



PLANNING COMMISSION MEETING DECEMBER 5, 2024

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MEETING MINUTES
 - a. Approve November 7, 2024 Meeting Minutes
4. ITEMS FROM BOARD MEMBERS
5. ITEMS FROM STAFF
6. PUBLIC HEARING
 - a. Public Hearing Procedure
 - b. **CLUP-24-05/Z-24-17/PH-24-20 Mayfair on Haynes Bridge** **This item has been deferred and will not be considered at the December 5, 2024 Planning Commission meeting.**

Consideration of a comprehensive land use plan amendment, rezoning, change of conditions, and public hearing to allow for a 2nd phase of a residential development including 10 single-family detached homes on 1.53 acres in the Downtown. A comprehensive land use plan amendment is requested from Medium Density Residential to High Density Residential and a rezoning is requested from O-I (Office-Institutional) to DT-R (Downtown Residential). Changes to conditions of zoning is requested for the adjoining 2.83-acre property (Phase 1) approved for a single-family residential subdivision. A public hearing is requested to bring the subject property into the Downtown Overlay. The property is located at 0 Norcross Street and is legally described as being located in Land Lot 747, 1st District, 2nd Section, Fulton County, Georgia.
 - c. **Z-24-09/E-24-03/V-24-14 Wells Fargo Redevelopment/21 North Main Street** **This item has been deferred and will not be considered at the December 5, 2024 Planning Commission meeting.**

Consideration of a rezoning, parking special exception, exception and variance to allow a 5-story mixed-use building on 1 acre in Downtown. A rezoning is requested from C-2 (General Commercial) to DT-C (Downtown Core) and a parking special exception is requested to allow off-site parking. An exception is requested from Unified Development Code (UDC) Appendix A: Alpharetta Downtown Code Subsection 3.5.5(A) to increase the building height from 4 to 5 stories and variances are requested to UDC Appendix A: Alpharetta Downtown Code Subsection 3.5.5 to increase the maximum building footprint and UDC Subsection 3.2.8(D) Landscape Strips to eliminate the landscape strip on the east side of the property. The property is located at 21 North Main Street and is legally described as being located in Land Lot 1268, 2nd District, 2nd Section, Fulton County, Georgia.
 - d. **PH-24-25/Z-24-18 Wexler/172 & 182 Marietta Street**

Consideration of a change to conditions of zoning and rezoning to allow a detached garage with accessory dwelling on 0.58 acres in the Downtown. A change to conditions of zoning is requested at 182 Marietta Street and a rezoning is requested from C-2 (General Commercial) to DT-R (Downtown Residential) at 172 Marietta Street. The property is located at 172 & 182 Marietta Street and is legally described as being located in Land Lots 694 & 1270, 1st District, 2nd Section, Fulton County, Georgia.
 - e. **Z-24-15 McManus/350 Brady Place**

Consideration of a rezoning to allow an existing commercial building to be re-used for a single-family residence or an office in the future. A rezoning is requested from O-I (Office-Institutional) to DT-MU

(Downtown Mixed-Use). The property is located at 350 Brady Place and is legally described as being located in Land Lot 693, 1st District, 2nd Section, Fulton County, Georgia.

f. Z-24-16/V-24-25 Hampton Hall/Southvine Homes

Consideration of a rezoning and variance to allow 9 'Dwelling, 'For-Sale', Detached' lots on 5.05 acres in the Hampton Hall subdivision. A rezoning is requested from AG (Agriculture) to R-15 (Dwelling, 'For-Sale', Residential) and variances are requested to Unified Development Code (UDC) Subsection 2.2.5(D) R-15 District Regulations to reduce lot widths and reduce building setbacks. The property is located at 0 Blake Road and is legally described as being located in Land Lot 917, 1st District, 2nd Section, Fulton County, Georgia.

g. PH-24-24 Unified Development Code Text Amendments – 'Recreation Facilities, Indoor', Historic Preservation Incentive Flag Lots, and Procedures

Consideration of text amendments to Subsection 2.2.14(C) C-1 Neighborhood Commercial, Conditional Uses and Table 2.2 List of Permissible and Conditional Uses of Article II of the Unified Development Code (UDC) to add 'Recreation Facilities, Indoor' as a conditional use in the C-1 zoning district. Consideration of text amendments to Subsection 2.3.1(E) General Exemptions, Flag Lots and Subsection 2.9.5 Incentives Available to Historic Properties Following Designation of Article II of the UDC to add regulations allowing flag lots as an incentive for saving a historic structure. Consideration of text amendments to Article IV Procedures of the UDC to amend various fees associated with the public hearing process and general clean up.

7. ADJOURNMENT



PLANNING COMMISSION MEETING
UNOFFICIAL MINUTES
NOVEMBER 7, 2024

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

❖ During this meeting the AV System stopped working. There was a break called. The meeting proceeded with two audio recordings.

1. **CALL TO ORDER**

Chair Kung'u called the meeting to order at 6:30 p.m.

2. **ROLL CALL**

A. Commissioners Present

- o Francis Kung'u, Chair
- o Martine Zurinkas, Vice-Chair
- o William Perkins
- o Jeremy Scott
- o Todd Stratton
- o Valerie Manley
- o Katie Reeves

B. Staff present:

- o Kathi Cook, Director of Community Development & Economic Development
- o Michael Woodman, Planning + Development Services Manager
- o Elle Taylor Planning & Zoning Coordinator
- o George Doyle, Traffic Engineer
- o Molly Esswein, City Attorney

3. **APPROVAL OF MEETING MINUTES**

a. **Approve Meeting Minutes of 10.3.24**

- ❖ Commissioner Zurinkas offered a motion to approve.
 - Commissioner Perkins seconded the motion.

- The motion carried (7-0)

4. ITEMS FROM BOARD MEMBERS

5. ITEMS FROM STAFF

6. PUBLIC HEARING

a. Public Hearing Procedure

b. Z-24-14/V-24-22 Pinnacle Pg LLC/Karen Drive

Michael Woodman, Planning & Development Manager, presented consideration of a rezoning and variances to allow for the construction of 14 'For-Sale' single-family detached homes on 2.68 acres in the Downtown. A rezoning is requested from O-I (Office- Institutional) and C-2 (General Commercial) to DT-MU (Downtown Mixed-Use). Variances are requested from Unified Development Code (UDC) Appendix A: Alpharetta Downtown Code Subsection 2.3.3(G) to modify local street residential streetscape standards, UDC Appendix A: Alpharetta Downtown Code Subsection 2.4.6(C) to allow a street-facing garage without the required 20' setback from the front façade of the home, and UDC Subsection 3.2.8(D) to reduce the landscape strip requirement along a new local street. The property is located at 0, 297 & 315 Karen Drive and is legally described as being located in Land Lots 693 & 696, 1st District, 2nd Section, Fulton County, Georgia.

The 0.39-acre property with frontage on Karen Drive is zoned R-12 (Dwelling, 'For-Sale', Residential) and is developed with a single-family detached home. The 2.29-acre undeveloped property to the rear is zoned O-I and C-2 and is wooded with a non-perennial stream. The O-I property was depicted as part of the Colony Park Office Condominium development in a 1987 rezoning and 1995 variance request. It is unclear how the O-I and C-2 parcels were subdivided without access to the public street network, effectively creating landlocked parcels. The City's UDC requires a subdivision plat in order to subdivide a property, as well as at least 40' of frontage on a street. Surrounding properties are zoned R-12 and O-I to the north, O-I and C-2 to the west, R-8A (Dwelling, 'For-Sale', Attached Residential) and R-12 to the south and R-12 to the east. Alpha Park subdivision is located to the north, south and east, Colony Park Office Condominiums are located to the north and west, Comcast is located to the west, and Briargate subdivision is located to the south. The comprehensive land use plan designation of the portion of the property seeking rezoning is 'Mixed Use Live Work', which allows the proposed use.

- Site Plan
- Variance Requests
- Renderings

- Traffic
- Standards for Zoning Changes
- The zoning proposal would result in residential lots that are approximately 80% smaller than the lots in Alpha Park, of which the proposed development depicts access through the Alpha Park neighborhood. It is unclear how the subject property was subdivided without access to the public street network. In addition, a request to rezone an Alpha Park property at the southwest corner of Karen Drive and Devore Road was considered in 2017 with the Planning Commission recommending denial to allow three (3) single-family detached homes on 0.82 acres. That applicant ultimately withdrew the request due to a lack of support.
- *The zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties.* The proposed street connection through the Alpha Park subdivision would negatively impact adjacent residential lots to the north, south and east. The applicant's proposal is inconsistent with goals, policies, and strategies in the 2040 Comprehensive Plan
- The proposed development would adversely impact the natural environment. Trees in the stream buffer are depicted to be removed and critical root zone (CRZ) impacts appear to exceed twenty percent (20%) for several saved trees. Most of the tree saves depicted on the site plan are located in the stream buffer or are off-site boundary trees.
- The zoning proposal to allow a residential use would have impacts on schools and parks and recreation.
- The zoning proposal does not reflect a reasonable balance. The applicant's proposal is inconsistent with housing policies and strategies in the 2040 Comprehensive Plan related to promoting and designing quality and long-term value into residential subdivisions that foster a sense of community and promote pedestrian mobility, the natural environment, community recreation and public open space
- The City's office condominium market has a much lower vacancy rate (2.5%) as compared to the City-wide office vacancy rate, which is 23.2% (CoStar). The City's low vacancy rate in the office condominium market reflects a demand for that use, which is developed on the adjoining property to the north and permitted by-right on the subject property. Also, the O-I property was previously approved as part of the Colony Park Office Condominium development.
- The future land use designation of the portion of the property proposed to be rezoned is 'Mixed Use', which allows the proposed DT-MU zoning district, use and density.
- Variance Review Criteria

- The property does not have exceptional conditions due to its size, shape or topography that justify the requested variances. A residential local street section in compliance with the City's Downtown streetscape standards could be accommodate on the subject property.
- The property does not have peculiar conditions which adversely affect its reasonable use. A 50' residential local street section with planters, sidewalks, and landscape strips could be accommodated on the subject property.

Staff's Recommendation was to Deny Z-24-14/V-24-22 Pinnacle/Karen Drive request for rezoning and variances.

There was discussion from the Commission:

Previous subdivision of the property; recorded with Fulton County but was not relayed to the City of Alpharetta.

Applicant:

- Referred to approval of Alcovy Zoning.
- This is a single family development.

Michael Woodman, Planning & Development Manager discussed differences in the two cases.

Public Comment:

In Opposition:

1. John Cook, 325 Karen Dr.
2. Donna Tribble, 285 Karen Dr.
3. Julian Robinson, 336 Karen Dr.
4. Nicolas Baos, 310 Karen Dr.

Concerns:

1. Incompatible development with surrounding neighborhood.
2. Tree removal.
3. Traffic.

4. Negative impact on home values.
5. Variances set precedent and are not justified.
6. Car headlights in Alpha Park Homes.

Applicant gave brief rebuttal.

After discussion from the Board:

- ❖ Commissioner Stratton offered a motion to deny.
 - Commissioner Zurinkas seconded the motion.
 - The motion carried (7-0)

c. PH-24-17 Unified Development Code (UDC) Text Amendments – Short Term Rentals

Kathi Cook, Director of Community development and Molly Esswein, City Attorney presented consideration of text amendments to Section 1.4 Definitions of Article I, Table 2.2 List of Permissible and Conditional Uses of Article II, Section 2.7 Miscellaneous Regulations of Article II, and Section 4.5.5 Exceptions of Article IV of the Unified Development Code (UDC) to add regulations pertaining to Short Term Rentals.

Staff proposes to allow short-term rentals in all residential zoning districts, but with a five percent (5%) rental cap in platted subdivisions. In addition, annual licensing would be required for short-term rentals, which includes operational requirements. The short-term rental license application will require written confirmation of compliance from the governing HOA or POA. The City's definitions of 'Dwelling', 'For-Sale' and 'Family', prohibit the renting of portions of homes, such as renting a single room, and that use/activity does not fall under the proposed definition of 'Short-term Rental'.

Within Platted Subdivisions, no short-term rental may be located immediately adjacent to another short-term rental that is located along the same street or road.

Short term rental shall be limited to no more than twenty-five residential lots governed by a common homeowners/property owners association.

The allowance of Short-term Rental by the UDC does not prevent private enforcement of restrictive covenants or other private contractual agreements or arrangements.

Variances to the rental cap may be submitted for consideration by the City Council.

Use of GIS System to identify properties to ensure caps are not exceeded.

Map w STR calculations.

Proposed Licensing Ordinance.

Applications.

Operational Requirements.

Other Requirements.

Suspension or Revocation of License.

Violations and Penalties.

There was discussion From the Commission:

Reason for need for this Ordinance.

Currently there are no regulations.

Licensing and Inspections procedures.

State law does not allow inspection of a rental property without probable cause.

Current Code does not allow renting of single rooms.

"First Come, First Serve" in small subdivisions.

Grandfathered requirements.

Renewals.

HOA Compliance.

Regulations in other cities.

10% long term rental clause.

We may be able outlaw STR's as a City or restrict even further.

Public Comment:

In Favor:

1. Joana Martins, 120 Denna Dr.

Reasons:

- There are situations that are conducive to Short-Term Rental vs Long-Term Rental, such as relocation, fire, storm damage, construction.
- Some people depend on STR income.

In Opposition:

1. Ed Unger, 300 Dashing Wave Ln.
2. Fraser Lynn, 3660 Schooner Ridge.
3. Pat Ostrom, 2115 Brookridge Terr, Henderson Village HOA.
4. Applicant for Pinnacle PG LLC., 1445 Woodmont Ln NW.

Concerns:

1. Commercial businesses operating in a neighborhood.
2. Noise, traffic, parking impacts.
3. Burden, costs to HOA to revise covenants to address STR's.
4. Difficult to enforce.
5. Do not think use should be allowed.
6. Issues with "grandfathered " properties.

After discussion:

- ❖ Commissioner Zurinkas offered a motion to support as presented by Staff.
 - Commissioner Manley seconded the motion.
 - The motion carried (4-3)(Perkins, Stratton, Reeves)

d. MP-24-10/CU-24-14 Lava Island/Regency Park Master Plan Pod 3

Michael Woodman, Planning & Development Manager, presented consideration of a master plan amendment and conditional use to allow a 'Recreation Facilities, Indoor' business within an existing shopping center in the North Point Overlay. A master plan amendment is request to the Regency Park Master Plan Pod 3 to add 'Recreation Facilities, Indoor' and a conditional use is requested to allow 'Recreation Facilities, Indoor' for Lava Island. The property is located at 7121 North Point Parkway and is legally described as being located in Land Lots 687 & 688, 1st District, 2nd Section, Fulton County, Georgia.

- Regency Park Master Plan
- Family Entertainment Venue.
- Hours of Operation.
- Approximate number of employees.
- Site Plan
- Required parking.
- Traffic.
- Standards for Master Plan Amendment.
- Conditional Use Criteria
- Location in the North Point Overlay where walkability, mix of uses, site design and EcoDistrict measures are key components to a successful development. The location and character of the proposed use is appropriate as it relates to the use and development of adjacent or nearby properties. Properties in the immediate vicinity are developed with a variety of retail, restaurant, office, and entertainment uses. The addition of an entertainment use to North Point will aid the continued innovation and reinvention of the area by providing more than

just a shopping experience.

Staff 's recommendation was to:

Approve MP-24-10/CU-24-14 Lava Island/Regency Park Master Plan Pod 3, subject to the following conditions:

1. Recreation Facilities, Indoor' shall be listed as a conditional use in the Regency Park Master Plan Pod 3.
2. 'Recreation Facilities, Indoor' shall be added as a conditional use at 7121 North Point Parkway and limited to no more than 40,000 square feet.
3. Conditional use approval shall be limited to Lava Island; no additional 'Recreation Facilities, Indoor' use or subleasing shall be permitted within the approved space.
4. 'Recreation Facilities, Indoor' shall be limited to a family entertainment venue with indoor play structures, trampolines, party rooms, and café.
5. Hours of operation shall be Sunday – Thursday 9:00 AM – 9:00 PM and Friday – Saturday 9:00 AM – 10:00 PM.
6. Any exterior changes shall be similar to type, style, and colors depicted in the North Point Overlay District Design Guidelines, with final approval by DRB.
7. Native and drought-tolerant shrubs and grasses shall be added to the foundation area along the front façade of the building, with final approval by DRB.

- Applicant gave a brief description of the business and stated they have no objections to the conditions.

There was discussion of:

- How long space has been vacant.
- Other locations in the U.S.
- Demographic
- First location in the SE.

There was no public comment.

- ❖ Commissioner Perkins offered a motion to approve subject to Staff's recommended conditions.
- Commissioner Zurinkas seconded the motion.
- The motion carried (7-0)

e. MP-24-09/CU-24-12 Alpharetta Hotel Holdings LLC/Hybrid Hotel

Michael Woodman, Planning & Development Manager, presented consideration of a master

plan amendment and conditional use to allow 'Hotel, Hybrid' on 9.89 acres in the Preston Ridge Master Plan. A master plan amendment is requested to the Preston Ridge Master Plan Pod H to add 'Hotel, Hybrid' as a conditional use and a conditional use is requested to allow a 'Hotel, Hybrid' for a dual brand Marriott hotel. The property is located at 12140 Morris Road and is legally described as being located in Land Lot 1262, 2nd District, 2nd Section, Fulton County, Georgia.

The property is zoned O-I (Office-Institutional) and subject to the Preston Ridge Master Plan Pod H. A hotel, as defined in the City's Unified Development Code (UDC), is a permitted use in Pod H of the master plan. The property is situated in the Mayfair at Webb Bridge development, which is home to Phase Family Learning Center. Phase is a concept integrating a day care facility, conference/event center, and coworking space. Two (2) undeveloped outparcels within the development were approved for a hotel and office building. Surrounding properties are zoned O-I. Village Park is located to the north, Home2Suites to the east, undeveloped outparcel to the south and Phase Family Learning Center to the west. The comprehensive land use plan designation of the property is 'Corporate Office'.

The UDC defines 'Hotel, Hybrid' as, "A building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service and fitness center, are provided for transient guests for a mix of short- and long-term stays. The hybrid hotel primarily provides lodging for transient guests for an average stay of less than 7 days and offered to the public for compensation. No more than 30% of guest rooms may provide lodging for transient guests for long-term stays up to one year. Hotel services shall include the provision of food and beverage services suitable for both guests and groups, on-site restaurant, lounges, group meeting space with banquet facilities and selective amenities, such as but not limited to spas, banquets rooms, doormen, valet parking, concierge, and high-end restaurant and boutiques. Guest rooms within the building shall not contain equipment for food preparation other than a mini-fridge and/or microwave, except that rooms provided for longer stays may have equipment for food preparation. There shall be no self-laundry facilities (for guest's use) within the building, except that rooms provided for longer stays may have self-laundry facilities. Access to each guest room shall be through an inside lobby supervised at all hours."

The applicant proposes a dual-brand hotel to include Tribute Portfolio and Apartments by Marriott Bonvoy. Information submitted by the applicant states that Marriott's Tribute Portfolio is a full-service, upscale hotel for corporate and leisure travelers defined by attractive aesthetics and a focus on connecting guests to the surrounding community. Tribute Portfolio properties are defined by memorable design elements and art installations. Some examples of Tribute Portfolio hotels in the Atlanta metro area include the Ellis Hotel, Bellyard, and The Burgess Hotel which are all 4-star hotels.

According to information provided by the applicant, the Apartments by Marriott Bonvoy brand is a new concept announced in late 2022 offering premium and luxury stays with larger units and residential amenities. In a November 2022 article by *Business Traveller*, Marriott International stated that they are, "seizing upon the growing consumer interest among families and friends seeking more space for stays, propelled by the blending of work and leisure travel,

and the desire among younger travelers for wider accommodations options.” The brand will be positioned in the upper-upscale and luxury segments. Units will include a separate living room and bedroom, full kitchen, and in-unit washer and dryer. The design approach to this brand is on par with Autograph Collection and Tribute Portfolio, which offer consumers independent, uniquely distinguished hotel experiences. The product offering will include a mix of 1-, 2-, and 3-bedroom units with full kitchen, in-unit washer and dryer, public space (lounge, gym, concierge), and housekeeping. According to the applicant, Casa Costera is an existing Apartments by Marriott Bonvoy hotel in Isla Verde Puerto Rico, as well as two (2) planned locations in St. Louis and Detroit.

Site Plan

The Mayfair at Webb Bridge development was approved for shared parking with Phase Family Learning Center and the hotel and office outparcels sharing 420 parking spaces. 355 surface spaces have been developed on the property with another 65 deck spaces approved under the future office building. Sufficient parking exists to support the approved uses in the development.

Renderings.

Hybrid Hotel Conditional Use Permit Criteria.

Tribute Portfolio and Apartments by Marriott Bonvoy are both considered premium, upscale brands. Local examples of Tribute Portfolio hotels include Ellis Hotel, Bellyard, and The Burgess Hotel, which are all 4 stars or better.

The applicant proposes a total of 148 rooms, of which no more than 30%, or 44 rooms, would be utilized for long-term stays.

The proposed hybrid hotel is situated on an outparcel in the Mayfair at Webb Bridge development. The master development includes Phase Family Learning Center, consisting of a 62,500 square foot conference/event center.

The location and character of the proposed use is appropriate as it relates to the use and development of adjacent or nearby properties, which are developed primarily with a variety of non-residential uses. A ‘Hotel’ is a permitted use on the subject property. Approval of the applicant’s proposal would provide certainty on the hotel brand and ensure, at a minimum, a 4-star hotel. Prior to Covid, a 3-star Cambria Hotel was issued permits on the subject property.

Parking - The Mayfair at Webb Bridge development was approved for shared parking with a total of 420 spaces shared by the hotel, future office, and Phase Family Learning Center. The UDC parking rate for a hybrid hotel would require approximately 200 spaces for the proposed hotel. Corporate travelers typically do not have vehicles, instead utilizing Uber/Lift for local travel. Staff looked at parking utilization at three (3) full-service hotels and one (1) extended stay hotel in the City and found that parking utilization typically does not exceed

approximately 50% (see table below). The hotels listed below, as well as The Hotel at Avalon were contacted and confirmed the parking utilization observed by Staff in the aerial imagery. The Hotel at Avalon indicated that less than half of their designated parking is utilized on a typical day and Home2 Suites indicated that approximately 50% of parking is utilized on their busiest days. Hotel personnel confirmed that these hotels primarily cater to corporate business travelers with their busiest days being Monday – Wednesday (and Saturdays at Hotel Avalon) and the slowest day being Sunday. It is anticipated that the proposed hotel will utilize less than the City's minimum parking requirement.

The subject property is one of several sites in the City that could be developed with a hotel without a public hearing. The proposed dual-brand hotel would bring a hotel product that does not currently exist in the City and would be a good alternative on this site.

Approval of the applicant's proposal would provide certainty on the hotel brand and ensure, at a minimum, a 4-star hotel.

Citizen Participation Plan.

There was discussion from the Commission:

- Height of hotel is governed by the MasterPlan. The POD regulation is eight stores.
- A hotel is allowed on this site by right.
- Parking Calculations for original hotel included restaurant.
- Concept of Shared Parking. Approved at LDP was for daycare and auditorium. Church had not come forward yet.
- Other Hotels that have space as a separate unit.
- 3 bedroom apartment component , living component, unintended consequences.
- Lodging vs. dwelling.
- Different parking requirements for Hybrid Hotel.
- Square Footage of Phase Family Learning Center.
- Auditorium 62500 SF
- Office 59500 SF
- Extended Stay with 3 bedrooms in the City.
- 3 bedroom Apts. built the in last 10- 15 years.
- New Hotel Product.

Applicant gave a presentation.

- Not an Extended Stay product.

- History of Hotel Project.
- POA Shared Parking Agreement.
- Parking.
- Demographic is professional Business Traveler.
- Desire to be a good neighbor.
- Proposed designated parking solution for the Church.
- Aerial Photographs of Church services.
- “The Brand” Tribute Portfolio. – growth & pillars.
- Apartments-
 - No leases.
 - Booked as a hotel stay.
 - Average 3-5 nights.
 - Guest profile.
 - Commitment to remove 3 bedroom apt. from the Mix.

There was discussion from the Commission:

- Pricing is market driven.
- Not traditional extended stay.
- Impact on Schools.
- Mix.

Public Comment:

1. Kyle Williams 312 Sycamore St, Decatur GA, representing Futures Church.

Concerns:

- Parking.
- Traffic.
- Procedural Deficiencies.
- Change in use from ‘Hotel’ to ‘Hotel Hybrid’, ‘Hotel Hybrid’ core uses are different, and parking should be increased to offset the change in use.
- Purchased based on “Hotel” Parking

Appreciates:

- Opportunity for designated parking.
- Removal of 3 bedroom unit.
- Requested deferral or denial of the Application.

Applicant Rebuttal:

- Additional parking requirements have been incorporated into the City Code.
- No variance is needed. Parking exceeds requirements.
- History of parking analysis.
- Removal of full parcel from original submittal to accommodate parking.

There was more discussion from the Commission:

- Do not like 3 bedroom units.
- Liked Hotel Brand, high end amenities.
- Hotel allowed by right.
- Tribute Brand is not a new product.
- Needs more discussion on parking.
- Scenario if this type of hotel failed.
- Change to Condition #5.

Staff recommended to Approve MP-24-09/CU-24-12 Alpharetta Hotel Holdings Hybrid Hotel – Preston Ridge Master Plan Pod H, subject to the following conditions:

1. Property shall be developed substantially in accordance with the submitted site plan prepared by Paradigm, revised 4/20/20, except for modifications required to comply with the conditions below.
2. Architecture and materials shall be developed substantially similar to the submitted renderings prepared by Matt Mitchell Design, dated 7/17/23, subject to final approval by DRB. Building shall be constructed with architectural detail and ornamental features on all 4 sides, with final approval by DRB.
3. Foundation plantings shall be required around the perimeter of the building. Parking lot tree islands shall be planted with shade trees, shrubs, and ground cover. Landscape plan shall require DRB approval.
4. 'Hotel, Hybrid' shall be listed as a conditional use in Preston Ridge Master Plan Pod H.
5. 'Hotel, Hybrid' shall be added as a conditional use at 12140 Morris Road and limited to no more than 148 rooms in one freestanding building no greater than 5 stories. No more than 44 rooms shall be used for stays up to one (1) year and rooms shall be limited to no more than 2

bedrooms. Hotel shall be a Tribute Portfolio and Apartments by Marriott Bonvoy dual-brand hotel.

6. Conditional use approval shall be limited to Tribute Portfolio and Apartments by Marriott Bonvoy dual brand hotel; no additional 'Hotel, Hybrid' use or subleasing shall be permitted within the approved space.
7. A Certificate of Occupancy for the hotel shall not be issued until the Webb Bridge Road streetscape improvements have been constructed, including a minimum 6' planter planted with street trees, minimum 8' sidewalk, and decorative pedestrian lighting, as approved by Staff.
8. Generator and dumpster shall be maintained within an enclosure and screened with landscaping, with final approval by DRB. Enclosure shall have a metal gate and materials that match the building, as approved by DRB.

❖ Commissioner Stratton offered a motion to approve subject to the conditions as read by Mr. Woodman and I have an edit to Condition #5 that at the end of the sentence that starts with " No more than 44 rooms shall be used for stays up to one (1) year " We add to that sentence " and rooms shall be limited to no more than 2 bedrooms."

- Commissioner Reeves seconded the motion.
- The motion carried (6-1)(Kung'u)

f. CLUP-24-03/MP-24-06/Z-24-11/V-24-18 TPG/Brookside Master Plan Pod B

Kathi Cook, Director of Community Development, presented consideration of a comprehensive land use plan amendment, master plan amendment, rezoning and variance to allow 160 'Dwelling, 'For-Sale', Attached' units on 9.89 acres. A master plan amendment is requested to the Brookside Master Plan Pod B to add 'Dwelling, 'For-Sale', Attached' as a permitted use. A comprehensive land use plan amendment is requested from 'Corporate Office' to 'High Density Residential' and a rezoning is requested from O-I (Office-Institutional) to R-10M (Dwelling, 'For-Rent' or 'For-Sale', Residential). Variances are requested to Unified Development Code (UDC) Section 2.5 Parking and Loading to reduce parking and allow uncovered/unenclosed parking, UDC Subsection 3.2.8 Tree Replanting, Buffer, and Landscape standards to reduce the undisturbed buffer requirements, and UDC Subsection 2.2.10(D) to increase building height and reduce setbacks. The property is located at 3750 Brookside Parkway and is legally described as being located in Land Lots 43, 44, 49 & 50, 1st District, 1st Section, Fulton County, Georgia.

The property is zoned O-I subject to the Brookside Master Plan Pod B and was developed in 2001 with a two (2) story, 105,236 square foot office building and surface parking lot. Surrounding properties are zoned O-I to the west and south, C-2 (General Commercial) to the east, and CUP (Community Unit Plan) and R-8A (Dwelling, 'For-Sale', Attached Residential) to the north. The Mansions at Alpharetta is located to the west, an office building and an undeveloped property owned by Georgia State University is located to the south, Zyka and Bruster's Real Ice Cream are located to the east, and Folia and Camden Pond are located to the north. The property has a comprehensive land use plan designation of 'Corporate Office', which requires an amendment to allow a residential development.

Brookside Master Plan was approved in 1997 as an office park with retail nodes along Old Milton Parkway. Pod B, which is approximately 30 acres, was approved for office use with a maximum density of 18,000 square feet per acre, or 540,000 square feet and a maximum building height of six (6) stories.

The Horizon 2040 Comprehensive Plan identifies Old Milton Parkway east of Georgia 400 as a priority area in need of redevelopment and promotes retrofitting, repurposing, and mixed-use patterns to create activity nodes near or within existing suburban office parks. In response, the Brookside Small Area Plan was created and adopted in 2022. The plan's vision is to re-imagine the area as a walkable, connected environment in an effort to re-position the suburban office park which currently has one of the highest office vacancy rates in the City. The Plan does not include land use recommendations and the future land use designation of Brookside remains 'Corporate Office'.

- Applicant's Variance Requests.
- Site Plan.
- Renderings.
- School Info.
- Traffic.
- Standards for CLUP Amendments.
 - The Horizon 2040 Comprehensive Plan identifies Old Milton Parkway east of Georgia 400 as a priority area in need of redevelopment and promotes retrofitting and mixed-use patterns to create activity nodes near or within existing suburban office parks. While the Brookside Small Area Plan does not include land use recommendations, the plan envisions creating a walkable, connected environment in an effort to re-position the suburban office park. Adding residential development is a means to re-position office parks by bringing residences closer to where people work.
 - The Horizon 2040 Comprehensive Plan includes policies to allow mixed use patterns that will create activity nodes in appropriate areas near or within existing suburban office developments.
- Variance Review Criteria
 - *The subject property has extraordinary and exceptional conditions due to its topography. The property sits approximately twenty feet (20') lower than the elevation of Old Milton Parkway. Reducing the setback along Old Milton will allow for buildings to be partially buried, limiting the height of those buildings nearest to Old Milton Parkway. The Brookside Small Area Plan recommends that buildings be pulled up to the sidewalk along Brookside Parkway, which is consistent with the*

requested setback variance along that street. The Brookside Master Plan allows commercial building heights up to six (6) stories, of which the applicant requests a variance to allow a three (3) story product with a partially buried basement. A variance to allow uncovered parking was approved at Ecco Park on North Point Drive, which was directly tied to the applicant's unique product type (townhouse-style condominium units).

- *Application of the ordinance would create an unnecessary hardship. The requested variances relate to re-positioning the Brookside office park by introducing residential use and seeking compliance with the vision in the Brookside Small Area Plan.*
- *The property has peculiar conditions that adversely affect its reasonable use as currently zoned. The requested variances relate to re-positioning the Brookside office park by introducing residential use and seeking compliance with the vision in the Brookside Small Area Plan.*

- Citizen Participation Plan

There was discussion from the Commission:

- Rental.
- Back patios.
- DOT Old Milton Parkway Improvements have not been finalized.
- Existing Interconnectivity to Assisted Living Facility.

Applicant gave a presentation.

- Zonings issues on the property.
- Changes in Office Market.
- Transformation of office building into 160 TH units is in alignment with the City's vision in the area.
- Brookside Small Area Plan.
- Stacked TH product.
- In agreement with Staff Conditions.
- Met with Staff on colors.
- Benefits of housing type.
- HOA maintains all properties.
- Demographic is young professionals.

- Porches.
- Price Point.
- Bedroom Mix.

There was no public comment.

Applicant spoke about issue of adding additional 4 parking spaces and consequences to not receiving the variance.

Chair Kung'u commended the Applicant on their preparation.

After discussion and consideration of:

- Applicant requested markups.
- Additional condition for 10% rental.
- Additional condition for no unfinished wood visible from Brookside Pkwy.
- Dates for Niles Bolton and Lessard Design.

Staff's recommendation was to:

Approve MP-24-06/CLUP-24-03/Z-24-11/V-24-18 The Providence Group/3750 Brookside Parkway, subject to the following conditions:

1. The 9.89-acre property shall be zoned R-10M and the site shall be developed substantially similar to the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Architecture and materials shall be substantially similar to the submitted renderings prepared by Niles Bolton Associates, dated 10/30/24, and Lessard Design, dated 11/6/24, with final approval by Staff. Where the side of a building faces Brookside Parkway, side elevation shall include a front entrance or have the appearance of a front entrance, as approved by Staff.
3. Up to 160 'Dwelling, 'For-Sale', Attached' units shall be permitted with a maximum building height of 3 stories over a basement and 47'. Residential entitlement shall be deducted from the Brookside Master Plan Pod B non-residential max. density at an exchange rate of 800 square feet of non-residential density for each residential unit.
4. 'Dwelling, 'For-Sale' Attached shall be added as a conditional use in Brookside Master Plan Pod B.
5. Development shall comply with the City's UDC parking rates. Uncovered and unenclosed parking shall be permitted as depicted on the site plan.
6. Building setbacks shall be 50' along Old Milton Parkway, except that a 45' section shall have a 14' setback. Building setback shall be 25' along Brookside Parkway.

7. New internal streets and alleys shall be substantially similar to the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24. New internal street shall be private and maintained by the HOA.
8. Open space shall be substantially similar to the open space depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24.
9. Retaining walls shall receive architectural façade treatment and/or be heavily landscaped, as approved by Staff. Retaining walls visible from developed areas exceeding 16' in height shall be terraced with landscaped areas between terraces.
10. Minimum 15' planted buffer shall be provided along the east property line and minimum 25' planted buffer shall be provided along the west property line, as shown on the site plan prepared by Travis Pruitt & Associates, Inc. dated 11/8/24.
11. The proposed development shall not be gated.
12. Developer shall provide stairway access from the site to the sidewalk along Old Milton Parkway at the northeastern corner of the site, as approved by Staff.
13. Developer shall provide a traffic calming/enhanced pedestrian crosswalk on Brookside Parkway, as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24.
14. Developer shall improve a green pedestrian connection along the west side of the property, as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24. A public access easement shall be provided for the green pedestrian connection. Pedestrian connection shall include an 8' concrete multi-use trail, park-like landscaping, wayfinding signage, seating and outdoor workspace or alternative placemaking improvement, as approved by Staff. Seating shall be similar to Exhibit A, including 2 sections of 3 benches. String lighting shall be installed over entrance along Brookside Parkway. Improvements for the green pedestrian connection, as well as the land value of the public access easement, shall be eligible for impact fee credits.
15. Developer shall identify a project in the Brookside Small Area Plan and implement the project in exchange for impact fee credits, as approved by Staff.
16. No more than 10% of the units shall be rented as stated in the HOA covenants.
17. No unfinished wood shall be visible from Brookside Parkway.

❖ Commissioner Zurinkas offered a motion to approve MP-24-06/CLUP-24-03/Z-24-11/V-24-18 The Providence Group/3750 Brookside Parkway and Deny variance to reduce parking, subject to the following conditions;

#2 using the redline Architecture and materials shall be substantially similar to the submitted renderings prepared by Niles Bolton Associates, dated 10/30/24, and Lessard Design, dated 11/6/24, and including all the strikethroughs and then on #16 include the Condition as Kathi read it: No more than 10% of the units shall be rented as stated in the HOA covenants/documents and then #17 No unfinished wood shall be visible from Brookside Parkway.

- Commissioner Perkins seconded the motion.
- The motion carried (7-0)

7. ADJOURNMENT

Chair Kung'u adjourned the meeting at 11:30 p.m.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-24-23/Z-24-18 WEXLER/172 & 182 MARIETTA STREET

PLANNING COMMISSION: DECEMBER 5, 2024

CITY COUNCIL: DECEMBER 16, 2024

II. RECOMMENDATION:

Approve PH-24-23/Z-24-18 WEXLER/172 & 182 MARIETTA STREET, subject to the following conditions:

1. Approximately 0.58 acres located at 172 Marietta Street shall be zoned DT-R and limited to a detached garage with accessory dwelling unit. Site shall be developed substantially similar to the submitted site layout, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.
2. Building elevation shall be substantially similar to the submitted renderings, with final approval by Staff.
3. Landscape strip along Marietta Street shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements and overhead utilities, as approved by Staff.
4. A decorative low wall, metal fencing or hedge with columns shall frame the front yard.
5. A 10' planted buffer shall be provided along the east and south property lines and planted with a mix of evergreen trees and shrubs. Existing trees within the 10' buffers identified to be in 'Good' condition shall be saved, with final approval by Staff.
6. Property owner shall improve Marietta Street frontage with a 6' planter planted with street trees, 6' sidewalk and decorative pedestrian lighting, as approved by Staff.
7. Tree #6 (14" Water Oak) shall be saved.
8. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
9. If the 172 & 182 Marietta Street are combined, access shall be consolidated to a single access point (driveway) for both lots.

Change to conditions of zoning related to file# Z-22-01/V-22-03 Wexler/182 Marietta Street:

6. A 10' planted buffer shall be provided along the south and west property lines and planted with a mix of evergreen trees and shrubs. Existing trees within the 10' buffers identified to be in 'Good' condition shall be saved, with final approval by Staff.

III. REPORT IN BRIEF:

The applicants, Andrew and Kourtney Wexler, are requesting changes to conditions of zoning and a rezoning to allow for the construction of a detached garage with accessory dwelling unit on 0.58 acres in the Downtown. The applicant is constructing a 'For-Sale' single-family detached home on the adjacent property located at 182 Marietta Street and intends to combine the two (2) properties. A change to a condition of zoning is requested at 182 Marietta Street and a rezoning from C-2 (General Commercial) to DT-R (Downtown Residential) is requested at 172 Marietta Street. The subject property is located at 172 & 182 Marietta Street on the south side of Marietta Street and just west of Marjean Way.

DISCUSSION

The submitted request, if approved, would allow for the construction of a detached garage with accessory dwelling unit on 0.58 acres in the Downtown. The applicant is constructing a 'For-Sale' single-family detached home on the adjacent property located at 182 Marietta Street and intends to combine the two (2) properties. The applicant requests changes to conditions of zoning at 182 Marietta Street and a rezoning from C-2 (General Commercial) to DT-R (Downtown Residential) at 172 Marietta Street. The subject property is located at 172 & 182 Marietta Street on the south side of Marietta Street and just west of Marjean Way.

The properties are developed with single-family detached homes that have been converted to commercial uses. Surrounding properties are zoned C-2 to the east and south, O-P (Office-Professional) to the west and R-8A (Dwelling, 'For-Sale' Attached) to the north. Windsong townhomes are located to the north, Homeschool Hangout Bookstore is located to the east, 204 Marietta Street (recent approved for a 2-story office building) is located to the west and Alpharetta Beach House offices are located to the south. The comprehensive land use plan designation of the property is 'Mixed Use', which allows the proposed detached garage with accessory dwelling unit.

To allow the two (2) lots to be used as one, the applicant requests the following change to the conditions of zoning related to file #Z-22-01/V-22-03 Wexler/182 Marietta Street:

6. A 10' planted buffer shall be provided along the ~~east~~, south and west property lines and planted with a mix of evergreen trees and shrubs. Existing trees within the 10' buffers identified to be in Good condition shall be saved, with final approval by Staff.

SITE PLAN

The site plan depicts redevelopment of the existing structure with a two (2) story, detached garage with accessory dwelling unit. The three (3) car garage will be side loaded with the garage doors facing the primary residence at 182 Marietta Street. The 2nd floor accessory dwelling unit includes a living room, kitchen, bathroom, and bedroom. The detached garage is depicted on the site plan overtop of the existing home footprint, which is currently setback approximately 70' from Marietta Street. A separate driveway is not depicted on 172 Marietta Street. The applicant has indicated that the driveway at 182 Marietta Street would connect over to the detached garage located on 172 Marietta Street.

There are very few trees located on 172 Marietta Street. The City Arborist conducted a site visit and recommended that the applicant save tree #6 (14" Water Oak), which is a boundary tree located on 182 Marietta Street. Trees identified to be in 'Good' condition along the rear and east property lines should be saved within a 10' planted buffer.

BUILDING ELEVATION

The applicant submitted renderings of the detached garage and previously approved home at 182 Marietta Street, which depict a Neoclassical or Beaux Arts style. The City's Downtown Consultant reviewed the renderings and believes the style of the detached garage complies with the Downtown Overlay architectural regulations and is compatible with the home approved at 182 Marietta Street.

STANDARDS FOR ZONING CHANGES

The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:

- a. Whether the zoning proposal will permit a use that is suitable in view of the zoning use and development of adjacent and nearby property.

Response: The requested rezoning is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use'. The north side of Marietta Street is developed with residential uses (townhomes and single-family detached) and the south side of Marietta Street is developed or approved for a mix of residential and commercial uses.

- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Response: The future land use of the property allows for single use development, residential and commercial, as well as mixed-use development. The zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties.

- c. Whether the zoning proposal will adversely affect the natural environment.

Response: The applicant's proposal should not adversely affect the natural environment. Tree saves have been conditioned at 182 Marietta Street and tree saves are recommended in the 10' planted buffers along the east and south property lines at 172 Marietta Street.

- d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned.

Response: The property is zoned C-2, which allows auto-oriented uses and other heavy commercial uses that are inconsistent with the vision for the area to become a mixed-use, walkable environment. The future land use of the property allows for single use development, residential and commercial, and mixed-use development.

- e. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of public facilities or services, including but not limited to existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.

Response: The zoning proposal would not cause an excessive burden on public facilities and services. The requested rezoning would allow a detached garage with accessory dwelling unit.

- f. Whether the zoning proposal is supported by new or changing conditions not anticipated or reflected in the existing zoning on the property.

Response: The subject property is located in the Downtown Overlay, which includes opportunities for properties to develop under the Downtown zoning districts. The future land use of the property allows for single use development, residential and commercial, and mixed-use development.

g. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality or general welfare against the right to unrestricted use of property.

Response: The zoning proposal reflects a reasonable balance. The applicant's proposal is compatible with the future land use of the property, which allows for single use development, residential and commercial, and mixed-use development. If approved, the subject property will be combined with 182 Marietta Street, which was rezoned to DT-R in 2022.

h. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Response: The property is zoned C-2, which allows auto-oriented uses and other heavy commercial uses that are inconsistent with the vision for the area to become a mixed-use, walkable environment. The future land use of the property allows for single use development, residential and commercial, and mixed-use development.

i. The extent to which the zoning proposal is consistent with the Comprehensive Plan.

Response: The comprehensive land use plan designation of the property is 'Mixed Use', which supports the proposed DT-R zoning district.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that the request for rezoning and change of conditions do not conflict with the established review criteria. The zoning proposal is consistent with the vision of the Downtown Master Plan and future land use plan designation of the property. The 'Mixed Use' future land use designation allows for single use development, residential and commercial, as well as mixed-use development.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that positive feedback has been provided as a result of the public outreach. The applicant was able to obtain four (4) letters of support.

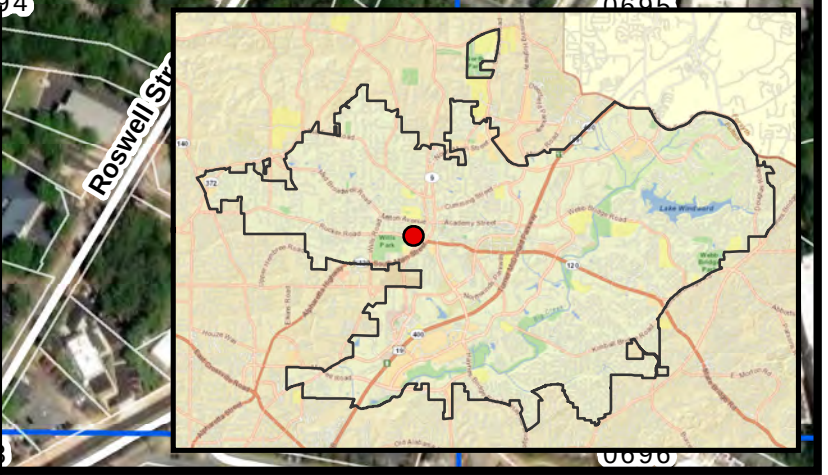
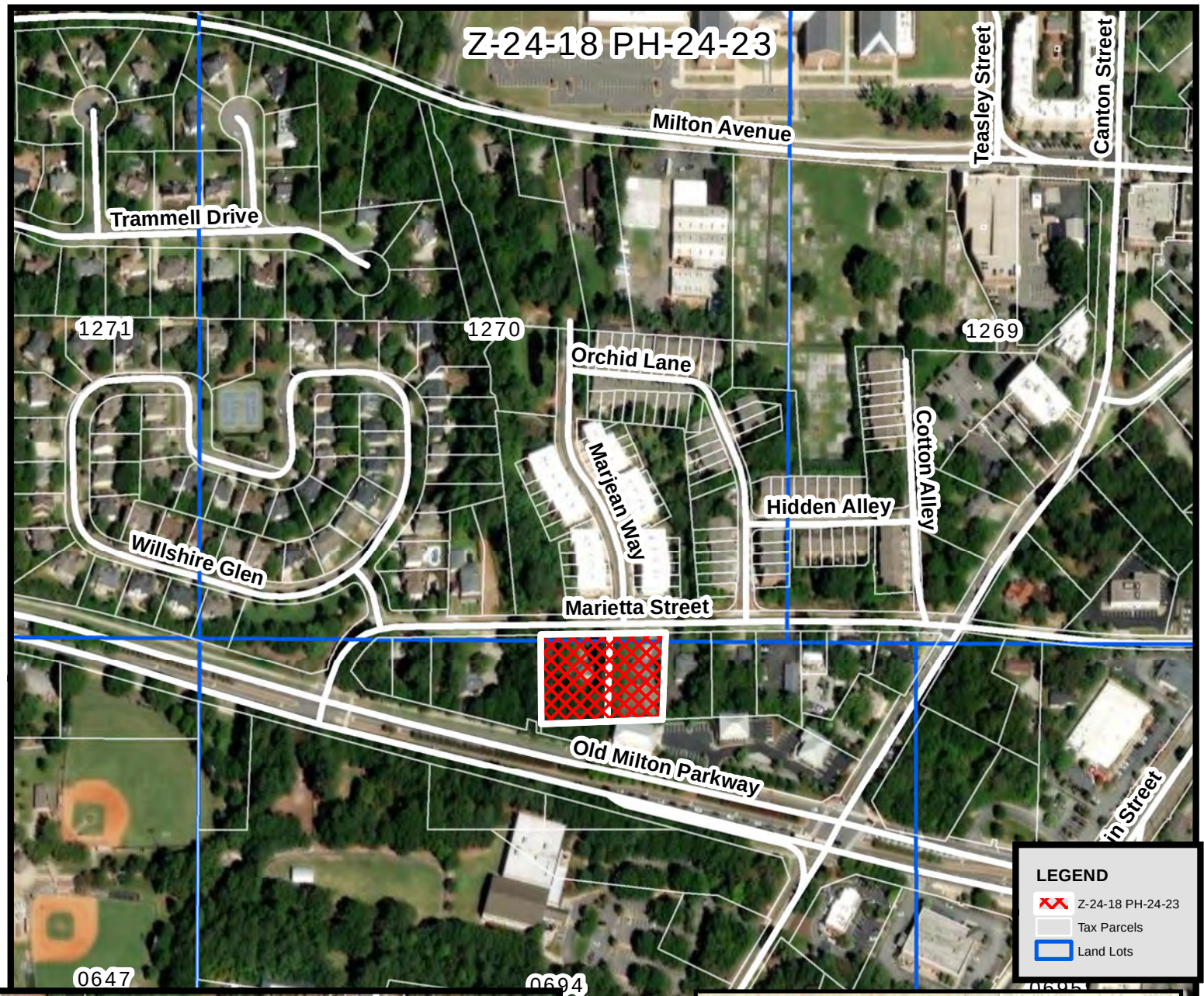
COMMUNITY ZONING INFORMATION MEETING

CZIM was held on November 13, 2024. There were two (2) public comments in support of the request.

IV. ATTACHMENTS:

- Aerial Map
- Zoning Map

- Future Land Use Map
- Location Map
- CZIM
- Citizen Part B
- Application

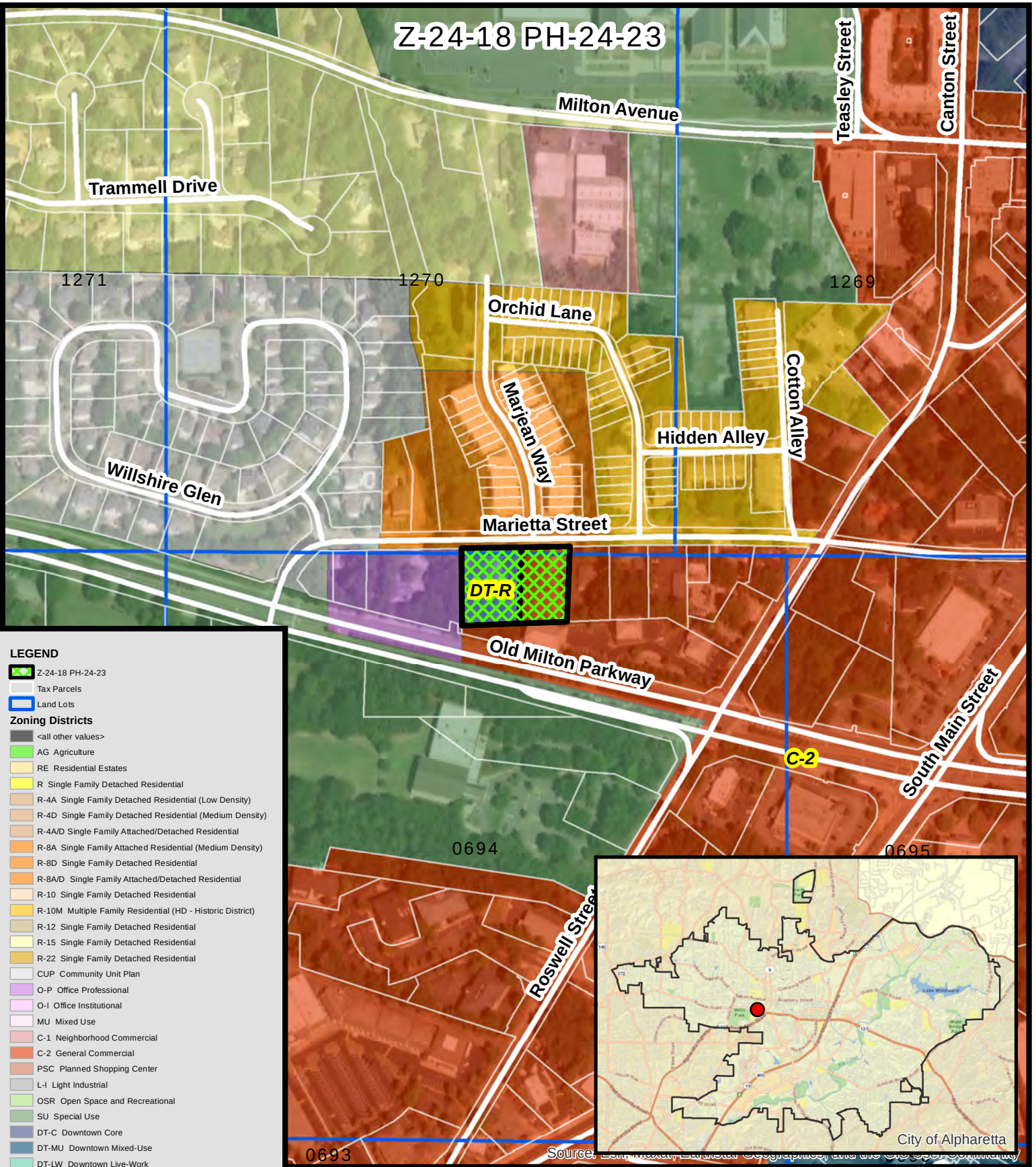


Aerial Map
Wexler/172 Marietta St
182 Marietta St

Z-24-18 PH-24-23
D/LL: 1/2/694
PC: 12/05/2024
CC: 12/16/2024

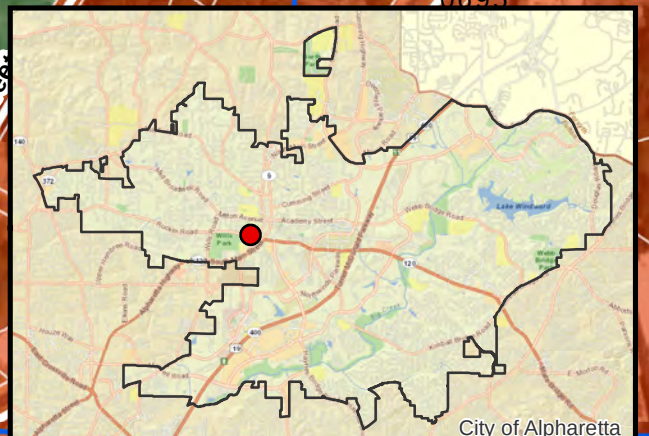
Location Map Provided by:
Community Development - GIS

Z-24-18 PH-24-23



LEGEND

- Z-24-18 PH-24-23
- Tax Parcels
- Land Lots
- Zoning Districts**
- <all other values>
- AG Agriculture
- RE Residential Estates
- R Single Family Detached Residential
- R-4A Single Family Detached Residential (Low Density)
- R-4D Single Family Detached Residential (Medium Density)
- R-4/D Single Family Attached/Detached Residential
- R-8A Single Family Attached Residential (Medium Density)
- R-8D Single Family Detached Residential
- R-8A/D Single Family Attached/Detached Residential
- R-10 Single Family Detached Residential
- R-10M Multiple Family Residential (HD - Historic District)
- R-12 Single Family Detached Residential
- R-15 Single Family Detached Residential
- R-22 Single Family Detached Residential
- CUP Community Unit Plan
- O-P Office Professional
- O-I Office Institutional
- MU Mixed Use
- C-1 Neighborhood Commercial
- C-2 General Commercial
- PSC Planned Shopping Center
- L-1 Light Industrial
- OSR Open Space and Recreational
- SU Special Use
- DT-C Downtown Core
- DT-MU Downtown Mixed-Use
- DT-LW Downtown Live-Work
- DT-R Downtown Residential

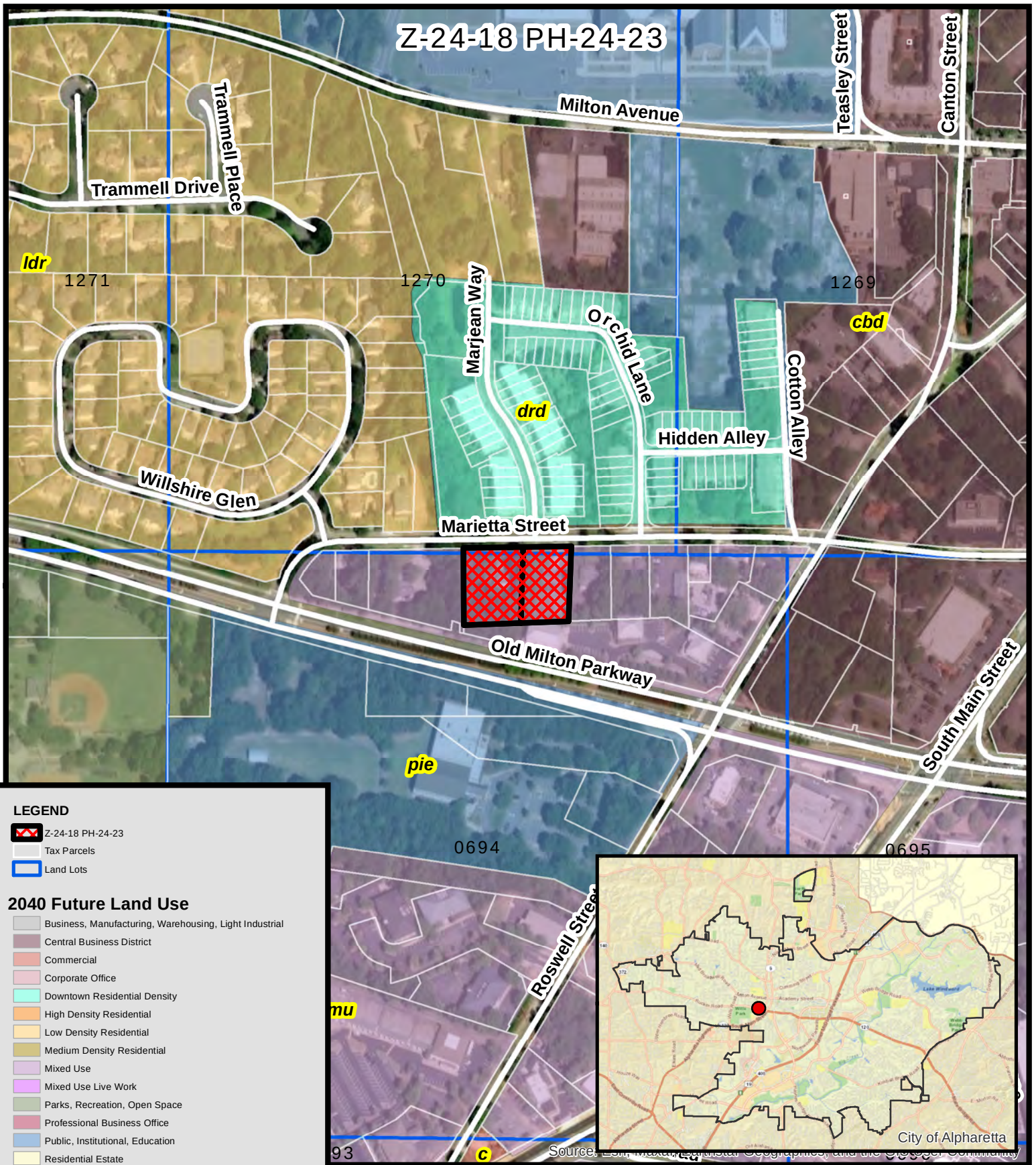


Zoning Map
Wexler/172 Marietta St
182 Marietta St

Z-24-18 PH-24-23
D/LL: 1/2/694
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS

Z-24-18 PH-24-23

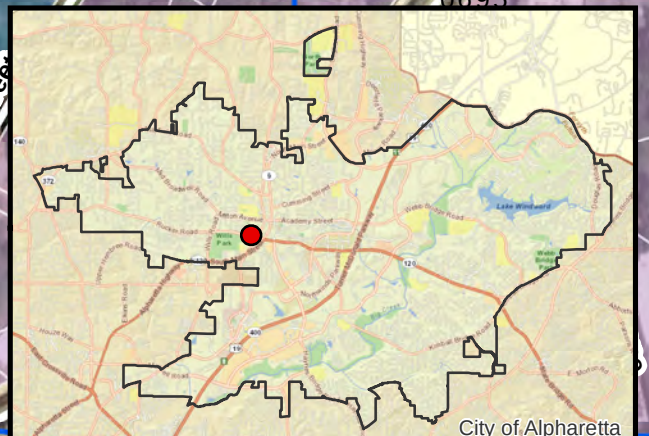


LEGEND

- Z-24-18 PH-24-23
- Tax Parcels
- Land Lots

2040 Future Land Use

- Business, Manufacturing, Warehousing, Light Industrial
- Central Business District
- Commercial
- Corporate Office
- Downtown Residential Density
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Mixed Use Live Work
- Parks, Recreation, Open Space
- Professional Business Office
- Public, Institutional, Education
- Residential Estate
- Very Low Density Residential



Future Land Use Map
Wexler/172 Marietta St
182 Marietta St

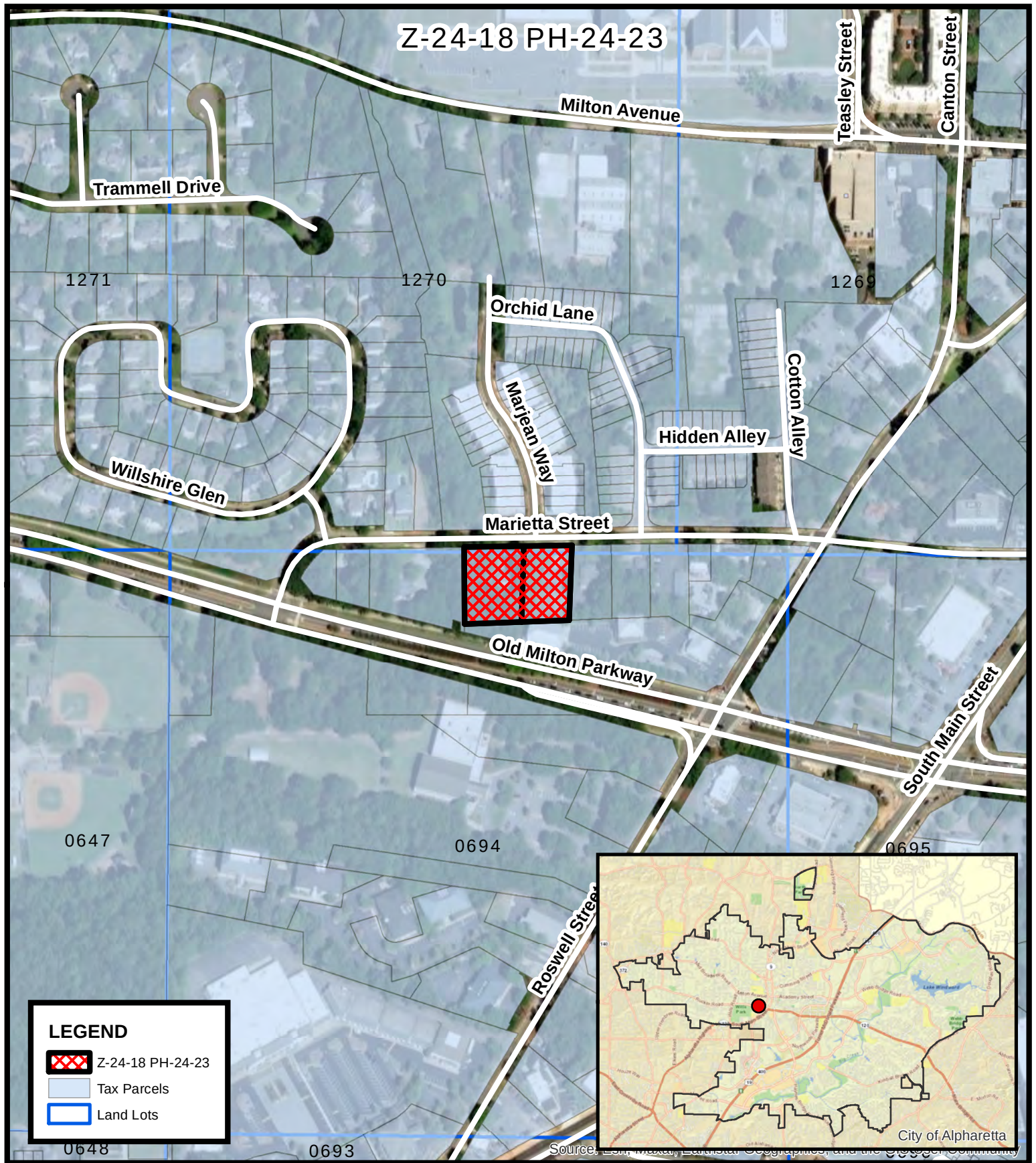
Z-24-18 PH-24-23

D/LL: 1/2/694

PC: 12/05/2024

CC: 12/16/2024

Location Map Provided by:
Community Development - GIS



Location Map Wexler/172 Marietta St 182 Marietta St

Z-24-18 PH-24-23
D/LL: 1/2/694
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS

11/13/24

Please sign-in and leave your comments and/or concerns.

PH-24-23 Z-24-18 Wexler 172 + 182 Marietta St

NAME	ADDRESS	COMMENTS
FRANCENE TAYLOR	2017 HIDDEN ALLEY	Delighted that this will be residential!
JOHN NIMMO	1860 Willshire Glen	Great!

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: WEXLER/ 172 & 182 MARIETTA STREET

Contact Name: KOURTNEY WEXLER Telephone: 678.361.2203
ANDREW WEXLER 678.464.1152

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

We haven't received any concerns regarding our property zone request. We have may received positive feedback. ☺

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- | | |
|--|---|
| ☒ Letter | ☒ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) _____ |

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent:  Date: 11/15/2024

PURE TAQUERIA LLC
103 ROSWELL ST
ALPHARETTA GA 30009

122 MARIETTA STREET LLC
119 ROSWELL ST
ALPHARETTA GA 30009

RATTARY DEBRA ANN
12002 ORCHID LANE
ALPHARETTA GA 30009

KOVALEV ANDREY &
KAVALIOVA MARYIA
12003 ORCHID LANE
ALPHARETTA GA 30009

FOWLER SAMUEL WREN
12004 ORCHID LN
ALPHARETTA GA 30009

BUONOCORE JENNIFER
12005 ORCHID LANE
ALPHARETTA GA 30009

WALDORF WILLIAM
12006 ORCHID LANE
ALPHARETTA GA 30009

HICKS MARJORIE LYNNE
12007 ORCHID LN
ALPHARETTA GA 30004

SANDER ANN P
12008 ORCHID LN
ALPHARETTA GA 30009

CIACCIA LOUIS & MARYANNE
12009 ORCHID LANE
ALPHARETTA GA 30009

CARTER JOHN HARRISON III
12011 ORCHID LN
ALPHARETTA GA 30009

BRUGNOLI ANDREW & CATHERINE A
12012 ORCHID LANE
ALPHARETTA GA 30009

PAUL DAVID A & AMY L
12020 ORCHID LN
ALPHARETTA GA 30009-7989

FRIEL TODD & FRIEL SUSAN
12021 ORCHID LANE
ALPHARETTA GA 30009

FOX LYDIA
12022 ORCHID LN
ALPHARETTA GA 30004

PRANA VIDA LLC
12023 ORCHID LANE
ALPHARETTA GA 30009

DEMETRIOU CLINTON A
& DEMETRIOU JOY D
12024 ORCHID LANE
ALPHARETTA GA 30009

WATSON DAVID E & HAMLIN MARK S
12025 ORCHID LN
ALPHARETTA GA 30004

MICHAEL J REINHARDT TRUST THE
12026 ORCHID LANE
ALPHARETTA GA 30009

BALSANO DEBORAH
12028 ORCHID LANE
ALPHARETTA GA 30009

MANTHEY CATHERINE J
12032 ORCHID LN
ALPHARETTA GA 30009

BARRANCA JOHN P & BARRANCA LISA A
12034 ORCHID LANE
ALPHARETTA GA 30009

GANT STEPHEN
12036 ORCHID LANE
ALPHARETTA GA 30009

PEYSER TED & PEYSER TERESA
12038 ORCHID LN
ALPHARETTA GA 30009

PARK JOAN H
12040 ORCHID LN
ALPHARETTA GA 30009

SAUNDERS JEREMIE A
SAUNDERS MARCELLA M
12042 ORCHID LN
ALPHARETTA GA 30009-7989

CLARK LOUISE
12044 ORCHID LANE
ALPHARETTA GA 30009

SOLOMONSON SHELLY &
SOLOMONSON ANDREW L
12046 ORCHID LN
ALPHARETTA GA 30009

SCHNEIDER TERESA L
12048 ORCHID LANE
ALPHARETTA GA 30009

A & A CHAPMAN HOLDING LLC
1218 BASNETT DR
ALPHARETTA GA 30004-0882

TKB2 PROPERTIES LLC
125 N CHRISTOPHERS RUN
ALPHARETTA GA 30004

KNE WILLSHIRE GLEN LLC
12697 LECOMA TRC
ALPHARETTA GA 30004

SEDG INVESTMENTS LLC
13050 BETHANY RD
ALPHARETTA GA 30009

ALPHARETTA BEACH HOUSE LLC
131 ROSWELL ST # B201
ALPHARETTA GA 30009

HOLMES LAUREN L & MARK J
13900 HAGOOD RD
ALPHARETTA GA 30004

WINDSONG TOWNHOME
COMMUNITY ASSN INC
1418 DRESDEN DR STE 200
ATLANTA GA 30319

172 MARIETTA ST LLC
172 MARIETTA ST
ALPHARETTA GA 30009-1534

WEXLER ANDREW J & KOURTNEY H
182 MARIETTA ST
ALPHARETTA GA 30009

CITY OF ALPHARETTA
2 PARK PLAZA
ALPHARETTA GA 30009

VANCE DAVID A
2000 HIDDEN ALLEY
ALPHARETTA GA 30009-7986

TAYLOR LOURIE
2002 HIDDEN ALY
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BOOTHE JOHN D & CLARE F
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MOHAMED M YUSUF M
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2014 HIDDEN ALY
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2015 HIDDEN ALY
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JONES WILLIAM W
& JONES DEBORAH J
2016 HIDDEN ALY
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SAWANT PRASHANT VASANT
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2070 WILLSHIRE GLEN
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HELLRIEGEL JOHN EDWARD & JUDITH TOWER 290 MARJEAN WAY ALPHARETTA GA 30009	MICHAEL & DEBRA KOPEC JOINT REVOCABLE TRUST THE 295 MARJEAN WAY ALPHARETTA GA 30009	ELIZABETH DISTEL KEITH REVOCABLE TRUST THE 300 MARJEAN WAY ALPHARETTA GA 30009
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JOHNSTON DOUGLAS S 330 MARJEAN WAY ALPHARETTA GA 30009	CEMETERY 3693 STEWART ROAD ATLANTA GA 30340	BERG JOHANN 4951 MARK JOHN WAY CUMMING GA 30040

BRADY FERGAL & AUDREY M
511 VERANDA CT
ALPHARETTA GA 30009

SPIEGEL AMY SUE
6 SANDY HOOD RD N
SARASOTA FL 34242

GRACE & JERRY W DAWSON
REVOCABLE LIVING TRUST THE
738 MUSTANG DR
HARTWELL GA 30643

VICTORIA SQUARE
TOWNHOME ASSOCIATION INC
7380 MCGINNIS FERRY RD STE 200
SUWANEE GA 30024

PRP LAND LLC & VICTORIA SQUARE
TOWNHOME ASSN INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

VICTORIA SQUARE
TOWNHOME ASSOCIATION INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

WILLS COMMONS
HOMOWNERS ASSOC INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

October 9,2024

Andrew and Kourtney Wexler
12051 Orchid Lane
Alpharetta, GA 30009

RE: PH-24-23/Z-24-18 Wexler/172 & 182 Marietta Street

Dear Neighbors,

We are currently building our home on 182 Marietta Street. We have purchased 172 Marietta Street in hopes to rezone the property, combine the lots, build a carriage house and add additional trees, shrubs, and grass to the property.

Please allow this letter to serve as public notice for consideration of a rezoning to allow a detached garage with accessory dwelling on 0.58 acres in the Downtown. A change to conditions of zoning is requested at 182 Marietta Street and a rezoning is requested from C-2 (General Commercial) to DT-R (Downtown Residential) at 172 Marietta Street. The property is located at 172 & 182 Marietta Street and is legally described as being located in Land Lots 694 & 1270, 1st District, 2nd Section, Fulton County, Georgia.

The Community Zoning Information Meeting (CZIM) for this request will be held on **Wednesday, November 13 2024, at 6:00 PM** in the Community Room in Alpharetta City Hall across from the Council Chambers. Alpharetta City Hall is Located at 2 Park Plaza, Alpharetta, GA 30009. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback.

This item will be considered by **the Planning Commission on Thursday, December 5, 2024, and City Council on Monday, December 16, 2024, at 6:30 PM**. The meetings will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact me at your convenience. We can be reached at (Kourtney) 678.361.2203 or (Andrew) 678.464.1152.

Thank you so much for your time.

Sincerely,

Andrew and Kourtney

From: [Kourtney Wexler](#)
To: [Woodman, Michael](#)
Cc: [Taylor, Elicia](#); [Andrew Wexler](#)
Subject: Wexler- 172 Marietta Street- 4 letters of support
Date: Thursday, November 7, 2024 6:45:18 PM

Hi Michael,

I hope you are great.

Here are four letters of support regarding 172 Marietta Street rezoning.

I can drop off the originals tomorrow morning also.

Is there anything else I need to do prior to our first informal meeting on Wednesday, November 13 at 6:00?

Thank you for everything.

Kourtney
678.361.2203

i

To whom it may concern,

I/we, Don Goodyear Owner(s) Name)

at 245 Marietta Way (Address)

support the Wexler family's request to rezone the

property at 172 Marietta Street, Alpharetta, Georgia 30009

from commercial, C-2, to Downtown Residential, DT-R.

Don Goodyear (Signature)

11/5/2024 (Date)

To whom it may concern,

I/we, IRENE & WILLIAM SWITH, Owner(s) Name)

at 305 MARIETTA WAY, (Address)

support the Wexler family's request to rezone the

property at 172 Marietta Street, Alpharetta, Georgia 30009

from commercial, C-2, to Downtown Residential, DT-R.

 (Signature)

11/5/24 (Date)

To whom it may concern,

I/we, Shelly Socoman, Owner(s) Name)

at 12046 Orchid Lane, (Address)

support the Wexler family's request to rezone the

property at 172 Marietta Street, Alpharetta, Georgia 30009

from commercial, C-2, to Downtown Residential, DT-R.

[Signature] (Signature)

11.7.2024 (Date)

To whom it may concern,

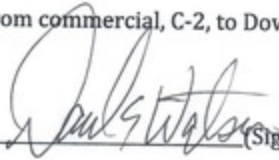
I/we, DAVID WATSON & Mark Haulin, Owner(s) Name)

at 12025 Orchid Ln, Alpharetta, (Address)
30609

support the Wexler family's request to rezone the

property at 172 Marietta Street, Alpharetta, Georgia 30009

from commercial, C-2, to Downtown Residential, DT-R.

 (Signature)

11/7/2024 (Date)

From: [Woodman, Michael](#)
To: [Taylor, Elicia](#)
Subject: FW: PH-24-23/Z-24-18 Wexler/172 & 182 Marietta Street
Date: Monday, November 25, 2024 1:35:55 PM

FYI – please add to public comment. Thank you!

From: Francene Taylor [REDACTED]
Sent: Monday, November 25, 2024 1:30 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Trace Taylor ([REDACTED])
Subject: PH-24-23/Z-24-18 Wexler/172 & 182 Marietta Street

 **This message needs your attention**

- This is a personal email address.
- This is their first email to the City of Alpharetta.

[Mark as Safe](#) [Report this Email](#)

Powered by Mimecast

Good afternoon Michael

We received notification regarding the dates on which 172&182 Marietta Street will be considered by the Planning Commission and City Council.

Unfortunately, we'll be unable to attend either of the meetings but having reviewed the plans at the CZIM and spoken with Andrew and Kourtney, we support this use for the property and are glad that the land is being used for residential purposes rather than additional commercial construction amid already established residential areas.

Thank you -
Francene Taylor
2017 Hidden Alley
[REDACTED]

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: Z-24-18

PH #: _____

☐ Property Taxes & Code Violations Verified☐ Fee Paid

Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta." Please note that a 3% convenience fee will be added to all credit card transactions.
5. Applications will be accepted on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:Contact Name: Andrew and Kourtney WexlerTelephone: (k)678-361-2203 (a) 678-46Address: 12051 Orchid Lane

Suite: _____

City AlpharettaState: GAZip: 30009

Fax: _____

Mobile Tel: _____

Email: kourtney_wexler@hotmail.com, andrew_wexler@hotmail.cc**Subject Property Information:**Address: 172 Marietta StreetCurrent Zoning: C-2District: 1stSection: 2ndLand Lot: 694Parcel ID: 12258306940304Proposed Zoning: DT-RCurrent Use: Leased to business use**This Application For (Check All That Apply):**☐ Conditional Use☐ Master Plan Amendment☐ Comprehensive Plan Amendment☒ Rezoning☐ Master Plan Review☐ Variance☐ Public Hearing☐ Exception☐ Other (Specify): _____

APPLICANT REQUEST AND INTENT

What is the proposed use(s) of the property?

The proposed use of the property would be the site of a detached 3 car garage/carriage house for the single family custom home being built on 182 Marietta Street. We would ultimately like to combine lot 172 Marietta Street to 182 Marietta Street.

Applicant's Request (Please itemize the proposal):

We are requesting you approve the following:

- 1- Rezoning of the property from C-2 to DT-R.
- 2- Approval to combine lots.
- 3- Approval of the custom built garage.

Applicant's Intent *(Please describe what the proposal would facilitate).*

Our intent would be to rezone the property from C-2 to DT-R so we can build our garage and combine this lot with 182 Marietta Street.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Andrew and Kourtney Wexler

Telephone: (k) 678-361-2203 (a) 678-464-1152

Address: 172 Marietta Street

Suite: _____

City Alpharetta

State: GA

Zip: 30009

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

- | | |
|---|--|
| ☐ Annexation | ☐ Special Use |
| ☒ Rezoning | ☐ Conditional Use |
| ☐ Variance | ☐ Master Plan |
| ☐ Land Use Application | ☐ Other |

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: see above

Telephone: _____

Address: _____

Suite: _____

City _____

State: _____

Zip: _____

So Sworn and Attested:

Owner Signature: _____

Date: 9.26.2024

Notary:

Notary Signature: _____

Date: 9/26/24



DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: Andrew and Kourtney Wexler

Subject Public Hearing Case: 172 Marietta Street- Wexler

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: n/a Position: _____

Description of Contribution: _____ Value: 0

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: _____



Date: _____

9.26.2024

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Although Marietta Street consists of some commercial properties, it is next to our future single family dwelling. We would like to combine the lots. The addition of this 3 car garage/carriage house will add to the beauty and quaintness of Marietta Street and downtown Alpharetta.

How will this proposal affect the use and value of the surrounding properties?

Rezoning this property will change the use of the property, but will not diminish the value of the surrounding properties.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

As the owners of the property, we don't plan to develop it for economic use.

What would be the increase to population and traffic if the proposal were approved?

Rezoning this property, approving the custom garage/carriage house and approving combining this lot to our DT-R lot at 182 Marietta Street would not increase the population and traffic at all.

What would be the impact to schools and utilities if the proposal were approved?

Rezoning this property, approving the custom garage/carriage house, and approving combining this lot to our DT-R lot at 182 Marietta Street would not negatively impact school or utilities.

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

The proposed rezoning will meet the criteria of Alpharetta's Comprehensive Plan and the future land use. Rezoning to DT-R protects the community even more than mixed use.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

As the landscape of Alpharetta continues to evolve, we feel rezoning this property from C-2 to DT-R would be a positive alignment of the goals the city has forecasted.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: Wexler- 172 Marietta Street

Contact Name: Andrew and Kourtney Wexler Telephone: (A) 678-464-1152, (K) 678-3

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

Please see attached list

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- | | |
|--|--|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other <i>(Please Specify)</i> |

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

PURE TAQUERIA LLC
103 ROSWELL ST
ALPHARETTA GA 30009

122 MARIETTA STREET LLC
119 ROSWELL ST
ALPHARETTA GA 30009

RATTARY DEBRA ANN
12002 ORCHID LANE
ALPHARETTA GA 30009

KOVALEV ANDREY &
KAVALIOVA MARYIA
12003 ORCHID LANE
ALPHARETTA GA 30009

FOWLER SAMUEL WREN
12004 ORCHID LN
ALPHARETTA GA 30009

BUONOCORE JENNIFER
12005 ORCHID LANE
ALPHARETTA GA 30009

WALDORF WILLIAM
12006 ORCHID LANE
ALPHARETTA GA 30009

HICKS MARJORIE LYNNE
12007 ORCHID LN
ALPHARETTA GA 30004

SANDER ANN P
12008 ORCHID LN
ALPHARETTA GA 30009

CIACCIA LOUIS & MARYANNE
12009 ORCHID LANE
ALPHARETTA GA 30009

CARTER JOHN HARRISON III
12011 ORCHID LN
ALPHARETTA GA 30009

BRUGNOLI ANDREW & CATHERINE A
12012 ORCHID LANE
ALPHARETTA GA 30009

PAUL DAVID A & AMY L
12020 ORCHID LN
ALPHARETTA GA 30009-7989

FRIEL TODD & FRIEL SUSAN
12021 ORCHID LANE
ALPHARETTA GA 30009

FOX LYDIA
12022 ORCHID LN
ALPHARETTA GA 30004

PRANA VIDA LLC
12023 ORCHID LANE
ALPHARETTA GA 30009

DEMETRIOU CLINTON A
& DEMETRIOU JOY D
12024 ORCHID LANE
ALPHARETTA GA 30009

WATSON DAVID E & HAMLIN MARK S
12025 ORCHID LN
ALPHARETTA GA 30004

MICHAEL J REINHARDT TRUST THE
12026 ORCHID LANE
ALPHARETTA GA 30009

BALSANO DEBORAH
12028 ORCHID LANE
ALPHARETTA GA 30009

MANTHEY CATHERINE J
12032 ORCHID LN
ALPHARETTA GA 30009

BARRANCA JOHN P & BARRANCA LISA A
12034 ORCHID LANE
ALPHARETTA GA 30009

GANT STEPHEN
12036 ORCHID LANE
ALPHARETTA GA 30009

PEYSER TED & PEYSER TERESA
12038 ORCHID LN
ALPHARETTA GA 30009

PARK JOAN H
12040 ORCHID LN
ALPHARETTA GA 30009

SAUNDERS JEREMIE A
SAUNDERS MARCELLA M
12042 ORCHID LN
ALPHARETTA GA 30009-7989

CLARK LOUISE
12044 ORCHID LANE
ALPHARETTA GA 30009

SOLOMONSON SHELLY &
SOLOMONSON ANDREW L
12046 ORCHID LN
ALPHARETTA GA 30009

SCHNEIDER TERESA L
12048 ORCHID LANE
ALPHARETTA GA 30009

A & A CHAPMAN HOLDING LLC
1218 BASNETT DR
ALPHARETTA GA 30004-0882

TKB2 PROPERTIES LLC
125 N CHRISTOPHERS RUN
ALPHARETTA GA 30004

KNE WILLSHIRE GLEN LLC
12697 LECOMA TRC
ALPHARETTA GA 30004

SEDG INVESTMENTS LLC
13050 BETHANY RD
ALPHARETTA GA 30009

ALPHARETTA BEACH HOUSE LLC
131 ROSWELL ST # B201
ALPHARETTA GA 30009

HOLMES LAUREN L & MARK J
13900 HAGOOD RD
ALPHARETTA GA 30004

WINDSONG TOWNHOME
COMMUNITY ASSN INC
1418 DRESDEN DR STE 200
ATLANTA GA 30319

172 MARIETTA ST LLC
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205 MARJEAN WAY
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HELLRIEGEL JOHN EDWARD & JUDITH TOWER 290 MARJEAN WAY ALPHARETTA GA 30009	MICHAEL & DEBRA KOPEC JOINT REVOCABLE TRUST THE 295 MARJEAN WAY ALPHARETTA GA 30009	ELIZABETH DISTEL KEITH REVOCABLE TRUST THE 300 MARJEAN WAY ALPHARETTA GA 30009
SMITH WILLINGHAM III & SMITH IRENE 305 MARJEAN WAY ALPHARETTA GA 30009	FAY JAMES PATRICK & ELLEN TEDESCO 310 MARJEAN WAY ALPHARETTA GA 30009	RULAND MICHAEL & ELISA STEVENSON 320 MARJEAN WAY ALPHARETTA GA 30009
JOHNSTON DOUGLAS S 330 MARJEAN WAY ALPHARETTA GA 30009	CEMETERY 3693 STEWART ROAD ATLANTA GA 30340	BERG JOHANN 4951 MARK JOHN WAY CUMMING GA 30040

BRADY FERGAL & AUDREY M
511 VERANDA CT
ALPHARETTA GA 30009

SPIEGEL AMY SUE
6 SANDY HOOD RD N
SARASOTA FL 34242

GRACE & JERRY W DAWSON
REVOCABLE LIVING TRUST THE
738 MUSTANG DR
HARTWELL GA 30643

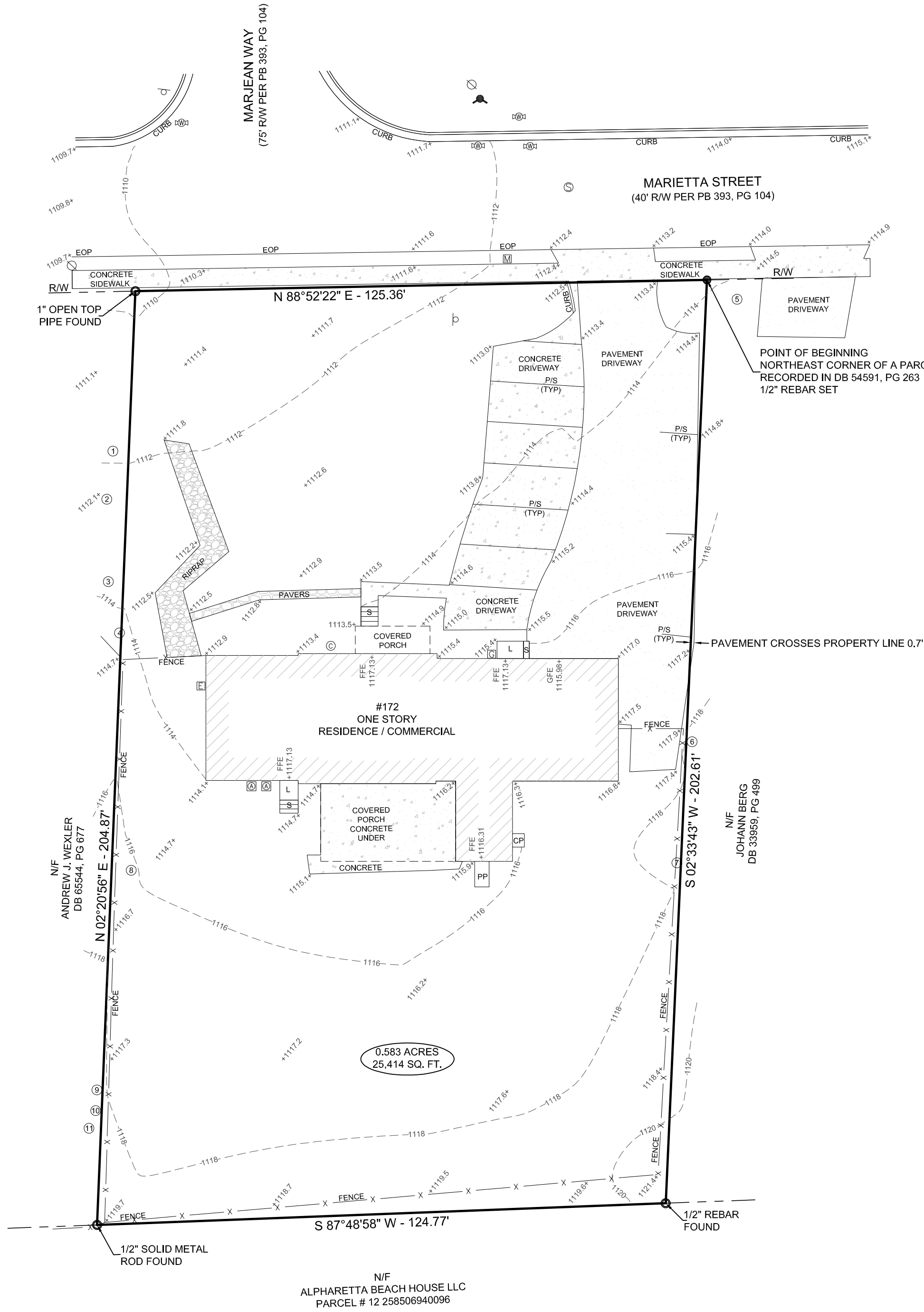
VICTORIA SQUARE
TOWNHOME ASSOCIATION INC
7380 MCGINNIS FERRY RD STE 200
SUWANEE GA 30024

PRP LAND LLC & VICTORIA SQUARE
TOWNHOME ASSN INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

VICTORIA SQUARE
TOWNHOME ASSOCIATION INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

WILLS COMMONS
HOMOWNERS ASSOC INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

- LEGEND:
- PROPERTY CORNER FOUND (AS NOTED)
 - 1/2" REBAR WITH CAP SET LSF#1249
 - CALCULATED POINT
 - FIRE HYDRANT
 - WATER METER
 - WATER VALVE
 - IRRIGATION VALVE
 - UTILITY POLE
 - GUY WIRE
 - POWER METER
 - TRANSFORMER
 - AIR CONDITIONING UNIT
 - POOL EQUIPMENT
 - MAIL BOX
 - LIGHT POLE
 - UTILITY/LIGHT POLE
 - MANHOLE
 - CLEAN OUT
 - GAS METER
 - GAS VALVE
 - CABLE BOX
 - TELEPHONE BOX
 - DRAIN INLET
 - SIGN
 - FENCE LINE
 - BSL BUILDING SETBACK LINE
 - CB CATCH BASIN
 - CL CENTERLINE
 - CONC. CONCRETE
 - CP CONCRETE PAD
 - DB DEED BOOK
 - EOP EDGE OF PAVEMENT
 - L LANDING
 - N/F NOW OR FORMERLY
 - P/S PAINT STRIPE
 - PB PLAT BOOK
 - PG PAGE
 - PP PAVEMENT PAD
 - R/W RIGHT-OF-WAY
 - S STEPS
 - SQ. FT. SQUARE FEET
 - SW CONCRETE WALK WAY
 - BFE BASEMENT FLOOR ELEVATION
 - FFE FINISHED FLOOR ELEVATION
 - GFE GARAGE FLOOR ELEVATION



- TREE LEGEND: (SEE NOTE #12)
- ② TREE ID, SEE TREE TABLE
 - HW LARGE OVERSTORY DECIDUOUS TREE
 - PINE PINE TREE
 - EVG SCR N EVERGREEN SCREENING TREE
 - OVR EVG OVERSTORY EVERGREEN TREE
 - ORN EVG ORNAMENTAL EVERGREEN TREE
 - ORN UND ORNAMENTAL UNDERSTORY TREE

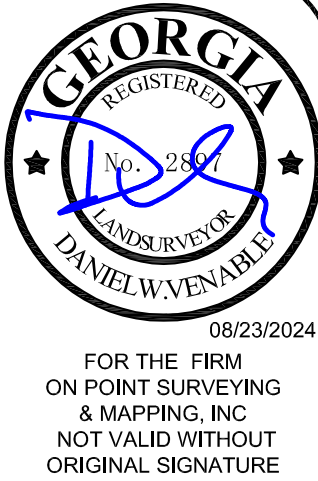
TREE TABLE	
TREE #	SIZE & TYPE
1	15" HARDWOOD
2	10" HARDWOOD
3	7" HARDWOOD
4	26" HARDWOOD
5	8" HARDWOOD
6	13" HARDWOOD
7	14" HARDWOOD
8	33" HARDWOOD
9	8" HARDWOOD
10	14" HARDWOOD
11	9" HARDWOOD

SURVEY NOTES:

- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.
- © COPYRIGHT 2024 - ON POINT SURVEYING & MAPPING, INC. THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED, OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.
- TOTAL AREA = 0.583 ACRES / 25,414 SQUARE FEET.
- BOUNDARY REFERENCES: DEED BOOK 54591, PAGE 263 AND PLAT BOOK 393, PAGE 104.
- LAST DATE OF FIELD WORK PERFORMED ON: 08/20/2024.
- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 176,215 FEET.
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 37,428 FEET, AND AN ANGULAR ERROR OF 03 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
- THE SURVEY WORK COMPLETED WAS PERFORMED WITH A GEO MAX ZOOM 90 ROBOTIC TOTAL STATION.
- THIS SURVEY WAS PERFORMED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.
- THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.
- ELEVATIONS SHOWN HEREON ARE BASED UPON NAVD83 DATUM. USING GEOID 2012A. HORIZONTAL DATUM IS BASED UPON NAD83, 2011 ADJUSTMENT, GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE.
- TREE TYPE LABELS SHOWN HEREON ARE A GENERAL DESCRIPTION AND NEED TO BE VERIFIED PRIOR TO PLANNING OR CONSTRUCTION. ON POINT SURVEYING ASSUMES NO LIABILITY AS TO THE ACCURACY OF THESE LABELS.

FLOOD INFORMATION:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 1312100059F, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 18, 2013 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.



DATE	
REVISION	
PROJECT NO.	24-871
DATE	08/23/2024
DRAWING NO.	24-871
DWG. JOT	
CHK: DWG	

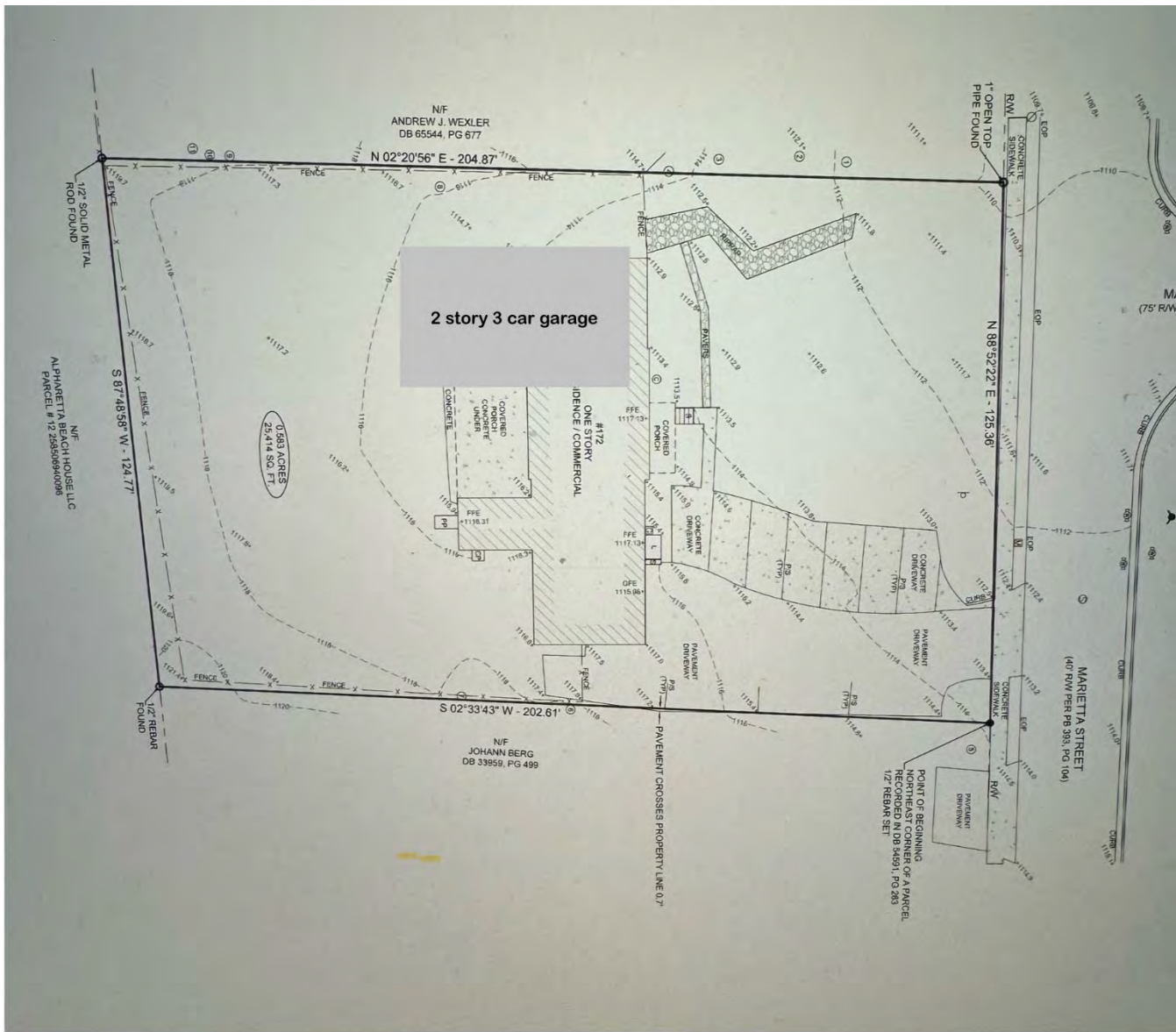
BOUNDARY, TOPOGRAPHIC & TREE SURVEY
PREPARED FOR: ANDREW WEXLER
SITE ADDRESS: 172 MARIETTA STREET, ALPHARETTA, GA 30009
LAND LOT 694, 1ST DISTRICT, 2ND SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA

3372 PEACHTREE ROAD,
STE. #115, ATLANTA, GA 30326
TELEPHONE: 678-541-5650
www.onpoint-surveying.com



SHEET NO.
1 OF 1

SHEET SIZE: 24X36





Preliminary Front Elevation

Approximate Scale: 1/4" = 1'-0"

WEXLER DETACHED GARAGE

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Preliminary Plans are subject to slight adjustments during the preparation of the Construction Drawings, which will show the actual dimensions and plan information. These drawings are not released to be used as Construction Drawings.

678-366-5880

www.BryanPlans.com

TIMOTHY *B*RYAN, LLC
RESIDENTIAL PLANNING COMPANY

09-10-2024



Preliminary Right Elevation

Approximate Scale: 1/4" = 1'-0"

WEXLER DETACHED GARAGE

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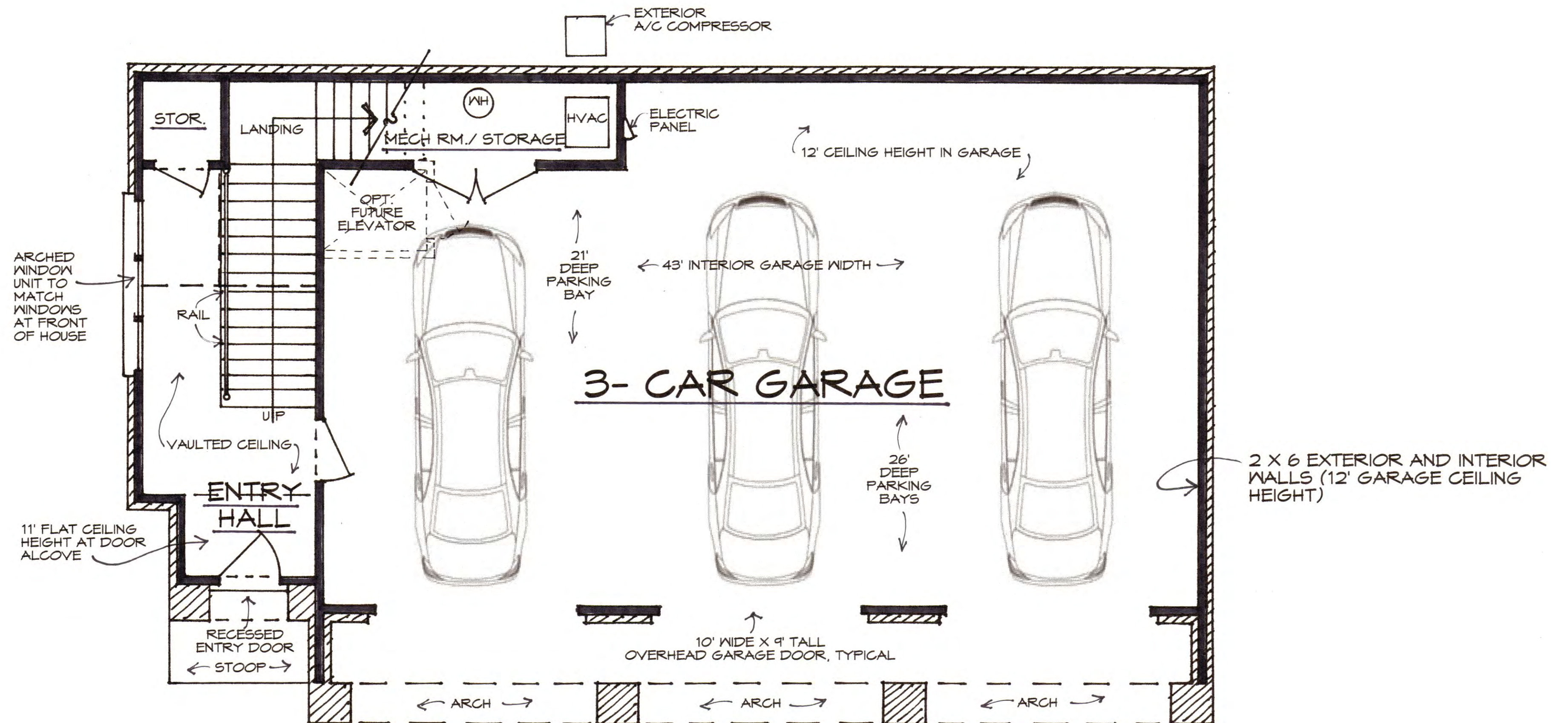
Preliminary Plans are subject to slight adjustments during the preparation of the Construction Drawings, which will show the actual dimensions and plan information. These drawings are not released to be used as Construction Drawings.

678-366-5880

www.BryanPlans.com

TIMOTHY *B*RYAN, LLC
RESIDENTIAL PLANNING COMPANY

09-10-2024



Preliminary First Floor Plan

Approximate Scale: 1/4" = 1'-0"

WEXLER DETACHED GARAGE

© Copyright 2024 Timothy Bryan, LLC

Preliminary Plans are subject to slight adjustments during the preparation of the Construction Drawings, which will show the actual dimensions and plan information. These drawings are not released to be used as Construction Drawings.

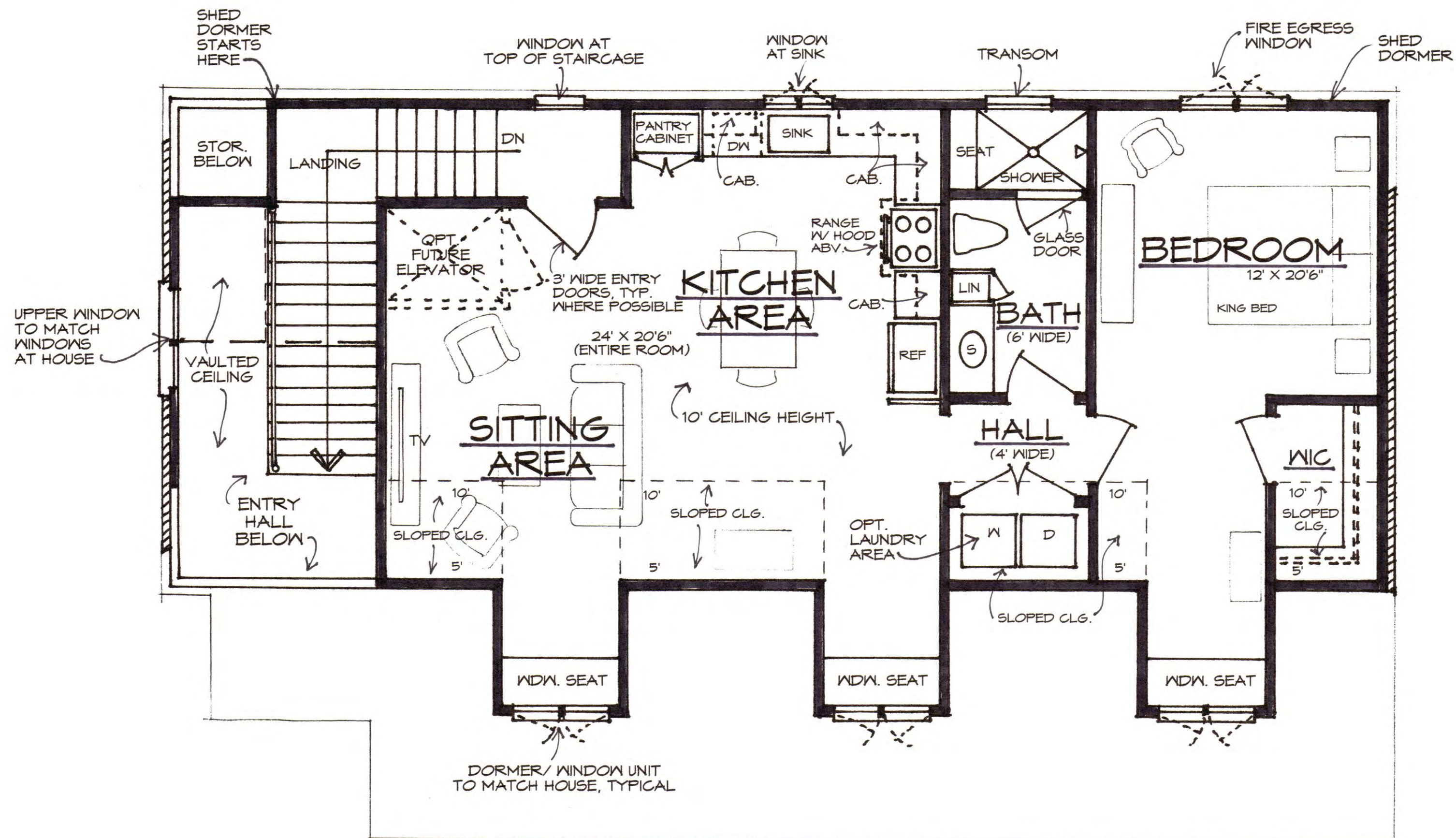
678-366-5880

www.BryanPlans.com

TIMOTHY **BRYAN**, LLC

RESIDENTIAL PLANNING COMPANY

09-10-2024



Preliminary Second Floor Plan

Approximate Scale: 1/4" = 1'-0"

WEXLER DETACHED GARAGE

Future Apartment = 1,185 Sq.Ft. (Includes Apartment, Staircase, Lower Entry Hall)

© Copyright 2024 Timothy Bryan, LLC

Preliminary Plans are subject to slight adjustments during the preparation of the Construction Drawings, which will show the actual dimensions and plan information. These drawings are not released to be used as Construction Drawings.

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TIMOTHY BRYAN, LLC

RESIDENTIAL PLANNING COMPANY

09-10-2024





PLANNING COMMISSION MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: Z-24-15 MCMANUS/350 BRADY PLACE

PLANNING COMMISSION: DECEMBER 5, 2024

CITY COUNCIL: DECEMBER 16, 2024

II. RECOMMENDATION:

Approve Z-24-15 MCMANUS/350 BRADY PLACE, subject to the following conditions:

1. Approximately 0.31 acres shall be zoned DT-MU. Uses shall be limited to one (1) 'Dwelling, 'For-Sale, Detached, Residential' unit or Office. Site shall be developed substantially similar to the submitted site plan, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.
2. Exterior changes to the structure shall require final approval by DRB.
3. Existing parking lot and curb cut/driveway on Maxwell Road shall be removed, except to provide a driveway from Brady Place and parking for the residence. If the structure is converted to an office, at least 3 and no more than 4 parking spaces shall be provided on the property, including the required parking lot landscape screening from public streets.
4. Landscape strips shall be provided along Brady Place and Maxwell Road with existing healthy trees saved where possible, as approved by Staff.
5. Residential accessory structures shall be located to the side or rear of the primary structure and screened from the public street behind a fence.
6. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.

III. REPORT IN BRIEF:

The applicant, Kristina McManus, is requesting a rezoning to allow an existing structure to be used for a single-family residence and an office in the future on approximately 0.31 acres in the Downtown. The structure was most recently occupied by Bloomin' Bouquets florist and event design. The property owner would like to convert the structure into her primary residence. A rezoning is requested from O-I (Office-Institutional) to DT-MU (Downtown Mixed-Use). The subject property is located at 350 Brady Place at the southwest corner of Maxwell Road and Brady Place.

DISCUSSION

The submitted request, if approved, would allow an existing structure to be used as a single-family residence and an office in the future on approximately 0.31 acres in the Downtown. The structure was most recently occupied by Bloomin' Bouquets florist and event design. The property owner would like to convert the structure into her primary residence. A rezoning is requested from O-I (Office-Institutional) to DT-MU (Downtown Mixed-Use). The subject property is located at 350 Brady Place at the southwest corner of Maxwell Road and Brady Place.

The property is developed with a one (1) story, approximately 950 square foot structure previously used as a florist. Surrounding properties are zoned C-2 (General Commercial) and C-1 (Neighborhood Commercial) to the north, AG (Agriculture) to the west, and C-2 and R-8A (Dwelling, 'For-Sale', Attached) to the east and south. Sonia's Hair Studio and Nedrick Gavin Jewelers are located to the north, an undeveloped lot is located to the west, Comcast is located to the east, and Briargate is located to the south. The comprehensive land use plan designation of the property is 'Mixed Use', which allows the proposed zoning and uses.

The subject property is located in the South Main Street Livable Centers Initiative (LCI) with Brady Place designated as a Cottage Commercial district. The vision for this area is to build on the existing market condition by adding compatible infill structures that resemble detached homes and used for commercial and residential uses. Key to the redevelopment of this area is the redesign of Brady Place as a Living Street, which encourages a mix of pedestrian and vehicle traffic.

SITE PLAN

The site plan depicts re-use of the existing one (1) story, 950 square foot structure for a single-family residence. The submitted application states that the conversion of the structure to a residence would include interior renovations, a new metal roof, painting of the exterior, and complete landscape design. The applicant has also stated that the existing parking lot would be removed and that she would like to remove the curb cut on Maxwell Road in order to stop cut-through traffic. The applicant does not propose any tree removal on the subject property.

TRAFFIC

As shown in the table below, Staff estimates that the single family detached home would generate one (1) AM Peak Hour trip and one (1) PM Peak Hour trips. Should the structure be converted to an office in the future, the 950 square foot office building would generate three (3) AM Peak Hour trips and three (3) PM Peak Hour trips.

SCHOOLS

Residential development is known to increase school enrollment. However, Fulton County Schools does not provide an impact assessment for residential developments with less than four (4) dwelling units. Impacts to area schools would be negligible with the applicant's proposal.

STANDARDS FOR ZONING CHANGES

The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:

- a. Whether the zoning proposal will permit a use that is suitable in view of the zoning use and development of adjacent and nearby property.

Response: The requested rezoning is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use'. Brady Place primarily consists of 1940's era residential structures that have been converted to commercial uses. Although, two (2) lots on the south side of Brady Place continue to be used as single-family residences. Based on the character of Brady Place, the South Main Street LCI designated the area as a Cottage Commercial district providing an opportunity to build on the market condition that has taken hold and defined the area. The applicant's desire to save and re-use the existing structure is consistent with the vision for the area.

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Response: The applicant's desire to save and re-use the existing residential structure is consistent with the vision for the area. The South Main Street LCI designated the area as a Cottage Commercial district providing an opportunity to build on the market condition that has taken hold and defined the area.

c. Whether the zoning proposal will adversely affect the natural environment.

Response: The applicant's proposal would not adversely affect the natural environment. Tree removal is not proposed with the applicant's proposal.

d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned.

Response: The South Main Street LCI designated the area as a Cottage Commercial district providing an opportunity to build on the existing market condition by adding compatible infill structures that resemble detached homes and used for commercial and residential uses. The applicant's desire to save and re-use the existing residential structure is consistent with the vision for the area.

e. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of public facilities or services, including but not limited to existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.

Response: The zoning proposal would not cause an excessive burden on public facilities and services. The requested rezoning would allow for one (1) single-family detached home or a 950 square foot office.

f. Whether the zoning proposal is supported by new or changing conditions not anticipated or reflected in the existing zoning on the property.

Response: With the adoption of the South Main Street LCI in 2023, Brady Place was designated as a Cottage Commercial district. According to the LCI, the area provides an opportunity to build on the existing market condition by adding compatible infill structures that resemble detached homes and used for commercial and residential uses. The applicant's desire to save and re-use the existing residential structure is consistent with the vision for the area.

g. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality or general welfare against the right to unrestricted use of property.

Response: The zoning proposal reflects a reasonable balance. The proposal is compatible with the future land use designation of the property and is consistent with the vision for Brady Place in the South Main Street LCI.

h. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Response: The South Main Street LCI designated the area as a Cottage Commercial district providing an opportunity to build on the existing market condition by adding compatible infill structures that resemble detached homes and used for commercial and residential uses. The applicant's desire to save and re-use the existing residential structure is consistent with the vision for the area.

i. The extent to which the zoning proposal is consistent with the Comprehensive Plan.

Response: The comprehensive land use plan designation of the property is 'Mixed Use', which supports the proposed rezoning and uses.

CONCURRENCES

Staff has reviewed the applicant's proposal against the review criteria for a rezoning. The zoning proposal is consistent with the South Main Street LCI and comprehensive land use plan designation of the property, which envision a walkable, mixed-use environment consisting of smaller buildings resembling detached homes. The 'Mixed Use' future land use designation of the property allows for single use development (residential, commercial, or office), as well as a mixed-use development.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that one (1) email in support of the request was received.

COMMUNITY ZONING INFORMATION MEETING

CZIM was held on November 13, 2024. There were no public comments.

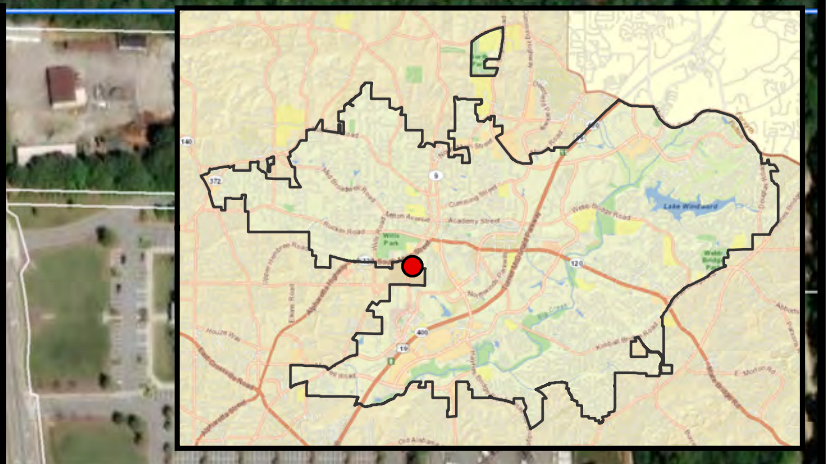
IV. ATTACHMENTS:

- Aerial Map
- Zoning Map
- Future Land Use Map
- Location Map
- CZIM
- Citizen Part B
- Application



LEGEND

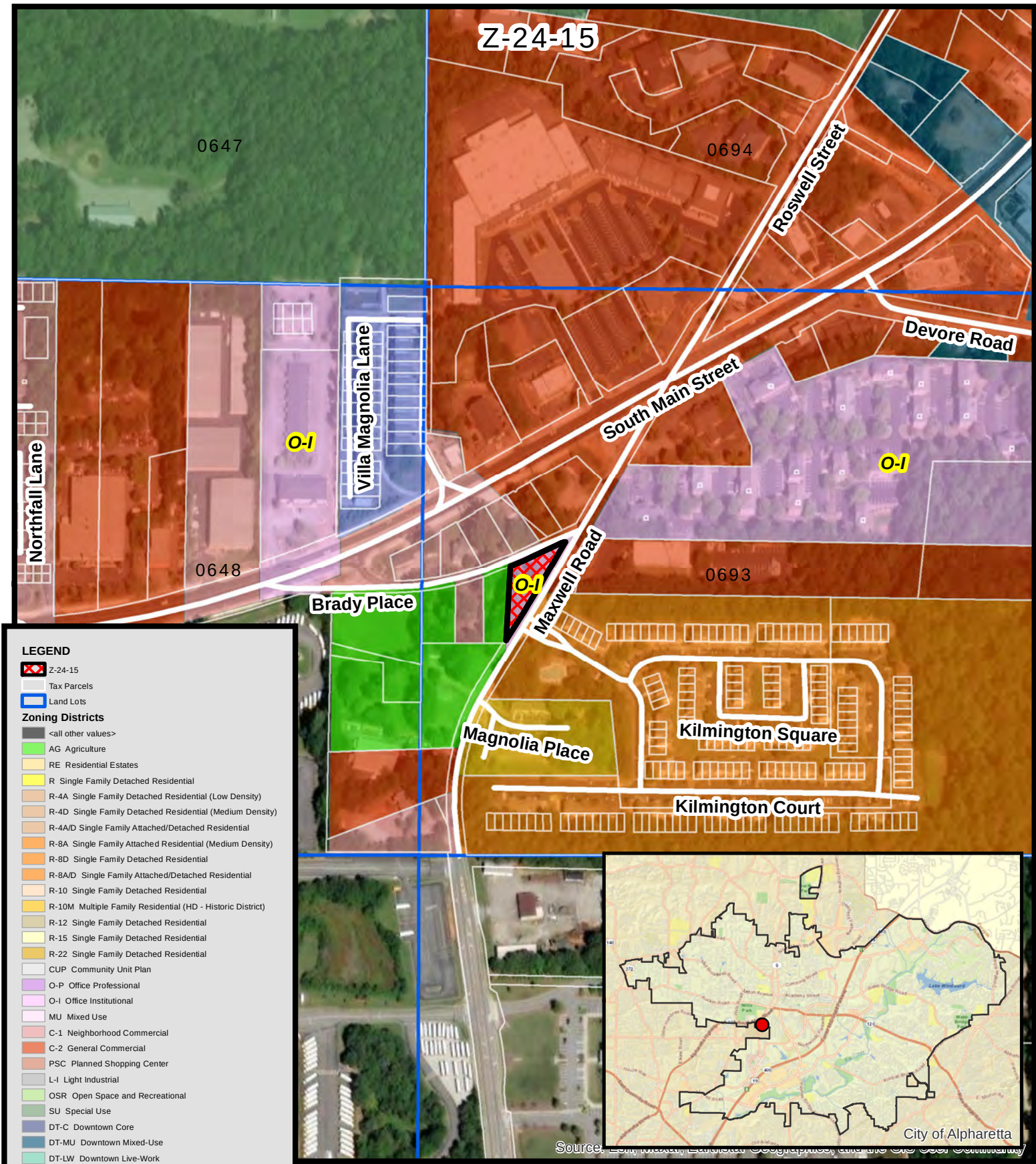
- Z-24-15
- Tax Parcels
- Land Lots



Aerial Map 350 Brady Place

Z-24-15
D/LL: 1/2/643
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS



Zoning Map 350 Brady Place

Z-24-15
D/LL: 1/2/643
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS



Future Land Use 350 Brady Place

Z-24-15
D/LL: 1/2/643
PC:12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS



Location Map 350 Brady Place

Z-24-15
D/LL: 1/2/643
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS

11/13/24

Please sign-in and leave your comments and/or concerns.

Z-24-15 350 Brady Place

NAME	ADDRESS	COMMENTS
	No Comments	

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: 350 Brady Place
Contact Name: Kristina McManus Telephone: 678.231.3608

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

Please see attached the only feedback I received from the letters sent to adjoining property owners. Mr. Williams is in favor of the rezoning to DT-MU. I attended the CZIM meeting on 11/13/24. No citizens gave any feedback.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- | | |
|--|---|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) _____ |

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

Please see attached list of adjoining property owners.
a letter was sent to each one.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: _____

Date: _____

11/14/24

Print Form

October 1, 2024

Kristina McManus
6606 Webb Bridge Court
Alpharetta, GA 30009

RE: Z-24-15/V-24-22 McManus/350 Brady Place

Dear Property Owner:

Please allow this letter to serve as public notice for consideration of a rezoning to allow an existing commercial building to be re-used for a single-family residence or an office in the future. A rezoning is requested from O-I (Office-Institutional) to DT-MU (Downtown Mixed-Use). The property is located at 350 Brady Place and is legally described as being located in Land Lot 693, 1st District, 2nd Section, Fulton County, Georgia.

The Community Zoning Information Meeting (CZIM) for this request will be held on **Wednesday, November 13, 2024, at 6:00 PM** in the Community Room in Alpharetta City Hall across from the Council Chambers. Alpharetta City Hall is Located at 2 Park Plaza, Alpharetta, GA 30009. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback.

This item will be considered by the **Planning Commission on Thursday, December 5, 2024, and City Council on Monday, December 16, 2024, at 6:30 PM**. The meetings will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact me at your convenience. I can be reached at indigoandpearls@gmail.com

Sincerely,



Kristina McManus



Kristina McManus <indigoandpearls@gmail.com>

350 Brady Place

Wes Williams <[REDACTED]>
To: IndigoAndPearls@gmail.com

Wed, Oct 30, 2024 at 9:03 PM

Hi Kristina-

Thank you for your letter regarding Brady Place. I will be happy to support your rezoning, let me know the best way to do so.

Wes Williams

--

Wes Williams
[REDACTED]

HAMM HUNTER 100 VILLA MAGNOLIA LANE ALPHARETTA GA 30009	KAPADIA ZEIN IMTIAZ & FAROOQI NISA FATIMA 1000 KILMINGTON CT ALPHARETTA GA 30004	BISHOP JERRY W 1005 KILMINGTON CT ALPHARETTA GA 30004
MENDES BIANCA JOY 1010 KILMINGTON CT ALPHARETTA GA 30009	ALLEN ROSARIO R & PHILIP P 1015 KILMINGTON CT ALPHARETTA GA 30004	LAROCCO LINDA & JOSEPH 1020 CASSEL AVE BAY SHORE NY 11706
BROWN MICHAEL J & BROWN SAMANTHA L 1020 KILMINGTON CT ALPHARETTA GA 30009	KIME AARON 1025 KILMINGTON CT ALPHARETTA GA 30004	RING BRIAN K 1030 KILMINGTON CT ALPHARETTA GA 30004
BIRGER MARGARITA & BOBICH MICHAEL 1035 KILMINGTON CT ALPHARETTA GA 30004	PATRICK COURTNEY BROOKE 1040 KILMINGTON CT ALPHARETTA GA 30009	HANDLEY JULITA 1045 KILMINGTON CT ALPHARETTA GA 30009
RAJE NEETA 1060 KILMINGTON CT ALPHARETTA GA 30009	CAMPBELL CHARMAINE 1070 KILMINGTON CT ALPHARETTA GA 30009	BROCK JUDITH B 1080 KILMINGTON CT ALPHARETTA GA 30009
COCKETT NICHOLAS 110 VILLA MAGNOLIA LN ALPHARETTA GA 30009	JONES ALBERT CLAYTON & ANDREA PAIGE 1100 KILMINGTON CT ALPHARETTA GA 30009	PEGUES CHRISTOPHER 1110 KILMINGTON CT ALPHARETTA GA 30004
NADERPOOR NIMA 1120 KILMINGTON CT ALPHARETTA GA 30004	CANTRELL KIMBERLY IRENE 11290 HOUZE RD ROSWELL GA 30076	PACK MARLEE 1130 KILMINGTON CT ALPHARETTA GA 30009
GRANT CHARLES & WESLEY 120 VILLA MAGNOLIA LN ALPHARETTA GA 30009	BRAUSE SCOTT M 130 VILLA MAGNOLIA LN ALPHARETTA GA 30009	LAFON W COURTNEY & HALL BEVERLY J 1301 BOMBAY LN ROSWELL GA 30076
ELSAIED MANSOUR M & ELKHOLY HOWAIDA M 1545 KILMINGTON CT ALPHARETTA GA 30009	TIERRA DURA LLC 15955 FREEMANVILLE RD MILTON GA 30004-2712	HIGHGROVE INC 1680 HIGHGROVE CLUB DR ALPHARETTA GA 30004-6983
COMCAST CABLE COMMUNICATIONS LLC 1701 JOHN F KENNEDY BLVD PHILADELPHIA PA 19103-2838	RIGOGLIOSI LENA M 1725 KILMINGTON CT ALPHARETTA GA 30009	EDISON LEANNE M 1735 KILMINGTON CT ALPHARETTA GA 30009

AGUIRRE LETICIA
1745 KILMINGTON CT
ALPHARETTA GA 30004

VARSHAVSKAYA MARGARITA S
1755 KILMINGTON CT
ALPHARETTA GA 30004

SAAVEDRA NICHOLAS &
GOLDSTONE CARLY
1765 KILMINGTON CT
ALPHARETTA GA 30009

KAY KENNETH B & MINDI G
1775 KILMINGTON CT
ALPHARETTA GA 30004

HENDERSON JONATHAN B
1795 KILMINGTON CT
ALPHARETTA GA 30009

LEAK JENNIFER SUE
1805 KILMINGTON CT
ALPHARETTA GA 30004

EDMEADE KELVIN & SHERMILLIA
1815 KILMINGTON CT
ALPHARETTA GA 30009

CHOE RONALD
1825 KILMINGTON CT
ALPHARETTA GA 30009

THORESEN LINDA D
1835 KILMINGTON CT
ALPHARETTA GA 30009

MITRA BIKASH & DEBRANEE
1845 KILMINGTON CT
ALPHARETTA GA 30004

DSOUZA SAMANTHA
1855 KILMINGTON CT
ALPHARETTA GA 30009

KAPPEL JACOB A
2015 KILMINGTON SQ
ALPHARETTA GA 30009

ELMHENSER SAMIRA & RAYAN ALI
2025 KILMINGTON SQ
ALPHARETTA GA 30009

MITYASHOVA MARIA
2035 KILMINGTON SQ
ALPHARETTA GA 30009

MOHAMMED ABDULMEJED
& ABDELLA SEMIRA TEMAM
2045 KILMINGTON SQ
ALPHARETTA GA 30009

CARVALHO ANTONIO &
CARVALHO CLEONICE
2055 KILMINGTON CT
ALPHARETTA GA 30009

ACL GROUP LLC
2345 HOPEWELL PLANTATION DR
ALPHARETTA GA 30004

MAGNOLIA PLACE 27 LLC
2472 JETT FERRY RD
ATLANTA GA 30338

BRIARGATE
HOMEOWNERS ASSOC INC
2555 WESTSIDE PKWY #600
ALPHARETTA GA 30004

VORCO 372 LLC
2555 WHISPER WIND CT
ROSWELL GA 30076

BR REAL ESTATE PROPERTIES LLC
2933 PLEASANT HILL RD
DULUTH GA 30096

PARKLAND COMMUNITIES INC
299 S MAIN ST SUITE A
ALPHARETTA GA 30009

LAMP & SHADE CITY LIGHTING LLC
300 S MAIN ST
ALPHARETTA GA 30009

JOYNER JOY & THOMPSON DAVID
3018 UNION HILL RD
ALPHARETTA GA 30004-2438

STEPHENS HAROLD A & PEGGY R
3045 BETHANY RD
ALPHARETTA GA 30009

C & G LAND LLC
305 S MAIN STREET
ALPHARETTA GA 30009

COUNTRY MANOR
HOMES DEVELOPMENT CORP
318 MAXWELL RD
ALPHARETTA GA 30004-2070

COUNTRY MANOR
HOMES DEVELOPMENT CORP
320 MAXWELL RD
ALPHARETTA GA 30004-2070

KELDER NANCY A
320 VILLA MAGNOLIA LN
ALPHARETTA GA 30009

ZHANG HUIYU
330 VILLA MAGNOLIA LANE
ALPHARETTA GA 30009

BIRCHETTE CASSANDRE
& TAYLOR CHASE
340 VILLA MAGNOLIA LANE
ALPHARETTA GA 30009

BAPTIST CHURCH
345 STATE HWY # 9
ALPHARETTA GA 30009

MC MANUS IMAGINATION STUDIO INC
350 BRADY PL
ALPHARETTA GA 30004

HARDESTY JAMES S JR & RONDA K
350 VILLA MAGNOLIA LANE
ALPHARETTA GA 30009

SOLARES AMILCAR
370 BRADY PL
ALPHARETTA GA 30004

BANDARKAR SHAHID SHARIF
3828 SCAMMAN CT
FREMONT CA 94538

PEPE MCRC P II
439 SUTHERLAND PL NE
ATLANTA GA 30307-2330

JAVIDTAJRISHI SOHLIA & ASGARI JALAL
4750 WEST FOREST PEAK
MARIETTA GA 30066

995 KILMINGTON RB LLC
550 ABERNATHY OAKS WAY
ALPHARETTA GA 30004

BOUND UPWARD LLC
60 LAKESHORE DR
DULUTH GA 30096-3026

CABLE ATLANTA LIMITED
600 CONGRESS AVE
AUSTIN TX 78701-3238

COLTRANE JODY & JAMIE WILLIAMS
632 HIKCS RD
CANTON GA 30115

ST JAMES TRUST
6435 COLEBRIDGE RD
ATLANTA GA 30328

WILLIAMS WESLEY B
808 GREENWOOD AVE NE #104
ATLANTA GA 30306-3747

QUINTANILLA WALTER STEVEN &
STEWART KATHERINE AMANDA KAYLA
965 KILMINGTON CT
ALPHARETTA GA 30009

LAU LAUREE ANN
985 KILMINGTON CT
ALPHARETTA GA 30004

LA FON MAUREEN S & HALL BEVERLY J
P O BOX 1276
ROSWELL GA 30077

77
total

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY	
Case #:	<u>2-24-15</u>
PH #:	<u>DHA240038</u>
☐ Property Taxes & Code Violations Verified	
☒ Fee Paid	Initial: <u>PC</u>

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta." Please note that a 3% convenience fee will be added to all credit card transactions.
5. Applications will be accepted on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: Kristina McManus

Telephone: 678-231-3608

Address: 6606 Webb Bridge Court

Suite: _____

City: Alpharetta

State: GA

Zip: 30009

Fax: _____

Mobile Tel: 678-231-3608

Email: indigoandpearls@gmail.com

Subject Property Information:

Address: 350 Brady Place

Current Zoning: O-I

District: 1st

Section: 2nd

Land Lot: 643

Parcel ID: 12 258106930158

Proposed Zoning: DT-MU

Current Use: Commerical Office

This Application For (Check All That Apply):

☐ Conditional Use

☐ Master Plan Amendment

☐ Comprehensive Plan Amendment

☒ Rezoning

☐ Master Plan Review

☐ Variance

☐ Public Hearing

☐ Exception

☐ Other (Specify): _____

APPLICANT REQUEST AND INTENT

What is the proposed use(s) of the property?

Primary residence of Kristina McManus. I would like to request that the property be rezoned to Mixed Use so that I could have the option to use the existing structure for either a residence or an office in the future.

Applicant's Request (Please itemize the proposal):

Rezone the property from O-I (Office - Industrial) to DT-MU (Downtown - Mixed Use).

The Future Land Use Map 2035 shows the property as Mixed Use, so this rezoning request is in line with this designation.

Applicant's Intent *(Please describe what the proposal would facilitate)*:

I would like to renovate the property into my primary residence.

That would entail renovating the interior, adding a new metal roof and painting the exterior of the house, adding an enclosed (screened in) outdoor stand alone building, and a complete landscape design.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: McManus Imagination Studio, LLC - Kristina McManus

Telephone: 678-231-3608

Address: 6606 Webb Bridge Court

Suite:

City Alpharetta

State: GA

Zip: 30009

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

- | | |
|---|--|
| ☐ Annexation | ☐ Special Use |
| ☒ Rezoning | ☐ Conditional Use |
| ☐ Variance | ☐ Master Plan |
| ☐ Land Use Application | ☐ Other |

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Kristina McManus

Telephone: 678. 231. 3608

Address: 6606 Webb Bridge Ct.

Suite:

City Alpharetta

State: GA

Zip: 30009

So Sworn and Attested:

Owner Signature:

Kristina McManus

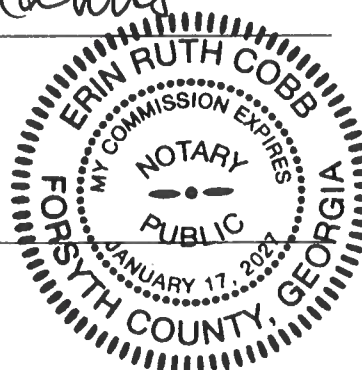
Date:

8/28/24

Notary:

Notary Signature:

Erin Cobb



Date:

08/28/24

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: **Applicant - Kristina McManus**

Subject Public Hearing Case: _____

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position: _____

Description of Contribution: N/A Value: Ø

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: Kristina McManus

Date: 8/27/24

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

The rezoning to Downtown - Mixed Use is in line with the Future Land Use Map showing this lot and the surrounding properties as Mixed Use.

How will this proposal affect the use and value of the surrounding properties?

This property falls under the South Main Livable Centers Initiative (LCI) Study. The goal of the study was to develop a vision to encourage reinvestment within the South Main area. I am excited to become propably the first property in this area to be renovated which will hopefully be a catalyst for the other owners to do the same.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

The current zoning of Office - Industrial is not in line with the Future Land Use Map showing this property and surrounding properties as Mixed Use. or the South Main (LCI) Study.

What would be the increase to population and traffic if the proposal were approved?

There would be no increase to the population or traffic as I will be the only person living there with one car. Currently the commercial renter has employees and meets with clients at the property.

What would be the impact to schools and utilities if the proposal were approved?

There would be no impact to schools as my child is an adult. There would be no impact to utilites either.

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

The Alpharetta Comprehensive Plan and the Future Land Use Map shows my lot as Mixed Use. Therefore my request to change the current zoning from O-I to DT-MU is right in line.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

Downtown Alpharetta is constantly changing to continue the vibrant, character-rich, pedestrian oriented community where people can live, work and enjoy an excellent quality of life. My rezoning request to change from O-I to DT-MU supports this trajectory.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: 350 Brady Place, Alpharetta, GA 30009

Contact Name: Kristina McManus Telephone: 678-231-3608

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

See attached list

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- | | |
|--|---|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) |

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

They may email Kristina McManus at indigoandpearls@gmail.com

HAMM HUNTER
100 VILLA MAGNOLIA LANE
ALPHARETTA GA 30009

KAPADIA ZEIN IMTIAZ
& FAROOQI NISA FATIMA
1000 KILMINGTON CT
ALPHARETTA GA 30004

BISHOP JERRY W
1005 KILMINGTON CT
ALPHARETTA GA 30004

MENDES BIANCA JOY
1010 KILMINGTON CT
ALPHARETTA GA 30009

ALLEN ROSARIO R & PHILIP P
1015 KILMINGTON CT
ALPHARETTA GA 30004

LAROCCO LINDA & JOSEPH
1020 CASSEL AVE
BAY SHORE NY 11706

BROWN MICHAEL J
& BROWN SAMANTHA L
1020 KILMINGTON CT
ALPHARETTA GA 30009

KIME AARON
1025 KILMINGTON CT
ALPHARETTA GA 30004

RING BRIAN K
1030 KILMINGTON CT
ALPHARETTA GA 30004

BIRGER MARGARITA
& BOBICH MICHAEL
1035 KILMINGTON CT
ALPHARETTA GA 30004

PATRICK COURTNEY BROOKE
1040 KILMINGTON CT
ALPHARETTA GA 30009

HANDLEY JULITA
1045 KILMINGTON CT
ALPHARETTA GA 30009

RAJE NEETA
1060 KILMINGTON CT
ALPHARETTA GA 30009

CAMPBELL CHARMAINE
1070 KILMINGTON CT
ALPHARETTA GA 30009

BROCK JUDITH B
1080 KILMINGTON CT
ALPHARETTA GA 30009

COCKETT NICHOLAS
110 VILLA MAGNOLIA LN
ALPHARETTA GA 30009

JONES ALBERT CLAYTON
& ANDREA PAIGE
1100 KILMINGTON CT
ALPHARETTA GA 30009

PEGUES CHRISTOPHER
1110 KILMINGTON CT
ALPHARETTA GA 30004

NADERPOOR NIMA
1120 KILMINGTON CT
ALPHARETTA GA 30004

CANTRELL KIMBERLY IRENE
11290 HOUE RD
ROSWELL GA 30076

PACK MARLEE
1130 KILMINGTON CT
ALPHARETTA GA 30009

GRANT CHARLES & WESLEY
120 VILLA MAGNOLIA LN
ALPHARETTA GA 30009

BRAUSE SCOTT M
130 VILLA MAGNOLIA LN
ALPHARETTA GA 30009

LAFON W COURTNEY & HALL BEVERLY J
1301 BOMBAY LN
ROSWELL GA 30076

ELSAIED MANSOUR M
& ELKHOLY HOWAIDA M
1545 KILMINGTON CT
ALPHARETTA GA 30009

TIERRA DURA LLC
15955 FREEMANVILLE RD
MILTON GA 30004-2712

HIGHGROVE INC
1680 HIGHGROVE CLUB DR
ALPHARETTA GA 30004-6983

COMCAST CABLE COMMUNICATIONS LLC
1701 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103-2838

RIGOGLIOSI LENA M
1725 KILMINGTON CT
ALPHARETTA GA 30009

EDISON LEANNE M
1735 KILMINGTON CT
ALPHARETTA GA 30009

AGUIRRE LETICIA
1745 KILMINGTON CT
ALPHARETTA GA 30004

VARSHAVSKAYA MARGARITA S
1755 KILMINGTON CT
ALPHARETTA GA 30004

SAAVEDRA NICHOLAS &
GOLDSTONE CARLY
1765 KILMINGTON CT
ALPHARETTA GA 30009

KAY KENNETH B & MINDI G
1775 KILMINGTON CT
ALPHARETTA GA 30004

HENDERSON JONATHAN B
1795 KILMINGTON CT
ALPHARETTA GA 30009

LEAK JENNIFER SUE
1805 KILMINGTON CT
ALPHARETTA GA 30004

EDMEADE KELVIN & SHERMILLIA
1815 KILMINGTON CT
ALPHARETTA GA 30009

CHOE RONALD
1825 KILMINGTON CT
ALPHARETTA GA 30009

THORESEN LINDA D
1835 KILMINGTON CT
ALPHARETTA GA 30009

MITRA BIKASH & DEBRANEE
1845 KILMINGTON CT
ALPHARETTA GA 30004

DSOUZA SAMANTHA
1855 KILMINGTON CT
ALPHARETTA GA 30009

KAPPEL JACOB A
2015 KILMINGTON SQ
ALPHARETTA GA 30009

ELMHENSER SAMIRA & RAYAN ALI
2025 KILMINGTON SQ
ALPHARETTA GA 30009

MITYASHOVA MARIA
2035 KILMINGTON SQ
ALPHARETTA GA 30009

MOHAMMED ABDULMEJED
& ABDELLA SEMIRA TEMAM
2045 KILMINGTON SQ
ALPHARETTA GA 30009

CARVALHO ANTONIO &
CARVALHO CLEONICE
2055 KILMINGTON CT
ALPHARETTA GA 30009

ACL GROUP LLC
2345 HOPEWELL PLANTATION DR
ALPHARETTA GA 30004

MAGNOLIA PLACE 27 LLC
2472 JETT FERRY RD
ATLANTA GA 30338

BRIARGATE
HOMEOWNERS ASSOC INC
2555 WESTSIDE PKWY #600
ALPHARETTA GA 30004

VORCO 372 LLC
2555 WHISPER WIND CT
ROSWELL GA 30076

BR REAL ESTATE PROPERTIES LLC
2933 PLEASANT HILL RD
DULUTH GA 30096

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LAU LAUREE ANN
985 KILMINGTON CT
ALPHARETTA GA 30004

LA FON MAUREEN S & HALL BEVERLY J
P O BOX 1276
ROSWELL GA 30077

Pay Bills

Your payment has been successfully processed

Payment submitted on **12/6/2023**

Your Confirmation Number is **874025988**

Your Authorization Code is **167602**

Thank you for your payment.

You may want to print this page for your records.

Payment Amount

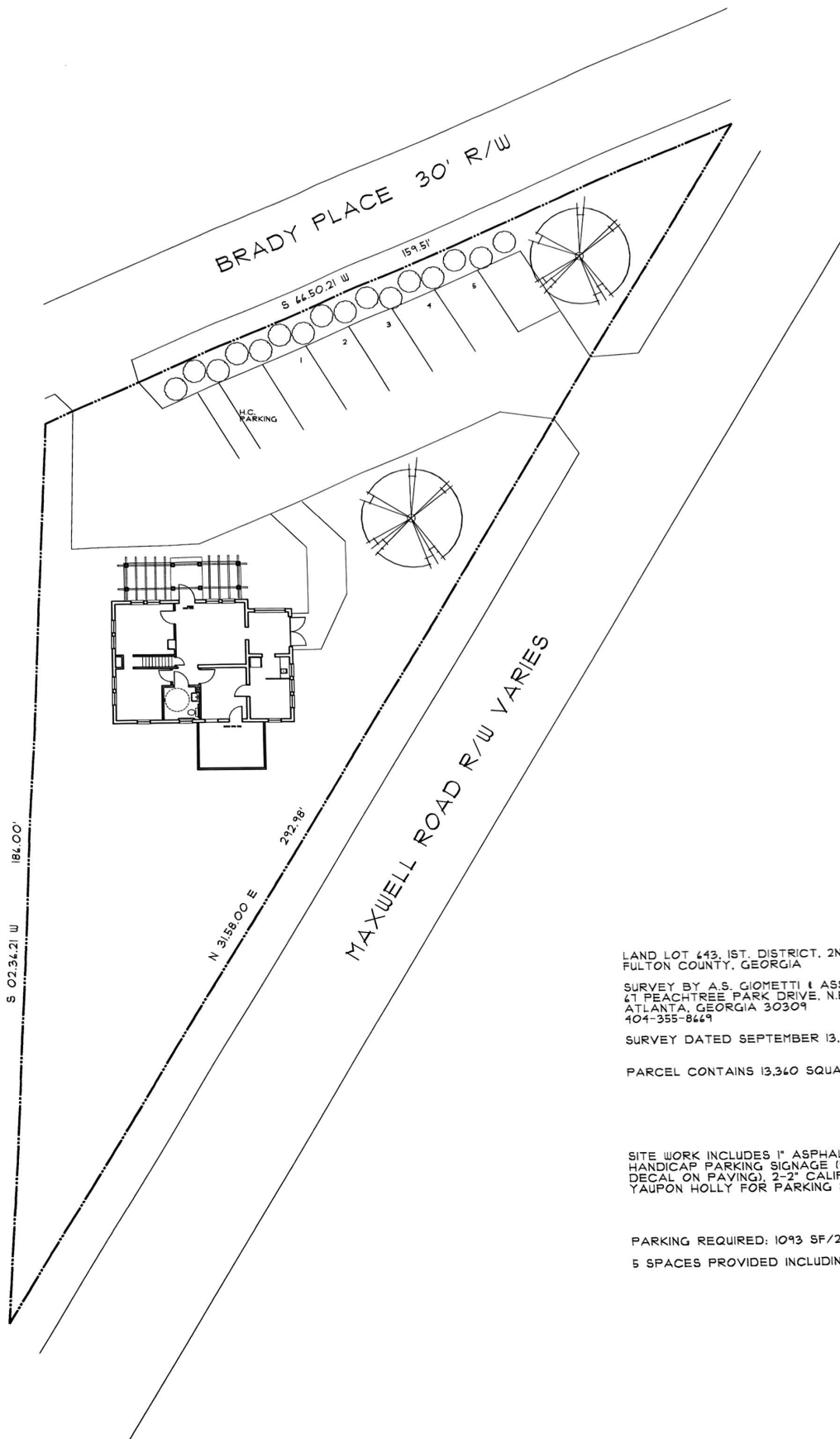
Bill Description	Due Now	Payment Amount
REGULAR/ORIGINAL - REAL ESTATE 2305841	\$717.37	\$717.37
Subtotal		\$717.37
Total		\$717.37

Payment Method

Amex *****1005

Billing Address

Name	Kristina McManus
Address	922 Prince St
City State Zip	Georgetown, SC, 29440
Phone Number	16782313608
E-mail	kristina@promotionaloutfitters.com



LAND LOT 443, 1ST. DISTRICT, 2ND. SECTION
FULTON COUNTY, GEORGIA

SURVEY BY A.S. GIOMETTI & ASSOCIATES, INC.
47 PEACHTREE PARK DRIVE, N.E.
ATLANTA, GEORGIA 30309
404-355-8669

SURVEY DATED SEPTEMBER 13, 1999

PARCEL CONTAINS 13,360 SQUARE FEET OR 0.307 ACRES

SITE WORK INCLUDES 1" ASPHALT TOPPING, PARKING STRIPING,
HANDICAP PARKING SIGNAGE (POST MOUNTED SIGN & PAINTING
DECAL ON PAVING), 2-2" CALIPER OAK TREES & 16-3 GAL.
YAUPON HOLLY FOR PARKING SCREENING.

PARKING REQUIRED: $1093 \text{ SF} / 250 = 4.4 \text{ SPACES REQUIRED}$.
5 SPACES PROVIDED INCLUDING 1 HANDICAP SPACE.

SITE/LANDSCAPE PLAN

1"=20'-0"

Table with 4 columns of abbreviations for plants and features. Includes: ABL = ABELIA, HOS = HOSTA, CHO = CHESTNUT OAK, POP = POPLAR, etc.

CLERK'S OFFICE: RECORDING INFORMATION ONLY

Now or Formerly
Harold A. & Peggy R. Stephens
(DB 21650, PG. 285)

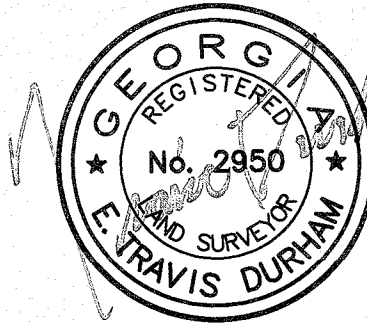
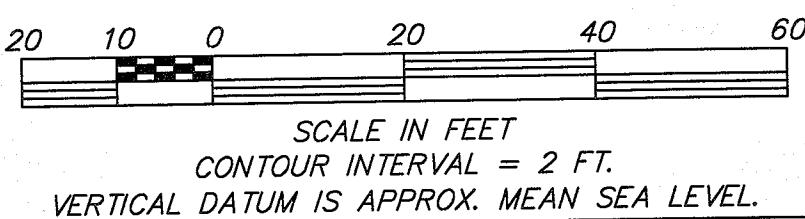
ADDRESS:
350 BRADY PLACE
ALPHARETTA, GA 30009

LEGEND

Legend table with symbols and descriptions: 1/2" REBAR FND., 1/2" REBAR SET, RIGHT OF WAY, SANITARY SEWER EASEMENT, DRAINAGE EASEMENT, LAND LOT LINE, CENTERLINE, CRIMP TOP PIPE, OPEN TOP PIPE, CORRUGATED METAL PIPE, REINFORCED CONCRETE PIPE, DROP INLET, JUNCTION BOX, MANHOLE, CATCH BASIN, BENCHMARK, POWER POLE, FIRE HYDRANT, CONCRETE MONUMENT FND., BACK OF CURB, EDGE OF PAVEMENT, FENCE, OVERHEAD ELEC. SERVICE LINE, BUILDING LINE, UNDERGROUND POWER LINE, TRANSFORMER.

BOUNDARY & TOPOGRAPHIC SURVEY FOR
KRISTINA McMANUS

LOCATED IN LAND LOT 643
1st DISTRICT, 2nd SECTION
CITY OF ALPHARETTA
FULTON COUNTY, GEORGIA
OCTOBER 30, 2024 1"=20'



GENERAL NOTES~

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 21,314. IT HAS BEEN ADJUSTED USING THE COMPASS RULE.

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TRIMBLE S5 & TSC5.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 243,460.

ALL I.P.'s ARE 1/2" REBARS, UNLESS OTHERWISE INDICATED.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE GRID BASELINE.

ACCORDING TO THE CURRENT "F.I.A. OFFICIAL FLOOD HAZARD MAP", COMMUNITY PANEL NO. 13121C 0058 F, DATED SEPTEMBER 18, 2013, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

ALL MATTERS OF TITLE ARE EXCEPTED.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES NOT SHOWN.

THE SURVEY AND PLAT SHOWN HEREON IS NOT INTENDED FOR USE OR RELIANCE BY ANY PARTIES OR ENTITIES NOT SPECIFICALLY LISTED IN THE TITLE. UNAUTHORIZED THIRD PARTIES SHALL INDEMNIFY AND HOLD DELTA 1 LAND SURVEYING, LLC HARMLESS AGAINST ANY AND ALL LIABILITY FOR ANY LOSS ARISING OUT OF, OR RELATED TO, RELIANCE BY ANY THIRD PARTY ON ANY WORK PERFORMED THEREUNDER, OR THE CONTENTS OF THE SURVEY.

REFERENCE: DB 35303, PG. 134

* = PER DEED AND PLAT RECORDS; NO MONUMENT FOUND.

THIS PROPERTY IS CURRENTLY ZONED O-1 PER THE CITY OF ALPHARETTA G.I.S. DEPT.

SETBACKS:

FRONT = 50 FEET (LOCAL)
SIDE = 15 FEET
REAR = 15 FEET
MAX. LOT COVERAGE = 40%

AREA = 13,931 SQ. FT.
0.320 ACRE

EXISTING LOT COVERAGE:

Table with 2 columns: Feature, Area. Includes: HOUSE = 1,085 S.F., ASPH. PARKING = 4,021 S.F., PORCH/CONC. = 391 S.F., XTIE BOR. = 81 S.F., SHED = 57 S.F., TOTAL = 5,635/13,931 S.F. = 40.4%

UNDERGROUND UTILITIES SHOWN HEREON WERE OBTAINED FROM MARKINGS IN THE FIELD OF AN UNKNOWN ORIGIN. DELTA 1 LAND SURVEYING, LLC ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THIS INFORMATION. CONTRACTOR TO FIELD VERIFY UNDERGROUND UTILITIES PRIOR TO ANY EARTH DISTURBING ACTIVITIES.

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Travis Durham 11-06-24
E. TRAVIS DURHAM, GA. P.L.S. No. 2950

JOB # 24-148 | DRAWN BY: JB | FIELD CREW: JB,TD
FIELD DATE: 10-30-24 | PLAT PREPARED: 11-06-24

DELTA 1 LAND SURVEYING, LLC
361 WESTCHESTER WAY
CANTON, GEORGIA 30115
PHONE: (770) 597-3533
(FIRM LICENSE No. LSF 001041)



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: Z-24-16/V-24-25 HAMPTON HALL SOUTHVINE HOMES

PLANNING COMMISSION: DECEMBER 5, 2024

CITY COUNCIL: DECEMBER 16, 2024

II. RECOMMENDATION:

Approve Z-24-16/V-24-25 Hampton Hall Southvine Homes, subject to the following conditions:

1. The site, consisting of approximately 5.05 acres, shall be rezoned to R-15 and developed substantially similar to site plan prepared by Foresite Group, revised 9/20/24, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Homes shall be similar in size, massing, and style to Hampton Hall homes and limited to 2 stories above grade with plans approved by Staff. Homes shall be no less than 3,000 square feet (heated space) nor more than 5,000 square feet (heated space).
3. Minimum lot width and building setbacks shall be as depicted on the site plan prepared by Foresite Group, revised 9/20/24. Side setback shall be 5' with a minimum 20' separation between foundations.
4. Minimum 40' landscape buffers shall be provided along the east, west, and south boundaries of the site. As depicted on Exhibit A, the green area shall include a 30' undisturbed buffer (exterior) and 10' replanted buffer (interior) and the orange area shall be a 40' replanted buffer. Landscape buffers shall be replanted prior to the 1st Certificate of Occupancy. Landscape buffer shall be depicted on the final subdivision plat and developer shall disclose to home purchasers that no structures are permitted within the undisturbed buffer such as pools and fences.
5. Minimum 10' landscape strip shall be required along High Hampton Chase and planted with evergreen screening material, as approved by Staff.
6. New street shall be public and comply with the City's standard details for a 50' local street and cul-de-sac.
7. In lieu of the 10' landscape strip along the new street, developer shall provide a residential front yard planting for each home that includes at least 2 trees with a minimum of 1 overstory canopy tree and 1 large ornamental tree spaced appropriately and coordinating between lots, as approved by Staff.
8. Trees shall be saved as depicted on the site plan prepared by Foresite Group, revised 9/20/24.
9. A non-access easement shall be recorded on the final plat along High Hampton Chase and behind Lots 3 & 4 adjacent to Carverton Lane.
10. Developer shall not open-cut public streets to extend an off-site sanitary sewer connection.
11. Developer shall install decorative pedestrian lights along the new street and High Hampton Chase.
12. Unfinished wood decks, fences or porches shall not be visible from High Hampton Chase or the new street.
13. For the benefit of emergency services, this development shall not be given a separate name, but shall be developed and platted as an additional Hampton Hall phase (Phase VIII). Because the site will become part of Hampton Hall, additional signage, or separation of the property, including entrance walls or gates, shall require Staff approval.

14. Construction vehicles shall not be parked on High Hampton Chase. Developer shall make arrangements with Hampton Hall HOA for construction parking during grading and clearing activities. After installation of the new road/cul-de-sac, all construction vehicles shall park along new road.
15. A downstream analysis of the pipe system, receiving stream and detention pond in Waters Landing subdivision shall be performed to ensure no negative impact on the drainage system. Offsite Improvements may be required and shall be determined at LDP.
16. Any installation of off-site pipes shall require approval and easements from private property owners prior to issuance of LDP.
17. A 20' drainage easement shall be required on all storm pipes outside of the right-of-way.
18. All impervious improvements shall drain to the stormwater management facilities for quality and quantity treatment. This shall require the use of berms, swales, pipes, or alternative means approved by staff to direct water to facilities.
19. Stormwater structures or walls visible from adjacent properties shall be faced with decorative stone or brick and shall be maintained by the established HOA, as approved by Staff.
20. Per private agreement, the developer shall complete the annexation process with the Hampton Hall HOA.
21. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

III. REPORT IN BRIEF:

The applicant, Southvine Homes, LLC, is requesting a rezoning and variances to allow for nine (9) single-family detached lots on 5.05 acres. The proposed density is 1.78 dwelling units per acre. A rezoning is requested from AG (Agriculture) to R-15 (Dwelling 'For-Sale', Residential) and variances are requested to reduce lot width and reduce building setbacks. The subject property is located at 0 Balke Road on the south side of High Hampton Chase, west of Haven Bluff in the Hampton Hall subdivision.

DISCUSSION

The submitted request, if approved, would allow for the development of nine (9) 'For-Sale' single-family detached lots on 5.05 acres. The proposed density is 1.78 dwelling units per acre. A rezoning is requested from AG (Agriculture) to R-15 (Dwelling 'For-Sale', Residential) and variances are requested to reduce lot width and reduce building setbacks. The subject property is located at 0 Balke Road on the south side of High Hampton Chase, west of Haven Bluff in the Hampton Hall subdivision.

The undeveloped, wooded property is zoned AG. Surrounding properties are zoned CUP (Community Unit Plan) to the north, east and west and R-12 (Dwelling, 'For-Sale', Residential) to the south. Hampton Hall is located to the north, east and west; Oak Mills is located to the east and Waters Landing is located to the south. The comprehensive land use plan designation of the property is 'Low Density Residential' which supports the proposed rezoning to R-15.

Surrounding subdivisions were developed with the development regulations as identified in the table below. The surrounding area is predominately zoned CUP with minimum lot sizes ranging between 12,000 to 16,000 square feet and minimum lot widths ranging between 80' and 94'. A minimum lot width is not specified on the final plats for the surrounding subdivisions since they were developed and/or approved in unincorporated Fulton County. Minimum lot width shown in the table below reflects the minimum lot width as measured in the applicable subdivision.

Comparison of Development Regulations in Surrounding Subdivisions

Subdivision	Zoning	Min. Lot Size	Density	Setbacks	Min. Lot Width	Min. Home Size
Applicant's Request	R-15	15,000 SF	1.78 du/ac	F-30', S-5', R-40'	80'	3,000 SF
Oak Mills	CUP	12,000 SF	2.36 du/ac	F-20', S-7', R-40'	80'	3,000 SF
Waters Landing	R-12	12,000 SF	2.4 du/ac	F-35', S-7', R-40'	80'	2,500 SF
Hampton Hall II	CUP	16,000 SF	1.65 du/ac	F-30', S-10', R-20'	80'	2,000 SF
Hampton Hall I	CUP	16,000 SF	1.2 du/ac	F-30', S-10', R-25'	90'	2,000 SF
Hampton Hall IV C	CUP	16,000 SF	1.54 du/ac	F-30', S-10', R-25'	94'	2,000 SF

As shown in the table below, the applicant requests variances to the Unified Development Code (UDC) related to development regulations in the R-15 zoning district.

Applicant's Variance Requests

Code Reference	Applicant's Request
UDC Subsection 2.2.5(D) R-15 Dwelling, 'For-Sale', Residential, District Regulations	Reduce min. lot width from 100' to 80'. Reduce front setback from 35' to 30' and reduce side setback from 10' to 5' with 20' between foundations. The applicant proposes an increase to the rear setback from 25' to 40' and provide a 40' landscape buffer along the west, south and east property lines in order to limit impacts to surrounding properties.

SITE PLAN

The submitted site plan depicts nine (9) single-family detached lots oriented to a new cul-de-sac street off High Hampton Chase in the Hampton Hall subdivision. Residential lots range in size from 15,011 to 26,272 square feet with an average lot size of 18,375 square feet. Each lot has a minimum lot width of 80'. Building setbacks are 30' along the new street and High Hampton Chase, five-foot (5') side setback with minimum 20' separation between foundations, and 40' rear setback.

A five-foot (5') sidewalk exists along High Hampton Chase. The new street is depicted with a 50' right-of-way with five-foot (5') sidewalks and two-foot (2') planters on both sides of the street. Ten-foot (10') landscape strips are required along High Hampton Chase and the new street. 40' landscape buffers are depicted along the west, south, and east property lines to screen the proposed development from surrounding properties.

The property primarily consists of hardwoods. The tree survey and assessment identify six (6) specimen trees and several trees of quality on the property. The applicant's site plan depicts nineteen (19) tree saves, including the three (3) specimen trees and several trees of quality.

A stormwater pond is proposed on a 0.70-acre parcel in the southwest corner of the property. The pond is depicted with walls on two (2) sides due to the topography in the area. The site plan depicts the stormwater pond discharging through a pipe to a nearby stream just south and east of the proposed development.

TRAFFIC

The applicant calculated anticipated project trips, which estimates that the proposed nine (9) lot subdivision would generate eleven (11) AM Peak Hour trips and ten (10) PM Peak Hour trips.

RENDERINGS

The applicant submitted renderings of six (6) different home elevations depicting two (2) story homes in a traditional style, with brick and/or stone exteriors. The renderings are consistent with the size, massing, height, style, and materials of the existing homes in Hampton Hall.

SCHOOLS

Residential development is known to increase school enrollment. Fulton County calculated the potential maximum number of children who may live on the property by using the Fulton County Schools standard calculation to identify the number of children that a residential development will generate. The following chart outlines these figures:

FULTON COUNTY SCHOOLS – 9 Single-Family Detached Homes

School	Single Family Average #
Dolvin Elementary School	0 to 4 students
Autrey Mill Middle School	0 to 2 students
Johns Creek High School	1 to 3 students
TOTAL	1 to 9 students

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 1 – 9 school age children. Numbers provided by Fulton County Schools show that all three (3) schools have enrollments below capacity.

STANDARDS FOR ZONING CHANGES

The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:

- a. Whether the zoning proposal will permit a use that is suitable in view of the zoning use and development of adjacent and nearby property.

Response: The zoning proposal is suitable as it relates to the use and development of adjacent or nearby properties, which are similarly developed. The R-15 zoning district has development regulations that are consistent with the use and development of adjacent and nearby properties.

- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Response: The zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties, which are similarly developed. The R-15 zoning district has development regulations that are consistent with the use and development of adjacent and nearby properties.

c. Whether the zoning proposal will adversely affect the natural environment.

Response: The applicant's proposal would not have significant impacts on the natural environment. Tree saves are reflected on the applicant's site plan.

d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned.

Response: The future land use designation of the property supports the requested rezoning to R-15. The proposal is consistent with the zoning and existing use of adjacent and nearby properties, which are developed with minimum 12,000 – 16,000 square foot lots.

e. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of public facilities or services, including but not limited to existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.

Response: The zoning proposal would not have significant impacts on public facilities or services. Area schools have available capacity to serve students generated by the proposal and recreational opportunities (Waters Road Park and Big Creek Greenway) are available within 0.25 miles of the subject property.

f. Whether the zoning proposal is supported by new or changing conditions not anticipated or reflected in the existing zoning on the property.

Response: Not applicable.

g. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality or general welfare against the right to unrestricted use of property.

Response: The applicant's zoning proposal reflects a reasonable balance. The zoning proposal is consistent with the comprehensive land use plan designation of the property, as well as the development regulations of the surrounding subdivisions.

h. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Response: The future land use designation of the property supports the requested rezoning to R-15. The proposal is consistent with the zoning and existing use of adjacent and nearby properties, which are developed with minimum 12,000 – 16,000 square foot lots.

i. The extent to which the zoning proposal is consistent with the Comprehensive Plan.

Response: The comprehensive land use plan designation of the property is 'Low Density Residential', which supports the applicant's request to rezone to R-15.

VARIANCE REVIEW CRITERIA

The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a variance. The ordinance specifically states..."a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that":

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or

Response: The subject property has extraordinary and exceptional conditions due to its topography. The requested minimum lot width and building setbacks are consistent with the development regulations approved in Hampton Hall and at surrounding subdivisions, which were approved and/or developed in unincorporated Fulton County.

(2) The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

Response: Application of the ordinance would create an unnecessary hardship. The requested minimum lot width and building setbacks are consistent with the development regulations approved in Hampton Hall and at surrounding subdivisions, which were approved and/or developed in unincorporated Fulton County.

(3) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

Response: The property has peculiar conditions that adversely affect its reasonable use as currently zoned. Hampton Hall and surrounding subdivisions were approved and/or developed in unincorporated Fulton County, which allowed development regulations (min. lot size and setbacks) similar to the applicant's proposal. The applicant proposes to increase the rear setback from 25' to 40' and provide a 40' landscape buffer along the west, south and east property lines to buffer impacts to surrounding properties.

CONCURRENCES

Staff has reviewed the applicant's proposal against the review criteria for a rezoning and variance. The proposal is supported by the comprehensive land use plan designation of the property and is consistent with the use and development of adjacent and nearby properties. Phases VI and VII of Hampton Hall also rezoned to the R-15 zoning district.

The property has exceptional conditions due to its topography, as well as peculiar conditions due to surrounding development. Hampton Hall and surrounding subdivisions were approved and/or developed in unincorporated Fulton County, which allowed development regulations (min. lot size and setbacks) similar to the applicant's proposal. The applicant proposes to increase the rear setback from 25' to 40'

and provide a 40' landscape buffer along the west, south and east property lines to lessen impacts to surrounding properties.

CITIZEN PARTICIPATION PLAN

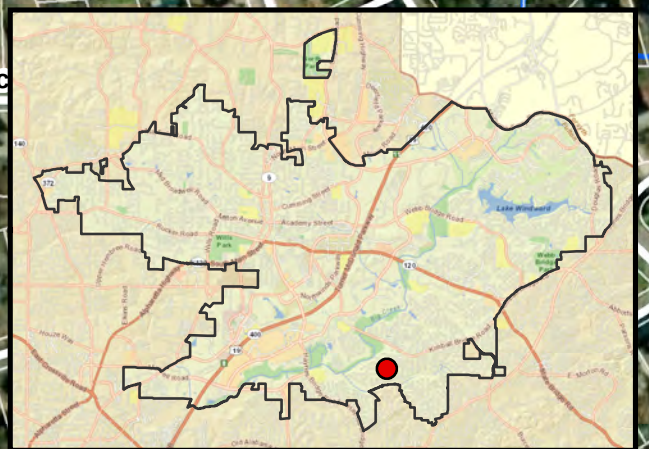
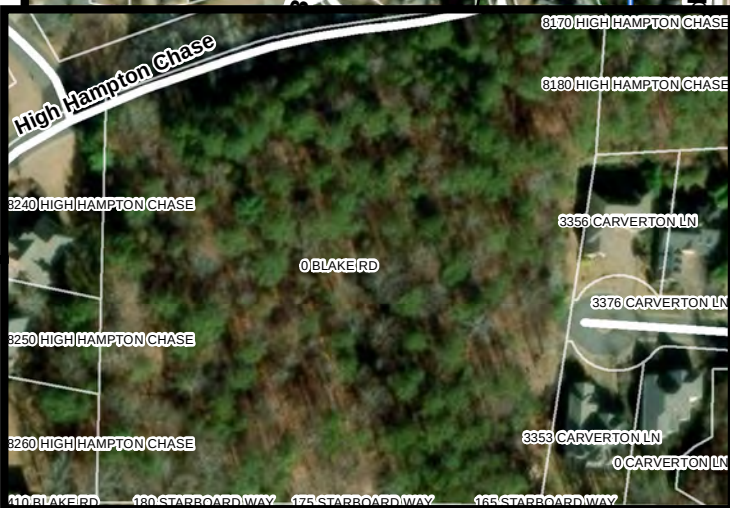
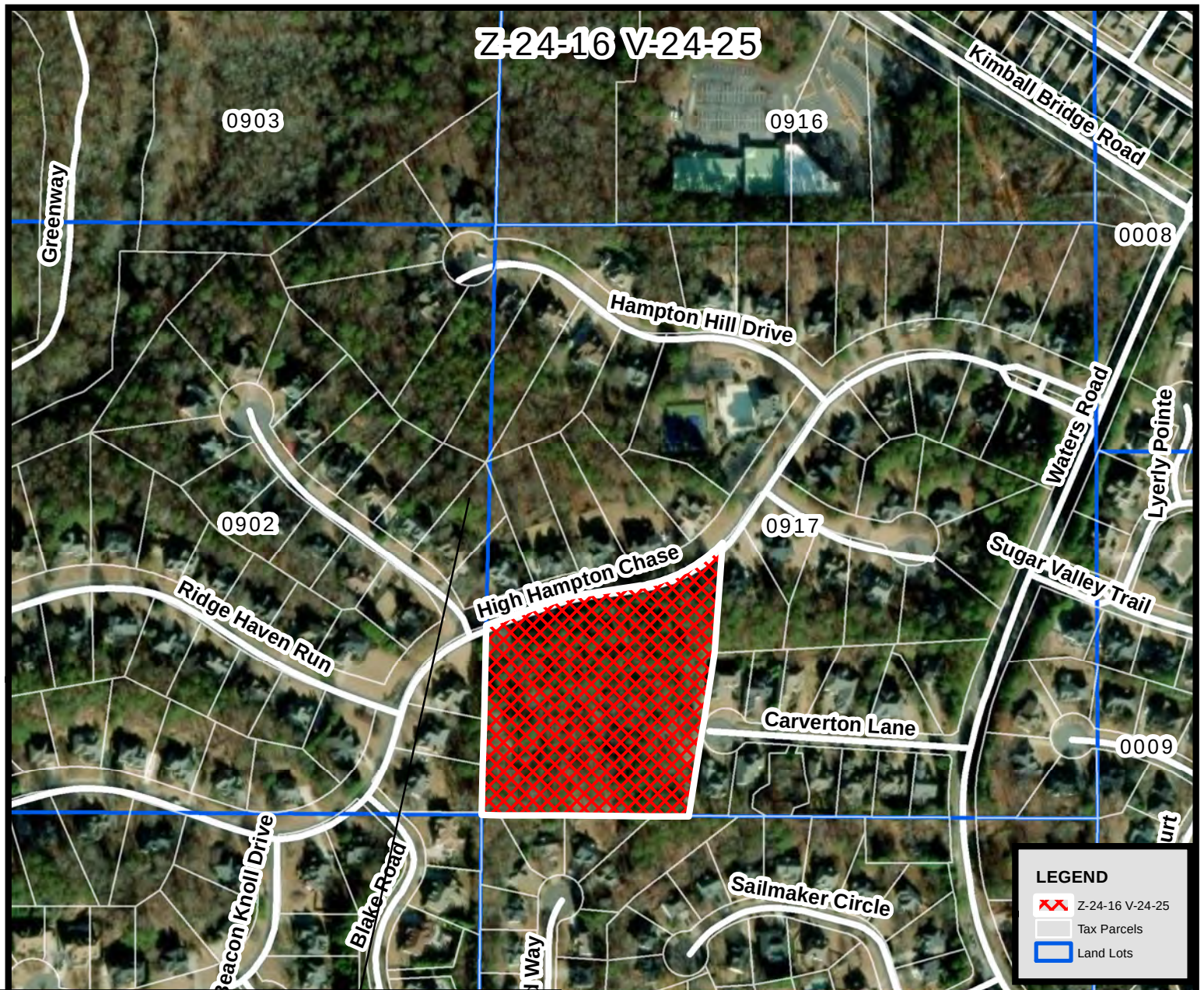
The applicant notified surrounding property owners of their application and intent for the property. The report states that the applicant maintains regular contact with the Hampton Hall HOA regarding their request and the applicant has not received any public comments. The applicant provided an email from the Hampton Hall HOA indicating that the Hampton Hall membership had approved the annexation of the proposed development into Hampton Hall HOA.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on November 13, 2024. Three (3) nearby residents signed-in with comments regarding stormwater and no open cut in street for sewer tie-in. A resident from the adjacent subdivision to the south, Waters Landing, provided a list of concerns, including how stormwater runoff will be addressed during and after construction, request that the developer provide a grading plan for the site, request a guarantee that further erosion will be indemnified, did not receive public notice, location of stormwater pond, and what rights concerned citizens have to oppose the development.

IV. ATTACHMENTS:

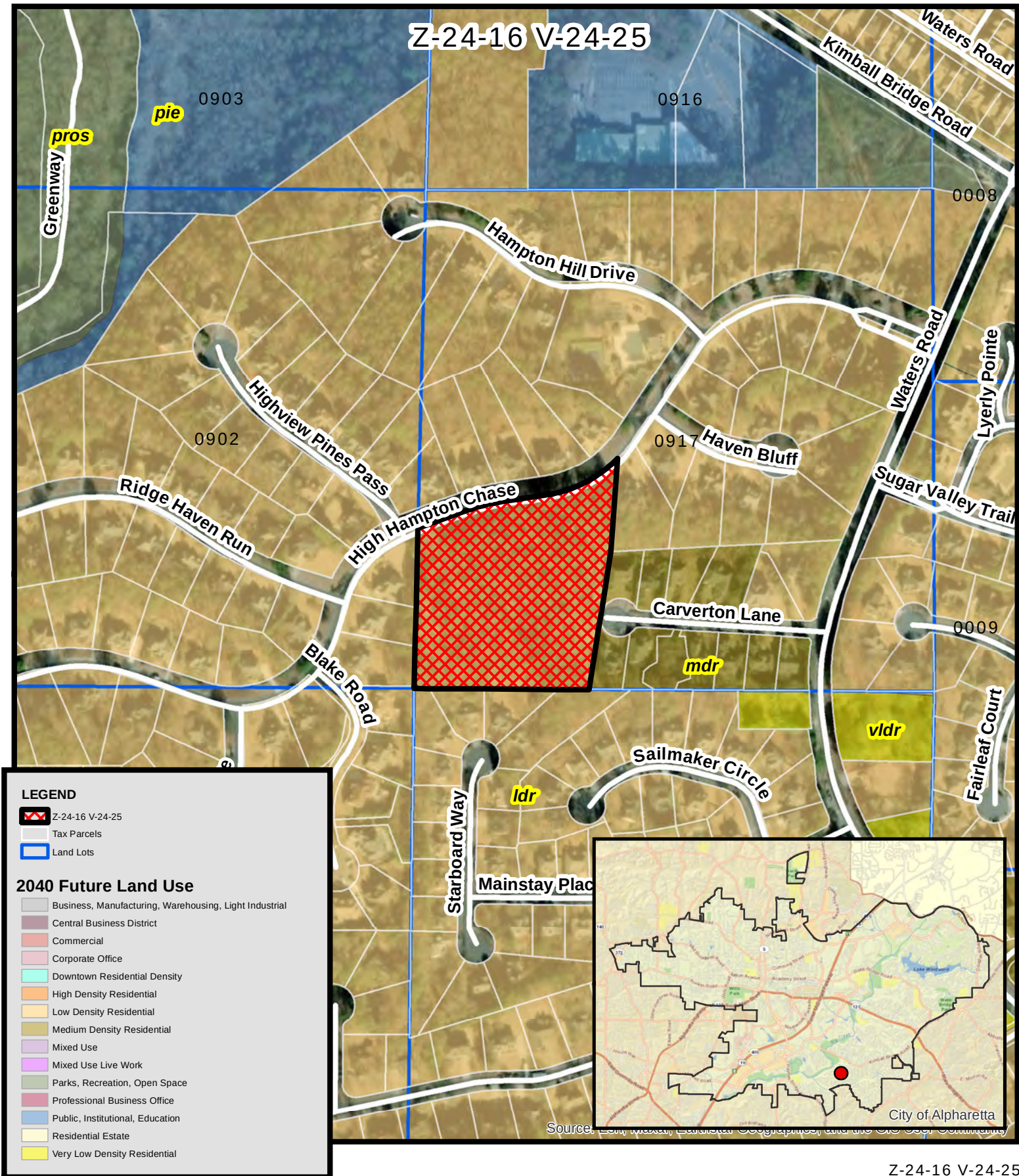
- Aerial Map
- Zoning Map
- Future Land Use Map
- Location Map
- Latest Site Plan
- Renderings
- Exhibit A
- CZIM
- Citizen Part B
- Public Comment
- Application



Aerial Map
Hampton Hall/Southvine
Homes
0 Blake Rd

Z-24-16 V-24-25
D/LL: 1/2/917
PC: 12/05/2024
CC: 12/16/2024

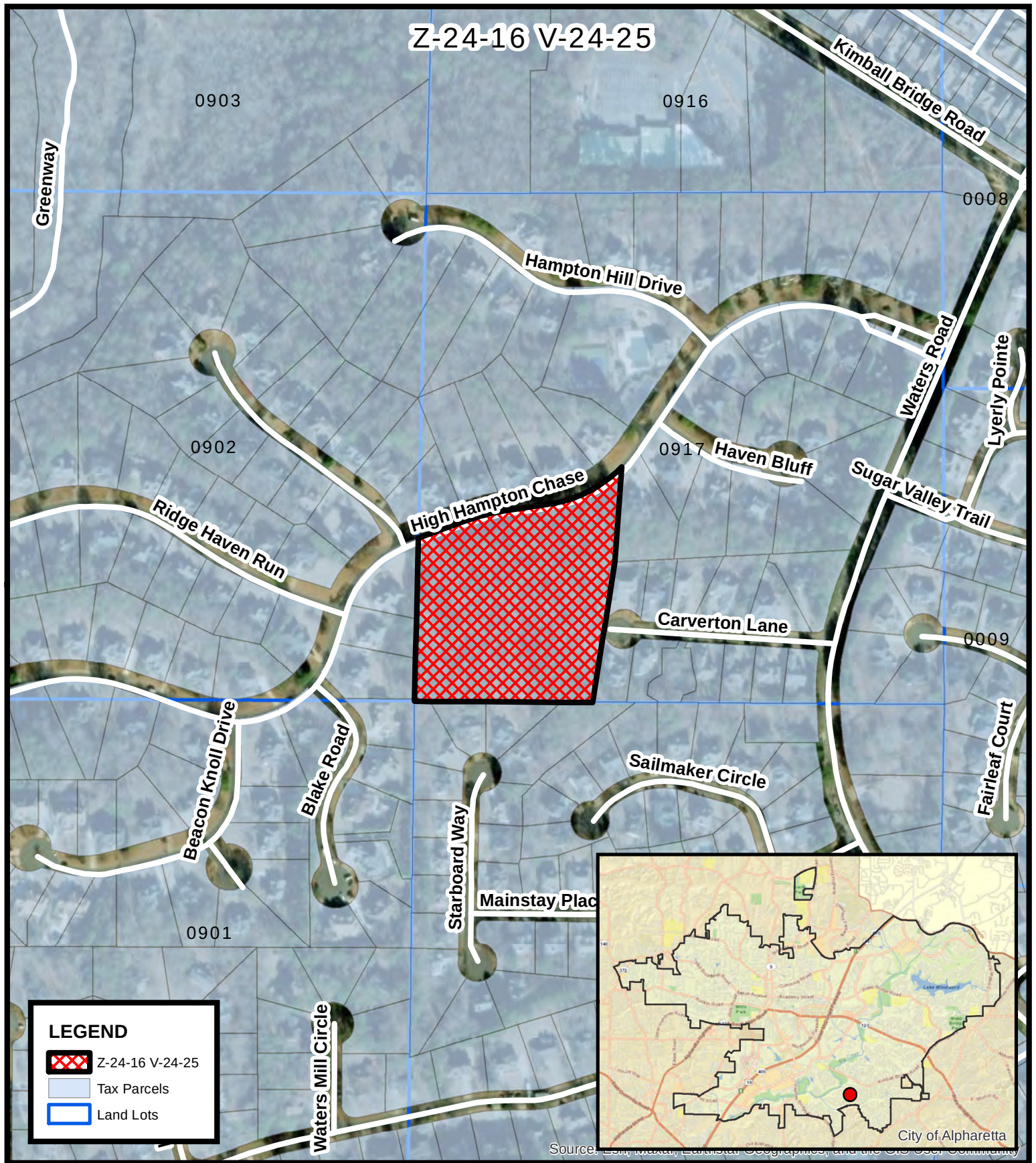
Location Map Provided by:
Community Development - GIS



Future Land Use Map Hampton Hall/Southvine Homes 0 Blake Rd

Z-24-16 V-24-25
D/LL: 1/2/917
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS



Location Map
Hampton Hall/Southvine
Homes
0 Blake Rd

Z-24-16 V-24-25
D/LL: 1/2/917
PC: 12/05/2024
CC: 12/16/2024

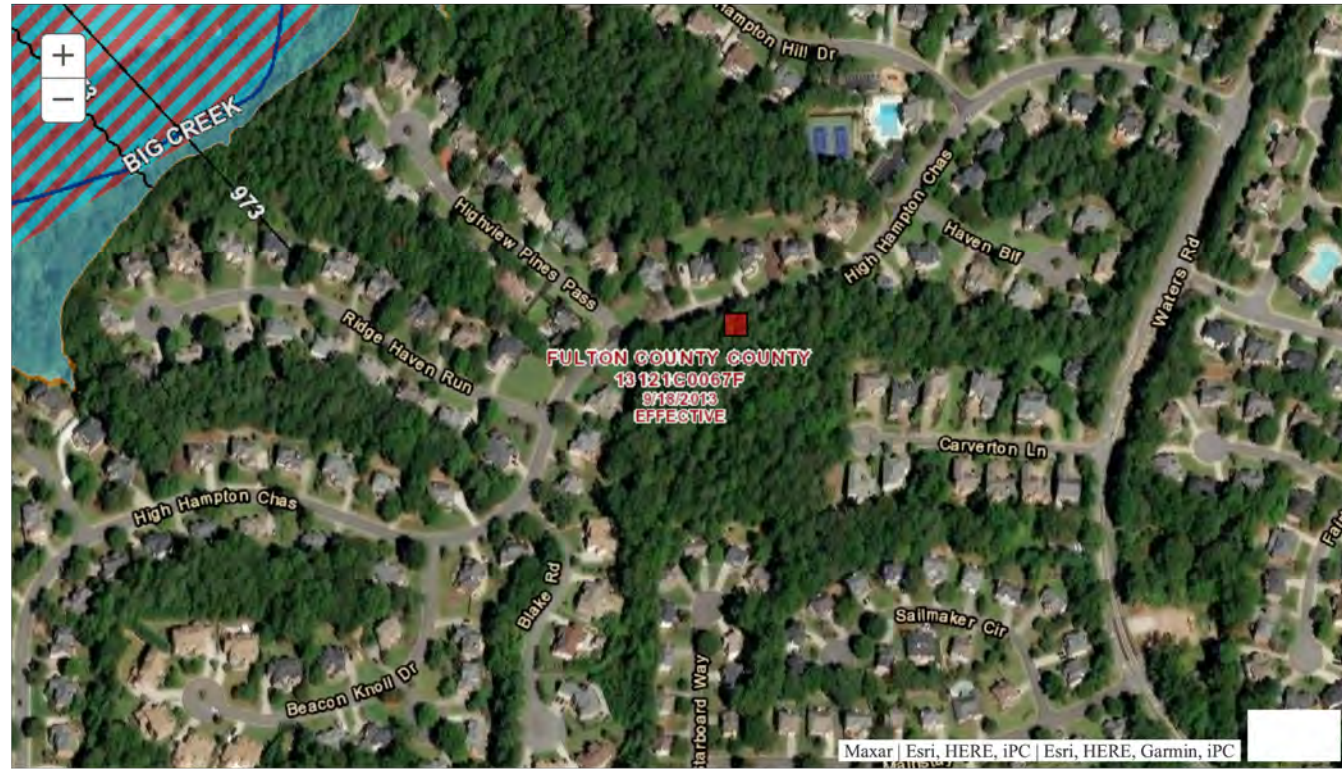
Location Map Provided by:
Community Development - GIS

PROJECT DATA

HIGH HAMPTON CHASE ALPHARETTA, GA. 30009	
SITE DATA	
TOTAL SITE AREA	5.05 AC
CURRENT ZONING	AG (AGRICULTURE)
PROPOSED ZONING	R-15 (RESIDENTIAL)
MINIMUM LOT SIZE	15,000 S.F.
PROPOSED DENSITY	1.78 LOTS PER ACRE
BUILDING HEIGHT	25' (WITH VARIANCE)
MINIMUM LOT WIDTH	80' (WITH VARIANCE)
MAX. GROUND COVERAGE BY PRINCIPAL BUILDING	25%
MINIMUM FLOOR AREA OF DWELLING UNIT	2,000 S.F.
BUILDING SETBACKS	
FRONT SETBACK	30' (WITH VARIANCE)
SIDE SETBACK	5'-0"
REAR SETBACK	25'-0"
LANDSCAPING SETBACKS	
SETBACK FROM R/W	10'-0"
PERIMETER SETBACK	5'-0"

NOTES:
TOPOGRAPHIC AND BOUNDARY SURVEY PROVIDED BY GEOSURVEY
AND DATED 08/28/2018. SURVEY OF STORM EASEMENT FROM PLS, INC.
DATED AUGUST 2024.

8200 High Hampton Chase, Alpharetta, Georgia, 30022



GEORGIA
FLOOD MAP PROGRAM

Current Flood Zone: X	Not Available
Probability of Flooding: 1% Flood - Zone AE (High Risk)	Not Available
Base Flood Elevation: 1% Flood - Zone A, AE, or AO (High Risk)	Not Available
Lowest Adj. Grade: 1% Flood - Zone A, AE, or AO (High Risk)	Not Available
Preparatory Flood Zone: 1% Flood - Zone A, AE, or AO (High Risk)	Not Available
Flood Zone Change Type: 1% Flood - Zone A, AE, or AO (High Risk)	Not Available

Panel: 13121C0067F
Watershed: Upper Chattahoochee
County: FULTON
Community ID: 13121C
Map Status: EFFECTIVE

* Flood Depths shown on the map are derived from FEMA FloodMap products and are rounded to the nearest tenth of a foot. These depths are calculated from HEC-RAS modeling and represent the best available data. Only areas within a FloodMap watershed will have this data available. Please check back if your area is not currently available. For more information, please visit the FEMA Map Service Center at <https://msc.fema.gov/nationalresources>

Nature Doesn't Read Flood Maps

Many people don't understand just how risky the floodplain can be. There is a greater than 20% chance that a non-elevated home in the SFMA will be flooded during a 30-year mortgage period.

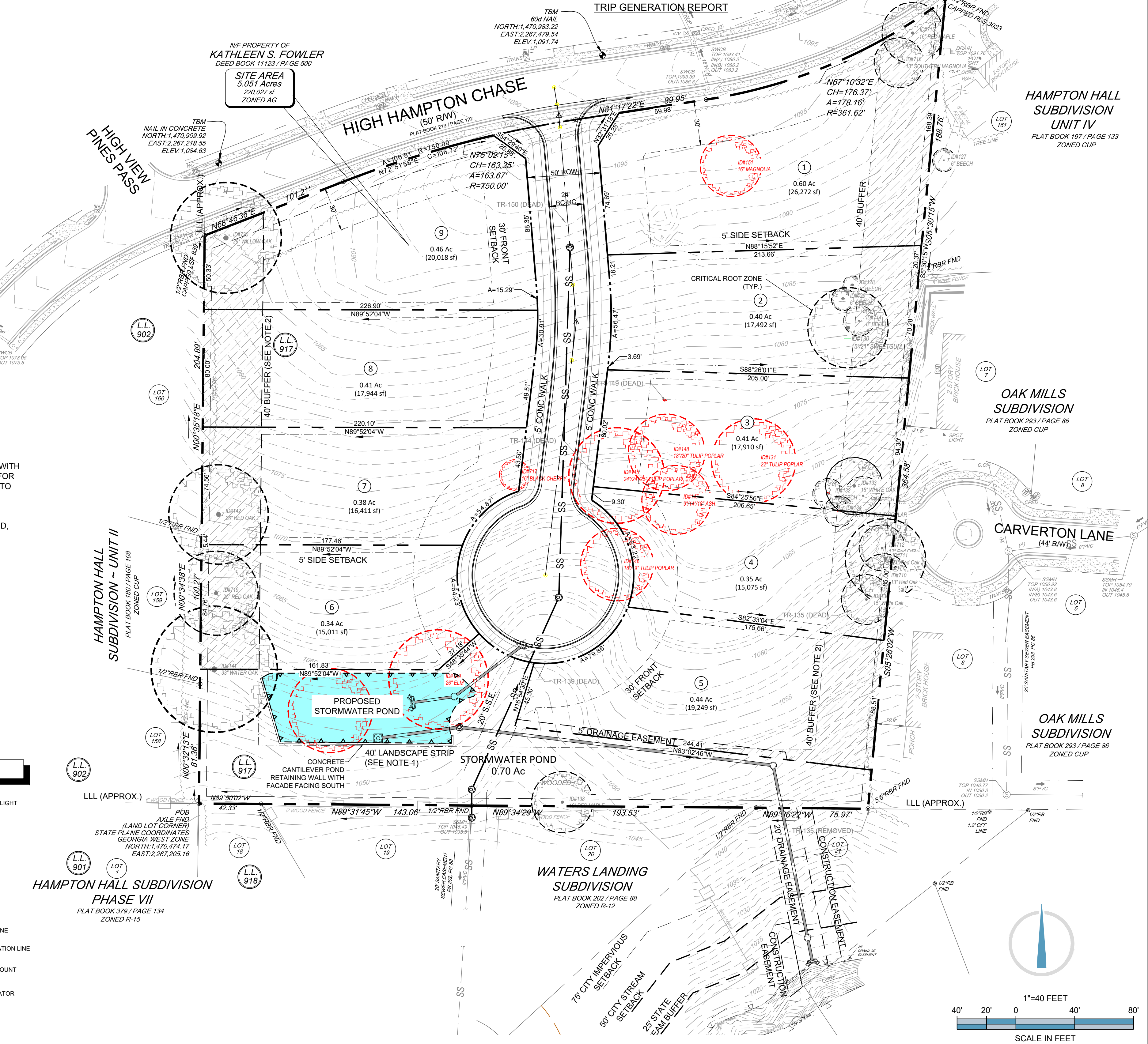
FOR MORE INFORMATION VISIT, PLEASE VISIT: <https://www.fema.gov/nationalresources>

Single-Family Detached Housing

Calculation of Anticipated Project Trips
Based upon methodology from ITE's Trip Generation, 10th Edition (2017)

Project Land Use	Project Density	Total	Project Trips		ITE Code	Variable	Equation Used ¹	In/Out Distribution
			Inbound	Outbound				
Single-Family Detached Housing	9 D.U.	113	57	56	210	Dwelling Unit	$Lr(T) = 0.92Ln(X)+2.71$ $T = 0.71(X) + 4.80$ $Lr(T) = 0.96Ln(X)+0.20$	50% / 50% 25% / 75% 63% / 37%
			11	3				
			10	6				
Reductions for Pass-By Trips	Daily	0	0	0	0	0	0	0
			0	0				
			0	0				
NET NEW EXTERNAL VEHICULAR TRIPS	Daily	113	57	56	210	Dwelling Unit	$Lr(T) = 0.92Ln(X)+2.71$ $T = 0.71(X) + 4.80$ $Lr(T) = 0.96Ln(X)+0.20$	50% / 50% 25% / 75% 63% / 37%
			11	3				
			10	6				

Note:
¹ Where: T = Trips, X = Density by Variable



TREE SURVEY LEGEND			
TREE#	SIZE	SPECIES	CLASSIFICATION
715	16"	RED MAPLE	TREE OF QUALITY
716	13"	SOUTHERN MAGNOLIA	TREE OF QUALITY
127	6"	BEECH	TREE OF QUALITY
128	5"	BEECH	TREE OF QUALITY
129	6"	BEECH	TREE OF QUALITY
130	(15"/21")	SWEET GUM	NON-SPECIMEN MULTISTEM
131	22"	TULIP POPLAR	NON-SPECIMEN
132	9"	BEECH	TREE OF QUALITY
133	15"	WHITE OAK	TREE GROUPING
134	(9"/10"/14"/18")	TULIP POPLAR	NON-SPECIMEN MULTISTEM
135	20"	TULIP POPLAR	DEAD/HAZARD
136	15"	WHITE OAK	TREE GROUPING
137	28"	TULIP POPLAR	REMOVED BY OTHERS
138	16"	RED MAPLE	NON-SPECIMEN
139	39"	TULIP POPLAR	DEAD/HAZARD
140	26"	ELM	NON-SPECIMEN
141	33"	WATER OAK	SPECIMEN
142	26"	RED OAK	SPECIMEN
720	29"	WILLOW OAK	SPECIMEN
144	15"	DOGWOOD	DEAD
145	(24"-25"-21")	TULIP POPLAR	NON-SPECIMEN MULTISTEM
146	(18"-19")	TULIP POPLAR	NON-SPECIMEN MULTISTEM
147	(18"-14"-9")	ASH	NON-SPECIMEN MULTISTEM
148	38" (18"-20")	TULIP POPLAR	SPECIMEN
149	12"	DOGWOOD	DEAD
150	19"	DOGWOOD	DEAD
151	16"	SOUTHERN MAGNOLIA	TREE OF QUALITY
710	13"	RED OAK	TREE GROUPING
711	21"	RED OAK	TREE GROUPING
712	12"	RED OAK	TREE GROUPING
713	10"	BEECH	TREE OF QUALITY
714	8"	BEECH	TREE OF QUALITY
717	16"	BLACK CHERRY	NON-SPECIMEN
718	(9"/15"/22")	BLACK CHERRY	SPECIMEN MULTISTEM
719	25"	RED OAK	SPECIMEN

* ALL MULTISTEM TREES ARE TAGGED AS ID#A, B, C, ETC. ALL ARE TREATED AS SEPARATE INDIVIDUAL TREES BECAUSE THEY FORK AT THE BASE.

LEGEND	
STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AC AIR CONDITIONER	AS OVERHEAD TRAFFIC SIGNAL LIGHT
BH BORE HOLE	PL POWER POLE
BSL BUILDING SETBACK LINE	PLP GUY WIRE
CI CORRUGATED METAL PIPE	PLW POWER LINE
CMF CONCRETE MONUMENT FND	PLT LIGHT POLE
CO SANITARY CLEANOUT	PLT ELECTRIC TRANSFORMER
CPED COMMUNICATION PEDESTAL	PLT WATER VAULT
CTP CRIMPED TOP PIPE	PLT GAS VALVE
DI DROP INLET	PLT GAS METER
DIP DUCTILE IRON PIPE	PLT WATER VALVE
DWCB DOUBLE WING CATCH BASIN	PLT WATER METER
FNC FENCE	PLT FIRE HYDRANT
FND FOUND	PLT UNDERGROUND ELECTRIC LINE
GM GAS METER	PLT UNDERGROUND GAS LINE
INV INVERT	PLT UNDERGROUND COMMUNICATION LINE
JB JUNCTION BOX	PLT UNDERGROUND WATER LINE
MH MANHOLE	PLT REGULAR PARKING SPACE COUNT
OCB OUTLET CONTROL STRUCTURE	PLT HANDICAP PARKING SPACE
OTP OPEN TOP PIPE	PLT TREE POSITION & TAG INDICATOR
PKS PK MAIL SET	PLT SIGN
POB POINT OF BEGINNING	
POC POINT OF COMMENCEMENT	
RCP REINFORCED CONCRETE PIPE	
RBR IRON REINFORCING BAR	
RBS 5/8" RBR SET CAPPED LSF 621	
SS SANITARY SEWER	
SWCB SINGLE WING CATCH BASIN	
TRANS ELECTRIC TRANSFORMER	

ENGINEER:

FORESITE
group

Foresite Group, Inc.
3740 Davinci Ct.
Suite 100
Peachtree Corners, GA 30092

w | www.fg-inc.net
o | 770.368.1399
f | 770.368.1944

DEVELOPER:



SOUTHVINE HOMES
3010 ROYAL BOULEVARD S, SUITE 170
ALPHARETTA, GA 30022
(770) 502-6230

CONTACT: ALEX TETTERTON

PROJECT:

HAMPTON HALL
REZONING

HIGH HAMPTON CHASE
ALPHARETTA, GA. 30009
LL# 0917, DISTRICT 12, ZONING: AG, PARCEL # 12 314009170200

SEAL:



REVISIONS DATE

PLAN UPDATES 09/20/2024

PROJECT MANAGER: JMB

DRAWING BY: JMB

JURISDICTION: ALPHARETTA, GA

DATE: 08/29/2024

SCALE: 1"=40 FEET

TITLE:

REZONING PLAN

SHEET NUMBER:

C-1

COMMENTS: NOT RELEASED FOR CONSTRUCTION

JOB/FILE NUMBER: 2216.001

Foresite Group, Inc. w | www.fg-inc.net
3740 Davinci Ct. o | 770.368.1399
Suite 100 f | 770.368.1944
Peachtree Corners, GA 30092

SOUTHVINE HOMES
3010 ROYAL BOULEVARD S, SUITE 170
ALPHARETTA, GA 30022
(770)502-6230

HAMPTON HALL
REZONING

HIGH HAMPTON CHASE
ALPHARETTA, GA. 30009
LL# 0917, DISTRICT 12, ZONING: AG, PARCEL # 12 314009170200

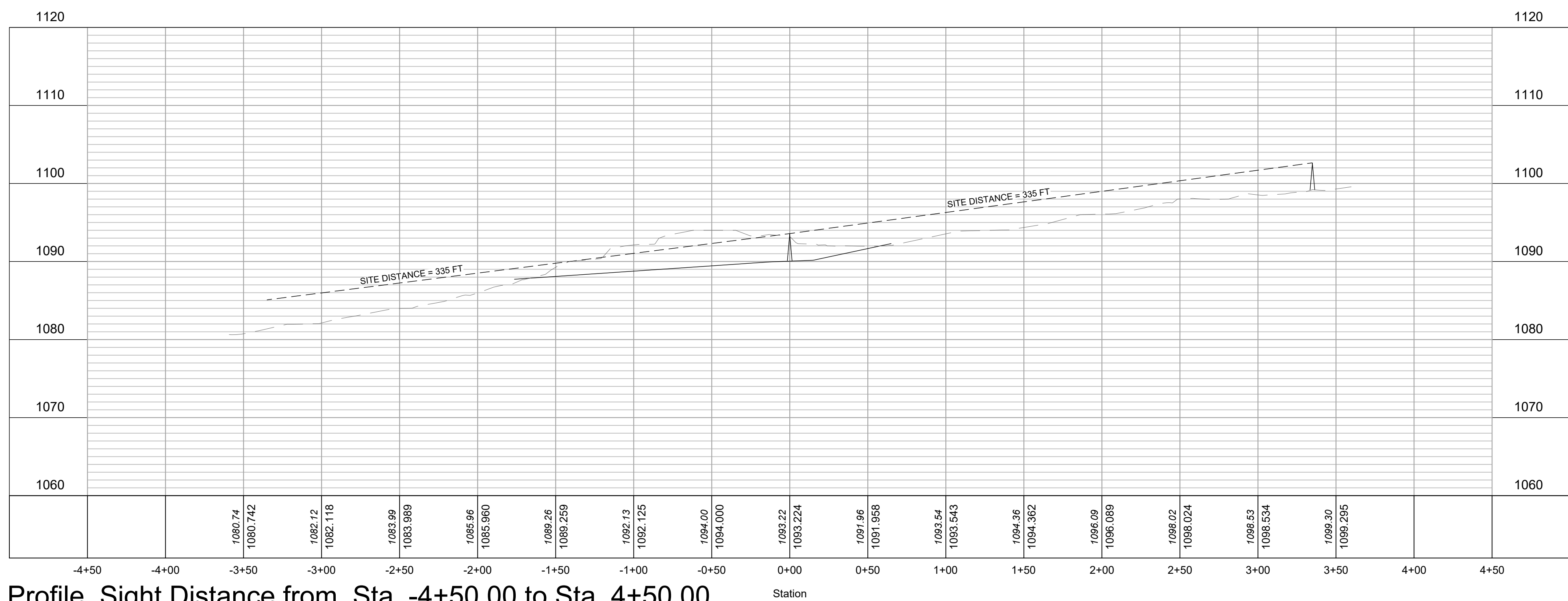
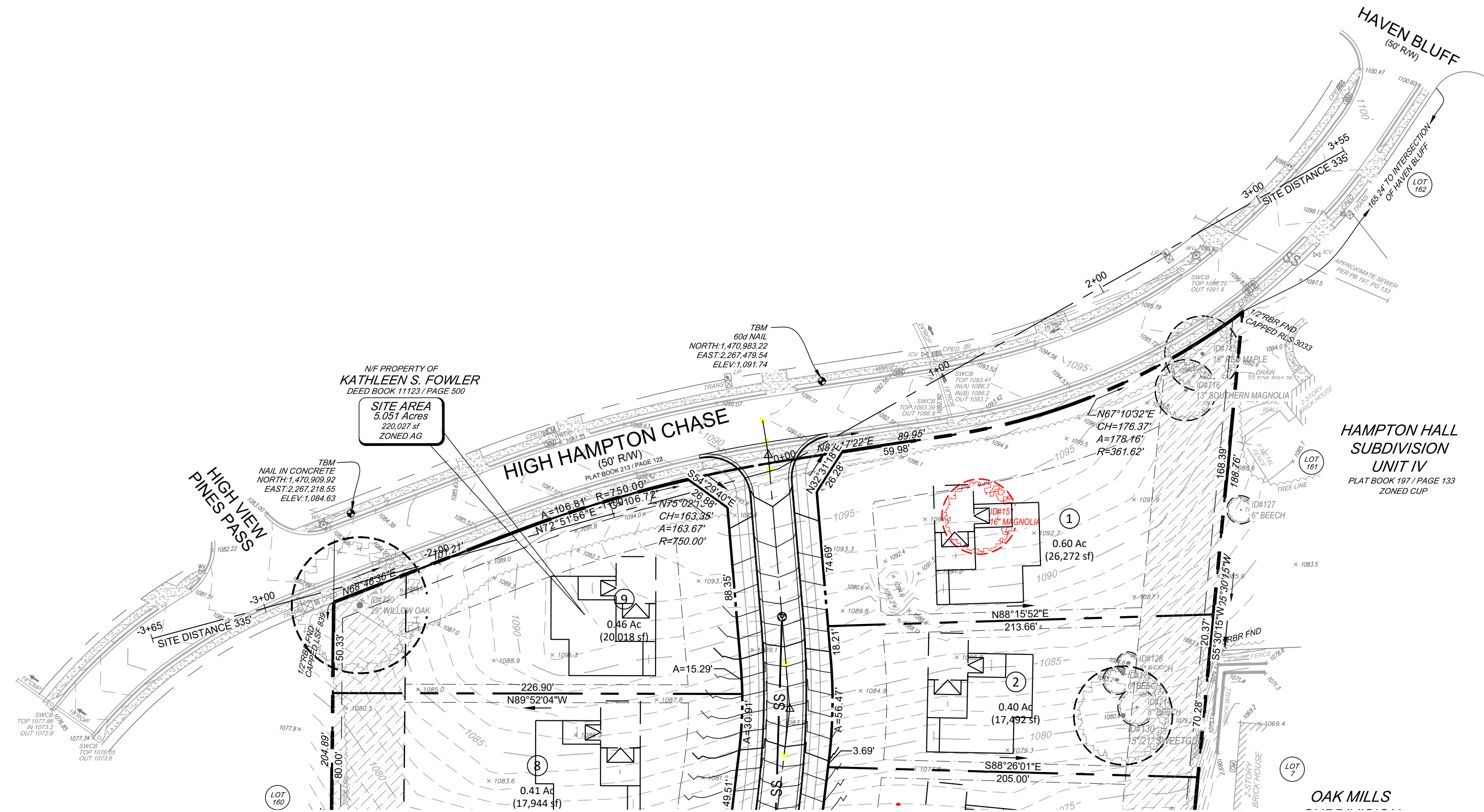
PROJECT:

C-2

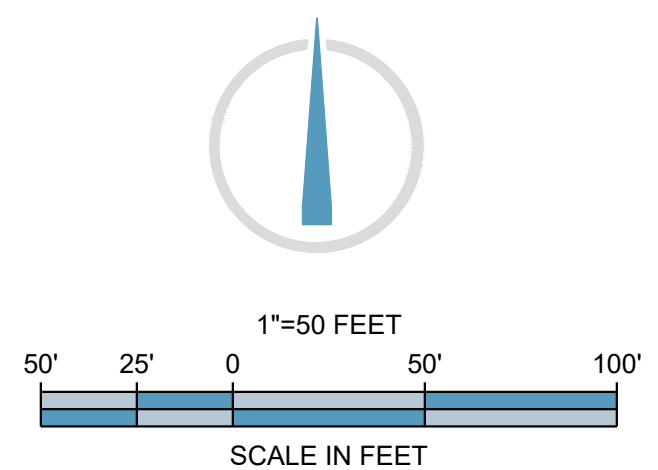
COMMENTS: NOT RELEASED FOR CONSTRUCTION

OB/FILE NUMBER: 2216 001

OBJ/FILE NUMBER: 2216.001



Profile Sight Distance from Sta. -4+50.00 to Sta. 4+50.00





PLAN 1 - ELEVATION A
FRONT ELEVATION



PLAN 1 - ELEVATION B
FRONT ELEVATION



PLAN 1 - ELEVATION C
FRONT ELEVATION



PLAN 2 - ELEVATION A
FRONT ELEVATION



PLAN 2 - ELEVATION B
FRONT ELEVATION



PLAN 2 - ELEVATION C
FRONT ELEVATION

Color Selections for the following renderings:

Plan 1 – Elevation A:

- Brick – Everest Gray
- Trim/Garage Door – Worldly Gray SW 7043
- Roof – Weathered Wood
- Metal Roof – Dark Bronze
- Door/Shutters – Urbane Bronze SW 7048

Plan 1 – Elevation B:

- Brick – Berkshire
- Trim/Garage Door – Heron Plume SW 6070
- Roof – Weathered Wood
- Metal Roof – Dark Bronze
- Door/Shutters – Sealskin SW 7675

Plan 1 – Elevation C:

- Brick – Marshton
- Stone – Canyon Ridge Handcrafted
- Trim – Gossamer Veil SW 9165
- Roof – Weathered Wood
- Metal Roof – Dark Bronze
- Door/Shutters/Garage Door – Urbane Bronze SW 7048

Plan 2 – Elevation A:

- Brick – Berkshire
- Stone – Cumberland Handcrafted
- Trim/Garage Door – Colonnade Gray SW 7641
- Roof – Driftwood
- Metal Roof – Matte Black
- Door/Shutters – Tricorn Black SW 6258

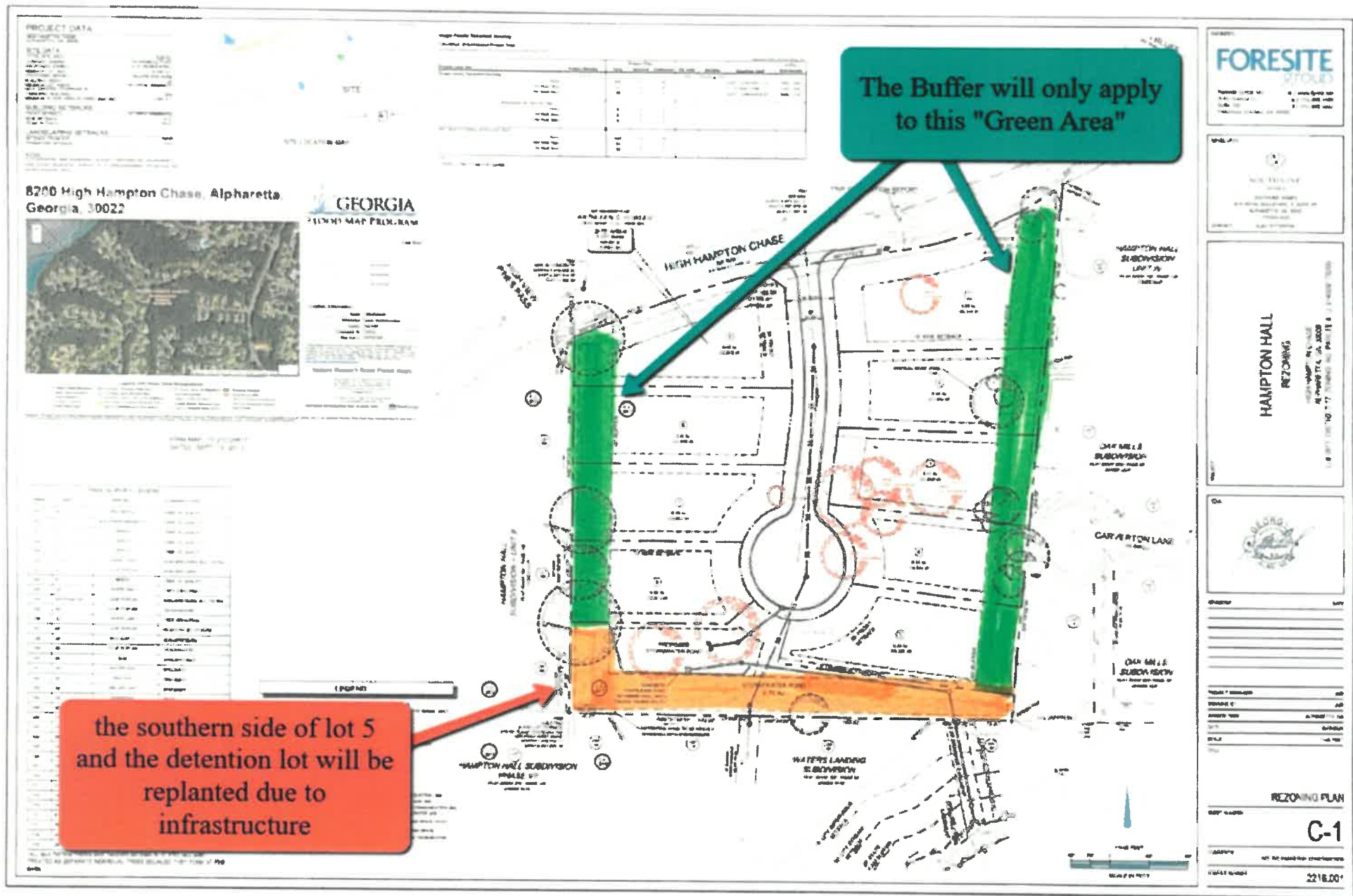
Plan 2 – Elevation B:

- Brick – Logan Canyon
- Brick Rowlock – Newcastle Gray
- Trim/Garage Door – Dovetail SW 7018
- Roof – Driftwood
- Metal Roof – Terratone
- Door/Shutters – Urbane Bronze SW 7048
- Stained Accents – Covered Bridge SW 3508

Plan 2 – Elevation C:

- Brick – Everest Gray
- Trim – Egret White SW 7570
- Roof – Moire Black
- Metal Roof – Matte Black
- Door/Shutters/Garage Door – Iron Ore SW 7069

EXHIBIT A



11/13/24

Please sign-in and leave your comments and/or concerns.

Z-24-16 V-24-25 Hampton Hall /Southvine Homes

NAME	ADDRESS	COMMENTS
ALEX TETTERTON	10500 BELLADRUM	
ALKARIM THAWER	170 Starboard Way 30022	Hearing on the new development.
DON RONADER	198 Bear Creek Pt. Big Canoe	represent applicant
Drew Vorhies	165 Starboard Way	Ensure concerns from Waters Landing are addressed regarding drainage, etc. no open cut in street for sewer tie-in
Irving Abramovich Bob Kinney	120 Starboard Way	While connecting sanitary sewer, direct bore method should be used. The street should <u>not</u> be open-cut

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: Hampton Hall/Southvine Homes LLC

Contact Name: Don Rolader

Telephone: 770-442-0330

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

As of the date of this report, no comments have been received by or on behalf of Applicant. Applicant maintains contact with the Hampton Hall HOA and has provided renderings of proposed home elevations to the HOA.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.* sample attached

- | | |
|--|---|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) _____ |

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

ATTACHED

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: _____

Donald A. Rolader

Date: 11-11-2024

Print Form



SOUTHVINE HOMES

October 30, 2024

Pradip & Heena Dalwadi
3353 Caverton Lane
Alpharetta, GA 30022

RE: Southvine Homes LLC Rezoning and Variance Application; Z-24-16/V-24-25
Hampton Hall/Southvine Homes

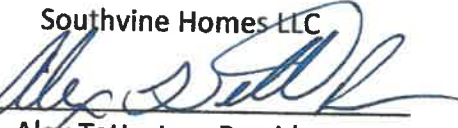
Dear Pradip & Heena,

Please allow this letter to serve as public notice that Southvine Homes, LLC has filed a Rezoning and Variance Request Application for 5.051 acres on High Hampton Chase for rezoning from AG to R-15 with variances to (1) reduce the lot width from 100' to 80', (2) reduce the side yard setback from 10' to 5' with a minimum foundation separation of 20', and (3) reduce the front setback from the interior road from 35' to 25' on certain lots. A copy of the site plan is attached.

The Community Zoning Information Meeting (CZIM) for this request will be held on Wednesday November 13, 2024 at 6:00 p.m. at City Hall. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback.

This item will be considered by the Planning Commission on Thursday, December 5, 2024 at 6:30 PM and by the City Council on Monday, December 16, 2024 at 6:30 PM. The meeting(s) will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact Don Rolader, our attorney, at your convenience. He can be reached at 770-442-0330, by US Mail at P.O. Box 277, Marble Hill, Georgia 30148 or by email at don@roladerandrolader.com.
Sincerely,

Southvine Homes LLC
By: 
Alex Tetterton, President

cc: Don Rolader

Exhibit A - 1

Owner	Address
Steven Wood & Leanne K	1430 Hampton Hill Drive
Richard Carson & Pamela	1420 Hampton Hill Drive
Roger & Karin Lee	1410 Hampton Hill Drive
Jill & Victor Williams	8175 High Hampton Chase
Eric & Lisa Drake	8185 High Hampton Chase
David & Natascha Mariner	8195 High Hampton Chase
Kara & Danny Hall	8205 High Hampton Chase
Josephine Caswell	8215 High Hampton Chase
James & Tracy Eick	1515 Highview Pine Pass
Matthew & Kathryn Curry	1525 Highview Pine Pass
Lenard & Robin Silverman	1535 Highview Pine Pass
Dennis & Cristin Kallaher	1545 Highview Pine Pass
Neal & Jodi Roberts	1530 Highview Pine Pass
Namman & Sabeen Spall	1520 Highview Pine Pass
Tyrone & Sonja Mayo	1510 Highview Pine Pass
James & Rochelle Wainer	8245 High Hampton Chase
John & Rhiannon Adams	1605 Ridge Haven Run
Thomas Ginn Lewis	1615 Ridge Haven Run
Steven & Wendy Fenner	1625 Ridge Haven Run
Sean Richards	1610 Ridge Haven Run
Ann Peace	1600 Ridge Haven Run
Jae Park	8285 High Hampton Chase
Dayton & Lindsey Shuman	8300 High Hampton Chase
Maroun Bousarkis	8280 High Hampton Chase
Dale & Nancy Nunnelley	8270 High Hampton Chase
John & Jacqueline Green	8180 High Hampton Chase
Warren Wiltz	210 Beacon Knoll Drive
Peter & Jessica Stewart	300 Beacon Knoll Drive
Zhu Xu Family Living Trust	8260 High Hampton Chase
Hyo Jin Park	8250 High Hampton Chase
Patrick & Meghan Ryan	8240 High Hampton Chase
Amrut & Ritu Khatri	410 Blake Road
Ron & Helena Wallach	420 Blake Road
Saurabh Garg & Karishma Goel	430 Blake Road
Dejuna Jackson Brown	440 Blake Road
David Lin & Hsing Tan	450 Blake Road
Anthony & Adrienne Posillico	460 Blake Road
Hampton Hall Community Association	434 Blake Road
Hampton Hall Community Association	433 Blake Road
Irina Alperovich	120 Starboard Way
Yubao Wu & Zhang Xiaoyuan	130 Starboard Way
Liu Zhu Gao	140 Starboard Way
Changling Dong	150 Starboard Way
Ripple & Trusha Parikh	160 Starboard Way
Hamida & Fahim Thawer	170 Starboard Way
Tceretian & Polina Iurii	180 Starboard Way
Jessica Clough	175 Starboard Way
Drew & Karina Vorhies	165 Starboard Way

Exhibit A-2

Vicki Sarris
Miranda Staub & Anthony Dillon
Venkat Goteti & Hema Viswanatham
Arun Subramanian & Arthi Parthasarathy
Alireza Arabnia & Samira Borgheirazavi
Jung Lee & Kyoung Eun
Dan Raziell & Sivan Lev
Qingshun & Joanne Hou
Elizabeth Schell
Heather Jones
Shannon & Derek Nichols
Selfe Teklu
Juyeon Won & Mihye Shin
Obleze & Natalya Mmaje
Richard Kim & Jenny Ha
Xiaoli Sun & Lei Chen
Jill & Michael Bertolani
HPA Borrower
John & Bianca Giddens
Benu Santosh
Nachammai Subbukumar & Subramanian Muthukumar
Yasha & Zenaeda Zavulunov
Christopher & Kimberly Russo
Anshul & Vibhuti Garg
Hadi Wahba & Dalit Shani
Pradip & Heena Dalwadi
Hamid Mashinchi
Oak Mills Homeowners Association
Ruth & Bryan Fornell
Ying Wang Zhong
John & Lindsay Demboski
Behnaz Shojaat & Ashar Hassanipak
Kuifu Lou & Yafen Tan
Richard Wernick
Khaled Abboud
Hamid & Robab Mashinchi
Keriman Guven
Kurt & Hong David Living Trust
Benjamin & Jill Sams
Timothy & Lisa Davey
Aditya & Shabina Uppal
David & Judith Burke
Malcom & Susan Mccollum
Shu Dong & Ling Pan
Johnathan & Terri Evans
Michael & Karen Gottschalk
Sylvia Vargas

155 Starboard Way
145 Staboard Way
135 Starboard Way
3325 Mainstay Place
3335 Mainstay Place
3345 Mainstay Place
3355 Mainstay Place
3365 Mainstay Place
3375 Mainstay Place
400 Sailmaker Circle
410 Sailmaker Circle
415 Sailmaker Circle
425 Sailmaker Circle
435 Sailmaker Circle
445 Sailmaker Circle
455 Sailmaker Circle
465 Sailmaker Circle
475 Sailmaker Circle
485 Sailmaker Circle
450 Sailmaker Circle
440 Sailmaker Circle
420 Sailmaker Circle
430 Sailmaker Circle
405 Sailmaker Circle
10790 Waters Road
3353 Carverton Lane
3363 Carverton Lane
0 Carverton Lane
3373 Carverton Lane
3383 Carverton Lane
3393 Carverton Lane
3403 Carverton Lane
3356 Carverton Lane
3366 Carverton Lane
3376 Carverton Lane
3386 Carverton Lane
3396 Carverton Lane
3406 Carverton Lane
8170 High Hampton Chase
115 Haven Bluff
125 Haven Bluff
135 Haven Bluff
130 Haven Bluff
120 Haven Bluff
110 Haven Bluff
8150 High Hampton Chase
8140 High Hampton Chase

To: CITY OF ALPHARETTA AND SOUTHVINE HOMES

REFERENCE - REZONING AND VARIANCE APPLICATION - Z-24-18/Y-24-25 HAMPTON HALL/SOUTHVINE HOMES.

CONCERNS WITH THIS DEVELOPMENT FOR WATERS LANDING SUBDIVISION

1. ISSUES WHILE CONSTRUCTION ON THE WATER AND SILT AND AFTER THE CONSTRUCTION IS COMPLETE – HOW IS THIS GOING TO BE HANDLED IF THIS DEVELOPMENT IS APPROVED BY THE CITY OF ALPHARETTA.
2. WE ALL KNOW THAT WATER FLOWS FROM HIGH TO LOW, I AM AT THE LOW END AND FURTHER LAND DISTURBANCE WILL INCREASE WATER AND SILT MOVEMENT TO WATERS LANDING.
3. NEED A COPY OF THE DRAWING THAT I CAN VISUALIZE THE TOPOLOGY OF THE DEVELOPMENT, IF THIS IS APPROVED.
4. ARE THERE ANY GUARANTEES IN WRITING FROM THE CITY AND THE DEVELOPER TO OFFER SO THAT ANY FURTHER EROSION WILL BE INDEMNIFIED AND TAKEN CARE OF BY THE CITY.
5. I NEVER RECEIVED ANY LETTER FROM THE CITY TO THIS HEARING, ONLY RECEIVED FROM THE DEVELOPER, IS THIS STANDARD OPERATING PROCEDURES? OR DID THE CITY MISS THIS ONE?
6. WATER RETENTION POND – LOCATION AND DRAWINGS
7. WHAT ARE OUR RIGHTS AS CONCERNED CITIZENS OF THE CITY TO AVOID THIS DEVELOPMENT?

Thank you!

Karim Thawer

170 Starboard Way, Alpharetta, GA 30022

★ KARIM THAWER

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



b78 297 6000

SOUTHVINE HOMES

October 30, 2024

Community Rem. - 1st Floor

Hamida & Fahim Thawer
170 Starboard Way
Alpharetta, GA 30022

RHS

RE: Southvine Homes LLC Rezoning and Variance Application; Z-24-16/V-24-25
Hampton Hall/Southvine Homes

Dear Hamida & Fahim,

Please allow this letter to serve as public notice that Southvine Homes, LLC has filed a Rezoning and Variance Request Application for 5.051 acres on High Hampton Chase for rezoning from AG to R-15 with variances to (1) reduce the lot width from 100' to 80', (2) reduce the side yard setback from 10' to 5' with a minimum foundation separation of 20', and (3) reduce the front setback from the interior road from 35' to 25' on certain lots. A copy of the site plan is attached.

The Community Zoning Information Meeting (CZIM) for this request will be held on Wednesday November 13, 2024 at 6:00 p.m. at City Hall. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback.

This item will be considered by the Planning Commission on Thursday, December 5, 2024 at 6:30 PM and by the City Council on Monday, December 16, 2024 at 6:30 PM. The meeting(s) will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact Don Rolader, our attorney, at your convenience. He can be reached at 770-442-0330, by US Mail at P.O. Box 277, Marble Hill, Georgia 30148 or by email at don@roladerandrolader.com.
Sincerely,

Southvine Homes LLC

By: 

Alex Tetterton, President

cc: Don Rolader

**City of Alpharetta
Community Development Department**

February 1, 2019

Dear Property Owner:

You are hereby notified f the following Public Hearing Item has been deferred by Staff until the dates listed below. *It will not be considered on Thursday, February 7, 2019.*

Z-18-11 1699 Land Co/Hampton Hall Phase VIII

Consideration of a request to rezone approximately 5 acres from AG (Agriculture) to R-15 (Dwelling, 'For-Sale', Residential) to allow for a 10-lot single-family detached subdivision. The property is located on High Hampton Chase, just west of Haven Bluff in the Hampton Hall subdivision and is legally described as being located in Land Lot 917, 1st District, 2nd Section, Fulton County, Georgia.

Planning Commission: Thursday, March 7, 2019

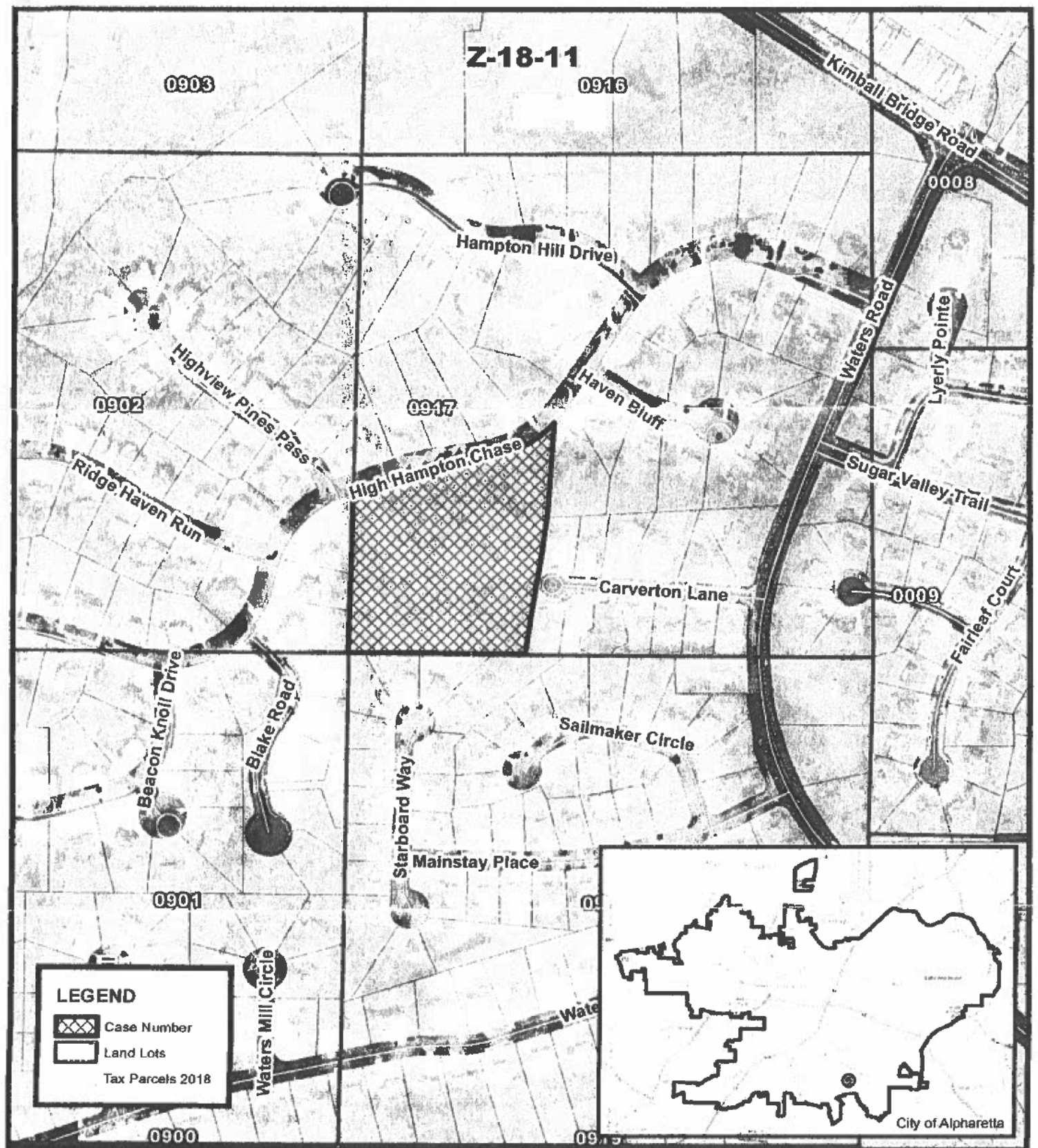
City Council: Monday, March 25, 2019

Place: Alpharetta City Hall Council Chambers, 2 Park Plaza
Time: 6:30 p.m.

**** As matters for public hearing may be deferred or withdrawn, you are advised to contact the Community Development Department (Ext. 6074) within two working days of the scheduled meeting for confirmation that the hearing will take place.**

Very truly yours,

Michael Woodman
Senior Planner
mwoodman@alpharetta.ga.us



Location Map
Hampton Hall Phase VIII
1699 Land Co.

Z-18-11
D/LL: 1/2/917
PC: 2/07/19
CC: 2/18/19

Location Map Provided by:
Community Development - GIS



**City of Alpharetta
Community Development Department**

January 16, 2019

Dear Property Owner:

You are hereby notified of the following Public Hearing Item.

Z-18-11 1699 Land Co/Hampton Hall Phase VIII

Consideration of a request to rezone approximately 5 acres from AG (Agriculture) to R-15 (Dwelling, 'For-Sale', Residential) to allow for a 10-lot single-family detached subdivision. The property is located on High Hampton Chase, just west of Haven Bluff in the Hampton Hall subdivision and is legally described as being located in Land Lot 917, 1st District, 2nd Section, Fulton County, Georgia.

Planning Commission: Thursday, February 7, 2019

City Council: Monday, February 18, 2019

Place: Alpharetta City Hall Council Chambers, 2 Park Plaza

Time: 6:30 p.m.

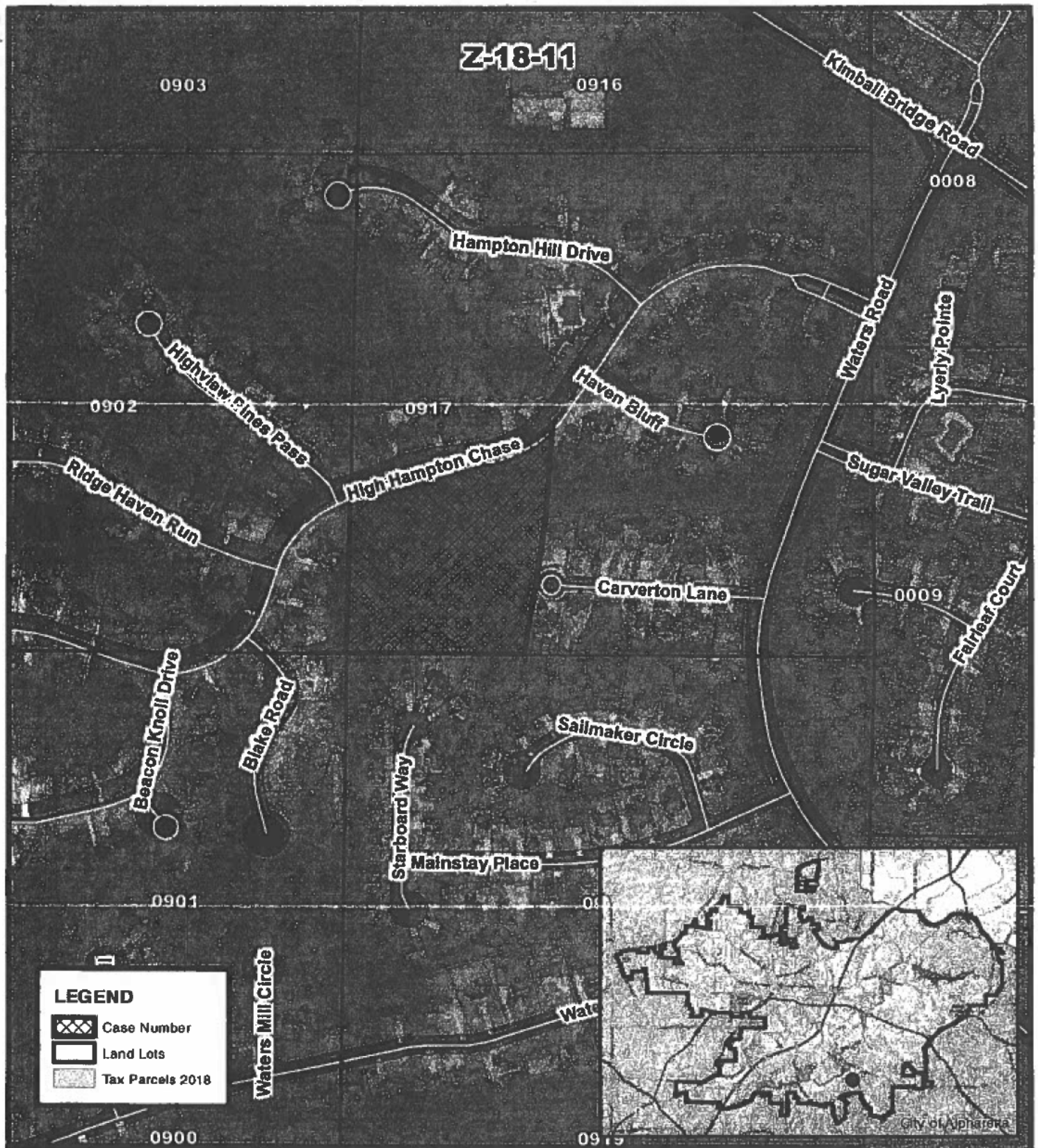
****As matters for public hearing may be deferred or withdrawn, you are advised to contact the Community Development Department (Ext. 6074) within two working days of the scheduled meeting for confirmation that the hearing will take place.**

Very truly yours,

Michael Woodman

Senior Planner

mwoodman@alpharetta.ga.us



Location Map
Hampton Hall Phase VIII
1699 Land Co.

Z-18-11
D/L: 1/2/917



Location Map Provided by:
Community Development - GIS

**CITY OF ALPHARETTA
PLANNING COMMISSION**

November 2, 2006

Workshop

6:30 PM

I. Review of items

Public Hearing

7:30 PM

I. Call to Order

II. Roll Call

III. Approval of October 5, 2006 Minutes

IV. Items from Board Members

V. Items from Staff

VI. Public Hearings:

a. A-06-08 Berkshire Manor Annexation (REPORT TO BE DISTRIBUTED AT MEETING)

Consideration of annexation of the Berkshire Manor subdivision located east of Haynes Bridge Middle School on the north side of Haynes Bridge Road. The property is legally described as being located in Land Lots 863,864,865,866,898,899, and 900, 1st District, 2nd Section, Fulton County, Georgia. (November 20, 2006 City Council)

b. A-06-06 Cogburn Road Annexation (November 20, 2006 City Council)

Consideration of annexing 32.53-acres located on the east and west side of Cogburn Road. The property is legally described as being located in Land Lots 1050, 1111, 1049, 2nd District, 2nd Section, Fulton County, Georgia.

c. Z-06-10 Blake Road Development (November 27, 2006 City Council)

Consideration of a rezoning request to rezone 4 acres located at the end of Blake Road east of High Hampton Chase. The property is legally described as being located in Land Lot 901, 1st District, 2nd Section, Fulton County, Georgia.

d. Z-06-07/CLUP-06-08 Canton Street Townhomes/Phase 2 (November 27, 2006 City Council)

Consideration of rezoning 1.49-acres and approving a site plan a 4.07-acre parcel from R15 to R-10MHD in order to construct forty townhomes. The property is located at 128, 132, 152, 160 Canton Street and legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

e. Z-06-08/CLUP-06-11 Olmstead Park (November 27, 2006 City Council)

Consideration of rezoning a 2.4 acre parcel from R15 to R-10MHD in order to construct 24 townhomes. The property is located at 89 Canton Street and legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

f. Z-06-11/CLUP-06-10 Camelot on Canton (November 27, 2006 City Council)

Consideration of rezoning a 5.4 acre parcel from R15 to R-10MHD in order to construct 54 townhomes. The property is located at 10, 80, 90, 96, 104 Canton Street and legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

g. MP-06-09/V-06-24/CLUP-06-09 Milton Park MP Amend./Shops at Milton Park (November 20, 2006 City Council)

Consideration of a master plan revision in order to permit 75,600 square feet of office and 25,000 square feet of retail as well as a variance to the parking requirements. The property is located on the south side of North Point Parkway and legally described as being located in Land Lots 796, 808, 809, 810, 1st District, 2nd Section, Fulton County, Georgia.

VII. Adjournment

Comm. Rep. Will Guxley

City of Alpharetta
Community Development Department

November 1, 2006

Dear Property Owner:

You are hereby notified of following public hearing:

PH-06-07 Blake Road Abandonment

Consideration of abandoning Blake Road located off of High Hampton Chase. The property is legally described as being located in Land Lot 901, 902, 1st District, 2nd Section, Fulton County, Georgia.

City Council – Monday, November 27, 2006

Place: Alpharetta City Hall Council Chambers, 2 South Main Street

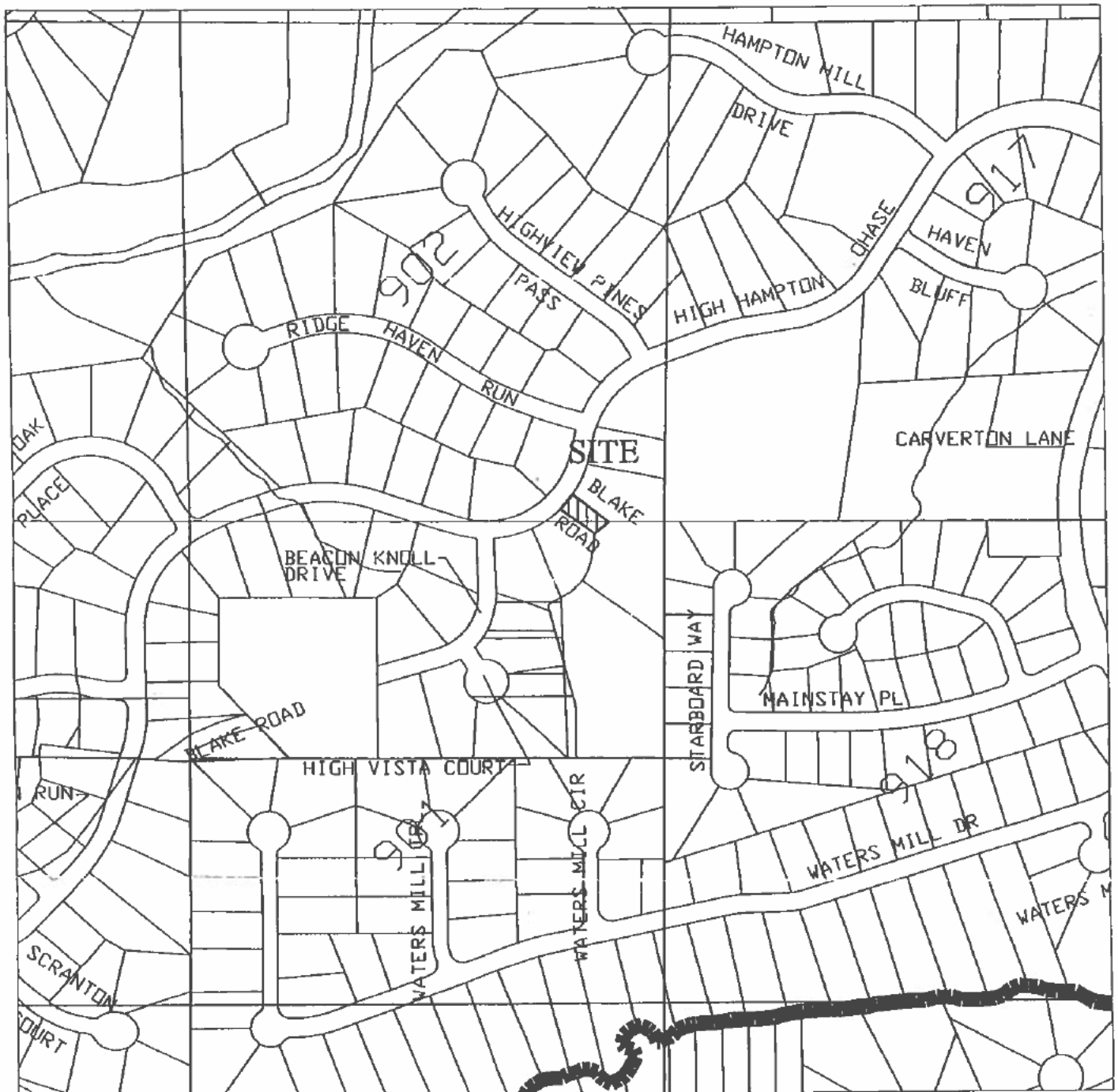
Time: 7:30 p.m.

Very truly yours,



Kathi Cook
Boards Administrator

City of Alpharetta Community Development Department



Location Map

CASE NUMBER:

PH-06-07

D/S/LL:

1/2/902,901

NAME:

BLAKE ROAD ABANDONMENT

CC DATE:

11/27/06

Friday, September 15, 20

City of Alpharetta
Community Development Department

Eric Graves

678-297-6200

X

John Mensey

October 30, 2006

Dear Property Owner:

You are hereby notified of following public hearing:

Z-06-10 Blake Road Development

Consideration of a rezoning request to rezone 4 acres located at the end of Blake Road east of High Hampton Chase. The property is legally described as being located in Land Lot 901, 1st District, 2nd Section, Fulton County, Georgia.

Planning Commission – **Thursday, November 2, 2006**

Place: Alpharetta City Hall Council Chambers, 2 South Main Street

Time: 7:30 p.m.

City Council – **Monday, November 20, 2006**

Place: Alpharetta City Hall Council Chambers, 2 South Main Street

Time: 7:30 p.m.

Very truly yours,



Kathi Cook
Boards Administrator

Hwy 9 ↑
old Milton
Bing

open

City of Alpharetta Community Development Department



Location Map

CASE NUMBER:

Z-06-10

D/S/LL:

1/2/901

NAME:

BLAKE ROAD DEVELOPMENT

PC DATE: **11/02/06**

CC DATE: **11/27/06**

Wednesday, September 20, 20

THAWER, ALKARIM

From: Graves, Eric <egraves@alpharetta.ga.us>
Sent: Tuesday, February 26, 2019 2:12 PM
To: [REDACTED]
Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Attachments: Fw: Hampton Hall/Blake Road Drainage

Alkarim,

I mentioned you asked her what you can do with your stormwater and erosion concerns. Just as we discussed previously, water will always flow downhill. Because the area is already natural rather than an issue created by the uphill owner, your only recourse is to direct the flow of water to minimize the adverse impacts to your property. Developing a swale or "dry creek bed" are typical improvements made by property owners with similar issues. Constructing French drains and piping systems can also provide relief.

Best regards,

Eric

Eric Graves, P.E.
City of Alpharetta
Senior Engineer Development Service
2 Park Plaza
Alpharetta, Georgia 30009

678 297-6070
678 297-6220 DIRECT

From: Graves, Eric
Sent: Wednesday, January 30, 2019 10:24 AM
To: [REDACTED] Woodman, Michael
<mwoodman@alpharetta.ga.us>
Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022

Alkarim,

Thank you for your involvement in our public hearing process. As the project moves forward, the developer will be required to meet the City's stormwater requirements which may help address some of your concerns. They will be required to infiltrate.

As we discussed previously, being downhill you will always receive rainwater runoff during larger storms. Mr. Boston made similar observations and provided recommendations for you to channel the flow of that water through your property. I agree this would likely be the best solution for you. If you have additional questions or concerns, please feel free to contact me.

Best regards,

Eric

Eric Graves, P.E.
City of Alpharetta
Senior Engineer Development Service
2 Park Plaza
Alpharetta, Georgia 30009

678-297-6070
678-297-6220 - DIRECT

From: THAWER, ALKARIM <at2334@att.com>
Sent: Tuesday, January 29, 2019 2:47 PM
To: Graves, Eric <egraves@alpharetta.ga.us>; Keith LaCagnin <keith.lacagnin@thesrteam.com>; Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: rboston@alpharetta.ga.us; ppierce@alpharetta.ga.us; rstachler@alpharetta.ga.us; [REDACTED]
Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Importance: High

Eric, Michael and Keith
Greetings to all

I had the opportunity to meet with Keith last week on the ongoing issues with the water/ erosion with 170 Starboard Way. Indeed I am thankful to Keith for his time and support.

While I was going through my previous email correspondence over past several years with the City of Alpharetta on numerous occasions for the same concerns that I have shown to you.

Attached please find the emails.

I have also copied the previous team members (rboston@alpharetta.ga.us; ppierce@alpharetta.ga.us; rstachler@alpharetta.ga.us) in this email

Your cooperation and support is truly appreciated.

Hoping to hear a favorable response from the City of Alpharetta governing this project

As attached

Regards,

Alkarim

"This email and any files transmitted with it are AT&T property, are confidential, and are intended solely for the use of the individual or entity to whom this email is addressed. If you are not one of the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this email is strictly prohibited."

THAWER, ALKARIM

From: Taylor, Elicia <etaylor@alpharetta.ga.us>
Sent: Monday, February 25, 2019 10:56 AM
To: [REDACTED]
Subject: Hampton Hall VIII

Dear Sir:

The applicant for Hampton Hall Phase VIII has withdrawn the application without prejudice. This item will not move forward.

Thank you.

Elle

Elle Taylor
Planning and Zoning Coordinator
Community Development
City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009
678-297-6074

THAWER, ALKARIM

From: THAWER, ALKARIM
Sent: Tuesday, January 29, 2019 2:47 PM
To: 'Graves, Eric'; Keith LaCagnin; 'Woodman, Michael'
Cc: rboston@alpharetta.ga.us; ppierce@alpharetta.ga.us; rstachler@alpharetta.ga.us; [REDACTED]
Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Attachments: Fw: Hampton Hall/Blake Road Drainage
Importance: High

Eric, Michael and Keith
Greetings to all

I had the opportunity to meet with Keith last week on the ongoing issues with the water/ erosion with 170 Starboard Way. Indeed I am thankful to Keith for his time and support.

While I was going through my previous email correspondence over past several years with the City of Alpharetta on numerous occasions for the same concerns that I have shown to you.

Attached please find the emails.

I have also copied the previous team members (rboston@alpharetta.ga.us, ppierce@alpharetta.ga.us; rstachler@alpharetta.ga.us) in this email

Your cooperation and support is truly appreciated.

Hoping to hear a favorable response from the City of Alpharetta governing this project

As attached

Regards,

Alkarim

"This email and any files transmitted with it are AT&T property, are confidential, and are intended solely for the use of the individual or entity to whom this email is addressed. If you are not one of the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this email is strictly prohibited."

From: THAWER, ALKARIM
Sent: Wednesday, January 09, 2019 11:17 AM
To: Graves, Eric <egraves@alpharetta.ga.us>
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; THAWER, ALKARIM <at2334@att.com>

Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022

Importance: High

Good Day Gentlemen.

Thank you all for the phone conversation past 2 days on my storm water concerns, I am waiting on the contact number and phone number of the buyer and construction person of the new development.

I would like to discuss with them my concerns. Please can you email me the details as per our phone conversations?

Please can you confirm based on the notice of deferral that the council meeting for Z-18-11 1699 Land Co/Hampton Hall Phase VIII is on January 28, 2019?

I would like to participate, however in the event, I cannot may this streams of email and all the pictures emailed may be my way of showing concerns

Appreciate your feedback

Regards,

Alkarim

Alkarim Thawer
Global Supply Chain
AT&T Technology & Operations



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From: Graves, Eric <egraves@alpharetta.ga.us>

Sent: Monday, January 07, 2019 1:59 PM

To: THAWER, ALKARIM <at2334@att.com>

Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>

Subject: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022

Mr. Thawer,

As I mentioned in my voicemail, I would like to discuss your stormwater concerns. Please give me a call, or let me know when there is a good time to call you.

Best regards,

Eric

Eric Graves, P.E.
City of Alpharetta
Senior Engineer Development Service
2 Park Plaza
Alpharetta, Georgia 30009

678-297-6070
678-297-6220 - DIRECT

THAWER, ALKARIM

From: [REDACTED]
Sent: Tuesday, January 15, 2019 3:01 PM
To: Jon.gajdik@thesrteam.com
Cc: Graves, Eric; Woodman, Michael; [REDACTED]
Subject: FW: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Attachments: Untitled; Untitled; Untitled; Untitled

Importance: High

Good Morning Mr. Gajdik

Please let me know if you had time to review my concerns as per this email.

I have had conversations with Eric Graves as well as Mike Woodman.

I am concerned of this new development as its severe impact on my property as it currently stands

Your response and input is appreciated.

Regards,

Alkarim

Alkarim Thawer
Global Supply Chain
AT&T Technology & Operations
2180 Lenox Park Blvd., NE
7th Floor, 7D55,
Atlanta, GA 30319
(678) 917 1601
alkarim.thawer@att.com

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From: THAWER, ALKARIM
Sent: Wednesday, January 09, 2019 11:36 AM
To: Jon.gajdik@thesrteam.com
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; Graves, Eric <egraves@alpharetta.ga.us>; [REDACTED]
Subject: FW: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Importance: High

Good Morning Mr. Gajdik
Happy New Year, hope all is well at your end sir.

My name is Alkarim Thawer and I am a resident at the **WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022**

I am emailing you due to my severe concerns about all the water that will be flowing through my property as the new development begins since it is right behind my property

My main reason of this e-mail to you is, how can you help me. The last developer that built the 8-10 houses behind our property according to my memory had a plan to reduce the erosion in my property, I believe that never happened. I am referring to the 8-10 houses built in the HAMPTON HALL SUB DIVISION.

I feel that our property has been severely eroded over the past years mainly due to the water coming from the behind.

Please review the photos that I have attached. In all the attachments as email the photos of the current Erosion has been included in this correspondence

I come to you for your support and help, please offer me some guidance. My contact phone number is [REDACTED]

I am emailing you from my work e-mail address. You may respond this this e-mail address if you wish to do so

I am also referring to the city of Alpharetta letter to the subdivision reference

Z-18-11699 LAND CO/HAMPTON HALL PHASEVIII

Looking forward to your expeditious and most favorable response

I have copied Michael Woodman, and Eric Graves as Subject matter experts in Planning and Storm Water erosion.

Regards,

Alkarim

Alkarim Thawer
AT&T Technology & Operations

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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From: THAWER, ALKARIM

Sent: Friday, January 04, 2019 9:01 AM

To: mwoodman@alpharetta.ga.us

Cc: [REDACTED] [REDACTED]

Subject: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022

Importance: High

Good Morning Mr. Woodman

Happy New Year, hope all is well at your end sir.

My name is Alkarim Thawer and I am a resident at the WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022

I am emailing you due to my concerns at the amount of erosion happening in our property at 170 Starboard due to the continuous erosion that has happened in the past several years since we moved in June of 1999. As attached are the several pictures I have taken over the past 2 weeks due to the heavy rains in Georgia.

There are several large trees that I believe may need to be cut.

My main reason of this e-mail to you is, how can you help me. Past several years I have approached the office of Alpharetta and requested that the city come out with a plan to help me do some grading work, however, I was not successful. The last developer that built the 12-15 houses behind our property according to my memory had a plan to reduce the erosion in my property, I believe that never happened. I am referring to the 12-15 houses built in the HAMPTON HALL SUB DIVISION.

I feel that our property has been severely eroded over the past years mainly due to the water coming from the behind.

Please review the photos that I have attached.

I come to you for your support and help, please offer me some guidance. My contact phone number is [REDACTED]

I am emailing you from my work e-mail address. You may respond this this e-mail address if you wish to do so

I am also referring to your letter to the subdivision reference

Z-18-11699 LAND CO/HAMPTON HALL PHASEVIII

Respectfull, yours,

Alkarim

Alkarim Thawer

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THAWER, ALKARIM

From: [REDACTED]
Sent: Monday, January 28, 2019 3:47 PM
To: [REDACTED]
Subject: Fw: Hampton Hall/Blake Road Drainage
Attachments: Hampton Hall.jpg

Karim Thawer
770-605-2818

On Thursday, December 31, 2015 9:53 AM, [REDACTED] wrote:

Mr.. Boston,

I appreciate your input and advise, thank you
I will consult you

Karim Thawer
[REDACTED]

On Thursday, December 31, 2015 8:34 AM, "Boston, Richard" <rboston@alpharetta.ga.us> wrote:

Mr. Thawer,

It was a pleasure meeting you yesterday. As discussed, the majority of the water draining onto your property is from the wooded lot and the homes along High Hampton Chase north of your property. Very little water is coming from the new homes directly behind your house. The City is only responsible for water draining off City property and/or City streets. I suggest that you hire a landscape contractor to intercept the water and pipe it to the street in front of your house. In addition, placing some riprap along the ditch line created would help slow the water down and minimize the erosion. (Being a City employee, I cannot recommend a company.) Each homeowner is allotted from the City one truck load of riprap per year to be used for these kinds of situations. This will alleviate the amount of water collecting in your backyard. Please be reminded that you should work with Alpharetta's Community Development for permitting for any of this work.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,
Richard E. Boston, P.E.
City of Alpharetta / Public Works
Office: 678-297-6222
Mobile: 770-480-4703

From: Bazinet, Jill
Sent: Wednesday, December 30, 2015 10:29 AM
To: Boston, Richard
Subject: FW: Hampton Hall/Blake Road Drainage

Sincerely,

Jill Bazinet, PE CFM

Senior Stormwater Engineer
City of Alpharetta
Public Works Department
Phone: 678-297-6200
Fax: 678-297-6201
<http://www.alpharetta.ga.us/>

From: alkarim thawer [REDACTED]
Sent: Wednesday, December 30, 2015 10:02 AM
To: Bazinet, Jill; Pierce, Pat; Stachler, Robert; Alkarim Thawer
Subject: Fw: Hampton Hall/Blake Road Drainage

Hello and Good Morning Jill,

My name is Alkarim Thawer and I live at 170 Starboard Way, Alpharetta, GA 30022. I have been in contact with Pat and Robert regarding water/ storm issues at my residence as there is a lot of water running from the new sub division "Hampton Hall Black Road Drainage."

Please can you offer me some assistance as I am guided by Pat to use your expertise?. How can you help me to re distribute this water that is flowing in my property from the new subdivision as I see.

Regards,

Karim Thawer
[REDACTED]

On Thursday, December 24, 2015 11:17 AM, "Pierce, Pat" <ppierce@alpharetta.ga.us> wrote:

Hi Karim,

I have attached a photo of where the runoff is coming from (sorry, I can't figure out how to rotate it). Runoff is not from the new development. Water is coming from behind the row of existing houses on High Hampton Chase.

Since this is not caused by development, there isn't much I can do. However, please try calling our storm water engineer, Jill Bazinet, at 678-297-6203. Her group handles storm water complaints for non-development sites.

Regards,

Pat Pierce
Senior Inspector
City of Alpharetta
Department of Public Works
P: (678) 297-6238
F: (678) 297-6201
M: (770) 480-0306

From: alkarim thawer [REDACTED]
Sent: Thursday, December 24, 2015 10:16 AM
To: Stachler, Robert; Pierce, Pat; [REDACTED]
Subject: Re: Hampton Hall/Blake Road Drainage

Pat,

Thank you for taking the time to talk to me earlier today on the water issues at 170 Starboard Way.

As per our conversation, with the current rains, there is a lot of additional inflow of water coming from the new subdivision.

I am hopeful of a solution to slow down this water

Happy Holidays!

Respectfully,

Karim Thawer
[REDACTED]

On Thursday, December 3, 2015 11:06 AM, "Stachler, Robert" <rstachler@alpharetta.ga.us> wrote:

Karim,
Tuesday or Thursday of next week will work for me.

Sincerely,

Robert Stachler, PE
Development Services Engineer - Stormwater
City of Alpharetta - Community Development
rstachler@alpharetta.ga.us
City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009
Direct: 678-297-6218
P: 678-297-6070
F: 678-297-6071

From: alkarim thawer [REDACTED]
Sent: Thursday, December 03, 2015 11:06 AM
To: Stachler, Robert; Alkarim Thawer
Cc: Pierce, Pat
Subject: Re: Hampton Hall/Blake Road Drainage

Robert, Good Morning Sir,

Please lets plan to meet - so you can offer me some guidance, can we do it next week? Friday is too early and I have some travel going on

I truly appreciate your support, and guidance, looking forward to meeting you

Karim Thawer
770-605-2818

On Tuesday, December 1, 2015 1:45 PM, "Stachler, Robert" <rstachler@alpharetta.ga.us> wrote:

Karim,
I visited the site prior to Thanksgiving and did not see where an increase of water would be coming from the newer homes at Hampton Hall-Blake Road. I would be happy to show you the construction plans for that project. The storm sewer pipe runs along the back yards of the new homes and collects the runoff from the rear of the homes via swales directing water to drainage inlets, with the front of the buildings and yards going to the road for collection. The runoff is routed into the detention pond which connects directly to the storm sewer system. If you want to come review the plans, they are in our offices. I can come back out to the site this Friday if that is preferable.

Sincerely,

Robert Stachler, PE

Development Services Engineer - Stormwater
City of Alpharetta – Community Development
rstachler@alpharetta.ga.us
City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009
Direct: 678-297-6218
P: 678-297-6070
F: 678-297-6071

From: alkarim thawer [REDACTED]
Sent: Tuesday, December 01, 2015 1:29 PM
To: Stachler, Robert; Pierce, Pat; Alkarim Thawer
Subject: Re: Hampton Hall/Blake Road Drainage

Hello Robert and Pat.

Hope you all had a great Thanks Giving.

Please can you update me on the status of your visit to Hampton Hall ? Previous site drawings of the new development had drainage systems that would reduce the amount of water flowing on my back yard.

I would really appreciate any and all feedbacks

Sincerely

Karim Thawer
[REDACTED]

On Wednesday, November 18, 2015 12:24 PM, alkarim thawer [REDACTED] wrote:

Hello Robert,

Hope all is well at your end,

Sir, any updates on your visit to the site?

Hope you have some good news for me

Karim
[REDACTED]

On Wednesday, November 4, 2015 11:17 AM, "Stachler, Robert" <rstachler@alpharetta.ga.us> wrote:

Good Morning Kareem,

I just spoke with you about the drainage issues you are experiencing at your home at 170 Starboard Way. I will try to visit the site this week, but it may be next week before I can get out there as my schedule is already pretty booked. I will let you know ahead of time, though. If you have any follow up questions or concerns, please feel free to contact me.

Sincerely,

Robert Stachler, PE

Development Services Engineer - Stormwater
City of Alpharetta – Community Development

rstachler@alpharetta.ga.us

City of Alpharetta

2 Park Plaza

Alpharetta, GA 30009

Direct: 678-297-6218

P: 678-297-6070

F: 678-297-6071

From: THAWER, ALKARIM

Sent: Wednesday, January 09, 2019 11:17 AM

To: Graves, Eric <egraves@alpharetta.ga.us>

Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; THAWER, ALKARIM [REDACTED]

Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022

Importance: High

Good Day Gentlemen.

Thank you all for the phone conversation past 2 days on my storm water concerns, I am waiting on the contact number and phone number of the buyer and construction person of the new development.

I would like to discuss with them my concerns. Please can you email me the details as per our phone conversations?

Please can you confirm based on the notice of deferral that the council meeting for Z-18-11 1699 Land Co/Hampton Hall Phase VIII is on January 28, 2019?

I would like to participate, however in the event, I cannot may this streams of email and all the pictures emailed may be my way of showing concerns

Appreciate your feedback

Regards,

Alkarim

Alkarim Thawer
Global Supply Chain

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

mobile: 334-294-1100

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From: Graves, Eric <egraves@alpharetta.ga.us>

Sent: Monday, January 07, 2019 1:59 PM

To: THAWER, ALKARIM <al2334@aol.com>

Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>

Subject: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022

Mr. Thawer,

As I mentioned in my voicemail, I would like to discuss your stormwater concerns. Please give me a call, or let me know when there is a good time to call you.

Best regards,

Eric

Eric Graves, P.E.
City of Alpharetta
Senior Engineer Development Service
2 Park Plaza
Alpharetta, Georgia 30009

678-297-6070
678-297-6220 - DIRECT

THAWER, ALKARIM

From: THAWER, ALKARIM
Sent: Tuesday, January 29, 2019 2:47 PM
To: 'Graves, Eric'; Keith LaCagnin; 'Woodman, Michael'
Cc: rboston@alpharetta.ga.us; ppierce@alpharetta.ga.us; rstachler@alpharetta.ga.us;
THAWER, ALKARIM
Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Attachments: Fw: Hampton Hall/Blake Road Drainage
Importance: High

Eric, Michael and Keith
Greetings to all

I had the opportunity to meet with Keith last week on the ongoing issues with the water/ erosion with 170 Starboard Way. Indeed I am thankful to Keith for his time and support.

While I was going through my previous email correspondence over past several years with the City of Alpharetta on numerous occasions for the same concerns that I have shown to you.

Attached please find the emails.

I have also copied the previous team members (rboston@alpharetta.ga.us; ppierce@alpharetta.ga.us; rstachler@alpharetta.ga.us) in this email

Your cooperation and support is truly appreciated.

Hoping to hear a favorable response from the City of Alpharetta governing this project

As attached

Regards,

Alkarim

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From: THAWER, ALKARIM
Sent: Wednesday, January 09, 2019 11:17 AM
To: Graves, Eric <egraves@alpharetta.ga.us>
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; [REDACTED] [REDACTED]

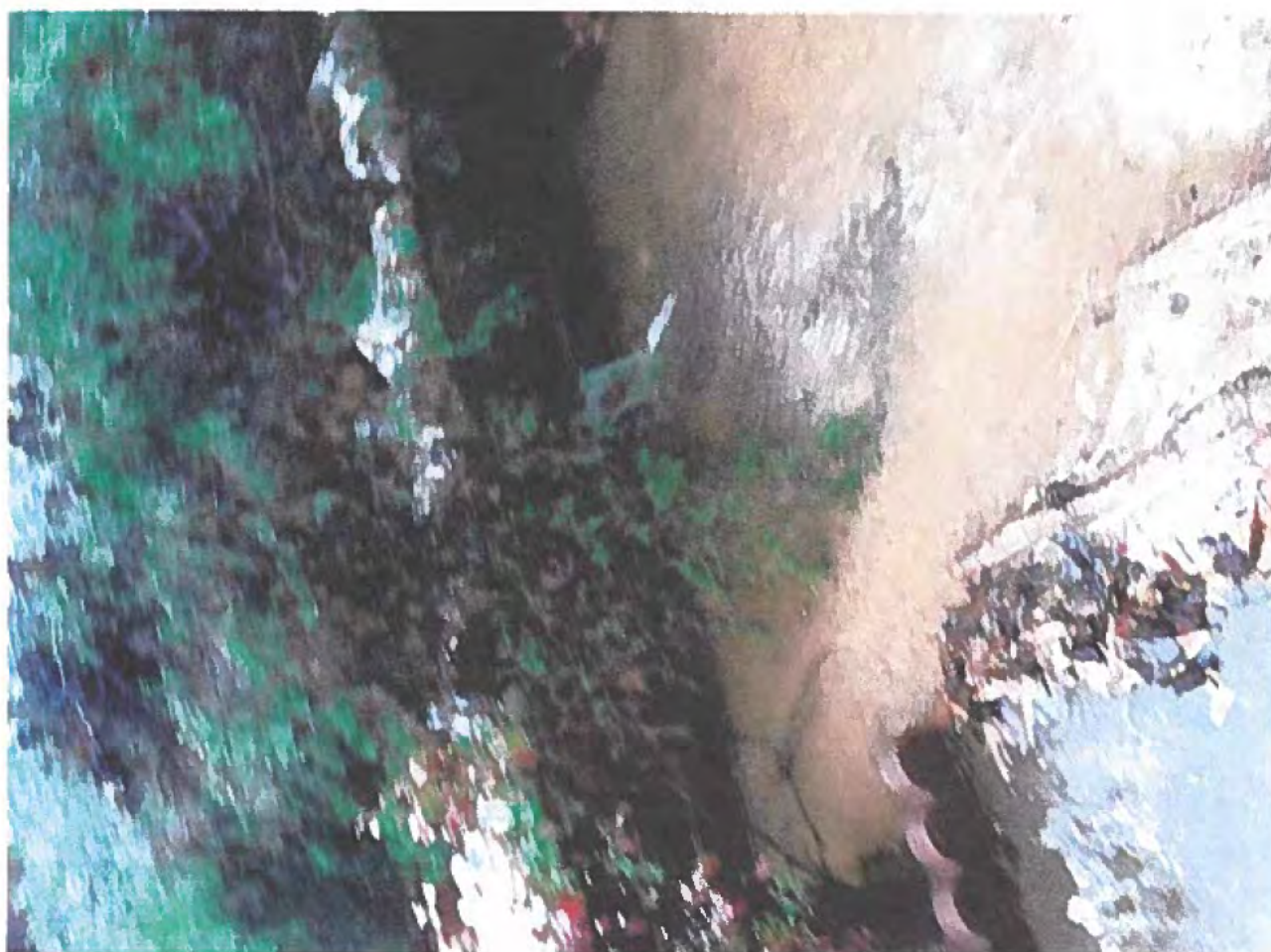
Eric Graves, P.E.
City of Alpharetta
Senior Engineer Development Service
2 Park Plaza
Alpharetta, Georgia 30009

678-297-6070
678-297-6220 - DIRECT

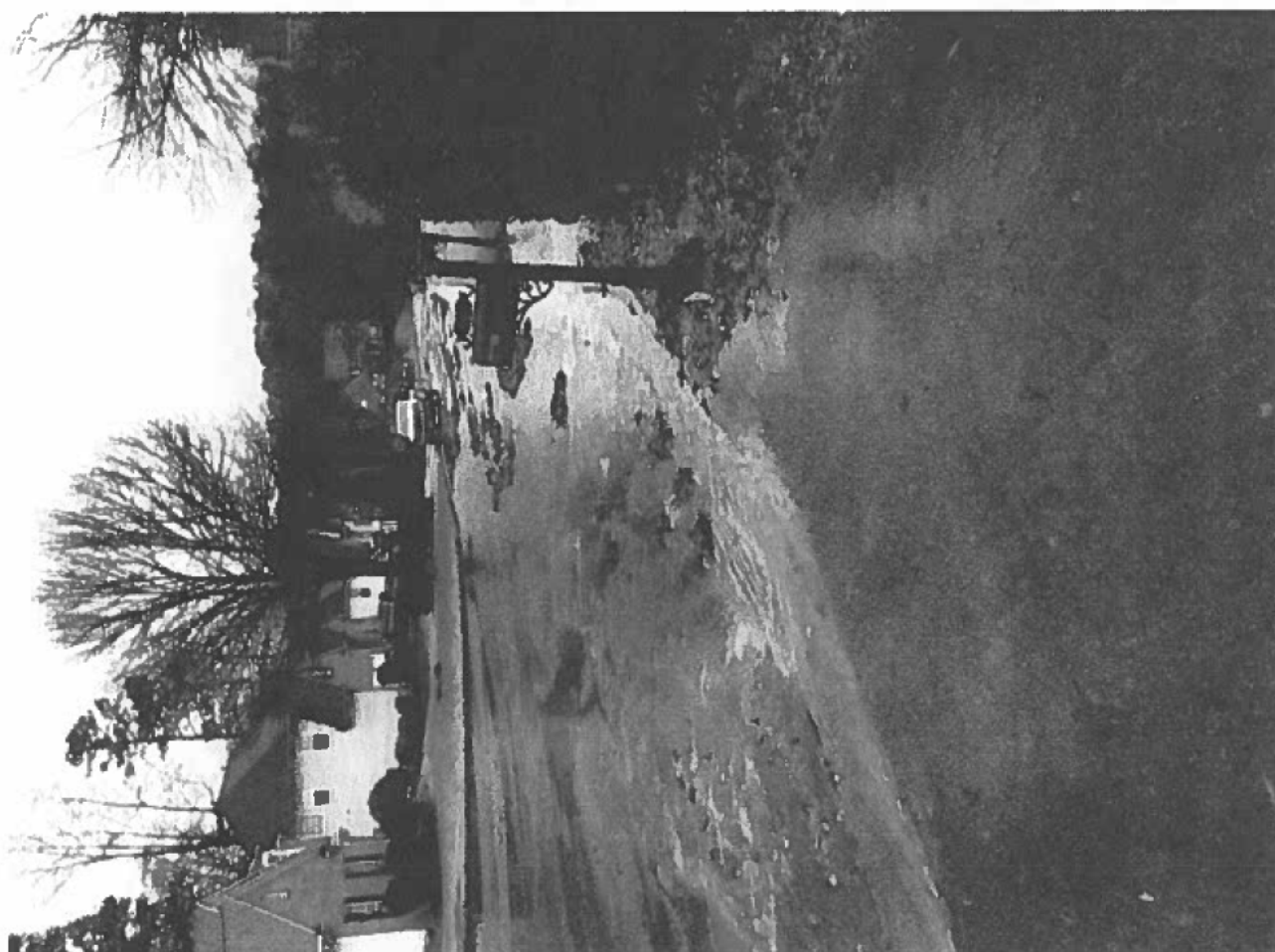


















To: CITY OF ALPHARETTA AND SOUTHVINE HOMES

REFERENCE - REZONING AND VARIANCE APPLICATION - Z-24-16/V-24-25 HAMPTON HALL/SOUTHVINE HOMES.

CONCERNS WITH THIS DEVELOPMENT FOR WATERS LANDING SUBDIVISION

1. ISSUES WHILE CONSTRUCTION ON THE WATER AND SILT AND AFTER THE CONSTRUCTION IS COMPLETE – HOW IS THIS GOING TO BE HANDLED IF THIS DEVELOPMENT IS APPROVED BY THE CITY OF ALPHARETTA.
2. WE ALL KNOW THAT WATER FLOWS FROM HIGH TO LOW, I AM AT THE LOW END AND FURTHER LAND DISTURBANCE WILL INCREASE WATER AND SILT MOVEMENT TO WATERS LANDING.
3. NEED A COPY OF THE DRAWING THAT I CAN VISUALIZE THE TOPOLOGY OF THE DEVELOPMENT, IF THIS IS APPROVED.
4. ARE THERE ANY GUARANTEES IN WRITING FROM THE CITY AND THE DEVELOPER TO OFFER SO THAT ANY FURTHER EROSION WILL BE INDEMNIFIED AND TAKEN CARE OF BY THE CITY.
5. I NEVER RECEIVED ANY LETTER FROM THE CITY TO THIS HEARING, ONLY RECEIVED FROM THE DEVELOPER, IS THIS STANDARD OPERATING PROCEDURES? OR DID THE CITY MISS THIS ONE?
6. WATER RETENTION POND – LOCATION AND DRAWINGS
7. WHAT ARE OUR RIGHTS AS CONCERNED CITIZENS OF THE CITY TO AVOID THIS DEVELOPMENT?

Thank you!

Karim Thawer @

170 Starboard Way, Alpharetta, GA 30022

*KARIM THAWER
770/605 2818 (cell)
Kthawer@yahoo.com*

From: [Woodman, Michael](#)
To: [Taylor, Elicia](#)
Subject: Fwd: Southvine Homes Project in Hampton Hall
Date: Sunday, November 24, 2024 8:36:13 AM

Public comment for the file.

Sent from my iPad

Begin forwarded message:

From: Hampton Hall Board [REDACTED]
Date: November 22, 2024 at 12:41:39 PM EST
To: "Woodman, Michael" <mwoodman@alpharetta.ga.us>
Subject: Southvine Homes Project in Hampton Hall

This message could be suspicious

- The sender's email address couldn't be verified.
- This is their first email to you.

Mark as Safe

Report this Email

Powered by Mimecast

Michael,

Good speaking with you today. Based on our discussion, here's a summary of the key points for your records.

Our agreement with Southvine Homes gives us approval rights on the lot layout, home elevations and materials, and landscaping. These are necessary conditions for the annexation to be finalized. Of course, the city also has approval on these same things, and we'd like you to give us enough latitude in the zoning conditions to work with Mr. Tetterton to satisfy the Hampton Hall Community Association. If we were to reach an impasse with Southvine on approvals, the annexation may not get finalized. As we've been working well together so far, I don't currently see that being an issue but wanted you to be aware.

Regarding the site plan, our primary concern is maintaining sufficient buffers to the adjacent homes. The plans that we've seen so far achieve that goal.

On the elevations and materials, we are not satisfied with the current renderings and have not had the opportunity yet to work with Southvine on changes. We had asked Mr. Tetterton to make sure that the homes were compatible with Hampton Hall. We are pleased that he endeavored to do that, but we feel like the designs could be enhanced to look more current and 'high end'. As they stand, they are too plain. We will be meeting with him after Thanksgiving on specifics but not sure if he'll have updated renderings in time for Planning Commission. As such, we'd appreciate if the zoning condition were something like 'traditional masonry homes compatible

with existing Hampton Hall homes' vs 'substantially similar' to the submitted renderings. That will give us the latitude to work with him on the final designs.

Regarding landscaping, we would like the landscaping along High Hampton Chase to be consistent with typical residential landscaping as seen elsewhere in Hampton Hall. We don't want it so elaborate that homeowners will not be able to reasonably maintain it or have it seem out of place compared to other street corners in Hampton Hall. Regarding evergreen screening for the sides of the homes adjacent to High Hampton Chase, we generally agree with that condition. Our primary concern there is screening the back of the house and back yards. We'd also ask that conditions related to trees in the front yard will still allow the front lawn to thrive. We've struggled with that in Hampton Hall as our trees have matured. Many of us had two trees in the front yard which shaded our lawns to the point that they were dying out. Many homeowners have had to remove one of the trees in the front yard including myself.

One item that I forgot to discuss on landscaping is evergreen screening of the detention pond especially from the adjacent homes.

If we don't talk sooner, I hope you have a great Thanksgiving.

--

Frank Schwing
President, Hampton Hall Community Association

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #:

PH #:

Property Taxes & Code Violations Verified

Fee Paid

Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta." Please note that a 3% convenience fee will be added to all credit card transactions.
5. Applications will be accepted on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: Southvine Homes LLC

Telephone: 7706928463

Address: 3010 Royal Boulevard S

Suite: 170

City: Alpharetta

State: GA

Zip: 30022

Fax: _____

Mobile Tel: 770-616-8609

Email: alex@southvinehomes.com

Subject Property Information:

Address: 0 Blake Road

Current Zoning: AG

District: 1

Section: 2

Land Lot: 917

Parcel ID: 12 314009170200

Proposed Zoning: R15

Current Use: Vacant Land

This Application For (Check All That Apply):

☐ Conditional Use

☒ Rezoning

☒ Variance

☐ Exception

☐ Master Plan Amendment

☐ Master Plan Review

☐ Public Hearing

☐ Other (Specify): _____

☐ Comprehensive Plan Amendment

APPLICANT REQUEST AND INTENT

What is the proposed use(s) of the property?

Single Family Subdivision

Applicant's Request (Please itemize the proposal):

To rezone the property from AG to R-15
Concurrent variances to reduce the lot width from 100' to 80' and
reduce side setbacks from 10' to 5' (20' separation between foundations)

Applicant's Intent *(Please describe what the proposal would facilitate):*

Approving this Application will allow Applicant to develop a subdivision containing nine single family detached homes

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Kathleen S. Fowler

Telephone: _____

Address: 9615 Cove Point Drive

Suite: _____

City Gainesville

State: GA

Zip: 30506

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

- | | |
|---|--|
| ☐ Annexation | ☐ Special Use |
| ☒ Rezoning | ☐ Conditional Use |
| ☒ Variance | ☐ Master Plan |
| ☐ Land Use Application | ☐ Other |

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Southvine Homes LLC

Telephone: 770-692-8463

Address: 3010 Royal Boulevard S

Suite: 170

City Alpharetta

State: GA

Zip: 30022

So Sworn and Attested:

Owner Signature: _____

Kathleen S. Fowler

Date: _____

8-16-24

Notary:

Notary Signature: _____

Karley Yancey



Date: _____

8/16/2024

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: Kathleen S. Fowler

Subject Public Hearing Case: Hampton Hall/ Blake Road

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position: N/A

Description of Contribution: None Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: Kathleen S. Fowler

Date: 8-22-24

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant in support of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: **Southvine Homes LLC**

Subject Public Hearing Case: **Hampton Hall/ Blake Road**

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution has been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: **N/A** Position: **N/A**

Description of Contribution: **None** Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: _____

Date: **8-25-24**

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials or an advocate or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: **Alex Tetterton**

Subject Public Hearing Case: **Hampton Hall/ Blake Road**

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution has been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: **N/A** Position: **N/A**

Description of Contribution: **None** Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: _____

Date: **8-15-24**

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: **Southvine Homes LLC**

Subject Public Hearing Case: **Hampton Hall Extension**

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: **Fergal Brady** Position: **Councilmember**

Description of Contribution: **check** Value: **\$500**

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: _____

Dodd A. Rolader

Date: **8-21-2024**

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

See Letter of Intent

How will this proposal affect the use and value of the surrounding properties?

See Letter of Intent

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

See Letter of Intent

What would be the increase to population and traffic if the proposal were approved?

See Letter of Intent

What would be the impact to schools and utilities if the proposal were approved?

See Letter of Intent

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

See Letter of Intent

Are there existing or changing conditions which affect the development of the property and support the proposed request?

See Letter of Intent

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

BOARD OF ZONING APPEALS REVIEW CRITERIA

Please respond to the following ONLY if you are applying for a zoning variance.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.

See Letter of Intent

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

See Letter of Intent

Are there conditions that are peculiar to the subject property? Please describe them in detail.

See Letter of Intent

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

See Letter of Intent

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: Hampton Hall Extension

Contact Name: Don Rolader Telephone: 770-4442-0330

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

See Exhibit A attached hereto

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- | | |
|--|---|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) |

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

Individuals may respond by mail, email, text, telephone call or request personal visits or group meetings

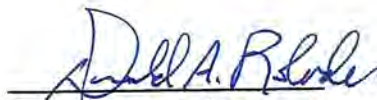
Owner	Address
Steven Wood & Leanne K	1430 Hampton Hill Drive
Richard Carson & Pamela	1420 Hampton Hill Drive
Roger & Karin Lee	1410 Hampton Hill Drive
Jill & Victor Williams	8175 High Hampton Chase
Eric & Lisa Drake	8185 High Hampton Chase
David & Natascha Mariner	8195 High Hampton Chase
Kara & Danny Hall	8205 High Hampton Chase
Josephine Caswell	8215 High Hampton Chase
James & Tracy Eick	1515 Highview Pine Pass
Matthew & Kathryn Curry	1525 Highview Pine Pass
Lenard & Robin Silverman	1535 Highview Pine Pass
Dennis & Cristin Kallaher	1545 Highview Pine Pass
Neal & Jodi Roberts	1530 Highview Pine Pass
Namman & Sabeen Spall	1520 Highview Pine Pass
Tyrone & Sonja Mayo	1510 Highview Pine Pass
James & Rochelle Wainer	8245 High Hampton Chase
John & Rhiannon Adams	1605 Ridge Haven Run
Thomas Ginn Lewis	1615 Ridge Haven Run
Steven & Wendy Fenner	1625 Ridge Haven Run
Sean Richards	1610 Ridge Haven Run
Ann Peace	1600 Ridge Haven Run
Jae Park	8285 High Hampton Chase
Dayton & Lindsey Shuman	8300 High Hampton Chase
Maroun Bousarkis	8280 High Hampton Chase
Dale & Nancy Nunnelley	8270 High Hampton Chase
John & Jacqueline Green	8180 High Hampton Chase
Warren Wiltz	210 Beacon Knoll Drive
Peter & Jessica Stewart	300 Beacon Knoll Drive
Zhu Xu Family Living Trust	8260 High Hampton Chase
Hyo Jin Park	8250 High Hampton Chase
Patrick & Meghan Ryan	8240 High Hampton Chase
Amrut & Ritu Khatri	410 Blake Road
Ron & Helena Wallach	420 Blake Road
Saurabh Garg & Karishma Goel	430 Blake Road
Dejuna Jackson Brown	440 Blake Road
David Lin & Hsing Tan	450 Blake Road
Anthony & Adrienne Posillico	460 Blake Road
Hampton Hall Community Association	434 Blake Road
Hampton Hall Community Association	433 Blake Road
Irina Alperovich	120 Starboard Way
Yubao Wu & Zhang Xiaoyuan	130 Starboard Way
Liu Zhu Gao	140 Starboard Way
Changling Dong	150 Starboard Way
Ripple & Trusha Parikh	160 Starboard Way
Hamida & Fahim Thawer	170 Starboard Way
Tceretian & Polina Iurii	180 Starboard Way
Jessica Clough	175 Starboard Way
Drew & Karina Vorhies	165 Starboard Way

Vicki Sarris	155 Starboard Way
Miranda Staub & Anthony Dillon	145 Staboard Way
Venkat Goteti & Hema Viswanatham	135 Starboard Way
Arun Subramanian & Arthi Parthasarathy	3325 Mainstay Place
Alireza Arabnia & Samira Borgheirazavi	3335 Mainstay Place
Jung Lee & Kyoung Eun	3345 Mainstay Place
Dan Raziel & Sivan Lev	3355 Mainstay Place
Qingshun & Joanne Hou	3365 Mainstay Place
Elizabeth Schell	3375 Mainstay Place
Heather Jones	400 Sailmaker Circle
Shannon & Derek Nichols	410 Sailmaker Circle
Seife Teklu	415 Salimaker Circle
Juyeon Won & Mihye Shin	425 Sailmaker Circle
Obleze & Natalya Mmeje	435 Salimaker Circle
Richard Kim & Jenny Ha	445 Salimaker Circle
Xiaoli Sun & Lei Chen	455 Sailmaker Circle
Jill & Michael Bertolani	465 Sailmaker Circle
HPA Borrower	475 Sailmaker Circle
John & Bianca Giddens	485 Sailmaker Circle
Benu Santosh	450 Sailmaker Circle
Nachammai Subbukumar & Subramanian Muthukumar	440 Sailmaker Circle
Yasha & Zenaeda Zavulunov	420 Sailmaker Circle
Christopher & Kimberly Russo	430 Sailmaker Circle
Anshul & Vibhuti Garg	405 Sailmaker Circle
Hadi Wahba & Dalit Shani	10790 Waters Road
Pradip & Heena Dalwadi	3353 Carverton Lane
Hamid Mashinchi	3363 Carverton Lane
Oak Mills Homeowners Association	0 Carverton Lane
Ruth & Bryan Fornell	3373 Carverton Lane
Ying Wang Zhong	3383 Carverton Lane
John & Lindsay Demboski	3393 Carverton Lane
Behnaz Shojaat & Ashar Hassanipak	3403 Carverton Lane
Kuifu Lou & Yafen Tan	3356 Carverton Lane
Richard Wernick	3366 Carverton Lane
Khaled Abboud	3376 Carverton Lane
Hamid & Robab Mashinchi	3386 Carverton Lane
Keriman Guven	3396 Carverton Lane
Kurt & Hong David Living Trust	3406 Carverton Lane
Benjamin & Jill Sams	8170 High Hampton Chase
Timothy & Lisa Davey	115 Haven Bluff
Aditya & Shabina Uppal	125 Haven Bluff
David & Judith Burke	135 Haven Bluff
Malcom & Susan Mccollum	130 Haven Bluff
Shu Dong & Ling Pan	120 Haven Bluff
Johnathan & Terri Evans	110 Haven Bluff
Michael & Karen Gottschalk	8150 High Hampton Chase
Sylvia Vargas	8140 High Hampton Chase

HAMPTON HALL EXTENSION TAX CERTIFICATION

The undersigned certifies that the taxes have been paid on Fulton County Tax Parcel 12 314009170200 through tax year 2023 as follows:

Fulton County	\$2933.28 PAID
City of Alpharetta	\$462.30 PAID



Donald A. Rolader
August 21, 2024

The undersigned further certifies that no existing code violation citations are on file against the subject property.



Donald A. Rolader
August 29, 2024

LEGAL DESCRIPTION OF ANNEXED PROPERTY
HAMPTON HALL - BLAKE ROAD PROPERTY

all that tract and parcel of land lying and being in Land Lot 917 of the 1st District and 2nd Section of Fulton County, Georgia, containing five and two hundredths (5.02) acres and being particularly shown and delineated on plat of survey of a portion of the Stephen T. Spruill Estate property made by Joseph C. King, Land Surveyor, dated April 20, 1969, as follows, to-wit:

BEGINNING on the southeastern side of Blake Road 877.25 feet southwesterly, as measured along the southeastern side of Blake Road, from the intersection of the southeastern side of Blake Road with the northwestern side of Waters Road; running thence southwesterly 530.1 feet along the southeastern side of Blake Road to an iron pin at the west line of Land Lot 917; thence south 0 degrees 12 minutes east 389.15 feet along said Land Lot Line to an axle at the southwest corner of said Land Lot; thence north 89 degrees 6 minutes 30 seconds east 455 feet along the south line of said Land Lot; thence north 4 degrees 5 minutes 30 seconds east 553.55 feet to the southeastern side of Blake Road at the point of beginning; being shown on the plat aforesaid as Tract 7.

All that tract or parcel of land lying or being in Land Lot 917, 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

Beginning at an axle found at the common corner of Land Lots 901, 902, 917, and 918, said point having State Plane Coordinates of North 1,470,474.17, East 2,267,205.16, Georgia West Zone, said point being the True Point of Beginning; thence along the Westerly line of Land Lot 917 North 00 degrees 32 minutes 13 seconds East, a distance of 81.36 feet to a 1/2 inch rebar found; thence North 00 degrees 34 minutes 38 seconds East, a distance of 100.27 feet to a 1/2 inch rebar found; thence North 00 degrees 35 minutes 18 seconds East, a distance of 204.89 feet to a 1/2 inch rebar found (capped LSF 839) on the Southerly right-of-way of High Hampton Chase (50 foot right-of-way); thence along said right-of-way North 68 degrees 46 minutes 36 seconds East, a distance of 101.21 feet to a point; thence along a curve to the right, said curve having an arc length of 163.67 feet with a radius of 750.00 feet, being subtended by a chord bearing of North 75 degrees 02 minutes 15 seconds East, a distance of 163.35 feet to a point; thence North 81 degrees 17 minutes 22 seconds East, a distance of 89.95 feet to a point; thence along a curve to the left, said curve having an arc length of 178.16 feet with a radius of 361.62 feet, being subtended by a chord bearing of North 67 degrees 10 minutes 32 seconds East, a distance of 176.37 feet to a 1/2 inch rebar found (capped RLS 3033); thence leaving said right-of-way South 05 degrees 30 minutes 15 seconds West, a distance of 188.76 feet to a 1/2 inch rebar found; thence South 05 degrees 26 minutes 02 seconds West, a distance of 364.58 feet to a 5/8 inch rebar found on the Southerly line of Land Lot 917; thence along said Land Lot Line North 89 degrees 26 minutes 22 seconds West, a distance of 75.97 feet to a 1/2 inch rebar found; thence North 89 degrees 34 minutes 29 seconds West, a distance of 193.53 feet to a 1/2 inch rebar found; thence North 89 degrees 31 minutes 45 seconds West, a distance of 143.06 feet to a 1/2 inch rebar found; thence North 89 degrees 50 minutes 02 seconds West, a distance of 42.33 feet to an axle found at the common corner of Land Lots 901, 902, 917, and 918, said point being the True Point of Beginning.

Said tract of land contains 5.051 Acres.

ROLADER & ROLADER, P.C.
ATTORNEYS & COUNSELORS AT LAW
P.O. Box 277
MARBLE HILL, GEORGIA 30148
(770) 442-0330
Physical Address: 200 Foothills Pkwy.
Marble Hill, Georgia 30148
www.roladerandrolader.com

DONALD A. ROLADER
don@roladerandrolader.com

D.W. "Pete" ROLADER
1924 – 2011

August 29, 2024

Ms. Kathi Cook, Director
Community Development Department
City of Alpharetta
2 Park Plaza
Alpharetta, Georgia 30004

Re: Application of Southvine Homes LLC for 5.051 Acres located on High Hampton Chase for (i) Rezoning from AG to R-15; and (ii) three (3) concurrent variances to UDO Section 2.2.9, being (1) a lot width reduction from 100' to 80', (2) a side yard setback reduction from 10' to 5' with a minimum foundation separation of 20', and (3) a front setback reduction from 35' to 30'.

Dear Kathi:

Please accept this letter as the Letter of Intent of my client Southvine Homes LLC in support of the above referenced application for rezoning (from AG to R-15) and for the concurrent variances listed above.

The project contemplates developing a single family detached home subdivision on the Property. They will represent a mixture of products and architectural styles. They will contain a minimum floor area of 3600 square feet, and the maximum height of the structures shall not exceed 35 feet, in compliance with the UDC requirements.

The density of the project will be 1.79 units per acre which is in keeping with surrounding residential densities. The site plan shows nine total R-15 lots on the 5.051 acre tract. Surrounding residential developments are zoned CUP on the west (Hampton Hall Unit II), R-15 (Hampton Hall Phase VII) and R-12 (Waters Landing) on the south, and CUP on the east (Oak Mills and Hampton Hall Unit IV). High Hampton Chase is the northern boundary of the Property.

The Property is presently zoned AG and is a vacant outparcel surrounded by attractive single family development. The property has no economic use as agricultural land and does not fit in with the surrounding uses. The Future Land Use Map designates the property as Low Density Residential and that use is supported by the Comprehensive Plan.

If approved, this project will create a small new single family subdivision which is in conformity with surrounding uses and in compliance with the Future Land Use Map and the Comprehensive Plan. It will be served by Fulton County sanitary sewer and storm water detention will be managed onsite. The site plan indicates a 40 foot landscape buffer along the western, southern and eastern property boundaries. A description of the buffer and the parts to be disturbed is set out in proposed Condition 5. on Page Six of this Letter of Intent. The buffer is far more substantial than the rear lot setbacks on abutting subdivisions or setbacks mandated by Code requirements.

The voluntary imposition of the 40 foot landscape buffer necessitates the grant of three variances.

First, a variance is requested to reduce the lot width from 100 feet to 80 feet, to allow for the creation of desirable lots for home placement where the usable lot area is substantially reduced by the imposition of the 40 foot rear buffer. The result of the grant of the variance is to create basically the same available area for home construction as on a lot not affected by the larger buffer.

Second, a variance is requested to reduce the side yard setback from 10 feet to 5 feet, with a minimum house foundation separation of 20 feet. As stated above, granting this variance permits construction within the same available area of the lots as would a lot not affected by the larger than required by code rear setback.

Third, a reduction of the front setback from 35 feet to 30 feet is requested. With a 40 foot rear setback, building area is reduced substantially. Reducing the front setback to 30 feet allows Applicant to recover some building area and move the homes farther from abutting residences.

In summary, Applicant's request is for rezoning from AG to R-15 with three concurrent variances. The project is not intended to be phased. Applicant is in discussion with the Hampton Hall HOA and contemplates making the subdivision a part of the Hampton Hall development. A trip generation report is attached to the Application as a separate document. The small size of the development limits the impact on the Fulton County School System. There are sufficient utilities available at the location to serve the need created by the new home construction (sewer, water, electricity).

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

This Application is for a single family subdivision zoned R-15. The Property is surrounded by single family subdivisions zoned CUP, R-15 and R-12. The proposed use is compatible and complies with the Comprehensive Plan and Future Land Use Map.

How will this proposal affect the use and value of the surrounding properties?

Developing a new single family subdivision under R-15 standards should serve to increase the value of surrounding properties which are developed as single family subdivisions. The use is compatible and should have no adverse effect on the use of surrounding properties.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

No. The property is totally surrounded by low density residential subdivisions. This property cannot violate that pattern of use and create a use under the current zoning (AG) which is economically reasonable. The property use needs to conform to the surrounding uses to be viable.

What would be the increase in population and traffic if the proposal were approved?

The nine lot subdivision should generate approximately 35 new occupants. See the trip generation report for traffic generated by the development.

What would be the impact to schools and utilities if the proposal were approved?

Due to the small size of the subdivision (9 homes), the impact on public schools will be minimal. There are sufficient public utility services available to serve the new subdivision (water, sewer, electricity).

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

The proposed use is consistent with both. The area is designated for low density residential development. This Application is for an R-15 zoning with 9 lots at a density of 1.79 units per acre which is in compliance with the Future Land use Map.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

This 5 acre property was not incorporated into any of the surrounding subdivisions as they were developed. It is now an island of vacant land in the middle of three subdivisions. It makes good land use policy to develop this tract compatibly and include it in an existing subdivision.

BOARD OF ZONING APPEALS REVIEW CRITERIA

Preliminary Statement: Applicant has agreed to two voluntary conditions with Staff (concessions). Applicant has agreed to a 40' landscape buffer on the east, south and west perimeters of the property which buffers affect and restrict the allowable building area of every lot. The standard setback in R-15 against R-12, R-15 and CUP is a 5' landscape strip. Applicant has agreed to not have any lots having driveway access and frontage on High Hampton Chase, even though such lots are permitted in the R-15 Zoning district. These two voluntary conditions (the "Voluntary Conditions") dramatically affect the Applicant's ability to develop the lots if the three variances are not granted. The variances have been discussed with Staff.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape or topography?

Response: Yes

Lot width reduction The Voluntary Conditions create extraordinary and exceptional conditions restricting development of nine lots if the variance is not granted, reducing the lot yield and affecting the building area of the lots.

Side setback reduction Same response as above.

Front setback reduction Same response as above. Additionally, reducing the front lot setback allows the homes to be located farther from abutting neighbors.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

Response: Yes

Lot width reduction Since Applicant has agreed to the Voluntary Conditions which exceed Code requirements, applying R-15 standard setbacks would create unnecessary hardships making development of a quality R-15 subdivision economically not feasible. Building area on each lot would be decreased. Granting the requested variances allows Applicant to consent to the Voluntary Conditions and develop an R-15 subdivision.

Side setback reduction Same response as above

Front setback reduction Same response as above

Are there conditions that are particular to the subject property? Please describe them in detail.

Response: Yes

Lot width reduction Do to Applicant's agreement to the Voluntary Conditions, the subject property is imposed with setback and lot location requirements which are in excess of R-15 Code requirements and are therefore particular to the subject property. The grant of the requested variances allows Applicant to develop an R-15 subdivision in compliance with the Voluntary Conditions and otherwise in compliance with R-15 requirements. Without the requested variances, Applicant cannot develop the proposed subdivision.

Side setback reduction Same response as above

Front setback reduction Same response as above.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

Response: No

Lot width reduction Granting the requested variances allows the Applicant to develop a quality, well planned R-15 subdivision compatible with surrounding subdivisions. Granting the variances will cause no detriment to the public good nor will it in any manner impair the purpose and intent of the Zoning Code. The effect of the variances will be to benefit surrounding homeowners with larger setbacks and a street view with no new homes facing or accessing the existing public street. There are no negative impacts created by the grant of the requested variances.

City of Alpharetta, Georgia
August 29, 2024
Page Seven

CONCLUSION

The Applicant respectfully requests that the Alpharetta City Council grant the requested rezoning and the variances as submitted. We look forward to working with Council and Staff towards the development of a desirable subdivision.

Sincerely,

A handwritten signature in blue ink, appearing to read "Don Rolader", is written over a faint circular stamp.

Donald A. Rolader

CC: Alex Tetterton
Alan Neal

PROJECT DATA

HIGH HAMPTON CHASE
ALPHARETTA, GA. 30009

SITE DATA

TOTAL SITE AREA 5.05 AC.
CURRENT ZONING AG (AGRICULTURE)
PROPOSED ZONING R-15 (RESIDENTIAL)
MINIMUM LOT SIZE 15,000 S.F.
PROPOSED DENSITY 1.78 LOTS PER ACRE
BUILDING HEIGHT 30'
MINIMUM LOT WIDTH 80' (WITH VARIANCE)
MAX. GROUND COVERAGE BY PRINCIPAL BUILDING 25%
MINIMUM FLOOR AREA OF DWELLING UNIT 2,000 S.F.

BUILDING SETBACKS

FRONT SETBACK 30' (WITH VARIANCE)
SIDE SETBACK 10'-0"
REAR SETBACK 25'-0"

LANDSCAPING SETBACKS

SETBACK FROM R/W 10'-0"
PERIMETER SETBACK 5'-0"

NOTES:
TOPOGRAPHIC AND BOUNDARY SURVEY PROVIDED BY GEOSURVEY
AND DATED 08/28/2018. SURVEY OF STORM EASEMENT FROM PLS. INC.
DATED AUGUST 2024.

8200 High Hampton Chase, Alpharetta,
Georgia, 30022



Disclaimer: This data is not to be used to determine any other data or to be used in conjunction with any other data. The user assumes all responsibility for the use of this data. The user assumes all responsibility for the use of this data.

FIRM MAP: 13121C0067F
DATED: SEPT. 18, 2013

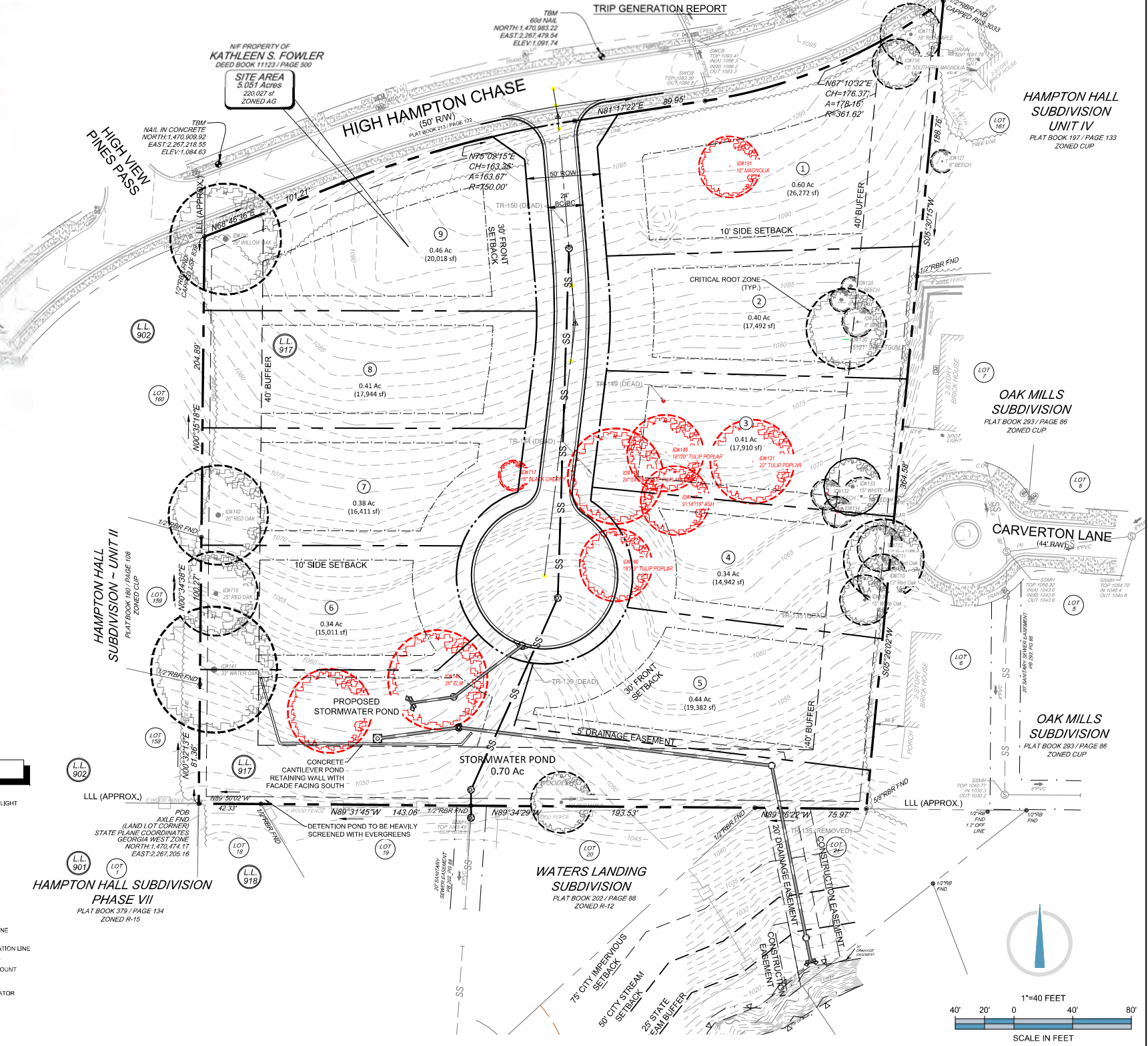
TREE SURVEY LEGEND			
TREE#	SIZE	SPECIES	CLASSIFICATION
715	16"	RED MAPLE	TREE OF QUALITY
716	13"	SOUTHERN MAGNOLIA	TREE OF QUALITY
127	6"	BEECH	TREE OF QUALITY
128	5"	BEECH	TREE OF QUALITY
129	6"	BEECH	TREE OF QUALITY
130	(15"/21")	SWEET GUM	NON-SPECIMEN MULTISTEM
131	22"	TULIP POPLAR	NON-SPECIMEN
132	9"	BEECH	TREE OF QUALITY
133	15"	WHITE OAK	TREE GROUPING
134	(9"/10"/14"/18")	TULIP POPLAR	NON-SPECIMEN MULTISTEM
135	20"	TULIP POPLAR	DEAD/HAZARD
136	15"	WHITE OAK	TREE GROUPING
137	28"	TULIP POPLAR	REMOVED BY OTHERS
138	16"	RED MAPLE	NON-SPECIMEN
139	39"	TULIP POPLAR	DEAD/HAZARD
140	26"	ELM	NON-SPECIMEN
141	33"	WATER OAK	SPECIMEN
142	26"	RED OAK	SPECIMEN
143	29"	WILLOW OAK	SPECIMEN
144	15"	DOGWOOD	DEAD
145	(24"-25"-21")	TULIP POPLAR	NON-SPECIMEN MULTISTEM
146	(18"-19")	TULIP POPLAR	NON-SPECIMEN MULTISTEM
147	(18"-14"-9")	ASH	NON-SPECIMEN MULTISTEM
148	38" (18"-20")	TULIP POPLAR	SPECIMEN
149	12"	DOGWOOD	DEAD
150	19"	DOGWOOD	DEAD
151	16"	SOUTHERN MAGNOLIA	TREE OF QUALITY
710	13"	RED OAK	TREE GROUPING
711	21"	RED OAK	TREE GROUPING
712	12"	RED OAK	TREE GROUPING
713	10"	BEECH	TREE OF QUALITY
714	8"	BEECH	TREE OF QUALITY
717	16"	BLACK CHERRY	NON-SPECIMEN
718	(9"/15"/22")	BLACK CHERRY	SPECIMEN MULTISTEM
719	25"	RED OAK	SPECIMEN

*ALL MULTISTEM TREES ARE TAGGED AS ID#A, B, C, ETC. ALL ARE TREATED AS SEPARATE INDIVIDUAL TREES BECAUSE THEY FORK AT THE BASE.

LEGEND	
STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AC AIR CONDITIONER	⊕ OVERHEAD TRAFFIC SIGNAL LIGHT
BH BORE HOLE	⊖ POWER POLE
BSL BUILDING SETBACK LINE	⊙ GUY WIRE
CI CURB INLET	⊖ POWER LINE
CMP CORRUGATED METAL PIPE	⊖ LIGHT POLE
CMF CONCRETE MONUMENT FND	⊖ ELECTRIC TRANSFORMER
CS SANITARY CLEANOUT	⊖ WATER VAULT
CPED COMMUNICATION FEDESTAL	⊖ GAS VALVE
CTP CRIMPED TOP PIPE	⊖ GAS METER
DI DROP INLET	⊖ WATER VALVE
DIP DUCTILE IRON PIPE	⊖ WATER METER
DWCB DOUBLE WING CATCH BASIN	⊖ FIRE HYDRANT
FNC FENCE	⊖ UNDERGROUND ELECTRIC LINE
FND FOUND	⊖ UNDERGROUND GAS LINE
GM GAS METER	⊖ UNDERGROUND COMMUNICATION LINE
INV INVERT	⊖ UNDERGROUND WATER LINE
JB JUNCTION BOX	⊖ REGULAR PARKING SPACE COUNT
MH MANHOLE	⊖ HANDICAP PARKING SPACE
OCS OUTLET CONTROL STRUCTURE	⊖ TREE POSITION & TAG INDICATOR
OTF OPEN TOP PIPE	
PM POWER METER	
PKS PK MAIL SET	
POB POINT OF BEGINNING	
POC POINT OF COMMENCEMENT	
RCP REINFORCED CONCRETE PIPE	
RBR IRON REINFORCING BAR	
RBS 60" RBR SET CAPPED LSF 621	
SS SANITARY SEWER	
SWCB SINGLE WING CATCH BASIN	
TRANS ELECTRIC TRANSFORMER	

Single-Family Detached Housing							
Calculation of Anticipated Project Trips							
Based upon methodology from ITE's Trip Generation, 10th Edition (2017)							
Project Land Use	Project Density	Project Trips			ITE Code	Variable	In/Out Distribution
		Total	Inbound	Outbound			
Single-Family Detached Housing	9 D.U.	113	57	56	210	Dwelling Unit	In(T) = 0.921(K)(K)+2.71 T = 0.71(K) + 4.80 In(T) = 0.961(K)(K)+0.20
		11	3	8			
		10	6	4			
Reductions for Pass-By Trips	Daily	0	0	0			
		0	0	0			
		0	0	0			
NET NEW EXTERNAL VEHICULAR TRIPS	Daily	113	57	56			
		11	3	8			
		10	6	4			

Notes:
* Where T = Trips, K = Density by Variable



ENGINEER:

FORESITE
group

Foresite Group, Inc.
3740 Davinci Ct.
Suite 100
Peachtree Corners, GA 30092

w | www.fg-inc.net
o | 770.368.1399
f | 770.368.1944

DEVELOPER:

SOUTHVINE
HOMES

SOUTHVINE HOMES
3010 ROYAL BOULEVARD, S. SUITE 170
ALPHARETTA, GA 30022
(770)502-6230

CONTACT: ALEX TETTERTON

PROJECT:

HAMPTON HALL
REZONING

HIGH HAMPTON CHASE
ALPHARETTA, GA. 30009
LL# 0917, DISTRICT 12, ZONING: AG, PARCEL # 12 314008170200

SEAL:

GEORGIA
REGISTERED
PROFESSIONAL ENGINEER
09-20-24
ALAN NEI

REVISIONS	DATE

PROJECT MANAGER: JMB
DRAWING BY: JMB
JURISDICTION: ALPHARETTA, GA
DATE: 08/29/2024
SCALE: 1"=40 FEET
TITLE: REZONING PLAN
SHEET NUMBER: C-1
COMMENTS: NOT RELEASED FOR CONSTRUCTION
JOB/FILE NUMBER: 2216.001



City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009
Phone: 678-297-6000
<http://www.alpharetta.ga.us>

Receipt#: 52153
Date: 8/30/2024

Payment Receipt

Invoice #	Case Type	Case Number	Sub Type
	PHAPP	PHA240041	

Tender Type/Description	Amount
CHECK- Check	1,525.00
Sub Total:	1,525.00

Fees:

Fees Code / Description	Amount
P-ADFEE- Public Hearing App - Advertising Fee	325.00
P-RZ-SFD- Rezoning Fee - Single Family Detached	450.00
P-VARIANCE- Public Hearing App - Variance	750.00
Sub Total:	1,525.00

Total Amount Due: 1,525.00
Total Payment: 1,525.00

*His Hands Tree Preservation, LLC.
PO Box. 441241
Kennesaw, GA. 30160
Phone: (404) 661-2700
Email: HisHandsTP@gmail.com
ISA Certified Arborist WI-0338AT
ISA Certified Tree Worker
ISA Qualified Tree Risk Assessor*

SPECIMEN TREE REPORT

*Tree Inventory
High Hampton Chase
Alpharetta, GA*

Prepared For:

**Southvine Homes
Mr. Alex Tetterton
3010 Royal Boulevard
Suite 170
Alpharetta, GA. 30022**

Assessor:

**Robert Brettschneider
His Hands Tree Preservation, LLC
Owner
ISA Certified Arborist #WI-0338AT
ISA Certified Tree Worker
ISA Qualified Tree Risk Assessor**

On February 15, 2024, Robert Brettschneider, Owner of His Hands Tree Preservation and an International Society of Arboriculture (ISA) Certified Arborist, conducted the onsite tree assessment and inventory. This assessment aimed to verify sizes and evaluate the biological and structural health of the specimen trees, trees of quality, tree groupings, and boundary/shared trees.

On August 20, 2024, an onsite visit was completed with the City of Alpharetta Arborist to discuss the Specimen trees. During that meeting, we determined that several multi-trunked trees were individual trees to be inventoried separately. Multi-trunk trees were measured at the narrowest point below the fork, and each stem was reported as well. The pith test was used to determine if it is one tree or multiple trees. When the lines cross above ground, it's one tree. If it crosses below ground, it's two trees

All specimen-sized trees were assessed for insect infestations, disease pressures, structural defects, biological decline, and overall health. A health and structural assessment was performed as a visual ground assessment and documented in the report.

Trees were identified with ribbons in the field.

Pink indicates the tree to be dead, dying, or has a high risk associated with it.

Yellow indicates the tree is a specimen tree.

Green indicates a tree grouping or a tree of quality.

The following criteria per the City of Alpharetta Unified Development Code were used to determine Boundary/Shared Trees or Specimen Tree statuses. Determining a tree's specimen status is ultimately up to the City of Alpharetta Arborist and staff.

Specimen Tree: any tree that qualifies for special consideration for preservation due to its size, type, condition, location, or historical significance and which also meets the minimum size criteria set forth below.

- *Pine Trees:* 30-inch diameter or larger for trees in the Pinus (Pine) genus.
- *Coniferous Trees:* 20" diameter or larger for trees in the Cedrus (deodar cedar), Thuja (Arborvitae), or other ecologically similar trees.
- *Overstory Trees:* 30-inch diameter or larger for trees in the Liquidambar (Sweetgum) or Liriodendron (Tulip poplar) genus, 20-inch diameter or larger for trees in the Fagus (Beech), Nyssa (Tupelo), Diospyros (Persimmon), Sassafras (Sassafras), or other ecologically similar trees, 20-inch diameter or larger for Magnolia grandiflora (Southern magnolia) and those cultivars that generally reach a mature height over 40 feet, 24-inch diameter or larger for trees in all other genera.
- *Understory Trees:* 8-inch diameter or larger genera and 10-inch diameter or larger for Oxydendron arboretum (Sourwood).
- *Trees of Quality and Tree Groupings or Groves:* are trees that warrant protection or preservation based upon the size, condition, special interest, character, etc.

Side setback reduction Same response as above.

Front setback reduction Same response as above.

REQUESTED CONDITIONS

- 1) Single family lots will have a minimum lot width of 80'.
- 2) Each unit shall contain a minimum of 3600 square feet with a height limit of 35 feet.
- 3) Single family lots shall have a side setback of 5', with a minimum separation of 20' between foundations, and a front setback of 30'.
- 4) New utilities interior to the site shall be placed underground.
- 5) The east and west boundaries of the site shall have an undisturbed landscape buffer of 40', except for disturbance necessary for street entry, storm water detention pond/drainage and utility installation. The exterior 30' of the buffer, except for the southern boundary, shall be undisturbed. The interior 10' may be disturbed for necessary site development purposes, and shall be restored to buffer standards, where disturbed, prior to the issuance of the first certificate of occupancy for a dwelling. The entire southern buffer may be disturbed as necessary, and shall be restored to buffer standards prior to the issuance of the first CO for a home. The buffers are shown on Exhibit A attached.

PRESERVATION OF RIGHTS

It is the position of the Applicant that the Alpharetta Zoning Ordinance, in limiting the property to the uses allowed under the current AG zoning is unconstitutional in that it destroys the marketability of the property and renders the property economically unfeasible, and such zoning therefore constitutes a taking of property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States, as well as Article 1, Section1, Paragraph 1; Article 1, Section3, Paragraph 1(a); and Article 3, Section 6, Paragraph 2 of the Constitution of the State of Georgia (1983). To zone this property with any intervening conditions less than requested would be unconstitutional, would render the property unusable and would constitute the taking of Applicant's property without just and adequate compensation and without due process of law in violation of the provisions of the United States and Georgia Constitutions cited in this paragraph. The same effect would occur by imposing conditions in restraint of trade, onerous, burdensome, unconstitutional, or unnecessary conditions on the property. The denial of this request would bear no reasonable relation to the health, safety, morals or welfare of the public.

Table and Report:

The table below summarizes the updated inventory and assessment of the specimen trees on this site. Scott Hall has previously inventoried the trees on August 15, 2018. His report and numbers were used to identify the trees and areas on the plan. When trees needed to be added, they were inventoried at #710.

Several changes will be documented in the below inventory.
The table contents contain the following information.

Tree ID: The specific metal identification tag on the tree.

Tree Size: The size of the tree measured at 3.5 feet on the trunk gives the diameter size.

Tree Species: Identifies the genus and species of each tree.

Condition Rating: The condition rating comprises three distinct qualities: health, structure, and form.

- *Health:* Tree health (vigor) includes evaluation of the crown density, foliage color, leaf size, annual shoot growth, disease infections, insect infestations, the presence of injuries, and shoot dieback symptoms.
- *Structural:* The tree structural evaluation includes assessing tree features impacting the structural integrity. These conditions may have the presence of codominant stems, weak branch attachments, decay indicators, root collar burial, dead and dying branches, low live crown ratio, visual cavities, and other conditions of concern.
- *Form:* The tree form considers the tree's growth habit – its symmetry, shape, or silhouette. The form is also based on the tree species, site conditions, proximity to other trees or structures, and management history.

The condition ratings are categorized as good, fair, and poor.

- *Good:* The vigor is normal for the species. There is no significant damage due to diseases or pests. Any twig dieback, defoliation, or discoloration is minor. It has a well-developed structure. The defects are minor and can be corrected. There are minor asymmetries/deviations from species norm.
- *Fair:* The tree has a reduced vigor. Damage from insects or diseases is significant and associated with defoliation but is not likely fatal. Twig dieback, defoliation, discoloration, and/or dead branches may comprise up to 50% of the crown. The tree has a single defect of a significant nature or multiple moderate defects. The defects are not practical to correct or would require multiple treatments over several years. The tree form has major asymmetries/deviations from species norm and/or intended use. The functions and/or aesthetics are compromised.
- *Poor:* The tree is unhealthy and declining in appearance. Poor vigor. Low foliage density and poor foliage color are present. The tree has a potentially fatal pest infestation. Has an extensive twig and/or branch dieback. The tree has a single serious defect or multiple significant defects. Recent change in tree orientation. The structural problems cannot be corrected and may fail at any time. The tree form is largely asymmetric/abnormal and distracts from the intended use and/or aesthetics significantly.

Specimen Tree: An “X” identifies that the City of Alpharetta Arborist would consider the specimen tree a non-recompense.

Suitability for Preservation: This categorizes a tree’s potential to be an asset to the project following development. While this rating is future-focused, it is based on the species, current size, current condition, and species tolerance to construction. This rating is not based on specific construction plans or anticipated impacts on the tree.

The preservation ratings are categorized as high, medium, and low.

- *High:* A tree that is in good condition, has a long remaining lifespan, is desirable, and a species that can tolerate construction damage.
- *Moderate:* A tree with a moderate rating is between the High and Low ratings. They have conditions or qualities that could be mitigated with arboriculture treatments (pruning, pest management, soil management, or supplemental irrigation).
- *Low:* A tree in poor condition, has a short remaining lifespan, has poor aesthetics, is intolerant of construction damage, or is an invasive species tree.

The species tolerance ratings were taken from Coder, Kim D. 2021. Tree Tolerance of Site Development Activities. University of Georgia, Warnell School of Forestry & Natural Resources Outreach Publication WSFNR21-45C. Pp.6

Tree Grouping: There are several trees located along the roadway that would be considered a tree grouping. These trees are identified in the table below. None of the parking lot trees were considered a tree grouping based on the poor condition of health and other structural defects.

Tree of Quality: A tree that merits special consideration due to historical significance, ideal shape, and structure, or uniqueness of the species as determined by the Director. Except as otherwise provided in Section 3.2., Trees of Quality will be treated as specimen trees for preservation credits, and every alternative should be evaluated to save these trees.

The above observations, discussion, and recommendations are based on my professional experience and education. It is important to note that trees are natural living things, and it is impossible to predict when a tree may die or fail, especially when impacted by construction, human intervention, natural causes, or other means.

Thank you for the opportunity to assist you with this project. Please let me know if you have any questions. I can be contacted by email at hishandstp@gmail.com.



Robert D. Brettschneider
His Hands Tree Preservation, LLC.
Owner
ISA Certified Arborist WI-0338 AT
ISA Certified Tree Worker
ISA Qualified Tree Risk Assessor
Certified Pesticide Applicator GA #04207

Table Key and Results:

The bold type indicated a specimen tree.

Italic type indicates a boundary or shared tree.

TG - Identifies a grouping of trees.

TQ – Identifies a tree of quality.

B - #: Identifies trees that are boundary or shared.

A, B, C – These are previously inventoried trees that are to be considered individual trees.

Table: Trees on site

Tree ID	Diameter	Tree Species	Condition			Specimen Tree	Tree of Quality Tree Grouping	Suitability for Preservation	Comments
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	"X"	TQ TG	High Moderate Low	Main problems
<u>125</u> 715	16	Red Maple	Fair	Fair	Fair	No	TQ	Moderate	Missing tag #125 Re-numbered #715 Severe girdling roots. Tree Care Prescription
126			-	-	-	-	-	-	See tree #716. Tree was previously mis-identified as a Beech.
127	6	Beech	Good	Good	Good	No	TQ	High	Off-site boundary tree. No impacts to occur based on tree diameter and distance from property line.
128	5	Beech	Good	Good	Good	No	TQ	High	None. Tree Care Prescription
129	6	Beech	Good	Good	Good	No	TQ	High	None. Tree Care Prescription
130-A	15	Sweetgum	Poor	Fair	Fair	No	No	Low	Severe canopy decline and dieback. Suggest Removal
130-B	21	Sweetgum	Poor	Fair	Fair	No	No	Low	Severe canopy decline and dieback. Suggest Removal

Tree ID	Diameter	Tree Species	Condition			Specimen Tree	Tree of Quality Tree Grouping	Suitability for Preservation	Comments
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	“X”	TQ TG	High Moderate Low	Main problems
131	22	Tulip Poplar	Fair	Fair	Fair	No	No	NA	Does not meet specimen size criteria. Suggest Removal
132	9	Beech	Good	Good	Good	No	TQ	High	None. Tree Care Prescription
133	15	White Oak	Poor	Fair	Fair	No	TG	Moderate	None. Suggest Removal
134-A	9	Tulip Poplar	Fair	Poor	Poor	No	No	Moderate	4 Co-Dom. Leaders with weak unions w/ significant decay in the center of these unions. This equates to a High Risk of failure. Suggest Removal
134-B	10	Tulip Poplar	Fair	Poor	Poor	No	No	Moderate	4 Co-Dom. Leaders with weak unions w/ significant decay in the center of these unions. This equates to a High Risk of failure. Suggest Removal
134-C	14	Tulip Poplar	Fair	Poor	Poor	No	No	Moderate	4 Co-Dom. Leaders with weak unions w/ significant decay in the center of these unions. This equates to a High Risk of failure. Suggest Removal
134-D	8	Tulip Poplar	Fair	Poor	Poor	No	No	Moderate	4 Co-Dom. Leaders with weak unions w/ significant decay in the center of these unions. This equates to a High Risk of failure. Suggest Removal
135	20	Tulip Poplar	-	-	-	-	-	-	The tree is dead and failed. Suggest Removal

Tree ID	Diameter	Tree Species	Condition			Specimen Tree	Tree of Quality Tree Grouping	Suitability for Preservation	Comments
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	“X”	TQ TG	High Moderate Low	Main problems
136	15	White Oak	Fair	Fair	Fair	No	TG	Low	Previous failures along this property line indicate root loss and a High-risk rating. Suggest Removal
137	28	Tulip Poplar	-	-	-	-	-	-	Boundary tree was removed by tree owner.
138	16	Red Maple	Fair	Poor	Poor	No	No	Low	6 Co-Dom. leaders with weakened unions. Poor pruning from the adjacent property owner removed 15% canopy. Canopy decline. Girdling roots. Suggest Removal
139	39	Tulip Poplar	Poor	Poor	Poor	No	No	Dead	The tree is dead. Suggest Removal
140	26	Elm	Fair	Poor	Fair	No	No	Low	V-Unions with seams/split. Suggest Removal
141	33	Water Oak	Good	Fair	Fair	Yes	No	Moderate	Co-Dom leaders. Vines Tree Care Prescription
142	26	Red Oak	Good	Good	Fair	Yes	No	Moderate	Deadwood in lower canopy. Tree Care Prescription
143 720	29	Willow Oak	Good	Good	Fair	Yes	No	Moderate	Tag missing, re-numbered. Deadwood in lower canopy. Tree Care Prescription
144	15	Dogwood	Poor	Poor	Poor	No	No	-	The tree is dead. Suggest Removal

Tree ID	Diameter	Tree Species	Condition			Specimen Tree	Tree of Quality Tree Grouping	Suitability for Preservation	Comments
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	“X”	TQ TG	High Moderate Low	Main problems
145-A	21	Tulip Poplar	Good	Fair	Fair	No	No	Moderate	Co-Dom leaders leaders with weakened unions.
145-B	24	Tulip Poplar	Good	Fair	Fair	No	No	Moderate	Co-Dom leaders leaders with weakened unions.
145-C	25	Tulip Poplar	Good	Fair	Fair	No	No	Moderate	Co-Dom leaders leaders with weakened unions.
146-A	18	Tulip Poplar	Good	Fair	Fair	No	No	Moderate	Co-Dom leaders leaders with weakened unions.
146-B	19	Tulip Poplar	Good	Fair	Fair	No	No	Moderate	Co-Dom leaders leaders with weakened unions.
147-A	9	Ash	Fair	Fair	Poor	No	No	Low	Canopy dieback and decline. EAB is likely. Suggest Removal
147-B	14	Ash	Fair	Fair	Poor	No	No	Low	Canopy dieback and decline. EAB is likely. Suggest Removal
147-C	18	Ash	Fair	Fair	Poor	No	No	Low	Canopy dieback and decline. EAB is likely. Suggest Removal
148-A	18	Tulip Poplar	Good	Fair	Fair	No	No	Moderate	Co-Dom leaders leaders with weakened unions.
148-B	20	Tulip Poplar	Good	Fair	Fair	No	No	Moderate	Co-Dom leaders leaders with weakened unions.
149	12	Dogwood	Poor	Poor	Poor	No	No	Low	The tree is dead. Suggest Removal
150	19	Dogwood	Poor	Poor	Poor	No	No	Low	The tree is dead. Suggest Removal
151	16	Southern Magnolia	Fair	Fair	Poor	No	No	Moderate	Does not meet specimen size criteria. Not in a tree grouping. Does not meet the tree of quality based on poor form. Suggest Removal

Tree ID	Diameter	Tree Species	Condition			Specimen Tree	Tree of Quality Tree Grouping	Suitability for Preservation	Comments
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	“X”	TQ TG	High Moderate Low	Main problems
710	13	Red Oak	Fair	Fair	Fair	No	TG	Low	Previous failures along the property line indicate root loss and a High-risk rating. Suggest Removal
711	21	Red Oak	Poor	Poor	Fair	No	TG	Low	Decay at the base indicates root loss and a High-risk rating. Suggest Removal
712	12	Red Oak	Fair	Fair	Fair	No	TG	Low	Previous failures along the property line indicate root loss and a High-risk rating. Suggest Removal
713	10	Beech	Good	Good	Good	No	TQ	High	None. Tree Care Prescription
714	8	Beech	Good	Good	Good	No	TQ	High	None. Tree Care Prescription
<u>715</u> 125									See tree #125
<u>716</u> 126	13	Southern Magnolia	Good	Good	Good	No	TQ	High	None. Tree Care Prescription
717	16	Black Cherry	Fair	Fair	Fair	Yes	No	Low	*Discussed with City Arborist and does not meet standards. Suggest Removal
718	9,15,22	Black Cherry	Fair	Fair	Poor	Yes	No	Low	The tree has beginning stages of decline of the canopy with this type and age class of tree. V-Unions with seams/split. Suggest Removal

Tree ID	Diameter	Tree Species	Condition			Specimen Tree	Tree of Quality Tree Grouping	Suitability for Preservation	Comments
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	“X”	TQ TG	High Moderate Low	Main problems
719	25	Red Oak	Fair	Fair	Good	Yes	No	Moderate	None. Tree Care Prescription
<u>720</u> 143									See tree #143

Photos





















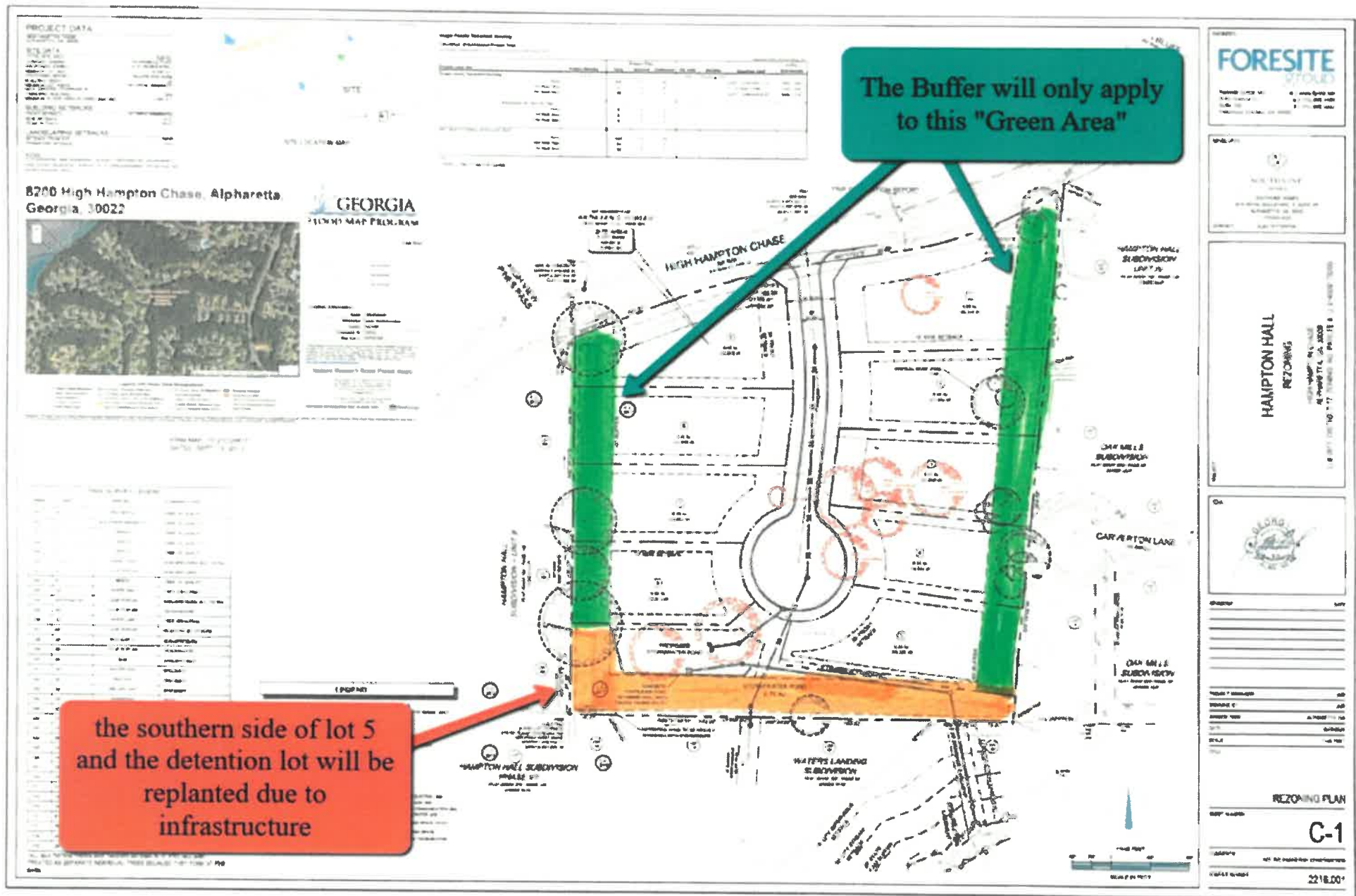
Map



Location Map



North





PLANNING COMMISSION MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

CITY COUNCIL SPONSOR: DAN MERKEL

I. AGENDA ITEM TITLE: PH-24-24 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – ‘RECREATION FACILITIES, INDOOR’, HISTORIC PRESERVATION INCENTIVES FLAG LOTS, AND PROCEDURES

PLANNING COMMISSION: DECEMBER 5, 2024

CITY COUNCIL: DECEMBER 16, 2024

II. REPORT IN BRIEF:

Consideration of text amendments to the Unified Development Code (UDC). Amend UDC Article II, Subsection 2.2.14(C) C-1 Neighborhood Commercial, Conditional Uses and Table 2.2 List of Permissible and Conditional Uses to add ‘Recreation Facilities, Indoor’ as a conditional use in the C-1 zoning district. Amend UDC Article II, Subsection 2.3.1(E) General Exemptions, Flag Lots and Subsection 2.9.5 Incentives Available to Historic Properties Following Designation to add regulations allowing flag lots as an incentive for saving a historic structure. Amend UDC Article IV Procedures related to fees associated with the public hearing process and general cleanup of the developments of regional impact subsection and building code references.

DISCUSSION

Staff recommends text amendments to Unified Development Code (UDC) Article II and IV related to ‘Recreation Facilities, Indoor’ use, flag lots as an incentive for historic preservation, and procedures.

Amend UDC Subsection 2.2.14(C) C-1 Neighborhood Commercial, Conditional Uses and Table 2.2 List of Permissible and Conditional Uses to add ‘Recreation Facilities, Indoor’ as a conditional use in the C-1 zoning district.

Amend UDC Subsection 2.3.1(E) General Exemptions, Flag Lots and Subsection 2.9.5 Incentives Available to Historic Properties Following Designation to add regulations allowing flag lots as an incentive for saving a historic structure subject to approval of an exception by City Council. Amend UDC Subsection 4.5.5(A)(2) to add incentives available to historic properties following designation as an allowable exception approved by City Council.

Amend UDC Article IV Procedures related to fees associated with the public hearing process, campaign contribution amounts, and general cleanup. Delete specific re-advertisement fee amounts and replace with a general statement indicating a “non-refundable re-advertising fee as fixed from time to time by the Community Development Director”. Increase the minimum campaign contribution requiring disclosure with a public hearing request. Consolidation of the Developments of Regional Impact subsection and clean up building code references.

III. ATTACHMENTS:

- UDC Text Amendments

SECTION 2.2 PERMITTED USE DISTRICTS AND REGULATIONS

The following provisions apply to each of the zoning districts, as noted. In addition, requirements are contained in the Supplementary Regulations and in other Sections that apply to some or all of the Zoning Districts collectively.

2.2.14 C-1 neighborhood commercial.

A. *Permitted Principal Uses.* A property in the C-1 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Residential Uses.
 - a. Dwelling, 'For-Sale'—in an existing or historic structure only.
 - b. Bed and Breakfast.
2. Business Uses.
 - a. Art Gallery.
 - b. Bakery.
 - c. Bank, Savings and Loan.
 - d. Barber Shop.
 - e. Beauty Shop.
 - f. Book Store.
 - g. Carpet and Rug Sales.
 - h. Clinic.
 - i. Dance Studio.
 - j. Day Care Center.
 - k. Drug Store.
 - l. Dry Cleaning Pick-up Station.
 - m. Fitness Studio.
 - n. Florist, Retail Without Greenhouse.
 - o. Hardware and Garden Supply Store.
 - p. Laundry, Self-Serve, Pick-up.
 - q. Nail Salon.
 - r. Office Building or Park.
 - s. Pet Day Care.
 - t. Pet Grooming.
 - u. Print Shop.
 - v. Restaurant.
 - w. Retail Sales and Services (Establishments not otherwise listed for this zoning district as a permitted or conditional use).
 - x. School, Commercial.
 - y. Shop or Studio, Craftsman/Artist.
3. Semipublic Uses, Utilities.

-
- a. Library.
 - b. Museum.
 - c. Park or Playground.
 - d. School, Academic.
- B. *Accessory Uses.* A property in the C-1 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.
- Permitted accessory structures and uses include but are not limited to the following:
- 1. Dwelling, 'For-Sale', Accessory: A 'For-Sale' accessory dwelling shall be permitted under the following conditions:
 - The dwelling shall be located above or to the rear of the commercial or office structure to which it is accessory.
 - The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.
 - The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial or office structure to which it is accessory.
 - The square footage of the dwelling shall not exceed forty percent (40%) of the combined square footage of the commercial or office structure and the dwelling.
 - The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.
 - 2. Privacy and decorative fences and walls.
 - 3. Swimming pool, tennis court, patio and other private recreation facilities.
 - 4. Clubhouse, swimming pool, or community recreation facilities serving a development.
 - 5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations, herein.
 - 6. Signs, subject to all of the requirements regulating signage herein.
 - 7. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the C-1 district may be used for any of the following only upon approval as a conditional use by the City Council:
- 1. Residential Uses.
 - a. Dwelling, Group (congregate housing, assisted living facility, nursing).
 - 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Assisted Living, Congregate housing.
 - c. Athletic Facility.
 - d. Automotive Parts.
 - e. Bowling Alley.

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- f. Brewery.
 - g. Check Cashing.
 - h. Club, association or lodge.
 - i. Contractor's Office without outside storage.
 - j. Distillery.
 - k. Funeral home with no cemetery or mausoleum.
 - l. Golf, Miniature.
 - m. Grocery Store.
 - n. Hotel/Motel.
 - o. Liquor Store.
 - p. Parking Lot, Commercial.
 - q. Pest Control Business.
 - r. Recreation Facilities, Indoor (Health Clubs, Skating Rink, Billiards, Children's event facilities, etc.)
 - s. Rental Services Establishment without outside storage.
 - t. Restaurant, with Drive-thru Window.
 - u. Retail Establishment, Mixed Sales.
 - v. Smoke Shop and Tobacco Store.
 - w. Spa Services.
 - x. Special Event Facility.
 - y. Theater, Cinema.
3. Semipublic Uses, Utilities.
- a. Auditorium.
 - b. Church, Synagogue.
 - c. Hospital.
 - d. Public Building.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. District Regulations.

Minimum Lot Area—30,000 square feet.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—45%.

Maximum Building Height—35 feet.

E. *Screening and buffers (See Sec. 2.3.5).*

(Ord. No. 704, § 2, 6-1-2015; Ord. No. 718, §§ 6—8, 12-14-2015; Ord. No. 730, §§ 3, 4, 12-5-2016; Ord. No. 741, § 4, 6-5-2017; Ord. No. 744, § 4, 7-10-2017; Ord. No. 772, § 2, 2-4-2019; Ord. No. 808, § 2(Exh. B), 9-8-2020; Ord. No. 836, § 1(Exh. A), 10-4-2021; Ord. No. 843, § 2(Exh. B), 4-18-2022)

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES

On the following table, an "O" means that the use will be permitted in that district only if a Conditional Use Permit is granted by the City Council. An "X" means that the use is permitted in the zoning district subject to the general provisions of the Unified Development Code. An "A" means that the use is permitted as an accessory use in the zoning district subject to the general provisions of the Unified Development Code. An "S" means that the use will be permitted as a subordinate use in that district if a Conditional Use Permit is granted by the City Council. For uses not included in this list or when the Director of Community Development is unable to determine placement, application shall be made to the Board of Appeals for interpretation.

USES	AG	RE	R	R-22	R-15	R-12	R-10	R-4A	R-4D	R-8A/D	R-10M	CUP*	OI*	OP	C-1	C-2	PSC	LI	OS-R	SU	MU
Adult Entertainment Establishment																		O			
Airport, Public/Private	O											O	S					O		X	
Amphitheater												O	S					X	O	X	
Animal Hospital, Small Animal (Veterinarian)	O											O	S		O	O	S	X			
Animal Hospital, Large Animal	O																	X			
Art Galleries												O	S	O	X	X	O	X			O
Asphalt Plant																		O			
Athletic Facility												O	S		O	X	S	X			O
Auditorium	O											O	S	O	O	O	S	X			
Auto Sales and Leasing (Trucks, Vans, Cars and Accessories)												O				O		X			
Automotive Parts												O			O	X	S	X			

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Automotive Service & Service Station												O	S			X	S	X			
Bakery												O	S	O	X	X	O	X			O
Bank, Savings and Loan, Mortgage Company												O	O	X	X	X	O	X			O
Barber/Beauty Shop												O	S	X	X	X	O				O
Bed and Breakfast	X	O	O	O	O						X	O		X	X	X					O
Book Store or Stationery												O	S	A	X	X	O	X			O
Bottle Gas Storage and Distribution																		X			
Boutique Hotel												O	S			O	S	O			O
Bowling Alley												O	S		O	X	S	X			
Brewery												O	S		O	O	O	X			O
Broadcasting Studio (Radio and TV)	O											O	O			X	S	X			
Builder's Equipment/Material	O											O				O		X			
Car Wash													S			O	O	X			
Carpenter Shop, Woodworking	O																	X			
Carpet and Rug Sales															X	X	O	X			
Cemetery	O																			O	
Check Cashing															O	O		X			
Church, Synagogue	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	S	X		O	O

Clinic, Public/Private													O	O	X	X	X	O				O
Club, associations, or Lodge	O			O	O	O	O	O	O	O	O	O	O	O	O	O	O	S			O	
Concrete Plant																			O			
Congregate Housing, Assisted Living Facility											O	O	O		O	O			X			O
Contractor's Office without outside storage												O	S	X	O	X			X			
Contractor's Office with outside storage												O				O			X			
Convenience Center w/Gas Pumps												O	S			X	S		X			
Country Club	O	O	O	O	O	O	O	O	O	O	O	O	S									
Dance Studio												O	S		X	X	O		X			O
Day Care Center												O	O	X	X	X	O		X			O
Discount Store																			X			
Distillery												O	S		O	O	O		X			O
Drug Store (Pharmacy)												O	O		X	X	O		X			O
Dry Cleaning, Pick- Up Station												O	S	O	X	X	S		X			O
Dry Cleaning, Plant																			O			
Dwelling, 'For-Sale', Attached								X		X	X	O					O					O

Dwelling, 'For-Sale', Detached	X	X	X	X	X	X	X		X	X		O					O				O
Dwelling, 'For-Rent'											X	O									O
Dwelling, Group											O	O	O		O	O					O
Equestrian Center	O	O	O	O	O							O								X	
Extended Stay Hotel (see Section 2.7)												O	S			O		O			
Family Day Care Home (accessory use)	X	X	X	X	X	X	X	X	X	X	X	O									
Farmlands (including Livestock, poultry)	X																				
Fire station												O	S							X	
Fireworks Sales																		X			
Fitness Studio												O	S	O	X	X	S	X			O
Florist, Retail												O	S	O	X	X	O				O
Funeral Homes with no cemetery or mausoleum												O	S		O	O	S	X			
Glass Fabrication																		O			
Golf Course, Driving Range	O	O	O	O	O	O	O	O	O	O	O	O	O					O		X	
Golf, Miniature												O	S		O	O	S			X	
Greenhouse, Nursery	O															O	S	X			
Grocery Store												O			O	X	O	X			O

Group Home, Special Care Home (accessory use)	X	X	X	X	X	X	X					O									
Hardware and Garden Supply Store												O			X	X	O	X			O
Heliport, Public/Private	O											O	O				S	X		X	O
Home Improvement Store															X	O	X				
Home-Elderly, Children, Nursing										O	O	O	O	O			X				
Hospital												O	O		O	X		X		X	
Hotel or Motel												O	S		O	O	S				O
Indoor Shooting Range																		O			
Junk/Salvage Yard																		O			
Kennel	O																	X			
Laboratory, Research Commercial												O	S					X			
Laundry, Industrial												O						O			
Laundry, Self-Serve, Pick-Up												O			X	X	O	X			
Limousine Service and Taxi (with or without outside vehicle storage)																O		X			
Liquor Store												O	S		O	X	O	X			O

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Locker, Frozen Food or Cold Storage												O						X			
Machine Shop																		X			
Manufacturing, Heavy, General																		O			
Manufacturing, Light												O	S					X			
Massage Therapy																O		X			
Medical Cannabis or Marijuana Dispensary																		O			
Mini-warehouse Storage, Conditioned or Unconditioned space																		X			
Museum and Libraries												O	O		X	X	S	X		X	O
Nail Salon												O			X	X	S	X			O
Office												O	O	X	X	X	O	X			O
Park or Playground	X	X	X	X	X	X	X	X	X	X	X	O	S	X	X	X	S	X	X	X	O
Parking Lot, Commercial												O	S		O	X	S	X			
Pawn Shop																		X			
Pest Control Business (with or without onsite chemical storage)															O	O		X			
Pet Day Care												O			X	X	S	X			

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Pet Grooming												O			X	X	S	X			O
Power Station												O						O		O	
Print Shop												O	S	A	X	X	S	X			O
Prison																				O	
Public Building												O	O	O	O	O	S	X		O	O
Recreation Facilities, Indoor (Health Clubs, Skating Rink, Billiards, Children's event facilities, etc.)												O	O		<u>O</u>	O	S	X			O
Recreational Facilities, Outdoor												O	O			O	S	X		O	O
Recycling Center																		O			
Rental Services Establishment without outside storage												O			O	X	O	X			
Rental Services Establishment with outside storage																		X			
Research and Development												O	O					X			
Restaurant												O	S	O	X	X	O	X			O
Restaurant w/Drive- thru window												O	S		O	X	O	X			
Retail Establishment												O	S	A	X	X	O	X			O
Retail Establishment (Mixed Sales)												O			O	X	O	X			

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Sawmill																		O				
School, Academic												O	O	O	X	X	S	X		X	O	
School, Commercial (Beauty, Business)												O	S	O	X	X	S	X			O	
Septic Tank, Sales, Construction																		X				
Sewage, Disposal Plant																		O				
Shop or Studio, Craftsman/Artist												O		O	X	X	S	X				
Small Appliance Repair Shop																O		X				
Smoke Shop and Tobacco Store															O	O		X				
Spa Services												O	S	O	O	O	S	X			O	
Special Event Facility	O											O	O		O	O	S	X			O	
Storage, Inside																		X				
Storage, Outside																		X				
Switching Station (Telecom)												O						X				
Tattoo Parlor and Body Piercing																		X				
Taxidermist	X																	X				
Theater, Cinema												O	O		O	O	S	X			O	
Tire Retreading																		O				
Transfer Station																		O				
Utility Substation	O	O	O	O	O	O	O	O	O	O	O	O	S	O	O	O	S	O	O	X		

Welding Shop																		X			
Wholesale Establishment												O					S	X			
Wireless Tower (subject to approval of conditional use permit in accordance with Section 2.8.7)	O											O	S			O	S	O		O	

(Ord. No. 671, § 1, 2-4-2013; Ord. No. 675, § 1, 6-3-2013; Ord. No. 692, § 1(Exh. 1), 7-21-2014; Ord. No. 703, § 1, 6-1-2015; Ord. No. 704, § 2, 6-1-2015; Ord. No. 708, § 1, 8-10-2015; Ord. No. 715, § 4, 9-28-2015; Ord. No. 718, § 14(Exh. B), 12-14-2015; Ord. No. 730, § 5, 12-5-2016; Ord. No. 741, § 5(Exh. A), 6-5-2017; Ord. No. 744, § 7(Exh. A), 7-10-2017; Ord. No. 767, § 7(Exh. C), 10-22-2018; Ord. No. 772, § 8(Exh. A), 2-4-2019; Ord. No. 808, § 2(Exh. B), 9-8-2020; Ord. No. 813, § 1(Exh. A), 10-26-2020; Ord. No. 835, § 1(Exh. B), 10-4-2021; Ord. No. 836, § 1(Exh. A), 10-4-2021; Ord. No. 843, § 2(Exh. B), 4-18-2022

SECTION 2.3 SUPPLEMENTARY REGULATIONS

2.3.1 General exemptions.

- A. *Heights—Exclusions.* The following structures are exempt from the height limitations imposed within each zoning district:
1. Church spires, cupolas, and chimneys.
 2. Agricultural accessory structures, such as barns, silos, windmills, and the like.
 3. Parapets and structures used for ornamental or aesthetic purposes not to exceed twelve (12) feet.
 4. Elevator penthouses not to exceed fifteen (15) feet.
 5. Mechanical equipment on building roofs or rooftop antennas provided any such equipment exceeding 12 feet in height shall be contained within a structure or otherwise screened from ground view from adjoining streets and properties.
- B. *Front Yard Requirements—Existing Residential Areas.* The setback requirements of this Ordinance shall not apply to any residential lot where the average setback on developed lots located adjacent to and on each side of such lot and within the same zoning district and fronting on the same street as such lot is less than the minimum required setback. In such cases, the setback of such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. In no case, however, shall setbacks be less than 15 feet.

If the adjacent developed lots on both sides of a vacant residential lot, within the same zoning district and fronting on the same street as such lot, have front yard setbacks greater than the minimum required by the zoning district, then the minimum setback on the vacant lot shall be the average of the 2 adjacent developed lots.

- C. *Double Frontage Lots.*
1. Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A landscaped or natural buffer of at least twenty feet (20'), across which shall be the right of access, shall be provided along the line of lots abutting such a traffic artery.
 2. On lots having frontage on two (2) streets, but not located on a corner, the minimum front yard setback requirement shall be provided along each street frontage.
 3. Double frontage lots shall obtain access from the street with the lower functional classification, unless this poses a safety hazard or would otherwise be impractical.
- D. *Setbacks—Exclusions.*
1. No building or structure or projection thereof, including porch, deck, terrace or chimney, shall be erected closer to a property line than the applicable setback regulation prescribed herein allows. However, uncovered steps, patio slabs, driveways, walkways, retaining walls of no more than 4' in height, and roof overhangs of up to 18" may be located within setback areas.
 2. Required setbacks may accommodate vegetated runoff reduction measures, provided such setbacks meet fire code standards. The runoff reduction measures may not compromise public safety such as the sight distance triangles required by the City.
- E. *Flag Lots.*

-
1. Flag lots are prohibited for residential development, except as permitted under UDC Subsection 2.9.5. Residential building sites must meet minimum lot width requirements at the front setback line or at twice the required front setback for cul-de-sac lots.

(Ord. No. 730, § 6, 12-5-2016; Ord. No. 732, § 2, 2-6-2017; Ord. No. 843, § 3(Exh. C), 4-18-2022)

2.3.2 Temporary uses.

The Director may authorize a temporary use, as follows:

- A. Reserved.
- B. Outdoor tent sales on property zoned and used for non-residential use, for a period not to exceed forty-five (45) days. Authorization may not be granted more than two (2) times per year, per property.
- C. Seasonal events associated with a not-for-profit on property zoned and used for non-residential use, for a period not to exceed seventy-five (75) days. Authorization may not be granted more than two (2) times per year, per property.

Seasonal Events associated with a for-profit entity on property zoned and used for non-residential use for a period not to exceed thirty (30) days. Authorization may not be granted more than four (4) times per year, per property. Seasonal events, such as an ice-skating rink, corn maze, haunted house, etc. shall be limited to activities that draw fewer than 100 people at a time.
- D. Religious meeting in a tent or other temporary structure on property zoned and used for non-residential use, for a period not to exceed sixty (60) days.
- E. Open lot sale of Christmas trees, fruit and vegetables, and other harvested products on property zoned and used for non-residential use, for a period not to exceed forty-five (45) days.
- F. Real estate sales office, related to an active development, in any district, for a period not to exceed one (1) year, provided no sleeping accommodations are maintained in the structure.
- G. Contractor's office, construction trailer and equipment shed, in any district, related to an active development, for a period of one (1) year provided that such office be placed on the property to which it is appurtenant.
- H. Commercial television or motion picture filming activities not to exceed seven (7) calendar days at any residential location, or a period not to exceed twenty-one (21) days if approved by the Mayor and Council. The director or the Mayor and Council may impose conditions to the issuance of the permit to minimize the disturbance to the residential neighborhood. These conditions may include neighborhood notification requirements, parking and traffic control, and limitations on the hours of operation. In no event shall filming activities commence prior to 7:00 a.m. or continue after 10:00 p.m.
- I. All temporary certificates of zoning compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no increased traffic congestion and will not create a nuisance to surrounding uses.
- J. The director may require City Council review and approval of any temporary uses. Carnival, circus or fair on property zoned and used for non-residential use may be permitted if approved by City Council. Site shall meet adequate parking and safety, access, noise, and security concerns and limit impacts to surrounding properties.
- K. Fireworks sales in a tent or other temporary structure in the L-1 District, for a period not to exceed ninety (90) days.

(Ord. No. 688, § 1, 4-28-2014; Ord. No. 708, § 1, 8-10-2015; Ord. No. 718, § 15, 12-14-2015; Ord. No. 808, § 3(Exh. C), 9-8-2020; Ord. No. 836, § 1(Exh. B), 10-4-2021; Ord. No. 867, § 1(Exh. A), 11-27-2023)

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2.3.3 Accessory uses and structures.

- A. *Home Occupations.* An occupation, profession or trade customarily carried on by an occupant in a dwelling unit as a secondary use which is clearly incidental to the dwelling unit for residential purposes and which meets all of the following conditions:
1. The use shall be carried on wholly within the dwelling unit principal building. The attachment of an accessory building by a breezeway, roof or similar structure shall not be deemed as sufficient for the accessory building to be considered as a portion of the primary building.
 2. Not more than 25% of the floor area, not to exceed 500 square feet, of the dwelling unit building shall be used for the conduct of the home occupation.
 3. No merchandise or articles shall be displayed for advertising purposes, nor be displayed in such a way as to be visible from outside the dwelling unit. Garage doors shall not be left in the open position when the garage is used for the storage of business related materials.
 4. No merchandise or articles shall be stored other than inside the dwelling unit.
 5. No equipment or business vehicles may be stored or parked on the premises except that 1 business vehicle (the carrying capacity of which shall not exceed 1andhalf; tons and shall not exceed six (6) tires and/or two (2) axles) used exclusively by the resident may be parked in a carport, garage or an approved parking space in the rear or side yard and not within the public street or right-of-way.
 6. A home occupation may not generate more than six non-residential trips per day to the home, excluding occupant trips.
 7. There shall be no alteration of the residential character of the dwelling unit or premises or structures on the premises.
 8. No person not a resident of the dwelling unit shall work in the dwelling unit in connection with the home occupation. This prohibition shall also apply to independent contractors and employees who serve the resident of the dwelling unit.
 9. One (1) off-street paved parking space for each 250 square feet of floor area devoted to the home occupation shall be provided in addition to the required parking for residential use of the building.
 10. No motor power, other than electrically operated motors, shall be used and the total horsepower of such motors shall not exceed 3 horsepower or 1 horsepower for any single motor.
 11. No nameplate or sign shall be displayed upon the dwelling unit or structure on the premises except 1 unlighted sign not exceeding 1 square foot in area and located not less than 20 feet from any property line.
 12. No aspect of the home occupation which is noticeable to neighbors shall be conducted between the hours of 9:00 p.m. of one evening and 7:00 a.m. of the next day.
- B. *Swimming Pools.* All swimming pools shall comply with the following requirements:
- Construction Plan:* An application for a permit to construct a swimming pool shall be submitted to and approved by the Building Official.
- Pool Location:* Swimming pools and their auxiliary structures shall maintain a 20' setback from side and rear property lines or the same setback as the principle structure, whichever is less. Swimming pools shall not be located within the required front yard of any lot or closer to the front lot line than the principal building on the lot. Pools may also not be located within a buffer or easement.

Accessory Buildings: Pool houses, cabanas and other structures related to a swimming pool shall be subject to all of the requirements for "accessory buildings" and shall maintain a minimum 10 foot setback from side and rear lot lines or the same setbacks as the principal.

Fencing: All swimming pools shall be enclosed by a fence that is at least 5 feet in height and constructed so as not to pass a four inch (4") diameter sphere through any opening. The fence must be maintained in good condition and shall be self-closing and self-latching. The fencing shall be located so as to not obstruct visibility at road intersections.

- C. *Uses Customarily Accessory to Dwellings Located in Residential Zoning Districts.* Each of the following uses is considered to be a customary accessory use to a dwelling, and as such, may be situated on the same lot with the principal use to which it serves as an accessory provided that the setback and yard requirements are met and provided that the accessory structure is not located closer to a road than the principal structure. No such accessory use shall be more than 20% in size of principal use or be located in a required front yard.
1. Private garage not to exceed the following storage capacities; 'For-Sale' dwelling, 4 automobiles; 'For-Rent' dwelling, 2 automobiles per dwelling unit; group dwelling, 1½ automobiles per sleeping room. Structures shall maintain a 10 foot setback from rear and side lot lines or the same setbacks as the principal building, whichever is less.
 2. Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed above; and provided that such space shall not be used for more than 1 commercial vehicle licensed as 1 ton or more in capacity per family residing on the premises.
 3. Shed or tool room for the storage of household goods or equipment used in grounds or building maintenance. Structures shall maintain a 10 foot setback from rear and side lot lines or the same setbacks as the principal building, whichever is less.
 4. Miscellaneous free-standing structures such as gazebos shall maintain a 10 foot setback from lot lines or the same setbacks as the principal building, whichever is less.
 5. Children's playhouse and play equipment.
 6. Quarters for the keeping of pets owned by occupants for non-commercial purposes provided that such use does not generate a nuisance to adjoining properties. Such quarters shall maintain a 20 foot setback from rear and side lot lines.
 7. Private swimming pool and bathhouse or cabana. Swimming pool shall maintain a 20 foot setback from side and rear lot lines, or the same setback as the principle structure whichever is less. All other structures shall maintain a 10 foot setback from side and rear lot lines or the same setbacks as the principal building, whichever is less.
 8. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes. Same setbacks shall apply as for the principal building.
 9. Backyard chickens on minimum 1-acre properties with a single-family detached dwelling, limited to no more than 6 chickens and no roosters allowed. Associated structures (chicken coop, run, etc.) shall maintain a minimum 25' setback from the rear and side property lines. Chicken coop and run shall not exceed 9' in height. No chickens shall be permitted within any undisturbed water buffers, wetlands, or regulated floodplain.

(Ord. No. 833, § 1(Exh. A), 7-26-2021)

2.3.4 Standards for dwelling, 'for-sale', detached houses.

- A. All detached 'For-Sale' dwellings shall meet or exceed the following requirements in addition to the requirements of all applicable Building Codes:
1. Each dwelling shall be connected to a potable water supply and sanitary sewage disposal system approved by the Fulton County Development Services Department.
 2. Foundation: The structure shall be attached to a permanent foundation constructed in accordance with the Building Code.
 3. Exterior siding: Exterior siding materials shall consist of wood, brick, stone, concrete, stucco, EIFS or similar materials, or lap siding of masonite, vinyl or similar materials, or any combination of the above.

The exterior siding shall extend the full height of the exterior walls, from the surrounding grade to the bottom of the eaves or other juncture with the roof.
 4. Roofs: All roof surfaces shall have a minimum pitch of 2.25:12 (2¼ inches of rise for every 12 inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, clay tiles, slate, standing seam metal or similar materials.
 5. Houses shall be at least 20 ft. in width.
 6. A porch or hard surfaced landing shall be provided at each exterior door and stairway top and bottom, which shall be at least as wide as the door it serves, but no less than 36 inches in width and 36 inches in depth.

2.3.5 Buffers and landscape requirements.

See UDC Section 3.2.8.

(Ord. No. 718, § 16, 12-14-2015; Ord. No. 732, §§ 3, 4, 2-6-2017; Ord. No. 737, § 1, 5-1-2017; Ord. No. 739, 5-1-2017)

2.3.6 Fence and wall requirements.

- A. *Height.* Height of fences and walls used as fences shall not exceed six (6) feet on residential property and eight (8) feet on non residential property. These limits may be exceeded by up to 50% on sloped lots where the appearance of an even fence line is desired.
- B. *Location on Property.* In order to prevent the obstruction of visibility, no walls, fences, shrubbery or hedges over three (3) feet in height shall be located within twenty (20) feet of an intersection of two or more streets or within ten (10) feet of the edge of a driveway leading to a street. Fences and walls shall be placed at least five (5) feet from required landscape strips and buffers to accommodate construction and maintenance unless approved otherwise at a public hearing.
- C. *Materials.* Fences and walls used as fences shall be made of wood which shall be protected from decay by the use of naturally durable wood or wood that is pressure treated, metal, brick, block, vinyl or stone. The use of plywood/sheet goods as a material is prohibited. Barbed, razor wire or electrically charged fencing shall be permitted in AG and RE districts and may be permitted, subject to administrative review and approval, in other districts.
- D. *Appearance.* All fencing shall be constructed with finished side facing away from the property owners property. Fences and walls used as fences shall not be finished with bright or primary colors or be visually distracting in any other way. A privacy fence or chainlink fence along a public or private right-of-way shall only be permitted when the required landscape strip and associated landscape material is provided. Privacy

and chainlink fences shall be prohibited in a front yard, except that the Director of Community Development, or designee, may approve a privacy fence in the front yard on collector or arterial streets.

- E. *Permit.* A permit for construction shall not be required to erect a fence or wall used as a fence which is built in accordance with these standards. Signage incorporated into such fences shall require a sign permit.
- F. *Multi-use Trails.* A fence or wall along a public multi-use trail shall be setback at least ten feet (10') from the trail, shall not be opaque and shall not exceed five feet (5') in height.

(Ord. No. 720, § 1, 2-22-2016; Ord. No. 808, § 3(Exh. C), 9-8-2020; Ord. No. 864, § 1(Exh. A), 10-16-2023)

SECTION 2.9 HISTORIC PRESERVATION INCENTIVE ZONING

2.9.1. Purpose.

In support and furtherance of its findings and determination that the historical, cultural, and aesthetic heritage of the City of Alpharetta, Georgia is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of the people; and

In order to encourage property owners to maintain historic buildings and structures and to protect and enhance local historical and aesthetic attractions to residents and tourists and thereby promote and stimulate business; and

In order to encourage property owners to provide for the conservation, preservation, restoration, rehabilitation, and permanent protection of historic buildings and their adjacent lands;

The Mayor and Council of the City of Alpharetta, Georgia ("City Council") hereby declares it to be the purpose and intent of this Section, which shall also be known as the "Historic Preservation Incentive Zoning Ordinance," to establish incentive zoning regulations that are applicable to properties containing significant historic resources in order to encourage and promote the protection, enhancement, perpetuation, and use of buildings and properties having special historical, cultural, archeological, or aesthetic interest or value. The incentives and regulations set forth in this Section have been created in support of the policies of revitalization and preservation of historic buildings and the historic character of the community provided in the Comprehensive Plan and the Downtown Master Plan. The provisions of this Section are further intended to promote the Downtown Master Plan's goal of encouraging the development and redevelopment of properties in Downtown Alpharetta while also preserving historic buildings and maintaining the historic character of Downtown Alpharetta. To promote these objectives, these zoning incentive regulations have been specifically developed for properties that have been designated "historic" in accordance with the procedures for designation established herein.

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.2 Definitions.

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Application for Designation means a formal written request in a form specified by the Community Development Department that the Historic Preservation Commission and City Council consider a property for possible designation as a historic property.

Building means a structure created to shelter any form of human activity, such as a house, barn, church, courthouse, hotel, or similar structure.

Designation (of a historic property) means a decision by the City Council to officially identify and designate a property as a "historic property" in accordance with the procedures set forth in Subsection 2.9.4, and thereby establish the applicability of zoning incentives and other benefits set forth herein for historic preservation and prohibit all material changes in appearance of such property prior to the issuance of a certificate of appropriateness by the Historic Preservation Commission. Such designation is further intended to serve as the local designation of a historic property in order to govern the applicability of other City ordinances, codes, and regulations containing provisions that reference or apply to "historic" buildings, structures or properties when the subject provision does not otherwise expressly limit same to buildings, structures or properties listed on the National or State Register of Historic Places.

Exterior Architectural Features means the architectural style, general design, and general arrangement of the exterior of a building, structure, or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

Exterior Environmental Features means all aspects of the landscape or the development or appearance of a site which affect the historic character of the property.

Historic Property means a building and the adjacent area of land necessary for the proper appreciation thereof, including structures or objects of historical value located thereon and adjacent historical sites, designated by the City Council as a historic property pursuant to the criteria established in Paragraph B of Subsection 2.9.4.

Material Change in Appearance means a change that will affect the exterior architectural or environmental features of a historic property, such as:

- (1) A reconstruction or alteration of the size, shape, or facade of a historic property, including but not limited to, relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;
- (2) Demolition or relocation of a historic building, or any structure or object of historical value located on the historic property;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way; or
- (5) The erection, alteration, restoration, or removal of any building or structure located on a historic property, including but not limited to walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations utilizing colors from the "Historic" or "Williamsburg" color palettes by Benjamin Moore (or equivalent colors of another manufacturer matching the foregoing color palettes) as further described in Section 16-44 of the Code of the City of Alpharetta, Georgia.

Object means a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Site, Historical or Site means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined or vanished where the location itself maintains historical, or archeological value regardless of the value of any existing structure.

Substantial Alteration means any singular material change in appearance or the cumulative effect of a series of material changes in the appearance of a contributing historic building or a designated historic property (1) that does not comply with the standards set forth in Paragraph G of Subsection 2.9.7, including the U.S. Secretary of the Interior's Standards and Guidelines, and (2) for which the cost to cure or remedy such violation(s) (through the performance of preservation, restoration or rehabilitation measures complying with the foregoing standards) and restore the property to the condition existing at the time of designation (or at the time of completion of any subsequent alterations pursuant to a certificate of appropriateness) exceeds fifty [percent] (50%) of the current value of the property.

2.9.3 Historic Preservation Commission.

- A. Creation of the Historic Preservation Commission. There is hereby created a City commission whose title shall be the "Alpharetta Historic Preservation Commission" (hereinafter, the "HPC").
- B. HPC members: Number, Appointment, Terms, and Compensation. The HPC shall consist of seven (7) members. The mayor and each council member shall each appoint one (1) member to the commission, to serve concurrently with and at the pleasure of the mayor or council member making the appointment. There shall be no limit on the number of terms a member may serve on the HPC. HPC members must be residents of the City. At least four (4) members of the HPC shall have demonstrated special interest, experience, or education in history, architecture or historic preservation. HPC members shall not receive a salary, although they may be reimbursed for expenses with the prior approval of the city administrator.
- C. Statement of the HPC's Power. Without limiting authority provided elsewhere in this, or any other, ordinance, the HPC shall be authorized to:
 - 1. Prepare, update and maintain an inventory of all properties and buildings within the City having the potential for designation as a historic property and recommend historic buildings for listing in the City's Historic Resources Inventory — Contributing Historic Buildings;
 - 2. Recommend to the City Council specific buildings (and adjacent land) to be designated by ordinance as a historic property;
 - 3. Recommend to the City Council that any designation of a historic property be removed;
 - 4. Conduct public hearings on all applications for designation of a historic property;
 - 5. Review applications for certain benefits available to historic properties, as may be delegated to the HPC by the City Council, and make recommendations or otherwise provide its approval (with or without modifications) or denial of same, as applicable;
 - 6. Review historic preservation plans and make recommendations or otherwise provide its approval (with or without modifications) or denial of same, as applicable, in accordance with the provisions of this Section;
 - 7. Recommend design guidelines for historic properties, not inconsistent with this Section, for adoption by the City Council;
 - 8. Subject to funding availability and with the prior approval of the City Council, undertake the restoration or preservation of any historic properties acquired by the City;
 - 9. Promote any and all programs related to historic properties established by the City, including the acquisition by the City of facade easements and conservation easements, as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act (O.C.G.A. §§ 44-10-1 through 44-10-8);
 - 10. Conduct educational programs on historic properties located within the City;
 - 11. Make such investigations and studies of matters relating to historic preservation, including consultation with historic conservation or preservation experts, as the City Council may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
 - 12. Upon request of the City Council, recommend to the City Council other possible historic preservation incentive programs for their review;

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13. Retain persons with professional expertise to carry out specific tasks, if necessary, subject to approval by the City Council;
 14. Work with designated members of City staff, who will serve as liaisons between HPC and the City Council; and
 15. Review and perform such other duties and functions as expressly delegated to the HPC by the City Council.
- D. Proceedings of the HPC.
1. The HPC shall conduct a public hearing prior to making a recommendation on any application for designation of a historic property, the removal of designation of a property as historic, and any application for a certificate of appropriateness, including any such applications initiated by the HPC.
 2. The HPC shall elect a Chairperson and a Vice Chairperson from its members who shall serve for one year or until reelected or until their successors are elected. Public hearings of the HPC shall be held in accordance with a schedule established by the Director. Other meetings of the HPC shall be held at the call of the chairperson and at such other times as the HPC may determine. All meetings of the HPC shall be open to the public and comply with the Georgia Open Meetings Act and the Zoning Procedures Law, when applicable.
 3. A majority of the voting members of the HPC shall constitute a quorum. The vote of a majority of the HPC members present and voting at a meeting at which a quorum is present shall be necessary to affirm any decision or recommendation. The HPC may establish bylaws, not inconsistent with this Section, the City Charter, or other ordinance of the City. Any bylaws of the HPC shall be ratified by the City Council before becoming effective.
 4. The Director, or his/her designee, shall serve as a non-voting secretary to the HPC. The secretary shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of public record.
- E. Conflict of Interest. The HPC shall be subject to all conflict of interest laws set forth in the Georgia Statutes, the City Charter, and the City Code of Ethics and Conduct.
- F. HPC's Authority to Receive Funding from Various Sources. Subject to the City Council's prior approval, the HPC shall have the authority to accept donations on behalf of the City and shall ensure that these funds do not displace appropriated governmental funds. The HPC shall be subject to and comply with the City Code of Ethics and Conduct.
- G. Records of HPC Meetings. A public record shall be kept of the HPC's resolutions, proceedings, and actions. Reports to the City Council will also be made on a regular and timely basis.

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.4 Recommendation and designation of historic properties.

- A. Preliminary Research by HPC.
1. Survey of Local Historic Resources. The HPC shall compile and collect information on historic resources within the City, including the preparation and maintenance of an inventory of all property within the City having the potential for designation as historic. Records shall be maintained in accordance with the City's records management plan.
 2. Recommendation for Historic Designation. Pursuant to the procedure provided herein for consideration of properties for designation as historic, the HPC shall present to the City Council

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- recommendations regarding the designation of historic properties. Notwithstanding any other provision of the UDC or City Code to the contrary, the HPC, not the Planning Commission, shall make recommendations to the City Council regarding the designation of a historic property.
3. Documentation Supporting Recommendation for Designation of Historic Property. Prior to the HPC's recommendation to the City Council of a property to designate as historic, the HPC shall prepare a report for recommendation consisting of:
 - a. A detailed physical description of the proposed historic property; and
 - b. A statement of the historical, cultural, architectural, and/or aesthetic significance of the proposed historic property; and
 - c. A map showing the boundaries of the proposed property; and
 - d. A statement justifying the boundaries of the proposed property; and
 - e. Representative photographs of the proposed property.
- B. Criteria for Designation of a Historic Property. In order to be designated a historic property, the property must be an individual building, structure or parcel of land that meets the following criteria:
- a. Is of historic, cultural, aesthetic or architectural significance to the City, the region, the State, or the nation; or
 - b. Possesses historic integrity (in terms of its location, design, setting, materials, workmanship, feeling, and association) for all periods related to the significance of the property; and
 - c. Is deemed worthy of preservation (and the benefits available due to such status) by reason of value to the City, the region, the State, or the nation for one or more of the following reasons:
 - i. It is an outstanding example of a building representative of its era and over 75 years old;
 - ii. It is one of the few remaining examples of a past architectural style or type and over 75 years old; or
 - iii. It is a place associated with an event or person(s) of historic or cultural significance to the City, the region, the State, or the nation and over 75 years old.
- C. Procedure for Designation of Historic Properties.
1. Application for Designation of Historic Property. An application for designation of a historic property or historic properties may be submitted by:
 - a. The owner of the subject property; or
 - b. The City Council, via majority vote, subject to the written consent of the property owner(s); or
 - c. The HPC, via majority vote, subject to the written consent of the property owner(s).
 2. Required Components of Designation Ordinance. Any ordinance designating any property as historic shall:
 - a. List and describe the proposed individual historic property or properties;
 - b. Set forth the name(s) of the owner(s) of the proposed historic property or properties;
 - c. Show the property or properties on the official zoning map of the City of Alpharetta, Georgia, with the letters "HP" (historic property) added to the zoning designation for the subject property in order to keep and maintain a public record providing notice of such designation (e.g., property zoned R-15 and designated as a historic property pursuant to this Ordinance/Section shall be shown as R-15HP on the official zoning map).

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3. **Public Hearings.** The HPC and the City Council shall each hold a public hearing on any proposed ordinance for the designation of a historic property. Such public hearings may be held on the same date. The HPC shall make a recommendation to the City Council and the City Council will take final action. At least thirty (30) days but not more than forty-five (45) days prior to each public hearing, notice shall be published in a newspaper of general circulation within the City. The notice shall state the time, place and purpose of the hearing. Written notice of the hearing shall be mailed not less than thirty (30) nor more than forty-five (45) days prior to the date set for the public hearing. A notice sent via the United States mail to the last known address of the property owner as such address appears in the City ad valorem tax records and a notice sent to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this section. Such public hearings and the provisions of notice for same shall otherwise be performed in a manner consistent with the requirements of the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1, et seq.) and the City public hearing process for a proposed zoning change as provided in Section 4.2; provided, however, the HPC, not the Planning Commission, shall serve as the recommending body to the City Council in regard to such matters.
 4. **Notification of Historic Preservation Division.** No less than thirty (30) days prior to making a recommendation on any ordinance designating a property as historic, the HPC must submit the report, required in Subparagraph A.3. of this Subsection, to the Historic Preservation Division of the Department of Natural Resources.
 5. **Recommendation on Proposed Designation.** A recommendation to affirm, modify, withdraw, or reject the proposed ordinance for designation shall be made by the HPC following the public hearing and shall be in the form of a resolution to the City Council.
 6. **City Council Action Following HPC's Recommendation.** Following receipt of the HPC recommendation, the City Council may adopt the ordinance for designation as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.
 7. **Notification of Adoption of Ordinance for Designation.** Within thirty (30) days following the adoption of the ordinance for designation by the City Council, the owners and occupants of each designated historic property shall be given written notification of such designation by the City Council, which notice shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property. A notice sent via the United States mail to the last-known owner of the property shown on the City of Alpharetta tax digest and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this Section.
 8. **Notification of Other Agencies Regarding Designation.** The HPC shall notify all necessary agencies within the City of the ordinance for designation.
 9. **Moratorium on Applications for Alteration or Demolition while Designation is Pending.** If an ordinance for designation is being considered, the HPC shall notify the permitting division of the Community Development Department. No permit of any kind shall be issued for work which would constitute a material change in the appearance of a building, structure, site, or landscaping located on the proposed property until the proposed ordinance is adopted or rejected by the City Council or otherwise withdrawn by the applicant.
- D. **Effect of Historic Property Designation.** Subject to a property owner's compliance with regulations set forth herein, the designation of a "historic property" makes additional zoning and other benefits available to owners of such properties, which may be used at their option. After the designation by ordinance of a historic property, no material change in the appearance of such historic property shall occur or be permitted to be made by the owner or occupant thereof unless or until an application for a certificate of

appropriateness has been submitted to and approved by the HPC, as further set forth herein. Such designation is further intended to serve as the local designation of a historic property in order to govern the applicability of other City ordinances, codes, and regulations, including building and construction codes, containing provisions that reference or apply to "historic" buildings, structures or properties when the subject provision does not expressly limit same to buildings, structures or properties listed on the National or State Register of Historic Places or otherwise define same.

- E. Removal of Designation. After a property has been designated as a historic property, such designation may thereafter be rescinded and removed by the City Council by the adoption of an ordinance to remove such designation. The adoption of such an ordinance and the procedures applicable thereto shall be consistent with the procedures required for the designation of a property as historic. The City Council may remove such designation upon a finding that the property no longer meets the subject criteria for designation or when it otherwise finds such removal to be in the public interest.

(Ord. No. 712, § 1(Exh. A), 9-8-2015; Ord. No. 738, § 2, 5-1-2017; Ord. No. 802, § 1(Exh. A), 7-20-2020; Ord. No. 859, § 1(Exh. A), 6-26-2023)

2.9.5 Incentives available to historic properties following designation.

Following designation by the City Council and subject to compliance with the regulations and provisions set forth in this Section 2.9 and any other applicable City, State or federal ordinances, statutes, laws, or regulations, owners of historic properties may utilize or are otherwise eligible for the following zoning incentives, construction code exemptions and other benefits, as applicable:

- A. Zoning and Development Incentives. The following zoning incentives and benefits are available to historic properties, as applicable:
1. Permitted Residential Uses in C-1 and C-2 Districts. 'For-Sale' Dwelling is a permitted principal use for historic properties located within the C-1 and C-2 zoning districts.
 2. Permitted Mixed-Use.
 - a. Historic properties with non-residential principal use: May utilize up to 40% of the heated interior square footage of the principal building for a residential ('For-Sale' dwelling) use. The use of the residence is restricted to the property owner or tenant of the non-residential portion of the building.
 - b. Historic properties with residential principal use located in Downtown Alpharetta: May utilize up to 40% of the heated interior square footage of the principal building for a non-residential use, as listed below, provided no more than two (2) total employees and/or independent contractors, who do not also reside at the property, shall be allowed to work in the premises in connection with such non-residential use at any one time. No more than one (1) patron per 250 sq. ft. of gross floor area may patronize the non-residential space at any one time. Except as previously provided, the use of non-residential portion of the building is restricted to the property owner or tenant of the residence. Non-residential uses are limited to the following permitted uses:
 - i. Art gallery;
 - ii. Barber shop, with no more than two (2) chairs;
 - iii. Beauty shop, with no more than two (2) chairs;
 - iv. Bed and Breakfast;
 - v. Book store;

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- vi. Florist;
 - vii. Medical office, no surgery; and
 - viii. Professional office.
3. Open Space and Amenity Space.
- a. General. The area of a historic property incorporated into a development as a community amenity may be applied to and included as part of the minimum area required to be set aside as open space pursuant to regulations and requirements governing the CUP District, Conservation Subdivisions, and the Downtown Overlay District.
 - b. Permitted Uses. In addition to the uses allowed for an open space pursuant to the underlying zoning regulations or conditions of zoning, provided such use is not otherwise prohibited by this Section 2.9, the property may be used as a community amenity or amenity space for use by the occupants, licensees or guests of the development.
 - c. Lot and Development Requirements. The minimum lot size of a historic property eligible for use as an amenity/open space shall be 4,500 square feet. The area of the historic property shall be designated on any required site plans and/or development plans and shall be subdivided and platted as an individual lot of record on the final plat. To the greatest extent practicable, the layout of the development shall be designed in a manner that allows the historic property to serve as a focal point of the surrounding neighborhood and the community. Other development improvements should be planned and designed in a manner that provides maximum visibility of the historic property from public right-of-way exterior to the development or subdivision. The use of the historic property shall be restricted in perpetuity, or for such other term of years as required by the City, through the use of an approved legal instrument, as further set forth herein.
 - d. Additional Requirements - Permanent Protection of Historic Property. An applicant or owner seeking to utilize a historic property as an open space or amenity space shall be required to comply with the additional requirements regarding the ownership, preservation and maintenance of the historic property, including the execution and recording of an instrument providing for the permanent protection of the historic property, set forth in Paragraph F below.
4. Setback Reduction.
- a. Side setbacks required per the underlying zoning regulations may be reduced by up to 50%.
 - b. Rear setbacks required per the underlying zoning regulations may be reduced by up to 25%.
5. Parking reduction. Parking for office and commercial uses may be reduced up to 50%. Historic properties within Downtown Alpharetta shall not be required to contribute to the Parking Fund as a result of parking reduction.
6. Flag Lots. A flag lot may be permitted on a property designated as historic after consideration of an exception by City Council.
- B. Building, Construction and Property Maintenance Code Exemptions. Designated historic properties may be exempt from certain building, construction and property maintenance code regulations.
- 1. Building and Construction Code Exemptions. The following types of exemptions from building and construction code requirements and other regulations are available to certain historic properties based on the provisions of the subject code, as determined by the building official:

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- a. Exemptions from the International Energy Conservation Code;
 - b. Exemptions from and compliance alternatives to certain requirements of the International Building Code (See Section 8-29 of the Code of the City of Alpharetta, Georgia) regarding the construction, repair, alteration, addition, restoration, and movement of buildings or structures, and change of occupancy, provided the subject condition does not constitute a distinct life safety hazard;
 - c. Exemptions from certain flood hazard area requirements;
 - d. Exemptions from the International Fire Code (See Section 8-29 of the Code of the City of Alpharetta, Georgia); and
 - e. Exemptions from (or compliance alternatives to) Americans with Disabilities Act (ADA) regulations and other related code regulations providing standards for accessibility.
 - 2. International Property Maintenance Code Exemptions. Compliance with requirements of the International Property Maintenance Code may not be mandatory for historic properties when such buildings or structures are determined to be safe and in the public interest of health, safety, and welfare by the code official.
- C. State and Federal Tax Incentive Programs. Several state and federal tax incentive programs are available to owners who rehabilitate historic properties listed, or certified as eligible for listing, in the Georgia Register of Historic Places or National Register of Historic Places, as applicable, including the State Preferential Property Tax Assessment for Rehabilitated Historic Property, the State Income Tax Credit for Rehabilitated Historic Property, and the Federal Rehabilitation Investment Tax Credit (RITC). The HPC provides additional information regarding such programs. The provisions set forth in this Paragraph are provided for information purposes only and do not constitute any representation, commitment or assurance by the City regarding a property owner's qualification for such tax incentive programs or the continuation of such programs.
- D. Economic Incentives—Facade Grants. Subject to the City Council's adoption of an ordinance(s) providing for the appropriation of funding for the subject grant program and annual appropriations thereafter, historic properties are eligible to receive facade grants for the purpose of funding improvements for the preservation, restoration or rehabilitation of historic properties. In addition to meeting any and all other requirements of the City facade grant program for historic properties, as approved by the City Council, an owner of a historic property receiving facade grant funds shall be required to convey to the City a facade easement complying with the applicable requirements set forth in Paragraph F below. Further, any and all proposed improvements constituting a material change in the appearance of the historic property shall require the prior approval of a certificate of appropriateness by the HPC. Notwithstanding any other provision hereof to the contrary, nothing set forth in this Paragraph shall be deemed to create or confer any vested rights to such grant funds or create any obligation of the City to grant or otherwise appropriate funds for the aforementioned purposes. The City's award of facade grant funds in accordance with any facade grant program is subject to funding availability and, in accordance with O.C.G.A. § 36-30-3, any facade grant program may be terminated immediately and absolutely if the City determines that adequate funds are not appropriated or funds are de-appropriated such that the City cannot sufficiently fund the subject grant program, which determination is at the City's sole discretion and shall be conclusive.
- E. Other Available Benefits and Incentives. The following additional benefits and incentives are available to historic properties:
- 1. Free Design Assistance from the HPC. The HPC provides pre-application technical and design assistance regarding proposed preservation, restoration and/or rehabilitation work and its conformance with the U.S. Secretary of the Interior's Standards and Guidelines to owners of

historic properties applying for a building permit or seeking to rezone historic property to the TDR-HC Overlay District.

2. Historic Property Plaque. The City will install a plaque on or within the public right-of-way adjacent to each property designated as historic by the City Council.
- F. Requirements to Provide for Permanent Protection of Historic Property — Open/Amenity Spaces and Facade Grants.
1. Applicability. In order to provide for the permanent protection of historic properties utilizing certain incentives and benefits, the following historic properties shall comply with the addition regulations set forth in this Paragraph, as applicable:
 - a. Historic properties used as open space or amenity space; and
 - b. Historic properties receiving facade grants.
 2. Responsible Party for Preservation and Maintenance of Open/Amenity Space. The fee simple owner of the historic property used as an open or amenity space shall be responsible for preserving and maintaining the historic property. The options for ownership and responsibility for preservation and maintenance of the historic property shall be as follows:
 - a. The owner of the lots or parcels of the subject development if under common ownership may be the owner of the historic property.
 - b. Property Owners' Association. A property owners' association established in accordance with the Georgia Property Owners Association Act, O.C.G.A. § 44-3-220 et seq., may be the owner of the historic property. Membership in the association shall be mandatory and automatic for all property owners of the development or subdivision for which the historic property serves as open space. Prior to the approval [of] a land disturbance permit, the developer shall submit to the Director a description of the property owners' association, including by-laws, and methods for maintaining the historic property. Prior to the issuance of a land development permit, a permanent restrictive covenant (per O.C.G.A. § 44-5-60(c)) providing for the preservation and maintenance of the historic property shall be recorded and run with the land, or a conservation easement may be conveyed in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1, et seq., as further provided herein.
 - c. Land Trust or Non-profit organization. A land trust or non-profit organization, which is primarily operated for the purpose of preserving historic properties and possesses the legal authority to own such real property in fee simple interest, may be the owner of the historic property.
 3. Enforcement. In the event the party responsible for the preservation and maintenance of the historic property fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner and may include administrative costs and penalties; if a property owners' association is the owner, such costs may be charged to such association or to the individual property owners that are members of the property owners' association, and such costs shall become a lien on all properties of the development or subdivision until paid in full.
 4. Historic Preservation Plan. A historic preservation plan shall be submitted to the HPC for review and approval by owners of historic properties used as open or amenity space (prior to the approval of a land disturbance permit) and owners of historic properties to whom facade grant funds are conditionally awarded (prior to the tender of grant funds by the City). The historic

preservation plan shall establish an ongoing maintenance and preservation program for the historic property in order to ensure that the essential features of the historic property that enable it to convey its historical identity and significance are maintained in an excellent condition and the overall condition of the historic property is maintained in a good condition in the future. The historic preservation plan shall provide that any changes to such plan shall require the approval of the HPC. Preservation measures and required maintenance required for compliance with the ongoing preservation and maintenance program for the historic property, as required by the Historic Conservation Plan, shall be performed in a manner consistent with the United States Secretary of the Interior's Standards for Preservation and Guidelines for Preserving Historic Buildings. The historic preservation plan shall be reviewed and considered for approval by the HPC in accordance with the procedures set forth herein.

5. Legal Instrument for Permanent Protection.

- a. The historic property shall be protected by a binding legal instrument recorded with the Fulton County Clerk of Superior Court. Notwithstanding the use of the term "permanent", the duration of the restrictions and obligations set forth in the legal instrument (providing for the continued preservation of the historic property) shall be for such term of years as determined to be reasonable by the City, considering the benefit received by the subject property owner, the useful life of the subject building, and other similar criteria. Facade easements granted to the City in consideration of facade grant funds shall meet the requirements set forth below for conservation easements, except such easements must be in favor of the City, as holder of the easement. For historic properties used as open/amenity space, the instrument of permanent protection, which shall be placed on the historic property at the time of issuance of a land disturbance permit, shall be one of the following:
 - (i) Conservation Easement. A permanent conservation easement, in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1, et seq., in favor of either a:
 - (a) Land trust or historic preservation oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - (b) Governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City, then a third-party right of enforcement favoring the City shall be included in the easement; or
 - (ii) Permanent Restrictive Covenant. A permanent restrictive covenant for conservation purposes in favor of a governmental entity with an interest in pursuing goals compatible with the purposes of this Section; or
 - (iii) Other. Subject to the approval of the City, an equivalent legal tool that provides permanent protection.
- b. The legal instrument for permanent protection shall:
 - (i) Describe the features of the historic property that should be permanently protected;
 - (ii) Provide the duration of the covenants set forth therein, which shall run with the land for such minimum term of years as required by the City;

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- (iii) Clearly identify the boundaries of the historic property by survey and a metes and bounds legal description;
 - (iv) Clearly list the restrictions applicable to the historic property, which shall include such restrictions regarding the use, building and development of the property, as necessary, to comply with and carry out the obligations set forth in this Section and the historic preservation plan, as well as any further restrictions the applicant chooses to place on the use of the historic property not in conflict herewith;
 - (v) Provide for inspections of such property by the owner, the holder of the easement, and the City;
 - (vi) Provide for maintenance of such property in accordance with the requirements of the historic preservation plan and this Section;
 - (vii) Be shown on a certified survey and duly recorded with the Fulton County Clerk of Superior Court prior to the issuance of a land disturbance permit;
 - (viii) Provide for amendments only with the express written permission of the property owner(s), the holder of the easement, and the City. Amendments to the legal instrument for permanent protection shall be filed with the Director and shall be recorded with the Fulton County Clerk of Superior Court; and
 - (ix) Be subject to the review and approval by the City Attorney's office and include such additional terms and provisions as deemed necessary to protect the City's interest.

c. Additional Requirements for Conservation Easements. In addition to the foregoing requirements, the conservation easement(s) shall:

- (i) Comply with the requirements set forth in The Georgia Uniform Conservation Easement Act, O.C.G.A. 44-10-1 et seq.;
- (ii) List the parties, that is, the owner(s) of such property, the holder of the easement, and, if required by the City, a person with a third-party right of enforcement;
- (iii) Provide a third-party right of enforcement favoring the City if the City is not the grantee/holder of the easement; and
- (iv) Specify how the easement may be transferred, as in the case of dissolution of the property owners' association or non-profit organization.

(Ord. No. 712, § 1(Exh. A), 9-8-2015; Ord. No. 802, § 1(Exh. A), 7-20-2020; Ord. No. 819, §§ 2, 3, 1-11-2021)

2.9.6 Historic resources inventory—Contributing historic buildings.

A. Findings; Purpose and Intent.

1. The City Council finds: (a) the City contains a stock of historic buildings and structures that contribute to the historic, cultural, aesthetic, architectural, or other heritage of the City of Alpharetta; (b) such historic buildings and structures impart a distinct and distinguished appearance to the City of Alpharetta that is of benefit and attractive to residents, tourists and visitors; (c) the preservation, protection and perpetuation of these historic buildings and structures is essential to the promotion of the health, prosperity, and general welfare of the people; (d) the traditional character and heritage of the community cannot be maintained and the health, prosperity, and general welfare of the people

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- cannot be protected by allowing the unnecessary destruction, demolition, removal or defacement of these buildings and structures that are important or essential to defining the community's character; (e) the adaptive reuse of historic buildings or structures has proven to be an economically feasible and potentially profitable alternative to demolition and should be promoted; and (f) the economic feasibility and the viability of adaptive reuse of these historic buildings and structures should be evaluated by the City Council prior to the demolition of such historic resources.
2. This Subsection is intended to provide for the preservation, protection and perpetuation of those certain historic buildings and structures that contribute to the City's historic, cultural, aesthetic, architectural or other heritage, and which impart a distinct and distinguished appearance to the City of Alpharetta that is of benefit and attractive to residents, tourists and visitors, consistent with and in furtherance of the interests, policies and goals of the City: (a) to preserve historic buildings and maintain the traditional and historic character of the community, as set forth in the Comprehensive Plan and the Downtown Master Plan; (b) to foster civic pride in the beauty and accomplishments of the past; (c) to stabilize and protect the aesthetic and economic vitality of such buildings; (d) to protect and promote local historical and aesthetic attractions to residents, tourists and visitors and thereby promote and stimulate business in the City; and (e) to provide for the opportunity and ability to further promote and encourage the protection, enhancement, perpetuation, and use of such buildings by property owners. To further implement these policies and objectives, the purpose of this Subsection is to establish reasonable regulations to prevent the unnecessary destruction, demolition, removal or defacement of such significant buildings.
- B. Established. In order to help carry out the goals and policies of the City's Comprehensive Plan, the Downtown Master Plan and this Ordinance, an official inventory listing and identifying those certain historic buildings that (a) contribute to the City's historic, cultural, aesthetic, architectural, or other heritage, and (b) are at least seventy-five (75) years old is hereby established and designated as the City of Alpharetta Historic Resources Inventory - Contributing Historic Buildings (the "Historic Resources Inventory - Contributing Historic Buildings"). Those certain historic buildings identified in the Comprehensive Plan, Downtown Master Plan and/or which are otherwise found by the City Council to meet the foregoing criteria as of the date of adoption of this Ordinance, as set forth in Appendix A hereof, are hereby listed on the Historic Resources Inventory - Contributing Historic Buildings. The Historic Resources Inventory may be amended from time to time, with buildings added to or removed therefrom, by the City Council's adoption of an ordinance to amend same. The Historic Resources Inventory shall further serve as a resource document for reviewing and evaluating proposed development on the subject sites and surrounding properties, as well as a foundation for identifying properties eligible for designation as historic properties.
- C. Effect of Listing on City's Historic Resources Inventory. The principal building of a property listed on the Historic Resources Inventory - Contributing Historic Buildings shall be deemed a "contributing historic building."
- D. Requirements for Demolition, Removal or Substantial Alteration of a Contributing Historic Building. The demolition, removal (or relocation) or substantial alteration of a contributing historic building shall be prohibited without the prior approval of the City Council following a public hearing. No building permit involving the demolition, removal or substantial alteration of a contributing historic property shall be issued by the City without the City Council's prior approval of such demolition, removal or substantial alteration. Permits for demolitions, removals or substantial alterations that comply with a zoning change or redevelopment plan that has previously been approved by the City Council shall not require any further approval by the City Council. Whenever an application for a demolition, building or other permit that involves the demolition, removal or substantial alteration of a contributing historic building is submitted to the Building Official or other responsible City department, such application shall be forwarded to the Director for determination as to whether same requires a public hearing and approval by the City Council.

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1. Standard for Approval. A request to demolish, remove or substantially alter a contributing historic building shall be approved by City Council upon a finding that any such denial will result in a significant detriment to the property owner that is not justified by the benefit to the public resulting from the preservation, protection and perpetuation of such building.
 2. Factors for Consideration. In considering a request to demolish, remove or substantially alter a contributing historic building, the City Council shall consider the following criteria:
 - a. Any substantial changes in circumstances that have occurred since the contributing historic building was added to the Historic Resources Inventory;
 - b. The proposed building or redevelopment plans for the property on which the contributing historic building is located;
 - c. The impact of the proposed demolition on any remaining portion(s) of the building, if applicable;
 - d. The economic hardship which may be experienced by the present owner if the application is denied;
 - e. The present condition of surrounding buildings, and the current level of repair and maintenance of neighboring buildings;
 - f. The potential of the building for renovation and reuse and the cost and extent of possible renovation;
 - g. The degree to which the contributing historic building is out of scale or out of character with surrounding land uses;
 - h. Whether due to the location of the property and surrounding land uses, the restrictions placed on such property adversely affect its reasonable use or usability; and
 - i. Whether there is a reasonable balance between the public benefit from the preservation, protection and perpetuation of the property and the detriment to the owner as a result of prohibiting the request.

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.7 Application to HPC for a certificate of appropriateness.

- A. Approval of Material Change in Appearance of Historic Property. After the designation by ordinance of a historic property, no material change in the appearance of such property shall occur or be permitted to be made by the owner or occupant thereof unless or until an application for a certificate of appropriateness has been submitted to and approved by the HPC. A building permit applicable to a historic property shall not be issued without a certificate of appropriateness.
- B. Submission of Plans to HPC. An application for a certificate of appropriateness shall be accompanied by such drawings, photographs, plans and documentation as required by the HPC.
- C. Interior Alterations. In its review of an application for a certificate of appropriateness, the HPC shall not consider interior arrangement or use having no effect on exterior architectural features, other than the existence of adequate heating, cooling and ventilation systems necessary for the preservation of the subject building.
- D. Technical Advice. The HPC shall have the power to seek technical advice from outside its members on any application.
- E. Public Hearings, Notices, and Right to be Heard. The HPC shall hold a public hearing at which each proposed certificate of appropriateness is discussed. At least thirty (30) days but not more than forty-five (45) days

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prior to each public hearing, notice shall be published in a newspaper of general circulation within the City. The notice shall state the time, place and purpose of the hearing. Written notice of the hearing shall be mailed not less than thirty (30) nor more than forty-five (45) days prior to the date set for the public hearing to all owners and occupants of the subject property. The public hearing shall be conducted according to the procedures established in Section 4.2.

F. Acceptable HPC Action on Applications for Certificates of Appropriateness.

HPC action: The HPC may (i) approve the application for a certificate of appropriateness as proposed; (ii) approve the application for a certificate of appropriateness with any modifications it deems necessary; or (iii) reject the application for a certificate of appropriateness.

G. Design Standards for Proposed Material Changes. Any material change in appearance to a historic property shall comply with the following minimum standards:

1. General Standards. All material changes in the appearance of exterior architectural features of the historic property shall conform with the United States Secretary of the Interior's Standards for the Treatment of Historic Buildings with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (the "U.S. Secretary of the Interior's Standards and Guidelines"), as applicable.
2. Street-Facing Facades. All street-facing facades must be compatible with the existing or original structure:
 - a. The proportion between the width and height of the proposed alterations must be compatible with any street-facing facade of the existing or original structure.
 - b. The proportions and relationships between doors and windows in street-facing facades must be compatible with the existing or original structure.
 - c. Any alterations consisting of side additions to a street-facing facade must have a minimum setback of twelve (12) inches from the plane of the existing street-facing facade, and any associated roofline must have a minimum setback of twelve (12) inches from the existing roof line.
 - d. The following exceptions to the foregoing minimum setback requirements will be permitted where there is, on the effective date, an existing side addition or side porch to a street-facing facade:
 - i. An existing open-air porch that does not comply with the 12-inch setback requirement may be enclosed within the existing plane of the porch; and
 - ii. An existing side addition that does not comply with the 12-inch setback requirement may be extended a further five (5) feet to the side of the same plane as the existing side addition.
3. Height and Roof Shapes. The height of the proposed alterations must be compatible with the existing building or structure. The design of the roof and any dormers must be compatible with the existing roof and dormers. Any alterations must preserve the existing or original roof ridge, roof pitch and overhangs of the existing or original building or structure and new or altered dormers must be compatible with the typical styles of dormers associated with the original building or structure.
4. Architectural Details. Architectural details and materials must be incorporated as necessary to relate the new with the old and to preserve and enhance the character-defining features of the existing or original building or structure. Windows may be replaced as long as they contain real or simulated divided lights, grille patterns, sizes and shapes that are compatible with the typical style of windows

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- associated with the original building or structure and otherwise comply with the requirements of this subparagraph.
5. Retention of Original Structure. After completion of the proposed alterations:
 - a. 100% of the existing street-facing facade width and height must be retained intact consistent with the other requirements of this ordinance.
 - b. At least 75% of the floor area of the original structure must remain. Interior renovations and any restoration to match the original will not be deducted in determining compliance with the 75% requirement.
 6. Landscape Requirements. Landscaping in front yards shall be subject to the following standards:
 - a. Trees greater than six (6) inches in diameter shall be conserved, whenever possible;
 - b. Plantings and landscapes that are significant in defining the character of a property or area shall be retained;
 - c. Diseased or deteriorated plantings and landscapes that are significant in defining the character of a property or area shall be replaced with healthy specimens of identical or similar species, and the landscape shall be retained; and
 - d. Landscaping in front yards shall be designed to reflect the period or style of the principal structure on the property.
- H. Standards for Approval. The HPC shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property. In making this determination, the HPC shall consider, in addition to whether the proposed material change(s) in the appearance comply with the foregoing design standards any other pertinent factors, the following criteria:
1. For restoration, renovation, rehabilitation, reconstruction, alteration, or new construction:

Whether the proposed actions conform in design, scale, building material, setback and site features and to the United States Secretary of the Interior's Standards [for] the Treatment of Historic Buildings with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, as applicable.
 2. For relocation:
 - a. The historic character and aesthetic interest of the building, structure, or object contributes to its present setting;
 - b. Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
 - c. Whether the building, structure, or object can be moved without significant damage to its physical integrity; and
 - d. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site, or object.
 3. For demolition:
 - a. The historic, scenic, or architectural significance of the building, structure, site, or object;
 - b. The importance of the building, structure, site, or object to the ambiance of the area;
 - c. The difficulty or impossibility of reproducing such a building, structure, site, or object because of its design, texture, material, detail, or unique location;

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- d. Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood or the city;
 - e. Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;
 - f. Whether reasonable measures can be taken to save the building, structure, site, or object from collapse; and
 - g. Whether the building, structure, site, or object is capable of earning reasonable economic return on its value.
 - I. Undue Hardship. When, by reason of unusual circumstances, the strict application of any provision of the ordinance would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the HPC, in passing upon applications, shall have the power to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, modifications, interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the HPC may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Section. An undue hardship shall not be a situation of the person's own making.
 - J. Deadline for Approval or Rejection of Application for a Certificate of Appropriateness.
 - 1. The HPC shall approve, reject or otherwise act on an application for a certificate of appropriateness within sixty (60) days after the filing thereof by the owner or occupant of a historic property, building, structure, object or historical site. Evidence of approval shall be by a certificate of appropriateness issued by the HPC. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States certified mail to the applicant and all other persons who have filed a written request for such notice with the HPC.
 - 2. Should the HPC fail to approve or reject an application for a certificate of appropriateness within sixty (60) days the application shall be deemed automatically approved; provided, however, that such sixty (60) day period may be extended an additional thirty (30) days if consideration of an application for a certificate of appropriateness is tabled by the HPC.
 - K. Notice and Effect of HPC's Rejection of Application for a Certificate of Appropriateness.
 - 1. In the event the HPC rejects an application for a certificate of appropriateness, the HPC shall state its reasons for doing so, and shall transmit a record of such rejection and reasons, in writing, to the applicant. The HPC may suggest alternative courses of action it thinks proper if it rejects the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after making said plan modifications.
 - 2. In cases where the application for a certificate of appropriateness covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the HPC shall be binding upon the building official or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.
 - L. Requirement of Conformance with a Certificate of Appropriateness.
 - 1. All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the HPC may request that the City obtain a cease and desist order from the appropriate tribunal and all work shall cease.

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2. The City Council or the HPC may, initiate any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property, except those changes made in compliance with the provisions of this Section or to prevent any illegal act or conduct with respect to such historic property.
- M. Certificate of Appropriateness Void if Construction Not Commenced.
1. A certificate of appropriateness shall become void unless the work described in the application for a certificate of appropriateness as approved by the HPC has commenced within six (6) months of the date of issuance.
 2. A certificate of appropriateness shall expire after eighteen (18) months unless said certificate is renewed. A certificate of appropriateness may be renewed for a single eighteen (18) month period. An application for renewal must be submitted to the Community Development Director prior to the expiration of the original certificate of appropriateness. The Director shall approve the application for renewal provided the project is not in violation of any city ordinance.
- N. Record of Application for Certificate of Appropriateness. The HPC shall keep a public record of all applications for a certificate of appropriateness, and of all the HPC's proceedings in connection with said application. These records shall be maintained in accordance with the City's records management plan.
- O. Appeals. Any person adversely affected by any determination made by the HPC relative to the issuance or denial of an application for a certificate of appropriateness may appeal such determination to the City Council. Any such appeal must be filed with the City Council within thirty (30) days after the issuance of the determination pursuant to Subparagraph J.1. of this Subsection, or in the case of a failure of the HPC to act, within thirty (30) days of the expiration of the sixty (60) day period allowed for HPC action, as set forth in Subparagraph J.2. of this Subsection. The notice and procedures of any such appeal shall be conducted in accordance with the procedures established in Section 4.2. The City Council may approve, modify, or reject the determination made by the HPC if the governing body finds that the HPC abused its discretion in reaching its decision. Decisions of the City Council are final and may only be appealed by application for a writ of certiorari to the Superior Court of Fulton County, which must be filed within thirty (30) days of the date of the decision.

(Ord. No. 712, § 1(Exh. A), 9-8-2015; Ord. No. 859, § 1(Exh. A), 6-26-2023)

2.9.8 Maintenance of historic properties; building and zoning code provisions.

- A. Ordinary Maintenance or Repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material, or outer appearance thereof, does not require a certificate of appropriateness.
- B. Failure to Provide Ordinary Maintenance or Repair. Property owners of historic properties shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The HPC shall be charged with the following responsibilities regarding deterioration by neglect:
1. The HPC shall monitor the condition of historic properties to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, and the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
 2. In the event the HPC determines a failure to provide ordinary maintenance or repair, the HPC will notify the owner of the property and set forth the steps which must be taken to remedy the situation. The owner of such property will have thirty (30) days to perform such remedial measures. A building permit may be required to accomplish the necessary remedial measures.

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3. In the event that the condition is not remedied in thirty (30) days, the owner shall be deemed to be in violation of this Section.
- C. Affirmation of Existing Building and Zoning Codes. Nothing in this Section shall be construed as to exempt property owners from complying with existing City building, development, and zoning codes; provided, however, owners of historic properties may be exempt from certain requirements of such codes as expressly provided herein and/or pursuant to the provisions of the subject code(s).

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.9 Violations.

The remedies and penalties set forth herein are nonexclusive and the exercise of one or more of such remedies or penalties shall not preclude the exercise of another. In addition to the other remedies provided for herein, violations of the provisions of this Section shall be enforced, prosecuted and punished in the same manner as set forth in Article V of the Unified Development Code of the City of Alpharetta. Additionally, the City may take all necessary civil action to enforce the provisions hereof and may seek appropriate legal or equitable remedies or relief, including injunctive relief. Further, violations of this Section may constitute due cause for the revocation or removal of the "historic designation" from the property, which shall require the adoption of an ordinance to revoke or remove such designation in accordance with procedures consistent with the procedures required for the designation of a historic property. Further, if a historic property is demolished, removed or relocated without a certificate of appropriateness or in violation of any condition of a certificate of appropriateness, or in the event of a substantial alteration to the historic property, the following restrictions, in addition to any other penalties or remedies set forth in this Section, shall be applicable to the lot or parcel on which the building or structure comprising the historic property was formerly located:

The lot or parcel shall be deemed a nonconforming lot for a period of five (5) years after the date of such demolition, removal, relocation or substantial alteration. No building or other permits will be issued for the construction or development of any improvements on the lot or parcel for a period of five (5) years after the date of such demolition, removal, relocation or substantial alteration, except for permits approving building or construction activities undertaken to cure the violation to the extent that the violation is curable, as evidenced by the HPC's approval of a certificate of appropriateness for same. Notwithstanding the foregoing restrictions, the City may issue permits for improvements necessary for the immediate protection and preservation of life and/or property of other persons.

The remedies set forth for in this Section are in addition to and cumulative of all other remedies provided by law.

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.10 Appeals.

To the extent not otherwise provided herein, any person adversely affected by a determination made by the HPC may appeal such determination to the City Council. Any such appeal must be filed within thirty (30) days of the date of the subject determination. The notice and procedures of any such appeal shall be conducted in accordance with the procedures established in Section 4.2. Decisions of the City Council are final and may only be appealed by application for a writ of certiorari to the Superior Court of Fulton County, which must be filed within thirty (30) days of the date of the decision.

(Ord. No. 712, § 1(Exh. A), 9-8-2015; Ord. No. 859, § 1(Exh. A), 6-26-2023)

ARTICLE IV. PROCEDURES

SECTION 4.1 COMPREHENSIVE LAND USE PLAN AMENDMENTS

The Comprehensive Land Use Plan (CLUP) may be amended from time to time for specific properties on the CLUP Future Land Use Map by the City Council under the procedures hereinafter specified. Such changes are referred to as "CLUP amendments" in the Ordinance.

4.1.1 Initiation.

- A. A proposed change in the land use designation on the Future Land Use Map may be initiated by the City Council, the Planning Commission, or by any person who owns property within the City. Unless initiated by the City Council or the Planning Commission, all such applications shall be initiated by the owner of a majority interest in the property affected.
- B. Any other proposal to change or amend the Comprehensive Land Use Plan shall only be initiated by the City Council or the Planning Commission and shall be considered under the requirements of the *Minimum Standards and Procedures for Local Comprehensive Planning* as adopted by the Georgia Department of Community Affairs, in lieu of the procedures herein.
- C. A CLUP amendment initiated by a property owner shall be submitted to the Director within filing deadlines and on application forms prepared by the Community Development Department. The application forms and filing deadlines shall be published and made available to the public. All applications not filed by the City shall be accompanied by a non-refundable fee as fixed from time to time by the Community Development Department.
- D. An application for a CLUP amendment affecting the same property shall not be considered by the City Council more often than once every 12 months; provided, however, that the City Council may approve a reduction in the waiting period.

4.1.2 Public hearing process.

Before taking final action on a proposed CLUP amendment, the Planning Commission and the City Council each shall hold a public hearing on the proposal. The Director shall publish the schedule of the public hearing dates on an annual basis, along with application filing deadlines.

A. Public Notice.

1. Notification to the General Public.

- a. At least fifteen (15) days but not more than forty-five (45) days prior to each public hearing, notice shall be published in a newspaper of general circulation within the City. The Director shall prepare such notice, which shall state the time, place and purpose of the hearing.
- b. If a CLUP amendment is to be heard at the public hearing then:
 - (1) The notice in addition to the requirements above, shall include the location of the property, the present land use designation of the property and the proposed land use designation of the property; and

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- (2) The Director shall post, at least fifteen (15) days prior to the public hearing, on a conspicuous place on the property for which an application has been submitted, a sign or signs stating the date, time and place for the public hearing, and the public hearing case number.
 2. *Notice to Surrounding Property Owners:* If the proposed CLUP amendment affects only one (1) property, notice shall also be given to the surrounding property owners as follows:
 - a. At least ten (10) days prior to the first public hearing at which the amendment will be considered, the Director shall cause a notice to be mailed to the:
 - (1) All persons owning record title to the property located within 500 feet of the property that is the subject matter of amendment.
 - b. The notice shall state the time, place and purpose of the hearings by the Planning Commission and the City Council. The written notice shall be mailed to the last known address of the property owners as such addresses appear on the Fulton County ad valorem tax records.
 3. *Associated Applications for Zoning or Conditional Use.* If an application for a CLUP amendment is associated with a proposal to rezone property or to obtain approval of a conditional use, the public notice for the CLUP amendment and the zoning change and conditional use may be combined.
- B. *Public Hearings.*
1. The following procedures shall govern public hearings for purposes of considering applications as specified in this Section.
 - a. Presiding officer. The public hearing shall be conducted by the presiding officer.
 - b. Requirements for speakers. Persons wishing to speak in support (including the applicants and designated representative) or opposition to any application shall provide their name and address on the specified form to City staff prior to speaking at the public hearing. In addition, each person shall be required to disclose any campaign contributions/gifts equal to or greater than ~~\$100~~ \$250 given to any City elected official within two (2) years of the public hearing date.
 - c. Time limits. Speakers at the public hearing shall be allowed not less than ten (10) minutes per side, provided, however, that the presiding officer may at his or her discretion elect to extend this time period equally to proponents and opponents.
- C. *Planning Commission.*
1. The Director or his or her designee shall submit each proposed CLUP amendment to the Planning Commission, together with the staff recommendation.
 2. The Planning Commission shall review and take action upon each CLUP amendment after holding a public hearing.
 3. The Planning Commission by majority of those voting may recommend approval or denial or make any other recommendation it deems appropriate.
 4. The recommendation of the Planning Commission and that of the Director, together with the minutes of the Planning Commission hearing at which the CLUP amendment is reviewed, shall be submitted to the City Council. If the Planning Commission does not act upon the CLUP amendment at its public hearing, the amendment shall process forward to the City Council without a recommendation from the Planning Commission. No member of the Planning

Commission shall rule on a matter in which he or she has a financial interest, directly or indirectly.

D. City Council.

1. The Director or his or her designee shall present each proposed CLUP amendment to the City Council, together with the staff recommendation. The Director or his or her designee shall also present the recommendation of the Planning Commission if it differs from the staff recommendation.
2. Following the public hearing, action may be taken by the City Council by majority of those voting approving or rejecting the proposal, or allowing withdrawal if so requested by the applicant (with or without prejudice), or the City Council may table the proposal for consideration at its next regular meeting, or the City Council may refer the matter back to the Planning Commission for further consideration.

E. *Referral to Planning Commission for Further Consideration.*

1. The Director shall conduct such further studies as appropriate and shall present any CLUP amendment to the Planning Commission that has been heard by the City Council and referred back to it for further consideration. Public notice of the Planning Commission and City Council's hearings shall be given in the same manner as prescribed herein, and the Planning Commission shall conduct its public hearing and take action as described above.
2. After the Planning Commission's rehearing and action on the referred application, the City Council shall hold a public hearing on the CLUP amendment, following the same procedures set forth for its hearings, above.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.1.3 Standards for CLUP amendment approval.

The Planning Commission and the city council shall consider the following in evaluating a CLUP amendment, giving due weight or priority to those factors particularly appropriate to the circumstances of the application:

- A. The extent to which a change in the economy, land use or development opportunities of the area has occurred.
- B. The extent to which the proposed designation is in compliance with the goals and policies of the Plan.
- C. The extent to which the proposed designation would require changes in the provision of public facilities and services.
- D. The extent to which the proposed designation would impact the public health, safety, and welfare.
- E. The extent to which additional land area is needed to be developed for a specific type of use.
- F. The extent to which area demographics or projections are not occurring as projected.

4.1.4 Withdrawal and deferral.

- A. Any applicant wishing to withdraw a proposed CLUP amendment shall file a written request for withdrawal with the Director.
 1. If the request for withdrawal is received prior to the publication of notice for the public hearing, the CLUP amendment shall be withdrawn administratively by the Director without prejudice or restriction on the refiling of a proposed CLUP amendment on the property.

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2. Should any request for withdrawal be made by the applicant at the City Council's public hearing, the CLUP amendment shall remain on the public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the City Council.
- B. Any applicant wishing to defer a proposed CLUP amendment shall file a written request for a deferral with the Director.
1. A written request may be received by the Director up to three times for any CLUP application. The first two deferral requests may be granted by the Director. A third deferral request requires Planning Commission or City Council approval.
 2. Each written request for deferral shall be accompanied by a non-refundable re-advertising fee as fixed from time to time by the Community Development Department ~~\$100.00 re-advertising fee established by the Director.~~

(Ord. No. 718, § 19, 12-14-2015)

4.1.5 State of Georgia oversight.

- A. *Applications.* A proposed CLUP amendment shall be submitted by the applicant to the Atlanta Regional Commission as a Comprehensive Plan Amendment prior to submission of the application to the City if the proposed CLUP Amendment qualifies as a Development of Regional Impact as described under section 4.2 Rezoning and Conditional Uses.
- B. *Major Amendments.* If the city Council, at their public hearing, determines that the CLUP amendment is a "major amendment" under the State guidelines in that it is justified only because the conditions or policies underlying the Comprehensive Land Use Plan have changed significantly so as to alter the basic tenets of the Plan, then no action shall be taken on the amendment until the review process mandated by the State's Minimum standards and Procedures for local Comprehensive Planning shall have been completed.

4.1.6 Effect.

Approval of a CLUP amendment shall be in full force and effect upon its approval or upon the stated effective date thereof.

SECTION 4.2 REZONING, TEXT AMENDMENTS AND CONDITIONAL USES

The Official Zoning Map may be amended from time to time and conditional uses may be approved for specific properties by the City Council under the procedures hereinafter specified. In addition, changes in the conditions of approval may also be approved by the City Council following the procedures in this section. All of these types of actions shall be referred to as "zoning changes", along with the following: 1. Adoption of the zoning ordinance or text amendments to the ordinance; 2. Rezoning of land; 3. The approval of a masterplan or an amendment to a masterplan.

4.2.1 Initiation.

- A. An application for a zoning change may be initiated by the City Council, the Planning Commission, the Director, or by any person who owns property within the City. Unless initiated by the City Council, the Planning Commission or the Director, all such applications shall be initiated by the owner of a majority interest in the property affected.
- B. All applications shall be submitted to the Director within filing deadlines and on application forms adopted from time to time by the Community Development Department. The application forms and filing deadlines on a public hearing scheduled shall be published and made available to the public. All applications shall be

accompanied by a non-refundable fee as fixed from time to time by the Community Development Department. A fee shall not be charged if the City or Planning Commission initiates an application.

- C. An application for a zoning change affecting the same property shall not be considered by the City Council more often than once every 12 months; provided, however, that the City Council may approve a reduction in the waiting period to no less than six (6) months.
- D. 1. No application shall be accepted or reviewed for completeness pertaining to a property on which delinquent taxes, assessments, fees, fines, or is otherwise indebted to the City until the taxes, assessments, debts, or property that is not in compliance with applicable City codes and ordinances shall be accepted or reviewed for completeness until the property is brought into compliance, or until an arrangement satisfactory to the Director has been made for bringing the property into compliance.
- 2. It shall be the Applicant's responsibility to provide evidence or proof that (i) all taxes and fees have been paid, or that other arrangements have been made for payment of said taxes, fees, etc. and/or (ii) the property has been brought into compliance or that arrangements have been made to bring the property into compliance.

(Ord. No. 720, § 3, 2-22-2016; Ord. No. 825, § 1, 4-19-2021)

4.2.2 Public hearing process.

Before taking final action on a proposed zoning change, the Planning Commission and the City Council each shall hold a public hearing on the proposal. The Director shall publish a schedule of the public hearing dates on an annual basis, along with the application filing deadlines.

A. Notification to the General Public.

- 1. At least fifteen (15) days but not more than forty-five (45) days prior to each public hearing, notice shall be published in a newspaper of general circulation within the City. The Director shall prepare such notice, which shall state the time, place and purpose of the hearing.
- 2. A zoning change initiated by a party other than the City Council or the Planning Commission shall be heard at a public hearing only upon:
 - a. The notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property or the conditional use requested; and
 - b. The Director shall post, at least fifteen (15) days prior to the public hearing, on a conspicuous place on the property for which an application has been submitted, a sign or signs stating the date, time and place for the public hearing, and the public hearing case number.
 - c. Notice to Surrounding Property Owners. If the proposed zoning change affects only one (1) property, notice shall also be given to surrounding property owners as follows:
- 3. At least ten (10) days prior to the first public hearing at which a zoning change will be considered, the Director shall cause a notice to be mailed to all persons owning record title to property located within 500 feet of the property that is the subject matter of the zoning change.
- 4. The notice shall state the time, place and purpose of the hearings by the Planning Commission and the City Council. The written notice shall be mailed to the last known address of the property owners as such addresses appear on the Fulton County ad valorem tax records.
- 5. Citizen Participation. The applicant shall be required to complete a Citizen's Participation Plan which includes notification to property owners.

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- a. Prior to the Public Hearing, the Applicant shall cause a notice to be mailed to:
 - (1) All persons or property owner's associations owning record title to the property located within 500 feet of the property that is the subject matter of amendment.
 - b. The notice shall state the time, place and purpose of the Public Hearing as well as a summary of applicant's request. The written notice shall be mailed to the last known address of the property owners as such addresses appear on the Fulton County ad valorem tax records.
 - c. At the time of Public Hearing Application Submittal, the applicant shall provide the following information in the Citizen Participation Form - Part A:
 - (1) Method by which these individuals will be contacted.
 - (2) Method by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.
 - d. Prior to the scheduled Public Hearing The applicant shall provide to the Director in the Citizen Participation B Report:
 - (1) A Sample of any and all written communications used to provide notification. Failure to do so may result in cancellation of the scheduled hearing.
 - (2) A list of people who have been notified of this application and provided information describing the subject proposal. ALL adjoining property owners MUST be notified.

B. *Public Hearings.*

- 1. The following procedures shall govern public hearings for purposes of considering applications as specified in this Section.
 - a. Presiding officer. The public hearing shall be conducted by the presiding officer.
 - b. Requirements for speakers. Persons wishing to speak in support (including the applicants and designated representative) or opposition to any application shall provide their name and address on the specified form to City staff prior to speaking at the public hearing. In addition, each person shall be required to disclose any campaign contributions/gifts equal to or greater than ~~\$100~~ \$250 given to any City elected official within two (2) years of the public hearing date.
 - c. Time limits. Speakers at the public hearing shall be allowed not less than ten (10) minutes per side, provided, however, that the presiding officer may at his or her discretion elect to extend this time period equally to proponents and opponents.

C. *Associated Applications for CLUP Amendments or Variances.* If an application for a zoning change is associated with a proposed Comprehensive Land Use Plan amendment or exception variance, the public notice for the zoning change may be combined with the public notice required for the associated applications. Any notice for an associated variance shall not be required to comply with the timing requirements set forth in Section 4.5.2 and shall instead be required to comply with the requirements of subsection (A) above.

- 1. The Director shall submit each application to the Planning Commission, together with a report of the Director's findings and a recommendation. The Planning Commission shall review and take action upon each application after holding a public hearing. In making a recommendation on each application, the Planning Commission shall follow the standards set forth under this Section.

The recommendation of the Planning Commission and that of the Director, together with the minutes of the Planning Commission hearing at which the application is reviewed, shall be submitted to the City Council. If the Planning Commission does not act upon an application, the Director may take it to the City Council without a recommendation from the Planning Commission. No member of the Planning Commission shall rule on a matter in which he or she has a financial interest.

(Ord. No. 687, § 1, 3-17-2014; Ord. No. 710, § 1, 8-10-2015; Ord. No. 720, § 4, 2-22-2016; Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.2.3 Standards for zoning changes.

A. *Zoning Map Amendments (Rezoning).*

1. In order to be approved, a rezoning must be in conformity with the designation for the property on the Future Land Use Map contained in the Comprehensive Plan, as most recently amended.
2. The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:
 - a. Whether the zoning proposal will permit a use that is suitable in view of the zoning, use and development of adjacent and nearby property.
 - b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
 - c. Whether the zoning proposal will adversely affect the natural environment.
 - d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned.
 - e. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of public facilities or services, including, but not limited to, existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.
 - f. Whether the zoning proposal is supported by new or changing conditions not anticipated or reflected in the existing zoning on the property.
 - g. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality or general welfare against the right to unrestricted use of property.
 - h. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.
 - i. The extent to which the zoning proposal is consistent with the Comprehensive Plan.

B. *Conditional Use Standards.* A conditional use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria at a public hearing and satisfactory provisions or arrangements are made for:

1. Access into and out of the property with regard to traffic and pedestrian safety, volume of traffic flow, and emergency vehicles, as well as the type of street providing access;
2. The extent to which refuse areas, loading and service areas, off street parking, and buffers and screening are provided on the property;

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3. Ensuring that the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;
 4. Ensuring that the conditional use will not increase local or state expenditures in relation to the cost of servicing or maintaining neighboring properties;
 5. Ensuring that the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and
 6. Ensuring that the location and character of the conditional use is considered to be consistent with a desirable pattern of development for the city, in general.
 7. Ensuring that the conditional use is appropriately separated from similar uses and conflicting uses, such as residences, government buildings, parks, churches or schools.

C. *Planning Commission Recommendation.*

1. The Director or his or her designee shall submit each application to the Planning Commission, together with the staff recommendation.
2. The Planning Commission shall review and take action on each application after holding a public hearing.
3. The Planning Commission by majority of those voting may recommend approval, approval with conditions, or denial, or may request that the City Council refer the application back to the Planning Commission for further study or make any other recommendation it deems appropriate.
4. The recommendation of the Planning Commission and that of the staff, together with the minutes of the Planning Commission public hearing at which the application is reviewed, shall be submitted to the City Council. If the Planning Commission does not act upon the application at its public hearing, the amendment shall process forward to the City Council without a recommendation from the Planning Commission.

D. *City Council.*

1. The Director or his or her designee shall present each application to the City Council, together with the staff recommendation. The Director or his or her designee shall also present the recommendation of the Planning Commission if it differs from the staff recommendation.
2. Following the public hearing, action may be taken by the City Council by majority of those voting approving, approving with conditions, or rejecting the proposal, or allowing withdrawal if so requested by the applicant (with or without prejudice), or the City Council may table the proposal for consideration at its next regular meeting, or the City Council may refer the matter back to the Planning Commission for further consideration.
3. If the application for a zoning change is associated with a proposed amendment to the Comprehensive Land Use Plan or an application for an exception variance, the City Council shall first take action on the CLUP amendment.
 - a. If the CLUP amendment is denied, the zoning change may not be approved unless conformity to the purpose and intent of the CLUP and the land use designation of the Future Land Use Plan Map is achieved.
 - b. If the CLUP amendment is approved, action may then be considered on the proposed zoning change.
 - c. If the zoning change is denied, the exception/variance may not be approved.

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- d. If the zoning change is approved, with or without conditions, action may then be considered on the proposed exception/variance.
- E. *Referral to Planning Commission for Further Consideration.*
1. The Director shall conduct such further studies as appropriate and shall present any application to the Planning Commission that has been heard by the City Council and referred back to it for further consideration. Public notice of the Planning Commission and City Council's hearing and take action as described above.
 2. After the Planning Commission's rehearing and action on the referred application, the City Council shall hold a public hearing on the application, following the same procedures set forth for its hearings, above.
- F. *Change in Conditions of Approval.* Any application that proposes a change in the conditions of approval previously established by the City Council through action on a zoning change shall be reviewed in light of the standards set forth in this section for a map amendment or conditional use, as appropriate.
- (Ord. No. 807, § 3(Exh. C), 9-8-2020; Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.2.4 Withdrawal and deferral.

- A. Any applicant wishing to withdraw a proposed zoning change shall file a written request for withdrawal with the Director.
1. If the request for withdrawal is received prior to the publication of notice for the public hearings, the application shall be withdrawn administratively on the refiling of a proposed zoning change on the property.
 2. Should any request for withdrawal be made by the applicant at the City Council's public hearing, the application shall remain on the public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the City Council.
- B. Any applicant wishing to defer a proposed zoning change shall file a written request for deferral with the Director.
1. A written request may be received by the Director up to three times for any zoning application. The first two deferral requests may be granted by the Director. A third deferral request requires Planning Commission or City Council approval.
 2. Each written request for deferral shall be accompanied by a non-refundable re-advertising fee as fixed from time to time by the Community Development Department \$100.00 re-advertising fee established by the Director.

(Ord. No. 718, § 19, 12-14-2015)

4.2.5 Developments of regional impact.

- A. Any application that would result in a zoning change that meets or exceeds the development of regional impact thresholds listed in the Rules of Georgia Department of Community Affairs Chapter 110-12-7 Developments of Regional Impact: Alternative Requirements – Atlanta Regional Commission. following criteria shall be considered a Development of Regional Impact:
- ~~1. — Developments of Regional Impact Thresholds;~~
 - ~~2. — Office uses — Greater than 500,000 net square feet;~~
 - ~~3. — Commercial, Wholesale and Distribution uses — greater than 700,000 net square feet;~~

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- ~~4. Hospitals—Greater than 600 new beds;~~
 - ~~5. Housing—Greater than 500 new lots or units;~~
 - ~~6. Industrial Park or single user greater than 500 acres, or employing more than 2,000 people, or using more than 100,000 gallon per day of water;~~
 - ~~7. Hotels—Greater than 500 rooms;~~
 - ~~8. Mixed Land Use—Greater than 500,000 net square feet;~~
 - ~~9. Airports—Any new airport, new runway, or runway extension;~~
 - ~~10. Attractions or recreational uses—Greater than 2,000 parking spaces or more than 7,500 permanent seats;~~
 - ~~11. Post-Secondary School—New school with capacity of more than 3,000 students, or, expansion of this type school by least 25% of capacity;~~
 - ~~12. Waste Disposal uses—New facility or expansion of use of an existing facility by 50% or more, intending to accept waste from another jurisdiction; and~~
 - ~~13. Wastewater Facilities, Quarry, Asphalt or Cement Plants. Petroleum storage greater than 50,000 barrels, if within 1,000 feet of any water supply, or, storage greater than 200,000 barrels.~~
- ~~B. Demand on Infrastructure Threshold—To be used only if a use does not fit into one of the above categories:~~
- ~~1. Electrical—Any increase in average electrical demand greater than 100 megawatts.~~
 - ~~2. Natural Gas—Any increase in demand for natural gas greater than 100,000 therms per day.~~
 - ~~3. Water—Any increase in demand of greater than 100,000 gallons per day or will absorb the reserve capacity of another jurisdiction.~~
 - ~~4. Wastewater Treatment—Any increase in treatment of greater than 500,000 gallons per day or will absorb the reserve capacity of another jurisdiction.~~
 - ~~5. Transportation—Any increase greater than 1,500 peak hour vehicle trips per day.~~
- B. Any Development of Regional Impact or demand on infrastructure shall be submitted by the applicant to the Atlanta Regional Commission prior to a zoning change or CLUP amendment submission of the application to the City.
- C. The City Council shall not take final action to approve a Development of Regional Impact or demand on infrastructure until a report shall have been received from the Atlanta Regional Commission reflecting its findings and recommendations, if any, or if said report is not received within 60 days of its submittal to the Atlanta Regional Commission.

4.2.6 Effect.

- A. Approval of a zoning change on a property shall be in full force and effect upon its approval or upon the state effective thereof.
- B. For a property on which a use, building, structures, or other improvements existed in conformity with this Ordinance prior to the effective date of a zoning change affecting property, any such use, building, structures, or other improvements no longer in conformance shall be governed under the provisions for Nonconformities in this ordinance.
- C. Any use, building, structures, or other improvements for which a building permit has been issued in conformity with this Ordinance prior to the effective date of a zoning change affecting the property may

continue to completion as though no change had occurred and, upon completion, shall be governed under the provisions for nonconformities in this Ordinance.

SECTION 4.3 CONCEPT PLANS

The Concept Plan shall be required for all rezoning applications. The Concept Plan is a generalized map or plan presenting an image of a proposed development, including the entire land area to be rezoned or proposed as a single interrelated development activity. The Concept Plan shall include the entire property. Properties which adjoin the subject property and which are under the same ownership or control as the subject property shall be so indicated.

4.3.1 Requirements.

A. *Properties of 50 acres, or less, show:*

1. The major traffic and pedestrian circulation systems.
2. The generalized land use areas and acreage showing, if appropriate:
 - a. The development density;
 - b. The number of residential units by housing type;
 - c. The nonresidential floor area by use category.
3. Floodplain.
4. Wetlands.
5. Buffer and open space.
6. Recreation areas.
7. Street layout and lot pattern.
8. Pedestrian or bikeway system.
9. Conceptual layout of proposed buildings and other major structures, parking areas and driveway entrances.
10. Nonresidential density, number of units, and floor area.
11. Tree Survey and Tree Assessment, as directed by the City Arborist.

B. *Properties of 50 acres or more, show:*

1. The major traffic and pedestrian circulation system.
2. The generalized land use areas and acreage showing, if appropriate:
 - a. The development density.
 - b. The number of residential units by housing type.
 - c. The nonresidential floor area by use category.
3. Floodplain.
4. Wetlands.
5. Buffer and open space.
6. Recreation areas.

7. Tree Survey and Tree Assessment, as directed by the City Arborist.
(Ord. No. 718, § 20, 12-14-2015)

SECTION 4.4 DEVELOPMENT PERMITTING AND CONSTRUCTION

No development activity shall commence or proceed except in accordance with the provisions of this Ordinance.

4.4.1 Plan approval.

Any person seeking development activity on land within the City shall first submit to the Director such plans, plats, or construction drawings as may be required by this Ordinance and approved by the Director prior to the initiation of development activities. Approval of plans by City or its authorized agents shall not imply nor transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture, or any other profession, from the professional corporation or individual under whose hand or supervision the plans were prepared and sealed.

No land disturbance permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all codes, ordinances, and other regulations of the City. Any land disturbance permit issued in error or in contradiction to the provisions of this Ordinance shall be considered to have been null and void upon its issuance.

4.4.2 Preliminary development approval.

A. *Pre-Application Review.* Any person seeking development activity approval is encouraged to schedule a Pre-Application Review with the Community Development Department Staff.

The review would include preliminary documents and graphic exhibits of the proposed development activity application.

The purpose of the review is to expedite applications and reduce application design and development costs.

B. *Preliminary Plat,* (Applies to Residential and Non-Residential Subdivisions which are not included as a part of an approved master plan).

1. *Procedure for approval:*

a. Application for preliminary plat approval shall be submitted to the Community Development Department. The application shall include:

- (1) The application in the form furnished by the Community Development Department.
- (2) Two (2) copies of the preliminary plat showing the entire ownership drawn to the preliminary subdivision plat specifications of this Ordinance.
- (3) Payment of all preliminary plat application and review fees.

b. The application forms, fees, and filing deadlines shall be published and made available to the public. The Community Development Department shall review the application for completeness. Incomplete applications will be returned to the owner.

c. Ten (10) days following the application deadline, the Community Development Department shall indicate on a preliminary subdivision plat or in a written memorandum all comments related to compliance with this Ordinance and conditions of zoning approval. Subject to any action of the City Council, the Director shall have sole authority to determine the applicability of any provisions of this Ordinance.

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- d. The owner shall be responsible for all of the comments of the Community Development Department prior to the resubmission of the revised preliminary plat application.
 - e. The revised preliminary plat shall be submitted to the Community Development Department.
 - f. The Community Development Department may not approve any preliminary plat whereon is shown a lot that would present particularly unusual difficulties for construction, including a building that would clearly require a variance to be reasonably usable whether due to the presence of floodplain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.
 - g. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements, and for the satisfaction of all the noted and written comments of the Community Development Department.
 - h. When the Community Development Department has determined that the preliminary plat is in compliance with this Ordinance and any conditions of zoning the Director shall sign and date a copy of the plat.
 - i. The preliminary plat approval shall remain in effect for a period of one (1) year, after which time it shall become null and void and a new review may be required if no permit has been issued and development activity begun.
2. *Standards for Approval.* The Preliminary Plat shall be clear and legible at a scale of not greater than one hundred (100) feet to one (1) inch. The recommended maximum dimensions of the sheet size is 24 inches by 36 inches and the minimum dimensions of 17 inches by 22 inches; however, the Director may approve other sheet sizes and scales as appropriate.

The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or street in the City of Fulton County. If shown to the contrary, the Director may refuse to accept such subdivision and street names. The subdivision may use letter designations in place of street names on the Preliminary Plat.

Names having historic significance to the City by virtue of their association to events, individuals, local industries, or natural features should be used to the greatest extent possible.

3. *Preliminary Plat shall include:*
 - a. Proposed project name.
 - b. Project design and layout including total acreage, proposed use, proposed number of lots, minimum lot size, proposed density and other relevant zoning conditions and regulations in tabular form.
4. *Evidence of preliminary subdivision plat approval.* Each preliminary subdivision plat shall carry the following certificates printed or stamped on the plat:
 - a. Approval from the Fulton County Development Services Department for appropriate utilities.
 - b. Preliminary Surveyor's Certificate.

I hereby certify that this proposed preliminary plat correctly represents data compiled or verified through a survey completed by me on _____, 20____, of property shown and described hereon.

By: _____

Registered Land Surveyor's No. _____

Date: _____

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- c. Preliminary subdivision plat approval.

All requirements of the Alpharetta Unified Development Regulations relative to the preparation and submittal of a preliminary plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Ordinance.

Community Development Department

Date: _____

This preliminary plat approval shall expire twelve (12) months from the date of approval provided a Land Disturbance Permit is not issued.

(Ord. No. 718, §§ 21, 22, 12-14-2015)

4.4.3 Land disturbance permit.

- A. *Development Activities Authorized.* Persons seeking to perform development activity on land within the City shall not commence or proceed until civil construction drawings are submitted and approved in accordance with this Ordinance.

A Land Disturbance Permit shall be issued to authorize all activities associated with development activity, including, but not limited to, clearing and grubbing, grading, and the construction of such improvements as streets, surface parking areas and drives, sewer systems, domestic water systems, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings or other structures requiring the issuance of a building permit. Utility projects which are reviewed and approved by other agencies, such as Fulton County, must obtain a Land Disturbance Permit from the City of Alpharetta.

- B. *Process for Approval.* The Community Development Department shall be responsible for the coordination and approval of all land disturbance permit applications. For subdivisions, application for the issuance of a land disturbance permit may proceed after approval of the preliminary plat.

1. Application for a land disturbance permit shall be made to the Community Development Department. The application shall include:
 - a. Application in the form furnished by the Community Development Department, requesting review for issuance of a land disturbance permit.
 - b. City checklists with sheet number and/or note number annotated next to each checklist item.
 - c. ~~Five (5) copies of the~~ Civil design and construction drawings prepared in conformance with the specifications in this Ordinance.
 - d. Payment of permit application and review fee.
2. The application forms, fees, and schedule for application processing shall be revised from time-to-time by the Director.
3. The owner may be required to secure development approval from Fulton County, the State of Georgia, and Federal Review Agencies. Development approval may be required from, but not limited to:
 - a. Fulton County Development Services Department;
 - b. Fulton County Health Department;
 - c. U.S. Army Corps of Engineers;
 - d. U.S. Environmental Protection Agency;
 - e. Georgia Department of Natural Resources.

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4. Complete applications received by the application deadline shall be distributed to the City Engineering Department, City Fire Marshall, City Arborist, City Public Works Department, and other City departments deemed appropriate by the Director for review.
 5. Ten (10) days following the application deadline, the Community Development Department shall indicate in a written memorandum all comments related to compliance of the civil construction drawings with this Ordinance, conditions of zoning approval, and the regulations of other departments and state agencies, as appropriate. The Director shall forward to the owner's representative all review comments.
 6. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements, and for the satisfaction of all of the comments of the Community Development Department. The owner's representative shall review the comments with the appropriate department. Once each department is satisfied that the civil design and construction drawings are in compliance with this Ordinance, each department will sign and date the route sheet, and the approved plans.
 7. The owner shall pay the development fee (Land Disturbance Permit Fee) and provide the required performance bonds prior to plan approval. The required performance bonds include the Erosion Control Bond, the Tree Bond and the Existing Roads Improvement Bond.

The Erosion Control Bond shall be calculated at \$3,000.00 per disturbed acre.

The Tree Bond shall be calculated at \$500.00 per tree for every required tree planting within a 25' interior radius of the site perimeter.

The Existing Roads Improvement Bond is calculated at 100% of the cost of any improvements to existing roads.

The amounts of the aforementioned Land Disturbance Permit Fee and performance bonds are determined by the Director of the Community Development Department and may be revised from time to time at his or her discretion.

The release of any performance bond is contingent upon the performance of bonded work and the completion of a satisfactory inspection of said work by the Community Development Department. Should the ownership of any bonded work be altered during the duration of any bond, it shall be the responsibility of the owner specified in the original bond paperwork to ensure that proper sureties be continued irrespective of original ownership.

8. The applicant for land disturbance permit must complete the City's "Fundamentals of Erosion and Sedimentation Control" course prior to receiving a permit. The onsite superintendent of the job must possess a valid certificate of course completion. City of Alpharetta erosion control officers may request the onsite superintendent show the course verification card at any time deemed necessary. If the superintendent does not possess a valid certificate of completion, a Stop Work Order will be issued until an onsite superintendent attends the course.
9. Any person who receives an erosion control violation will be required to attend the "Fundamentals of Erosion and Sedimentation Control" course for a second time. If after completing the course, the person receives another violation, no further land disturbance permits will be issued. The person may appeal by requesting to be placed on the City of Alpharetta Council agenda and appear before City of Alpharetta Council at the regular scheduled meeting to request additional permits.
10. Following the approval by all appropriate City Departments, the Director shall issue a soil erosion control and sedimentation permit authorizing the placement of erosion control and tree protection devices based on the approved civil design and construction drawings.
11. The owner shall request a site soil erosion control inspection from the Engineering Department. Upon site approval, the Land Disturbance Permit will be issued.

C. *Expiration of Land Disturbance Permit.*

1. If the development activity described in any land disturbance permit has not substantially begun within 12 months from the date of the construction plans approval said permit shall expire and be null and void. One 12-month extension may be granted with a written request to the Director, prior to the permit expiration date.
2. If for any reason a land disturbance permit expires after development activities have commenced, the owner shall be responsible for stabilizing the site for erosion control, under the direction of the City Engineer.
3. Any land disturbance permit that has expired may be required, by the Director, to apply for a new land disturbance permit as outlined in the land disturbance permit approval process of this Ordinance.

(Ord. No. 681, § 1, 10-7-2013; Ord. No. 718, § 23, 12-14-2015)

4.4.4 Required drawings.

The site construction plans shall be clear and legible; and shall include but not be limited to the following:

- A. Site Plan.
- B. Grading Plan.
- C. Erosion and Sedimentation Control Plan.
- D. Storm Water Management Plan.
- E. Street Improvement Plan and Profile.
- F. Landscape/Tree Removal Plan.
- G. Tree Survey Plan and Inventory.
- H. Domestic Water Plan.
- I. Floodplain Management Plan.
- J. Standard Drawings and Construction Specifications.

4.4.5 Building permit.

- A. *Plan Approval.* Any owner, authorized agent, or prime contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, low voltage, energy conservation, or fire protection system, the installation of which is regulated by this Code, including the Georgia State Minimum Standard Codes, or to cause any such work to be done, shall first make application to the Building Division and obtain a permit for the work being done.

Exception No. 1: Permits shall not be required for the following mechanical work:

1. Any portable-heating appliances, ventilation equipment, cooling units, or evaporative coolers.
2. Any steam, hot, chilled water piping within heating and cooling equipment regulated by this Code.
3. Replacement of any part which does not alter its approval or make it unsafe.
4. Any self-contained refrigeration system containing 10 lb. or less of refrigerant and actuated by motors of one horsepower or less.

Exception No. 2:

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1. Retaining walls which do not exceed 4 feet in vertical height, as measured from the low side exposed toe of the wall to the top of the wall at any point.
 2. Residential storage buildings less than 100 square feet in floor area without electrical, mechanical, or plumbing systems.
 3. Play or tree houses less than 50 square feet in floor area without electrical, mechanical, or plumbing systems.
 4. Fences which do not exceed 10 feet in vertical height, and which do not extend into front yards or side yards which border onto public streets.
 5. Basketball goals which are stand-alone and not part of a basketball court.
 6. Driveways and parking areas for one- and two-family dwellings or townhouses, except that no curb cuts leading into a public right-of-way shall be made without City Engineering Department written approval on any property.
 7. Roof covering replacements not involving any structure modifications.
 8. Decorative water features not intended for human use containing water less than 24 inches in depth or which do not have water filtering equipment that require wastewater disposal.

Although structures listed in Exception No. 2 are exempt from requiring a permit, listed structures shall meet the requirements of all other applicable codes, ordinances, and regulations governing same.

Ordinary minor repairs under \$500.00 in total labor and materials cost may be made without a permit providing these minor repairs shall not violate any Code. Examples of minor repairs shall include but not be limited to exterior painting, installation of a window, air conditioning unit, replacement of windows, and installation of gutters.

- B. *Building Permit Expiration.* Plans and specifications for projects reviewed by the City Building and Fire Departments shall be permitted within six (6) months of the final review and approval date of such plans and specifications to be valid for obtaining a building permit or the project shall be deemed to have been abandoned.

Permits shall expire six (6) months from the date of issue if the permittee fails to request and pass a required first inspection, whether or not construction has been initiated.

Permits shall also expire if the permittee fails to request and pass a required inspection during any six (6) month period after any previous required inspection has been passed.

The Building Official is authorized to grant no more than two (2) permit extensions, not to exceed ninety (90) days each, during which time the permittee shall request and pass a required inspection. Requests for extension shall be made prior to permit expiration, shall be in writing, and shall show justifiable cause.

- C. *Procedure for Processing.* The Director shall be responsible for administering and enforcing the City building codes, as well as coordinating building plan review with the City Fire Marshall.
1. Prior to issuance of a building permit, the owner shall have received tree protection and soil erosion, and sedimentation control approval as required in this Ordinance.
 2. Application for a building permit shall be made to the Building Division. The application shall include:
 - a. Application in the form furnished by the Building Division requesting plan review for issuance of a building permit.
 - b. Land disturbance permit or recorded Final Plat.

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- c. One (1) set of the building plans (three [3] sets for non-residential projects) prepared in conformance with this Ordinance and the applicable City building codes.
 - d. Fulton County Development Services Department approval for on-site sewage disposal and pretreatment systems and, Fulton County Health Department for on-site food service.
 - e. City business license for all contractors and builders.
 - f. Payment of all building permit application and review fees.
 - g. Payment of all water and sewer permit fees.
 - h. Payment of all impact fees.
3. All applications for building permits shall be accompanied by a site plan drawn to scale (minimum 1" = 30'), showing the actual dimensions of the lot to be built upon, the right-of-way of the existing street address, the dimensions of the building to be erected, the location of the building on the lot, the number of dwelling units the building is designed to accommodate (if for a residential structure), the building setback lines, lot and block number the location of all easements, buffers, floodplains, retaining walls and other such information as may be essential for determining whether the provisions of all City Ordinances are being observed.
 4. Residential Building Plan Requirements: Refer to the Residential Permitting Procedures.
 5. Commercial Building Plan Requirements: Refer to the Commercial Permitting Procedures.
 6. For any structure served by an on-site sewage disposal system, a permit issued by the Fulton County Development Services Department shall be required prior to the issuance of a building permit.
- D. *Plan Review.* Each project shall include a Plan Review Submittal form, as furnished by the Department. Applicants are required to supply all information requested on this form in order to have their plans logged into the City review system.

If plans are such that no comment is required, they shall be stamped "Approved as Submitted". If plans are such that only minor "red line" comment is required, they shall be stamped "Approved as Noted" by both the City Building Official and the Fire Marshall, and the designated contact will be notified that the plans are ready for permit issue. It shall be the responsibility of the owner's designated contact person to notify all parties concerned of the plan review comments and to coordinate all responses regarding resubmission of corrected plans for final plan review.

After permitting, one set of plans with the original City signature approvals shall be placed on the job site and shall remain there throughout construction for inspector's reference during scheduled inspections.

1. Industrialized Buildings, as defined in O.C.G.A. 110-2, includes such buildings as site construction offices, real estate sales offices, temporary classrooms, and other such similar structures designed for habitable use on a site, usually for a limited time period. Such buildings shall be hereinafter referred to as "portables", whether or not installed on a temporary or permanent foundation or for temporary or permanent use.
2. Tool and storage trailers that are properly and currently licensed and apportioned for over-the-road use by Georgia and other states PSC/DOT authority, are not considered as portables for applicability of site or building plans required.
3. Two (2) sets of dimensioned site plans, drawn to a legible scale, and two (2) legible copies of the portable manufacturer's approved foundation installation plan and floor plan for the portable to be installed are required to be submitted to the City Building Division for building and zoning compliance review and permit issue prior to moving any portable on site.

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4. After City review, one site and foundation/floor plan set will be retained by the City for record and one set will be returned to the applicant and must be placed on site and in an accessible location for required inspections prior to use. Site plans shall be drawn to scale and shall show at least the location of the property lines, setback lines, street rights-of-way, easements, buffers existing and proposed site structures, location and size of the portable, and existing and proposed drive entrances and paved areas.
 5. All portables, or tool or storage trailers, and their appurtenances shall be located as follows:
 - a. All sites—Portables shall not be located on any public or private street that may be used or openly accessed by the public.
 - b. Commercial/Industrial Sites—Portables or trailers located on commercial or industrial sites shall be located behind setback lines and within buildable areas, outside buffers or easements, and at least twenty feet (20') behind any right of way.
 - c. Residential Site Construction Offices—Portables located on residential lots and used for construction offices or storage of construction materials shall maintain a minimum ten-foot (10') setback from property lines, except on corner lots where a minimum twenty foot (20') setback shall be maintained, and shall be located outside any buffer or easement, and at least twenty feet (20') behind any right of way line at road intersections.
 - d. Residential Site Sales Offices—Portables located on residential lots and used for real estate sales offices or other approved uses not directly related to construction shall be located within building setback lines and within buildable areas, outside buffers or easements, and at least twenty feet (20') within any right of way line at road intersections.
 6. Temporary installation foundation plans shall show the location and size of the support piers and the location and required restraint ratings of the tie-downs.

Portables installed on permanent foundations shall have a site-specific foundation plan designed for a portable and sealed by a Georgia registered architect or engineer. The manufacturer's drawings and specifications are acceptable provided that the necessary information is included.
- E. *Contractor Licenses.* It shall be the duty of every individual or firm doing electrical, gas, mechanical, plumbing, low voltage, utility or fire protection work either as prime, contractor, or subcontractor under contract with a prime contractor, builder, or other contractor, or land or homeowner to have a proper City issued subcontractor permit for such work prior to commencing work.
- All prime contractors, builders, or other contractors shall furnish written proof of his business license registration including number, expiration date, business street address, name of the owner or responsible party, and a business telephone contact number. Business license registration numbers shall be affixed to the building permit application by the applicant.
- The subcontractor shall provide proof of a current business license registration. A current Georgia contractor's license, as issued by the Georgia State Construction Industry Licensing Board, for his respective trade. Both license numbers shall be affixed to the subcontractor permit application by the applicant.
- All work performed by a land or homeowner, or his hired workmen shall meet the provisions of this Code.
- A homeowner, when building or performing work for his/her own personal one- and two-family dwelling will not be required to have a business license in order to obtain a City building permit.
- F. *Requirements not Covered by Code.* Any requirement necessary for the strength, stability, fire protection, or proper operation of an existing or proposed building, structure, or electrical, gas, mechanical, plumbing, energy conservation, or fire protection system, or for property protection, or life safety, health, or welfare, not specifically covered by this Code shall be determined by the Building Official and the Fire Marshall.

G. *Temporary Toilet Facilities.*

1. Construction sites within the City shall be provided with temporary nonsewered toilet facilities for worker use during construction and shall remain in place until permanent access to toilets is provided onsite.
2. For residential 'For-Sale' dwellings, construction sites, one (1) nonsewered toilet shall be provided for up to four (4) work sites, provided all work sites being served are within two hundred feet (200') walking distance of the unit.
3. For commercial sites, and 'For-Rent' dwellings sites, the developer or prime contractor must obtain a Non-Sewered Toilet System (NSTS) permit from the Fulton County Health Department stipulating the minimum number of units required on the project.
4. Inspections will not be made without the required temporary nonsewered or permanent toilets being in place, as required.
5. The developer or prime contractor of a permitted construction site shall be responsible for providing and maintaining required temporary toilet facilities throughout the duration of construction.

H. *Structural Fill and Backfill.*

1. Materials used for structural fill under and directly adjacent to buildings, drives, and walks and for backfill behind foundation and retaining walls shall be unfrozen unsaturated natural soils, clean and free of organic matter, silt, large rocks or stones, or foreign matter and debris. Material used may be coarse gravel, crushed natural stone, or sand free of silt, loam, or soluble materials, or any combination of the above.
2. Structural fills and backfills shall not be placed on subgrades that contain frost, mud, or are frozen.
3. In lieu of specific written direction and supervision by a Georgia licensed architect or engineer, fills shall be placed and compacted in loose layers of 6"—12" thickness and shall be compacted using sheepsfoot rollers, pneumatic tire rollers, tamper rollers, vibrating tampers, or other compaction equipment suitable to obtain the required density throughout the entire layer being compacted.
4. Fills and backfills shall be installed systemically and as early as possible to allow for natural settlement and shall not place over wet, spongy, or porous subgrade materials.
5. Backfill shall be placed against supported foundation walls or backfill shall be placed simultaneously on each side of unsupported walls, until supports are in place.
6. The top or bottom of any cut or fill slope in excess of one-foot vertical rise or fall to three foot of horizontal run (1:3) shall not be located any closer than two feet (2') horizontal measure from the edge of drives, walks, paved areas, or retaining walls top or toe of wall.
7. The two-foot (2') area adjacent to drives, walks, paved areas, tops or toes of retaining walls shall be graded at a (+/-) 2% slope (1/4"/ft.) and where feasible shall slope away from paved surfaces and walls.

I. *Site Retaining Walls.*

1. Site retaining walls, whether attached or detached from buildings or not, which are over four feet (4') in height at any point along the wall, as measured from the exposed low side toe of the wall to the top of the wall, shall be constructed to City Standard Drawings, City approved Manufactured Systems Drawings, or must be professionally engineered by a Georgia licensed architect or engineer.
2. Retaining walls shall also show planned top of wall heights, as measured above, plus reasonable points of top of wall elevation changes.

J. *Site Wall Safety Barriers.*

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1. Any portions of site retaining walls over six feet (6') in height must be provided with a continuous safety barrier mounted at or immediately adjacent to the top of the wall at reasonably accessible areas.
 2. Safety barriers shall be of substantial construction for the intended prevention of access, must be at least three feet (3') in height, as measured from grade at the base of the barrier to the top of the barrier; and may be man-made or vegetative in nature.
 3. When vegetative barriers are used, they shall be of substantial maturity and density, at the time of Final Building Inspection, to prevent reasonable access to the top of the wall.
 4. Site retaining wall construction and safety barrier plan submittals shall include dimensioned drawings, with sufficient clarity, detail, and written explanatory notes to describe the nature of work to be done.

K. *Recreational Fire Pits.*

1. Definition. A pit dug and/or constructed into or on the ground in which a contained outdoor fire is made.
2. Fire pits shall have a diameter of no greater than three feet (3') or a burn area of no greater than seven (7) square feet. Fire pits must be at least 25' from all structures and 25' from property lines.

L. *Standards for Approval.*

1. Building permits shall only be issued on buildable lots of record, as defined in this Ordinance.
2. City Building Codes:
 - a. The Code of The City of Alpharetta, Georgia.
 - b. ~~1994 Standard Building Code~~—Chapter 1 for Administration of Building and Technical Codes per Georgia State Minimum Codes.
 - c. Georgia State Minimum Standard Building Code.
 - d. Georgia State Minimum Standard One and Two-Family Dwelling Code.
 - e. Georgia State Minimum Standard Electrical Code.
 - f. Georgia State Minimum Standard Plumbing Code.
 - g. Georgia State Minimum Standard Mechanical Code.
 - h. Georgia State Minimum Standard Gas Code.
 - i. Life Safety Code, NFPA 101, latest adopted issue.
 - j. Georgia State Minimum Standard Fire Prevention Code.
 - k. Georgia State Energy Code for Buildings.
 - l. Georgia State Accessibility Code and O.C.G.A. 30-3.
 - m. Georgia State Minimum Standard Swimming Pool Code.
 - n. Standard Existing Building Code.
 - o. Standard Unsafe Building Abatement Code.
 - p. Standard Amusement Device Code.

(Ord. No. 720, § 5, 2-22-2016; Ord. No. 769, § 3, 11-12-2018)

4.4.6 Inspections and development activity completion.

- A. *Development Activity.* Following the issuance of the Soil and Erosion and Sedimentation Control Permit.
1. Required erosion and sedimentation control measures must be installed where practical by the owner and inspected and approved by the City Engineer. Areas required to be undisturbed by this Ordinance, conditions of zoning approval, or other ordinance or regulation shall be designated by an active tree protection fence or other appropriate markings and shall be inspected and approved by the City Engineer prior to the commencement of any clearing or grading activities. Additional sediment control measures will be installed if measures shown on plans do not provide sufficient erosion and sediment control.
- B. *Development Activity Inspections.* Requests for inspection shall be made by the owner's representative to the City Engineer at least 24 hours prior to commencement of development activity for each of the following phases as authorized by the land disturbance permit. Inspections shall be made and passed prior to continuation of further activity or proceeding into new phases. The phase inspections are as follows:
1. Erosion Control—Installation of erosion and sediment control and tree protection devices.
 2. Clearing and Grading—Installation of slope stakes shall be required. Upon completion of street grading, inspection, and approval shall be required prior to trenching or continuation with subgrade preparation.
 3. Installation of storm drainage pipe, detention, or other storm water facilities.
 4. Installation of on-site sewerage system or sanitary sewer and appurtenances. This notification shall be made simultaneously with official notification by the developer or contractor to the Fulton County Public Works Department and/or Fulton County Health Department, and, if for informational purposes only, to the City Engineer.
 5. Street Curbing and Gutter—Inspection should be requested before and after the forms or string-line have been set. Street width and vertical and horizontal alignment will be spot-checked.
 6. Sub-Base or Sub-Grade of Streets—After compaction, the sub-grade will be string-lined for depth and crown. The sub-grade shall be roll tested and shall pass, with no movement, to the satisfaction of the City Engineer.
 7. Street Base—The base will be string-lined for depth and crown and shall pass a roll test with no movement to the satisfaction of the City Engineer.
 8. Paving—The City Engineer shall be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored, and the street will be cored after completion to check thickness.
- C. *Building Inspections.* Inspections shall be scheduled with the Building Inspection Division. Requests for inspection shall include the street address, building permit number, and type of inspection. The building permit must be displayed on site and legible from the public street at all times.
1. *Posting of Permit.* Work requiring a permit shall not be started until the permittee or his agent, posts the building permit yard card in a conspicuous place at the front of the site where the permitted work is to be done. Cards shall be accessible and readable from the public right-of-way and located in such a position so as to permit City and other governing agency officials to conveniently view and make any required entries thereon.
- The permit holder is responsible for maintaining the permit yard card and all damaged, lost, or stolen permit yard cards must be replaced by the permittee before further inspections may be made.

Permit yard cards shall be maintained in position until all required final inspections have been approved and signed off on the yard card and the building, structure or system is ready for occupancy and use.

2. *Site Inspection Preparation.* No inspections will be made by City building or fire inspectors on any construction site not having an accessible building permit yard card displayed and "effective" soil erosion control measures in place, per City Engineering Department requirements.

Site silt fences, gravel construction entrances, and other City Engineering Department required erosion control measures shall be constantly maintained in good condition that effectively contains all site erosion within the site limits and out of waterways, streets and paved walkways.

Required inspections will not be performed when the site is in need of erosion control repair and violates City soils erosion control laws. Inspectors will leave a Notice of Violation on the permit yard card for the permittee to contact the City Engineering Department for their inspection and direction for repair.

It is the responsibility of the permittee to obtain written erosion control violation release from the City Engineering Department. No further building inspections will be performed on the site without this written release.

3. *Inspections Not Required.* The City does not normally provide inspection of certain residential construction applications, such as foundation walls with less than eight feet (8') of unbalanced fill, damp-proofing, foundation wall daintile, backfill, exterior wall insulation, and roof covering.

Builders are charged by building code law and the conditions of permit with a responsibility of installing these components to code compliance.

If code violations are detected in any application not normally inspected by City officials or other governing authorities, the permittee shall immediately correct the violations noted and all corrections shall be inspected and approved by City building, fire, or other authorized inspectors prior to proceeding with any other construction.

No waiver letters, statements from builders, owners, architects, or professional engineers, nor "hold harmless" agreements or other similar warrants or releases shall be accepted by the City in lieu of required code violation corrections and full code compliance.

No further inspections will be made, nor shall any Certificate of Occupancy be issued for any work until any noted code violations are corrected and found to be in codes compliance by City officials.

4. *Required Building Inspections.* The Building Official, upon notification from the permittee, shall make the following building inspections and such other inspections as necessary to ascertain codes compliance and shall either release that portion of the construction found to be in compliance by signature at the appropriate section on the permit yard card or shall notify the permittee of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.

- a. **FOOTING:** To be made after trenches are excavated and cleaned; forms erected and supported; required reinforcing is properly secured in place and supported; and before any concrete is placed.
- b. **SLAB-PREP:** To be made after footings have been placed (if applicable); underground Mechanical, Electrical, and Plumbing (MEP) systems have been City inspected, approved, and properly backfilled; under-pin areas are excavated and clean; forms are erected and supported; required reinforcing is in place and supported; rock base is in place at below grade slabs; vapor barrier is in place; and before any concrete is placed.

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- c. **FOUNDATION (When required):** To be made after required wall reinforcement is in place and at least one side of concrete retaining wall forms are secured in place, wall cavities are cleaned, and second side forms are ready to be placed, or placed and safe access to form tops for inspection is provided, plan listed weep holes and piping sleeves are in place, and before any concrete is placed.

In the case of masonry walls—Block is erected and required wall reinforcing is in place and safe access is provided to wall top for cavity inspection, plan listed weep holes and piping sleeves are in place, and prior to any wall cavity grouting or fill.

In the case of wood foundation or other wood site walls—Timbers are in place and properly spiked together, tee style or other professionally designed style dead heads are in place and properly spiked together, weep holes and filtration cloth is in place, and before backfill is placed.

At all commercial or industrial sites or at a one- or two-family residential site builder's request, a second inspection of the building foundation walls, by City inspectors shall be required to verify proper placement of wall water proofing measures.

- d. **WALL/CEILING COVER (Commercial Only):** To be made after the roof or other effective overhead weather seal is complete; all framing, bracing, fire and draft stops and blocking are effectively in place; exterior walls and gabled ends are sheathed and doors and windows are installed to effectively weather protect the structure interior; mechanical, electrical, and plumbing rough-ins at the area to be inspected are complete and under required tests; fabricated fireplaces or other fuel burning appliances are installed with flues and vents stubbed clear to the next level or area to be inspected or through the roof and weather capped; and before any wall or ceiling cover has been placed, except that walls may be one side covered so as to not restrict safe and readily accessible full wall cavity view for inspection.
- e. **FRAMING (Residential Only):** To be made after roof is complete; all framing, bracing, fire stops and blocking are effectively in place; exterior walls and gabled ends are sheathed and doors and windows are installed to effectively weather protect a structure interior; mechanical, electrical, and plumbing rough-ins are complete and under required tests; pre-fabricated fireplace or other fuel burning appliances are installed with chimneys, flues, and vents through the roof and weather capped; or dedicated masonry fireplace openings are structurally independent and temporarily provide weather protection to interior spaces until masonry is completed; and before any insulation or wall or ceiling cover has been placed.
- f. **GEORGIA ENERGY CODE (GEC) COMPLIANCE:** To be made at various stages of construction, by direct reference to the GEC Compliance Report submitted at initial permit issue, as follows:
- (1) **Residential Construction—**Exterior wall cavity insulation and sloped, vaulted, or flat ceiling or floor closed cavity insulation may be inspected after the Framing inspection and before any wall or ceiling cover is placed at these concealed areas. Exposed and visible insulation at attics, accessible concealed spaces, unheated crawl spaces, and basements will be inspected as part of the Final building inspection.
 - (2) **All Other Construction—**Interior and exterior wall and ceiling insulation, as listed on the building plans, may be inspected as part of the Wall/Ceiling Cover inspection provided that all wall or ceiling structural and MEP components may be viewed and properly inspected and verified from either or both sides of the wall or ceiling assembly, in the opinion of the inspector. If wall or ceiling construction cannot be properly inspected with the plan required insulation in place during the Wall/Ceiling Cover inspection, a separate insulation inspection shall be performed prior to covering these areas. Exposed and visible insulation at attics, accessible concealed spaces, unheated crawl spaces, and basements will be inspected as part of the Final building inspection. General Energy Code Compliance

Certificates and must be on file at the City Building Department, prior to issue of a Certificate of Occupancy.

- g. **BUILDING FINAL:** To be made after a building or structure is complete and ready for safe occupancy and use. Building, mechanical, electrical, and plumbing finals shall be made at the same time. Prior to requesting a building final inspection, a permittee shall assure that all inspections and written approvals required prior to final inspections are signed off on the permit yard card.

All site work, walks, drives, paved areas, striping, handicap access routes, signage, landscaping, and other appurtenances or protectants listed on the plans for commercial work or as required by this Code or other laws for residential work, are completed, final inspected, and signed off on the permit yard card by the various other governing authorities listed and checked on the permit yard card and as required by State or County regulations.

- 5. *Mechanical, General.* The Building Official, upon notification from the permittee, shall make the following mechanical systems inspections and such other inspections as necessary and shall either release that portion of the construction by signature at the appropriate section on the permit yard card, or shall notify the permit holder, of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.

- a. **SLAB PREP:** To be made after trenches or ditches are excavated, underground ducting, conduits and sleeves are installed and ready for test and before any backfill is put in place.
- b. **WALL/CEILING COVER (Commercial Only):** To be made with the wall/ceiling cover building inspection and after all mechanical equipment, ducting, duct insulation, piping, piping insulation, fire stops and fire dampers are installed, control wiring, or other concealed mechanical system components in the area to be inspected are in place, complete, supported properly, required pressure tests are applied, flues and vents are stubbed clear to the next level or area to be inspected or through the roof and weather capped; and before any wall/ceiling covers are installed.

Large or multiple floor buildings over 15,000 sq. ft. in total area may be inspected in stages and partially approved for the continuation of construction at the Building Official's discretion.

- c. **ROUGH-IN (Residential Only):** To be made with the framing inspection and after all mechanical equipment, ducting, duct insulation, piping, piping insulation, fire stops, control wiring, or other concealed mechanical system components are in place, completed, supported properly, required pressure tests are applied, and flues and vents are stubbed through the roof and weather capped; and before any wall or ceiling covers are installed.
- d. **GAS LINE:** (To be made at various stages of construction, as follows)
 - (1) **Residential, Rough Piping Inspection:** To be made with the framing inspection and shall include all system piping from the point of delivery (gas meter) to within six feet (6') of and in the same room as all outlets or appliances that may be connected. A gas piping pressure test is required for this inspection.
 - (2) **Commercial, Rough Piping Inspection:** To be made with the wall/ceiling cover inspection and shall include all system piping from the point of delivery (gas meter) to within six feet (6') of and in the same room as all outlets or appliances that may be connected in the area to be inspected and shall include piping run stub outs to the next area to be inspected. A gas piping pressure test is required for this inspection.
- e. **METERS:** To be made after rough piping inspection and before the final inspection; when all mechanical equipment and other gas fired appliances and equipment and controls are in place

and ready for safe test operation; venting, vent connectors, and flues are installed into final position and supported; piping runs are complete to the final appliance connector or union connection at the appliance or equipment; all gas shut off valves are in place and in the "off" or closed position, with appliances or equipment disconnected; and the gas piping system is ready for public utility connection and testing. A gas piping pressure test is required for this inspection. The sole purpose of this Meters inspection is to allow the installer to check installed mechanical systems and equipment for proper and safe operation, prior to Final inspection. Public utility connection shall not be made to the permitted work until this inspection has been approved.

- f. FINAL: To be made with the building final inspection and after public utilities have been connected and all conditioned air systems and gas fired appliances are in full operation; all controls, compressors, condensate drains, insulation, ties and supports, and other system designed components are in place and final connected, all final trim and required labeling is in place, filters or other air purifying components are cleaned and in place, and all systems have been tested and balanced and the installation is ready for its intended use.
6. *Electrical, General.* The Building Official, upon notification from the permittee, shall make the following electrical systems inspections and such other inspections as necessary and shall either release that portion of the construction by signature at the appropriate section on the permit yard card, or shall notify the permit holder, of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.
- a. TEMPORARY POLE: To be made after a minimum 4 × 4 size temporary electrical power pole has been set into the ground with a minimum two feet (2') buried and the pole firmly supported.

An eight foot (8') minimum length grounding electrode (rod) is required to be installed, with an unspliced grounding electrode conductor connected and sized per Code requirements, and a listed weather-proof enclosure shall be connected and firmly attached to the pole.

The City requires at least one (1) 115V/20A weather-proof duplex service outlet with GFCI protection and at least one (1) 230V/20A service outlet to be installed at the pole.

At least one (1) temporary power pole shall be installed at each permitted construction site for use during construction, unless approved by the Building Official. No temporary power shall be used for more than one permitted site.
 - b. SLAB PREP: To be made after trenches or ditches are excavated, underground conduits, sleeves, or other devices are installed and before any backfill is put in place.
 - c. WALL/CEILING COVER (Commercial Only): To be made with the wall/ceiling cover building inspection of the area to be inspected and after all services and branch circuit distribution wiring that service the area to be inspected is in place, boxes are secured, required conduit serving the area to be inspected and conduit passing through that area to other areas to be inspected at a later date is in place and fastened properly, wiring is protected from physical damage, panel boards and switching gear servicing the area are set and secured to the structure with service and distribution wiring stubbed into their approved enclosures, disconnects are in place and secured, bonding and grounding rough wiring is stubbed out near its termination point, and before any wall or ceiling cover is installed.

Large or multiple floor buildings over 15,000 sq. ft. in total area may be inspected in stages and partially approved for the continuation of construction at the Building Official's discretion.
 - d. ROUGH-IN (Residential Only): To be made with the building framing rough-in inspection and after all service cable, branch circuit distribution wiring, and low voltage wiring to be concealed is in place and stubbed into panel boxes set and secured to the structure; outlet, junction, and fixture

boxes are in place and secured; required conduit is in place and fastened properly; wiring is protected from physical damage; and before any wall or ceiling cover is installed.

In situations where a dwelling unit's exterior siding or finish veneer has not been installed, cables, feeders, and fixture wiring to be concealed shall be stubbed close or into exterior wall cavities closest to the point of final connection and coiled into place. Wall or ceiling cavities containing stubbed cables or wiring shall not be covered until inspection of terminal runs has been approved.

- e. **METERS:** To be made after framing and all wall and ceiling coverings are in place and before final inspection; when all electrical service and control equipment is set, wired, fused, bonded and grounded, required disconnects are connected, all outlet devices and switch controls are connected, lighting fixtures, appliances, and equipment are set or boxed out and ready for safe operation, and the electrical system is ready for connection to public utilities.

The sole purpose of this Meters inspection is to allow the installer to check out all installed electrical systems and equipment for proper and safe operation, per its listing. Public utility connection shall not be made to permit work until this inspection has been approved.

- f. **LOW VOLTAGE:** To be made with the wall/ceiling cover or rough-in inspection, as applicable to type of construction, where low voltage wiring systems are to be concealed; or with the meters inspection, where low voltage wiring systems are to be surface mounted.

Where concealed, inspection shall include review of distribution wiring/cable types and rating, boxes and connections, wiring protection from physical damage, grounding and bonding, disconnects, control panel cabinets or enclosures, and other system components.

Where surface mounted, inspection shall include review of raceway types and mounting, wire fills to manufacturer's specifications, connection points (must be open to view, except that plug-in types shall be connected), grounding and bonding, disconnects, outlets and plugs, control panel cabinets or enclosures, and other system components.

- g. **POOL BOND:** To be made when all metallic parts of a pool structure, including the metal reinforcing of the pool shell and decking; forming shells and mounting brackets of no-niche fixtures; metal fittings within or attached to a pool structure; metal parts of pool equipment to include pumps, motors, covers, and other features; cables, raceways, and piping within five feet of the inside edge of the pool or within twelve feet above the pool maximum water level; are connected together with approved pressure connectors into a common bonding grid with a minimum #8 solid copper conductor, bare or insulated, and the system is ready to be concealed. Dependent upon site conditions, this inspection may have to be done in several separate trips to be completed and shall be at the inspector's discretion.

- h. **IRRIGATION:** To be made when all irrigation system wiring and conduit is in place; control panels, transformers, and their enclosures are mounted; junction boxes and splice points are open to view, high voltage power wiring is in place and GFCI protected, and the system is ready for safe operation.

GFCI protection for irrigation system wiring and controls is mandatory and may be provided by direct plug and cord connection from the transformer primary to a GFCI protected wall outlet or hard wired from the primary to a disconnect that is protected by a GFCI breaker located at the electrical panel.

- i. **FINAL:** To be made with the building final inspection, after all public utilities have been connected and all installed electrical systems are in full operation; all equipment, motors, appliances, fixtures, controls, guards, and other related systems have been labeled, tested, and balanced and the completed electrical installation is ready for its intended use.

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7. *Plumbing, General.* The Building Official, upon notification from the permittee, shall make the following plumbing systems inspections and such other inspections as necessary and shall either release that portion of the construction by signature at the appropriate section on the permit yard card, or shall notify the permit holder, of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.
- a. SLAB PREP: To be made after trenches or ditches are excavated and all under slab drainage and water service and distribution piping and sleeves and protectants are installed and under required tests and before any backfill is placed.
 - b. SEWER TAP: To be made any time during construction, but before requesting final building inspection. This inspection is an open trench inspection of the exterior sewer piping from the building or structure foundation edge, to and including connection to the public or site sewer. Sewer piping shall be inspected for proper bedding, fall, materials, fittings, cleanout positions, and connection to the public or site sewer.
 - c. WALL/CEILING COVER (Commercial Only): To be made with the building wall/ceiling cover inspection and after all drainage, waste, vent, and water service and distribution piping is in place at the area to be inspected and stub outs are installed to the next area to be inspected, all piping and fixture roughs are properly fastened into place and protected from physical damage. All concealed fixture connections shall be made, rated assemblies installed, and fire safe, concealed piping insulation installed, rough trim boxes, enclosures, access panels or vaults are secured in place, boots and flashings are installed, required pressure tests are applied, and before any wall or ceiling cover is installed.
 - d. ROUGH-IN (Residential Only): To be made with the framing rough-in inspection and after all drainage, waste, vent, and water service and distribution piping is in place and fastened and protected against physical damage. All concealed fixture connections shall be made, concealed piping insulation installed, rough trim boxes, enclosures, access panels/vaults secured in place, boots and flashings installed, required air or water pressure tests are applied and ready for inspection, and before any wall or ceiling cover is installed.
 - e. BACK FLOW: To be made prior to or with the final building inspection and shall include inspection of all water and irrigation systems requiring backflow prevention measures.
 - f. FINAL: To be made with the building final inspection, after all public utilities have been connected and all plumbing fixtures are properly set, trapped and connected to the drainage system, properly valved, protected against back siphonage, and connected to the potable water system. All water heating and other plumbing devices and appliances must be connected, valved, vented, pressure protected, secured in place, insulated and sealed, cleaned and tested for proper operation, and the completed plumbing system installation is ready for its intended safe use.
- D. *Responsibility for Quality and Design.* The completion of inspections by the City and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional corporation or individual under whose hand or supervision the plans were prepared.
1. Stop Work Orders: Work which is not authorized by an approved permit, or which is not in conformance to the approved plans for the development activity project, or which is not in compliance with the provisions of this Ordinance or any other adopted code, regulation, or ordinance of the City, shall be subject to immediate stop work order by the Director, Building Official or City Engineer.
- E. *Tree Removal Compliance Inspection.*
1. Following the issuance of a land disturbance permit for the development activity, the Arborist shall, from time-to-time, inspect the property for the purpose of certifying compliance with the

requirements of the permit. In the event of non-compliance, the Arborist shall issue a stop work order. No Certificate of Occupancy shall be issued until actual compliance is obtained.

2. If any required tree removal conditions have not been met within the time specified in the permit and provided the Director has not granted a written extension, the City may use the cash or bond proceeds to ensure that these conditions are met.
3. After development activity is concluded, the Arborist shall continue to make random inspections to insure that required trees are maintained. Replacement shall be required, or bond/letter of credit posted within thirty (30) days of notice by the Arborist should any of these trees die, be removed, or be destroyed within two (2) years after completion of development.

F. *Floodplain.*

1. Properties containing or adjacent to the established Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard shall provide an elevation certificate or floodproofing certification using the FEMA floodproofing certificate along with the design and operation/maintenance plan to the Building Official after the lowest floor is completed, after placement of the horizontal structural members of the lowest floor upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable in accordance with Article III Section 3.4.5.B
2. Said certification shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same in accordance with Article III Section 3.4.5.B. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Director shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

G. *As-Built Drawings.* Upon completion of the development activity as authorized by the land disturbance permit and prior to final inspection of public and private improvements, the owner shall submit to the City Engineer for review and approval a complete set of record drawings showing "as-built" conditions prepared by land surveyor registered in the State of Georgia. These drawings shall show actual location, true vertical and horizontal alignment, and finished elevations of:

1. Drainage System.
2. Detention Volume Certification.
3. Sanitary Sewer System (approved by Fulton County if served by Fulton County).
4. Public Water System (approved by Fulton County if served by Fulton County).

H. *Final Subdivision Plat.*

1. Process for Approval—Prior to the application for final subdivision plat approval; all storm water drainage and detention facilities, water and sewer utilities, street base, sidewalks, and curbing construction required for approval of the Final Subdivision Plat shall have been properly installed and completed in accordance with this Ordinance.

The Community Development Department shall be responsible for the coordination and approval of all final subdivision plats.

- a. Application for a final subdivision plat approval shall be made to the Community Development Department. The application shall include:

- (1) Application in the form furnished by the Community Development Department requesting final subdivision plat review.

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- (2) Two (2) copies of final subdivision plat prepared in conformance with the specifications in this Ordinance.
 - (3) One copy of as-built drawings pursuant to the requirements of this Ordinance, sealed by a land surveyor registered in the State of Georgia, for projects served by City water supply.
 - (4) Payment of all final subdivision plat application and review fees.
- b. Ten (10) days following the application deadline, the Community Development Department shall indicate in a written memorandum all comments related to compliance with this Ordinance and conditions of zoning approval.
 - c. The owner shall be responsible for all of the plan review comments prior to the resubmission of the revised final subdivision plat. All revisions to previous submittals shall be noted in the revision block and dated.
 - d. Proof of payment for streetlights shall be provided to the City Engineer, prior to his approval of the final subdivision plat. At a minimum, this proof shall be in the form of a letter from the approved utility provider.
 - e. Payment for materials and installation of traffic control devices shall be made to the City Engineer in accordance with the traffic engineering requirements in this Ordinance. Payment of the cost of street striping or required signalization, if required and not completed by the owner, shall also be received by the City Engineer prior to approval of the final subdivision plat.
 - f. Provide one set water and sewer as built with proof of approval by Fulton County Development Services Department, prior to approval by the Public Works Department.
 - g. The Community Development Department shall not sign the final subdivision plat until all requirements of this Ordinance and other applicable regulations have been met. The final subdivision plat shall be accompanied by a bond, letter of credit, or other acceptable surety providing for the maintenance of all installations and improvement required by this Ordinance in the subdivision for a period of twelve (12) months following the date of final approval of the public improvements. The maintenance period may be extended by the Director at the request of the owner, provided it is in the best interest of the City.
 - h. Once the Director has approved the final subdivision plat and all other affected departments and agencies of government as required have certified compliance, the Community Development Department shall certify by signature on the original of the final subdivision plat that all of the requirements of this Ordinance, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. The final subdivision plat shall not be deemed approved until the CERTIFICATE OF FINAL PLAT APPROVAL has been signed by the Community Development Department, City Engineer and the Fulton County Health Department.
 - i. The owner shall be responsible for recording the approved final plat at Fulton County; and shall provide to the Community Development Department a reproducible Mylar copy showing the stamp of the Fulton County Court Clerk, and two (2) full size copies.
- (1) Standards for Approval—The Final Subdivision Plat shall be clear and legible at a minimum scale of 100 feet to the inch. The Director may approve other scales as appropriate. The maximum sheet size shall not exceed 42" × 30". The maximum size acceptable for recording is 17" × 22", or as required by the Fulton County Superior Court Clerk. If the complete plat cannot be shown on one sheet, then said final subdivision plat shall be shown on several sheets with an index map indicated on each sheet. The minimum sheet size shall not be less than 17" × 22". All letters, numbers and other information shall be

legible on the recorded copy. There shall be sufficient space available for the certificates as required. Graphic standards shall comply with the Georgia Plat Act.

The final subdivision plat shall conform substantially to the preliminary subdivision plat, and it shall constitute only that portion of the approved preliminary subdivision plat which the owner proposes to record and develop at any one time, provided that such portion conforms to the requirements of this Ordinance. Any substantial deviation from the Preliminary Plat shall require revision and approval of the Preliminary Plat.

The final subdivision plat shall contain the following information:

- (a) Name of the subdivision, unit number and street names.
- (b) Name, address, and phone number of owner of record.
- (c) Name, address and phone number of each professional firm associated with a portion of the final plat (engineers, surveyors, etc.).
- (d) Site acreage.
- (e) Site zoning, case numbers, zoning conditions and date of approval for any applicable rezoning, master plan, variance, or special use permit affecting this site.
- (f) Date the final subdivision plat drawing, graphic scale, north point, notation as to the reference or bearings to magnetic, true north, or grid north, and indication whether bearings shown are calculated from angles turned.
- (g) Land District, Land Section, and Land Lot.
- (h) Name of the former subdivision, if any, or all the entire final subdivision plat if it has been previously subdivided.
- (i) Location map.
- (j) Courses and distances to the nearest Fulton County GIS monument.
- (k) Boundary lines of the property, to be indicated by a heavy line, giving distances to the nearest one hundredth (1/100) foot and bearing to the nearest second, which shall be balanced and closed with an error of closure not to exceed one (1) to ten thousand (10,000). The error of closure shall be stated.
- (l) City and Fulton County political boundary lines accurately tied to the lines of the property by distance and angles when such lines traverse the subdivision.
- (m) Locations, widths, and names of all streets and alleys within and immediately adjoining the final subdivision plat, address numbers, the location and widths of all public crosswalks, sidewalks, greenway trails and other public rights of way.
- (n) Street centerlines showing angles of deflection and standard curve data, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
- (o) Lot lines with dimensions to the nearest one-tenth (1/10) foot and bearing to the nearest second radii of rounded corners, as necessary to describe each lot.
- (p) Front and rear setback lines with dimensions.
- (q) Location of all buffers, landscape strips, greenway easements, and no access easements, etc., are required by this Ordinance.

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- (r) When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the lot width at the building line shall be shown.
 - (s) Lots or sites numbered in numerical order and blocks lettered alphabetically.
 - (t) Location and size of all drainage structures, location, dimension and purpose of any easements, including slope easements, if required, public and private service utility right-of-way lines, fire hydrants and water mains.
 - (u) Any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any lands to be reserved by deed covenant for common uses of all property owners. Include statement that all common areas are to be maintained by the homeowners.
 - (v) Statement "The City of Alpharetta does not enforce restrictive covenants."
 - (w) Certificates and statements are shown below, as follows.
 - (x) A statement that the private covenants are to be recorded separately and the following statement provided: "This final subdivision plat is subject to the covenants set forth in the separate document(s) attached hereto, dated _____, which hereby becomes a part of this final subdivision plat," recorded and signed by the owner.
 - (y) Accurate location, material, and description of monuments and markers. Monuments to be placed prior to approval of the Final Plat.
 - (z) Extent of the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard and a flood plain chart showing the area within and outside the floodplain and a minimum allowable lowest finished floor elevation for a/each lot containing or adjacent to any portion of the Area of Special Flood Hazard and Area of Future-conditions Flood Hazard.
 - (aa) The information required by the current Georgia Recording of Maps, Plats, etc., by Clerks of Superior Court Act must be shown.
 - (bb) All other applicable notes and notations as may be required by the Director.
- (2) Certificate of Final Subdivision Plat Approval—Each final subdivision plat shall carry the following certificates printed or stamped on the plat.
- (a) Approval from the Fulton County Health Department.
 - (b) Surveyor's Certificate.

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as "future" and will be placed during construction of the improvements shown on this plat; and their location, size, type, and material are correctly shown.

By: _____

Registered Georgia Land Surveyor Survey No. _____

Date: _____

- (c) Owner's Certificate of Dedication and Acknowledgement:

(STATE OF GEORGIA)

(COUNTY OF FULTON)

The owner of record of the land shown on this plat and whose name is subscribed thereto, in person, or through a duly authorized agent, hereby acknowledges that this final subdivision plat was made from an actual survey, dedicates to the City of Alpharetta the complete ownership, and use of all streets (_____ acres), public water facilities, storm drains, easements (_____ acres), greenway easements (_____ acres), and other public facilities and appurtenances thereon shown (_____ acres).

Subdivider: _____

Date: _____

Owner: _____

Date: _____

(d) Certificate of Final Subdivision Plat Approval.

The Community Development Department of the City of Alpharetta, Georgia, certifies that this plat complies with all requirements of the Alpharetta Unified Development Regulations including the City of Alpharetta Zoning requirements.

Community Development Department

Engineering Department

I. *Final Development Activity Inspection and Approval.*

1. *Final Inspection by the City Engineer.*

- a. A final development inspection may be requested when all site work and/or public improvements have been accomplished according to the terms of the approved site construction drawings and with this Ordinance, codes, and regulations.
- b. As-built drawings shall be approved, in accordance with the requirements of this Ordinance, prior to the performance of a final development inspection.
- c. The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to issuance of a letter of Final Development Inspection Approval.

2. *Maintenance Bond and Landscape Maintenance Bond.*

- a. Following issuance of Final Development Inspection Approval and prior to approval of the final subdivision plat or issuance of a certificate of occupancy, a maintenance bond and a landscape maintenance bond in a form acceptable to the Director is required. For the Maintenance Bond, the owner shall be responsible for maintenance/public improvements for one (1) year from the date of Final Development Inspection Approval, or longer if requested by the City Engineer. A performance bond may be required if deemed necessary by the City Engineer. For the Landscape Maintenance Bond, the owner shall be responsible for maintenance for eighteen (18) months from the date of Final Development Inspection Approval.
 - (1) The value of the Maintenance Bond shall be determined by the Director based on the dollar value of the improvements and the requirements of the City.
 - (2) The value of the Landscape Maintenance Bond shall be calculated by the property owner and shall be sufficient for the costs of labor, materials and maintenance for all landscaping improvements as set forth in the improvement plans.

3. *Acceptance of Public Improvements.*

- a. Prior to expiration of the maintenance bond, a final inspection of the public improvements shall be conducted by the City Engineer.
- b. The owner shall correct all defects or deficiencies in materials or workmanship.
- c. The maintenance bond shall not be released until the City Engineer is satisfied that all public improvements are in conformance with the specifications of this Ordinance.
- d. The City shall not accept the public improvements into perpetual maintenance until such time as said improvements are certified by the City Engineer as being in conformance with the specifications of this Ordinance.

J. *Certificate of Occupancy.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor by the Director, stating that the proposed use of the building or land conforms to the requirements of this Ordinance and other codes and ordinances adopted by the City.

K. *A temporary Certificate of Occupancy* may be issued for a period not to exceed six months during alterations or partial occupancy of a building or structure pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

L. *A Certificate of Occupancy shall be required for any of the following:*

1. Occupancy and use of building or structure constructed or enlarged.
2. Change in use of existing buildings to uses of a different classification.

(Ord. No. 681, § 1, 10-7-2013; Ord. No. 693, 9-2-2014; Ord. No. 718, §§ 21, 24, 12-14-2015)

4.4.7 Assignment of names and addresses.

A. *Street and Development names.*

1. Proposed street and development names must be reviewed and approved by the Community Development Department prior to issuance of the land disturbance permit. Any changes to existing names must also be approved by the Director of the Community Development Department. Street names may be reserved through approval as shown on the Preliminary Plat if so requested. Names may be chosen from a historic street name bank available upon request from Community Development.
2. Street names shall consist of a root name of the developer's choosing or from the historic street name bank, and a suffix designation. The following suffixes are acceptable: Street, Road, Avenue, Court, Place, Way, Trace, Terrace, Drive, Lane, Parkway, Trail, Close, Circle, Cove, Highway, Pass, Entry, Loop, and Boulevard.

The following affixes are acceptable for private drives: Close, cove, entry, lane, pass, place, terrace, trace and trail.

Directional prefixes (i.e., north, south) and the prefixes "old" or "new" shall not be used.

3. Except within the same development, no proposed street name shall duplicate (be spelled the same or be phonetically the same) as an existing street name within the City of Alpharetta or surrounding municipalities regardless of the use of such suffix designations as "Street," "Avenue," "Boulevard," "Drive," "Place," "Way," "Court," or however otherwise designated. In the same subdivision, a root

name may not occur more than twice. No street names will be allowed which begin with "River," or "Peachtree".

4. All street root names and suffix designations are subject to approval of the Director. Unacceptable language, abbreviations, contractions or initials may not be used.
5. Root names shall consist of no more than 13 characters including space, hyphens, etc. Letters not occurring in the English alphabet, and numerals, shall not be used. Only suffixes will be abbreviated.

B. *Street Address Assignments.*

1. A street address number must be assigned prior to issuance of a building permit. For any new structure proposed in a property which has not been assigned an address, a street number will be assigned upon confirmation or establishment of the property as a buildable lot of record under the requirements of this Ordinance.
2. Subdivision house numbers will be assigned when the Final Plat is submitted for review and is approved for the property. Submit two (2) copies of the approved plat to the Department. (Legible reductions are acceptable.)
3. Non-residential Projects will be numbered after the issuance of the Land Disturbance Permit.
4. Residential and commercial properties will be addressed on the road that the building is facing, regardless of access. The property must have frontage on the street on which it is addressed.
5. Apartments and Condominium Projects will be numbered when a Land Disturbance Permit is issued. Apartment Projects example:

John Smith
2101 Cypress Court
Alpharetta, GA 30202

2101 is building two

2101 is first floor

2101 is unit one

Units with breezeways will have even numbered units on right and odd numbered unit on left. Each building is required to have a sign indicating the building number. Each breezeway is required to have a sign at the breezeway entrance indicating the unit numbers. The sign at the extreme left of the breezeway of building two (having a 3-story building with basement level) for example will read:

2001-2003
2101-2103
2201-2203

At the point where the main road splits, a permanent location sign is required to be posted as follows:

Buildings

5-8

⇐

9-15

⇒

6. The Certificate of Occupancy will not be issued without the above requirements being met and the street number clearly posted on the property.

(Ord. No. 681, § 1, 10-7-2013)

4.4.8 Surveying and mapping.

- A. This section sets forth requirements for the City of Alpharetta mapping and surveying monuments as described:
1. The City of Alpharetta Mapping and Surveying Monuments System will coexist with the Official System of Mapping and Surveying Landmark Monuments of Fulton County and be an expansion thereof.
 2. The term "monument" shall consist of one azimuth monument and one monument with established northing, easting and elevation based on The North American Datum of 1983 (NAD 83), strategically placed, being composed of concrete with a brass cap stamped with an identifying number furnished or approved by the City Engineer.
 3. The City Engineer shall keep a current copy of the reference maps and tables. Such information shall be made available for purchase by the public.
 4. All maps or construction plans must include coordinate references to the City of Alpharetta Surveying Monuments, prior to issuance of the Land Disturbance Permit.
 5. If, in the opinion of the City Engineer, a monument which is part of the Official City of Alpharetta Surveying Monuments is endangered by the proposed land disturbance, the applicant/owner shall be notified, and disturbance shall not be permitted until: The applicant/owner shall pay to the City a fee to replace said monument. This fee shall be based upon 105% of the monument replacement cost; to be negotiated by the City with a Registered Land Surveyor, qualified to set the monument to the City of Alpharetta Standards.
 6. For any proposed development, the developer will set one new monument, two monuments for twenty acres and at least one additional monument for each additional ten acres or major fraction thereof. All control monuments shall be located and tied together by traverse, with a positional tolerance that meets the standards of Second Order, Class Two surveys.

The City Engineer shall have the authority to stop all land disturbance activity, until such time as proper fees have been paid to replace the damaged or disturbed monument.
- B. All plats shall conform to the Georgia Code Section 15-6-67 and Chapter 180-7 of the rules of State Board of Registration for Professional Engineers and Land Surveyors.
- C. Construction plans and as-built drawings shall be furnished as a digital file, as requested by City personnel.
1. Minor Subdivision Plat. (Replaces exemption plat)
 - a. The Community Development Department shall be responsible for the coordination and approval of all minor subdivision plats.
 - (1) Application for a minor subdivision plat approval shall be made to the Community Development Department. The application shall include:
 - (a) Application in the form furnished by the Community Development Department requesting minor subdivision plat review.
 - (b) Two (2) copies of minor subdivision plat prepared in conformance with the specifications in this Ordinance.
 - (c) Payment of minor subdivision plat review fees.
 - (2) Ten (10) days following the application deadline, the Director shall indicate in a written memorandum all comments related to compliance with this Ordinance and conditions of zoning approval. Subject to any action of the City Council, the Director shall have sole authority to determine the applicability of any provisions of this Ordinance.

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- (3) The owner shall be responsible for all of the plan review comments prior to the resubmission of the revised minor subdivision plat. All revisions to previous submittals shall be noted in the revision block and dated.
 - (4) The Community Development Department shall not sign the minor subdivision plat until all requirements of this Ordinance and other applicable regulations have been met.
 - (5) Once the Director has approved the minor subdivision plat and all other affected departments and agencies of government as required have certified compliance, the Community Development Department shall certify by signature on the original of the minor subdivision plat that all of the requirements of this Ordinance, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. The final subdivision plat shall not be deemed approved until the CERTIFICATE OF MINOR PLAT APPROVAL has been signed by the Community Development Department.
 - (6) The owner shall be responsible for recording the approved plat at Fulton County; and shall provide two (2) full size copies showing the stamp of the Fulton County Court Clerk.
 - (7) Standards for Approval—The Minor Subdivision Plat shall be clear and legible at a recommended scale of 100 feet to the inch. The Director may approve other scales as appropriate. The maximum sheet size shall not exceed 42" × 30". The maximum size acceptable for recording is 17" × 22", or as required by Fulton County. If the complete plat cannot be shown on one sheet, then said plat shall be shown on several sheets with an index map indicated on each sheet. The minimum sheet size shall not be less than 17" × 22". All letters, numbers and other information shall be legible on the recorded copy. There shall be sufficient space available for the certificates as required.

The minor subdivision plat shall contain the following information:

- (a) Name of the subdivision, unit number and street names.
- (b) Name and address and phone number of owner of record.
- (c) Name, address, and phone number of each professional firm associated with the portion of the final plat (engineers, surveyors, etc.).
- (d) Site acreage.
- (e) Zoning, case numbers with conditions, and date of approval for any applicable rezoning, master plan, variance, or special use permit affecting the site.
- (f) Date of drawing, graphic scale, north point, notation as to the reference or bearings to magnetic, true north, or grid north, and indication whether bearings shown are calculated from angles turned.
- (g) Land District, Land Section, and Land Lot.
- (h) Name of the former subdivision, if any, or of the entire plat if it has been previously subdivision.
- (i) Location map.
- (j) Courses and distances to the nearest Fulton County GIS monument.
- (k) Boundary lines of the property, to be indicated by a heavy line, giving distances to the nearest one hundredth (1/100) foot and bearing to the nearest second, which shall be balanced and closed with an error of closure not to exceed one (1) to ten thousand (10,000). The error of closure shall be stated.

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- (l) City and Fulton County political boundary lines accurately tied to the lines of the property by distance and angles when such lines traverse the subdivision.
 - (m) Locations, widths, and names of all streets and alleys within and immediately adjoining the final subdivision plat, address numbers, the location and widths of all public crosswalks, sidewalks, greenway trails and other public rights-of-way.
 - (n) Lot lines with dimensions to the nearest one-tenth (1/10) foot and bearing to the nearest second radii of rounded corners, as necessary to describe each lot.
 - (o) Front and rear setback lines with dimensions.
 - (p) Location of any buffer, landscape strip and greenway easements, no access easement, etc., are required by this Ordinance or the Zoning Regulations.
 - (q) Lots or sites numbered in numerical order and blocks lettered alphabetically.
 - (r) Location and size of all drainage structures, location, dimension and purpose of any easements, including slope easements, if required, public and private service utility right-of-way lines, fire hydrants and water mains.
 - (s) Accurate location, material, and description of monuments and markers. Monuments to be placed prior to approval of the Plat.
 - (t) Extent of the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard and a floodplain chart showing the area within and outside the floodplain and a minimum allowable lowest finished floor elevation for each lot containing or adjacent to any portion of the Area of Special Flood Hazard and Area of Future-conditions Flood Hazard.
 - (u) The information required by the current Georgia Recording of Maps, Plats, etc., by Clerks of Superior Court.
 - (v) All other applicable notes and notations as may be required by the Director.
- (8) Certificate of Minor Subdivision Plat Approval—Each minor subdivision plat shall carry the following certificates printed or stamped on the plat.
- a. *Surveyor's Certificate.* It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as "future" and will be placed during construction of the improvements shown on this plat; and their location, size, type and material are correctly shown.

By: _____

Registered Georgia Land Surveyor Survey No. _____

Date: _____

b. *Owner's Certificate of Dedication and Acknowledgement:*

(STATE OF GEORGIA)

(COUNTY OF FULTON)

The owner of record of the land shown on this plat and whose name is subscribed thereto, in person, or through a duly authorized agent, hereby acknowledges that this subdivision plat was made from an actual survey, and that there are no public dedications on this property.

Subdivider:

Date:

Owner:

Date:

- c. *Certificate of Minor Subdivision Plat Approval.* The Community Development Department of the City of Alpharetta, Georgia, certifies that this plat complies with all requirements of the Alpharetta Unified Development Code including Zoning Requirements.

(Ord. No. 693, 9-2-2014; Ord. No. 718, §§ 21, 24, 12-14-2015)

4.4.9 Maintenance and performance securities.

- A. *Maintenance Securities.* A maintenance bond, letter of credit, cash bond, or other equivalent form of security as approved by the City, shall be posted with the City by all developers where street or other improvements are made and offered to the City for acceptance and maintenance. The amount of this security will be calculated by the Community Development Department and shall be provided before the final plat can be recorded. Any bond, except cash bond, letter of credit or other equivalent form of approved security shall be on forms supplied or approved by the City and shall not be terminated or otherwise allowed to expire without at least thirty (30) days prior written notice to that effect to both the City and the subdivider or person. Separate bonds are required for each subdivision unit, phase or like entity. The developer shall maintain all improvements in the subdivision, to be dedicated to the City, for a minimum of one (1) year from the date of final plat recording. No dedication of improvements shall be accepted by the City until the expiration of one (1) year from such date and inspection from the public, action may be taken by the City Council by majority of those voting approving, approving with changes, or rejecting the proposal, or the City Council may table the proposal for consideration at its next regular meeting, or the City Council may refer the matter back to the Planning Commission for further consideration.
- B. *Referral to Planning Commission for Further Consideration.* The Director shall conduct such further studies as appropriate and shall present any proposed text amendment to the Planning Commission that has been heard by the City Council and referred back to it for further consideration. Public notice of the Planning Commission and City Council's hearing shall be given in the same manner as prescribed herein, and the Planning Commission shall conduct its public hearing and take action as described above.

SECTION 4.5 APPEALS¹

4.5.1 Initiation.

- A. All requests for relief from the imposition of the regulations and requirements of this Ordinance on a property or development activity, or from an interpretation of the meaning of words or the boundaries of

¹Ord. No. 859, § 1(Exh. A), adopted June 26, 2023, deleted § 4.5 in its entirety and enacted a new § 4.5 as set out herein. Former § 4.5 pertained to similar subject matter and derived from Ord. No. 751, § 2, adopted October 16, 2017.

zoning districts, or from an administrative decision of the Director, shall be taken as an appeal to the Board of Appeals, except as otherwise provided in this Section.

- B. Appeals to the Board of Appeals may be initiated by any person aggrieved or by an officer, department, board or bureau of the City. Such appeal shall be initiated within 15 days of the action or decision appealed from by filing with the Director notice of said appeal specifying the grounds thereof. The Director shall transmit to the Board of Appeals any papers constituting the record of the action or decision from which the appeal was taken.
- C. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is made certifies to the Board of Appeals, after the notice of appeal shall have been filed with them, that by reason of facts stated in the certificate a stay would, in the Director's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.5.2 Public hearing process.

A. Public Notice.

1. *Notification to the General Public.*

- a. At least thirty (30) days but not more than forty-five (45) days prior to each public hearing, notice shall be published in a newspaper of general circulation within the City. The Director shall prepare such notice, which shall state the time, place and purpose of the hearing. Additionally, notice of the public hearing shall be sent to the owner of the property that is the subject of the proposed action at least thirty (30) days prior to the hearing date by regular mail.
- b. If a request for a variance is to be heard at the hearing, then the notice shall, in addition to the above requirements, include the proposed code provisions requested to be modified. Each section of this Code requested to be varied shall be separately identified in all required notices.
- c. If an appeal of an administrative decision is to be heard at the hearing, then the notice shall, in addition to the above requirements, include a summary of the purpose of the appeal.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.5.3 Public hearing.

- A. The Director shall submit the appeal to the Board of Appeals, together with any Staff Report. The Board of Appeals shall review and take action upon each appeal after holding a public hearing. In making a decision on the appeal, the Board of Appeals shall follow the standards set forth under this Section. No member of the Board of Appeals shall rule on a matter in which he or she has a financial interest, directly or indirectly.
- B. In taking on an appeal, the Board of Appeals by majority of those voting may approve, approve with conditions, or deny the appeal, or the Board of Appeals may table the matter for consideration at its next regular meeting.
- C. The following procedures shall govern public hearings for purposes of considering applications as specified in this Section.
 - 1. Presiding officer. The public hearing shall be conducted by the presiding officer.
 - 2. Requirements for speakers. Persons wishing to speak in support (including the applicants and designated representative) or opposition to any application shall provide their name and address on the specified form to City staff prior to speaking at the public hearing. In addition, each person shall be

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(Supp. No. 20)

required to disclose any campaign contributions/gifts equal to or greater than ~~\$100~~ \$250 given to any City elected official within two (2) years of the public hearing date.

3. Time limits. Speakers at the public hearing shall be allowed not less than ten (10) minutes per side, provided, however, that the presiding officer may at his or her discretion elect to extend this time period equally to proponents and opponents.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.5.4 Hardship variances.

A. *General.*

1. Relief from the application of the provisions of this Ordinance may be granted by the Board of Appeals upon a finding that compliance with such provision will result in a hardship to the property or owner that is substantially unwarranted by the protection of the public health, safety or general welfare and the need for consistency among all properties similarly zoned.
2. Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and not as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.

B. *Standards for Approval.* A hardship variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding by the Board of Appeals that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or
2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or
3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.

C. *Limitation.* In no case shall a hardship variance be granted from the conditions of approval imposed on a property through a zoning change granted by the City Council, nor may any use of land or buildings or structures be granted that is not permitted by the zoning district that is applicable to the property.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.5.5 Exceptions.

A. *General.*

1. An exception requested as part of a rezoning or conditional use application shall be heard by the Planning Commission and decided by the City Council as part of the public hearing process related to the rezoning or conditional use application. All other exceptions (which do not exceed 50% of the stipulated requirement) shall be heard and acted upon by the Board of Appeals, unless approved administratively by the Director as provided herein. Exceptions which exceed 50% of the stipulated requirements shall be heard and acted upon by the City Council.
2. Exceptions shall be limited to relief from the following requirements of this Ordinance:
 - a. Minimum building setbacks;
 - b. Maximum building height;
 - c. Buffers and screening;
 - d. Signage in accordance with a coordinated signage plan;

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- e. Minimum street frontage;
 - f. Parking and loading requirements;
 - g. Tree preservation;
 - h. Signage height and copy area;
 - i. Regulations pertaining to uses customarily accessory to dwellings located in residential zoning districts (See Subsection 2.3.3(C);
 - j. Minimum building size;
 - k. Maximum impervious area; and
 - l. Incentives available to historic properties following designation (See Subsection 2.9.5).

B. *Standards for Approval.*

- 1. An exception may be granted upon a finding that:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of size, shape or topography; or
 - b. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or
 - c. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or
 - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.
- 2. An exception may be granted from the requirements of this Ordinance regarding tree preservation. The factors to be taken into consideration include the following:
 - a. The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing trees.
 - b. The economic hardship that would be imposed upon the applicant were the exception denied.
 - c. The heightened desirability of preserving tree cover in densely developed or densely populated areas.
 - d. The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial ugliness or any other visual affront.
 - e. Whether the continued presence of the tree or trees is likely to cause danger to a person or property.
 - f. Whether the topography of the area in which the tree is located is such a nature to be damaging or injurious to trees.
 - g. Whether the removal of trees is for the purpose of thinning a heavily wooded area where some trees will remain.
 - h. Whether tree removal would have an adverse impact upon existing biological and ecological systems.
 - i. Whether tree removal would affect noise pollution by increasing source noise levels to such a degree that a public nuisance may be anticipated, or a violation of the noise control ordinance will occur.

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- C. *Limitations.* In no case shall an exception be granted from the conditions of approval imposed on a property through a zoning change granted by the City Council, nor may a minimum lot size required by a zoning district be reduced, nor may any use of land or buildings or structures be granted that will result in an increase in housing units or non-residential building density or is not permitted by the zoning district that is applicable to the property.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.5.6 Interpretations.

- A. The Board of Appeals, upon appeal of an aggrieved party or at the request of the Director, shall interpret the use of words or phrases within the context of the intent of this Ordinance, the boundaries of the various zoning districts where uncertainty exists, and such other provisions of this Ordinance as may require clarification or extension. The Board of Appeals shall also hear and decide appeals from any order, determination, decision or other action by the Director where a misinterpretation of the requirements or other provisions of this Ordinance is alleged, except for appeals of administrative decisions denying design approval of signs reviewed by the Director for compliance with the design standards set forth in the Design Review Board Ordinance.
- B. An interpretation by the Board of Appeals shall be final, unless an appeal of their action is taken to Superior Court within 30 days of the Board's action.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.5.7 Appeals of Administrative Variance Decisions.

Any administrative variance decision or administrative exception decision made pursuant to Section 5.1 may be appealed in accord with the procedures set forth in Sections 4.5.2 and 4.5.3.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

SECTION 4.6 SUSPENSION OF PERMITTING

Upon submission by a property owner or his agent of a request for a change in the Comprehensive Land Use Plan, or for a zoning change, or for the granting of relief on a property, no permits shall be issued, nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

Upon the initiation of a Comprehensive Land Use Plan amendment, zoning change, or text amendment by the Planning Commission or City Council, no permits shall be issued, nor shall any actions be undertaken on any property that may be affected by the outcome of such application.