced Application for Use Permit and Concurrent Variance and associated Letter of Intent as follows:

1.

The Site Plan originally filed with the Application is hereby deleted and there is substituted and placed in lieu thereof the Site Plan filed simultaneously herewith.

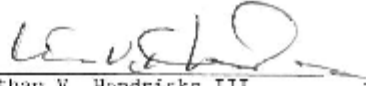
2.

The legal description of the Property originally filed with the Application is hereby deleted and there is substituted and placed in lieu thereof the legal description of the Property filed simultaneously herewith.

3.

It is to be noted that the Applicant intends to build a Church proper of 16,728 square feet to accommodate 352 seats together with a detached storage shed of 170 square feet. The Applicant has added property to the east of the original tract to provide for a pavilion, activity field and pervious overflow parking. Due to the narrow and confining shape of this westerly portion of the Property, the Applicant requests a Concurrent Variance to reduce the required 30' natural undisturbed buffer to a 25' natural undisturbed buffer. This hardship is unique to the Property and the approval of this Concurrent Variance would be in harmony with the policies and intent of the zoning ordinance while requiring the Applicant to comply with this requirement would create an unnecessary hardship for the Applicant while causing no detriment to the public. Given the appropriate of the use of the Property proposed by the Applicant and the hardships justifying the approval of the requested Concurrent Variance, this Application for Use Permit and Concurrent Variance is entirely appropriate and the appropriateness of this Application and the constitutional assertions of the Applicant are more particularly stated and set for on Exhibit "A" attached hereto and made a part hereof.

Now, therefore, the Applicant requests that this Use Permit and Concurrent Variance Application be approved as submitted and modified hereunder in order that the Applicant be able to proceed with the lawful use and development of the Property.



Nathan V. Hendricks III
Attorney for the Applicant

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