



PLANNING COMMISSION MEETING MARCH 1, 2018

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

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MEETING MINUTES
 - a. February 1, 2018 Minutes
- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING
 - a. Z-17-15/V-17-30 10 & 37 Roswell Street/Alpharetta Town Commons
Consideration of a request to rezone 0.47 acres from SU (Special Use) to C-2 (General Commercial) to allow an existing building to be used for a restaurant with music venue. A 3,500 square foot expansion of the La Casa building is also proposed. A variance is requested to reduce parking requirements. The property is located at 10 & 37 Roswell Street and is legally described as being located in Land Lot 1269, 2nd District, 2nd Section, Fulton County, Georgia.
- VII. ADJOURNMENT



PLANNING COMMISSION MEETING FEBRUARY 1, 2018

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

This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by the Planning Commission, but not quoted or paraphrased. This document includes limited presentation by the Planning Commission and invited speakers in summary form. This is not an official record of the Alpharetta Planning Commission Meeting proceedings. Official Minutes are recorded and available for review.

I. CALL TO ORDER

a. Welcome Candy Waylock, new Planning Commissioner 

b. Election of 2018 Officers 

❖ Commissioner Richard nominated Francis Kung'u as Chairman for 2018

- The nomination was seconded by Commissioner Goss
- The motion was approved (6-0-1) Kung'u
- Chairman Kung'u accepted

❖ Commissioner Goss nominated Karen Richard as Vice-Chairman for 2018

- The nomination was seconded by Commissioner Hipes
- The motion was approved (6-0-1) Richard
- Commissioner Richard accepted

II. ROLL CALL

Members Present

- Francis Kung'u
- Larry Attig
- John Hipes
- Fergal Brady
- Karen Richard
- John Goss
- Steve Usry (Non- Voting)

Members Absent

- Rob Partee

Staff Present

- Kathi Cook, Director of Community Development
- Eric Graves, Senior Traffic Engineer
- Michael Woodman, Senior Planner
- Elle Taylor, Planning and Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

a. January 2018 Meeting Minutes

- ❖ Commissioner Brady offered a motion to approve
 - The nomination was seconded by Commissioner Goss
 - The motion was approved (6-0-1) Waylock

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

- a. Z-17-15/V-17-30 Alpharetta Town Commons LLC/ 10 & 20 Roswell St 

This item was deferred by the Applicant until Planning Commission, March 1, 2018.

- b. PH-17-37 UDC Changes Downtown Code (Parking) 

Caleb Racicot of TSW, presented consideration of text amendments to the Unified Development Code to address Downtown Parking.

Kathi Cook, Director of Community Development , discussed history of the proposed amendment.

There was no Public Comment.

After discussion on:

- Hotel parking Requirements for Limited Service Hotel
- Exception F3
- ❖ Commissioner Hipes offered a motion to Approve with the one provision as part of this motion that 2.4.F#, the language after the word "unnecessary" beginning with the word "or " be stricken – where it says " Or where such regulation would impose an unreasonable hardship upon the use of the lot" that that verbiage be stricken and part of this motion recommend that the language suggested by the presenter be included when submitted to the Council.
- The motion received a second from Commissioner Brady
- Commissioner Richard offered a Friendly Amendment on 2.4.e1 which is the schedule for the in lieu parking fees for the first threshold would you consider a 1-5 spaces at a \$500 per space and then 5-10 at the \$7000 per space
- Commissioner Hipes did not accept the Amendment
- The Motion failed (3-4)(Kung'u, Goss, Richard, Waylock)

There was discussion during the Motion that all of the Presenter's suggestions be added. " or when there are conditions of lot size, lot shape, topography, natural features, existing buildings, existing trees, or required buffers that prevent the requirement from being provided"

c. **CLUP-17-06/Z-17-18/V-17-39 Twelve Forty-Five Rucker Rd/Budier**

Michael Woodman, Senior Planner, presented consideration of a request to rezone 1.85 acres from AG (Agriculture) to R-8A/D (Dwelling 'For-Sale', Attached/Detached Residential) to allow for the subdivision of the property into eight (8) single-family detached lots. A comprehensive land use plan amendment is requested from Low Density Residential to High Density Residential and a variance is requested to allow a hammerhead turnaround in lieu of a cul-de-sac. The property is located at 1245 Rucker Road on the south side of Rucker Road and east of Harris Road and is legally described as being located in Land Lot 1275, 2nd District, 2nd Section, Fulton County, Georgia

Don Rolader and Jim Hamilton presented for the Applicant.

Chairman Kung'u opened the floor to Public Comment at 7:16 p.m.

1. Cheryl Rand, 2145 Fairfax Drive
2. Mark Maselli, 160 Sweetwater Trace

Concerns:

1. No compelling reason for CLUP amendment
2. High Density
3. Need accommodation for trees
4. Replacement plan for large trees

After discussion of:

- FLUP is predominately low density
- Site Plan
- Depth from road to end of property
- Property to west being approved by Fulton County
- Options to hide detention pond
- Mid Broadwell Development
- Harris Walk detention pond
- Hammerhead
- Enrollment projections for schools
- Size of property
- Site distance requirements
- Reasons for two detention ponds

- Applicant not willing to decrease from 8 lots
- Proximity of sidewalk to detention pond
- Landscaping to create a buffer
- Price points similar to surrounding developments (\$500 -600's)
- Small lot, detached residential product
- Surrounding property zonings
- Current Traffic issues on Rucker Rd
- Precedent
- Buffer Requirements
- Citizen Participation Outreach
- R12 zoning
- Elevations
- Square footage 3000 -4000 sf
- Condition #4

- ❖ Commissioner Brady offered a motion to deny
 - Vice-Chairman Richard seconded the motion
 - The motion was approved (7-0)

d. PH-17-16 Northpoint LCI Update

Eric Bosman of Kimley- Horn presented consideration of an update to the North Point Activity Center Livable Centers Initiative (LCI).

Chairman Kung'u opened the floor to Public Comment at 9:30 p.m.

1. Steve Usry - In Favor

After discussion of:

- Community Input
 - Private Public Partnership
- ❖ Commissioner Attig offered a motion to approve
 - Commissioner Brady seconded the motion
 - The motion was approved (7-0)

vii. ADJOURNMENT Chairman Kung'u adjourned the meeting at 9:33 p.m.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: Z-17-15/V-17-30 ALPHARETTA TOWN COMMONS/10 ROSWELL STREET

PLANNING COMMISSION: MARCH 1, 2018

CITY COUNCIL: MARCH 26, 2018

II. RECOMMENDATION:

Approve Z-17-15/V-17-30 Rothman/10 and 20 Roswell Street, 37 Old Roswell Street subject to the following conditions:

1. Property shall be zoned C2 and restricted to office, restaurant, retail, art studio, and beauty salon/barber shop. A music venue shall be permitted and restricted to a maximum of 330 seats.
2. Music venue shall be restricted to operate from 8pm -12pm on Friday and Saturday evenings. Music venue parking shall be directed to Roswell Street public lot to avoid impacts to existing restaurants in addition to offsite private accommodations. Applicant shall be required to submit an offsite parking plan and agreement to City Staff to mitigate impacts that may include off site valet and temporary signage to direct patrons to offsite parking. Applicant shall provide renewed parking agreement each year for music/event space portion of restaurant prior to receiving a business license.
3. Existing building modifications shall require Design Review Board approval and at a minimum applicant shall replace existing awnings, add outdoor seating and landscape planters.
4. In-lieu of paying for all 70 spaces since an offsite agreement with the animal hospital has been provided for 43 parking spaces, the applicant shall pay into the downtown fund the fee equal to cover the remaining 27 spaces. Amount shall be determined by the in-lieu fees approved by City Council. The amount may be further reduced if offsite parking agreements are provided within 500' of the site as approved by Staff. If any leases are not extended or renewed the applicant shall be required to pay in lieu fee for spaces prior to a business license.
5. Developer shall provide the City with a binding legal agreement providing for the protection and maintenance of the Phillips House (La Casa building).
6. La Casa addition shall not detract from the historical features of the structure and shall compliment and coordinate with corner pocket park. Design Review Board approval shall be required.
7. Applicant shall provide additional dumpster on the property within an approved enclosure to accommodate the additional restaurant volume.

III. REPORT IN BRIEF:

The applicant, Bob Rothman, is requesting a rezoning from SU to C2 and a parking variance to allow existing office uses within a building to convert to restaurant and a music venue. The existing salon and corner restaurant would remain. The applicant is also requesting a 3,500 square foot addition to the La Casa restaurant at 37 Old Roswell Street. The applicant requests a parking variance. The subject property is located at 10 Roswell Street and 37 Old Roswell Street. Both addresses are part of one combined property.

DISCUSSION

The submitted request, if approved, will allow an existing building to operate a music venue and restaurant where office previously existed and continue the existing salon and restaurant uses. One variance is requested as well as a parking variance in order to permit off site parking.

10 Roswell Street

The existing 2-story building at 10 Roswell Street is currently occupied with the Corner Deli and Aria Hair Salon. Office users have moved from the building and the applicant plans to convert the space to a music venue with approximately 330 seats and restaurant. Although these uses would be permitted by right within C2 zoning, this parcel is zoned SU (Special Use). It is zoned Special Use because the land was once owned by the City and when sold in 2013 the zoning was not changed. The sales document allowed many C2 uses permitted by right with the statement "and other retail uses permitted by the C-2 zoning classification under the City of Alpharetta's zoning ordinance and typically found in community or neighborhood shopping centers in the City of Alpharetta." Because a music venue of this size did not exist in other shopping centers in Alpharetta Staff informed the applicant that a rezoning was needed.

The use would occupy the top floor, about 5,000 square feet which could hold approximately 333 people. Code requires 1 per 4 seats, plus 1 employee space per 10 seats. The restaurant portion of the venue would be located downstairs. The code required parking for this use is 84 for patrons and 34 for employees for a total of 118 spaces. Of course these spaces would impact available evening spaces instead of day. Other uses within the building bring the total required for the building is 146 of course with the majority needed for evening music events. The property currently has 40 spaces so there will be an evening need of an additional 106 spaces. There are two nearby public parking lots as well as a proposed parking deck next to the cemetery on Milton Avenue. Until the deck is constructed the applicant should provide an offsite parking agreement to accommodate additional spaces needed. Of course since the music venue also has restaurant space some patrons will eat at the restaurant prior to the show or at other nearby restaurants.

The applicant's business plan states that the restaurant will be open 7 days a week from 11am – 10 pm. The music events will be held on Friday and Saturdays the restaurant will close at 11. The music events are planned for Friday and Saturday nights after 8 pm.

La Casa Restaurant

This building is on the City's list of contributing historic properties and was built in 1930. The style is English Vernacular Revival and was the home of Dr. Walter Williams Phillips. The applicant is proposing a small kitchen addition of 500 square feet and an expansion of the dining room to blend existing with an improved outdoor/courtyard to complement the existing pocket park. They also plan to create a stronger entry since they have found that patrons have difficulty finding the front door due to existing ramps. All improvements are required to fit with existing historic style and will require approval. Only 1,500 of addition will accommodate additional seating space and no additional parking is required since the recent adoption of the Historic Preservation Ordinance.

Parking

The Downtown Master Plan Update and Alpharetta Downtown Code requirements replaced the HIS in 2015. The City is in the process of updating their current Downtown parking requirements to provide in-lieu fees for downtown businesses that can't meet their parking on site. This system will permit buildings to be built to the edge of street similar to main street as well as Milton Avenue instead of parking lots between buildings. In order to create a more walkable environment buildings should front the street and parking should be centralized in a downtown.

This property is located directly in front of the Old Roswell Street City Parking Lot and within 500' of the Roswell Street City Parking Lot. The City has plans to develop public parking at 92 Milton Avenue, which is approximately 350' from the property. The site is ideally situated near public parking.

The table below provides the parking required as well as credit for existing parking. The maximum parking need is 146 spaces in the evening, reducing that maximum need by 25% reduces to 110 spaces, and there are 40 onsite spaces. The shortfall would require payment into the parking fund for 70 spaces; however the applicant has obtained an 8 year lease with the Animal Hospital for 43 spaces reducing the number required to 27 spaces.

Use	SF	Parking Rate	Required Parking	Non Reserved Pay Fee	
Retail/Restaurant	13,300SF	2/1,000 SF	28		
Music venue	333 seats	1 space per 4 seats/1 peer 10 for employees	84 plus 34		
Subtotal					
Highest demand parking needed at one time (evening) plus restaurant			146		
Subtract 25% to allow shared for restaurants			110	Amount required for in-lieu \$965,000 (without offsite parking agreements)	
Proposed onsite			40		
Proposed offsite within 500'			43		
Parking Shortfall			27		

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 is less than an acre and the developer is saving a historic structure and two (2) large specimen trees. The Milton Avenue Parking Deck will be in close proximity to the subject property. The property is within an area designated 'Central Business District' which permits the most intense uses. Because this is a downtown building that was originally built in cooperation with the City to encourage development, there is no additional space available to add parking which is typical in a downtown setting.

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

Response: On-site parking on small downtown parcels is difficult to accommodate that is why encouraging shared parking and off-site parking agreements is key to a thriving downtown. A downtown is walkable which can take advantage of creative solutions to parking.

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

Response: The subject property is less than an acre and the developer is saving a historic structure and two (2) large specimen trees. The Milton Avenue Parking Deck will be in close proximity to the subject property as well as two public parking lots

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the City of Alpharetta ordinances.

Response: Approval will not cause substantial detriment to the public good as the historic Skelton-Teasley House will be preserved and parking will be provided on-site and off-site within close proximity.

CONCURRENCES

Staff has reviewed the application and is generally in agreement. The applicant's requested use is consistent with the Alpharetta Downtown Code. A music venue would be a good addition to the downtown and provide a use that doesn't currently exist. The only other small indoor music venue in the City is the Velvet Note on Old Milton Parkway, however they are smaller and only accommodate about 45 guests. The applicant should provide an offsite parking arrangement to valet or shuttle people to cars to help keep music venue patrons from using all spaces behind the existing building which are currently used for other restaurants. Of course many attending the music venue will visit other restaurants in addition to the venue's restaurant. The applicant has provide an offsite parking agreement with the animal hospital to use their 43 parking spaces in the evening. The applicant will be required to provide adequate temporary signage and plan so the public is aware of the venue parking. The applicant also provided an off-site agreement for parking at the Wells Fargo bank, however, this location is not within 500' of the subject site.

Existing parking in the Downtown requires expansion in order to serve this use and additional growth occurring in the Downtown. It is difficult to provide on-site parking on small downtown parcels as it would limit density and in some areas parcels would be purchased and developed solely for the purpose of surface parking. This could be a detriment to building connectivity and needed density along downtown streets.

The City has budgeted over \$7 million to construct additional parking in the Downtown. The previous Historic Downtown Incentive Zoning (HDIZ) contemplated the parking issue by offering developers the option of contributing to a parking fund in lieu of providing on-site parking, which would be used to build communal parking deck spaces. That document required half of the parking be provided on-site and the applicant could pay \$4,500.00 per space into the Downtown parking fund to satisfy the remaining parking requirement.

The Downtown Plan states the intent and purpose is for Downtown Alpharetta to be a focal point for high-quality mixed-use development. The property is within an area designated 'Central Business District', which permits higher densities and building heights than other areas in the Downtown Overlay. It should be noted that each request for parking variances and contributions to the Parking Fund are based upon the available inventory at the request time, as well as proximity to structured parking.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no comments were received.

IV. ATTACHMENTS:

- Site Plan
- Architectural Elevations

I. **RECOMMENDATION:**

APPLICANT VERSION

Approve Z-17-15/V-17-30 Rothman/10 and 20 Roswell Street, 37 Old Roswell Street subject to the following conditions:

1. Property shall be zoned C2 and restricted to office, restaurant, retail, art studio, ~~and beauty salon/barber shop~~, **ART GALLERY, BAKERY, BANK, BOOK STORE, DRUG STORE, FLORIST, THEATER OR MUSEUM**. A music venue shall be permitted and restricted to a maximum of ~~330~~ **333** seats.
2. Music venue shall be restricted to operate from ~~8 7 pm TO 12pm~~ **2 A.M.** on Friday and Saturday evenings (**PERFORMANCES SHALL END BY MIDNIGHT**). ~~Music venue parking shall be directed to Roswell Street public lot to avoid impacts to existing restaurants in addition to offsite private accommodations.~~ Applicant shall be required to submit an offsite parking plan and agreement to City Staff to mitigate impacts that may include off site valet and temporary signage to direct patrons to offsite parking. Applicant shall provide **MULTIPLE YEAR OR** renewed parking agreement each year for music/event space portion of restaurant prior to receiving a business license.
- ~~3.~~ Existing building modifications, **IF ANY**, shall require Design Review Board approval ~~and at a minimum applicant shall replace existing awnings, add outdoor seating and landscape planters.~~
4. In-lieu of paying for all 70 spaces since an offsite agreement with the animal hospital has been provided for 43 parking spaces **AND WITH WELLS FARGO BANK FOR 27 PARKING SPACES**, the applicant shall pay into the downtown fund the fee equal to cover ~~the~~ **ANY** remaining **27 REQUIRED** spaces. Amount shall be determined by the in-lieu fees approved by City Council. The amount may be further reduced if offsite parking agreements are provided within ~~500'~~ **550'** of the site as approved by Staff. If any **OFF SITE** leases are not extended or renewed the applicant shall be required to pay in lieu fee for spaces **IN EXCESS OF PARKING SPACES AVAILBLE ONSITE** prior to **ISSUANCE OF** a business license.
- ~~5. Developer shall provide the City with a binding legal agreement providing for the protection and maintenance of the Phillips House (La Casa building).~~
6. La Casa addition shall not detract from the historical features of the structure and shall compliment and coordinate with corner pocket park. Design Review Board approval shall be required.
7. Applicant shall provide ~~additional~~ **ADEQUATE** dumpster **SERVICE** on the property within an approved enclosure to accommodate the additional restaurant volume.

10 Roswell Street—500 Foot Buffer



ROLADER & ROLADER, P.C.

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DONALD A. ROLADER
don@roladerandrolader.com

D.W. "Pete" ROLADER
1924 - 2011

February 19, 2018

Mayor and City Council
City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009

RE: Z-17-15V-17-30, Application of Alpharetta Town Commons, LLC for Rezoning, Height Variance and Parking Variance at 10/37 Roswell Street

SECOND AMENDMENT TO LETTER OF INTENT

Dear Mayor and Councilmembers:

Applicant has filed an Application as referenced above for rezoning, variances AND Conditional Use. The purpose of this correspondence is to revise Applicant's requests. Applicant hereby amends its application as follows:

1-By amending the first page of the Public Hearing Application to delete the mark for the box for Conditional Use. Applicant hereby withdraws its request for a Conditional Use.

2-By amending the Property Owner Authorization to remove the mark for the box "Conditional Use".

3-By amending Applicant's Request to request that the 10 Roswell Street property be rezoned C-2 so that it conforms to the zoning for 37 Roswell Street.

4-By amending Applicant's Request to permit a music venue with 333 seats as a permitted use in the existing building at 10 Roswell Street.

5-To amend Applicant's Request to withdraw the request for the additional office building and parking/pedestrian easements to the City property entirely.

6-To withdraw the request for a height variance for the additional office building.

7-To amend the parking variance to allow Applicant to locate 65 parking spaces offsite with written parking agreements for use, and/or to pay into the downtown parking fund for any spaces not provided in offsite parking facilities.

In summary, Applicant's request is now to rezone 10 Roswell Street to C-2, to permit a music venue of with a maximum of 333 seats as a permitted use in the existing building at 10 Roswell Street, to permit a 3,500 square foot expansion of the La Casa Restaurant at 37 Roswell

Mayor and City Council
February 19, 2018
Page Two

Street, and to permit a parking variance to permit 65 parking spaces to be located offsite in lieu of payment into the parking fund or be allocated by payment to the downtown parking fund.

Except as hereby amended, the application, as previously amended, shall remain unchanged.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald A. Rolader". The signature is fluid and cursive, with the first name "Donald" and last name "Rolader" clearly distinguishable.

Donald A. Rolader, Esq.

cc: Bob Rothman
Kathi Cook

9/27/17

Rachell Garrett Hall/Rothman

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

☐ 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."
5. Applications will be accepted only 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: Bob Rothman

Telephone: 404-777-0111

Address: 2660 Peachtree Road, NW

Suite: Unit 32 G

City Atlanta

State: GA

Zip: 30305

Fax: _____

Mobile Tel: 404-479-7011

Email: bob.rothman@icloud.com

Subject Property Information:

Address: 10 & 37 Roswell Street

Current Zoning: C-2 / SU

District: 2

Section: 2

Land Lot: 1269

Parcel ID: 22-4283-1269-083-1(37)/22-4283-1269-080-7(10)

Proposed Zoning: C-2

Current Use: retail, office, restaurant

This Application For (Check All That Apply):

☐ Conditional Use☐ Master Plan Amendment☒ Rezoning☐ Master Plan Review☒ Variance☐ Public Hearing☐ Comprehensive Plan Amendment☐ Other (Specify): _____

APPLICANT REQUEST AND INTENT

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

The property will be used for office, retail, restaurant, music venue and related permissible C-2 uses in the existing buildings.

Applicant's Request (Please itemize the proposal):

Applicant requests to rezone 10 Roswell Street to C-2, to allow a 333 seat music venue as a permitted use at 10 Roswell Street, to permit a 3500 sf expansion of the restaurant at 37 Roswell Street, and to allow a variance to permit up to 65 parking spaces to be provided off site and/or by payment into the downtown parking fund.

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

Applicant's intent is to operate 10 and 37 Roswell Street as C-2 uses with a combination of office, restaurants, retail shops, a music venue of 333 seats and other permissible C-2 uses.

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

The proposed uses are entirely compatible with existing and approved downtown core uses.

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

Approving this proposal will compliment the use of surrounding properties and increase property values.

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

The SU zoning is out of character for the surrounding area and is the result of prior City ownership. Rezoning the property C-2 conforms it to abutting zonings.

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

See the generation figures for traffic generation. The uses are proposed in existing structures and should cause minimal increase in population. No residences are planned.

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

There will be no impact to schools. Utilities are available to service the needs of these existing buildings.

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

it is consistent with the Downtown Plan as to use and zoning.

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

Downtown is currently developing as a mix of residential, retail, office, restaurant and hotel uses. This proposal exists and is complimentary to the current development patterns.

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.

The property has existed for years downtown. Downtown has always had extremely limited parking facilities. This property is developed, and is constrained by its property lines and boundaries on 2 city streets. Applicant has no location on the property to provide additional parking.

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

Insisting on UDC required parking would preclude additional restaurant/music venue use of the property. Applicant is willing to mitigate parking with off site parking agreements and/or contributions to the Downtown parking fund.

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

The property is presently developed to the property boundaries and public street rights-of-way. There is no place on site to provide additional parking.

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.

Granting the variance will not cause any substantial detriment to the public good or impair the purpose or intent of the UDC. The largest parking demand will be after 6:00 pm. when there is far less demand on parking.

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.

9/27/17

Z-17-15/V-17-30
Rachell Garrett Hall/Rothman

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Bob Rothman / Alpharetta Town Commons, LLC

Telephone: 404-777-0111

Address: 2660 Peachtree Road, NW

Suite: Unit 32 G

City Atlanta

State: GA

Zip: 30305

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 _____ |

Identify Authorized Applicant:

Name of Authorized Applicant: Bob Rothman / Alpharetta Town Commons, LLC

Telephone: 404-777-0111

Address: 2660 Peachtree Road, NW

Suite: Unit 32 G

City Atlanta

State: GA

Zip: 30305

So Sworn and Attested:

Owner Signature:

(Bob Rothman)

Date:

8/30/17

Notary:

Kristina Lynn Warbington

Notary Signature:

Kristina Lynn Warbington

Date:

8-30-17



9/27/17
9/11/17

Z-17-15/V-17-30
Rachell Garrett Hall/Rothman
RACHELL GARRETT HALL/ROTHMAN

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

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Telephone: 404-777-0111

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Authorization:

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

Identify Authorized Applicant:

Name of Authorized Applicant: Bob Rothman / Alpharetta Town Commons, LLC

Telephone: 404-777-0111

Address: 2660 Peachtree Road, NW

Suite: Unit 32 G

City Atlanta

State: GA

Zip: 30305

So Sworn and Attested:

Owner Signature: _____

(Bob Rothman)

Date: 8/30/17

Notary: Kristina Lynn Warbington

Notary Signature: Kristina Lynn Warbington



Date: 8-30-17

9/27/17

Z-17-15/V-17-30

Rachell Garrett Hall/Rothman

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: Bob Rothman

Subject Public Hearing Case: 10 & 37 Roswell Street

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:

Description of Contribution: N/A

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:

 (Bob Rothman)

Date:

8/29/2017

9/27/17

Rachell Garrett Hall/Rothman

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: 10 & 37 Roswell Street

Contact Name: Don Rolader

Telephone: 770-442-0330

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.

All persons listed on Exhibit "A" attached hereto and

incorporated herein by reference.

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 respond by letter, telephone call, fax, email or in person meeting.

9/27/17

EXHIBIT "A"

Z-17-15/V-17-30
Rachell Garrett Hall/Rothman

WEST CANTON LLC
11785 NORTHFALL LN SUITE 510
ALPHARETTA GA 30009

LOCKWOOD JOSEPH K
369 DORRIS RD
ALPHARETTA GA 30004

STONEWALK LOFTS ALPHARETTA LLC
12611 ITASKA WALK
ALPHARETTA GA 30004

EAST CANTON LLC
11785 NORTHFALL LN SUITE 510
ALPHARETTA GA 30009

LOCKWOODY JOSEPH K
369 DORRIS RD
ALPHARETTA GA 30004

WEST CANTON LLC
11785 NORTHFALL LN SUITE 510
ALPHARETTA GA 30009

CEMETERY
3693 STEWART ROAD
ATLANTA GA 30340

ONE SOUTH MAIN LLC
710 COOPER SANDY CV
ALPHARETTA GA 30004

EAST CANTON LLC
11785 NORTHFALL LN SUITE 510
ALPHARETTA GA 30009

SEA MIST IOP LP
185 N PLAZA CT
MOUNT PLEASANT SC 29464

TWENTY NORTH MAIN LLC
233 CANTON ST
ALPHARETTA GA 30004

WATERS BUILDING LLC THE
241 LAKE FORREST LN
ATLANTA GA 30342-3211

CITY OF ALPHARETTA
6765 KALI CT
SUWANEE GA 30024

CITY OF ALPHARETTA
0 P.O. BOX 33275
DECATUR GA 30033

LEAFE STEPHEN P
30 MILTON AVE
ALPHARETTA GA 30004

SEDG INVESTMENTS LLC
13050 BETHANY RD
ALPHARETTA GA 30009

PHILLIPS ERMINE B
205 SLATON CIR
ROSWELL GA 30075

D & R MILLER HOLDINGS LLC
980 BIRMINGHAM RD SUITE 501-391
ALPHARETTA GA 30004

JWJ REAL ESTATE LLC
45 ROSWELL ST SUITE A
ALPHARETTA GA 30009

WATERS BUILDING LLC THE
241 LAKE FORREST LN
ATLANTA GA 30342-3211

DELSON STORES INC
3270 COCHISE DR
ATLANTA GA 30339

CITY OF ALPHARETTA CORO REALTY LES
SEE
P O BOX 450233
ATLANTA GA 31145

PARSONS ACE HARDWARE INC
10465 STONEFIELD LNDG
DULUTH GA 30097-5951

55 ROSWELL ST LLC
15144 TAYLOR RD
MILTON GA 30004-3519

WATERS BUILDING LLC THE
241 LAKE FORREST LN
ATLANTA GA 30342-3211

PARSONS ACE HARDWARE INC
10465 STONEFIELD LNDG
DULUTH GA 30097-5951

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30201

WATERS BUILDING LLC THE
241 LAKE FORREST LN
ATLANTA GA 30342-3211

WATERS BUILDING LLC THE
241 LAKE FORREST LN NE
ATLANTA GA 30342-3211

KELL BUILDING PARTNERS LLC
131 ROSWELL ST SUITE B201
ALPHARETTA GA 30009

9/27/17

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Rachell Garrett Hall/Rothman

ARIEL HOLDINGS LLC
48 OLD ROSWELL ST
ALPHARETTA GA 30009-7908

FREDENBERG GARY A & PAMELA
294 SOUTH MAIN ST # 300
ALPHARETTA GA 30004

CITY OF ALPHARETTA THE
2 S MAIN ST
ALPHARETTA GA 30009

ARIEL HOLDINGS II FIFTY FOUR ROSWE
LL ST L L C
54 ROSWELL ST
ALPHARETTA GA 30009-1930

ARMISTEAD PROPERTY GROUP LLC
3765 BOZEMAN LAKE RD NW
KENNESAW GA 30144

EAST CANTON LLC
11785 NORTHFALL LN SUITE 510
ALPHARETTA GA 30009

DUANE JAMES G & EDITH E
12460 CRABAPPLE RD SUITE 202 #317
ALPHARETTA GA 30004

COLLINS MARINE GROUP THE
88 ROSWELL ST
ALPHARETTA GA 30004

CITY OF ALPHARETTA
1065 CHANTILLY DR
ALPHARETTA GA 30004

HEIGHT EQUITIES INC
16 BROAD ST
RED BANK NJ 07701

INFORMATION DESIGN CORP
1192 GLOVERVILLE TER
THE VILLAGES FL 32162-8732

FREDENBERG GARY A & PAMELA
294 SOUTH MAIN ST # 300
ALPHARETTA GA 30004

PALMER FAMILY INVESTMENTS LLC
11460 ALPHARETTA HWY
ROSWELL GA 30076-3801

STONEWALK LOFTS ALPHARETTA LLC
12611 ITASKA WALK
ALPHARETTA GA 30004

EAST CANTON LLC
1785 NORTHFALL LANE SUITE 510
ALPHARETTA GA 30009

BLALOCK ESTATE HOLDINGS LLC
7215 DONCASTER CT
CUMMING GA 30040-7662

PROJECT JKL LLC
65 ROSWELL ST
ALPHARETTA GA 30004

MILTON CAPITAL FUND LLC
705 WINDWALK DR
ROSWELL GA 30076

28 NORTH MAIN STREET LLC
3270 COCHISE DR SE
ATLANTA GA 30339-4319

ALPHARETTA TOWN COMMONS LLC
2801 BUFORD HWY NE SUITE T 70
ATLANTA GA 30329

LANPEG LLC
35 OLD CANTON ST
ALPHARETTA GA 30004

WATERS BUILDING LLC THE
241 LAKE FORREST LN
ATLANTA GA 30342-3211

PRINCE FRANKLIN D & PRINCE VIRGINI
A C
12088 COTTON ALY
ALPHARETTA GA 30009

LUNSFORD SARA H
245 CHINABERRY DR
ROSWELL GA 30076

HINES JAN C
80 MILTON AVE
ALPHARETTA GA 30009-1508

KEATLEY DONN BRADFORD
12090 COTTON ALY
ALPHARETTA GA 30009

FULTON COUNTY BOARD OF EDUCATION
786 CLEVELAND AVE
ATLANTA GA 30315

CARLOS L BAGWELL REVOCABLE TRUST T
HE
40 ROSWELL ST
ALPHARETTA GA 30009

CITY OF ALPHARETTA THE
2 S MAIN ST
ALPHARETTA GA 30004

WEST CANTON LLC
11785 NORTHFALL LANE SUITE 510
ALPHARETTA GA 30009

9/27/17

Z-17-15/V-17-30
Rachell Garrett Hall/Rothman

PARSONS ACE HARDWARE INC
10465 STONEFIELD LNDG
DULUTH GA 30097-5951

PRASANTH PROPERTIES LLC
416 PIRKLE FERRY RD SUITE H400
CUMMING GA 30040

PALMER FAMILY INVESTMENTS LLC
79 S MAIN ST
ALPHARETTA GA 30009

ALPHARETTA TOWN COMMONS LLC
2801 BUFORD HWY NE SUITE T 70
ATLANTA GA 30329

NASO VICKI
12092 COTTON ALY
ALPHARETTA GA 30009

CHALK2CHAMPIONS LLC
38 N MAIN ST
ALPHARETTA GA 30009

JAROSH DENNIS & PETRI JOSEPH L
12094 COTTON ALY
ALPHARETTA GA 30009-7983

RAM DEVELOPMENT PARTNERS, LLC
14195 HOPEWELL ROAD
MILTON, GA 30004

BISH TRAVIS J & JACKSON KATHERINE E
12096 COTTON ALY
ALPHARETTA GA 30009

CITY OF ALPHARETTA
2667 CRESTWORTH LN
BUFORD GA 30519

CITY OF ALPHARETTA
287 SOUTH MAIN ST
ALPHARETTA GA 30004

CITY OF ALPHARETTA GA THE
2 S MAIN ST
ALPHARETTA GA 30009

DELSON STORES INC
3012 RIVERMEADE DR NW
ATLANTA GA 30327

PARSONS JAMES J
10465 STONEFIELD LNDG
DULUTH GA 30097-5951

9/27/17

Z-17-15/V-17-30
Rachell Garrett Hall/Rothman

EXHIBIT "A"

Legal Description

Surveyed Property Description

ALL THAT TRACT OR PARCEL OF LAND lying and beginning in Land Lot 1269 of the 2nd District, 2nd Section, City of Alpharetta, Fulton county, Georgia and being more particularly described as follows:

Commencing at the intersection of the projected east right of way line of the relocated Roswell Street (R/W Varies) and the projected south right of way line of Milton Avenue (R/W Varies);
Thence along said southerly right of way South 87 degrees 08 minutes 31 seconds East, 36.57 feet to a point, said point being the POINT OF BEGINNING;

Thence running along said southerly right of way a bearing of South 87 degrees 08 minutes 31 seconds East a distance of 68.67 feet to point;

Thence leaving said right of way running along the property line bounded on the east by the lands now or formerly of SPCP Group VILLC a bearing of South 03 degrees 16 minutes 29 seconds West a distance of 119.53 feet to a point;

Thence running along the property line bounded on the south by lands now or formerly of the City of Alpharetta a bearing of North 87 degrees 22 minutes 34 seconds West a distance of 16.99 feet to a #4 rebar set;

Thence running along the property line bounded on the east by lands now or formerly of the City of Alpharetta a bearing of South 02 degrees 37 minutes 26 seconds West a distance of 10.27 feet to a #4 rebar set;

Thence running along the property line bounded on the south by lands now or formerly of the City of Alpharetta a bearing of North 87 degrees 22 minutes 34 seconds West a distance of 8.83 feet to a #4 rebar set;

Thence running along the property line bounded on the east by lands now or formerly of the City of Alpharetta a bearing of South 02 degrees 37 minutes 26 seconds West a distance of 28.73 feet to a point;

Thence running along the property line bounded on the south by lands now or formerly of the City of Alpharetta a bearing of North 87 degrees 22 minutes 34 seconds West a distance of 18.01 feet to a nail set;

Thence running along the property line bounded on the east by lands now or formerly of the City of Alpharetta a bearing of South 02 degrees 29 minutes 50 seconds West a distance of 102.24 feet to a #4 rebar set;

9/27/17

Z-17-15/V-17-30
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Thence running along the property line bounded on the northeast by lands now or formerly of the City of Alpharetta a bearing of South 43 degrees 31 minutes 20 seconds East a distance of 128.40 feet to a point on the northwesterly right of way of Old Roswell Street (50 right of way);

Thence running along said right of way a bearing of South 48 degrees 19 minutes 37 seconds West a distance of 4.64 feet to a #4 rebar found;

Thence running a bearing of North 41 degrees 24 minutes 17 seconds West a distance of 85.51 feet to a #5 rebar found on the easterly right of way of Roswell Street (right of way varies);

Thence running along said right of way a curve turning to the left an arc length of 16.29', said curve having a radius of 588.04', subtended by a chord of 16.29', with a chord bearing of North 03 degrees 22 minutes 31 seconds East to a concrete monument found;

CONSTITUTIONAL OBJECTIONS

Georgia Law and the procedures of the City of Alpharetta require us to raise Federal and State Constitutional objections during the rezoning/variance application process. While the Owner anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the owner will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

A denial of the Application would be unconstitutional in that it would destroy the Owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Code of the City of Alpharetta, or the Unified Development Code of the City of Alpharetta, to the Subject Property that prohibits the Owner from developing the Subject Property as proposed is unconstitutional, illegal, null and void because such an application constitutes a taking of the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and a violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States because such an application denies the Owner an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would also constitute an arbitrary and capricious act by the City of Alpharetta without any rational basis therefore, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Alpharetta to grant the Application would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner and Owners of similarly situated property in violation of Article I,

9/27/17

Z-17-15/V-17-30
Rachell Garrett Hall/Rothman

Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application that subjects the Subject Property to conditions that are different from the conditions requested by the Owner, to the extent such different conditions would have the effect of further restricting the Owner's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

In addition, this constitutes formal written notice to City of Alpharetta, pursuant to O.C.G.A. § 36-33-5, that the Owner plans to seek to recover all damages that it sustains or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Subject Property by the City of Alpharetta. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Subject Property, attorneys' fees and expenses of litigation.

Accordingly, the Owner respectfully requests that the City of Alpharetta grant the Variance Application as requested.

ROLADER & ROLADER, P.C.

By: 
Donald A. Rolader
Attorney for Owner

1865 Lockeway Drive
Suite 601
Alpharetta, GA 30004
770-442-0330

10/23/17

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: Alpharetta Town Commons, LLC / Rothman / 10 & 37 Roswell Street

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.

None to date. Response will be amended as inquiries are received

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.

See Exhibit "A" 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 (Donald A. Rolader)

Date: 10/23/2017

Print Form

10/23/17

ALPHARETTA TOWN COMMONS, LLC
5825 Glenridge Drive
Bldg. 1, Suite 206
Atlanta, Georgia 30328

October 17, 2017

Property Owner

RE: V-17-30 / Rezoning Application, Height Variance and Parking Variance and Conditional Use Application by Alpharetta Town Commons, LLC for property located at 10 and 37 Roswell Street

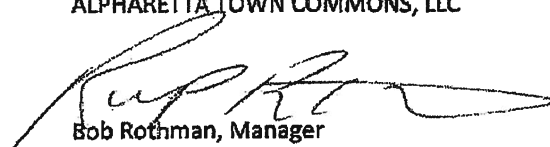
Dear Property Owner:

Alpharetta Town Commons, LLC has filed an application for rezoning from SU to C-2, a height variance, parking variance and a Conditional Use to permit one residential penthouse dwelling unit on this property.

The Planning Commission meeting is scheduled for December 7, 2017 at 6:30 p.m. at City Hall. The City Council meeting is scheduled for December 18, 2017 at 6:30 p.m. at City Hall. If you have questions or would like additional information, please contact Don Rolader at 770-442-0330. His fax number is 770-442-0641, and his email is don@roladerandrolader.com. His address is 1865 Lockeway Drive, Suite 601, Alpharetta, GA 30004.

Sincerely,

ALPHARETTA TOWN COMMONS, LLC



Bob Rothman, Manager

10/23/17

Beanies Prop LLC
233 Canton St.
Alpharetta, GA 30004

28 North Main St. LLC
3270 Cochise Drive
Atlanta, GA 30339

Parsons Ace Hardware
10465 Stonefield Lndg.
Duluth, GA 30097-5951

Thirty Four Thirty Six Church St. LLC
233 Canton Street
Alpharetta, GA 30004

City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009

Carlos L Bagwell Revocable Trust
40 Roswell St
Alpharetta, GA 30009

Martha Stone
1525 Holbrook Campground Rd
Cumming, GA 30040

Alpharetta Town Commons LLC
2801 Buford Hwy NE
Suite T 70
Atlanta, GA 30329

33 South Main LLC
1905 Evergreen Ln
Alpharetta, GA 30009

Sara H Lunsford
245 Chinberry Dr
Roswell, GA 30076

Milton Capital Fund LLC
705 Windwalk Dr
Roswell, GA 30076

Palmer Family Investments LLC
79 S. Main St
Alpharetta, GA 30009

Larry L & Marge A Attig
225 Oakmere Dr
Alpharetta, GA 30009

Stonewalk Loft Alpharetta LLC
170 Westbury Lane
Alpharetta, GA 30005

Stephen P Leafe
30 Milton Ave
Alpharetta, GA 30009

Chalk 2 Champions LLC
38 N. Main St
Alpharetta, GA 30009

Blue Devil Asso. LLC
1100 Powers Place
Alpharetta, GA 30004

D & R Miller Holdings LLC
980 Birmingham Rd
Suite 501-391
Alpharetta, GA 30004

Hyper Chatter LLC
11680 Great Oaks Way
Suite 175
Alpharetta, GA 30022

Alpharetta First United Methodist
Church Inc.
69 North Main Street
Alpharetta, GA 30004

44 Milton Ave Partners LLC
53 South Main St
Suite 300
Alpharetta, GA 30009

East Canton LLC
West Canton LLC
11785 Northfall Lane, Suite 510
Alpharetta, GA 30009

GA Fed Sav & Loan Assn.
P.O. Box 2609
Carlsbad, CA 92018-2609

Cemetery
3693 Stewart Road
Atlanta, GA 30340

RAM Development Partners LLC
14195 Hopewell Road
Milton, GA 30004

First Baptist Church of Alpharetta
42 Academy Street
Alpharetta, GA 30009-3702

Sea Mist IOP LP
185 N. Plaza Court
Mount Pleasant SC 29464

Delson Stores Inc.
3270 Cochise Drive
Atlanta, GA 30339

Joseph K Lockwood
369 Dorris Rd
Alpharetta, GA 30004

Sedg Investments LLC
13050 Bethany Road
Alpharetta, GA 30009

10/23/17

JWJ Real Estate LLC
45 Roswell St. Suite A
Alpharetta, GA 30009

City of Alpharetta Coro Realty
Lessee
P. O. Box 450233
Atlanta, GA 31145

One South Main LLC
710 Cooper Sandy Cv.
Alpharetta, GA 30004

Twenty North Main LLC
233 Canton Street
Alpharetta, GA 30004

Estate of Ermine B. Phillips
c/o Nancy Phillips
205 Slaton Circle
Roswell, GA 30075

55 Roswell St. LLC
15144 Taylor Road
Milton, GA 30004-3519

Kell Building Partners LLC
131 Roswell St., Suite B201
Alpharetta, GA 30009

Ariel Holdings LLC
48 Old Roswell St.
Alpharetta, GA 30009

Ariel Holdings II Fifty Four
Roswell St. LLC
54 Roswell St.
Alpharetta, GA 30009

James G. & Edith E. Duane
12460 Crabapple Rd.
Suite 202 #317
Alpharetta, GA 30004

Height Equities Inc.
16 Broad St.
Red Bank, NJ 07701

Blalock Estate Holdings LLC
7215 Doncaster Ct.
Cumming, GA 30040-7662

Jan C. Hines
80 Milton Avenue
Alpharetta, GA 30009

Armistead Property Group LLC
3765 Bozeman Lake Rd. NW
Kennesaw, GA 30144

The Collins Marine Group
88 Roswell St.
Alpharetta, GA 30004

Information Design Corp.
1192 Gloverville Ter.
The Villages, FL 32162-8732

Project JKL LLC
65 Roswell St.
Alpharetta, GA 30004

Franklin & Virginia Prince
12088 Cotton Aly
Alpharetta, GA 30009

Donn Bradford Keatley
12090 Cotton Aly
Alpharetta, GA 30009

Lanpeg LLC
35 Old Canton St.
Alpharetta, GA 30004

Fulton County Board of Education
786 Cleveland Avenue
Atlanta, GA 30315

Vicki Naso
12092 Cotton Aly
Alpharetta, GA 30009

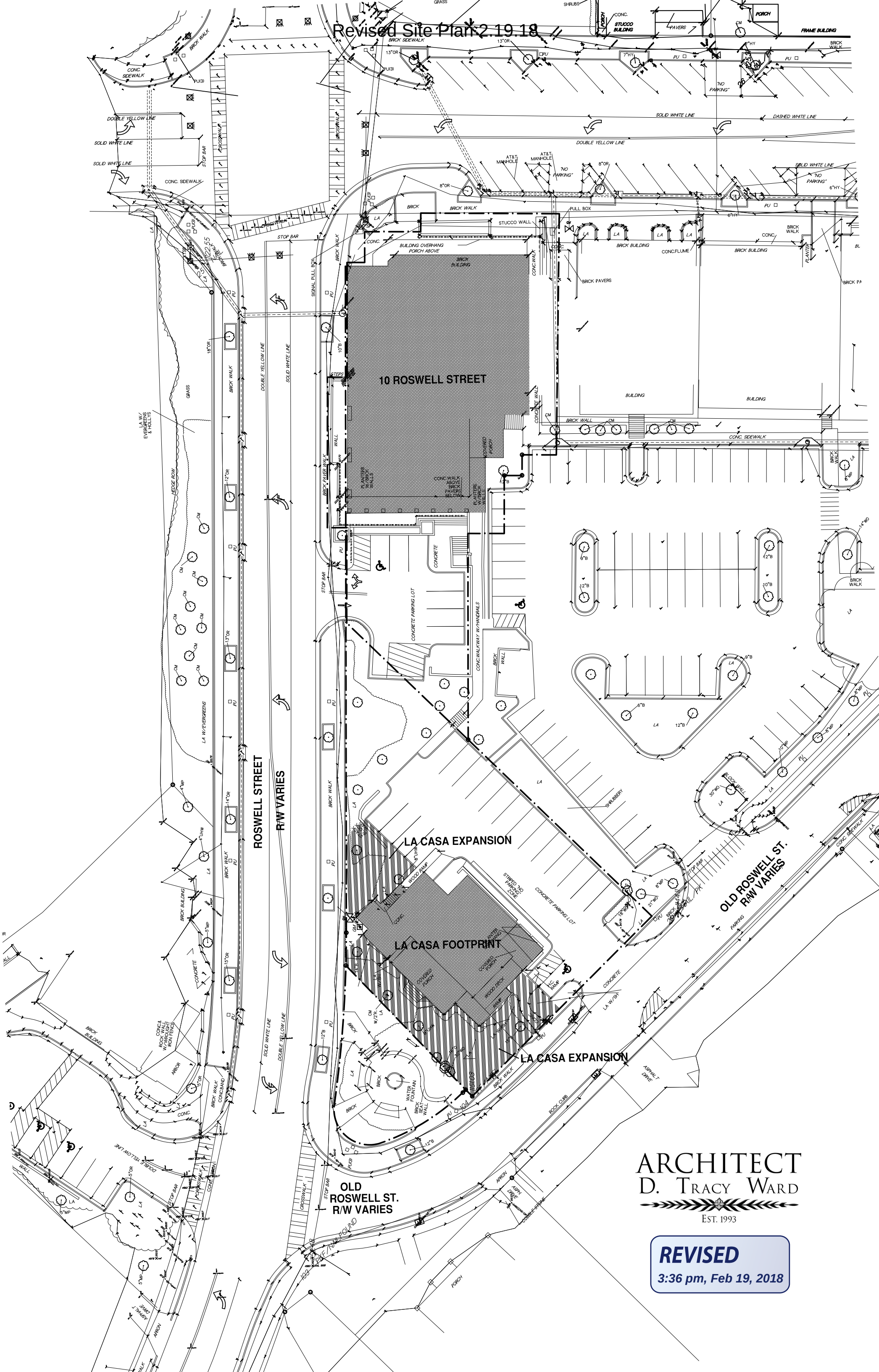
Dennis Jarosh & Joseph Petri
12094 Cotton Aly
Alpharetta, GA 30009

Travis Bish & Katherine Jackson
12096 Cotton Aly
Alpharetta, GA 30009

James J. Parsons
10465 Stonefield Lndg.
Duluth, GA 30097-5951

Prasanth Properties LLC
416 Pirkle Ferry Rd.
Suite H400
Cumming, GA 30040

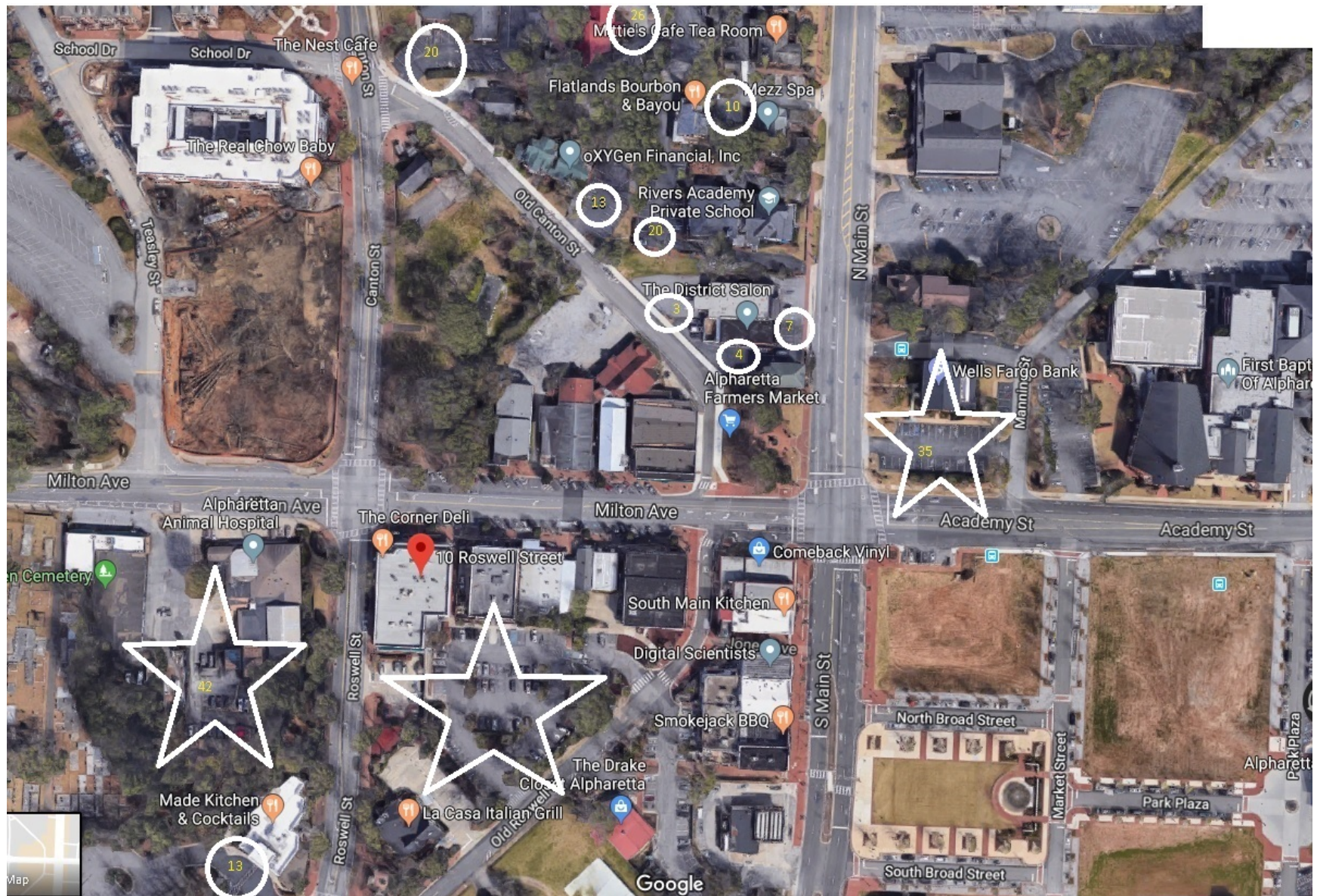
Revised Site Plan 2.19.18



ARCHITECT
D. TRACY WARD
EST. 1993

REVISED
3:36 pm, Feb 19, 2018

Parking Star Map 2/21/2018



Alpharetta Animal Hospital Parking Agreement 2/21/2018

Parking Space Agreement

- I. The parties.
Alpharetta Animal Hospital P.C. (Grantor)
The Copper Fox LLC (Grantee)

This agreement is dated on 2-21-18 2018. By and Between the Grantor and Grantee located in Alpharetta GA 30009 with a walking Proximity to The Copper Fox Address of 10 Roswell Street Alpharetta GA 30009 is to allow The Copper fox LLC to use the Parking lot associated with Alpharetta Animal Hospital Commonly known as The Vet or Alpharetta Animal with 43 parking Spaces at 80 Milton Ave Alpharetta GA 30009 (Address) after 8pm on Friday and Saturday night.

- II. Term.
The term of this agreement begins on 2-21-18 2018 and does not expire until 12-31-28. This Document is automatically renewable with consent from both parties to continue with an unlimited term as both parties see fit.
- III. Special Provisions.
All Parties agree and acknowledge that the parking spaces will not be used during the day from 8am until 8pm and the parking spaces will not hinderer the standard flow of traffic in the down town area.

- IV. Permissions.
The Grantor certifies that they have the right to grant such permissions for the use of parking spaces and agree to hold harmless The Copper Fox LLC and any of its members along with the City of Alpharetta for the use of the Parking area.

Grantor Name J.C. Hines

Grantor Signature J.C. Hines

Date

2/21/18

Grantee Name The Copper Fox Ben Lee

Grantee Signature B. Lee

Date

2-21-18

ALPHARETTA ANIMAL HOSPITAL, P.C.

J. C. Hines, DVM
M. H. Perales, DVM
D. S. Keller, DVM
J. L. Shaw, DVM
C. P. Lusk, DVM



E. F. Doiron, DVM
R. B. Garrett, DVM
W. H. Gholston, DVM
A. C. Davenport, DVM
P. J. Sullivan, DVM

80 MILTON AVENUE
ALPHARETTA, GA 30009

(770) 475-7613
FAX (770) 442-3002
Like Us on Facebook!

WWW.ALPHARETTAANIMALHOSPITAL.COM



Parking Space Agreement

I. The parties
Wells Fargo (Grantor)
The Copper Fox LLC (Grantee)

This agreement is dated on 2-20-18 2018. By and Between the Grantor and Grantee located in Alpharetta GA 30009 with a walking Proximity to The Copper Fox Address of 10 Roswell Street Alpharetta GA 30009 is to allow The Copper fox LLC to use the Parking lot associated with 21 N. Main Street Commonly known as Wells Fargo with 33 parking Spaces at 21 North Main Street 30009 (Address) after 8pm on Friday and Saturday night.

II. Term.
The term of this agreement begins on March 1st 2018 and does not expire until December 31st 2028. This Document is automatically renewable with consent from both parties to continue with an unlimited term as both parties see fit.

III. Special Provisions.

All Parties agree and acknowledge that the parking spaces will not be used during the day from 8am until 8pm and the parking spaces will not hinderer the standard flow of traffic in the down town area.

IV. Permissions.

The Grantor certifies that they have the right to grant such permissions for the use of parking spaces and agree to hold harmless The Copper Fox LLC and any of its members along with the City of Alpharetta for the use of the Parking area.

Grantor Name Melissa A. McWaters

Grantor Signature Melissa A. McWaters Date 2/20/18

Grantee Name The Copper Fox Ben Lee

Grantee Signature [Signature] Date 2-20-18



Melissa McWaters
Branch Manager
NMLSR ID: 1112387

MAC G0108-010
21 North Main Street
Alpharetta, GA 30009
Tel: 770 650 4565
Fax: 770 650 4569
800 TO WELLS

melissa.mcwaters@wellsfargo.com

Wells Fargo Bank, N.A.

2/21/2018

The Copper Fox

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Executive Summary

Description of Business

The Copper Fox will be the local spot for great food and a fun environment for all ages. This will be the best Sports restaurant and Live music venue in town. By day the restaurant has a fun atmosphere that is perfect for the whole family and has special Sports orientated events for the avid fan or the regular Joe. During the evenings the bar atmosphere increases to allow the who's who to show up and rub shoulders with the locals all while experiencing great service. There are also live music events each Friday and Saturday Night after 8 pm. The hours for the Music will be from 8pm until 12am on Friday and Saturday night. The two nights per week that there is live music the band will focus primarily on music that appeals to the 40-60 year old age group and the surrounding area.

Company Ownership/Legal Entity

The company will be owned by The Copper Fox LLC.

The company will operate a DBA The Copper Fox.

Location

The location is Alpharetta Georgia a city and an affluent suburb located in Fulton County in the U.S. state of Georgia. The address is 10 Roswell St Alpharetta GA 30009. This is on the cross roads of one of the most active corners in the city. This is combined with the new city center and booming growth for the down town area and is sure to make the whole area flourish.

Hours of Operation

The Restaurant is open 7 days a week from 11am-10pm for lunch and dinner service. On Friday and Saturday the restaurant is open later to accommodate the evening Crowd until 11pm. The Bar is able to serve until 2am if need for special events. The normal Bar hours are to close at midnight depending on the crowd.

Products and Services

The restaurant Menu see
attached

Suppliers

All suppliers are on Cash pay basis as COD. Deliveries will occur in non peak traffic times and not affect normal traffic patterns

2/21/2018

Service

The food and service will be provided by our staff and the staff is trained properly to give table side service as needed. One of the unique features is the table side guacamole creation. This is a specific process that is loved by the patrons and the servers as they have a chance to express their culinary skills.

Management

The management will be handled by Ben Lee and Mark Ferrara. The scope of this management will consist of full operations management and control of all expenses. Ben will use his 15 years of experience in the food service industry to draw on past restaurant ownership experience, and continue to drive the sales of the business. By having years of experience in the kitchen and front of the house management Ben will be able to insure a steady hand of leadership throughout the operation. Mark Ferrara has owned many restaurants in his 20 years as a restaurant and bar owner/operator. He brings a significant impact to the business by having lived in this area for over 20 years. Along with his unique marketing skills that allow him to create one of kind events and unforgettable experiences for each and every guest.

Financial Management

The book keeping and accounting will be handled by a Third Party Firm. We are in negotiations with several Firms currently to make sure the cost and benefits fit our needs.

Start-Up/Acquisition Summary

The start up expenses and the details for the financial statements can be seen in the Appendix. Not include here.

Marketing

The marketing will progress each year as the line item in the budget increases. The immediate marketing plan will be a direct mail campaign to allow the local population to know about the current events and the existence of the restaurant. This coupled with a strong internet and social media presence will provide a recipe for success.

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Market Analysis

Alpharetta Population Demographics

Total Population	103,659
Male Population	50,328
Female Population	53,332
Percent Change Since 2000	29.7 %
Percent Change Since 2010	5.0 %
Median Age	36.17
Male Population Female Population	48.6%51.4%

Population Male/Female

Male Population 50,328

Female Population 53,332

Occupational employment in Alpharetta

White Collar	21,421
Blue Collar	10,049

Employment

White Collar 21,421

Blue Collar 10,049

Number of Households in Alpharetta

Total Households	37,303
Family Households	28,228
Non-family Households	9,074
Households With Children	18,197
Households Without Children	19,107
Average People Per Household	2.81

Households

Family Households 28,228

Non-family Households 9,074

Alpharetta Education Statistics

No High School	907
Some High School	1,192
Some College	10,600
Associate Degree	4,030
Bachelors Degree	25,840
Graduate Degree	14,400

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Education

No High School 907
Some High School 1,192
Some College 10,600
Associate Degree 4,030
Bachelors Degree 25,840
Graduate Degree 14,400

Marital Status in Alpharetta

Never Married	17,842
Married	43,118
Separated	1,720
Widowed	924
Divorced	3,769

Marital Status

Never Married 17,842
Married 43,118
Separated 1,720
Widowed 924
Divorced 3,769

Household Income and Average Income in Alpharetta

Median Income Under 25	\$40,987
Median Income 25-44	\$64,704
Median Income 45-64	\$115,983
Median Income Over 65	\$87,197

Median Income per age

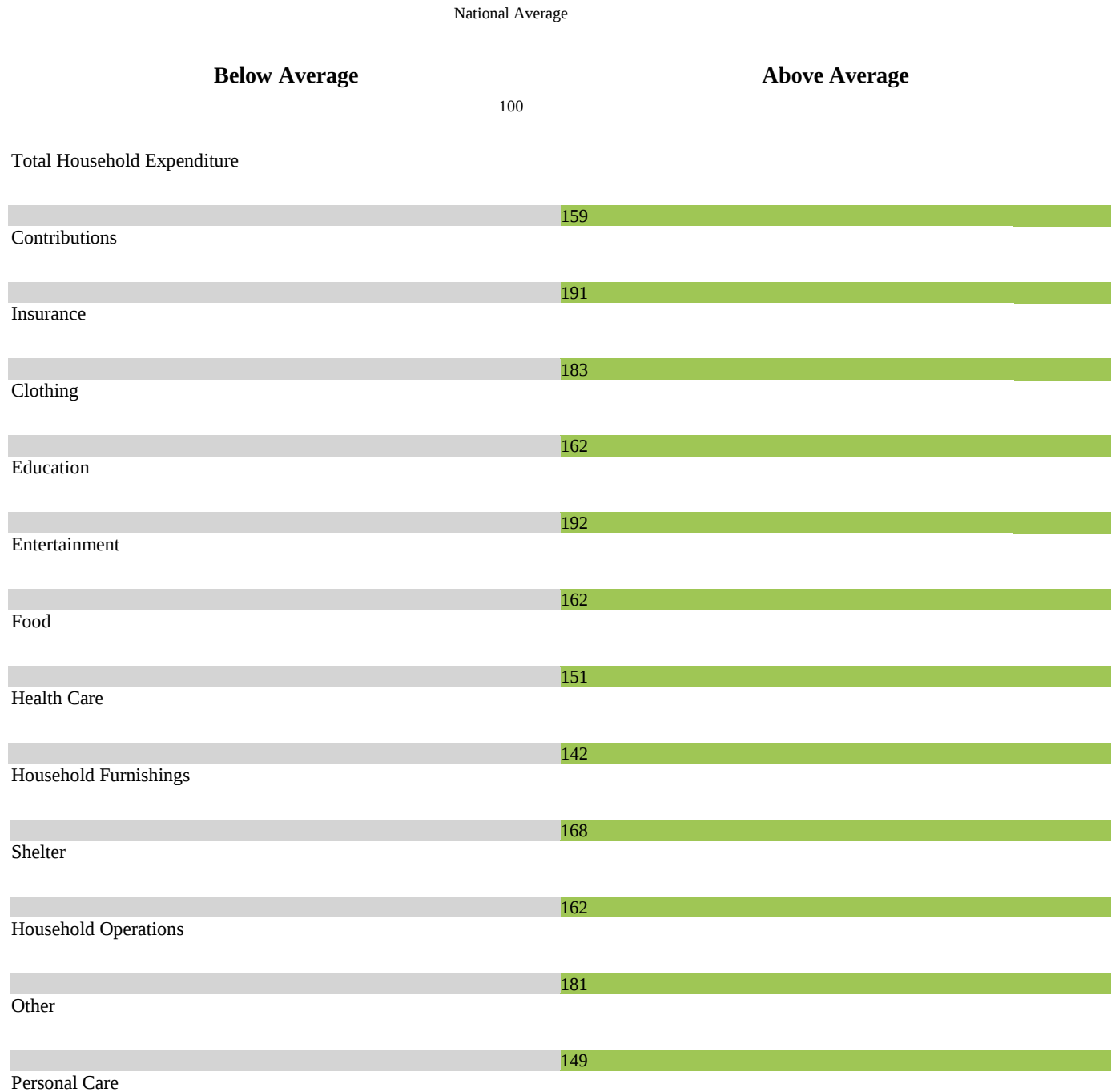
25- \$40,987
25-44 \$64,704
45-64 \$115,983
65+ \$87,197

Average Household Income	\$135,601
Median Household Income	\$109,900
Percent Increase/Decrease in Income Since 2000	15%
Percent Increase/Decrease in Income Since 2010	17%
Average Household Net Worth	\$857,478
Median Home Sale Price	\$288,650
Sales Tax Rate	7.75%

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Average Household Total Expenditure

Consumer spending in Alpharetta



2/21/2018

Reading	156
Tobacco	159
Transportation	122
Utilities	152
Gifts	144
	182

Market Segmentation

Market Segments

The Majority of the business income will be generated from the Sports Restaurant and that will include local little league sports teams; Youth sports sponsorships, local school spirit nights and other family friendly activities. There will also be a strong presence with the city of Alpharetta. We will have a large portion of sports fan that will make this their new home for watching their favorite team and sporting events. The last segment will be the live music enthusiasts, and they will be engaged by the bands that play and the great environment that is created. The bands will cater to the most affluent segment of the population. That demographic will be the 40-60 year old person that has disposable income and a willingness to be entertained. Band styles include : Journey, Billy Joel, Fleetwood Mac, Angie Lynn Carter, Temptations, Frankie Valley, The Rat Pack, Back Flash, Mothers Finest, Steve Miller Band, The Drifters, The Four Tops ect.

Competition

There are several other restaurants in the area but none offer a live music show. There are also many more people in the Alpharetta area that would love to be in a good sports restaurant or live music event. Those people need a place like the Copper Fox to go since the other places are not convenient or do not have room for them to be comfortable. Many other Restaurant locations are not open past 9pm so we have a full hold on all the evening traffic. There is no other entertainment venue with live bands and music on a regular basis that can bring in the great artist that The Copper Fox will be able to bring. This gives us a competitive advantage to attract the locals to The Copper Fox.

Pricing

The pricing of the menu items are based on the needed price to sustain the food cost and proper expense ratios. The prices are in line with local restaurants and the affluence of the area.

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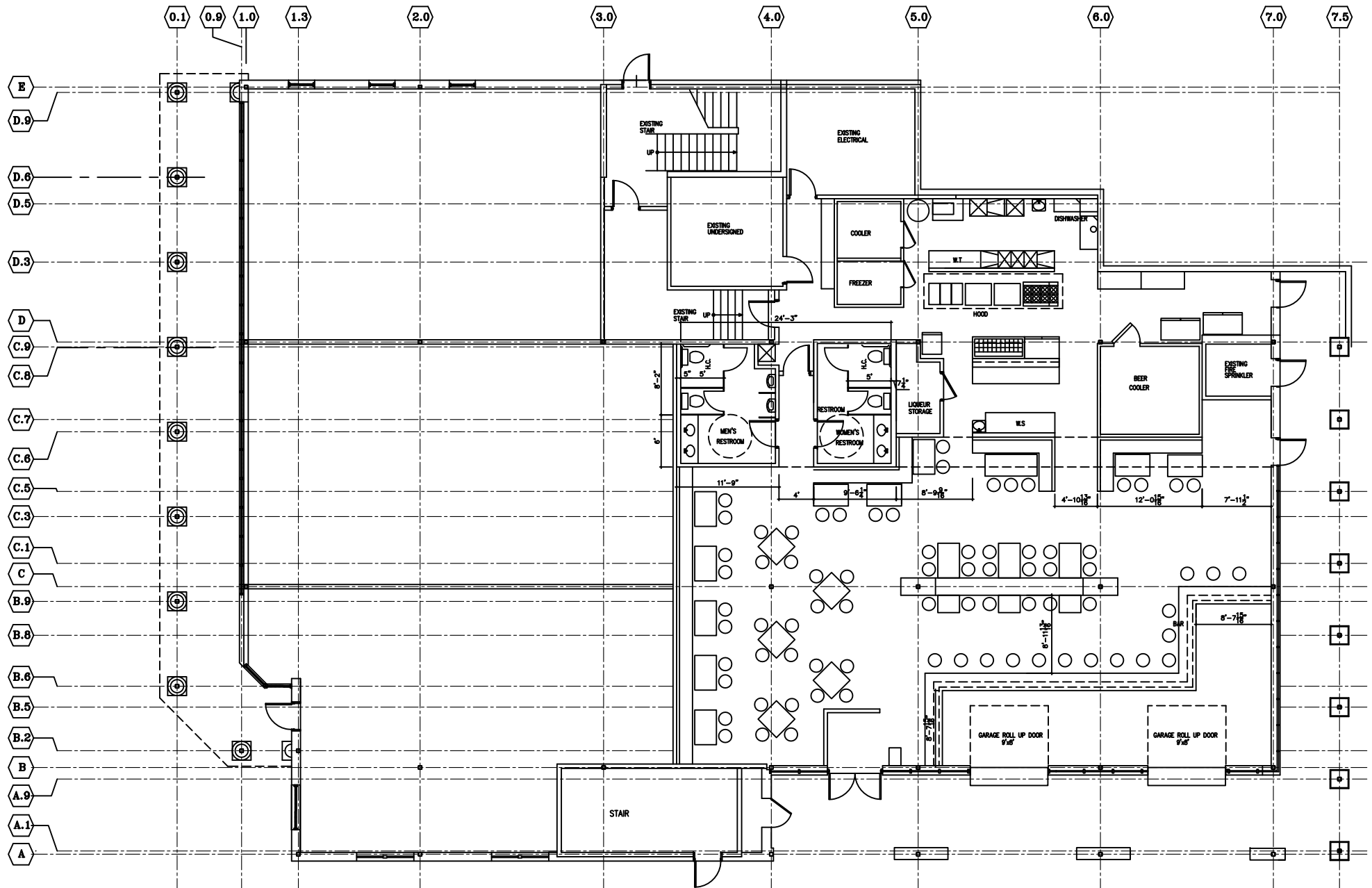
Advertising and Promotion

The advertising will be centralized through email campaigns, direct mail, and in house advertising that takes place in the restaurant. We will also have a robust web site and Social Media Presence.

Strategy and Implementation

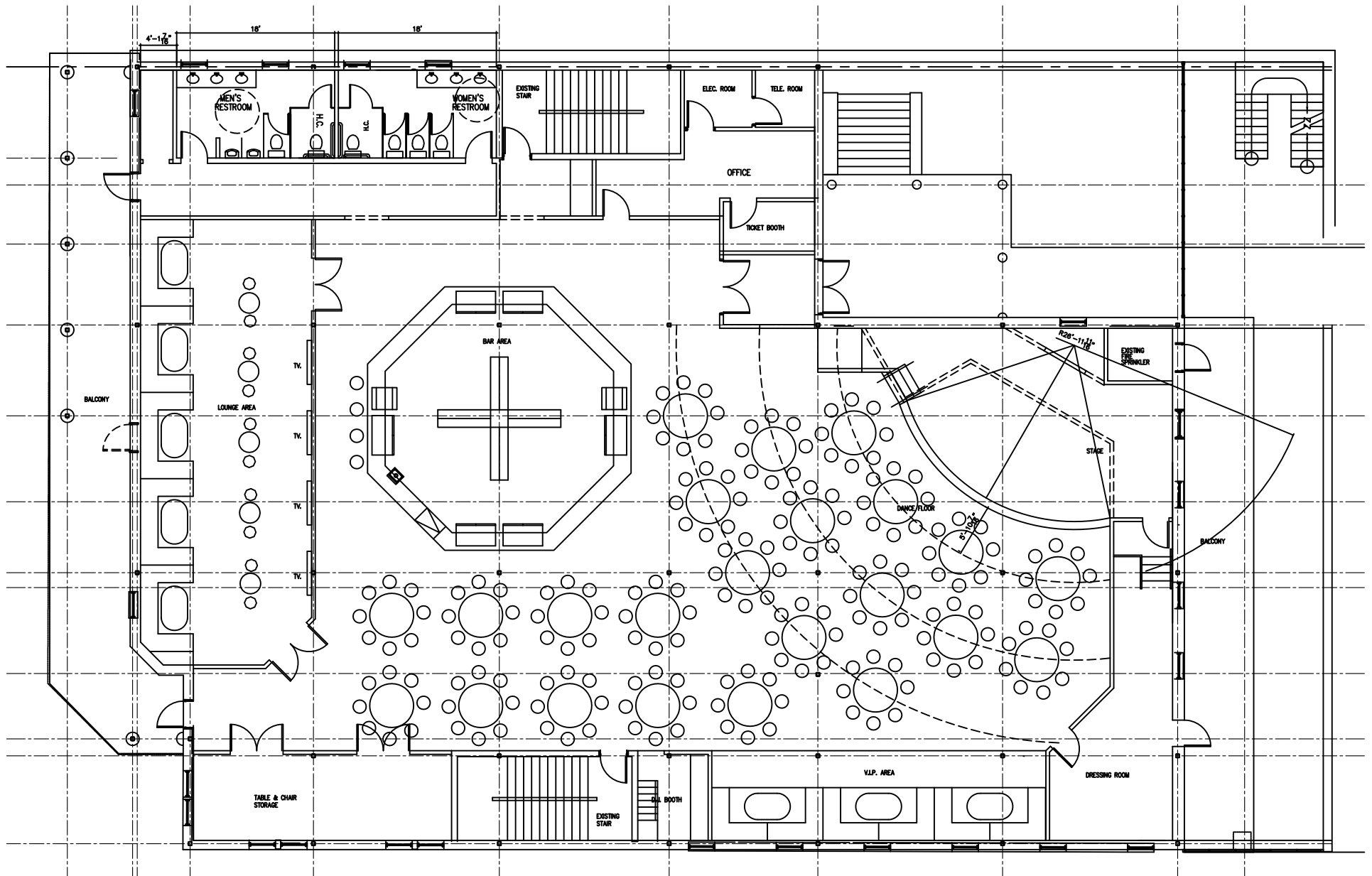
The strategy for implementation of great service is to insure that all the staff are aware of the proper policies and procedures. This will be done by leadership directed by the owners and management staff. There will also be hands on training period that will be directed by the owner to deliver the highest and best quality of information.

Copper Fox
First Floor Plan 11.16.18



2/21/18

Copper Fox Second Story Floor Plan



Copper Fox Stage 1



Copper Fox



Copper Fox #2

