

**Agenda**  
**Regular Meeting of the Planning Commission**  
**City of Chattahoochee Hills, Georgia**  
**July 15, 2021**  
**6:30 pm**

**Call to Order**

**Pledge of Allegiance**

**Approval of Agenda**

**Approval of Minutes**

1. Approval of June 10, 2021 Regular Meeting Minutes

**Public Hearings**

2. Unified Development Code. Proposed ordinance revising and replacing the city's zoning ordinance, subdivision regulations, sign ordinance, and Transferable Development Rights ordinance
3. Bear Creek Mixed Use Hamlet. Proposed zoning map amendment to rezone 256.8 acres to HM-MU and two variances for the district buffer and for the nonresidential requirement

**Old Business**

**New Business**

4. Concept Plan approval for the Bear Creek Mixed-use Hamlet
5. Concept Plan and Preliminary Plat – Serenbe Phase 3A Unit 8 – Eleven proposed lots in Mado West near Prom Field Road.

**Staff Reports**

**Adjourn Meeting**



6505 Rico Road Chattahoochee Hills Georgia 30268

MAYOR  
Tom Reed

CITY COUNCIL  
Ruby Foster  
Richard Schmidt  
Laurie Searle  
Camille Lowe  
Troy Bettis

CITY MANAGER  
Robert T. Rokovitz

[www.chatthillsga.us](http://www.chatthillsga.us)

(770) 463-8881

Fax (770) 463-8550

**Date: July 15, 2021**  
**To: Planning Commission**  
**From: Mike Morton, Community Development Director**  
**Subject: Proposed Unified Development Code (UDC)**

### **Background**

The city has engaged consultants from TSW to revise the zoning ordinance. The resulting document is a Unified Development Code (UDC) that incorporates zoning, subdivision regulations, signs, and Transferrable Development Rights. These topics are currently covered in separate chapters of the city code (Chapters 35, 26, and 22, and Chapter 14, Article II, respectively).

In the course of their work on the code revisions, the consultant team has also identified a set of policy questions that they have addressed in work sessions with the City Council.

The proposed draft UDC represents the sum total of these revisions. Changes made since introducing the draft for the May 4<sup>th</sup> City Council meeting are indicated in red. Those changes include the following:

- Changes to buffers in Sec. 5-9
- Traffic study requirement (Sec. 5-13)
- Number of zoning districts
  - Combined Town & Village
  - Combined Medium & Low Density Residential Hamlet
- Removed district spacing requirements
- Removed Parkway Commercial (PC) district
- Changes to District sizes in Sec. 6-3F
- Mixed-use concurrency (Sec. 6-3C)
- Allowed uses table (Sec. 7-2)
- Cell tower heights (Sec. 10-7)
- HOA requirement (Sec. 11-6)
- Minimum lot size in RL increased from 3 acres to 20 acres (Sec. 6-3D)
- Other Edits:
  - Added definition of “art mural”
  - Reduced minimum residential density for Village (VL) from 4 to 3 units per acre
  - Cross referenced short-term rental ordinance
  - Added thoroughfare standards for paths
  - Loosened parking regs in Rural (RL) district

*An Equal Opportunity Employer*

The following changes were discussed in the July 1<sup>st</sup> City Council work session, but are not yet reflected in the most recent draft:

- Remove Hamlet Special District (HM-SD)
- Reduce Open Space requirement in Village (VL) to 10%
- Allow wrought iron fences in the RL district

**Additional Action:**

City Council will hold a public hearing on the proposed UDC at their regular meeting on August 3<sup>rd</sup>.

**Attachments:**

Adoption Ordinance

**AN ORDINANCE TO ADOPT A NEW UNIFIED DEVELOPMENT CODE  
FOR THE CITY OF CHATTAHOOCHEE HILLS AND FOR ALL OTHER  
PURPOSES RELATED THERETO**

**WHEREAS**, the City of Chattahoochee Hills has engaged consultants from TSW to undertake the task of reviewing its development code; and

**WHEREAS**, this task has involved stakeholder interviews, code review, writing and re-writing; and

**WHEREAS**, the consultants from TSW have recommended improvements to the city's development regulations, ultimately reorganizing them into a new Unified Development Code; and

**WHEREAS**, the City has conducted two public hearings, one with the Planning Commission and the second with the City Council; and

**WHEREAS**, notice has been published in the newspaper, and notices have been placed on the City's website; and

**WHEREAS**, after debate, discussion, and citizen input, the Mayor and City Council have approved the new Unified Development Code for the City of Chattahoochee Hills, Georgia.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHATTAHOOCHEE HILLS HEREBY ORDAINS** that:

**Section 1:** That the current chapters 22 (*Signs*), 26 (*Subdivision and Land Development*), and 35 (*Zoning*), along with Chapter 14, Article II (*Transferable Development Rights*) of the City of Chattahoochee Hills, Georgia, be deleted in their entirety and replaced with the attached ordinance which shall be known as Appendix A: City of Chattahoochee Hills Unified Development Code; and

**Section 2:** That the within ordinance shall become effective upon its adoption; and

**Section 3:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

ORDAINED this the X day of X, 2021.

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Tom Reed, Mayor

Attest:

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Dana Wicher, City Clerk  
(Seal)





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**Date:** July 15, 2021  
**To:** Planning Commission  
**From:** Mike Morton, Community Development Director  
**Subject:** Bear Creek Project rezoning and two variances

### **Rezoning Request**

Joseph Schlais, representing Bear Creek Project One, LLC has requested a rezoning of 256.8 acres from RL (Rural) to HM-MU (Mixed-Use Hamlet) to create a new mixed-use hamlet.

### **Variance Requests**

Joseph Schlais, representing Bear Creek Project One, LLC has requested variances to reduce the required minimum district buffer from 150 feet to the dimensions and locations shown on the "Bear Creek Project Zoning Concept Plan" (attached) and to reduce the HM-MU nonresidential density minimum from 10% to 2%.

### **Property Description**

The property is 256.8 acres in 133 parcels that lie north of Wilkerson Mill Road on both sides of Jenkins Road. It is zoned RL and has about 2450 feet of frontage along Wilkerson Mill Road. The property straddles Jenkins Road, with approximately 200 acres and 2900 feet of frontage on the west side of Jenkins and with a little under 60 acres and 1800 feet of frontage on the east side of Jenkins.

Most of the property, 252 acres, was the site of a 2007 subdivision under Fulton County, developed under their conservation subdivision rules. That plan included 253 lots in two phases on 63 acres – all of which lay to the west of Jenkins Road – and 189.79 acres of green space on both sides of Jenkins Road. Of the 253 proposed lots, 124 were developed and platted in phase 1, along with about 7000 feet of internal subdivision streets and associated infrastructure, including stormwater, water, and sewer pipes, power and telecom. Several homes were built, but all have been demolished. The 124 lots remain as platted in 2007.

The applicant also has included two vacant parcels totaling four acres that were not a part of the 2007 subdivision. These lots lie on the west side of Jenkins Road at the segment's northern end at South Fulton Parkway.

Several streams originate on the property. On the larger, western portion of the site, they run to the west off the property and into Little Bear Creek. On the portion of the site east of Jenkins Road a small stream crosses from south to north, gaining tributaries that originate on the site, and exiting the site to the north to join Bear Creek.

To the south across Wilkerson Mill Road, lies the existing Crossroads neighborhood of 150 lots on 60 acres, and undeveloped land in the City of Palmetto slated for development as Foxhall Village. Along the western boundary are Wilkerson Mill Gardens to the south, and wooded, undeveloped land to the north of that. The northern boundary is South Fulton Parkway, with about 2950 feet of frontage. Across South Fulton Parkway is undeveloped land.

Surrounding the portion of the site that lies to the east across Jenkins Road are two single family homes to the north, a large single family property known as M&M Farms to the east, and 40 wooded, undeveloped acres to the south, running all the way to Wilkerson Mill Road.

City of Atlanta water is available along Wilkerson Mill Road and Fulton County plans to run a sewer line on Wilkerson Mill Road in the next year.

### **Discussion**

The applicant seeks a rezoning of 256.8 acres to create a new Mixed Use Hamlet. The plan shows 256 residential lots, 109,082 square feet of land for non-residential development, 10.97 acres of civic space, and 187.66 acres of total open space (74.2%). All proposed development is shown on the portion of the property on the west side of Jenkins Road. The east side is reserved for open space uses, including wastewater treatment (consistent with the original plan approved by Fulton County). The proposal utilizes the existing hard infrastructure but proposes to replat the individual lots.

The proposed plan meets the zoning standards for an HM-MU district with regard to the overall preservation (70%) and residential density (max 1 unit per gross acre, or 256 homes). It also shows a zoning district buffer that meets the 300 foot average buffer requirement, but is short of the 150 foot minimum in some locations. The attached "Zoning Plan indicates these areas with black hatching near the corner of Wilkerson Mill Road and Jenkins Road and a small area near the western end of the Wilkerson Mill Road frontage. The applicant has applied for a variance for these areas.

The applicant also seeks a variance for the amount of land dedicated for non-residential uses. The code requires 10% nonresidential development, but it does not define how this is to be measured. The original plan shows 2.5 acres of nonresidential land, which is 3% of the developable area (i.e. 3% of the 30% of the site not required to be set aside as open space). A revised plan submitted by the applicant and attached here shows 7.67 acres of nonresidential land, which is 9.958% of the developable area. The revised proposal is short by less than 1409 square feet.

Note, too, that these numbers are based on 30% of the hamlet being developable, which is the maximum developable area allowed in a hamlet. The minimum and maximum nonresidential

density requirement was intended to ensure some reasonable ratio between residential and nonresidential uses on the land within the district that is to be developed. In a mixed-use hamlet where the proportion of the property to be preserved as open space is greater than the required 70%, the ratio should be applied to the remaining developable area, not a fixed 30% of the district size, which is just the maximum developable area. The proposed plan for the Bear Creek hamlet shows more than 193 acres as open space, which is more than 76% of the overall district. The nonresidential density minimum, therefore, should be calculated on the 63.42 acres to be developed. Ten percent of 63.42 acres is 6.342 acres, which is less than the 7.67 acres proposed. Nonetheless, the applicant has applied for a reduction in the nonresidential density minimum, which would provide some flexibility to make adjustments to the plan in response to market conditions over the course of the development cycle.

### **Zoning Action Review Standards**

According to Section 35-109 of the Zoning Ordinance, the Director, the Planning Commission and the City Council shall consider the following standards governing the exercise of the Zoning power whenever deliberating over any changes to the Official Zoning Map pursuant to this Zoning Ordinance.

1. Whether the Zoning Proposal will result in a use which will or could cause an excessive or burdensome use of utilities, public facilities or Schools;
2. Whether the Zoning Proposal will result in a Use which will or could cause City Thoroughfares or transportation facilities to be unable to meet the transportation policies of the Comprehensive Plan due to excess traffic congestion;
3. Whether the Zoning Proposal is in conformity with the policy and intent of the Comprehensive Plan;
4. Whether there are other existing or changing conditions affecting the use and Development of the Property which gives supporting grounds for either approval or disapproval of the Zoning Proposal.
5. The existing uses and Zoning of nearby Property;
6. The extent to which Property values are diminished by their particular Zoning restrictions;
7. The extent to which the possible reduction of Property values of the subject Property promotes the health, safety, morals or general welfare of the public;
8. The relative harm to the public as compared to the Hardship imposed upon the individual Property owner;
9. The suitability of the subject Property for the Zoning proposed;
10. Consistency with any adopted county and City wastewater treatment plans, including the feasibility and impacts of serving the Property with public wastewater treatment service and, if an alternative wastewater treatment method is proposed, whether such wastewater treatment method will have a detrimental impact on the environment or will negatively affect other public concerns;
11. The length of time the Property has been vacant as zoned, considered in the context of land Development in the vicinity of the Property;
12. Whether the Zoning Proposal will permit a use that is suitable in view of the use and Development of adjacent and nearby Property;
13. Whether the Zoning Proposal will adversely affect the existing use or usability of adjacent or nearby Property;

14. Whether the Property to be affected by the Zoning Proposal has a reasonable economic use as currently zoned;
15. In instances involving district expansion, whether the proposed change is supported by the Home Owner Associations or official neighborhood associations within the expanding district; and
16. In instances involving Developments of Regional Impact, whether the proposed change is supported by ARC and/or GRTA.

### Analysis

1. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of utilities, public facilities or schools;
  - *The proposal will not result in an excessive or burdensome use of utilities, public facilities, or schools.*
2. Whether the zoning proposal will result in a use which will or could cause city thoroughfares or transportation facilities to be unable to meet the transportation policies of the Comprehensive Plan due to excess traffic congestion;

- *The traffic likely to be generated by the proposal would not cause the streets to be unable to meet the transportation policies of the comprehensive plan. A 256-acre hamlet would allow 256 residential units. Standard trip generation models assume ten daily trips per household in single-use neighborhoods. Residents of mixed-use districts generate fewer trips since some portion of trips generated are be confined within the hamlet.*

*Evidence from the city's experience with Serenbe suggests far lower numbers. GDOT reports about 1000 average daily trips on Wilkerson Mill Road. In comparison, Hutcheson Ferry Road carries the bulk of traffic from Serenbe, a mixed use development much larger than the proposed Bear Creek development. GDOT reports traffic counts less than 3000 cars per day on the portion of Hutcheson Ferry east of Serenbe.*

*Levels of Service on the roads surrounding the proposed hamlet are well within the standards in the Comp Plan.*

3. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;
  - *The central intent in the Comprehensive Plan is to remain deliberately rural. To achieve this goal the plan allows for pockets of density that provide permanent preservation of open space or create demand for preservation through the TDR program. The proposal creates a 256.8 acre hamlet. The 70% preservation requirement would result in a required 179.76 acres of open space in the district. The proposed site plan shows more than 193 acres of undeveloped space on the subject property, more than meeting the requirement.*

4. Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.
  - *A portion of the site already has infrastructure in place from the 2007 conservation subdivision approved by Fulton County. 124 residential lots already exist, but no commercial. Current RL zoning setbacks do not provide for any buildable area on those lots. The proposal would allow the existing infrastructure to be utilized and would also add a mix of uses to a location where previously a single use was envisioned. Approval would also set into motion the permanent preservation of more than 179 acres.*
5. The existing uses and zoning of nearby property;
  - *The land surrounding the site is all zoned RL (Rural). To the west is Wilkerson Mill Gardens. To the east are several single-family residences. To the south across Wilkerson Mill Road are existing and proposed medium-density single-family neighborhoods. The remainder of the surrounding property is vacant. All of these surrounding uses are consistent with the uses proposed for the subject property.*
6. The extent to which property values are diminished by their particular zoning restrictions;
  - *In order to build on the 124 small existing residential lots under their current zoning, variances to the setback requirements would be required. Though the undeveloped remainder of the site has some economic potential under the restrictions of its current zoning, the value of the property is significantly diminished compared to its value if the proposed zoning were to be approved.*
7. The extent to which the possible reduction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
  - *The current zoning of the subject property does not promote the health, safety, morals, or general welfare to a greater degree than would the proposed zoning.*
8. The relative harm to the public as compared to the hardship imposed upon the individual property owner;
  - *Beyond some increase in traffic, which current roads are designed to handle, there is no harm to the general public.*
9. The suitability of the subject Property for the zoning proposed;
  - *The property is suitable for the sort of mixed use development proposed. It is directly across the street from existing and proposed development of greater density than is proposed on the subject property. It takes advantage of infrastructure already in place and it has sufficient space to buffer the surrounding uses.*
10. Consistency with any adopted county and City wastewater treatment plans, including the feasibility and impacts of serving the Property with public wastewater treatment service and, if an alternative wastewater treatment method is proposed, whether such wastewater

treatment method will have a detrimental impact on the environment or will negatively affect other public concerns;

- *The City has not adopted a wastewater treatment plan. Fulton County has planned a sewer line down Wilkerson Mill Road that will carry wastewater to the county's treatment facilities. Due to the history of the site, its potential redevelopment was taken into account when planning this service. The 2007 development included a permit from the state Environmental Protection Division for wastewater treatment on site.*

11. The length of time the Property has been vacant as zoned, considered in the context of land Development in the vicinity of the Property;

- *The previous attempt to develop the property abandoned in 2008, with the infrastructure in place and 124 lots platted that whole time. There has been no other active development in the immediate vicinity over that period.*

12. Whether the Zoning Proposal will permit a use that is suitable in view of the use and Development of adjacent and nearby Property;

- *With the exception of Wilkerson Mill Gardens, the adjacent land is either undeveloped or is low to medium-density residential. The proposal is consistent with these uses.*

13. Whether the Zoning Proposal will adversely affect the existing use or usability of adjacent or nearby Property;

- *The proposal should not adversely affect the existing use or usability of adjacent properties. The proposed lot layout will require a variance to the city's district buffer requirement along the thoroughfares at the front corner. Where the property directly abuts its neighbors, only one lot, near Wilkerson Mill Gardens to the west would require a buffer variance. Approval of this variance should not reduce the usability of that property. The inclusion of small commercial uses in the project might enhance the usability of nearby residential properties.*

14. Whether the Property to be affected by the Zoning Proposal has a reasonable economic use as currently zoned;

- *The subject property might have reasonable economic use as currently platted. However, with the setback requirements on the platted residential lots would not allow construction of homes without setback variances. The property also could be replatted and developed as other Rural (RL) property. This, though, would require abandoning the value of the infrastructure already on the site.*

15. In instances involving district expansion, whether the proposed change is supported by the Home Owner Associations or official neighborhood associations within the expanding district;

- *N/A.*

16. In instances involving Developments of Regional Impact, whether the proposed change is supported by ARC and/or GRTA.

- N/A

## **Variance Requests**

### **Variance Criteria**

Section 35-116(b)(3) of the City of Chattahoochee Hills Zoning Ordinance states that:

- 3 The city council may authorize variances from the terms of this zoning ordinance only upon making all of the following findings:
  - a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography;
  - b. The application of this zoning ordinance to the particular piece of property would create an unnecessary hardship;
  - c. Such conditions are peculiar to the particular piece of property involved;
  - d. Such conditions are not the result of any actions of the property owner; and
  - e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

### ***Additional code:***

- *Section 35-71 of the zoning ordinance defines **hardship** as “The existence of extraordinary and exceptional conditions pertaining to the size, shape, or topography of a particular Property, because of which the Property cannot be developed in strict conformity with the provisions of the Zoning Ordinance.”*

## **Variance Request 1, Buffer Variance**

***Request 1: to reduce the required minimum district buffer from 150 feet to the dimensions and locations shown on the “Bear Creek Project Zoning Concept Plan”***

### **Zoning Excerpts**

#### **Sec. 35-272. - Buffers.**

(a) *Buffer areas to be provided.* Buffer areas shall be provided in accordance with the provisions of the following subsections:

- (1) *Amount.* The minimum amount of required buffer areas shall be as set forth in Table [35-272](#). In case of conflicting buffer dimension requirements, the largest buffer requirement shall be considered the effective buffer dimension requirement.

[Table 35-272 requires district buffers to have a minimum width of 150 feet and an average width of 300 feet]

### Analysis of variance criteria

- a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography;
  - *The property was the site of a 2007 development which was approved by Fulton County under their conservation subdivision rules. That subdivision was abandoned in the recession, but the infrastructure that remains is a factor that is peculiar to the property. The peripheral buffers in the 2007 project were 100 feet, except for along Wilkerson Mill Road, where they were 105 feet.*
- b. The application of this zoning ordinance to the particular piece of property would create an unnecessary hardship;
  - *Having to abandon and replace the infrastructure that is in place would represent a hardship*
- c. Such conditions are peculiar to the particular piece of property involved;
  - *In the recession, subdivisions were abandoned in various states of completion. There were four in Chattahoochee Hills. Bear Creek is one of two that were actually completed and platted. The design and location of the infrastructure are peculiar to the property.*
- d. Such conditions are not the result of any actions of the property owner; and
  - *These conditions are not the result of actions of the current property owners.*
- e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.
  - *The proposed plan includes 70 - 100 feet of buffer in the areas proposed for buffer reduction. This should be enough to provide adequate visual screening if landscaped and maintained properly. The smallest buffers are proposed for areas along Jenkins Road. As a dead-end road with only two homes located on it, Jenkins sees very little traffic that could be impacted by any buffer reduction.*

### Request 1 Summary

The proposal reduced district buffers of 100 feet or 70 feet, depending on the location (see attached plan). The zoning requires 150 feet. Staff finds that the existing infrastructure left over from the 2007 conservation subdivision represents “extraordinary and exceptional conditions pertaining to the size, shape, or topography” of the property. The impact of the proposed buffer reductions should be minimal if properly landscaped and maintained.

### Variance Request 2, Nonresidential Density

***Request 2: to reduce the HM-MU nonresidential density minimum from 10% to 2%.***

### Zoning Excerpts

#### **Sec. 35-461. - Development controls.**

(c) Definitions. Calculations within Table [35-461](#) in subsection (d) of this section shall be further defined as follows:



*Nonresidential density minimum* means the minimum percentage of allowable density units required to be provided within each individual zoning district for uses listed in Table 35-595 that are not designated as agricultural or residential uses.

[Table 35-461 sets the nonresidential density minimum for the HM-MU district at 10%]

#### Analysis of variance criteria

- a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography;
  - *The property is 256.8 acres, which is close to the smallest size allowable for a mixed-use hamlet. .*
- b. The application of this zoning ordinance to the particular piece of property would create an unnecessary hardship;
  - *Providing the minimum required nonresidential development represents significant risk for a small hamlet that might not be capable of supporting that level of commercial development. The proposed zoning revision corrects this problem by changing the minimum non-residential density requirement to a level well below what is provided in the proposed plan.*
- c. Such conditions are peculiar to the particular piece of property involved;
  - *These conditions would be the same in any mixed-use hamlet of the same size that is not located directly adjacent to another development.*
- d. Such conditions are not the result of any actions of the property owner; and
  - *These conditions are not the result of actions of the current property owners.*
- e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.
  - *The city's zoning offers opportunities to build hamlets with less than 2% nonresidential density or with greater than 2% nonresidential density. These options do not cause detriment to the public good or impair the purposes or intent of the zoning ordinance. This makes it difficult to argue that the relief sought would cause substantial detriment to the public good or impair the purposes or intent of the zoning ordinance.*

#### Request 2 Summary

The proposal includes 334,177.8 square feet of land area for nonresidential development. The zoning requires 10%, which is 335,586.2 square feet when calculated from the maximum developable area. This is a shortage of less than 1409 square feet. Additionally, when calculating the required 10% based on the acreage proposed for development in the plan, the requirement is 6.342 acres (or 276,257.5 square feet), which is less than the 334,177.8 square feet proposed. In other words, if the development were to be completed consistent with the proposed plan, the variance would not be required.

While staff does not find that “extraordinary and exceptional conditions pertaining to the size, shape, or topography” of the property prevents the applicant from meeting the 10% minimum nonresidential density standard, the uncertainty of the market supporting the full 10% nonresidential development in this size hamlet is an important factor to consider. In fact the proposed zoning revision has addressed this concern and reduced the nonresidential minimum requirement. Under the terms of the current draft UDC, the total required nonresidential development would be 10,272 square feet of *floor area*.

### **Staff Recommendations**

Staff recommends approval of the ordinance, including both the map amendment (rezoning) and the two variances with the attached conditions.

### **City Council Action**

The First Read before City Council was July 6<sup>th</sup>. The City Council will hold a public hearing on this application on Tuesday, August 3<sup>rd</sup> at 6:00 p.m.

### **Concept Plan**

A concept plan must be approved by the City Council before any development can occur on the property. The proposed concept is included in the rezoning package. The formal consideration of the concept plan also appears on this month’s agenda.

### **Attachments:**

Recommended Conditions  
Location Map  
Rezoning and variance Ordinance  
Application materials

## 21Z-002 Bear Creek HM-MU Rezoning Proposed Conditions

1. A gross residential density of one unit per acre zoned, for a total of 256 baseline residential units available for development in the district, and a maximum residential density through the application of TDRs, in accordance with the terms of the TDR ordinance and the zoning ordinance.
2. A gross nonresidential density not less than 40 square feet of floor area per gross acre and not more than 25% of the developable land area of the district, or 19.26 acres.
3. To the site plan received by the Department of Community Development on July 2, 2021. 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.
4. All recreational and common areas which may be held in common shall be accessible via dedicated roadways, easements, sidewalks, trails, etc. and shall be maintained by a mandatory homeowners association, whose proposed documents of incorporation shall be submitted to the Director of the Department of Community Development for review and approval prior to the recording of the first final plat.
5. Development Standards:
  - a. Minimum Lot Size 500 square feet
  - b. Minimum Lot Width 12 feet
  - c. Minimum Front Yard Setback 0 Feet
  - d. Minimum Side Yard Setback 0 Feet
  - e. Minimum Rear Yard Setback 0 Feet
  - f. Minimum Building Separation determined by Building Code and Fire Code
6. Traffic and entrances
  - a. Development entitled in this zoning action shall count toward thresholds for traffic impact study requirements in future zoning applications in this district.
  - b. If additional deceleration lanes and or left turn lanes are required, they shall be constructed by the developer and the additional right-of-way necessary for such improvements shall be dedicated to the city at no cost.
7. Storm Water Management and Light Imprint design
  - a. Generate and submit a Storm Water Concept Plan  
This concept plan shall indicate the preliminary location of the storm water management facilities intended to manage the quality and quantity of storm water. The concept plan shall specifically address the existing downstream off-site drainage conveyance system(s) that the proposed development surface runoff will impact, and the discharge path(s) from the outlet of the storm water management facilities to the off-site drainage system(s) and/or appropriate receiving waters.
  - b. Drainage from all disturbed areas which does not infiltrate on site shall be collected and conveyed to a storm water management facility provided as part of the development. All systems of collection, conveyance, and management shall be consistent with Light Imprint

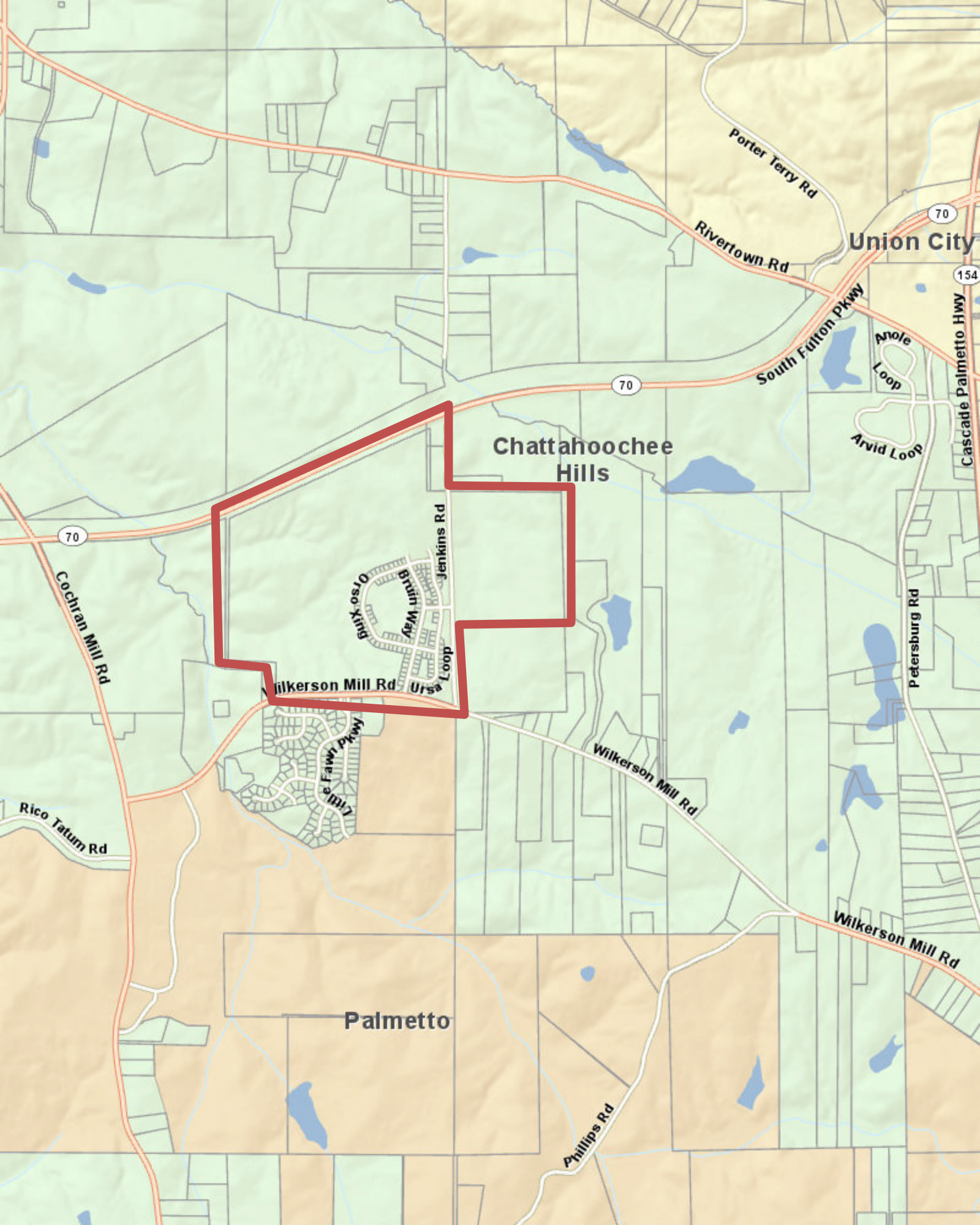
storm water design. The Storm Water Concept Plan shall identify any proposed areas with incidental and minor release of storm water not conveyed to such facilities. Plans for any land disturbance permit shall show all proposed drainage patterns for the proposed development after its completion. Bypass flows will not be permitted except from undisturbed areas within a buffer or other protected easement. Final plans shall provide for collection, conveyance and treatment of all approved incidental flows from developed lots or parcels, individual residences or building structures.

c. Sheet Flow

Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, such that the discharge from the storm water management facility outlet crosses a property line, such discharge shall mimic pre-development sheet flow conditions. A description of the method proposed to achieve post-development sheet flow conditions shall be provided as part of the Storm Water Concept Plan.

d. Parking Lot Filtration

Where paved parking areas (including access aisles) are proposed to exceed 5,000 square feet, the Light Imprint storm water management facilities shall be incorporated to reduce pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A detailed design of such facilities shall be included in applicable documents for a land disturbance permit.



Union City

Chattahoochee Hills

Palmetto

Porter Terry Rd

Rivertown Rd

South Fulton Pkwy

Anole Loop

Arvid Loop

Cascade Palmetto Hwy

Petersburg Rd

Wilkerson Mill Rd

Phillips Rd

Wilkerson Mill Rd

Wilkerson Mill Rd

Jenkins Rd

Ursula Loop

Brutus Way

Little Fawn Pkwy

Cochran Mill Rd

Rico Tatum Rd

70

70

70

154

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP TO  
REZONE 256.8 ACRES FROM THE RL (RURAL) DISTRICT TO THE  
HM-MU (MIXED-USE HAMLET) DISTRICT AND FOR VARIANCES TO  
THE REQUIRED ZONING DISTRICT BUFFER AND TO THE  
MINIMUM NONRESIDENTIAL DENSITY IN THE HM-MU (MIXED-  
USE HAMLET) DISTRICT**

**WHEREAS**, Bear Creek Project One LLC, Bahnhof LLC, John MacGregor, and William Robbins are the owners of certain property within the City of Chattahoochee Hills, Georgia; and

**WHEREAS**, Joseph Schlais has submitted applications, on behalf of Bear Creek Project One LLC, Bahnhof LLC, John MacGregor, and William Robbins, to rezone approximately 256.8 acres from RL (Rural) District to the HM-MU (Mixed-Use Hamlet) District, and for variances to reduce the required zoning district buffer requirements found in City Code Section 35-272 as shown on the attached Exhibit “B”; and to reduce the nonresidential density minimum found in City Code Section 35-461 from 10% to 2%; and

**WHEREAS**, the City has conducted public hearings before the Planning Commission and the City Council; and

**WHEREAS**, notice has been published in the newspaper and signs have been posted as required on the property containing the date, time, place and purpose of the public hearing; and

**WHEREAS**, the Mayor and City Council have approved of the application to amend the zoning map; and

**WHEREAS**, the Mayor and City Council have approved of the application for the two variances.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHATTAHOOCHEE HILLS HEREBY ORDAINS** that:

**Section 1:** The property described in the attached Exhibit “A” be rezoned to HM-MU (Mixed-Use Hamlet) to create a new hamlet;

**Section 2:** A variance to Zoning Ordinance section 35-272 for the property described in the attached Exhibit “A” be issued so that the district buffer is reduced as shown in Exhibit “B”, and

**Section 3:** A variance to Zoning Ordinance section 35-461 for the property described in the attached Exhibit “A” be issued so that the nonresidential density minimum is reduced from 10% to 2%, and

**Section 4:** That the within rezoning shall become effective upon its adoption; and

**STATE OF GEORGIA  
COUNTY OF FULTON**

**ORDINANCE NO. 21-XX-XXX**

**Section 5:** All other ordinances or parts of ordinances in conflict with this rezoning are hereby repealed to the extent of such conflict.

**ORDAINED** this the X day of X, 2021.

Approved:

---

Tom Reed, Mayor

Attest:

---

Dana Wicher, City Clerk  
(Seal)



EXHIBIT A

## Legal Description

**TRACT I**

All that tract or parcel of land lying and being in Land Lot 41 of the 7<sup>th</sup> District of Fulton County, Georgia, as shown on survey of the same made by Delta Surveyors, Inc., Ronald T. Godwin, GRLS No. 2696, dated 10/7/98, and designated as Tract II, and being more particularly described as follows:

Commencing at an iron pin located on the north right of way of Wilkerson Mill Road (having a 60 foot right-of-way) at the point of intersection of the north right of way of Wilkerson Mill Road and the south line of Land Lot 41; running thence along said right of way, north 72 degrees 27 minutes 48 seconds west 178.30 feet to an iron pin; running thence north 03 degrees 40 minutes 51 seconds west 593.07 feet to a point; running thence north 02 degrees 18 minutes 26 seconds west 574.31 feet to the true point of beginning; running thence north 02 degrees 18 minutes 26 seconds west 351.07 feet to a point; running thence north 03 degrees 31 minutes 51 seconds west 786.71 feet to a point; running thence north 02 degrees 29 minutes 18 seconds west 586.31 feet to a point; running thence north 09 degrees 06 minutes 54 seconds west 30.95 feet to a point; running thence north 89 degrees 00 minutes 23 seconds east 1430.26 feet to a point; running thence south 02 degrees 47 minutes 19 seconds east 1754.53 feet to a point; running thence south 89 degrees 00 minutes 23 seconds west 1422.68 feet to the point of beginning.

## TOGETHER WITH:

**TRACT II**

All that tract or parcel of land lying and being in Land Lots 23 and 24 of the 7<sup>th</sup> District of Fulton County, Georgia, as shown on survey of same made by C.R.S. Engineering, Registered Land Surveyors, dated 2/10/02, and being more particularly described as follows:

Beginning at an iron pin found on Wilkerson Mill Road, having a right-of-way of 60 feet. Said pin being located where Wilkerson Mill Road intersects the approximate land lot line separating Land Lots 24 and 41; running thence north 71 degrees 42 minutes 01 seconds west 166.62 feet to an iron pin set; running thence in a northwesterly direction an arc distance of 992.38 feet to an iron pin set, said arc being subtended to the northwest by a chord having a bearing of north 81 degrees 45 minutes 30 seconds west and a radius of 2942.05 feet; running thence south 89 degrees 01 minutes 51 seconds west 278.55 feet to an iron pin set; running thence in a southwesterly direction an arc distance of 285.78 feet to an iron pin found, said arc being subtended to the southwest by a chord having a bearing of south 81 degrees 52 minutes 59 seconds west and a radius of 1012.21 feet; running thence north 00 degrees 38 minutes 08 seconds east 435.25 feet to an iron pin found; running thence north 87 degrees 29 minutes 24 seconds west 647.61 feet to an iron pin found; running thence north 00 degrees 21 minutes 22 seconds east 1932.25 feet along the approximate land lot line separating Land Lots 23 and 24 to an iron pin set on the proposed South Fulton Highway; running thence along said highway north 66 degrees 11 minutes 24 seconds east 162.89 feet to an iron pin set; running thence north 65 degrees 41 minutes 07 seconds east 2565.70 feet to an iron pin set; running thence north 65 degrees 56 minutes 01 seconds east 148.03 feet to an iron pin set; running thence in a northeasterly direction an arc distance of 90.01 feet to an iron pin set, said arc being subtended to the northeast by a chord having a bearing of north 66 degrees 53 minutes 50 seconds east and a radius of 5579.58 feet; running thence south 00 degrees 05 minutes 47 seconds west 851.32 feet to an iron pin found; running thence north 88 degrees 07 minutes 05 seconds east 216.90 feet to an iron pin found; running thence south 03 degrees 12 minutes 19 seconds east 107.49 feet to an iron pin found; running thence south 01 degrees 32 minutes 16 seconds east 335.67 feet to an iron pin found; running thence south 01 degrees 50 minutes 44 seconds east 206.08 feet to an iron pin set; running thence south 02 degrees 59 minutes 04 seconds east 143.33 feet to an iron pin found; running thence south 02 degrees 14 minutes 47 seconds east 99.70 feet to an iron pin found; running thence south 01 degrees 59 minutes 04 seconds east 926.56 feet to an iron pin found; running thence south 01 degrees 23 minutes 17 seconds east 827.76 feet to an iron pin found; running thence south 03 degrees 39 minutes 06 seconds east 133.10 feet to an iron pin found; running thence south 05 degrees 18 minutes 44 seconds east 129.19 feet to the point of beginning.



**EXHIBIT "A"**

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 23 of the 7th District of Fulton County, Georgia, and being more particularly described as follows:  
Beginning at an iron pin placed on the West right-of-way of Jenkins Road 430 feet North from the intersection of the West right-of-way of Jenkins road with the South line of Land Lot 23; running thence South 89 degrees, 59 minutes, 20 seconds West a distance of 201.5 feet to an iron pin found; thence running North 0 degrees, 51 minutes, 50 seconds West a distance of 450 feet to an iron pin found; thence running North 89 degrees, 0 minutes, 20 seconds East a distance of 193.4 feet to an iron pin found on the West right-of-way of Jenkins Road; running thence South along the west right-of-way of Jenkins road a distance 446.03 feet to an iron pin found at the point of beginning; being improved property known as 6885 Jenkins Road, Fulton County, Georgia, and being the same property conveyed to Charles Farmer by Allen T. McConnell and Helen G. McConnell by deed recorded in Deed Book 11853, page 342, Fulton County records.  
Less and Except all that tract of land as shown on that certain Right of Way Deed dated 12/01/1993, filed for record 10/17/1974, recorded in Deed Book 17458, page 36, aforesaid records.

All that tract or parcel of land lying and being in Land Lot 23 of the 7th District of Fulton County, Georgia, and being more particularly described as follows:  
Beginning at a point formed by the intersection of the South Line of said Land Lot 23 and the West right-of-way line of Jenkins -Road; running thence in a Northerly direction along the West Right-of-Way line of Jenkins Road 430 feet to a point; running thence South 87 degrees 42 minutes 20 seconds West 201.5 feet to a point; running thence South 0 degrees 51 minutes 50 seconds East 430 feet to the South line of Land Lot 23; running thence West 87 degrees 9 minutes 30 seconds East 217.1 feet to the point of beginning.

This is the same property conveyed to decedent by Allen T. McConnell and Helen C. McConnell by deed appearing in Deed Book 11946, page 20, Fulton County Records



- EXISTING STREETS
- POTENTIAL ROADWAYS
- POTENTIAL TRAILS
- PROPOSED CIVIC SPACE
- PROPOSED DEDICATED OPEN SPACE
- DEVELOPMENT / ADDITIONAL OPEN SPACE (for future phases)

Exhibit "B"

Site	
Gross Site Area	256.83 Acres 11,187,515 SF
Existing Zoning	
Zoning	RL
Future Development	Preferred Town and Village Area
Proposed Zoning	
Zoning	HM-MU
Phase 1 - Proposed Use	
Single Family Detached	45 units
Townhouse	3 units
TOTAL Units	48 units
Nonresidential Land Area	23,512.0 sf (lot area for buildings "a" and "b")
Phase 2 - Proposed Use	
Single Family Detached	84 units
Single Family Detached - Ridge Lots	12 units
Townhouse	29 units
Multi-Family and Flats*	20 units
TOTAL Units	145 units
TOTAL Nonresidential Land Area	57,380 sf
Phase 3 - Proposed Use	
Single Family Detached	36 units
Single Family Detached - Ridge Lots	20 units
Townhouse	7 units
TOTAL Units	63 units
TOTAL Nonresidential Land Area	28,191 sf
*Residential units within mixed-use buildings	
Overall Calculations	
Residential Dwellings	256 units
Density (Baseline Density 1: Max Density 1.25)	1.00 du/ac
Nonresidential Density* (min 10% of developable area)	109,082 sf (min. required 500,773.21sf)
(Developable Area = Site Area - (Stream Buffers + Perimeter Buffers))	
Total Open Space (minimum 70%)	74.2% (187.66 acres)
Civic Space (minimum 5% of all required open space)**	6.1% (10.97 acres)
*calculated using total land square footage area for each nonresidential lot	
**5% of the minimum 70% Total Open Space (179,78) = 8,98ac	

**Zoning Notes:**

- The location, shape, and size of open spaces, amenity spaces, thoroughfares, Phase 1 buildings, and trails are subject to adjustment as phases are built out.
- Civic and Open Spaces shall conform to Article V Division 4 at date of adoption.
- Private lots may occupy the required buffer.



1447 Peachtree Street NE,  
Suite 850  
Atlanta, Georgia 30309  
phone: 404.873.6730

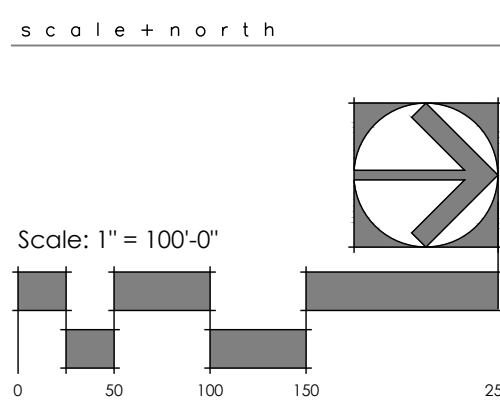
www.tsw-design.com

location

WILKERSON MILL RD  
Chattahoochee Hills, GA

LAND LOT 23, 24 & 41  
7TH DISTRICT  
Fulton County, Georgia

Bear Creek Project  
" ZONING PLAN"

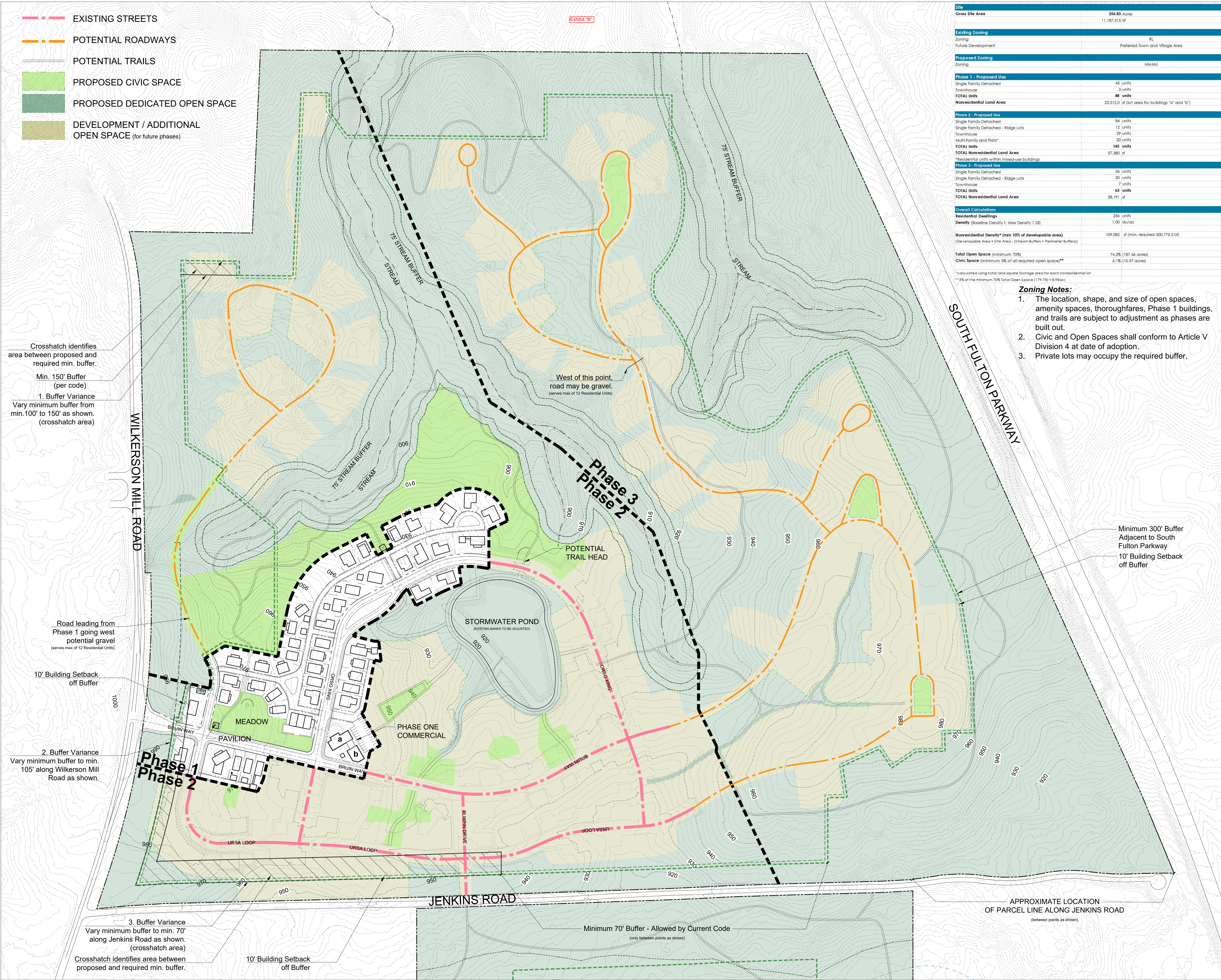


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project title  
Bear Creek  
Zoning/Concept Plan

for  
Bear Creek Project One, LLC

drawing information  
project number:  
contact: TSW  
drawn by: TSW  
checked by: TSW  
scale: 1" = 100'  
drawing date:  
June 04, 2021







SOUTH FULTON PARKWAY (300' R/W)

FUTURE PHASE 2

### -SHEET INDEX-

COVER	OVERALL SITE PLAN AND NOTES
AB1	AS-BUILT SITE LAYOUT SHEET
AB2	AS-BUILT SITE LAYOUT SHEET
AB3	AS-BUILT SITE LAYOUT SHEET
AB4	AS-BUILT STORM WATER PROFILE SHEET
AB5	AS-BUILT STORM WATER PROFILE SHEET
AB6	AS-BUILT STORM WATER PROFILE SHEET
AB7	AS-BUILT STORM WATER PROFILE SHEET
AB8	AS-BUILT STORM WATER PROFILE SHEET
AB9	AS-BUILT ROAD PROFILE SHEET
AB10	AS-BUILT ROAD PROFILE SHEET
AB11	AS-BUILT ROAD PROFILE SHEET
AB12	AS-BUILT ROAD PROFILE SHEET
AB13	AS-BUILT ROAD PROFILE SHEET
AB14	AS-BUILT ROAD PROFILE SHEET
AB15	AS-BUILT ROAD PROFILE SHEET
AB16	AS-BUILT ROAD PROFILE SHEET
AB17	AS-BUILT ROAD PROFILE SHEET

### CONSERVATION GENERAL NOTES:

- 1) PROPERTY LOCATED WITHIN THE CHATTAHOOCHEE HILL COUNTRY CONSERVANCY (CHC) - PROPERTY ZONED (AG-1) - L.D.P. # 05241 LP
- 2) AREA OF THIS TRACT: 252.802 ACRES / 11,012,111.74 SQ. FEET
- 3) AREA WITHIN PRIMARY GREEN SPACE: 43.74 ACRES
- 4) AREA WITHIN SECONDARY GREEN SPACE: 146.05 ACRES
- 5) TOTAL AREA OF GREEN SPACE: 189.79 ACRES
- 6) TOTAL PERCENTAGE OF GREEN SPACE: 66.3%
- 7) TOTAL NUMBER OF RESIDENTIAL LOTS: 253  
TOTAL LOTS FOR PHASE ONE: 124  
TOTAL LOTS FOR PHASE TWO: 129
- 8) TOPOGRAPHIC MAP PREPARED BY:  
METRO ENGINEERING AND SURVEYING CO., INC.  
(USING ANALYTICAL PHOTOGRAMMETRIC METHODS)  
DATED: 01-16-2005 AND 03-13-2005
- 9) FULTON COUNTY GIS MONUMENTS: F483 LOCATED ON RIVERTOWN RD & 2002-07 LOCATED ON COCHRAN MILL RD
- 10) WATER SUPPLY: EXISTING CITY OF ATLANTA SYSTEM.
- 11) SEWAGE DISPOSAL: DECENTRALIZED WASTE WATER SYSTEM. (RECIRCULATING GRAVEL FILTER (RGF) - APPROVED BY E.P.D.)
- 12) THE SUBJECT PROPERTY WEST OF JENKINS ROAD LIES WITHIN THE (ZONE X) FLOOD ZONE AREA PER FEMA F.I.R.M. MAPS 13121C 0429E, 13121C 0441 E AND 13121C 0437 E DATED JUNE 22, 1998.
- 13) THE SUBJECT PROPERTY EAST OF JENKINS ROAD LIES WITHIN THE (ZONE X) FLOOD ZONE AREA PER FEMA F.I.R.M. MAP 13121C 0429 E, DATED JUNE 22, 1998.  
(ZONE X) = AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN



PREPARED BY:  
1111 BARBERS HIGHWAY  
CONLEY, Georgia 30127  
D.T.I.  
DEVELOPMENTAL TECHNOLOGIES, INC.  
2200 PARKWAY  
ATLANTA, GEORGIA 30328  
404.525.1111  
404.525.1112



AS-BUILT SURVEY FOR:  
BEAR CREEK CROSSROADS  
(FORMERLY WILKERSON MILL)  
LAND LOT: 23, 24 & 41 - DISTRICT: 7  
FULTON COUNTY, GEORGIA

OWNER/DEVELOPER:  
R & B  
CONSTRUCTION  
8030 SPIVET ROAD  
JONESBORO, GEORGIA 30236  
770-471-5215

NO.	REVISION DESCRIPTION	DATE
1	24 HOUR CONTACT: EARL RAYMOND DRAWING SCALE: 1" = 200' [DATE: MAY 16, 2007] SHEET NUMBER: COVER	

**Design Intent // Concept Narrative**

The Bear Creek Project, located on 256.8 acres between Wilkerson Mill Road and South Fulton Parkway, is a proposed community where residents and the public can live, work, meet, play, and relax. The development will include 256 homes, preserved open and civic spaces, community amenities, and small-scale, neighborhood commercial uses, all thoughtfully planned and designed to complement the property's compelling natural features.

The proposed Concept Plan is inspired by and fully aligned with the City of Chattahoochee Hills Comprehensive Plan. Respect for the character of the undeveloped land at the site and Chattahoochee Hills' open space preservation goals are central to the Concept Plan. The Comprehensive Plan then provides the guidance for planning and developing the project: establishing higher density areas within what will remain a largely undeveloped site to meet the City's goals—providing varied housing types and placement, a walkable design, enhanced recreational space, a reduced reliance on automobiles, and mixed uses.

The Bear Creek Project site was partially cleared, graded, and developed with streets and utilities in 2007-2008. At that time, the current subdivision plat was approved by Fulton County. Water, electrical and telecommunications services, a sewer system, and stormwater management were constructed to all of the 124 approved building lots. The proposed Concept Plan is now intended to replace the currently approved plans, by bringing the project up to the standards set by the City of Chattahoochee Hills in its Comprehensive Plan and Zoning Ordinance.

As a central concept, the previously constructed site infrastructure and graded areas will be adaptively reused to form the main development area of the Bear Creek Project. The density of the core area will be increased from 124 to 181 units to allow a more innovative plan with a lighter touch to be established on the remainder of the site. This will reduce the previous approved conceptual planning limit from 129 homes to 75 for the undeveloped parts of the site, preserving and celebrating the site's beautiful woodlands as a vital element of the community.

The Concept Plan features 179 acres of permanent open space, including extensive woodlands and designated civic areas, all connected by a network of trails and paths within the site and allowing for future connections to adjacent amenities, such as Cochran Mill Park. Many of the homes will directly front to paths, open space, and civic spaces. Most of the residences will be detached single-family homes of varied sizes, but other housing is also placed throughout the neighborhoods, including attached homes, small multifamily buildings, and mixed-use buildings that serve to build a dynamic and inclusive community.

The overall design influences are grounded in traditional and sustainable design values. At the core of the community is the neighborhood commercial area, which offers small-scale, boutique retail space and an opportunity for a marquee restaurant. The area is envisioned to be a plaza for the community to gather, socialize, and shop. Rooted in European design, the Plan envisions a curbless plaza where vehicle and pedestrian zones are sensitively defined by vertical elements such as planters and trees, along with

different surface materials. Community amenities, such as a meeting space and pool, will be sited nearby, making this area the heart of the community. A mix of single-family homes, attached houses, and small multifamily buildings will surround the plaza area in a close arrangement, with attractive streetscapes, midblock paths and alleyways linking to residences and screened parking areas.

In Phase 3 of the project, the existing street system would be extended to the north, passing through a forested area with rolling topography. These roads lead to two clusters of homes, each of which is planned to reflect a wooded, rustic feel inspired by the English countryside. The small clusters provide residential units and opportunities for live/work settings, as well as small mixed-use commercial spaces. At the core of each cluster is a common green, offering a flexible open space amenity to residents and visitors.

West of the town and cluster areas are two fingers of low-density rural homes accessed from gravel and paved lanes running through the woods. These Ridge Lots will be sited along two finger-like ridges of higher ground, overlooking the forested creeks and trails. To limit the land disturbances, each buildable area will receive custom home placement, with special attention to natural topography, creek buffers, views and adjacent roads and trails.

### **Phasing and Timeline**

The project is currently planned to be implemented in three phases:

- Phase 1 includes approximately 12 acres of the currently subdivided area, using a new plat that will allow development of the innovative site features: the mixed-use plaza area, alleyways for vehicle use with rear-entry garages, attractive and inviting front yards to encourage walking and interaction, and access to nontraditional lots facing the site's open space. This phase is anticipated to break ground in late 2021, with delivery of the first completed homes in 2022.
- Phase 2 completes the development of the previously platted subdivision area, and includes the remainder of the plaza mixed-use area, a community amenity center with gathering and meeting space and a pool. Several civic spaces will be developed, providing miniparks, landscaped areas, and a pedestrian and path network. The project will also introduce the initial rural homesites to be situated on selected clearings along the forest ridgelines. Served by gravel and paved access lanes, the ridge lots will become the town's outskirts—a transition from the denser town area to the preserved open space areas. This phase is anticipated to be developed during period from 2022 through 2024.
- Phase 3 includes the developing residential and live-work space in the northern portions of the site, which includes the final roadways and utility extensions. This phase is expected to be delivered in 2023 through 2025.

**About Bear Creek Project One**

This firm will be the development vehicle for the project and was formed when the site was acquired in late 2019. The firm is managed and is partly owned by Bahnhof Partners.

**About Bahnhof Partners**

Bahnhof Partners LLC was established by longtime business associates Joseph Schlais, John MacGregor, and William Robbins, who have worked together in land development and project management since the 1980s. Seeking to extend their vision to develop an innovative, mixed-use project, and after studying different locations throughout Atlanta, the team has been drawn to the natural beauty, vision, and the unique development approach of Chattahoochee Hills. The successful implementation of this project is now the main focus of our principals.

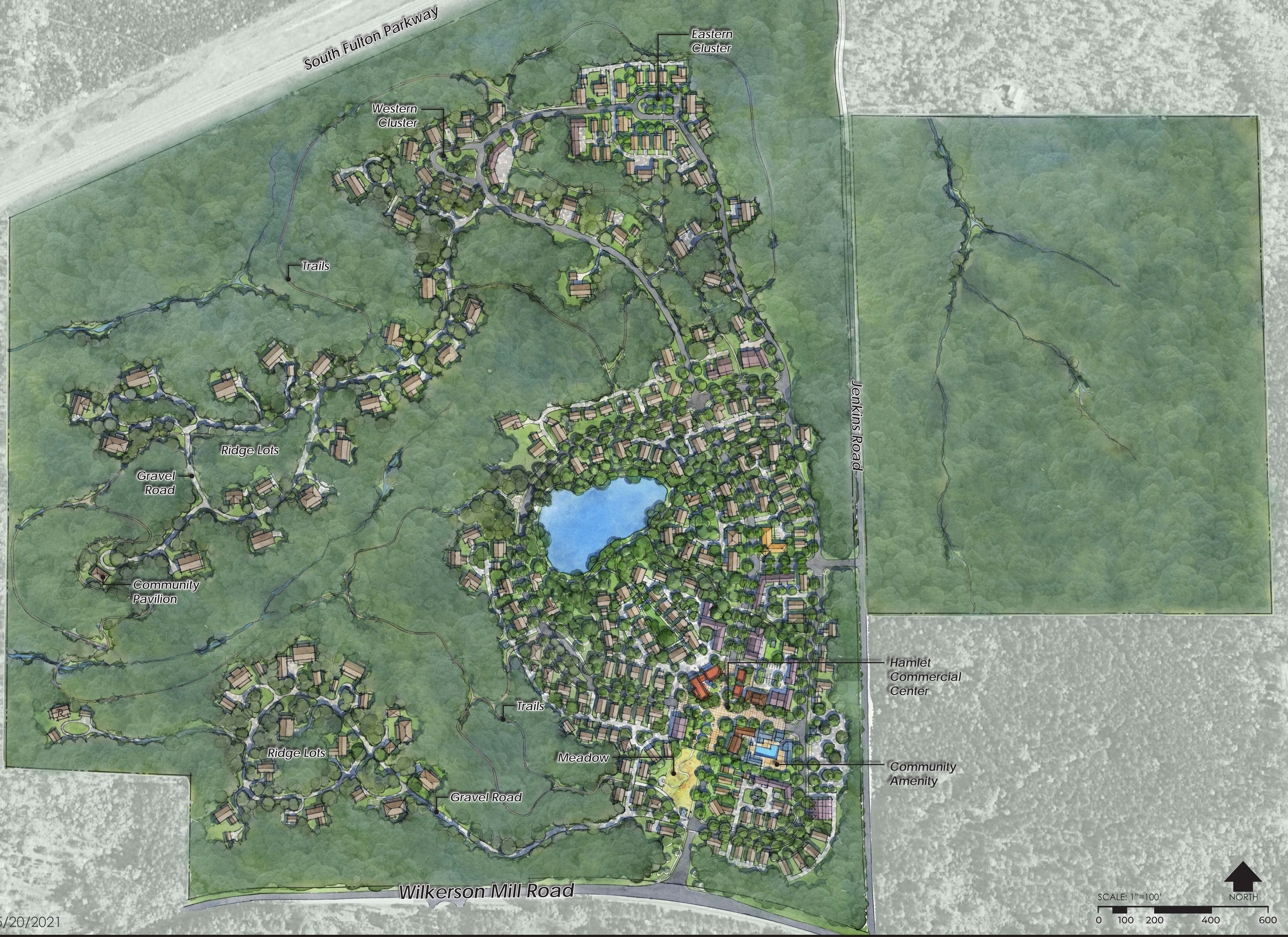


# **Bear Creek Project**

Chattahoochee Hills, Georgia

for: Bear Creek Project One, LLC

by:TSW







Commercial View





Lake View





Hamlet View



### **Site Analysis – Existing Conditions**

The Bear Creek Project site includes 256.8 acres of rolling, wooded topography.

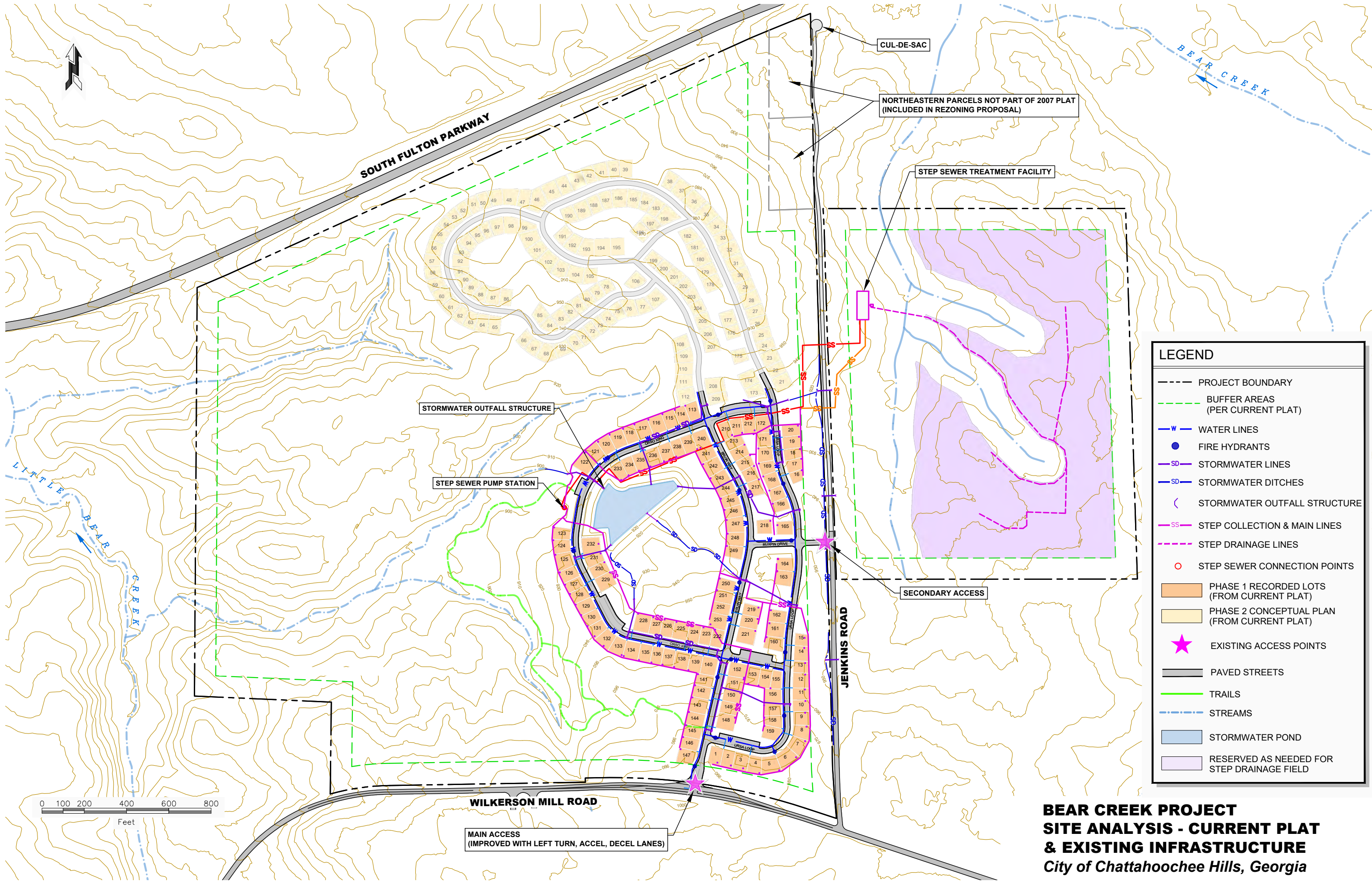
The majority of the site is located on the northwest corner of the intersection of Wilkerson Mill Road and Jenkins Road. During a previous residential development project, the southeastern quadrant of this property was improved with roads and utilities. The extent of these improvements is about 45 acres, and includes mass grading/civil improvements, drainage, roadways with curbs and asphalt surfacing, potable water, sewer, and electrical.

These areas are generally at a modest elevation on the site, lower than the site entrance as well as several ridges on the northern and western areas of the property. The development plan emphasizes maintaining views to these wooded ridges, and maintaining forest cover on the ridges.

The western portion of the site also includes several streams, which are wet year-round, are fed by springs on the property, and flow into Little Bear Creek. These streams run through ravines which will remain undisturbed by development, except for trails.

In addition, the project site includes a 57-acre parcel to the east of Jenkins Road, which is wooded, rolling topography. This area was previously developed as a STEP drainage field, which will be rehabilitated during this project. The area includes several streams, which flow into Bear Creek, to the northeast.

There is no indication of any historic structures or walls on the property.

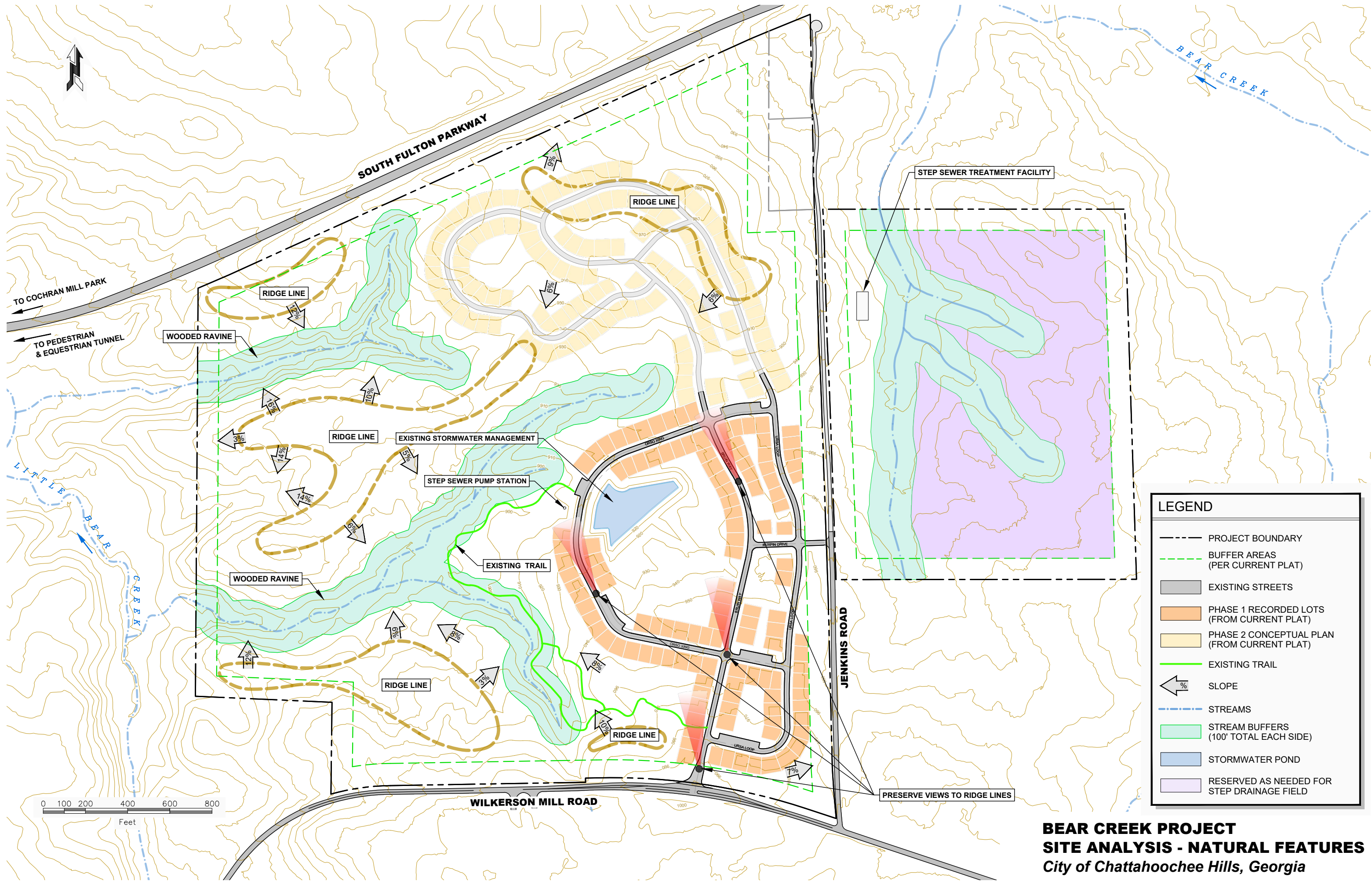


**LEGEND**

- PROJECT BOUNDARY
- - - - - BUFFER AREAS (PER CURRENT PLAT)
- W WATER LINES
- FIRE HYDRANTS
- SD STORMWATER LINES
- SD STORMWATER DITCHES
- ⌋ STORMWATER OUTFALL STRUCTURE
- SS STEP COLLECTION & MAIN LINES
- - - - - STEP DRAINAGE LINES
- STEP SEWER CONNECTION POINTS
- PHASE 1 RECORDED LOTS (FROM CURRENT PLAT)
- PHASE 2 CONCEPTUAL PLAN (FROM CURRENT PLAT)
- ★ EXISTING ACCESS POINTS
- PAVED STREETS
- TRAILS
- STREAMS
- STORMWATER POND
- RESERVED AS NEEDED FOR STEP DRAINAGE FIELD

**BEAR CREEK PROJECT  
SITE ANALYSIS - CURRENT PLAT  
& EXISTING INFRASTRUCTURE**  
*City of Chattahoochee Hills, Georgia*





**BEAR CREEK PROJECT**  
**SITE ANALYSIS - NATURAL FEATURES**  
*City of Chattahoochee Hills, Georgia*



- PROPOSED CIVIC SPACE
- PROPOSED DEDICATED OPEN SPACE
- POTENTIAL COMMERCIAL (INCLUDES LIVE/WORK UNITS)
- DIRECTION FOR POTENTIAL COMMERCIAL EXPANSION
- POTENTIAL TRAILS

TYP .5 acres of land around Ridge Lots

WILKERSON MILL ROAD

Primary Entry

Phase 1  
Phase 2

MEADOW

Neighborhood Commercial Node

Community Pool

Informal planted gravel parking lot. Parking stalls and drive aisles are dashed to represent no raised curbs.

Private Drive (easement needed)

Community Pavilion (nonresidential parcel)

Private Drive (easement needed)

STORMWATER POND (EXISTING BANKS TO BE ADJUSTED)

Phase 3  
Phase 2

POTENTIAL TRAIL HEAD

75' STREAM BUFFER

STREAM

SOUTH FULTON PARKWAY

Western Cluster

Potential Commercial Use

Eastern Cluster

Potential Commercial Use

JENKINS ROAD

This plan is for illustrative purposes only. The location, shape, and size of open spaces, amenity spaces, thoroughfares, buildings, lots, parking, drives, and trails are subject to adjustment as phases are built out.

TSW

PLANNERS ARCHITECTS LANDSCAPE ARCHITECTS

1447 Peachtree Street NE, Suite 850, Atlanta, Georgia 30309, phone: 404.873.6730

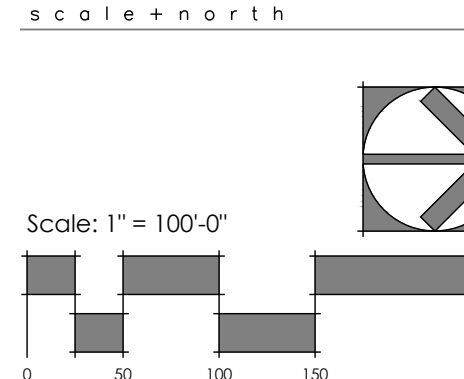
www.tsw-design.com

location

WILKERSON MILL RD Chattahoochee Hills, GA

LAND LOT 23, 24 & 41 7TH DISTRICT Fulton County, Georgia

# Bear Creek Project "CONCEPT PLAN"



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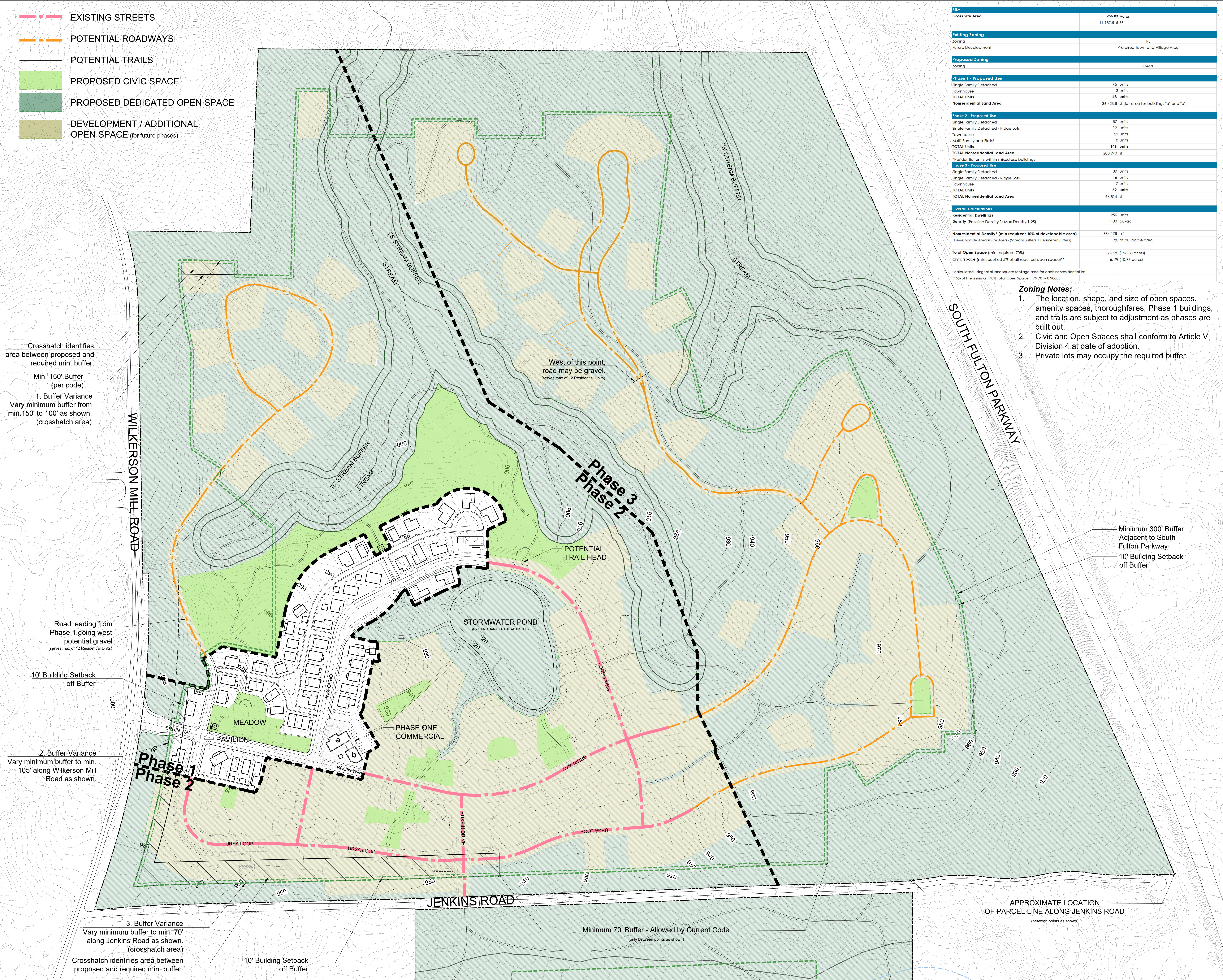
project title  
Bear Creek  
Zoning/Concept Plan

for  
Bear Creek Project One, LLC

drawing information  
project number:  
contact: TSW  
drawn by: TSW  
checked by: TSW  
scale: 1" = 100'  
drawing date:  
July 01, 2021



- EXISTING STREETS
- POTENTIAL ROADWAYS
- POTENTIAL TRAILS
- PROPOSED CIVIC SPACE
- PROPOSED DEDICATED OPEN SPACE
- DEVELOPMENT / ADDITIONAL OPEN SPACE (for future phases)



Site	254.83 Acres
Gross Site Area	11,187,515 SF
Existing Zoning	RL
Zoning	Preferred Town and Village Area
Proposed Zoning	HMMU
Phase 1 - Proposed Use	
Single Family Detached	45 units
Townhouse	3 units
TOTAL Units	48 units
Nonresidential Land Area	36,423.8 sf (lot area for buildings "a" and "b")
Phase 2 - Proposed Use	
Single Family Detached	87 units
Single Family Detached - Ridge Lots	12 units
Townhouse	29 units
Multi-Family and Pkts*	18 units
TOTAL Units	146 units
TOTAL Nonresidential Land Area	200,940 sf
*Residential units within mixed-use buildings	
Phase 3 - Proposed Use	
Single Family Detached	39 units
Single Family Detached - Ridge Lots	14 units
Townhouse	7 units
TOTAL Units	62 units
TOTAL Nonresidential Land Area	96,814 sf
Overall Calculations	
Residential Dwellings	254 units
Density (Baseline Density 1: Max Density 1.25)	1.00 du/ac
Nonresidential Density* (min required: 10% of developable area)	334,178 sf
(Developable Area = Site Area - (Stream Buffers + Perimeter Buffers))	7% of buildable area
Total Open Space (min required: 70%)	76.5% (193.38 acres)
Civic Space (min required 5% of all required open space)**	6.1% (10.97 acres)
*calculated using total land square footage area for each nonresidential lot	
**5% of the minimum 70% Total Open Space (179.78) = 8.98ac	

- Zoning Notes:**
- The location, shape, and size of open spaces, amenity spaces, thoroughfares, Phase 1 buildings, and trails are subject to adjustment as phases are built out.
  - Civic and Open Spaces shall conform to Article V Division 4 at date of adoption.
  - Private lots may occupy the required buffer.

TSW

PLANNERS  
ARCHITECTS  
LANDSCAPE ARCHITECTS

1447 Peachtree Street NE,  
Suite 850  
Atlanta, Georgia 30309  
phone: 404.873.6730

www.tsw-design.com

location

WILKERSON MILL RD  
Chattahoochee Hills, GA

LAND LOT 23, 24 & 41  
7TH DISTRICT  
Fulton County, Georgia

Bear Creek Project  
" ZONING PLAN"

Scale: 1" = 100'-0"

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project title  
Bear Creek  
Zoning/Concept Plan  
for  
Bear Creek Project One, LLC

drawing information  
project number:  
contact:  
drawn by:  
checked by:  
scale:  
drawing date:  
July 01, 2021



# Bear Creek Project "ZONING PLAN"

WILKERSON MILL ROAD

ARKWAY

Phase 1  
Phase 2

Phase 2  
Phase 3

MEADOW  
PAVILION

PHASE ONE  
COMMERCIAL

a

b

1000

BRUIN WAY

BRUIN WAY

URSA LOOP

URSA LOOP

URSA LOOP

URSA LOOP

URSA LOOP

URSA LOOP

URSA LOOP

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URSA LOOP

Proposed pedestrian trail network to be coordinated with required STEP field system. Pedestrian network to connect with proposed trail system west of Jenkins Road.

JENKINS ROAD

APPROXIMATE LOCATION  
OF PARCEL LINE ALONG JENKINS ROAD  
(between points as shown)

EXISTING STREETS

POTENTIAL STREETS

POTENTIAL TRAIL

PROPOSED CIVIC SPACE

PROPOSED DEDICATED OPEN SPACE

AREA OUTSIDE DEDICATED OPEN SPACE (for future phases)

## Zoning Notes:

- The location, shape, and size of open spaces, amenity spaces, thoroughfares, Phase 1 buildings, and trails are subject to adjustment as phases are built out.
- Civic and Open Spaces shall conform to Article V Division 4 at date of adoption.
- Private lots may occupy the required buffer.

scale north

Scale: 1" = 100'-0"

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## Site

<b>Gross Site Area</b>	<b>256.83 Acres</b> 11,187,515 SF
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## Existing Zoning

Zoning	RL
Future Development	Preferred Town and Village Area

## Proposed Zoning

Zoning	HM-MU
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## Phase 1 - Proposed Use

Single Family Detached	45 units
Townhouse	3 units
<b>TOTAL Units</b>	<b>48 units</b>
<b>Nonresidential Land Area</b>	36,423.8 sf (lot area for buildings "a" and "b")

## Phase 2 - Proposed Use

Single Family Detached	87 units
Single Family Detached - Ridge Lots	12 units
Townhouse	29 units
Multi-Family and Flats*	18 units
<b>TOTAL Units</b>	<b>146 units</b>
<b>TOTAL Nonresidential Land Area</b>	200,940 sf

\*Residential units within mixed-use buildings

## Phase 3 - Proposed Use

Single Family Detached	39 units
Single Family Detached - Ridge Lots	16 units
Townhouse	7 units
<b>TOTAL Units</b>	<b>62 units</b>
<b>TOTAL Nonresidential Land Area</b>	96,814 sf

## Overall Calculations

<b>Residential Dwellings</b>	256 units
<b>Density</b> (Baseline Density 1; Max Density 1.25)	1.00 du/ac

<b>Nonresidential Density*</b> (min required: 10% of developable area)	334,178 sf
(Developable Area = Site Area - (Stream Buffers + Perimeter Buffers))	7% of buildable area

<b>Total Open Space</b> (min required: 70%)	76.5% (193.38 acres)
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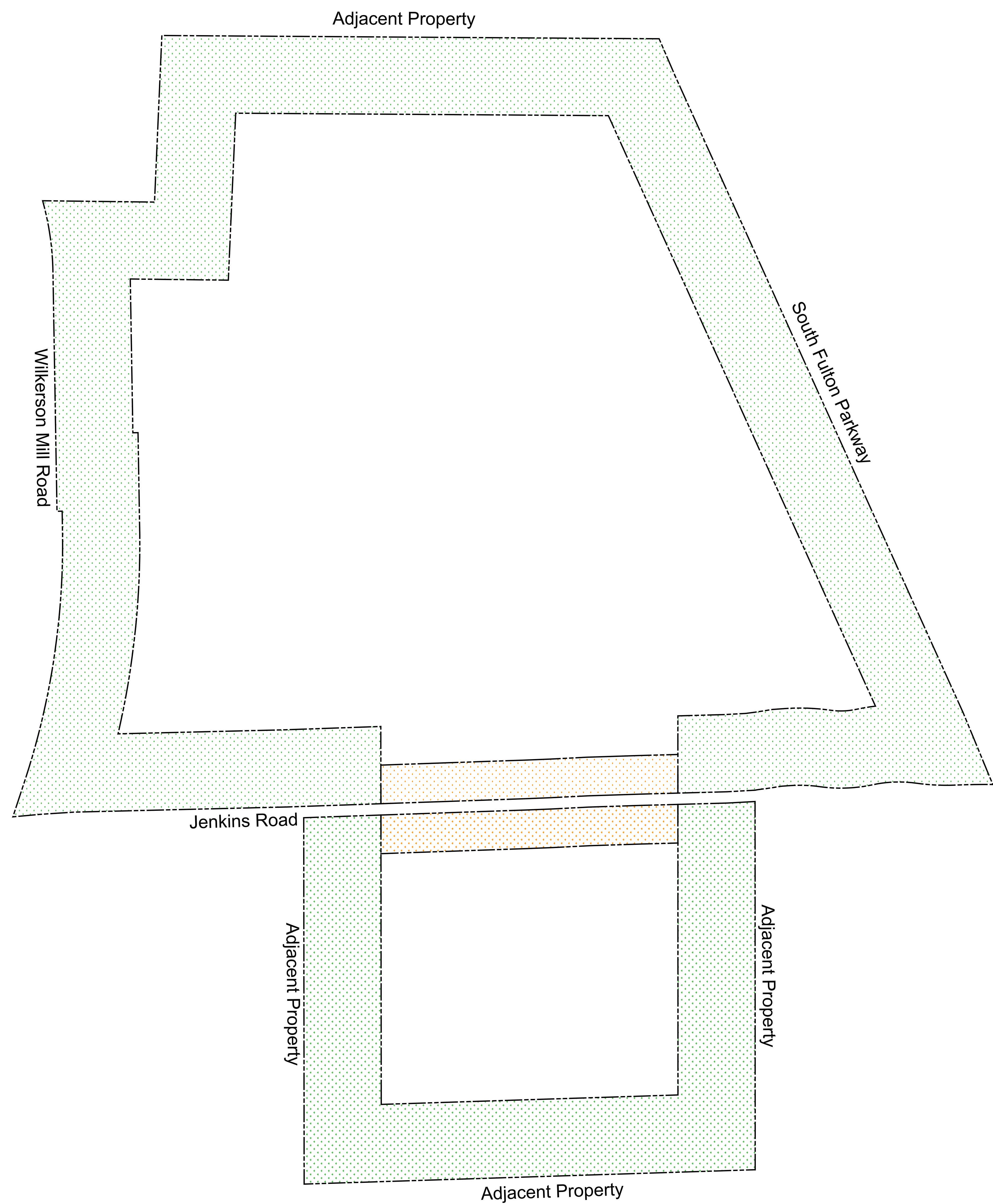
<b>Civic Space</b> (min required 5% of all required open space)**	6.1% (10.97 acres)
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\*calculated using total land square footage area for each nonresidential lot

\*\*5% of the minimum 70% Total Open Space (179.78) = 8.98ac

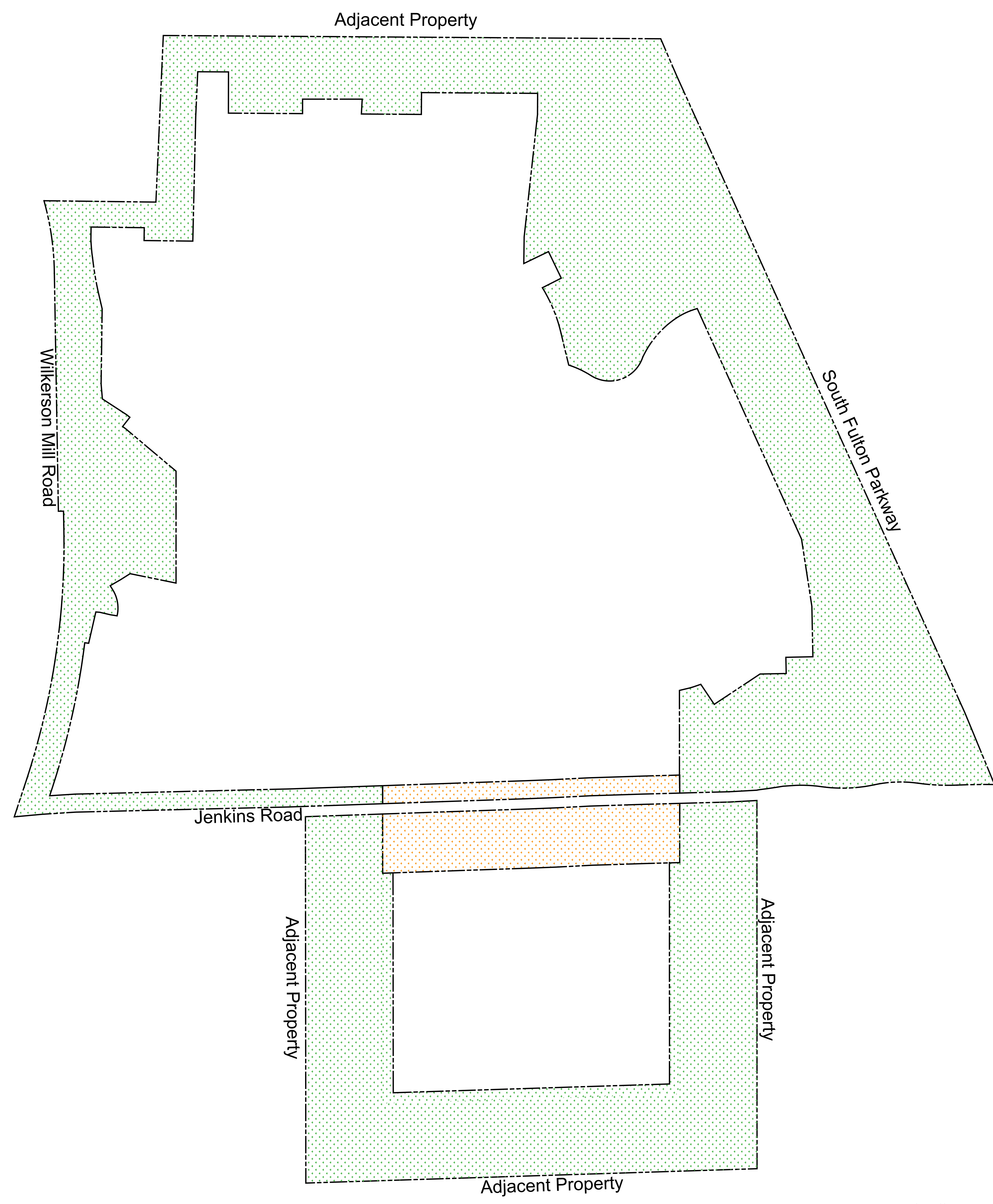


Average Perimeter Buffer Square Footages



Proposed Perimeter Buffer (adjusted)

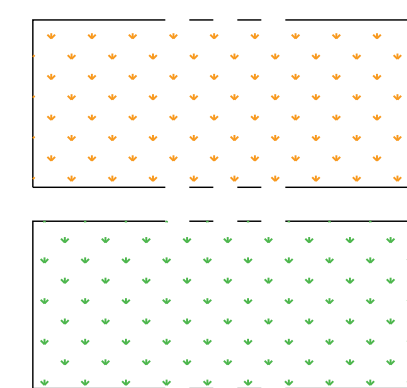
(illustrating how minimum perimeter buffer square footages are met)



The location, shape, and size of buffer areas are subject to adjustment as phases are built out.

300' Buffer Area Calculation		
Area West of Jenkins	2,976,724.32	SF
Area East of Jenkins	1,202,146.28	SF
<b>TOTAL Buffer Area</b>	<b>4,178,870.60</b>	<b>SF</b>

70' Buffer Area Calculation		
Area West of Jenkins	173,255.88	SF
Area East of Jenkins	173,255.88	SF
<b>TOTAL Buffer Area</b>	<b>346,511.77</b>	<b>SF</b>

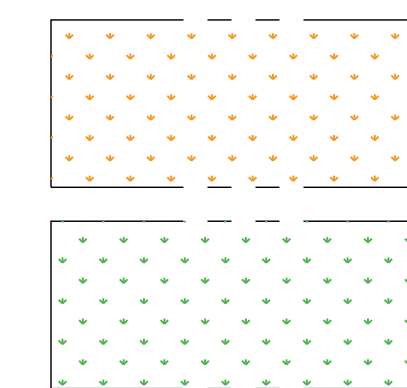


Average 150' Buffer Area

Average 300' Buffer Area

300' Buffer Area Calculation - Proposed		
Area West of Jenkins	2,924,872.94	SF
Area East of Jenkins	1,316,845.49	SF
<b>TOTAL Buffer Area</b>	<b>4,241,718.43</b>	<b>SF</b>

70' Buffer Area Calculation - Proposed		
Area West of Jenkins	80,850.52	SF
Area East of Jenkins	265,661.25	SF
<b>TOTAL Buffer Area</b>	<b>346,511.77</b>	<b>SF</b>



Average 150' Buffer Area

Average 300' Buffer Area



## Written Analysis of Zoning Standards

The following analysis of the zoning review standards has been prepared by the applicant to aid the City of Chattahoochee Hills in its consideration of the proposed project.

- 1. Whether the Zoning Proposal will result in a use which will or could cause an excessive or burdensome use of utilities, public facilities, or schools.**

*The proposal is a replacement of a previously approved plat of a currently inactive development with installed streets and utilities. No increase in density is proposed. As such, the proposed replacement project approval will not cause any added impacts to utilities, public facilities, or schools than the currently approved plat. Upgrades to the project's existing STEP sewer system are planned.*

- 2. Whether the Zoning Proposal will result in a Use which will or could cause City Thoroughfares or transportation facilities to be unable to meet the transportation policies of the Comprehensive Plan due to excess traffic congestion.**

*As noted in #1 above, the proposal is to replace a previously approved plat of a currently inactive development, with no increase in density. As such, it will not cause City Thoroughfares or transportation facilities to be unable to meet the transportation policies of the Comprehensive Plan due to excess traffic congestion. Instead, the proposal incorporates several aspects that will work together to decrease the site traffic below the level of the currently plat, including:*

- a. A walkable, mixed-use design that will allow residents to meet a range of daily needs without driving;*
- b. A system of trails, including planned future connections to Cochran Mill Park, that will be available for public use; and*
- c. An interconnected street system that will disperse traffic and encourage walking, cycling and cart usage internally.*

- 3. Whether the Zoning Proposal is in conformity with the policy and intent of the Comprehensive Plan.**

*The proposal conforms to the policy and intent of the Comprehensive Plan.*

- 4. Whether there are other existing or changing conditions affecting the use and Development of the Property which gives supporting grounds for either approval or disapproval of the Zoning Proposal.**

*The proposal provides a superior conceptual plan when compared to the previously approved plat of a currently inactive development. Unlike the previous design, this proposal creates a true hamlet community, featuring a mixture of housing types and civic spaces that are centered on a small, mixed-use center.*

**5. The existing uses and Zoning of nearby Property.**

*All nearby properties are zoned RL Rural District. They are largely undeveloped or have a single-family use, except for a single-family subdivision directly south of the site on Wilkerson Mill Road.*

**6. The extent to which Property values are diminished by their particular Zoning restrictions.**

*The previously approved and recorded plat for the site is a conventional, single use "subdivision" that is inconsistent with a number of City policies and does not meet market demands. The fact that the site has remained vacant for years, despite being approved for development, is a testimony to its lack of market viability. Requiring the applicant to implement the current design would impose a financial hardship.*

*This zoning request would allow the applicant to update the proposed development to one that is fully consistent with City policies and more viable in today's market. It proposes to establish a hamlet that uses high quality planning and designs to create a vibrant community with a compelling sense-of-place and, therefore, achieve improved market acceptance than the currently approved plat.*

**7. The extent to which the possible reduction of Property values of the subject Property promotes the health, safety, morals, or general welfare of the public.**

*Not applicable. This proposal will not result in a reduction of property values.*

**8. The relative harm to the public as compared to the Hardship imposed upon the individual Property owner.**

**9. The suitability of the subject Property for the Zoning proposed.**

*The proposed HM-MU Hamlet-Mixed-Use zoning under the City code is suitable, given the site's size, proximity to South Fulton Parkway, existing infrastructure, Cochran Hill Park, and existing road networks abutting the site.*

**10. Consistency with any adopted county and City wastewater treatment plans, including the feasibility and impacts of serving the Property with public wastewater treatment service and, if an alternative wastewater treatment method is proposed, whether such wastewater treatment method will have a detrimental impact on the environment or will negatively affect other public concerns.**

*The City does not have an existing wastewater treatment plan. The proposal is consistent with the adopted wastewater treatment plans approved by Georgia DEP when the original plat was prepared and approved. The proposal includes upgrades to the project's existing STEP system.*

**11. The length of time the Property has been vacant as zoned, considered in the context of land Development in the vicinity of the Property.**

*The currently approved plat was initially approved in 2007 and several homes were built that have since been demolished. The site has effectively remained vacant for 14 years, 2007-2021.*

**12. Whether the Zoning Proposal will permit a use that is suitable in view of the use and Development of adjacent and nearby Property.**

*The proposed hamlet is primarily residential and is compatible with adjacent and nearby vacant, residential, and open space uses. Proposed nonresidential uses will be limited in scale to the size of the hamlet and, therefore, compatible with existing and new residential uses.*

**13. Whether the Zoning Proposal will adversely affect the existing use or usability of adjacent or nearby Property.**

*The proposed primarily residential development will not adversely affect the existing use or usability of adjacent and nearby residential, vacant, and open space uses. Nearby residents will benefit from access to the proposal's trail system and its mixed-use center and the services it provides. Complete visual buffers are provided in the conceptual plan around the site and will screen it from view.*

**14. Whether the Property to be affected by the Zoning Proposal has a reasonable economic use as currently zoned.**

*As noted in #6 above, the currently approved subdivision on the site is an outdated design that is incompatible with both City policies and current market trends. The current plan lacks reasonable economic use, as evidenced by the fact that it has remained unbuilt, despite having platted lots, streets, and infrastructure for 14 years.*

**15. In instances involving district expansion, whether the proposed change is supported by the Home Owner Associations or official neighborhood associations within the expanding district.**

*Not applicable.*

**16. In instances involving Developments of Regional Impact, whether the proposed change is supported by ARC and/or GRTA.**

*Not applicable.*

The following variances are requested:

1. A variance to the requirement of Table 35-272 to reduce the required minimum buffer along the site's perimeter in the HM-MU district from 150 feet to the dimensions and location shown on the "Bear Creek Project Zoning Concept Plan."
2. A variance to the requirement of Table 35-461 to reduce the required nonresidential density minimum in the HM-MU district from 10% to 2%.

Variance #1 above, to the buffer requirements, is intended to allow the development in the portion of the site that was previously approved and now has its site infrastructure installed under the Fulton County Zoning Ordinance. At that time, the required buffer was 105 feet on Wilkerson Mill Road and 100 feet on Jenkins Road. The approved building lots were platted along Ursa Loop and the street and utility infrastructure were fully constructed according to that Ordinance. The Applicant requests that:

- (A) the Wilkerson Mill Road buffer be established with a minimum of 105'
- (B) a small portion of the western private property boundary be established at 100'
- (C) the Jenkins Road buffer vary, with a 70' minimum as shown on the enclosed Bear Creek Project "Zoning Concept Plan"
- (D) a small, informal gravel parking area with heavy vegetation be allowed closer than 70' to Jenkins Road

Variance #2 above, to the nonresidential requirements, is intended to allow for the implementation of the proposed Conceptual Plan, which includes commercial development at three locations within the hamlet boundaries. This approach is aligned with the current Zoning Ordinance's site planning approach, by serving pedestrian-sheds spaced throughout the project. The main commercial presence area is planned at the crossroads area, part of which is in the Phase One area, and then being completed, along with the community center space, in Phase 2. Smaller nodes are planned at each of the two housing clusters to be placed in the northern part of the site as part of Phase 3.

A requirement for a large minimum requirement for non-residential building space is unsuitable for several reasons, including:

- Uncertain outlooks for commercial development under the current economic situation
- The site's lack of visibility and direct access from South Fulton Parkway

- Maintaining a scale of non-residential development appropriate for a community of 250 homes
- The limited ability to site a commercial development near Wilkerson Mill Road, further reducing visibility and direct access
- Maintaining traffic flows and other impacts at lower, more desirable levels for this community and the surrounding areas of the City.

Both requested variances are consistent with citywide policy changes being considered as part of the City of Chattahoochee Hills Draft Unified Development Code.