PLANNING COMMISSION MEETING
FEBRUARY 4, 2016

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

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MEETING MINUTES

a. January 7, 2016 Minutes

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. Z-15-17/PH-16-01/V-16-04 Nicholson/Big Creek Overlook

b. Z-15-18/V-15-28 Fox Road Subdivision

c. Z-15-09/V-15-27 Providence Group/DT-LW

VII. ADJOURNMENT

PLANNING COMMISSION MEETING SUMMARY for JANUARY 7, 2016

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

II. ROLL CALL

- Planning Commission Members Present
  - Francis Kung'u, Chairman
  - Kyle Caswell, Vice - Chairman
  - Larry Attig
  - Karen Cashion

- Planning Commission Members Absent
  - John Goss
  - Fergal Brady
  - Rob Partee
  - Karen Richard

- Community Development Staff Present
  - Kathi Cook, Director of Community Development

- Richard McLeod, Senior Planner
- Eric Graves, Senior Traffic Engineer/Planner
- Elicia Taylor, Boards Assistant

III. ELECTIONS OF OFFICERS

❖ Planning Commission Member Caswell nominated Francis Kung'u as Chairman.

- The nomination was seconded by Board Member Cashion
- The nomination was approved by vote (4-0)

❖ Planning Commission Member Attig nominated Kyle Caswell as Vice-Chairman.

- The nomination was seconded by Board Member Cashion
- The nomination was approved by vote (4-0)

IV. APPROVAL OF MEETING MINUTES

a. Planning Commission Minutes (Meeting of 12/3/2015)

❖ Planning Commission Member Cashion offered a motion to approve the Minutes from December 3, 2015.

- The motion received a second from Planning Commission Member Attig
- The motion was approved by vote (4-0)

b. Planning Commission Minutes (Meeting of 9/17/2015)

❖ Planning Commission Member Caswell offered a motion to approve the Minutes from September 17, 2015.

- The motion received a second from Planning Commission Member Cashion
- The motion was approved by vote (4-0)

V. ITEMS FROM BOARD MEMBERS

VI. ITEMS FROM STAFF

VII. PUBLIC HEARING

a. CU-15-13 O'Reilly Auto Parts

Kathi Cook, Director of Community Development, presented.

The applicant, O'Reilly Auto Parts, is seeking a conditional use in order to provide a new auto parts business located at 735 North Main Street in the Henderson Commons shopping center.

The zoning of the property is C1, which requires conditional use for an automobile parts store. The parcel is vacant and located as an out-parcel within a retail shopping center. The site is graded and prepared for development.

The property to the south is zoned CUP and contains the Henderson Village residential neighborhood. Properties on all other sides are zoned C-1. The property to the east is the former Children's Cottage Montessori School.

The applicant is proposing a 7,300+/- square foot building on the front of the Henderson Commons shopping center. The proposed development has approximately 3,000 square feet of retail space and approximately 4,500 square feet of warehouse space. The overall footprint of the development is approximately 1 acre. It will have 35 parking spaces and be parked at 5 spaces for every 1,000 square feet. There are 3-4 employees in the store during business hours.

According to the 8th Edition Trip Generation Code 843, an automobile parts store is expected to generate close to 186 daily trips generated daily. The AM hourly peak is predicted to be 7 trips, with 4 entering the site and 3 leaving the site. The PM hourly peak is predicated to be 17 trips, with 8 trips entering the site and 9 trips leaving the site. There are 6.64 average hourly trips to the store during the 14 hours that it is open.

The property is within the Hwy 9/GA 400 Area Master Plan, a Livable Centers Initiative Study that was completed and adopted in May of 2012. There was significant public input throughout the planning process, and a strong desire was expressed to improve the architectural and landscaping features in the corridor; especially limiting the impacts of large parking lots along Hwy 9. The plan also calls for limiting the front setbacks of development along Hwy 9 and placing the buildings close to the road with linear green space along the streetscape. Finally, the plan suggests that parking lots should be located behind the buildings and should be more heavily landscaped.

The LCI recommendations promote low scale buildings, local office and "unique" retail, and walkable, well landscaped environments. The building side which faces Hwy 9 should be dominated by storefront façade and have pedestrian access to the sidewalk.

Stores should be more of a "local" retail instead of national brands to prevent under-performing stores. The national brands tend to want their stores to serve the automobile at the expense of what the community has asked for.

The building should abut the pedestrian area on Main Street and face the Hwy 9 corridor with wide sidewalks, street trees and amenities. The landscaped strip should be 20' wide and extend along the entire frontage. There should be no parking between the building and the street. Parking should be located in the back of the buildings away from Hwy 9 and should be well landscaped.

The existing nine (9) parking spaces that front Highway 9 shall be removed. These should include no more than 6 spaces without a tree well or landscape buffer, and tree wells should be 400 square feet with no dimension shorter than 15 feet.

Along the Hwy 9 street frontage the sidewalk should be 12 feet wide and should include pedestrian lighting, benches, trash cans, and bike racks. It is noted that GDOT is building the sidewalk as part of the agency's planned State Route 9 Improvement Project. The project is scheduled for right-of-way acquisition in 2018. Therefore, the applicant should not be required to make improvements within the right-of-way at this time but should rather be required to coordinate with GDOT for the provision of right-of-way and easements necessary for the agency's planned improvements.

City staff has reviewed the applicant's request and compared it to the conditional use standards established in UDC Sec. 4.2.3 (B). Staff listed the following as concerns:

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:

2. The extent to which refuse areas, loading and service areas, off street parking, and buffers and screening are provided on the property;

Response:

The LCI site design recommendations promote 1-2 story development, encourage linear sidewalks along Hwy 9, limiting the front setbacks for buildings along the Hwy 9 corridor, and require parking areas to be behind the building and to be landscaped.

The applicant's plan does not meet these requirements.

There could be a problem with customers buying parts in the store and using the parking lot to repair their vehicles. Refuse areas, loading and service areas, off-street parking, and buffers and screening are all addressed in accordance with code requirements.

5. Ensuring that the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and

Response:

While the proposed use is retail in nature, it would not be categorized as "neighborhood serving", which is the primary retail type called for in the LCI Plan. The proposed use is, in fact, more in keeping with some existing, under-performing retail types that the plan seeks to discourage and/or redevelop.

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.

Response:

The location of the auto parts store with two other auto parts stores within 400 feet is not consistent with the desirable pattern of development for the City. Advance Auto Parts sits at the other end of the parking lot approximately 350 feet from the location, and Autozone sits directly across North Main Street approximately 310 feet from the site.

Staff is concerned about the addition of an automobile parts store use. Staff researched land zoned in the area for an automobile parts store and found two in the area. Staff is concerned that 3 automobile parts stores in this limited area is not in keeping with the desires for this extension of the downtown area. It does not promote the community preferences, as stated in the Hwy 9/GA 400 Area LCI, for a mix of local uses in the Highway 9 area.

The applicant notified surrounding property owners by letter of their intent for the property. The applicant stated that one person contacted him and had general questions but no negative comments were received.

Staff's recommendation is to deny CU-15-13 O'Reilly Auto Parts request for a conditional use for property located at 735 North Main Street.

If a conditional use permit is approved the following zoning conditions are recommended:

1. 'Automotive Parts' shall be added as a conditional use for the property located at 735 North Main Street.

2. Building elevations shall be compatible with the architecture, building materials and colors found within the existing plaza of Henderson Commons. All four sides of the building shall feature brick as a primary material. Architectural and landscaping shall be approved by DRB.

3. No outside storage or outside display of products will be permitted.

4. No auto repair, including minor repairs/maintenance, by the proposed business or customers, shall be permitted on site.

5. All signage and exterior modifications to be approved by the DRB.

6. Rooftop appurtenance shall not be visible from pedestrian level.

7. Storefront shall face Main Street. Front setback shall be reduced from 65' to 20' from the property line fronting Main Street, and shall consist of a 20' wide linear strip of green space with trees from the property line to the building façade. The final frontage configuration and landscaping will be reviewed and approved by Staff.

8. There shall be no parking between Main Street and the building. Within parking areas, at minimum a tree well or landscape buffer must be provided for every six parking spaces. Every two parking pays shall be separated by a minimum 15' landscape buffer. Final parking layout and landscape plan to be reviewed and approved by staff.

9. Applicant shall coordinate with GDOT for provision of right-of-way or easements necessary for completion of planned improvements to State Route 9.

There was discussion from the Board:

- Proximity of other auto parts stores
- Other possible sites in the City
- C-2 Zoning allows this use by right
- Main St. is C-1 which requires a Conditional Use
- Whether other Auto Parts Store Owners were notified as part of Citizenship Plan

Tim Zay, presented for the Applicant.

Mr. Zay discussed:

- New Site Plan
- Challenge of meeting LCI requirement due to storm drain pipe
- Reasons for choosing this site
- Direct Competitors
- Not in agreement with recommended conditions
- Not willing to move location of the building to the west

Chairman Kung'u opened the floor to Public Comment at 6:57 p.m.

There was no Public Comment.

There was discussion from the Board:

- Opportunity to follow goals of LCI in order to upgrade the area
- Current Zoning, LCI, DT- Master Plan may need to be aligned

- Planning Commission Member Caswell offered a motion to deny the application
  - The motion received a second from Planning Commission Member Cashion
  - The motion was approved by vote (4-0)

b. CLUP-15-15/Z-15-16/CU-15-14/V-15-26 Koza/Volleyball Courts

Kathi Cook, Director of Community Development, presented.

The applicant, Jim Koza, is requesting a change in zoning from R-15 to AG to allow the existing house and two commercial volleyball courts to remain as currently configured. A change to the Comprehensive Land Use Plan (CLUP) from "Low Density Residential" to "Parks/Recreation/Open Space" conditional use in order to allow an "Athletic Facility" use of two commercial volleyball courts is also requested. The applicant is also requesting variances for parking in gravel, reduction of the 50' buffer, and a reduction of the minimum lot size with AG to just over 1 acre.

The submitted request, if approved, will allow Mr. Koza to operate two existing outdoor sand volleyball courts on land on which his existing house lies. The parcel is currently zoned R-15 with his house on the site. The property is located at 1720 Old Milton Parkway just east of Wills Road, across the street from the tennis courts at Wills Park.

Property to the north, east and west is zoned R-15 and contains homes within the Meadowbrook Park Estates subdivision. Property to the south is zoned SU for Wills Park. Across from Old Milton Parkway and west of Wills Park is R-8D for the Enclave at Wills Park neighborhood that is currently under construction. On the northwest corner of Rucker Road (OMP) and Wills Road sits the baseball field of the American Legion.

In July of 2014, the applicant installed two professional sand volleyball courts in his front yard. He did not have permission to install them or to run a commercial facility on the courts. Staff saw the use and it had no permit and found through website searches that he was operating a commercial business and instructed the applicant he was required to stop and could request a conditional use through the public hearing process.

The applicant has requested to rezone the 1.2 acres to AG from R-15 which permits an "athletic facility" as a conditional use under semipublic uses. The applicant also requests to change the CLUP from "Low Density Residential" to "Parks/Recreation/Open Space," which will allow him to have commercial volleyball courts. AG is the only zoning category that will allow the existing house to stay and the commercial volleyball courts to be used on the same property.

The parcel is elevated above Old Milton Parkway by about 10-12 feet so the courts cannot be seen from the road. The courts are also behind 8 -10 feet of landscaping that consists of crepe myrtles and Loropetalum bushes. On the east side of the courts there are trees which block the view of the neighboring houses. The courts are set in the southern and western end of the front yard of the home. To the west are two City of Alpharetta owned parcels with no houses on the property.

The subject property, if rezoned, will have a 50-foot buffer around the inside edge of the lot. Because the applicant's house will remain and courts are between the road and house, the 50' buffer should be reduced to 5' as long as no other athletic facilities are located on the site. This requirement is due to the conditional use business being located on the property.

The lighting on the volleyball courts is planned to be low with lighting mostly on the underneath side of the ball. Lighting fixtures shall be about 10 – 15 feet high and mounted to poles that are outside of the finished courts. There will be 12 lights on 6 poles per courts. The lighting plan shows lights less than 1 foot candle at the property lines. There are also 3 poles which hold the barrier netting on the perimeter of the courts the fourth is on the corner of the house. These poles are two telephone line poles and one 20' metal pole. The one metal barrier netting pole can only be seen from Old Milton Parkway which is why Staff put a condition to address it.

The applicant's current hours of operation are about 9:00 AM to dark. With the lights, he would like to be open until 10:00 PM. The courts are used 7 days per week. The users of the court are local junior players, adult leagues and other volleyball players.

Parking for the site includes a two-car garage and 10 additional surface spaces behind the fence for additional cars. If this project is approved the site will need to add 8 additional parking spaces to the south. The applicant will add 8 spaces west of the driveway behind the crepe myrtles, which is above the site lines of view for motorists on Old Milton Parkway and is blocked by the existing landscaping. The 6 crepe myrtles will be moved to the neighboring property to the east with the adjoining owner's permission or replanted on the subject site, if they cannot be moved.

The traffic report shows the requested use would generate 30 trips per day. The weekday AM Peak Hour is 2 trips and the weekday PM Peak Hour is 16 trips. Traffic for the existing development was calculated using equations and rates contained in the Institute of Transportation Engineers'' (ITE) Trip Generational Manual, Ninth Edition, 2012. The trip generation was calculated assuming a residential unit and multipurpose recreation facility (Land Use 210 and 435). The table below summarizes the trip generation for the development.

Daily Land Use (ITE Code)	Intensity	Daily Total	A.M. Peak			P.M. Peak		
			In	Out	Total	In	Out	Total
Residence (210)	4 Bedrooms	**6**	0	2	**2**	2	0	**2**
Multipurp Rec Facility (435)	2 Courts	**24**	0	0	**0**	14	0	**14**
TOTAL		**30**	**0**	**2**	**2**	**16**	**0**	**16**

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.

The existing house will remain and is compliant with the existing zoning. The existing two sand volleyball courts are the reason for the rezoning to AG. Consideration that the parcel is directly across the street from tennis courts of Wills Park and just to the east of the American Legion's baseball park, both of which are lighted and are similar uses to that being requested.

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

The proposal should not impact adjacent property; however, the applicant is proposing the western edge of the courts to have a 5' buffer as opposed to a 50' buffer. There is nothing on the adjacent two parcels to the west, but if they were sold and developed for houses conflicts could result.

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

As proposed the development will not affect the property since it is already built.

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

The property is currently zoned R-15 and could reasonably be used as zoned for residential purposes; however, the current zoning does not allow the commercial athletic facility.

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.

The use does not create additional uses beyond the traffic, which averages two trips per hour in the AM and 14 trips in the PM for a total of 16 trips.

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

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.

Not applicable.

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

The current zoning would permit one house and no athletic facility.

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

Due to the presence of the commercial use, the property does not meet the Comprehensive Land Use plan, which calls for low density residential at this location.

COMPREHENSIVE LAND USE PLAN

The Unified Development Code Section 4.1.3 - STANDARDS FOR CLUP AMENDMENT APPROVAL provides criteria for consideration when evaluating a request for a CLUP amendment as listed below:

A. The extent to which a change in the economy, land use or development opportunities of the area has occurred.

There have been no changes in the economy, land use or development opportunities. It is noted, however, that there are no outdoor professional sand volleyball courts in the area, including Wills Park.

B. The extent to which the proposed designation is in compliance with the goals and policies of the Plan.

The Comprehensive Land Use Plan discusses the goal of low to moderate density single family houses at this location, which this site does provide. The Plan also says to enhance the quality of life for residents through the provision of greenspace, parks and recreational facilities, and cultural opportunities that are convenient to all City residents.

C. The extent to which the proposed designation would require changes in the provision of public facilities and services.

The designation would not require changes to public facilities and services.

D. The extent to which the proposed designation would impact the public health, safety, and welfare.

The proposal would not impact the public health, safety and welfare. However, if homes are built on the two parcels to the west potential conflicts and issues related to noise could result.

E. The extent to which additional land area is needed to be developed for a specific type of use.

Not applicable.

F. The extent to which area demographics or projections are not occurring as projected.

Demographics and projections have not changed for the area.

CONDITIONAL USES

City staff has reviewed the applicant's request and compared it to the conditional use standards established in UDC Sec. 4.2.3 (B) which are as follows:

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;

Response:

The Daily Trip Analysis shows almost 30 daily trips from the project with most of them in PM peak hour. The driveway is rather narrow as it gets further up the drive. It is 22' wide at the street and narrows to 11' further up the hill. To change the driveway for this commercial use, however, would make the driveway have a commercial look and feel with a 24' wide base and would make the vehicles more exposed to the street as some of the landscaping would be removed to make room for the extra width.

2. The extent to which refuse areas, loading and service areas, off street parking, and buffers and screening are provided on the property;

Response:

Landscaping buffers are being reduced to 5' from 50'. The 5' buffers are required for residential houses and the 50' buffer is required for commercial use against 'For Sale' residential property. Due to the commercial use being supported by nearly all of the neighbors and with the conditions aimed at reducing the lights and blocking the views of the courts it should be supported.

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;

Response:

The athletic facility with a commercial volleyball courts will not be injurious to those around it.

4. Ensuring that the conditional use will not increase local or state expenditures in relation to the cost of servicing or maintaining neighboring properties;

Response:

Not applicable.

5. Ensuring that the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and

Response:

The volleyball courts have been in existence since July of 2014, and no one has filed a complaint.

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.

Response:

The commercial volleyball courts should not be injurious to those around it as long as usage times and landscaping is maintained to limit potential impacts to surrounding properties. Wills Park and the American Legion Baseball Field are both visible from and in close proximity to the subject property.

VARIANCE REQUIREMENTS

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

The particular shape or topography of the subject parcel does not create extraordinary or exceptional conditions. However, the size of the lot at 1.2 acres is small compared to 5 acres of AG which is the only zoning category that the house and volleyball courts can fit into.

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

The application of this Ordinance does not affect this piece of property and creates no hardship.

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

There are no conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned, aside from the presence of the volleyball courts and commercial use that the applicant constructed on the site.

(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,

The variances, if granted, should not cause detriment to the public good as evidenced by the fact that many of the applicant's neighbors are in support of the volleyball courts.

City Staff has reviewed the applicant's proposal and is of the opinion that the proposal can be supported with conditions that lighting and landscaping are addressed. The ADA restrooms will be reviewed by Staff for architectural and code compliance. Conditions should be required to limit the hours during which the volleyball courts may be used and to address light spillover to adjacent properties.

The property should remain as close to its existing state as possible. The variances should also be granted with gravel for the parking lot plan and the crepe myrtle trees that are to be moved as part of the parking solution should be required to be planted elsewhere on the site. Additional landscaping should be planted in the front where drivers and pedestrians along Old Milton Parkway can see the barrier netting. The variance for the lot size set at the current size of 1.22 acres should also be granted. Also, the buffer variance should be granted as this is a home site with a flat open space that is used as a commercial athletic facility.

The report submitted by the applicant states that the applicant telephoned or visited each property owner within 500 feet of the subject property with a letter stating his intent. Only one person had anything negative about the noise, but it was fixed with the removal of the courts from the back yard to the front yard.

Staff's recommendation is to approve CLUP-15-15/Z-15-16/CU-15-14/V-15-26 Koza/Volleyball Court subject to the following conditions:

1. The property shall have an "AG" zoning classification and a "Park/Recreation/Open Space" land use.

2. The conditional use to allow existing volleyball court shall be approved but shall cease when the property is sold or transferred.

3. Additional landscaping shall be installed on the south, east and west side of the property to completely screen the volleyball courts, bathrooms, and other structures from Old Milton Parkway and neighboring properties. A planting plan shall be submitted to the City for Staff approval.

4. Applicant shall post a sign in the parking area stating, "No parking is permitted in the Wills Park parking lot".

5. Volleyball courts can only be used from 9:00 am to 9:00 pm.

6. No expansion of the volleyball court facility or use shall be permitted.

7. Photometric plan shall be provided to the City for review and approval. Spillover light shall not exceed one half (0.5) of one foot-candle when measured six feet above grade at the residential property line.

8. ADA compliant restrooms shall be installed on the site close to the house location and screening to be approved by staff.
9. Undisturbed 5' buffer on all sides of the property. A 50' undisturbed buffer shall be required adjacent to North. Existing front setback shall remain.

10. Gravel or a crusher run product shall be used for the parking area. Site plan shall be submitted to Staff for review and approval and shall not extend beyond garage structure.

11. Yearly renewal of business license shall be dependent upon review of the business impact to the site and surrounding residencies. The impact of the use shall be reviewed and considered. If complaints are received from surrounding residents or if a parking shortage or traffic problem can be demonstrated by the City, then

the business license for athletic facility shall not be renewed at this location. Applicant shall have 60 days to stop use in the event that the business license is denied.

There was discussion from the Board:

- Code preventing volleyball courts being a commercial use
- Process for Code Enforcement
- Commercial Use within AG Zoning
- Safety of crossing street
- Process of approval
- Driveway being in the right hand turn only lane
- Intensity of driveway use during peak traffic
- Adequate Parking
- Adjacent City owned property
- Location is not in a platted subdivision and is across from Wills Park
- Signage is not expected

Jim Koza presented for the Applicant.

He discussed:

- Courts being used as a training facility
- Maximum of 20 participants between ages of 14-18 play at one time
- History of how commercial use came to be
- Sand courts
- Additional parking at American Legion
- Requested change to Condition #5 from 9:00p.m. to 9:30 p.m.
- Requested Light Plan without LED lights for cost reasons
- Reasons for low light plan in order to see the ball
- Location of Courts on property
- Potential for Sand Volleyball for Colleges and need for practice on sand

There was discussion from the Board:

- No use of alcohol on Commercial property

Chairman Kung'u opened the floor to Public Comment at 7:39 p.m.

In Favor:

1. Jody Lindsay — Great Oaks Way, Alpharetta
2. Craig Bossonas — 335 Waverly Hall Dr., Alpharetta
3. Del Hughes — 844 Windward Pky, Alpharetta
4. Rex Reed — 3445 Indian Hills Dr., Marietta, GA

Reasons:

- Opportunity to practice sand volleyball
- Disposable income being brought to retail in the City of Alpharetta
- Character reference for Mr. Koza
- Service to Community

Opposition:

None.

There was discussion from the Board:

- Courts well shielded by vegetation
- Amount of Community Support
- Meeting a need for the Community

❖ Planning Commission Member Cashion offered a motion to approve the application with the Staff's Condition and an additional condition providing for the fact that users of the volleyball courts are not permitted to bring alcoholic beverages onto the premises.
  - The motion received a second from Planning Commission Member Caswell
  - The motion was approved by vote (4-0)

c. PH-15-26 Update to the Downtown Master Plan

Kathi Cook, Director of Community Development presented a recommendation for a change to the Downtown Master Plan Map to the north to incorporate Canton St (15 additional lots). These properties are part of the Garden District and redevelopment should follow architectural guidelines established within the Downtown Master Plan. This change does not impact current zoning.

There was discussion that Notification is not legally required for an overlay.

The Board recommended that property owners involved be notified. Director Cook stated we would notify the affected property owners.

❖ Vice- Chairman Caswell offered a motion to table the application
  - The motion received a second from Planning Commission Member Cashion
  - The motion was approved by vote (4-0)

d. PH-15-24 Sign Ordinance and Text Amendments

Kathi Cook, Director, presented changes to The Sign Ordinance proposed by Staff and the City Attorney's Office which provide for the modifications, deletions, and/or additions of definitions and other provisions related to certain types of signs.

The Text Amendments were previously approved at the December 2015 Planning Commission Meeting.

After discussion from the Board concerning typos and changes to verbiage for the City Attorney's consideration,

- Vice- Chairman Cashion offered a motion to approve the application incorporating the recommendations of the Chairman.
  - The motion received a second from Planning Commission Member Caswell
  - The motion was approved by vote (4-0)

VIII. ADJOURNMENT

Chairman Kung'u adjourned the meeting at 8:21 p.m.

COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared by: Richard McLeod, Senior Planner

SUBJECT: Z-15-17/PH-16-01/V-16-04 Nicholson/Big Creek Overlook

PLANNING COMMISSION: February 4, 2016

CITY COUNCIL: February 22, 2016

RECOMMENDATION:

Deny Z-15-17/PH-16-01/V-16-04 Nicholson/Big Creek Overlook.

If approval is considered, the following conditions are recommended;

1. **The property shall be zoned R with a land use designation of "Residential Estate". A maximum of one home shall be permitted on the new lots if it can be demonstrated that there will be no encroachment of structures (house, garage, etc.) into the stream buffers.**
2. **Lot 12-B shall be a minimum of 2 acres and shall have a minimum lot width of 100'.**
3. **The remaining 1-acre portion of Lot 12-B shall be zoned RE and incorporated into Lot 12-A and shall not permit an additional dwelling unit. A final plat combining the property shall be required prior to submittal of a building permit for Lots 12-A or 12-B.**
4. **A 25' undisturbed setback shall be maintained along the rear property line adjacent to Pennebrooke subdivision.**
5. **Final determination of home placement and lot viability shall be based upon available Flood Maps at the time of issuance of a building permit. All required buffers shall be met. Applicant shall provide building department with accurate delineation.**
6. **The setbacks for the divided parcel shall be:**
   Front Setback 50'
   Side Setback 15'
   Rear buffer of 25' with 0' rear setback

REPORT-IN-BRIEF

The applicant, Leland Nicholson, is requesting to rezone his property, Lot 12-B in Big Creek Overlook from RE to R in order to allow a buyer to purchase a portion of his property to build a single family home. He is also requesting variances to reduce the rear setback from 50' to 25' feet, reduce the side setback from 25' to 15',reduce the 100' lot width requirement, and waive an existing condition of zoning requiring the use of the existing bridge to allow access to the existing lot 12-B.

DISCUSSION

The submitted request, if approved, would allow Mr. Nicholson to subdivide his properties and sell a 1-acre parcel to a third party. The property is approximately 3 acres and comprises Lot 12-B in the Big Creek Overlook neighborhood. It is 12-B that the applicant requests to subdivide for a seller who will build a house. The applicant is requesting variances to reduce the rear setback from 50' to 25' feet, reduce the side setback from 25' to 15', waive the 100' lot width requirement, and waive an existing condition of zoning requiring the use of the existing bridge to allow access to the existing lot 12-B. The requested bridge variance would allow for the joint access bridge to be left to the two property owners, 12-A and 11-B who share access from it, and allow the new purchaser of two acres of Lot 12-B to build a new bridge off of Big Creek Overlook for himself.

Property to the south is zoned R-10 and is developed with single family homes within the Pennebrook subdivision. Property to the west is zoned CUP and developed with the Cypress Point apartments. Property to the east and north is within the Webb Bridge Crossing subdivision and is developed with single-family homes on lots that are mostly 3 acre minimum.

The property was included in the island annexation approval in 2004 and effective as of October 1, 2004. The owner at the time was in the process of subdividing the property in Fulton County; however, the plat was not approved prior to the annexation effective date. The City annexed the property with an AG zoning classification in order to provide a similar zoning as Fulton County. The subject property was rezoned to RE with conditions in 2005 with 3-acre lot minimums.

The property was platted in 1979 within the Webb Bridge Crossing Subdivision. The subdivision originally consisted of 26 lots with lot sizes ranging from 5.25-acres to 3.00 acres. Since the subdivision was originally platted, several lots were subdivided while under the jurisdiction of Fulton County. In 2004 prior to annexation, Lot 15 (the lot immediately east of the site) was subdivided from 3 acres into 1 acre lots. Staff is not aware of the reasoning used to approve the lot splits in the County because the plat does have a note that reads “All lots have three acres or more.”

The applicant owns tracts 12-A and 12-B, both of which are 3-acre tracts. He wishes to rezone Lot 12-B to R due to a proposed buyer who will purchase two acres for the construction of one single family home. The applicant will keep the remaining one acre and combine it with Lot 12-A to create a 4 acre tract at a later date.

He has submitted two plans, an option “A” and “B” (attached) and would prefer the 3 lots described in option “A”.

The applicant is requesting a variance to the rear setback of 50’ to reduce it down to 25’ setback concurrent with a 25’ undisturbed buffer.

The back of lot 12-B also depicts a 25’ undisturbed buffer which was added in the zoning of 2005. The buildable area is to the rear of the lot due to a stream and its buffers that cross the front portion of the property. There is a required 50’ rear setback on properties in both the RE and the R zoning categories. The 25’ setback and undisturbed buffer is on all the lots that touch the property from Pennebrook subdivision. The applicant is requesting the 25’ rear setback to get any future homes away from the flood plain. A variance is requested for the side setback from 25’ to reduce it down to 15’ due to the narrowness of the proposed lots.

The applicant is also requesting to minimize the lot width requirement of 100’ for all the lots. However, the actual variance that the applicant needs is a variance of the lot width on a cul-de-sac. The UDC reads that “the distance measured between side lot lines at the point of the property is twice the front setback requirement from the front property

line." In this case, the front setback back is 50'. You would double that per the code and be 100' from the front property line. Under the current option "A" or "B", the lots are too narrow to get the 100' of lot width with the exception of the eastern most lot. With the stream being in the 100' setback and the buildable portion of the lots being further to the rear, it would be better to provide a variance to the portion of the lot width requirement for lots on the cul-de-sac and measure the front setback at the point where the actual building would go, further into the lots. All of the lots on either option would be 100' width if the variance were granted in this manner.

The subject lot has a large creek running east to west and the developable area of Lot 12-B is to the back, over 100 feet in depth from the Big Creek Overlook right-of-way. There is an access easement of 25' that serves lots 11-B and 12-A and is supposed to serve lot 12-B. There is a condition of zoning placed on the properties in 2007 that says "Existing stream crossing shall be utilized for access to existing home on Lot 12-A, as well as access to Lot 12-B in order to minimize stream impacts". The applicant is requesting that this condition be removed and a separate access point from Big Creek Overlook be installed by the buyer. The applicant and the buyer are concerned that the bridge over the creek cannot support the construction traffic.

Residential development is known to increase school enrollment. However, the addition of one or two homes to the schools is negligible. The schools will only prepare a report for developments that will result in the addition of four or more residential units.

The following information was taken from information supplied by the applicant.

The volume of traffic that will be generated by the proposed development was calculated using the equations in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition. This document is the traffic engineering industry standard to determine the volume of traffic that a development will generate. Its data is based on traffic counts collected at similar facilities nationwide. The trip generation for the Webb Bridge subdivision was calculated using ITE Land Use 210 – Single-Family Detached Housing and is shown in Table 1.

Table 1								
Trip Generation								
Land Use	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour
		Enter	Exit	Total	Enter	Exit	Total	2-way
Single Family Detached Home	1 Unit	2	2	4	2	2	4	8

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.

The proposal is compatible with the adjacent uses and their zoning. However, most lots in Webb Bridge Crossing are 3 acres of more. They are limited to 3 acre lots on the previous zonings and on the final plat.

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

The proposal should not impact adjacent property; because, the property platted in 1979 to the east is already split into one acre tracts. The property to the west is the applicant's and will be combined with the western most one acre lot of lot 12-B.

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

The proposal does adversely affect the natural environment. The applicant requests that they are to build a second stream crossing violating the condition of zoning prohibit sharing only one. The applicant will still have to meet the UDC Tree Ordinance. The existing stream crossing is also protective of the lot builder not having to cross the stream again.

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

The property can be used as currently zoned. The property is currently zoned RE and would permit one home. The zoning of R would permit 3 homes. However, the applicant has asked that only one house be permitted on the eastern parcels and 1 acre be combined with his existing lot.

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.

Not applicable.

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

The proposal is not supported by new of changing conditions.

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.

The zoning proposal does not reflect a reasonable balance due to complying with the future land use plan. The neighborhood is zoned either RE or AG and permits lots of 3 acre in RE or 5 acres in AG.

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

The current zoning would permit construction of one house on the 3-acre lot.

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

It is consistent with the Comprehensive Plan, which designates the area as Very Low Density Residential.

VARIANCE REQUIREMENTS

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

The ordinance does not create a hardship for the property owner due to the location of the stream. To the side, the setback is 25' and should remain. There is not a hardship related to the 100' lot width requirement for each of the subdivided parcels.

In order to minimize the stream crossing, the variance to eliminate the required stream crossing should not be granted.

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

There is no hardship if the lot remains at 3 acres. Subdividing causes the hardship.

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

The variances required would be the result of the requested change in zoning for the property. The property could be developed as it is today.

(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,

The granting of variances could cause substantial detriment to the neighbors and if other lots within the development request to subdivided their 3 acre lots, within Big Creek Overlook.

CONCURRENCES

Staff's analysis finds that the requested rezoning and variances cannot be supported. The property as zoned will allow it to be developed with one house similar to other lots in the development. Except for the lot immediately to the east and three others towards entrance, which was approved by Fulton County prior to annexation, lots in Big Creek Overlook are zoned and platted for 3-acre or larger lots.

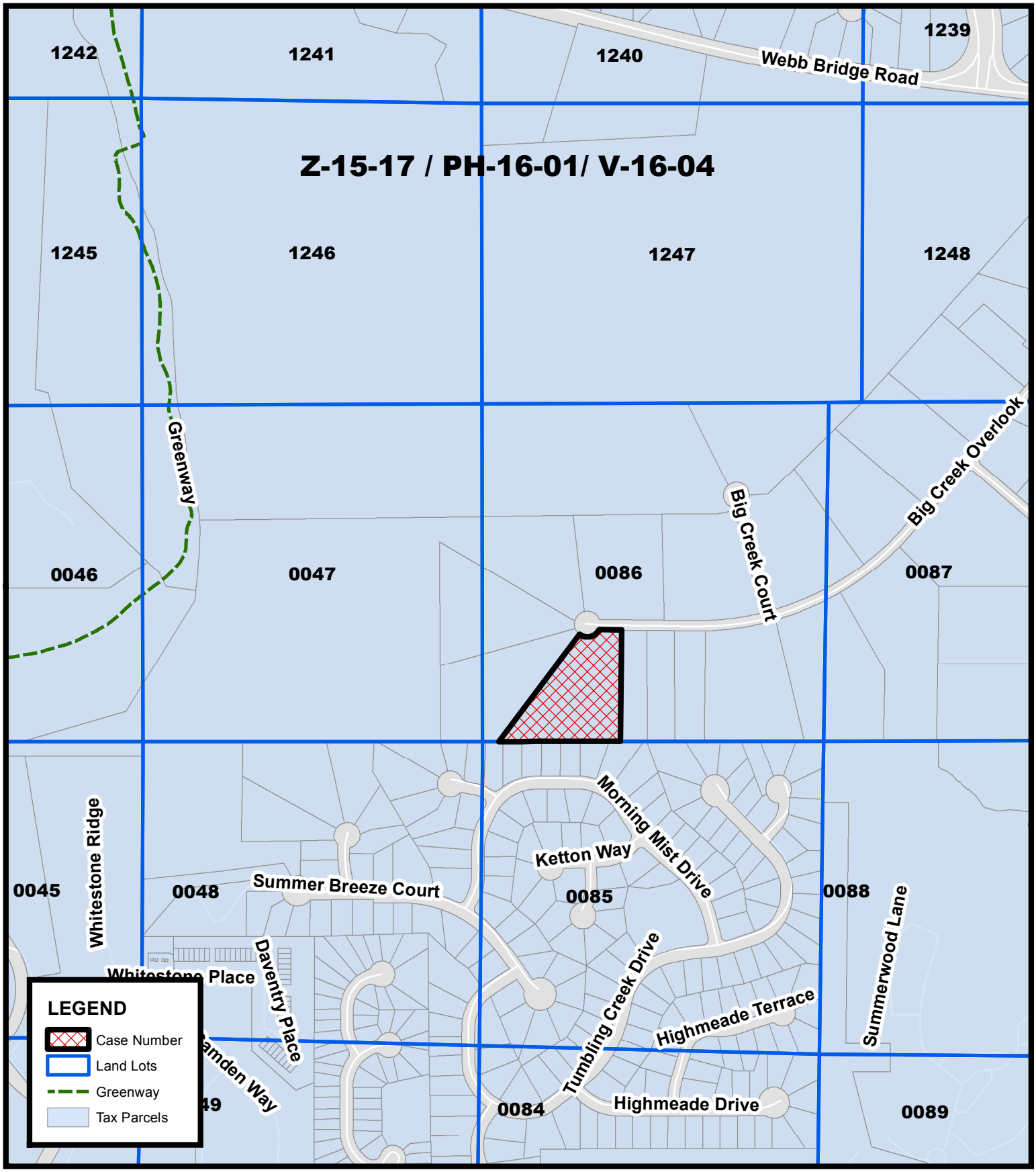
The parcel is shown as 12 on the original Webb Bridge Crossing subdivision plat. The parcel is shown as 12-B on the 2005 plat. The flood plain existed at the time the plat was recorded; making it possible for the two large Lots as platted. The flood plain has changed since the 1979 recording; making additional property unbuildable. As witnessed by the changing flood plain, Staff is concerned with permitting lots with too little buildable area. This will permit the home to be placed a safe distance away from the flood plain which could change its boundaries over time.

CITIZEN PARTICIPATION PLAN

The applicant notified everyone within 500 feet of the subject property of the intent for the property. The report states that people called and said they have no objections. One person at 11930 Morning Mist Drive has "a couple of clarifying questions to ask" but has not called yet. An email from a property owner on Tumbling Creek Drive had a question about impact on the property.

ATTACHMENT

Surveys

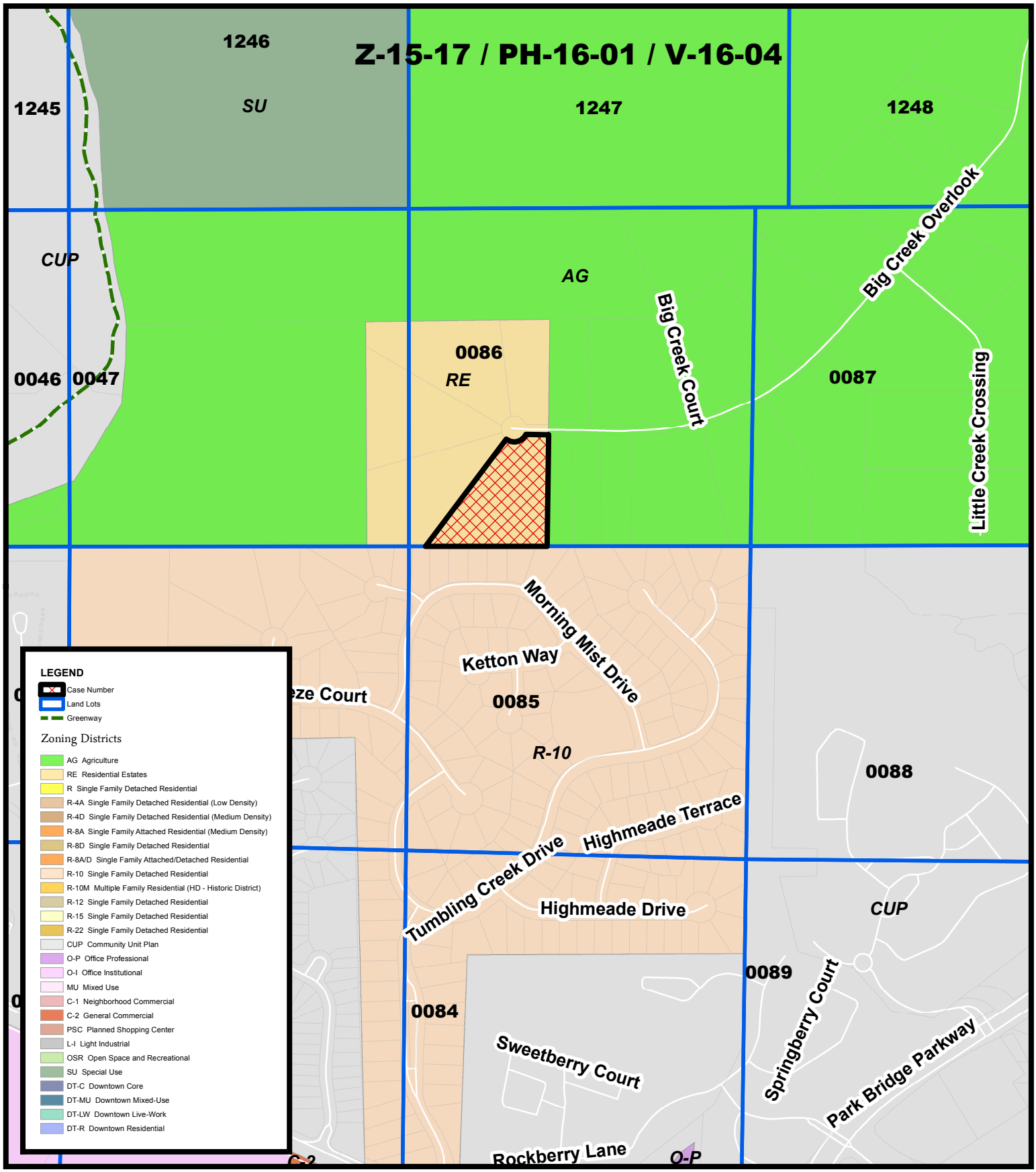


Location Map
Nicholson
4099 Big Creek Overlook

Z-15-17/ PH-16-01
V-16-04

D/LL: 1/1/0086
PC Date: 2/4/16
CC Date: 2/22/16

Location Map Provided by:
Community Development - GIS

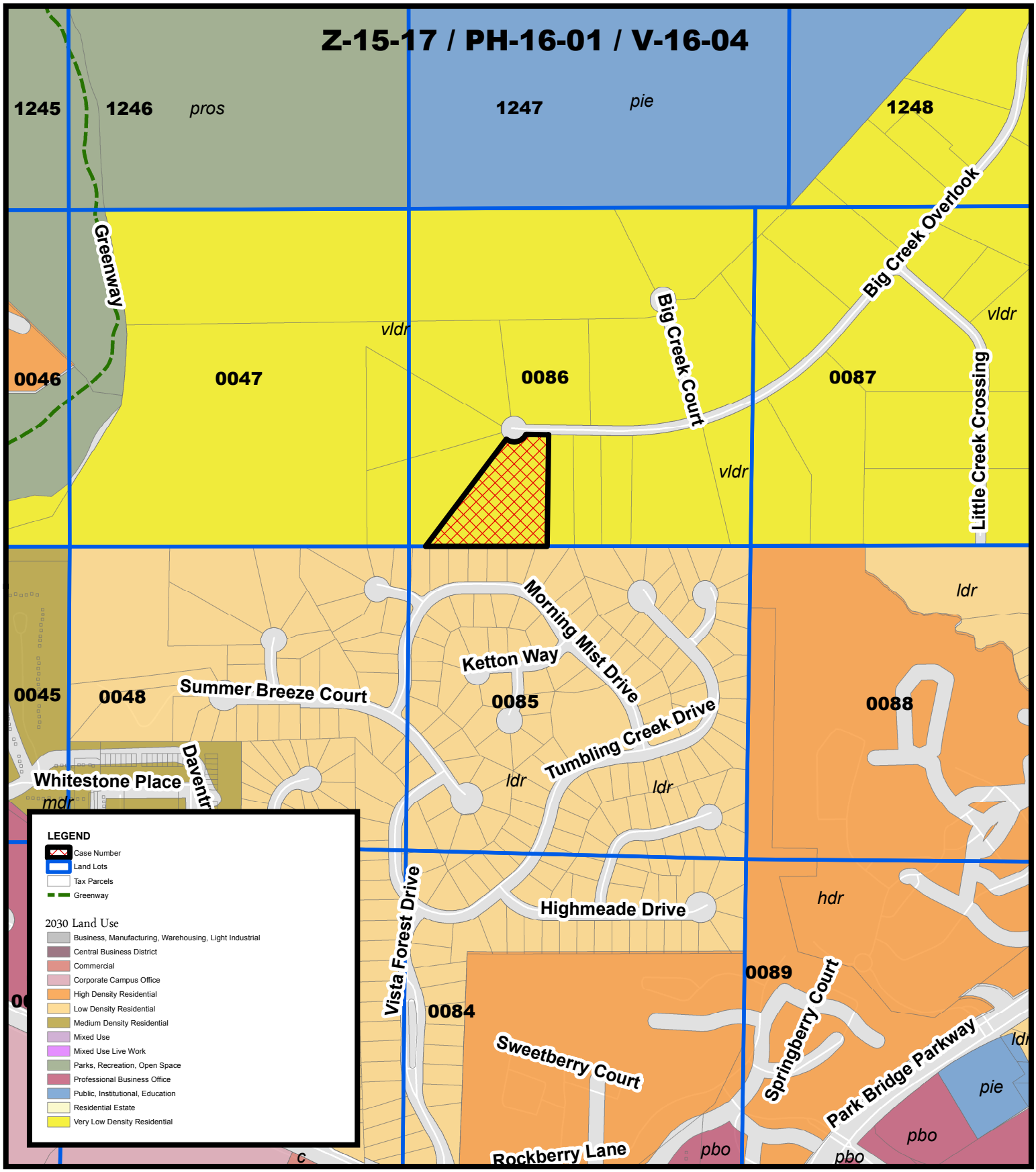


THE CITY OF ALPHARETTA GEORGIA

Zoning Map
Nicholson
4099 Big Creek Overlook

Z-15-17/ PH-16-01
V-16-04
D/LL: 1/1/0086
PC Date: 2/4/16
CC Date: 2/22/16

Location Map Provided by:
Community Development - GIS



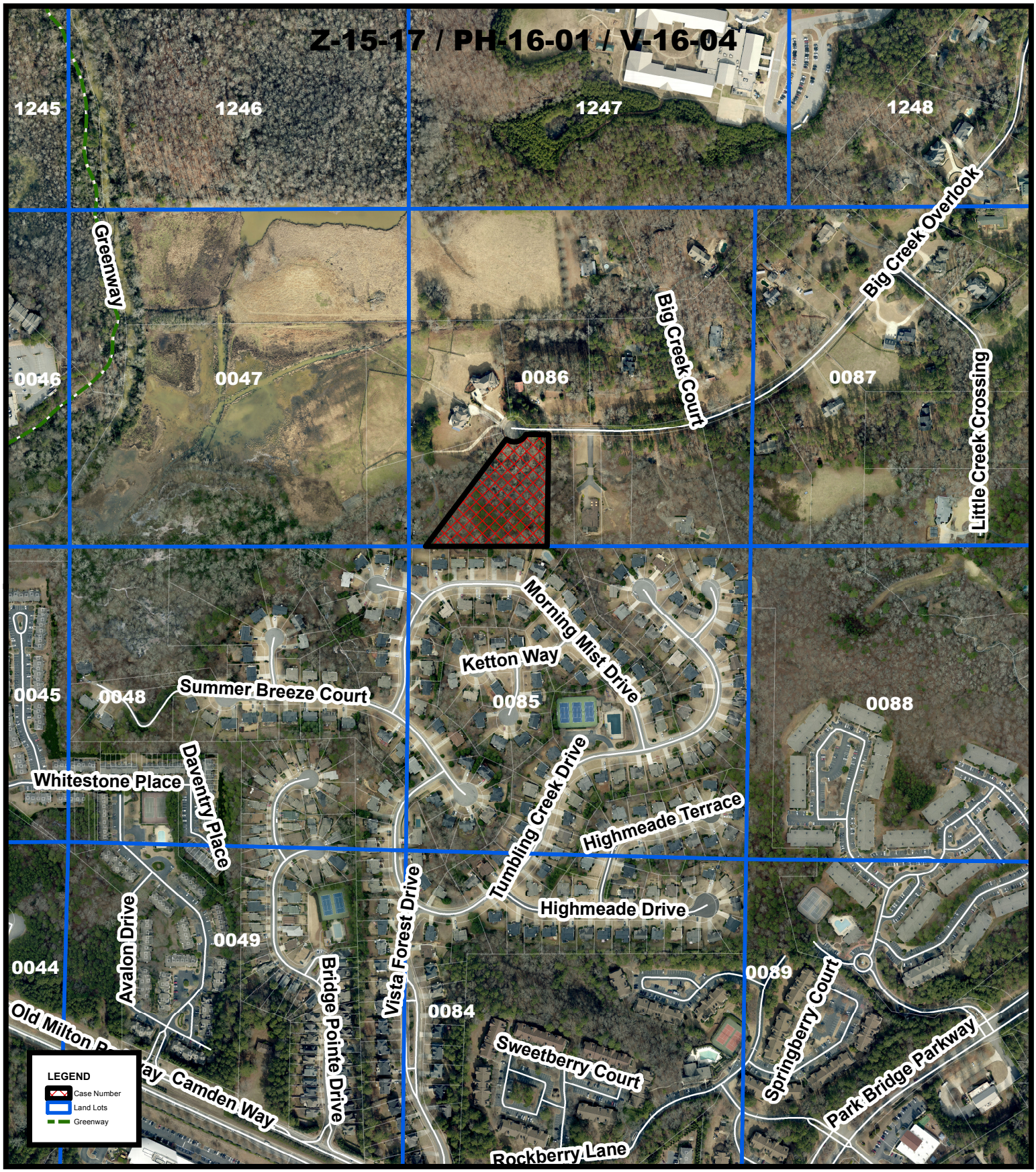
2030 Land Use
Nicholson
4099 Big Creek Overlook

THE CITY OF ALPHARETTA GEORGIA

Z-15-17/ PH-16-01
V-16-04

D/LL: 1/1/0086
PC Date: 2/4/16
CC Date: 2/22/16

Location Map Provided by:
Community Development - GIS



Aerial Map
Nicholson
4099 Big Creek Overlook

Z-15-17/ PH-16-01
V-16-04

D/LL: 1/1/0086
PC Date: 2/4/16
CC Date: 2/22/16

Location Map Provided by:
Community Development - GIS

Z-15-17 PH-16-01 V-16-04
NICHOLSON/BIG CREEK OVERLOOK

Option "A"

NOTES:
1. Current Zoning : RE & AG
ZONING CASE NO. Z-05-01/V-05-02
ZONING CASE NO. Z-09-05/PH-09-01/V-09-03

2. Existing Setbacks:
Front – 50 Feet
Side – 25 Feet
Rear – 50 Feet

Proposed R Setbacks:
Front – 35 Feet
Side – 10 Feet
Rear – 25 Feet

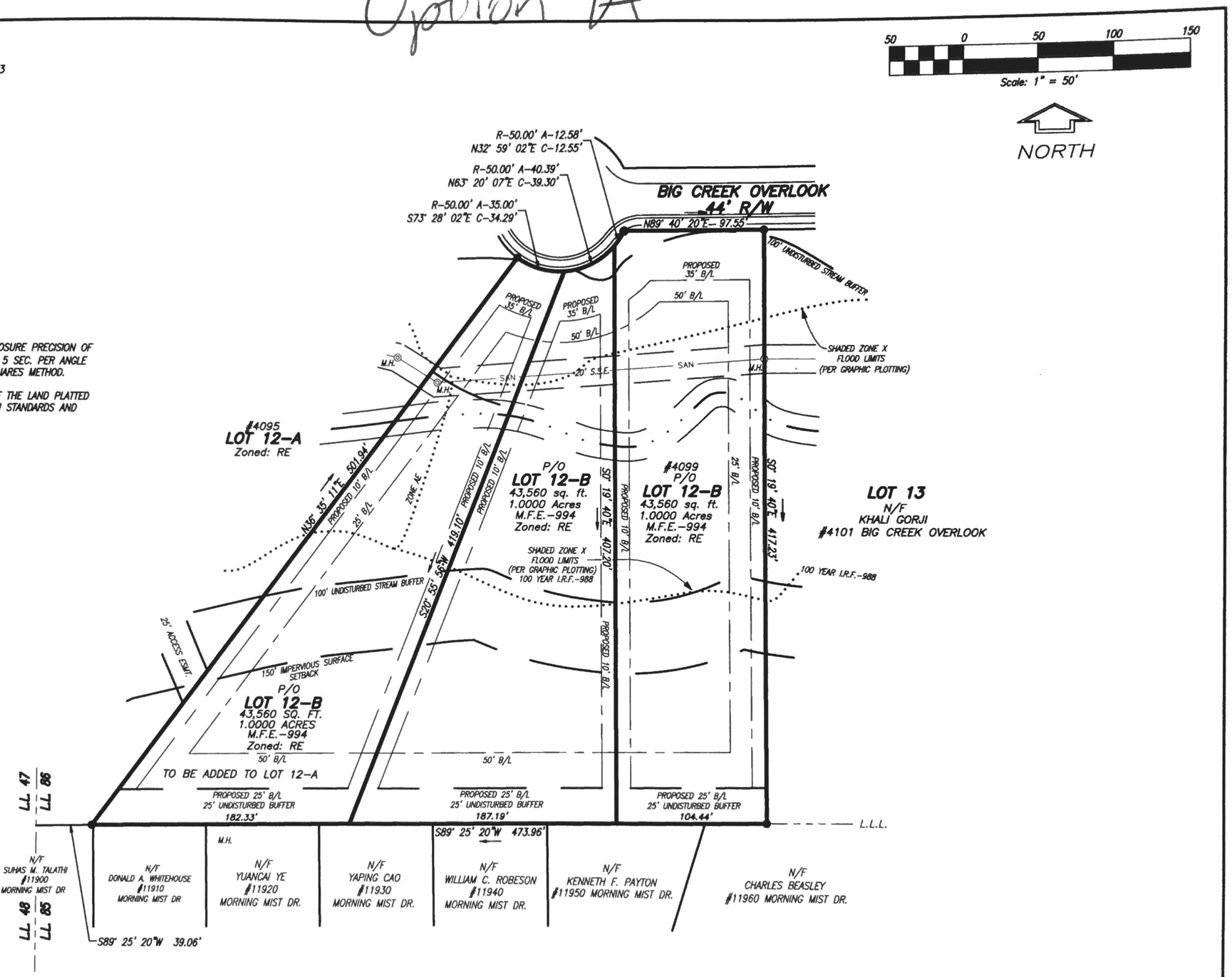
3. Reference: P.B. 347, PG. 128

EQUIPMENT USED: LIECA TC305

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FT. IN >/= 15,000 FT. AND AN ANGULAR ERROR OF </= 5 SEC. PER ANGLE POINT. THE FIELD DATA WAS ADJUSTED USING THE LEAST SQUARES METHOD.

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW

RONALD E. GUDGER G.L.S. #2089



GEORGIA REGISTERED No. 2089 RONALD E. GUDGER LAND SURVEYOR

FLOOD STATEMENT
THIS PROPERTY IS PARTIALLY LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO F.I.R.M. PANEL #13121C0078 F LAST REVISED ON SEP. 18, 2013.

RE-PLAT DRAWING FOR

SURVEYED REG
CALCULATED REG, RAM
DRAWN REG, RAM
DWG. NAME BIG CREEK 4099 REVISED-3
DATE DEC. 10, 2015

SITE WORKS SURVEYS & PLANNING
RONALD E. GUDGER, LS
404-731-8696
4780 ASHFORD DUNWOODY ROAD
SUITE 540-208
ATLANTA, GEORGIA 30328
PHONE: 770-396-6011
e-mail: gudgersurveying@bellsouth.net

LEE NICHOLSON
LOT 12-B
BLOCK A
WEBB BRIDGE CROSSING S/D
a/k/a BIG CREEK POLO FARM
L.L. 86, DISTRICT 1, SECTION 1
FULTON COUNTY, GEORGIA

NO.	DATE	REVISION

Z-15-17 PH-16-01 V-16-04
NICHOLSON/BIG CREEK OVERLOOK

Option "B"

NOTES:
1. Current Zoning : RE & AG
ZONING CASE NO. Z-05-01/V-05-02
ZONING CASE NO. Z-09-05/PH-09-01/V-09-03

2. Existing Setbacks:
Front – 50 Feet
Side – 25 Feet
Rear – 50 Feet

Proposed R Setbacks:
Front – 35 Feet
Side – 10 Feet
Rear – 25 Feet

3. Reference: P.B. 347, PG. 128

EQUIPMENT USED: LIECA TC305

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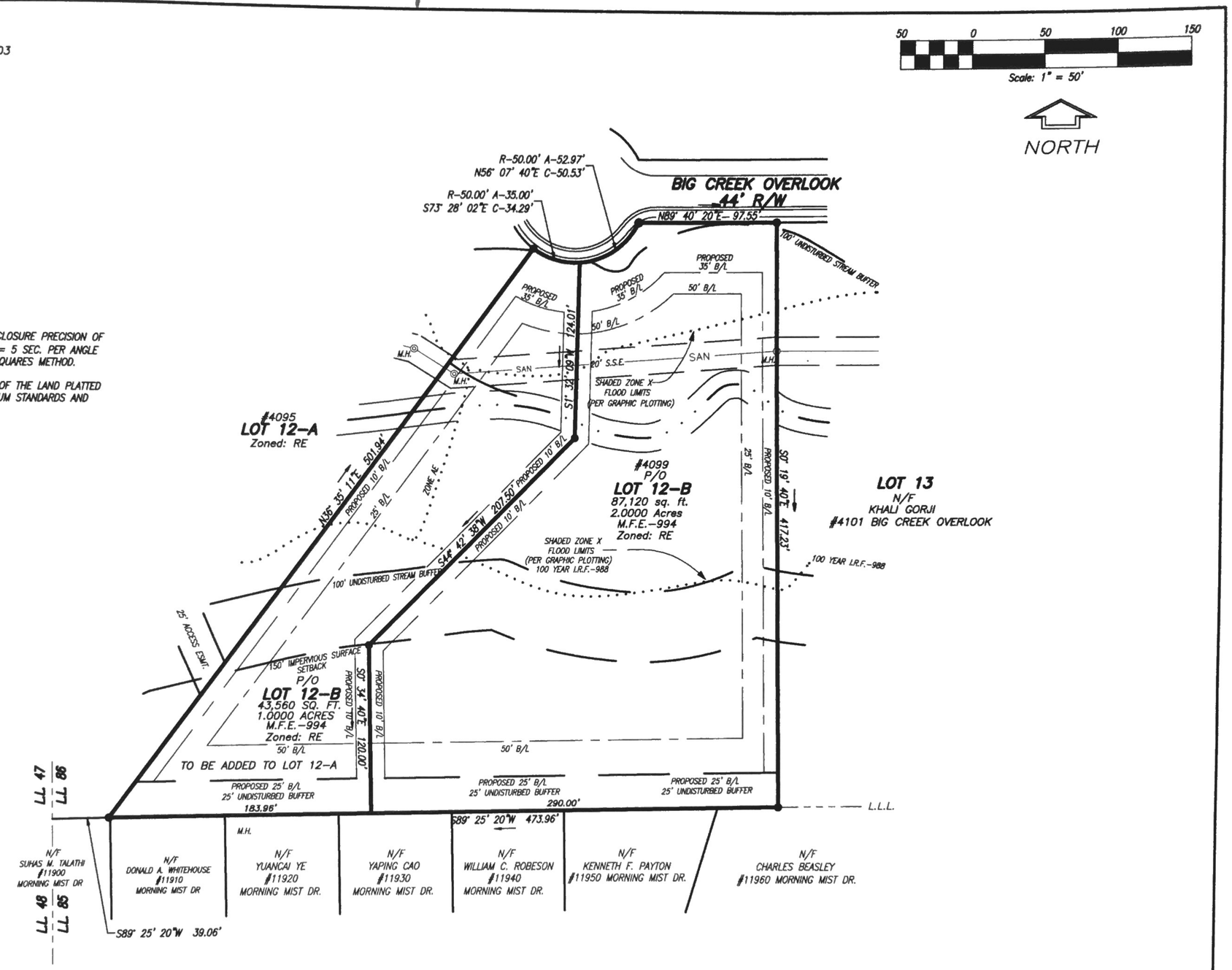

GEORGIA REGISTERED No. 2089 LAND SURVEYOR RONALD E. GUDGER

FLOOD STATEMENT
THIS PROPERTY IS PARTIALLY LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO F.I.R.M. PANEL #13121C0078 F LAST REVISED ON SEP. 18, 2013.

RE-PLAT DRAWING FOR

SURVEYED REG
CALCULATED REG, RAM
DRAWN REG, RAM
DWG. NAME BIG CREEK 4099-REVISED-2
DATE DEC. 10, 2015

SITE WORKS SURVEYS & PLANNING
RONALD E. GUDGER, LS
404-731-8696
4780 ASHFORD DUNWOODY ROAD
SUITE 540-208
ATLANTA, GEORGIA 30328
PHONE: 770-396-6011
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LEE NICHOLSON
LOT 12-B
BLOCK A
WEBB BRIDGE CROSSING S/D
a/k/a BIG CREEK POLO FARM
L.L. 86, DISTRICT 1, SECTION 1
FULTON COUNTY, GEORGIA

NO.	DATE	REVISION

0 250 500 1,000 Feet

THE CITY OF ALPHARETTA

Lot Size by Acre
Along Big Creek Overlook

1099 Big Creek Overlook

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: Leland Nicholson Telephone: 404-909-5872

Address: 4095 Big Creek Overlook Suite:

City Alpharetta State: GA Zip: 30005 Fax: 678-802-6233

Mobile Tel: 404-909-5872 Email: LNICHOLSON@ICAPITALADV.COM

Subject Property Information:

Address: 4099 Big Creek Overlook, Alpharetta, GA 30005 Current Zoning: RE

District: 1 Section: 1 Land Lot: 86 Parcel ID: 11-0130-0047-089

Proposed Zoning: R Current Use: Vacant Undeveloped Land

This Application For *(Check All That Apply)*:

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

November 20th, 2015

To: Alpharetta Board of Zoning & Approvals

Letter of Intent regarding proposed re-zoning of single family residential property at 4099 Big Creek Overlook, Alpharetta, GA 30005 and setback variance for the same.

The purpose of this LOI is to state the intent of the applicant for the use of the subject property in order to satisfy requirements of the zoning board and council.

1. **Zoning:** Applicant is requesting zoning from "RE" to "R" for the purpose of completing the pending sale of 2 acres from the existing 3 Acre parcel. Current RE zoning prohibits lot sizes of less than three acres.
2. **Proposed Use:** The buyer of the 2 acres being sold will construct one single family home of approximately 3400 square feet. The residence is not being built for re-sale and will be used as a principle residence for the buyer of the acreage and his family.
3. **Impact on Schools:** The buyer's children (2) already reside in another home in the Creekview ES school district. Their move to the subject property will not change any school enrollment and will otherwise have no impact on local school systems.
4. **Zoning & Setback Request Rationale:** The lot ascends well above flood plain and levels to a rounded slope as you approach the wider back portion of the lot. The build-able area is towards the back of the lot, far away from the street. R15 zoning would allow the rear setback to be 25' instead of 50'. 25' setbacks are consistent with all homes that border the back of the subject property in Pennbrooke subdivision. The adjacent Pennbrooke homes are zoned R4 conditional with 25' setbacks (this is now closest to R10 under new codes).

This LOI is only an expression of the basic terms and conditions and the requested changes are more fully defined in the completed rezoning application.

Sincerely,

Leland Nicholson
Applicant

NOTES:

1. Current Zoning : RE & AG
   ZONING CASE NO. Z-05-01/V-05-02
   ZONING CASE NO. Z-09-05/PH-09-01/V-09-03

2. Existing Setbacks:
   Front – 50 Feet
   Side – 25 Feet
   Rear – 50 Feet

   Proposed R Setbacks:
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   Side – 10 Feet
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IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

RONALD E. GUDGER G.R.L.S. #2089

GEORGIA REGISTERED No. 2089 LAND SURVEYOR RONALD E. GUDGER

FLOOD STATEMENT
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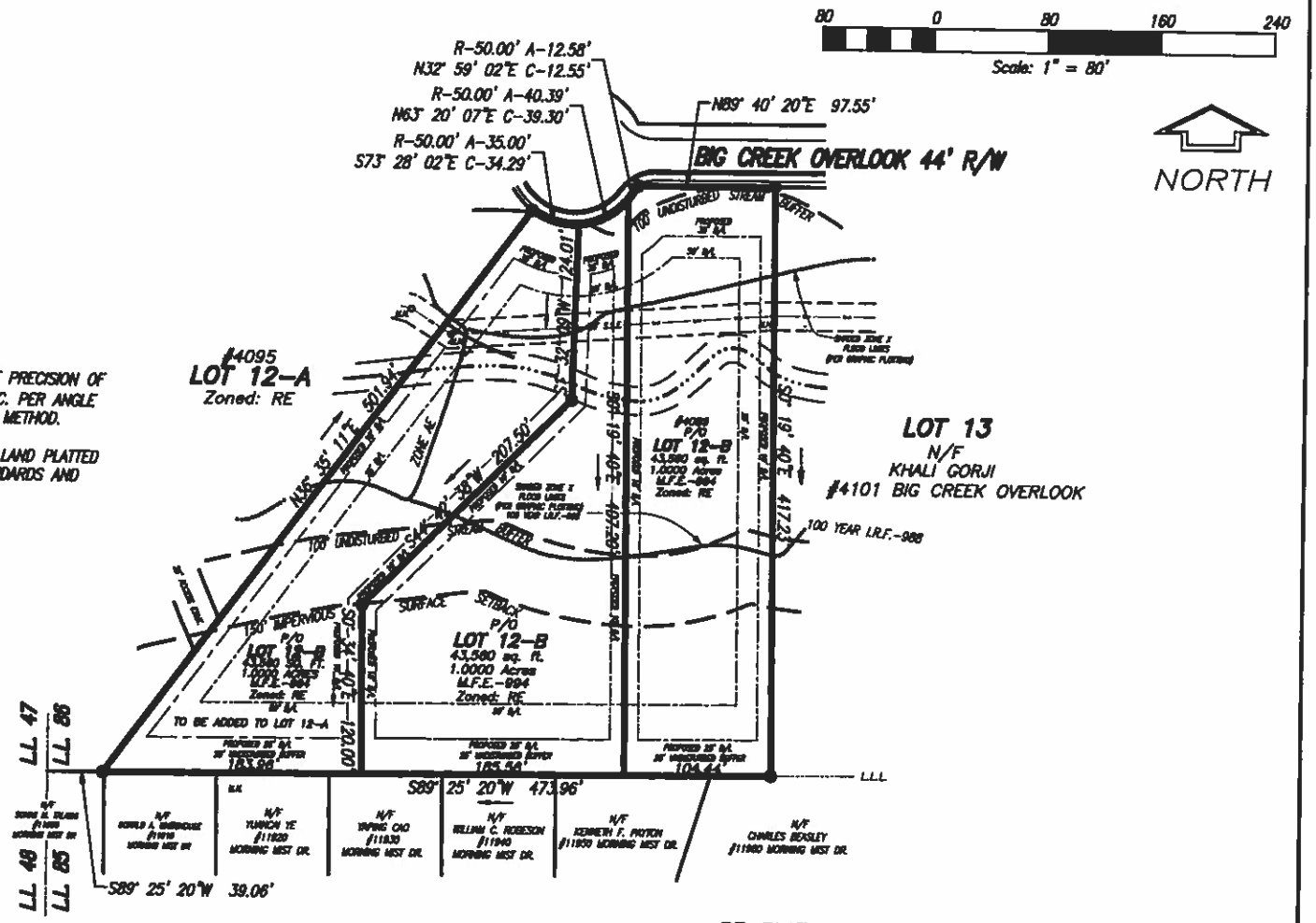

RE-PLAT DRAWING FOR

LEE NICHOLSON
LOT 12-B, BLOCK A
WEBB BRIDGE CROSSING S/D
a/k/a BIG CREEK POLO FARM
L.L. 86, DISTRICT 1, SECTION 1
FULTON COUNTY, GEORGIA

SURVEYED	REG, RAM
CALCULATED	REG, RAM
DRAWN	BIG CREEK
DWG. NAME	4099-REVISED
DATE	OCT. 22, 2015

SITE WORKS SURVEYS & PLANNING
RONALD E. GUDGER, LS
404-731-8696
4780 ASHFORD DUNWOODY ROAD
SUITE 540-206
ATLANTA, GEORGIA 30328
PHONE: 770-396-6011
e-mail: gudgersurveying@bellsouth.net

APPLICANT REQUEST AND INTENT

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

The proposed use of the property is for the construction of one single family detached dwelling. This includes construction of a driveway for access to the property from the street Big Creek Overlook.

Applicant's Request *(Please itemize the proposal)*:

1. Request re-zoning of lot 12-A from RE to R
2. Request approval of attached site plan which divides lot 12-A into three 1-acre parcels. The Westernmost parcel will remain with the owner of lot 12-B and will not be a build-able lot. It will remain undeveloped land for the personal use of the owner. The other two 1-acre parcels will be sold to a buyer for construction of said buyer's personal residence.
3. Request discussion & resolution of any & all restrictions the council may propose for approval of requested zoning, provided such resolutions do not conflict with the owner's proposed use as described herein in greater detail.
4. Specifically request that as a condition of approval of this subdivision of lot 12-A the previous zoning condition requiring access to lot 12-A be waived/ terminated/removed and replaced with language that expressly grants the owner of lot 12-A the right to construct a driveway and/or bridge as needed to access the lot directly from the street Big Creek Overlook subject, of course, to approval of said plans by the appropriate municipal department and FEMA and the Army Core of Engineers where appropriate.
5. Grant a setback variance under the new R zoning changing rear and side setbacks to 25 feet for rear and 10 feet for side. Default R zoning setbacks are 50' and 25' respectively.

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

The Applicant owns 6 acres across two three-acre lots. Applicant wishes to sell 2 acres and keep four. Current zoning does not allow for a 2 acre lot. Re-zoning would allow the subject lot 12-A to have a minimum lot size of 1Acre, which is consistent with the 3 1-acre lots immediately to the east of the subject property. The setbacks are necessary to make the lot build-able. Most of the buildable area is to the extreme rear of the lot. The Pennbrooke subdivision which borders the subject property to the south was granted 25' setbacks by the city. It is equitable for the owner of lot 12-A to be able to build as close to Pennbrooke, as Pennbrooke was allowed to build to lot 12-A. The new setbacks under the proposed variance will conform to surrounding property.

Applicant owns the adjacent property known as 4095 Big Creek Overlook (lot 12-B), which consists of a single family home and a detached garage. This home is used as a permanent residence for the applicant and his family and will continue to be used as such for the foreseeable future. Around 2005 the City changed stream buffers and impervious surface setbacks. This caused the single family dwelling at 4095 Big Creek Overlook to become a non-conforming property which is grandfathered in. The new boundaries placed a substantial portion of the subject property in steam and impervious setback zones where construction is prohibited.

The applicant has reviewed the status of this residence with city officials and has determined that, in the event of destruction of the home by an "act of god", variances would have to be granted by the Council in order for the Applicant to re-build his home on the current footprint. While the denial of such a variance would be extremely unlikely under the current council, there is a possibility that circumstances could change. The applicant needs to retain a portion of lot 12-A in order to save some land that is outside of the current buffers & setbacks. This is necessary to ensure that, if his home were destroyed, it could be re-built and financed without legal difficulty if the necessary variances could not be obtained. In other words - my house is too close to the creek now that the setbacks were changed. I'm worried that if it burned down or something I would not be able to re-build. I need to keep some "higher ground" as a last resort or fall back plan.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Leland B Nicholson Telephone: 404-909-3315

Address: 4210 Courageous Wake Suite: N/A

City Alpharetta State: GA Zip: 30005 -

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: Leland K. Nicholson Telephone: 404-909-5872

Address: 4095 Big Creek Overlook Suite:

City Alpharetta State: GA Zip: 30005 -

So Sworn and Attested:

Owner Signature: Date: 9/30/15

Notary:

Notary Signature: Kelly Wagner Date: 9/30/15

KELLY WAGNER
MY COMMISSION EXPIRES
OCT. 27 2016
FORSYTH CO., GEORGIA
NOTARY PUBLIC

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: Leland Nicholson

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: N/A

Description of Contribution: _____ 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: 9/30/15

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Big Creek Overlook is a residential street that was divided into about 20, 3-acre lots and several larger estate lots about 30 years ago. Since then there have been multiple sub-divisions of lots such that there are now 6 1-acre lots on the street, including 3 that are directly adjacent to lot 12-A. The proposed residential dwelling on 2 acres of land will conform to the surrounding homes and land.

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

This proposal will not affect the use of any surrounding properties. This proposal will increase the value of surrounding properties by creating a new valuable home in the place of undeveloped land. Undeveloped lots in otherwise completed communities typically diminish the value of the homes in those communities.

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

The property could be developed with a single family home under current zoning, but the Applicant would then suffer as the owner of lot 12-B due to the stream buffer & setback issues described in the "Applicant Request and Intent" section and to the previous zoning condition from 2005 that would require that access to lot 12-A run through and easement that is already shared by two families (owners of lots 12B and 11B).

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

The proposed home will be occupied by a family of four with two drivers (children are young). The parents have two cars and presumably would come and go at least once a day each for an estimated four to eight daily trips either up or down the street.

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

The buyer of the land who intends to build the home already lives in Alpharetta in the same school district (Creekview) with basically the same utility companies. There would be zero impact.

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

This is an in-fill lot in an existing established residential community surrounded by un-buildable flood plain. The proposal is consistent with all planned future use.

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

The zoning of the subject lot was changed from AG to RE in 2007 when the former owner of lots 12-A, 12-B, 11-A, 11-B, and the 20.67 acre parcel which now adjoins lot 11-A was attempting to develop a "polo farm" oriented equestrian neighborhood. This developer was foreclosed after the project failed. Our proposal conforms more directly with the existing community than did the proposal under which this RE zoning was assigned in 2007.

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.

Addendum to Alpharetta Planning Commission Review Criteria

This addendum provides additional information regarding the reasoning for the requested R zoning as opposed to other potential zoning classifications. These are answers to questions that would normally be part of a zoning variance review request, but are applicable to this re-zoning request.

1. **Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.**
   We are applying for R instead of other zoning because of the recommendations of the planning commission. We understand that R zoning would not require a change to the master land use plan and therefore it is preferable. The variances and requested zoning conditions are due to the unique topography of the subject lot. The subject lot is bisected by a creek with flood plain and associated setbacks taking up the center portion of the lot. The lot ascends well above flood plain levels to a rounded slope as you approach the wider back portion of the lot. The build-able area is towards the back of the lot, far away from the street. In order to put the land to its highest and best use the setback variances are necessary to allow the family who is building their home on this lot to accommodate all of the FEMA and Army CORE requirements associated with crossing the flood plain with a bridge and still have room at the back of the lot for a suitable home and living area. 25' setbacks are consistent with all homes that border the back of the subject property in Pennbrooke subdivision. The homes in Pennbrooke which border the rear of the subject lot were zoned R4 originally and have since been classified as R10, which has the same setbacks requested via the variance applied for. There are much higher density properties immediately adjacent to the subject property. The subject lots will still be "estate" style lots which are much larger than the average in Alpharetta, GA.

2. **Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.**
   The application of the proposed zoning codes would not create an unnecessary hardship for anyone. However, denial of this proposal would create an unnecessary hardship for the Applicant by limiting him to the choice of not selling the land thereby losing an otherwise marketable asset, or selling the entire parcel and incurring the risks associated with owning a home on lot 12-B whose structure lies within stream buffers and impervious surface setback zones imposed on his house by the city with no alternative building area to use if it became necessary to re-build that dwelling.

Sign Variance Review Criteria

Are there exceptional conditions pertaining to the property where the sign is to be located as a result of the property size, shape, or topography which are not applicable to other lands or structures in the area? If "yes," please explain.

☒ Yes

☐ No

Yes, because of the topography and the features on lots 12-A and 12-B the owner of 12-B was harmed in terms of financial position by the imposition of expanded stream buffers and impervious surface setbacks. This re-zoning would alleviate some of the harm caused by the environmental regulations imposed on an already existing structure by allowing the owner of 12-B to have options.

Would the applicant be deprived of rights that are commonly enjoyed by others similarly situated? If "yes," please explain.

☒ Yes

☐ No

Given that at least four other landowners on the subject street have divided 3 acre lots into multiple parcels under arrangements that were more impactful from a density & conformity standpoint than this proposal it would be reasonable to view the denial of this request for re-zoning as denial of rights in land that have been afforded to others in similar situations.

Would granting the variance confer on the applicant any significant privileges which are denied to others similarly situated? If "yes," please explain.

☐ Yes

☒ No

Are the exceptional circumstances the result of actions of the applicant or the applicant's representatives? If "yes," please explain.

☐ Yes

☒ No

Is the requested variance the minimum necessary to allow the applicant to enjoy rights commonly enjoyed by others similarly situated? If "no," please explain.

☒ Yes

☐ No

Would granting of the variance violate more than one standard of the Unified Development Code? If "yes," please explain.

☐ Yes

☒ No

Would granting the variance result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic? On a separate sheet or sheets, please defend your response.

☐ Yes ☒ No

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: 4099 Big Creek

Contact Name: Leland Nicholson

Telephone: 404-909-5872

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 Addendum for table of Property Owners

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.*

- [x] 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.

These individuals will be able to contact the Applicant via phone, e-mail, or letter.

Owner Name	Address	City	ZIP Code	Zoning	Subdivision
Gilreath Mark G/Gilreath Hope L	4098 Big Creek Overlook	Alpharetta	30005	AG1	BIG CRK POLO FARM
Michael/Ge Qing	4090 Big Creek Overlook	Alpharetta	30005	AG1	BIG CRK POLO FARMS
Das Jayesh/Das Neetu J	115 Ketton Way	Alpharetta	30005	R4C	PENNBROOKE
Warning Ann M	125 Ketton Way	Alpharetta	30005	R4C	SEVEN OAKS
Hu Meifeng	135 Ketton Way	Alpharetta	30005	R4C	PENNBROOKE
Gopireddy Ramakanth	520 Tumbling Creek Dr	Alpharetta	30005	R4C	PENNBROOKE UN 06
Akella Anand Kumar/Ganti Naga Kavitha	510 Tumbling Creek Dr	Alpharetta	30005	R4C	PENNBROOKE UN 06
Mansfield Timothy S/Kwiatkuwski Sherry L	500 Tumbling Creek Dr	Alpharetta	30005	R4C	PENNBROOKE UN 06
Petitt Errol C	4115 Big Creek Overlook	Alpharetta	30005	AG1	WEBB BRIDGE CROSSING
Nayyar Vinod Kumar/Nayyar Punam	4111 Big Creek Overlook	Alpharetta	30005	AG1	KHALIL GORJI
Rudy Tyndel	4110 Big Creek Overlook	Alpharetta	30005	AG1	WEBB BRIDGE CROSSING
Starke Richard N/Starke Dale A	3000 Big Creek Ct	Alpharetta	30005	AG1	WEBB BRIDGE XING
Nayyar Vinod Kumar/Nayyar Punam	4107 Big Creek Overlook	Alpharetta	30005	AG1	KHALIL GORJI
State Bank & Trust Company	4101 Big Creek Overlook	Alpharetta	30005	AG1	KHALIL GORJI PROP
Talathi Suhas M/Talathi Rekha S	11900 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE
Imperiale Susan/Imperiale Brian W	315 Morning Mist Way	Alpharetta	30005	R4	PENNBROOKE
Hannon Richard J/Hannon Kimberly A	325 Morning Mist Way	Alpharetta	30005	R4	PENNBROOKE UN 02
Robinson Carolyn M	11905 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE
Ahuja Neha/Janarthanam Ramachandran	11915 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE UN 05
Del Valle Juan A/Del Valle Linda A	11925 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE UN 05
Thomas Joseph/Thomas Ann M	11935 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE
Mayfield Mark C	11945 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE
Arunachalam Ramanathan/Ramanathan Muthu	11955 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE UN 05
Kamalakar Ashutosh G	11990 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE UN 05
Smith Warren F Jr/Smith Roxanne T	11980 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE UN 05
Stonefield Inv Fund II LLC	11970 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE
American Residl Leasing Co LI	11960 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE
Sanders Robert	11950 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE UN 05
Robeson William C/Robeson Lynda A	11940 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE UN 05
Taylor Brandi N	11930 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE
Ye Yuancai/Yang Kerui	11920 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE UN 05
Singleton Robert G/Singleton Christina P	11910 Morning Mist Dr	Alpharetta	30005	R4	PENNBROOKE

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: 4099 Big Creek

Contact Name: Lee Nicholson Telephone: 404-909-5872

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.

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:

Print Form

LEGAL DESCRIPTION
LOT 12-B OF WEBB BRIDGE CROSSING
4099 BIG CREEK OVERLOOK

All that tract or parcel of land lying and being in Land Lot 86 of the 1st District, 1st Section of Fulton County, Georgia, being Lot 12-B of the Webb Bridge Crossing subdivision as recorded in Plat Book 347, Page 128 of the records of Fulton County and being more particularly described as follows:

Beginning at an iron pin found at the corner common to Land Lots 47, 48, 85 and 86; thence running along the dividing Land Lots 85 and 86 proceed North 89°25'20" East for 39.06' to a point being the common rear corner of Lot 12-A and Lot 12-B of said subdivision and the TRUE POINT OF BEGINNING; thence with the true point of beginning thus established and running along the line common to said Lots 12-A and 12-B proceed North 36°35'11" East for 501.94' to a point on the right-of-way of Big Creek Overlook (having a 44' right-of-way); thence along said right-of-way of Big Creek Overlook proceed around a curve to the left having a radius of 50.00' for an arc distance of 87.97' and being subtended by a chord of North 76°10'53" East, 77.06' to a point; thence continuing along said right-of-way of Big Creek Overlook proceed North 89°40'20" East for 97.55' to a point; thence leaving said right-of-way of Big Creek Overlook proceed South 0°19'40" East for 477.23' to a point on the line dividing Land Lots 85 and 86; thence along said line dividing Land Lots 85 and 86 proceed South 89°25'20" West for 473.96' returning to the point of beginning. Said parcel contains 130,680 square feet or 3.0000 acres, more or less.

HRH Trees, LLC
Certified Arborist ~ Certified Forester
1125 Oak Brook Way, Atlanta, Georgia 30319
phone: 404-444-5824 fax: 404-814-9856

September 1, 2015

Lee Nicholson
AWCC & iCapital Advisors
404-909-5872

RE: 4099 Big Creek Overlook - Alpharetta

Sent via e-mail: lnicholson@icapitaladv.com

Dear Mr. Nicholson:

It was a pleasure meeting with you on August 20, 2015. In accordance with your request, I have prepared the following information for the vacant lot at 4099 Big Creek Overlook. It includes a verification of the size and condition of the specimen trees on site. Observations, comments and recommendations along with a tree prescription plan for the impacted tree(s) are also included.

If you have any questions, please do not hesitate to contact me. Thank you for asking HRH Trees, LLC to visit this property.

Sincerely,

Heidi R. Harrington

Heidi Rieckermann Harrington
ISA Certified Arborist (NY-1074A)
SAF Certified Forester (2756)

heidi@hrhtrees.com
404-444-5824

HRH Trees, LLC

Certified Arborist ~ Certified Forester

1125 Oak Brook Way, Atlanta, Georgia 30319

phone: 404-444-5824 fax: 404-814-9856

REPORT

4099 Big Creek Overlook, Alpharetta, GA 30005

Overview:

The site is currently vacant and completely wooded with a stream running through it. The property is approximately 2 acres within the city limits of Alpharetta. Specimen trees in the City of Alpharetta are: pines (softwoods) with a 30" or greater diameter at breast height, 4 ½ feet off the ground (DBH); hardwood specimen trees are those with a DBH of 24" or greater; understory specimen trees, such as dogwoods, are those with a DBH of 8" or greater.

Observations: (The following visual observations were made from the ground, and no invasive tests were performed)

There were 17 specimen sized hardwoods found on site. Only ten of which are considered specimen quality.

Tree#	Species	DBH	Location	Condition
1	Red Oak	25"	Front left (NW) near SAN	Appears healthy and in good condition
2	Yellow-poplar	34"	Front center near SAN	Appears healthy with a minor co-dominant secondary trunk
3	Yellow-poplar	25"	Front center btwn SAN and stream	Mature, appears healthy and in good condition
4	Yellow-poplar	30"	Front center btwn SAN and stream	Mature, appears healthy and in good condition
5	Maple	39""	Center near south edge of stream	Was a co-dominant tree; second trunk died with large cavity now
6	Yellow-poplar	28"	On south edge of stream to the east	Mature, appears healthy and in good condition
7	Yellow-poplar	26"	On south edge of stream to the east	Significant eroding of root system - Unstable
8	Yellow-poplar	30"	South of stream, slightly east of center of lot	3 trunks with large cavity at base
9	Maple	27"	South of stream, center of lot	Mature, appears healthy with lots of Eleagnus in tree
10	Sweetgum	27"	South of stream, center of lot on east property line	Appears healthy and in good condition
11	Maple	25"	South of stream, slightly east of center of lot	Declining, top dead
12	Sweetgum	25"	Slightly east of center of lot on rear slope	Co-dominant with dead limbs
13	Sweetgum	24"	Slightly west of center of lot on rear slope	Appears healthy in good condition
14	Yellow-poplar	28"	Slightly west of center of lot on rear slope	Appears healthy in good condition
15	White Oak	30"	Rear property line near southwest corner	Appears healthy in good condition
16	Yellow-poplar	2 trunks (19" & 26")	Near rear property line near southeast corner	Co-dominant with included bark
17	Yellow-poplar	30"	At southeast corner property lines	Appears healthy in good condition (neighbor has removed several buffering trees)

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phone: 404-444-5824 fax: 404-814-9856

Comments and Recommendations:

The ten trees in the table with highlighted numbers are those trees considered specimens due to size and condition. The other trees are specimen size, but do not meet healthy condition requirements.

Trees with co-dominant trunks are weak trees with a tendency of failure. Trees with eroded root systems near the stream are weak and generally vulnerable to failure as well. This was evident by one pine that has eroded and now leaning into another tree. Trees with cavities and decay are not considered strong and desirable trees. Trees with significantly unbalanced crowns are also vulnerable to failure especially if buffer trees are removed.

Specimen trees that are requiring protection during construction need their critical root zone determined. According to the City of Alpharetta:

> **The critical root zone (CRZ) will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths (1.3) times the number of inches of the trunk diameter. Example: The CRZ radius of a 20-inch diameter tree is twenty-six (26) feet.**

The entire area within the CRZ should be unaffected. If there is disturbance within the CRZ, it must be limited to less than 20% and a tree prescription plan shall be written for each tree disturbed. Trees with a disturbance greater than 20%, the city may require the tree be removed and recompense paid.

Recommended Prescriptions:

Pre-Construction:

- Properly place the silt fence and tree protection fence (TPF). The TPF should be placed at the drip line (end of canopy) for the trees that could be impacted by construction.
- Use wood chips/mulch to protect the Critical Root Zone (CRZ) under or near the canopy of the trees.

During Construction:

- Do not allow any machinery or heavy object beyond the TPF for any reason.
- When grading near and around existing trees, do not change the grade by more than 6 inches within the CRZ. Most of the roots are within the top 12-24 inches of soil and can easily be damaged.
- If any roots are damaged or exposed, make clean cuts and cover the exposed roots with soil or mulch so they can heal and stay moist.

Post-Construction:

- If 20% or more of the root system is impacted during construction, some remediation practices should be administered. Such practices include but are not limited to: a root invigoration and biostimulant treatment, insecticidal and fungicidal treatments for preventative infestations and Airspade work to help with compaction.
- Spread out any mulch that was placed underneath the trees to a depth of 2-3 inches. Make sure the bases of the trees are visible and mulch is not piled up the side of the trunks.
- Continue to protect the tree from post construction activities (i.e. taking TPF and silt fencing down, trenching for irrigation or other projects, lawn mowers, etc.).
- Pruning can be done at any time during the construction phase if needed – remember to never take more than one-quarter of the live foliage off of a tree.

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phone: 404-444-5824 fax: 404-814-9856

Final Remarks: Please note that every tree will fail. No arborist can state if, when, where or how a tree will fail. I certify that all the statements in this report are true, complete, and correct to the best of my knowledge and belief, and that they are made in good faith. It is the sole responsibility of the contactor to take the necessary actions to protect the tree(s) and minimize any risk(s) addressed in this report.

(This report was generated by Heidi Rieckermann Harrington, Certified Arborist (ISA #NY-1074A), Certified Forester (SAF #2756), HRH Trees, LLC.)

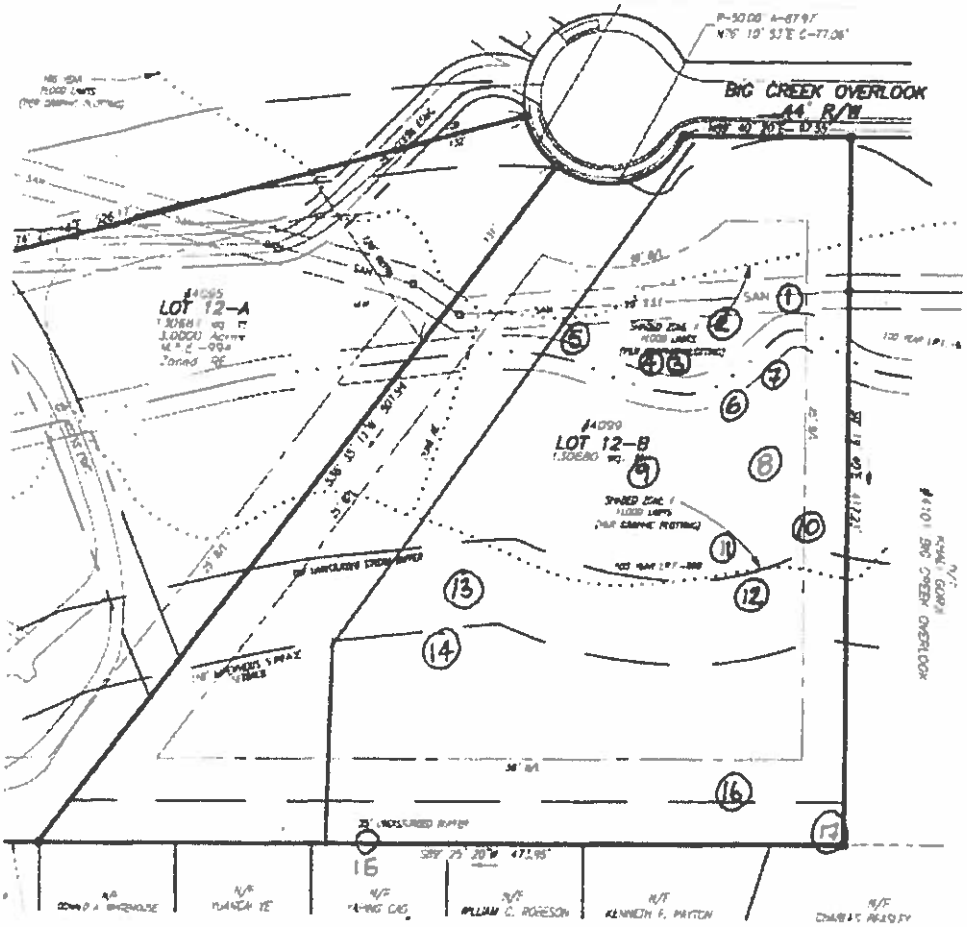

BIG CREEK OVERLOOK
44' R/W
LOT 12-A
LOT 12-B
BIG CREEK OVERLOOK
N/F
WILLIAM C. ROGERSON
N/F
KENNETH F. PAYTON
N/F
16

Table 1								
Trip Generation								
Land Use	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour
		Enter	Exit	Total	Enter	Exit	Total	2-way
Single Family Detached Home	1 Unit	2	2	4	2	2	4	8

COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared by: Richard McLeod, Senior Planner

SUBJECT: Z-15-18/V-15-28 Fox Road Subdivision

PLANNING COMMISSION: February 4, 2016

CITY COUNCIL: February 22, 2016

RECOMMENDATION:

Approve Z-15-18/V-15-28 Fox Road subdivision subject to the following conditions:

1. The property to be rezoned shall have an "R-12" zoning classification. The minimum lot size on the north side of the proposed Fox Road shall be 18,000 square feet including the undisturbed tree save area square footage. Lots against Thornbury Parc shall be 18,000 square feet minimum with the undisturbed tree save area included. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements.
2. Property shall be developed substantially in accordance with submitted plan by Ridge Planning and Engineering Z100 dated 12/15/2015. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
3. The homes on Lots 16 and 17 may encroach into the CRZ to provide more of a rear separation, with final approval by Staff.
4. A 5' landscape buffer shall be planted on the external perimeter of all the lots as depicted. A 25' undisturbed tree save area shall be placed on the north side and owned and enforced by the developments HOA. A 25' undisturbed tree save area shall be required on the south side of property along the Thornbury Parc lots and the Lake Windward Elementary School boundary. Undisturbed tree save area shall be replanted where it is spare with evergreen trees and shrubs to provide a visual screen, as approved by the Staff. A fence shall be required to be installed on the interior side of the25' undisturbed buffer and shall be maintained by the HOA.
5. The existing Fox Road pavement shown to the north of property shall be abandoned and pavement removed. A landscape buffer shall be required with final approval by Staff. A 5' walking path shall be provided with an access easement.

6. The minimum setbacks shall be as follows:
    - Front: 15'
    - Rear: 25'
    - Side: 15' (adjacent to Street)
    - Side: 5' (adjacent to Lots) Minimum building separation shall be 20'
    - Lot width shall be 75'.
7. The site plan shall be configured to accommodate the natural features of the site. Site shall not be mass graded and tree removal permits will be permitted on a lot by lot basis.
8. Sidewalk shall be installed on south side of Fox Road only. Sidewalk shall be also installed on Fox Road south to connect Kimball Bridge Road with final approval by Staff.
9. Detention ponds shall have 20' heavy landscape screening in addition to required access easement. Detention shall have a natural appearance and where walls are visible they shall be faced with stone or brick as approved by Staff. Eastern pons shall be built as an earthen pond.
10. A variance shall be granted to allow the applicant credit to plant trees on adjacent property and along Fox Road and lots which back up to Thornbury Parc. Plantings to be approved by Staff.
11. Homes shall be a minimum of 3,000 square feet and contain a minimum of 30% brick or stone on each façade or as approved by Staff.
12. Homes shall be located close to front setback away from existing homes in order to provide more separation.

REPORT-IN-BRIEF

The subject property is located at the end of Fox Road and encompasses 9.63-acres. The applicant is requesting to rezone the property from AG to R-12 in order to develop a 21 lot single family home subdivision. The applicant is also requesting a variance to the front setback requirements of 30' to allow 15' in order to increase the rear setback, to reduce the side setback from 20' to 15', a variance to build sidewalks on one side of the street, a variance to reduce the lot width from 80' to 75', and a variance to allow tree plantings on adjacent property and along Fox Road.

DISCUSSION

The applicant proposes to develop a 21 lot subdivision on 9.63 acres with a minimum lot size depicted of 12,000 square feet on the south end and 18,000 square feet on the north end including the square footage of the tree save area. The property is located at the north end of Fox Road south of Southlake Drive in Windward and north of Thornbury Parc and Lake Windward Elementary.

The property is a combination of two parcels which were annexed as a part of the Fox Road/Thornbury Parc annexation effective December 1 of 2005. The subdivision will be accessed from one curb cut off of the existing Fox Road with the remainder of Fox Road requested for abandonment. The lot sizes shown

range from 12,000 square feet to over 18,000 square feet. Property to the north in Southlake Woods is developed with lots 13,500 square feet – 31,500 square feet in size; lots to the south in Thornbury Parc immediately adjacent to the parcel are developed with lots 18,000 square feet in size. Both of the adjacent properties are zoned CUP.

If approved the density for the project would be 2.2 lots per acre. Thornbury Parc has a density of 2.4 units per acre and

Development standards proposed for the subdivision are as follows:

Zoning: R12
Minimum Lot Size: 12,000 square feet on the south of proposed Fox Road and a minimum of 18,000 square feet including the undisturbed tree save area and abutting Thornbury Parc lots.
Minimum Lot width: 75'
Front Setback: 15' (the UDC requires 30')
Rear Setback: 25'
Side Setback: 5' adjacent to lots
Side Setback: 15' adjacent to street

The applicant is also offering a 25' undisturbed tree save area on the north side with a fence on the south, to save the trees. The tree save area will be maintained by the HOA and enforced by the HOA. Another 25' undisturbed tree save area will be created on the south side adjacent to Thornbury Parc extending to the east behind Lake Windward Elementary School.

The variance for the front setback from 30' to 15' is an effort to bring the homes further from the neighbors and increase the distance behind them. The side setback from 10' to 5' with 20' remaining between houses if an effort to save some of the trees on the site. Also, the variance from the side setback for lots facing on a corner is from 20' to 15' with houses 20' apart, also aids with tree save. Lot width reduction from 80' to 75' is requested in exchange for the applicant providing increased distance from the neighbors of Southlake Woods and Thornbury Parc.

Twenty-four specimen trees were found on the property. According to the applicant's arborist, twenty-two of those trees were found to be in good health. All other specimens shown on the plan would require significant encroachment under the critical root zones or removal due to the roadway layout. Staff requested an alternate development plan that showed retaining more specimen trees. Eight specimen trees have been incorporated into the plan.

A detention pond is shown at the corners of the property next to Lots 21 and another one behind Lots 10 and 11 and will drain into a stream which leads into Lake Windward. The site plan depicts the pond east of lots 10 and 11 as an earthen pond. The 100 year WSEL will be a minimum of 25' from the property

line. A double row of mixed evergreens are planted around both ponds. Additional plantings of shrubs to provide height variations will be required. Walls that are built in either pond will be brick or stone faced.

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 distinguish the number of children that a residential development will generate. The following chart outlines these figures:

FULTON COUNTY SCHOOLS
AVERAGE SCHOOL AGE CHILDREN PER HOUSEHOLD
BASED ON HOUSING TYPE

	Single Family Average #21	
Elementary School	3 to 8	
Middle School	1 to 4	
High School	2 to 7	
TOTAL	6 to 19	

Based on the total figure for all three-school levels, it can be assumed that the proposed development could house approximately 6 - 19 school age children. The children would attend Lake Windward Elementary, Webb Bridge Middle School and Alpharetta High School. Webb Bridge Middle schools is currently over capacity.

Sidewalks are required on both sides of the street; however, the applicant is requesting a variance to allow sidewalks on one side of the street in exchange for constructing sidewalks along Fox Road. The applicant has met with our Public Works Director and those with the City of Johns Creek about the sidewalk on Fox Road which is in Johns Creek. Many of Alpharetta's residents use the sidewalk and are forced to walk into the street or across the road to get to the part that does have a sidewalk. The applicant has agreed to share an equivalent cost of the sidewalk that would have been installed on the subject property to go towards the cost of installing the sidewalk along the southern part of Fox Road.

Projected trips for 21 single family homes will be 17 AM peak hour trips and 22 PM peak hour trips.

Calculation of Anticipated Project Trips

Based upon methodology from ITE's Trip Generation, 9th Edition (2012)

Land Use	Project Density	Project Trips			ITE Code	Variable	Equation Used[1]	In/Out Distribution
		Total	Inbound	Outbound				
Single-Family Residential - Detached Housing	22				210	Dwelling Units		
Daily		226	113	113			ln(T) = 0.92ln(X)+2.72	*50%/50%*
AM Peak Hour		17	4	13			T = 0.70(X)+9.74	*25%/75%*
PM Peak Hour		22	14	8			ln(T) = 0.90ln(X)+0.51	*63%/37%*

Note:
[1]Where: T = Trips: X = Density by Variable

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.

The zoning with the variances will allow a use that is compatible with Thornbury Parc and the Southlake Woods neighborhoods. The applicant has met with the homeowners of both Thornbury Parc and Southlake Woods on several occasions. The density is 2.86 in the Thornbury Parc to the south and 1.8 units in Southlake Woods to the north. The proposed density of 2.2 units to the acre fits the area.

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

The proposal should not impact adjacent property if buffers, fencing and detention screening is provided.

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

The proposal could impact the natural environment if the applicant is not required to incorporate specimen trees and limit disturbance. The applicant has met with many of the neighbors. The applicant's plan includes an area of tree save within the center of the site plan. There is a natural tree save area around the rear of most of the lots and every effort should be made to preserve the significant trees. Additionally, the applicant is proposing to save 25' tree save area on the north and south of the site.

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

The property is currently zoned AG which would permit one house on 5 acres. The property would hold nearly two units. The density of Thornbury Parc is 2.86 units per acre and Southlake Woods in Windward is 1.8 units per acre. The density of the subject property is 2.2 units per acre similar to adjacent zoning.

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.

This use will add 6-19 students to the school system.

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

The proposal is supported by existing developments to the north and south which have lots from 7,500 square feet to 18,000 and lots from 13,500 to 31,500 square feet in the north.

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.

The request to rezoning from AG to R-12 reflects a reasonable balance. The lots should have variances to give greater rear setbacks and reduced front setbacks.

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

The current zoning would permit the construction of "for-sale" residential on 5 acre lots. With just under 10 acres it would permit 1 house. The Comprehensive Land Use Plan lists it as Low Density Residential which would allow it be 2 to 3 units per acre of "for-sale" detached houses. The requested density is within the recommendation.

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

Property does meet the Comprehensive Land Use plan of Low Density Residential. The development offers "for-sale" detached houses with a maximum of 2.2 units per acre.

VARIANCE REQUIREMENTS

The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a hardship 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

The property does not included extraordinary or exceptional conditions pertaining to the property. The variances were introduced in meetings of the applicant and many of the neighbors to provide greater separation from existing homes.

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

The applicant has requested front setback reduced from 30' to 15', the side setback from 10' reduced to 5' for the ones adjacent to the lots and 20' down to 15' from ones adjacent to the street with the homes still being 20' apart to save some trees; the lot width reduced from 80' to 75'. Applicant is also requesting the sidewalk to be constructed on the south side of Fox Road only in order to construct sidewalk to be constructed to Kimball Bridge Road, and variances to plant trees next to Fox Road to provide screening which should be accommodated.

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

There are no conditions which adversely affect its reasonable use or usability as currently zoned.

(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,

The variance request should not cause substantial detriment to the public good or impair the purpose and intent of the City of Alpharetta.

CONCURRENCES

City Staff has reviewed the applicant's proposal and is in general agreement with the request. The adjacent properties in Southlake Woods are 16,000 square foot and Thornbury Parc to the north has minimum lot sizes of 7,500 square feet and lots are a minimum of 18,000 square feet adjacent to properties to the north. Fulton County zoning conditions required lots to the north maintain a minimum of 18,000 square feet. Phase I of Thornbury Parc was rezoned in 1999 and the final phase in 2001. In both cases, 18,000 square foot lots were required adjacent to existing development in Windward and the current AG property as well as 50' setbacks. Therefore, 12,000 square feet is not comparable to surrounding properties. However, R-12 with 18,000 square foot lots is more compatible with lots in Southlake Woods and Thornbury Parc with an undisturbed tree save area counted in the lot square footage. The lots are depicted adjacent to Windward at a minimum of 18,000 when the tree save area is added. Lots adjacent to Thornbury Parc should also be a minimum of 18,000.

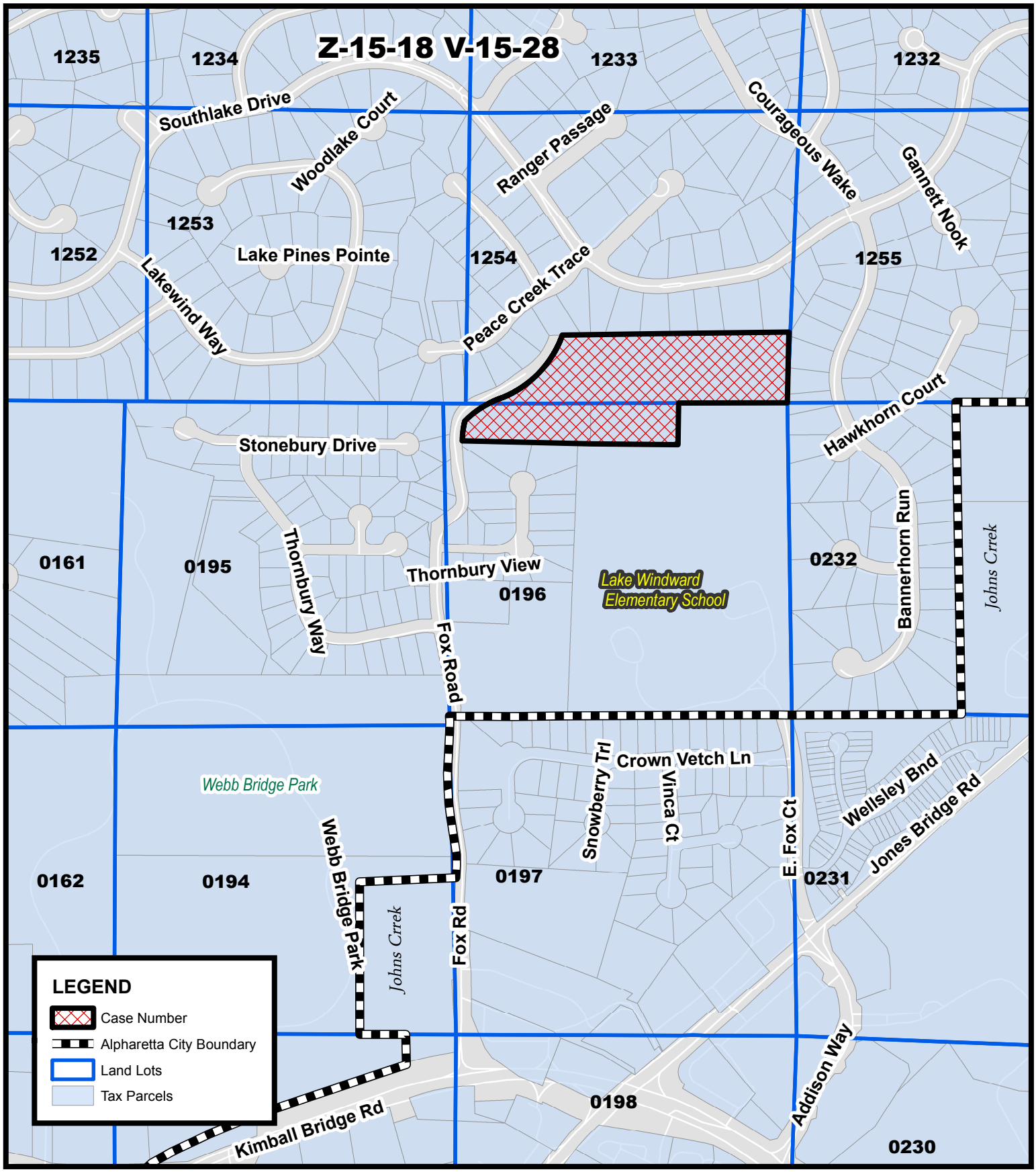
CITIZEN PARTICIPATION PLAN

The applicant notified everyone within 500 feet of the intent for the property. At least four meetings were conducted with the residents in order to review the plan. Staff was also involved in several meetings with the residents. Staff received several comments from the surrounding property owners. The residents were

concerned about density, traffic, loss of privacy, decrease in the resale of homes, natural spaces, noise, construction traffic and a decrease in the quality of life.

Another commented via email that lot size should be 18,000 square feet adjacent to existing Thornbury Parc homes, the same as Windward. Sidewalks along Fox Road and also, construction traffic hours should be restricted between 8:00 am and 7:00 pm because many children and parents from Thornbury Parc walk to Lake Windward Elementary School between 7:10 and 7:50. Residents wanted the buffer as well as fencing.

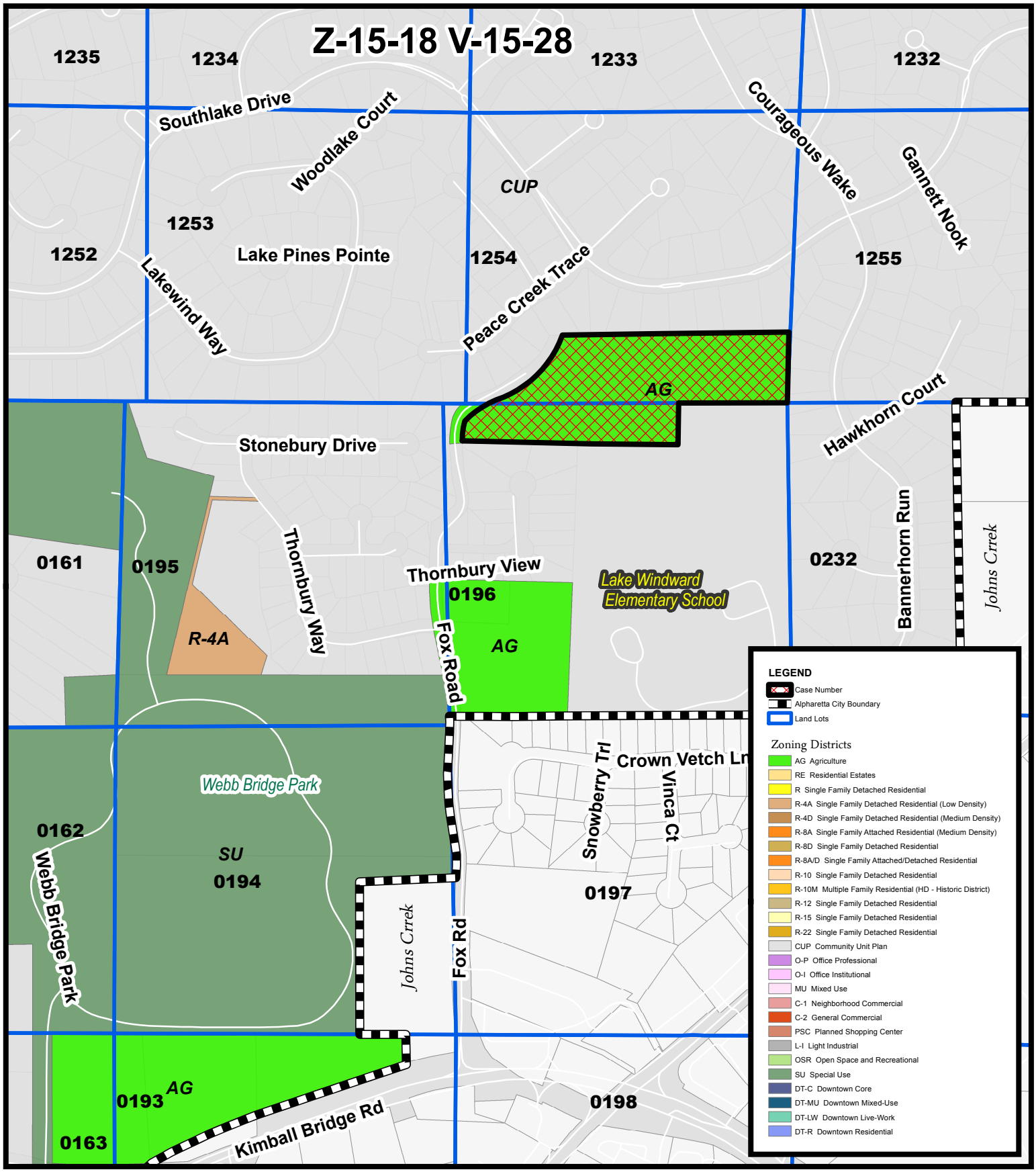
Because this is infill development, it is important to reduce impacts to adjacent property owners by requiring buffers, fencing and detention pond screening.



Location Map
Fox Road Subdivision

Z-15-18 V-15-28
D/LL: 2/1/1254
1/1/196
PC Date: 2/04/16
CC Date: 2/22/16

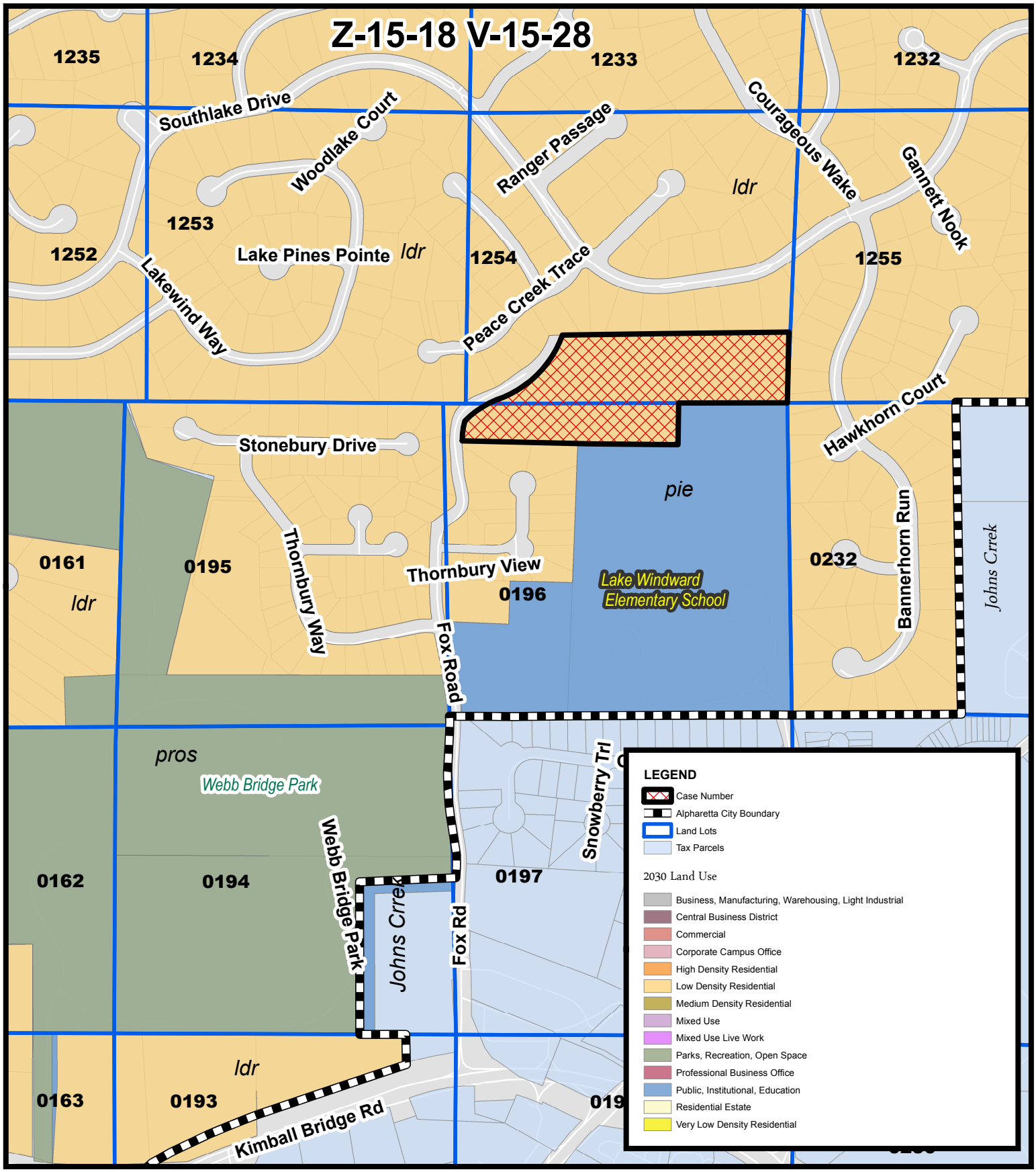
Location Map Provided by:
Community Development - GIS



Zoning Map
Fox Road Subdivision

Z-15-18 V-15-28
D/LL: 2/1/1254
1/1/196
PC Date: 2/04/16
CC Date: 2/22/16

Location Map Provided by:
Community Development - GIS



THE CITY OF ALPHARETTA GEORGIA

2030 Land Use
Fox Road Subdivision

Z-15-18 V-15-28
D/LL: 2/1/1254
1/1/196
PC Date: 2/04/16
CC Date: 2/22/16

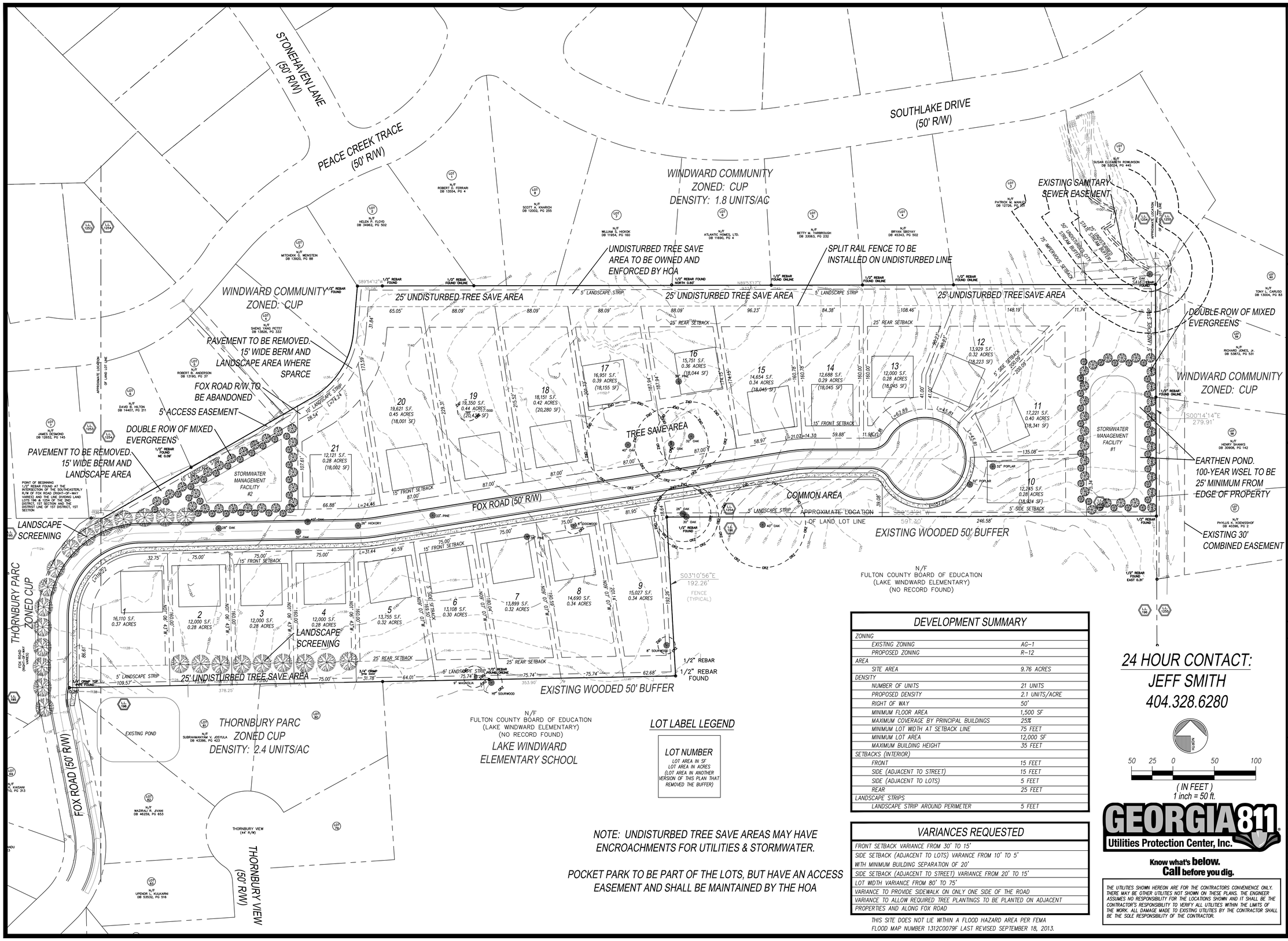
Location Map Provided by:
Community Development - GIS

THE CITY OF ALPHARETTA GEORGIA

Aerial Map
Fox Road Subdivision

Z-15-18 V-15-28
D/LL: 2/1/1254
1/1/196
PC Date: 2/04/16
CC Date: 2/22/16

Location Map Provided by:
Community Development - GIS



DEVELOPMENT SUMMARY

ZONING	
EXISTING ZONING	AG-1
PROPOSED ZONING	R-12
AREA	
SITE AREA	9.76 ACRES
DENSITY	
NUMBER OF UNITS	21 UNITS
PROPOSED DENSITY	2.1 UNITS/ACRE
RIGHT OF WAY	50'
MINIMUM FLOOR AREA	1,500 SF
MAXIMUM COVERAGE BY PRINCIPAL BUILDINGS	25%
MINIMUM LOT WIDTH AT SETBACK LINE	75 FEET
MINIMUM LOT AREA	12,000 SF
MAXIMUM BUILDING HEIGHT	35 FEET
SETBACKS (INTERIOR)	
FRONT	15 FEET
SIDE (ADJACENT TO STREET)	15 FEET
SIDE (ADJACENT TO LOTS)	5 FEET
REAR	25 FEET
LANDSCAPE STRIPS	
LANDSCAPE STRIP AROUND PERIMETER	5 FEET

VARIANCES REQUESTED

FRONT SETBACK VARIANCE FROM 30' TO 15'
SIDE SETBACK (ADJACENT TO LOTS) VARANCE FROM 10' TO 5' WITH MINIMUM BUILDING SEPARATION OF 20'
SIDE SETBACK (ADJACENT TO STREET) VARIANCE FROM 20' TO 15'
LOT WIDTH VARIANCE FROM 80' TO 75'
VARIANCE TO PROVIDE SIDEWALK ON ONLY ONE SIDE OF THE ROAD
VARIANCE TO ALLOW REQUIRED TREE PLANTINGS TO BE PLANTED ON ADJACENT PROPERTIES AND ALONG FOX ROAD

THIS SITE DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FEMA FLOOD MAP NUMBER 1312C0079F LAST REVISED SEPTEMBER 18, 2013.

LOT LABEL LEGEND

LOT NUMBER
LOT AREA IN SF
LOT AREA IN ACRES
(LOT AREA IN ANOTHER VERSION OF THIS PLAN THAT REMOVED THE BUFFER)

NOTE: UNDISTURBED TREE SAVE AREAS MAY HAVE ENCROACHMENTS FOR UTILITIES & STORMWATER.

POCKET PARK TO BE PART OF THE LOTS, BUT HAVE AN ACCESS EASEMENT AND SHALL BE MAINTAINED BY THE HOA

24 HOUR CONTACT:
JEFF SMITH
404.328.6280

50 25 0 50 100
(IN FEET)
1 inch = 50 ft.

GEORGIA811 Utilities Protection Center, Inc.
Know what's below. Call before you dig.

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

RIDGE PLANNING AND ENGINEERING
1290 KENNESTONE CIRCLE - BLDG D
SUITE 100 - MARIETTA, GA 30066
OFFICE 770.938.9000

LAND PLAN
FOX ROAD TRACT
CITY OF ALPHARETTA, GEORGIA

OWNER/DEVELOPER
DCG PEBBLEBROOK, LLC
1290 KENNESTONE CIRCLE
BLDG D, SUITE 100
MARIETTA, GEORGIA 30066
PHONE: (404) 328-6280

GSWCC CERTIFICATION NUMBER: 36629
EXPIRATION DATE: 08.01.2018

GEORGIA REGISTERED PROFESSIONAL ENGINEER JEFFREY M. SMITH

REVISIONS

ZONING PLAN
Z100

15019 ZONING.DWG 12.15.2015

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IF YOU DIG GEORGIA...
CALL US FIRST!
GEORGIA811
Utilities Protection Center, Inc.
DIAL 811
OR 1-800-282-7411
IT'S THE LAW

ALL TREES SHOWN HAVE BEEN SURVEYED IN THE FIELD BY A CERTIFIED SURVEYOR

TREE PROTECTION CALCULATIONS

STREET TREES

Street trees provided for every 25' linear feet of internal roadways. 1414' Linear Feet x 2 = 2828' Linear Feet - 456' Linear Feet Driveways and Access Drives at Pond (Reduction Allowance Per City Arborist) = 2372 ' LF / 25 = 95 Street Trees

5 EXISTING TO BE PRESERVED - 95 = 90 REQUIRED STREET TREES

SITE DENSITY
30% of the buildable area of a lot to be covered in trees.

See Adjacent Chart for List of Lot Sizes and Required Trees

LOT SIZE CHART							
LOT #	LOT SIZE	Impervious Area / ESMT	Plantable Area	30% Plantable Area	Required # of Canopy (1 Tree per 400 SF)	Existing Trees	Required # of Overstory Trees
1	16110	4475	11635.00	3490.50	9	9	0
2	12000	4318	7682.00	2304.60	6	6	0
3	12000	4327	7673.00	2301.90	6	6	0
4	12000	4322	7678.00	2303.40	6	6	0
5	13755	4314	9441.00	2832.30	7	7	0
6	13108	4316	8792.00	2637.60	7	7	0
7	13899	4323	9576.00	2872.80	7	7	0
8	14690	4506	10184.00	3055.20	8	8	0
9	15027	4314	10713.00	3213.90	8	8	0
10	12022	4324	7698.00	2309.40	6	0	6
11	12013	4324	7689.00	2306.70	6	0	6
12	12162	4324	7838.00	2351.40	6	0	6
13	12765	4337	8428.00	2528.40	6	6	0
14	12809	4337	8472.00	2541.60	6	6	0
15	13467	4775	8692.00	2607.60	7	7	0
16	13472	5411	8061.00	2418.30	6	6	0
17	14364	5183	9181.00	2754.30	7	7	0
18	15255	5462	9793.00	2937.90	7	7	0
19	16147	4971	11176.00	3352.80	8	5	3
20	17038	4332	12706.00	3811.80	10	5	5
21	13960	4338	9622.00	2886.60	7	4	3
22	12206	4335	7871.00	2361.30	6	4	2
		TOTAL:					31

SPECIMEN TREES TO BE REMOVED

TOTAL SPECIMENS TO BE REMOVED = **132.2 UNITS**
Recompense Provided Above Site Density

SPECIMEN TREES TO BE REMOVED			
DBH (In Inches)	TOTAL # TREES	UNIT VALUE	TOTAL UNITS
8	1	1.2	1.20
26-27	1	11.4	11.40
28-29	1	12	12.00
30-31	1	13.2	13.20
32-33	3	13.8	41.40
34-35	1	15	15.00
38-39	1	17	17.00
42	1	21	21.00
		TOTAL:	132.20

Standard Recompense Scenario

Specimens to be replaced with Min. 4" Cal. Shade (0.6 Unit Value) trees.

132.2 Units / 0.6 Per Tree Value = **221 (4" Cal.) Mitigation Trees Required**

221 Trees Provided x 0.6 Units = **132.6 UNITS PROVIDED**

132.6 - 132.2 Units = 0.4 Surplus Units

5' LANDSCAPE STRIP AT PROPERTY PERIPHERY

1 TREE TO BE PROVIDED FOR EVERY 50 LINEAR FEET OF 5' LANDSCAPE STRIP AROUND BOUNDARY OF SITE.

3448 LF / 50 = 69 TREES

MINIMUM 69 TREES PRESERVED AT PERIPHERY - REQUIREMENT MET WITH PRESERVED TREES.

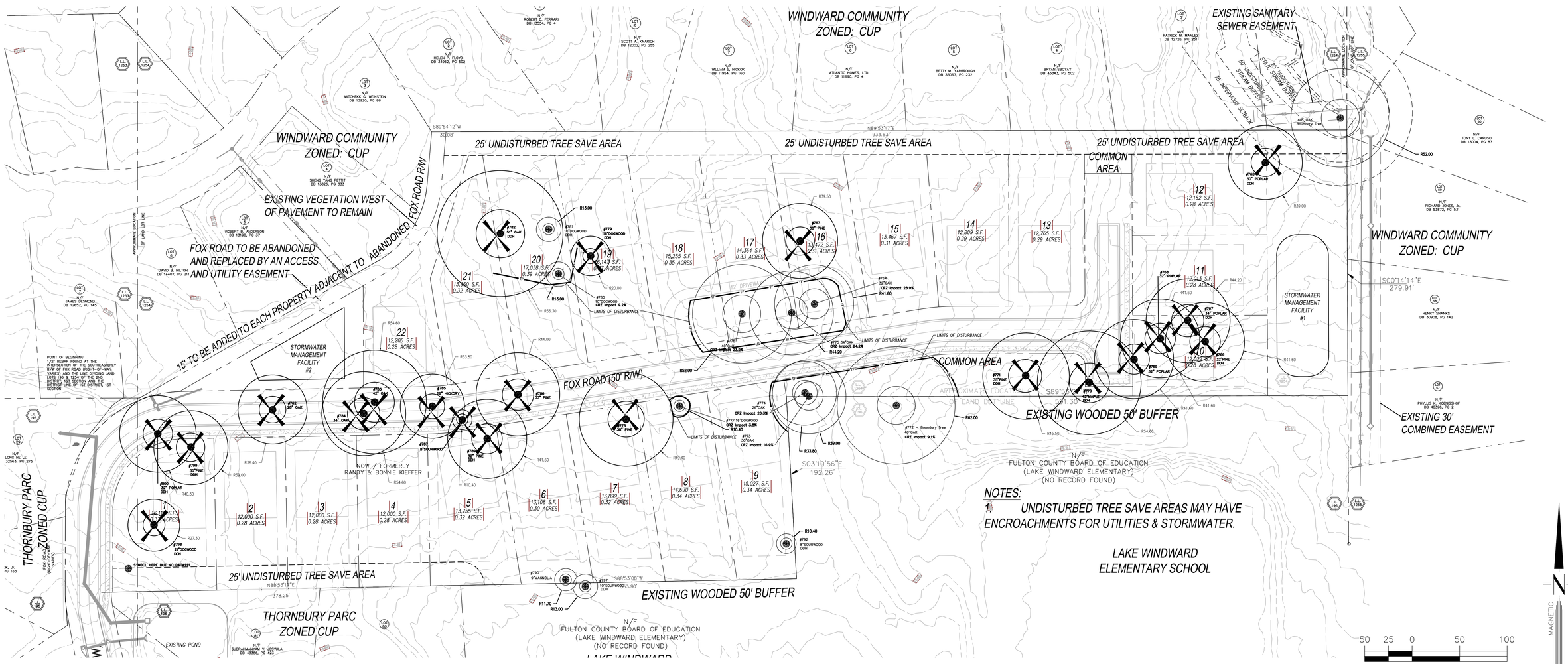
DETENTION POND SCREENED WITH TWO ROWS OF EVERGREEN SHRUBS.

TREE TO BE REMOVED PER PROPOSED SCOPE OF WORK.

NO TRENCHING ALLOWED IN TREE SAVE AREAS - INCLUDING IRRIGATION

ALL EXISTING TREES, SPECIMEN AND NON-SPECIMEN, COUNTED FOR EDF CREDITS MUST BE FULLY PRESERVED DURING ALL PHASES OF THIS PROJECT.

CITY ARBORIST MAY REQUIRE ADDITIONAL TREES, ALONG THE LIMITS OF DISTURBANCE, TO BE REMOVED PRIOR TO CERTIFICATE OF OCCUPANCY IF THE STRUCTURAL ROOT PLATE IS IMPACTED OR THE TREES ARE DETERMINED TO BE CLASSIFIED AS DEAD, DYING OR HAZARDOUS BY THE CITY.



NOTES:
1. UNDISTURBED TREE SAVE AREAS MAY HAVE ENCROACHMENTS FOR UTILITIES & STORMWATER.

REVISIONS
DATE | DESCRIPTION

CLIENT

mondo
LAND PLANNING and DESIGN, LLC
8020 MAIN STREET
WOODSTOCK, GEORGIA 30188
phone 770.402.3719
fax 1.866.334.0203

PRELIMINARY
NOT RELEASED FOR CONSTRUCTION UNLESS SEALED AND SIGNED IN THIS BOX

TREE PROTECTION PLAN FOR FOX ROAD

DATE	12.15.15
JOB NO.	MOTP1531
DRAWN	MRC
CHECKED	ETC
SCALE	1" = 50'
SHEET:	L100

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: Fox Road Z-15-18; V-15-28

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.

There were in person meetings with Windward neighbors and Thornberry Parc residents. Minutes of those meetings are attached.

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.*

- [X] Letter
- [X] 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.

All of those persons Listed on Exhibit "A" to Citizen Participation Form A of the Public Hearing Application - copy 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: 1-15-16

Print Form

Fox Road Community Meeting Notes

Meeting August 25, 2015

Re: proposed development at 12005 and 11999 Fox Road
Location: Home of Bill and Liz Hickok, 5180 Southlake Drive
Attendees: see attached

ISSUES:
Residents in attendance voiced concerns about several significant issues, grouped here by the community they most directly impact.

Windward
Water/Silt: Land disturbance, loss of tree roots, and radically increased hardscape will exacerbate water and silt runoff issues, both for several specific adjoining properties and for Lake Windward.

- Both creeks into which water is shed from the lots in question feed into Lake Windward, for which silt management is already an ongoing and expensive issue. Chris Palmer indicated WCSA's intention to pursue measures binding on the developer to contain silt, both during construction and ongoing, and to defray the expense of the removal of the inevitable additional silt. Ridge PE suggested the use of temporary sediment basins during construction, using chemical bonding agents to trap and retain silt; one resident has expressed concerns about the toxicity of that binding agent and about the disposition of the bound sediment afterward.

  We will follow all state and local codes, which have become very strict over the past few years. We plan to utilize polyacrylamide in critical areas. This agent is recommended and approved by the EPD for these cases. Two ponds will be built to provide water quality, channel protection, and detention.

- Ridge PE suggested that their site plan (specifically detention ponds and storm drains) would adequately control runoff *originating within* the property; for water originating elsewhere that currently flows through the property, their plan was to "redirect it around" the property. Residents were concerned about the lack of clarity represented by this statement; specifically, that redirected water would potentially create new problems in different locations.

  There is a significant amount of stormwater that travels from offsite through this site. Per local and state codes, this water will be allowed to travel through the site. We do not intend on routing all of this water through the proposed stormwater ponds.

- Residents were very concerned about the design and maintenance of the two proposed detention ponds. Ridge PE suggested that the smaller pond at the western end could be treated as a passive "park," however the pond at the eastern end would be larger and deeper, and therefore potentially much more of an eyesore for all residents surrounding it. Ridge PE proposed planting screens, but residents were not optimistic about aesthetics or effectiveness.

  Ponds will be designed per local and state codes. An HOA shall be formed and will be required for the maintenance of the ponds long term. We will not be able to provide the passive park as initially thought. A double row of evergreens will be provided around the ponds.

Buffers and setbacks: Nearly every affected Windward (and Thornbury Parc) property would abut multiple properties in the proposed development, creating a very visible discrepancy in the perceived densities.

- Residents were clear that 25 ft. setbacks and no buffer would not provide enough visible separation to counter-affect that discrepancy; both a larger rear setback and an effective screening buffer would be critical.

  A 25' undisturbed tree save area will be provided along the north and south property lines adjacent to lots. An additional 25' rear building setback is proposed provided a minimum of 50' from the property line to the closest structure. A 5' landscape strip is also shown along the perimeter of the property.

- One property in particular would suffer from a lack of buffer and screening with the current design: 650 Peace Creek Trace. Fox Road would bend sharply at the property line, offering no opportunity for sufficient buffer/screening. Note that the majority of the residents in the proposed development would drive toward the back of 650 Peace Creek Trace on the way out.

  Sufficient area is available and landscape screening will be provided in this area to help provide a visual buffer that doesn't currently exist.

Sewer access: Ridge PE had expressed an interest in connecting the development's sewer to existing access at 5140 Southlake or behind properties on Bannerhorn Run. Residents there had significant misgivings about granting easements, noting probable loss of property value. If not granted access there, however, Ridge PE suggested that they would therefore need to dig deeper lines through the development, resulting in the loss of more trees they may have otherwise saved.

While not critical for the development of this site, a sewer easement to the east would potentially save some large specimen trees. A 30' combined sanitary and storm easement currently exists on all properties to the east and a mere 5'x20'

easement would be required to make the sewer connection. We would provide additional screening on any property that provides this sewer easement.

Pedestrian safety on Fox Road: Fox Road carries significant foot traffic from Webb Bridge Park patrons, Thornbury Parc residents, and residents of Benton House (an elder care facility). The addition of traffic for 22 more houses would exacerbate existing safety concerns. Residents are adamant that construction traffic must be significantly restricted during pre- and post-school periods.

Construction hours will be per the City requirements. It is not feasible to restrict works hours to school hours, but onsite persons will be notified of the proximity of the neighborhood, park, and school and required to be cautious of pedestrians.

Intersection hazard at Kimball Bridge Road: Residents have had an ongoing issue with safety where Fox Road intersects Kimball Bridge Road. Resolution has been frustrated by the complicated jurisdictions involved (GA DOT, City of Johns Creek, and Fulton County). Many current residents bought in Thornbury Parc on the promise of a stop light at this intersection that is not forthcoming. Beyond adding to the clear and pressing safety concerns, residents expressed concern that this obvious problem would discourage sales of the new homes, which could result in the construction period lengthening or possibly even stopping, leaving the property disturbed and unsightly.

We are aware of the amount of traffic on Kimball Bridge Road. This intersection is not within the scope of this project.

Common to Both Communities

- Residents expressed concern about loss of value to their properties resulting from juxtaposition with perceptually higher density and, in some cases, undesirable features such as detention ponds.

Proposed density is 2.1 units per acre, which is less than Thornbury Parc, which is at 2.4 units per acre and similar to Windward's density of 1.8 units per acre. We aren't experts in property value, but the proposed homes will have home prices in the $600,000's and I would guess that this will only help the comps when doing an appraisal. Again, we cannot guarantee this, but this will be a quality development.

- With a recent history of developments for which land was cleared and construction started but later stopped because of interruptions in financing, residents were concerned about this proposed development in light of the current economic uncertainties. Residents will be looking for safeguards against lots cleared but left undeveloped.

  CalAtlantic Homes, the builder, has been in business since 1965 and this is a sought after location so we see no reason for this area to be left undeveloped.
- Residents are concerned about the quality of the builder engaged.

CalAtlantic Homes is a quality builder with an average home price of over $500,000 nationwide. They have been in business for 50 years and have a proven track record of success.

- Safety, erosion control, protection of adjacent property, and noise issues will be of paramount concern during construction.
  Ours, too.
- All Windward and Thornbury Parc residents and their community services organizations will require a clearly identified entity responsible for the development with whom to take up pertinent issues, both during construction and ongoing.
  CalAtlantic Homes will be responsible during construction. The 24-hour contact, TBD, will be in large print on every sheet of the plan set.

Meeting September 1, 2015

Residents want additional sidewalks along Fox Road.

We will ask for a variance to put sidewalk along only one side of our development and use the savings on the sidewalk to put sidewalks along Fox Road, if permission from Johns Creek and/or Alpharetta is received. We will discuss with the City of Alpharetta receiving impact fee credits and will use those credits toward the sidewalks.

Residents would like additional landscape screening.

We will provide landscape screening near the entrance to our development and where the lots back up to our development.

Pedestrian safety on Fox Road: Fox Road carries significant foot traffic from Webb Bridge Park patrons, Thornbury Parc residents, and residents of Benton House (an elder care facility). The addition of traffic for 22 more houses would exacerbate existing safety concerns. Residents are adamant that construction traffic must be significantly restricted during pre- and post-school periods.

Construction hours will be per the City requirements. It is not feasible to restrict works hours to school hours, but onsite persons will be notified of the proximity of the neighborhood, park, and school and required to be cautious of pedestrians.

Intersection hazard at Kimball Bridge Road: Residents have had an ongoing issue with safety where Fox Road intersects Kimball Bridge Road. Resolution has been frustrated by the complicated jurisdictions involved (GA DOT, City of Johns Creek, and Fulton County). Many current residents bought in Thornbury Parc on the

promise of a stop light at this intersection that is not forthcoming. Beyond adding to the clear and pressing safety concerns, residents expressed concern that this obvious problem would discourage sales of the new homes, which could result in the construction period lengthening or possibly even stopping, leaving the property disturbed and unsightly.

We are aware of the amount of traffic on Kimball Bridge Road. This intersection is not within the scope of this project.

Residents are concerned about the speeding of Thornbury Parc residents and think it may be made worse with this development.

Although this is really outside of the scope of this project, we have contacted City of Alpharetta Public Works to conduct a speed study and are working with the City to come up with solutions to slow traffic in this area.

Meeting October 6, 2015

Fox Road

The developer proposes to plant landscaped screens in the right-of-way along the retained portion of the road and along the newly designed bend. Residents expressed concern about safeguards against erosion after original vegetation is removed and before replacement plants are installed; others were concerned about how long new landscaping would take to become an effective screen.

We will follow all state and local codes, which have become very strict over the past few years. Landscaping will be installed at heights and sizes per the City of Alpharetta requirements. When evergreens are used, a fast growing species shall be chosen.

Buffers

The developer proposes a **25 foot undisturbed buffer** (described on the site plan as an undisturbed tree save area) along the north and south boundaries. Locations where this does NOT apply:

- The eastern boundary, where a detention pond with a wall as high as ten feet, surrounded by 2 close rows of evergreens, will be right next to the property lines of several homes along Bannerhorn Run.

The site plan and pond were modified to be an earthen pond instead of a wall. The planting area was increased to a 15' wide planting area is being provided for the 2 rows of evergreens.

- Along the section of Fox Road that will be abandoned; there were no set plans to clear that land and no discussion about planting landscape screening.

Residents have told us that they do not want half of the right of way. If this is the case, we will provide a berm (except where this blocks stormwater runoff) and landscaping where sparse.

The developer proposes that the buffer be deeded to the new development's HOA in an effort to ensure that future homeowners do not remove trees; otherwise, the tree save would be difficult to enforce. This will necessitate, however, that the lot sizes be reduced by the square footage of the buffer, bringing them below 18,000 ft^2; the proposed zoning would, however, remain R-12.

Setback (i.e., the distance from the property line within which no building is permitted)

The developer proposes a **25 foot rear setback** in addition to the 25 foot buffer for homesites along the north side; this does *not* apply to the sites along the south side, adjacent to Thornbury Parc.

A 25' undisturbed tree save area is provided on the south property line adjacent to Thornbury Parc.

Note that the lot at the northeast corner of the site plan is situated parallel to the northern boundary, not perpendicular; rear setback does not therefore apply, and it has only a 10 foot side setback, meaning that there is *15 feet less protection* from structural additions for a house that is already one of the closest to the boundary.

The site plan has been modified so the rear of the house faces the property line and a total building setback of 50 feet is provided.

Preservation of Specimen Trees

The developer made a point of emphasizing that the last developer to apply for rezoning (ARK Development in 2008) indicated intent to save only one specimen tree, where this group will *try* to save 12 of 20 identified viable specimen trees. If, however, they are not granted access to an existing sewer easement at the eastern end of the property, they will have to dig deeper at through the higher points of the property, resulting in the destruction of more specimen trees.

Detention Ponds

The developer acknowledged the undesirability of detention ponds but stated that developing the land rendered them necessary. They intend to surround detention ponds with a double row of evergreens as screening. As with other proposed landscape screening, residents expressed concerns about the effectiveness and the aesthetics. Residents suggested potentially cladding the walls with a natural-looking surface.

One pond was converted to an earthen pond. The other pond will be screened with a double row of evergreens. We do not want to face the walls as the landscape screening will hide the facing.

Eastern end:
The original design had indicated a large triangular structure. The most recent design shows a long rectangular structure immediately along the eastern boundary. At the higher southern end, the wall would be flush with the ground; as it progresses to the lower northern end, the wall will reach potentially as high as **10 feet**. Given the **absence of an undisturbed buffer** and its **immediate proximity to neighboring property lines**, several residents were very concerned about a *significant* impact to their property values. These residents do not expect the proposed double row of evergreens to sufficiently obscure the pond and were worried about potential overflow flooding their properties.

The site plan and pond were modified to be an earthen pond instead of a wall. The planting area was increased to a 15' wide planting area is being provided for the 2 rows of evergreens.

Runoff/Erosion
The developer described the measures intended to control runoff and erosion during construction and once hardscape has replaced the existing natural topography. Residents expressed extreme misgivings based on prior experience as a result of the development of Thornbury Parc, which resulted in severe runoff problems along Peace Creek Trace. According to the developer, new and more stringent standards are now in place.

A long-term resident brought to light a potential concern: the previous owner of 11999 Fox Road was a plumber who apparently buried trash on the property. Old articles of trash now wash up in the creek bed behind homes at the end of Peace Creek Trace. The developer indicated that nothing was identified in the soil survey, however.

We are aware of some buried debris and will haul it off to an approved landfill during construction. A Phase 1 Environmental Site Assessment was completed and found no reports of any other concerns.

EXHIBIT "A" - Page 1

Address	Owner	OwnerAddr1	OwnerAddr2
655 PEACE CREEK TRC	KAMAL DANIEL C	655 PEACE CREEK TRCE	ALPHARETTA GA 30005
665 PEACE CREEK TRC	SECRETARY OF HOUSING & URBAN DEV	40 MARIETTA ST	ATLANTA GA 30303
675 PEACE CREEK TRC	BUDA THOMAS & LONNIE R	675 PEACE CREEK TRCE	ALPHARETTA GA 30005
685 PEACE CREEK TRC	MARTIGNETTI CHARLES A. & MARTIGNETTI ATHINA M.	685 PEACE CREEK DR	ALPHARETTA GA 30005
695 PEACE CREEK TRC	GERMAIN ALAN J & LINDA	695 PEACE CREEK TRCE	ALPHARETTA GA 30005
660 PEACE CREEK TRC	DESMOND JAMES & SANDRA	660 PEACE CREEK TRCE	ALPHARETTA GA 30005 4348
805 STONEHAVEN LN	MEASON WILLIAM L JR & TERESA A	805 STONEHAVEN LN	ALPHARETTA GA 30005 4347
815 STONEHAVEN LN	PALMER CHRISTOPHER R & BEVERLY	815 STONEHAVEN LN	ALPHARETTA GA 30005 4347
825 STONEHAVEN LN	SPENCER J B & PATRICIA M	825 STONEHAVEN LN	ALPHARETTA GA 30005 4347
810 STONEHAVEN LN	CLARKE RODNEY J & POCAHONTAS	810 STONEHAVEN LN	ALPHARETTA GA 30005
800 STONEHAVEN LN	SANDERS WAYNE EDWARD	800 STONEHAVEN LN	ALPHARETTA GA 30005
635 PEACE CREEK TRC	SALMON MARK A & AUDREY D	635 PEACE CREEK TRCE	ALPHARETTA GA 30005
640 PEACE CREEK TRC	ANDERSON ROBERT B & BONITA K	640 PEACE CREEK TRCE	ALPHARETTA GA 30005 4348
630 PEACE CREEK TRC	PETTIT SHENG YANG & PHILLIPA	630 PEACE CREEK TRCE	ALPHARETTA GA 30005
620 PEACE CREEK TRC	WEINSTEIN MITCHELL G & LINDA J	620 PEACE CREEK TRCE	ALPHARETTA GA 30005 4348
5175 SOUTHLAKE DR	AL WAZANI IHAB & AL WAZANI STEFANIE	5175 SOUTHLAKE DR	ALPHARETTA GA 30005
5165 SOUTHLAKE DR	BUNAREK PETER	5165 SOUTHLAKE DR	ALPHARETTA GA 30005
5155 SOUTHLAKE DR	KARLSTROMER STEPHEN T & ROSE A	5155 SOUTHLAKE DR	ALPHARETTA GA 30005
5145 SOUTHLAKE DR	MATTHEWS SHERRY & STEWART	5145 SOUTHLAKE DR	ALPHARETTA GA 30005
5135 SOUTHLAKE DR	WALKER REMSEN C & JANICE A	5135 SOUTHLAKE DR	ALPHARETTA GA 30005
5125 SOUTHLAKE DR	CARUSO ERNEST ROMUALD & CARUSO BARBARA MUELLER	5125 SOUTHLAKE DR	ALPHARETTA GA 30005
6200 BANNERHORN RUN	WEIKERT SARAH R	6200 BANNERHORN RUN	ALPHARETTA GA 30005
6210 BANNERHORN RUN	HECHT PHILIP T & MAI	6210 BANNERHORN RUN	ALPHARETTA GA 30202
6220 BANNERHORN RUN	KELLY LISA M & JAMES P	6220 BANNERHORN RUN	ALPHARETTA GA 30005
6230 BANNERHORN RUN	LINN DAVID & BIRON LINDA	6230 BANNERHORN RUN	IRVINE CA 92604
6240 BANNERHORN RUN	NGUYEN KHANH & BACH LIEN TRAN	8 BOISE	ALPHARETTA GA 30005
6250 BANNERHORN RUN	ZETTERSTROM CHAS E & JANET D	6250 BANNERHORN RUN	ALPHARETTA GA 30005
6260 BANNERHORN RUN	HULETT MARK & JOHANNA	6260 BANNERHORN RUN	ALPHARETTA GA 30005 4358
922 HAWKHORN CT	DAVIS WILLIAM R & DEANA Y	922 HAWKHORN CT	ALPHARETTA GA 30005
932 HAWKHORN CT	MC ARDLE SHELLA K	932 HAWKHORN CT	ALPHARETTA GA 30005
942 HAWKHORN CT	HAMPTON LEO & DEBRA	942 HAWKHORN CT	ALPHARETTA GA 30005
952 HAWKHORN CT	SHIRES ANDREW DOUGLAS & SHIRES AUDREY ANN	952 HAWKHORN CT	ALPHARETTA GA 30005
6265 BANNERHORN RUN	RABLEY ANNE	6265 BANNERHORN RUN	ALPHARETTA GA 30005
6255 BANNERHORN RUN	JONES RICHARD JR & JONES DANIELLE F	6255 BANNERHORN RUN	ALPHARETTA GA 30005 4354
6245 BANNERHORN RUN	CARUSO TONY L & SHELLEY M	6245 BANNERHORN RUN	BROOKLYN NY 11218
6235 BANNERHORN RUN	CASTILLO JORGE V & RICE MEGAN M	1406 36TH ST APT 11	ALPHARETTA GA 30005 4354
6225 BANNERHORN RUN	ROTH NEIL J & CAROL B	6225 BANNERHORN RUN	ALPHARETTA GA 30005
6215 BANNERHORN RUN	KARIMI SEIFOLLAH & MOHAMMADI MOJDEH	6215 BANNERHORN RUN	ALPHARETTA GA 30005 4354
6205 BANNERHORN RUN	CARUSO PETER J & JUDY L	6205 BANNERHORN RUN	ALPHARETTA GA 30005
401 RANGER PASSAGE	GONZALEZ EMILIANO T & NONI M	401 RANGER PASSAGE	ALPHARETTA GA 30005
300 INTREPID CUT	SUAREZ LARRY A	300 INTREPID CUT	ATLANTA GA 30336
310 INTREPID CUT	A&A PROPERTY ACCOUNT LLC	130 SELIG DR SW	ALPHARETTA GA 30005
335 INTREPID CUT	RHYNE PLATO S & III & MARGARET M	335 INTREPID CUT	ALPHARETTA GA 30005
325 INTREPID CUT	STANTON JAMES D JR & CHRISTINE C	325 INTREPID CUT	ALPHARETTA GA 30005
315 INTREPID CUT	PURE ADAM & PURE MINDY	315 INTREPED CUT	ALPHARETTA GA 30005
305 INTREPED CUT	SMITH TODD R & DABNEY D	305 INTREPED CUT	ALPHARETTA GA 30005
610 PEACE CREEK TRC	SMITH WAYNE K & DENMAN SMITH ANNA MARIE	610 PEACE CREEK TRCE	ALPHARETTA GA 30004
5190 SOUTHLAKE DR	KNARICH SCOTT A & SUSAN E	7575 BATES DR	ALPHARETTA GA 30005 4340
4200 COURAGEOUS WAKE	FOSSUM CLYDE S & RHONDA J	4200 COURAGEOUS WAKE	ALPHARETTA GA 30005
650 PEACE CREEK TRC	HILTON DAVID B & SHERRY L	650 PEACE CREEK TRCE	ALPHARETTA GA 30005
5160 SOUTHLAKE DR	YARBROUGH BETTY M	5160 SOUTHLAKE DR	ALPHARETTA GA 30005
5120 SOUTHLAKE DR	KAUFMAN KODE & SUSAN D	5120 SOUTHLAKE DR	

Exhibit "A" - Page Two

645 PEACE CREEK TRC	DEPUYDT JACOB W & MELISSA C	645 PEACE CREEK TRCE	ALPHARETTA GA 30005
830 STONEHAVEN LN	HALE EDWARD WILCOX & HALE MARY BARBARA	830 STONEHAVEN LANE	ALPHARETTA GA 30005
600 PEACE CREEK TRC	FERRARI ROBERT D & FLAX DEBRA S	600 PEACE CREEK TRCE	ALPHARETTA GA 30005 4348
5180 SOUTHLAKE DR	HICKOK WILLIAM S & ELIZABETH A	5180 SOUTHLAKE DR	ALPHARETTA GA 30005 4332
5150 SOUTHLAKE DR	SIMINA MARIN SIMINA DANIELA	5150 SOUTHLAKE DR	ALPHARETTA GA 30005
820 STONEHAVEN LN	MILLER BLAISE M & DINA L	820 STONEHAVEN LN	ALPHARETTA GA 30005
5130 SOUTHLAKE DR	ROWLINSON SUSAN ELIZABETH	5130 SOUTHLAKE DR	ALPHARETTA GA 30005
5170 SOUTHLAKE DR	DOHERTY EAMON N & CAROLYN M	5170 SOUTHLAKE DR	ALPHARETTA GA 30202
5140 SOUTHLAKE DR	MANLEY PATRICK M & VALERIE L	5140 SOUTHLAKE DR	ALPHARETTA GA 30005 4332
555 STONEBURY DR	GERARD V & KATHLEEN BERNADETTE FALOON REVOCABLE TRUST THE	555 STONEBURY DR	ALPHARETTA GA 30005
585 STONEBURY DR	XU JIANWU & HAN YUYUAN	585 STONEBURY DR	ALPHARETTA GA 30005
425 FOX CHASE CIR	YU YEON SOOK	425 FOX CHASE CIR	ALPHARETTA GA 30005
415 FOX CHASE CIR	LAI JAMES	1 ROSEVILLE LANE	WORCESTER MA 01603
600 STONEBURY DR	LE LONG H & VALERIE E	600 STONEBURY DR	ALPHARETTA GA 30005
590 STONEBURY DR	KELLY RICHARD KELLY LISA	590 STONEBURY DR	ALPHARETTA GA 30005
595 STONEBURY DR	COOK JOE F JR & COOK ANNETTE M	595 STONEBURY DR	ALPHARETTA GA 30005
575 STONEBURY DR	LI JIE & WANG ZHIGANG	255 BEACON KNOLL DR	ALPHARETTA GA 30022
565 STONEBURY DR	SETHI TARUN & POONAM	565 STONEBURY DR	ALPHARETTA GA 30005
580 STONEBURY DR	WOOLHEATER TIMOTHY R & AUDRAY D	580 STONEBURY DR	ALPHARETTA GA 30005
11980 FOX RD	VANGAPANDU SURYA N & JAGANA SUNITA	11980 FOX RD	ALPHARETTA GA 30005
11970 FOX RD	KARABIN SCOTT M & DODDS WENDY M	11970 FOX RD	ALPHARETTA GA 30005
11990 FOX RD	KAISANI KARIM K	11990 FOX RD	ALPHARETTA GA 30005
11944 THORNBURY VIEW	CHENG SONG & WANG YING	11944 THORNBURY VIEW	ALPHARETTA GA 30005
11932 THORNBURY VIEW	RAJESH GOPALASWAMY & VAIDHYANATHAN MEENAKSHI	11932 THORNBURY VIEW	ALPHARETTA GA 30005
11999 FOX RD	KIEFFER RANDY J & BONNIE W	11999 FOX RD	ALPHARETTA GA 30002
0 SPRUILL RD	HOLCOMB BENJAMIN F & BARBARA J	12005 FOX RD	ALPHARETTA GA 30005 7886
11928 THORNBURY VIEW	PUROHIT SANJAY O & ARPITA	11928 THORNBURY VW	ALPHARETTA GA 30005
11969 THORNBURY VIEW	YU YONG LIN & ZHAO YUN	11969 THORNBURY VIEW	ALPHARETTA GA 30022
11968 THORNBURY VIEW	JIVANI WAZIRALI R & MUNIRA	11968 THORNBURY VIEW	ALPHARETTA GA 30005
11965 THORNBURY VIEW	ARIBINDI KRISHNA P & KANAKADURGA	11965 THORNBURY VIEW	ALPHARETTA GA 30005
11961 THORNBURY VIEW	JOHNSON NORMAN ALLEN & HYOJUNG CHOI	11961 THORNBURY VIEW	ALPHARETTA GA 30005
11960 THORNBURY VIEW	KOMANDURI RAGHURAM & REVATHI	11960 THORNBURY VIEW	ALPHARETTA GA 30005
11972 THORNBURY VIEW	KALAGA SUBRAHMANYAM V & JOSYULA LAKSHMI V	11972 THORNBURY VIEW	ALPHARETTA GA 30005
11964 THORNBURY VIEW	KULKARNI UPENDRA L & KULKARNI SWATI UPENDRA	11964 THORNBURY VW	ALPHARETTA GA 30005
11957 THORNBURY VIEW	SELVAGGIO CELANE & FRANK	11957 THORNBURY VIEW	ALPHARETTA GA 30005
6315 BANNERHORN RUN	SMITH BRYAN O & TERRI H	6315 BANNERHORN RUN	ALPHARETTA GA 30005
903 HAWKHORN CT	ZSCHACH KEVIN & ZSCHACH LAURA	903 HAWKHORN CT	ALPHARETTA GA 30005
6305 BANNERHORN RUN	GONSALVES JOSEPH & MONACO MARY	6305 BANNERHORN RUN	ALPHARETTA GA 30005 4355
6335 BANNERHORN RUN	OATES RANDY P & KATHLEEN P	6335 BANNERHORN RUN	ATLANTA GA 30315
11770 EAST FOX CT	FULTON COUNTY BOARD OF EDUCATION	786 CLEVELAND AVE	ALPHARETTA GA 30005
913 HAWKHORN CT	MC GINN WILLIAM F & MARIANNA W	913 HAWKHORN CT	ALPHARETTA GA 30005
215 LEAFWING CT	CRAVER JEFFREY L & TARRAN S	215 LEAFWING CT	ALPHARETTA GA 30005
6285 BANNERHORN RUN	DYKE GLENN W & DYKE SUZETTE S	6285 BANNERHORN RUN	ALPHARETTA GA 30005
235 LEAFWING CT	KAPLAN CHARLES A & CYNTHIA R	235 LEAF WING CT	ALPHARETTA GA 30005
6300 BANNERHORN RUN	LANTHIER STEPHEN & CHERIE C	6300 BANNERHORN RUN	ALPHARETTA GA 30005
6325 BANNERHORN RUN	DEMPSY DANIEL	6325 BANNER HORN RUN	ALPHARETTA GA 30005
225 LEAFWING CT	ROBIRDS SCOTT R & SUSAN M	225 LEAFWING CT	ALPHARETTA GA 30005
6295 BANNERHORN RUN	FORBES SARAH & FORBES STEPHEN JR	6295 BANNERHORN RUN	ALPHARETTA GA 30005
3409 LAKEWIND WAY	OTTEN RAYMOND E & CAROL J	3409 LAKEWIND WAY	ALPHARETTA GA 30005
680 PEACE CREEK TRC	MENDLINGER LAYNA L	680 PEACE CREEK TRCE	ALPHARETTA GA 30005
670 PEACE CREEK TRC	SELL CURTIS L & BARBARA B	670 PEACE CREEK TRCE	ALPHARETTA GA 30005 4348
912 HAWKHORN CT	HACKMAN ILANA E	912 HAWKHORN CT	ALPHARETTA GA 30005

Exhibit "A" - Page Three

902 HAWKHORN CT	COOPER DELL P & COOPER JULIE J	902 HAWKHORN CT	ALPHARETTA GA 30005
3419 LAKEWIND WAY	SANTILLO DOMINIC F VONAULOCK BARBARA L	3419 LAKEWIND WAY	ALPHARETTA GA 30005
6275 BANNERHORN RUN	KOENIGSHOF PHYLLIS K	6275 BANNERHORN RUN	ALPHARETTA GA 30005
12005 FOX RD	HOLCOMB BENJAMIN F & BARBARA J	12005 FOX RD	ALPHARETTA GA 30005 7886

January 11, 2016

Windward Community
Property Owner

DCG Pebblebrook, LLC
1290 Kennestone Circle
Building A, Suite 200
Marietta, GA 30066

RE: Rezoning Application and Variance Request by DCG Pebblebrook, LLC for 9.76 acres located on Fox Road, Alpharetta, GA

Dear Property Owner:

DCG Pebblebrook, LLC has filed an application to rezone 9.76 acres on Kimball Bridge Road from AG to R-12 to permit the development of a detached single family home subdivision of 22 homes on this property. The request requires a Rezoning and Variances to permit development according to the site plan.

The Planning Commission meeting is scheduled for February 4, 2016 at 6:30 p.m. at City Hall. The City Council meeting is scheduled for February 22, 2016 at 7:30 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, his email is don@roladerandrolader.com, and his address is 1865 Lockeway Drive, Suite 601, Alpharetta, GA 30004.

Sincerely,

Jeff Smith
DCG Pebblebrook, LLC

Z-15-18 V-15-28
FOX RD SUBDIVISION

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY
Z-15-18 / V-15-28
Case #: PHA150004
☑ Fee Paid Initial: BP

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.

RECEIVED
NOV 11/15
RECEIVED BY Community Development

Contact Information:

Contact Name: Jeff Smith / DCG Pebblebrook
Telephone: 404.328.6280
Address: 1290 Kennestone Circle, Building D
Suite: 100
City: Marietta
State: GA
Zip: 30066
Fax:
Mobile Tel: 404.328.6280
Email: Jeff@RidgePE.com

Subject Property Information:

Address: 11999 and 12005 Fox Road
Current Zoning: AG
District: 1
Section: 1
Land Lot: 195 & 196
Parcel ID: 21 571012540080 & 11 054001960164
Proposed Zoning: R-12
Current Use: Two single family homes

This Application For *(Check All That Apply)*:

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

Applicant Request And Intent

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

Single family home subdivision

Applicant's Request (Please itemize the proposal):

To rezone the property from AG to R-12.

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

Applicant intends to develop a subdivision of 12 single family homes on the property, in harmony with the nearby single family home subdivisions.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Ben Holcomb Telephone: 404.580.3227

Address: 12005 Fox Road Suite:

City Alpharetta State: GA Zip: 30005 -

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: Jeff Smith Telephone: 404.328.6280

Address: 1290 Kennestone Circle, Building D Suite: 100

City Marietta State: GA Zip: 30066 -

So Sworn and Attested:

Owner Signature: Date: 10/30/15

Notary:

Notary Signature: Date: 10/30/15

SHERIN·MICHAEL
MY COMMISSION EXPIRES
NOTARY
PUBLIC
APRIL 10, 2019
GWINNETT COUNTY, GEORGIA

Z-15-18 V-15-20
FOX RD SUBDIVISION

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Randy Kieffer Telephone: 770.861.6536

Address: 11999 Fox Road Suite:

City Alpharetta State: GA Zip: 30005 -

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

Identify Authorized Applicant:

Name of Authorized Applicant: Jeff Smith Telephone: 404.328.6280

Address: 1290 Kennestone Circle, Building D Suite: 100

City Marietta State: GA Zip: 30066 -

So Sworn and Attested:

Owner Signature: Randy J Kieffer Date: 11-1-15

Notary:

EILEEN M HEIM NOTARY PUBLIC FORSYTH CO., GEORGIA

Notary Signature: Eileen M. Heim Date: 11-1-15

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: DCG Pebblebrook

Subject Public Hearing Case: Fox Road Subdivision

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: 0.00

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: Jeff Smith Date: 11/2/15

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

This site conforms with Future Land Use Plan. The proposed density of 2.2 units/acre is similar to the surrounding properties. Thornbury Parc was developed with a density of 2.76 units per acre, a minimum lot size of 7,500 square feet, and a minimum lot width of 60'. The Windward Communities were developed at a density around 2 units/acre.

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

The surrounding uses are also residential so the use conforms with the surrounding properties. We expect the home prices in this community to be $550,000 to $650,000, which are above the average home price of the adjacent homes.

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

No nearby property is still used for agricultural purposes. This property has no economic use as agricultural property. It is surrounded by subdivisions and a school.

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

From Alpharetta 2010 estimates, there are 2.5 people per housing unit. With the proposed 22 housing units, the anticipated population is 55 people. See Trip Generation for Traffic. Proposed increase during AM/PM peak hours is 17/22 trips.

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

There are sufficient utilities to serve the requirements of the subdivision. Total new students in the public schools should be approximately 50 students, spread over three schools.

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

The proposal is consistent with the Comprehensive Plan and the Future Land Use Map.

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

Except for the elementary school, all nearby and abutting properties have developed as single family subdivisions. This change of conditions shows that AG-1 is not the proper use of this property.

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.

See attached list of five requested variances on Exhibit "A"

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

As to variances 1-5: The property has an irregular shape, is narrow north to south, and wide east to west. It is the intent of Applicant to locate the homes as far as possible from neighboring homes. The requested variances achieve that purpose.

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

As to variances 1-5: Zoning standards create a hardship in that they create a larger impact on nearby homeowners than will exist if these variances are granted. The impact of the variances is to benefit nearby subdivisions.

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

The property is located so that it abuts existing subdivisions partially on all four sides. The subject property is narrow north to south and elongated east to west. These conditions are existing. Development of the property with the requested variances will benefit and create less impact to surrounding subdivisions.

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.

If the variances are granted, it will cause benefit to the public good and promote the purpose and intent of the Zoning Code. Failure to grant the variances may cause detriment to the public good and nearby homeowners.

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.

Exhibit "A"

APPLICATION FOR REZONING AG-1 TO R-12

DCG PEBBLEBROOK

LIST OF REQUESTED VARIANCES

1-To reduce the front setback from30' to 15'.

2-To reduce the side setback adjacent to streets from 20' to 15'.

3-To allow Applicant to build sidewalks on only one side of subdivision streets.

4-To reduce lot width from 80' to 75'.

5-To permit required tree plantings to be planted on adjacent property in lieu of contribution to the City tree fund.

Variance 1 allows the homes to be constructed a greater distance from the property boundaries than would be permitted by Code. This is a benefit to abutting homeowners.

Variance 2 aligns with Variance 1 and allows the homes to be constructed a greater distance from property boundaries, thereby benefitting nearby homeowners.

Variance 3 creates sufficient pedestrian access to a very small subdivision of 22 homes, with Applicant agreeing with neighbors to apply the cost savings toward the construction of sidewalks on Fox Road, where there is a greater need for sidewalks.

Variance 4 permits Applicant to develop deeper lots and to save more trees. The deeper lots will have a 25' tree save area which will allow significant oak trees to remain, and benefit abutting neighbors.

Variance 5.is requested to address some concerns of nearby neighbors. Trees which cannot be planted onsite will be planted on adjacent properties where trees are sparse, benefitting the most affected neighbors.

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: Fox Road Subdivision

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 those 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.*

- [x] 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, email, fax, telephone call or request a meeting in person.

EXHIBIT "A" - Page 1

Address	Owner	OwnerAddr1	OwnerAddr2
655 PEACE CREEK TRC	KAMAL DANIEL C	655 PEACE CREEK TRCE	ALPHARETTA GA 30005
665 PEACE CREEK TRC	SECRETARY OF HOUSING & URBAN DEV	40 MARIETTA ST	ATLANTA GA 30303
675 PEACE CREEK TRC	BUDA THOMAS & LONNIE R	675 PEACE CREEK TRCE	ALPHARETTA GA 30005
685 PEACE CREEK TRC	MARTIGNETTI CHARLES A. & MARTIGNETTI ATHINA M.	685 PEACE CREEK DR	ALPHARETTA GA 30005
695 PEACE CREEK TRC	GERMAIN ALAN J & LINDA	695 PEACE CREEK TRCE	ALPHARETTA GA 30005
660 PEACE CREEK TRC	DESMOND JAMES & SANDRA	660 PEACE CREEK TRCE	ALPHARETTA GA 30005 4348
805 STONEHAVEN LN	MEASON WILLIAM L JR & TERESA A	805 STONEHAVEN LN	ALPHARETTA GA 30005 4347
815 STONEHAVEN LN	PALMER CHRISTOPHER R & BEVERLY	815 STONEHAVEN LN	ALPHARETTA GA 30005 4347
825 STONEHAVEN LN	SPENCER J B & PATRICIA M	825 STONEHAVEN LN	ALPHARETTA GA 30005 4347
810 STONEHAVEN LN	CLARKE RODNEY J & POCAHONTAS	810 STONEHAVEN LN	ALPHARETTA GA 30005
800 STONEHAVEN LN	SANDERS WAYNE EDWARD	800 STONEHAVEN LN	ALPHARETTA GA 30005
635 PEACE CREEK TRC	SALMON MARK A & AUDREY D	635 PEACE CREEK TRCE	ALPHARETTA GA 30005
640 PEACE CREEK TRC	ANDERSON ROBERT B & BONITA K	640 PEACE CREEK TRCE	ALPHARETTA GA 30005 4348
630 PEACE CREEK TRC	PETTIT SHENG YANG & PHILLIPA	630 PEACE CREEK TRCE	ALPHARETTA GA 30005
620 PEACE CREEK TRC	WEINSTEIN MITCHELL G & LINDA J	620 PEACE CREEK TRCE	ALPHARETTA GA 30005 4348
5175 SOUTHLAKE DR	AL WAZANI IHAB & AL WAZANI STEFANIE	5175 SOUTHLAKE DR	ALPHARETTA GA 30005
5165 SOUTHLAKE DR	BUNAREK PETER	5165 SOUTHLAKE DR	ALPHARETTA GA 30005
5155 SOUTHLAKE DR	KARLSTROMER STEPHEN T & ROSE A	5155 SOUTHLAKE DR	ALPHARETTA GA 30005
5145 SOUTHLAKE DR	MATTHEWS SHERRY & STEWART	5145 SOUTHLAKE DR	ALPHARETTA GA 30005
5135 SOUTHLAKE DR	WALKER REMSEN C & JANICE A	5135 SOUTHLAKE DR	ALPHARETTA GA 30005
5125 SOUTHLAKE DR	CARUSO ERNEST ROMUALD & CARUSO BARBARA MUELLER	5125 SOUTHLAKE DR	ALPHARETTA GA 30005
6200 BANNERHORN RUN	WEIKERT SARAH R	6200 BANNERHORN RUN	ALPHARETTA GA 30005
6210 BANNERHORN RUN	HECHT PHILIP T & MAI	6210 BANNERHORN RUN	ALPHARETTA GA 30005
6220 BANNERHORN RUN	KELLY LISA M & JAMES P	6220 BANNERHORN RUN	ALPHARETTA GA 30202
6230 BANNERHORN RUN	LINN DAVID & BIRON LINDA	6230 BANNERHORN RUN	ALPHARETTA GA 30005
6240 BANNERHORN RUN	NGUYEN KHANH & BACH LIEN TRAN	8 BOISE	IRVINE CA 92604
6250 BANNERHORN RUN	ZETTERSTROM CHAS E & JANET D	6250 BANNERHORN RUN	ALPHARETTA GA 30005
6260 BANNERHORN RUN	HULETT MARK & JOHANNA	6260 BANNERHORN RUN	ALPHARETTA GA 30005
922 HAWKHORN CT	DAVIS WILLIAM R & DEANA Y	922 HAWKHORN CT	ALPHARETTA GA 30005 4358
932 HAWKHORN CT	MC ARDLE SHELLA K	932 HAWKHORN CT	ALPHARETTA GA 30005
942 HAWKHORN CT	HAMPTON LEO & DEBRA	942 HAWKHORN CT	ALPHARETTA GA 30005
952 HAWKHORN CT	SHIRES ANDREW DOUGLAS & SHIRES AUDREY ANN	952 HAWKHORN CT	ALPHARETTA GA 30005
6265 BANNERHORN RUN	RABLEY ANNE	6265 BANNERHORN RUN	ALPHARETTA GA 30005
6255 BANNERHORN RUN	JONES RICHARD JR & JONES DANIELLE F	6255 BANNERHORN RUN	ALPHARETTA GA 30005
6245 BANNERHORN RUN	CARUSO TONY L & SHELLEY M	6245 BANNERHORN RUN	ALPHARETTA GA 30005 4354
6235 BANNERHORN RUN	CASTILLO JORGE V & RICE MEGAN M	1406 36TH ST APT 11	BROOKLYN NY 11218
6225 BANNERHORN RUN	ROTH NEIL J & CAROL B	6225 BANNERHORN RUN	ALPHARETTA GA 30005 4354
6215 BANNERHORN RUN	KARIMI SEIFOLLAH & MOHAMMADI MOJDEH	6215 BANNERHORN RUN	ALPHARETTA GA 30005
6205 BANNERHORN RUN	CARUSO PETER J & JUDY L	6205 BANNERHORN RUN	ALPHARETTA GA 30005 4354
401 RANGER PASSAGE	GONZALEZ EMILIANO T & NONI M	401 RANGER PASSAGE	ALPHARETTA GA 30005
300 INTREPID CUT	SUAREZ LARRY A	300 INTREPID CUT	ALPHARETTA GA 30005
310 INTREPID CUT	A&A PROPERTY ACCOUNT LLC	130 SELIG DR SW	ATLANTA GA 30336
335 INTREPID CUT	RHYNE PLATO S & III & MARGARET M	335 INTREPID CUT	ALPHARETTA GA 30005
325 INTREPID CUT	STANTON JAMES D JR & CHRISTINE C	325 INTREPID CUT	ALPHARETTA GA 30005
315 INTREPID CUT	PURE ADAM & PURE MINDY	315 INTREPED CUT	ALPHARETTA GA 30005
305 INTREPED CUT	SMITH TODD R & DABNEY D	305 INTREPED CUT	ALPHARETTA GA 30005
610 PEACE CREEK TRC	SMITH WAYNE K & DENMAN SMITH ANNA MARIE	610 PEACE CREEK TRCE	ALPHARETTA GA 30005
5190 SOUTHLAKE DR	KNARICH SCOTT A & SUSAN E	7575 BATES DR	ALPHARETTA GA 30004
4200 COURAGEOUS WAKE	FOSSUM CLYDE S & RHONDA J	4200 COURAGEOUS WAKE	ALPHARETTA GA 30005 4340
650 PEACE CREEK TRC	HILTON DAVID B & SHERRY L	650 PEACE CREEK TRCE	ALPHARETTA GA 30005
5160 SOUTHLAKE DR	YARBROUGH BETTY M	5160 SOUTHLAKE DR	ALPHARETTA GA 30005
5120 SOUTHLAKE DR	KAUFMAN KODE & SUSAN D	5120 SOUTHLAKE DR	ALPHARETTA GA 30005

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Exhibit "A" - Page Two

645 PEACE CREEK TRC	DEPUYDT JACOB W & MELISSA C	645 PEACE CREEK TRCE	ALPHARETTA GA 30005
830 STONEHAVEN LN	HALE EDWARD WILCOX & HALE MARY BARBARA	830 STONEHAVEN LANE	ALPHARETTA GA 30005
600 PEACE CREEK TRC	FERRARI ROBERT D & FLAX DEBRA S	600 PEACE CREEK TRCE	ALPHARETTA GA 30005 4348
5180 SOUTHLAKE DR	HICKOK WILLIAM S & ELIZABETH A	5180 SOUTHLAKE DR	ALPHARETTA GA 30005 4332
5150 SOUTHLAKE DR	SIMINA MARIN SIMINA DANIELA	5150 SOUTHLAKE DR	ALPHARETTA GA 30005
820 STONEHAVEN LN	MILLER BLAISE M & DINA L	820 STONEHAVEN LN	ALPHARETTA GA 30005
5130 SOUTHLAKE DR	ROWLINSON SUSAN ELIZABETH	5130 SOUTHLAKE DR	ALPHARETTA GA 30005
5170 SOUTHLAKE DR	DOHERTY EAMON N & CAROLYN M	5170 SOUTHLAKE DR	ALPHARETTA GA 30202
5140 SOUTHLAKE DR	MANLEY PATRICK M & VALERIE L	5140 SOUTHLAKE DR	ALPHARETTA GA 30005 4332
555 STONEBURY DR	GERARD V & KATHLEEN BERNADETTE FALOON REVOCABLE TRUST THE	555 STONEBURY DR	ALPHARETTA GA 30005
585 STONEBURY DR	XU JIANWU & HAN YUYUAN	585 STONEBURY DR	ALPHARETTA GA 30005
425 FOX CHASE CIR	YU YEON SOOK	425 FOX CHASE CIR	ALPHARETTA GA 30005
415 FOX CHASE CIR	LAI JAMES	1 ROSEVILLE LANE	WORCESTER MA 01603
600 STONEBURY DR	LE LONG H & VALERIE E	600 STONEBURY DR	ALPHARETTA GA 30005
590 STONEBURY DR	KELLY RICHARD KELLY LISA	590 STONEBURY DR	ALPHARETTA GA 30005
595 STONEBURY DR	COOK JOE F JR & COOK ANNETTE M	595 STONEBURY DR	ALPHARETTA GA 30005
575 STONEBURY DR	LI JIE & WANG ZHIGANG	255 BEACON KNOLL DR	ALPHARETTA GA 30022
565 STONEBURY DR	SETHI TARUN & POONAM	565 STONEBURY DR	ALPHARETTA GA 30005
580 STONEBURY DR	WOOLHEATER TIMOTHY R & AUDRAY D	580 STONEBURY DR	ALPHARETTA GA 30005
11980 FOX RD	VANGAPANDU SURYA N & JAGANA SUNITA	11980 FOX RD	ALPHARETTA GA 30005
11970 FOX RD	KARABIN SCOTT M & DODDS WENDY M	11970 FOX RD	ALPHARETTA GA 30005
11990 FOX RD	KAISANI KARIM K	11990 FOX RD	ALPHARETTA GA 30005
11944 THORNBURY VIEW	CHENG SONG & WANG YING	11944 THORNBURY VIEW	ALPHARETTA GA 30005
11932 THORNBURY VIEW	RAJESH GOPALASWAMY & VAIDHYANATHAN MEENAKSHI	11932 THORNBURY VIEW	ALPHARETTA GA 30005
11999 FOX RD	KIEFFER RANDY J & BONNIE W	11999 FOX RD	ALPHARETTA GA 30002
0 SPRUILL RD	HOLCOMB BENJAMIN F & BARBARA J	12005 FOX RD	ALPHARETTA GA 30005 7886
11928 THORNBURY VIEW	PUROHIT SANJAY O & ARPITA	11928 THORNBURY VW	ALPHARETTA GA 30005
11969 THORNBURY VIEW	YU YONG LIN & ZHAO YUN	11969 THORNBURY VIEW	ALPHARETTA GA 30022
11968 THORNBURY VIEW	JIVANI WAZIRALI R & MUNIRA	11968 THORNBURY VIEW	ALPHARETTA GA 30005
11965 THORNBURY VIEW	ARIBINDI KRISHNA P & KANAKADURGA	11965 THORNBURY VIEW	ALPHARETTA GA 30005
11961 THORNBURY VIEW	JOHNSON NORMAN ALLEN & HYOJUNG CHOI	11961 THORNBURY VIEW	ALPHARETTA GA 30005
11960 THORNBURY VIEW	KOMANDURI RAGHURAM & REVATHI	11960 THORNBURY VIEW	ALPHARETTA GA 30005
11972 THORNBURY VIEW	KALAGA SUBRAHMANYAM V & JOSYULA LAKSHMI V	11972 THORNBURY VIEW	ALPHARETTA GA 30005
11964 THORNBURY VIEW	KULKARNI UPENDRA L & KULKARNI SWATI UPENDRA	11964 THORNBURY VW	ALPHARETTA GA 30005
11957 THORNBURY VIEW	SELVAGGIO CELANE & FRANK	11957 THORNBURY VIEW	ALPHARETTA GA 30005
6315 BANNERHORN RUN	SMITH BRYAN O & TERRI H	6315 BANNERHORN RUN	ALPHARETTA GA 30005
903 HAWKHORN CT	ZSCHACH KEVIN & ZSCHACH LAURA	903 HAWKHORN CT	ALPHARETTA GA 30005
6305 BANNERHORN RUN	GONSALVES JOSEPH & MONACO MARY	6305 BANNERHORN RUN	ALPHARETTA GA 30005
6335 BANNERHORN RUN	OATES RANDY P & KATHLEEN P	6335 BANNERHORN RUN	ALPHARETTA GA 30005 4355
11770 EAST FOX CT	FULTON COUNTY BOARD OF EDUCATION	786 CLEVELAND AVE	ATLANTA GA 30315
913 HAWKHORN CT	MC GINN WILLIAM F & MARIANNA W	913 HAWKHORN CT	ALPHARETTA GA 30005
215 LEAFWING CT	CRAVER JEFFREY L & TARRAN S	215 LEAFWING CT	ALPHARETTA GA 30005
6285 BANNERHORN RUN	DYKE GLENN W & DYKE SUZETTE S	6285 BANNERHORN RUN	ALPHARETTA GA 30005
235 LEAFWING CT	KAPLAN CHARLES A & CYNTHIA R	235 LEAF WING CT	ALPHARETTA GA 30005
6300 BANNERHORN RUN	LANTHIER STEPHEN & CHERIE C	6300 BANNERHORN RUN	ALPHARETTA GA 30005
6325 BANNERHORN RUN	DEMPSY DANIEL	6325 BANNER HORN RUN	ALPHARETTA GA 30005
225 LEAFWING CT	ROBIRDS SCOTT R & SUSAN M	225 LEAFWING CT	ALPHARETTA GA 30005
6295 BANNERHORN RUN	FORBES SARAH & FORBES STEPHEN JR	6295 BANNERHORN RUN	ALPHARETTA GA 30005
3409 LAKEWIND WAY	OTTEN RAYMOND E & CAROL J	3409 LAKEWIND WAY	ALPHARETTA GA 30005
680 PEACE CREEK TRC	MENDLINGER LAYNA L	680 PEACE CREEK TRCE	ALPHARETTA GA 30005
670 PEACE CREEK TRC	SELL CURTIS L & BARBARA B	670 PEACE CREEK TRCE	ALPHARETTA GA 30005 4348
912 HAWKHORN CT	HACKMAN ILANA E	912 HAWKHORN CT	ALPHARETTA GA 30005

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902 HAWKHORN CT	COOPER DELL P & COOPER JULIE J	902 HAWKHORN CT	ALPHARETTA GA 30005
3419 LAKEWIND WAY	SANTILLO DOMINIC F VONAULOCK BARBARA L	3419 LAKEWIND WAY	ALPHARETTA GA 30005
6275 BANNERHORN RUN	KOENIGSHOF PHYLLIS K	6275 BANNERHORN RUN	ALPHARETTA GA 30005
12005 FOX RD	HOLCOMB BENJAMIN F & BARBARA J	12005 FOX RD	ALPHARETTA GA 30005 7886

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Fax (770) 442-0641
www.roladerandrolader.com

DONALD A. ROLADER
don@roladerandrolader.com

D.W. "Pete" ROLADER
1924 - 2011

November 2, 2015

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

RE: Application of DCG Pebblebrook for Rezoning from AG-1 and AG to R-12, with Variances on 9.76 acres on Fox Road, City of Alpharetta, Fulton County, Georgia

Dear Mayor and Councilpersons:

This firm represents DCG Pebblebrook, the Applicant, seeking approval of this Rezoning to R-12 and Variances. This letter shall be construed as the Letter of Intent for this Application. This Application seeks variances which are set out in the Application package.

The subject property contains approximately 9.76 acres and is located on Fox Road. To the north is property zoned CUP residential and being part of the Windward Community. To the east is the Southpointe neighborhood in Windward. To the south is Lake Windward Elementary School and the Thornbury Parc neighborhood, which is zoned CUP. The Fox Road right-of-way is the western border of the site. Fox Road accesses the property from the southwest. The area is residential in nature except for the abutting Fulton County public school.

Applicant proposes to rezone the property R-12 and construct 22 for sale single family residences. Applicant seeks five variances. There have been several meetings with the adjacent property owners and neighborhoods to date. As a result of those meetings, plan revisions have been made that require the following variances. These variances have been requested to not only benefit this project, but to also benefit the surrounding properties.

They are:

a) a front setback variance from 30' to 15'; This variance has been requested to allow the homes to be located a greater distance from the surrounding properties.

b) a side setback reduction adjacent to streets from 20' to 15'; This variance has been requested to align with the front setback requested and to allow the homes to be located a greater distance from the surrounding properties.

c) a variance to allow sidewalks on only one side of the internal street; This variance has been requested to allow the cost savings to be allocated toward building additional sidewalks along Fox Road. Several residents in Thornbury Parc along Fox Road have expressed the need for sidewalks along Fox Road where not present. We believe that need is greater than the need for sidewalks on both sides of the street in this neighborhood.

d) lot width variance from 80' to 75'; This variance has been requested to allow for deeper lots and to save more trees. The deeper lots have allowed us to provide a 25' undisturbed tree save area and allow us to save some of the key oak trees on site. We have prepared a 23 lot plan that does not require this variance: however, the 23 lot plan requires more impervious are, more trees to be removed, provides no undisturbed tree save are, and puts the houses much closer to the surrounding properties. We are losing 1 lot and providing several items listed above that benefit this neighborhood and the surrounding community; and

e) a variance to permit required tree plantings to be planted on adjacent property. This variance has been requested in response to some of the community meetings. We intend on planting most of the trees on the site; however, there are a few areas adjacent to the neighborhood and along Fox Road immediately outside of the neighborhood that would benefit from some additional tree plantings. If we cannot fit all of the trees onsite, we would like to be able to plant the required trees on properties adjacent to this community in lieu of a payment to the tree fund.

The impact on the surrounding area would be minimal and will fill an existing need for quality single family housing in the area. The property has been mostly vacant for more than 15 years. (This property has 2 houses on it that are currently occupied).

This proposal will permit the development of a quality single family subdivision in an area where quality housing is desirable. The designs of the homes and the location will appeal to new residents seeking upscale homes near local schools. There is an unfilled need for good housing in the area. The density is reasonable at 2.2 units per acre.

The granting of this Zoning Application will have no negative impact on adjoining or nearby properties, but will provide a compatible use. This development will not unduly tax any City of Alpharetta services, including, but not limited to, fire and police protection, water service and garbage collection. Presently sewer is available through Fulton County. The development will have minimal impact on the Fulton County School System. To fail to approve this Application will be of no benefit to the citizens of Alpharetta, Georgia while causing a financial burden upon the property owners and the developer.

It is the position of the Applicant that the Alpharetta Zoning Ordinance, in zoning the property AG-1 is unconstitutional in that it destroys the marketability of the property and renders the property exceptionally less valuable. Constitutional objections are attached to this Letter of Intent and incorporated herein by reference.

Property owner respectfully requests that the Mayor and City Council approve this Application for Comprehensive Plan Amendment, Rezoning and Variances requested to allow the use of the property as indicated on the site plan.

Very truly yours,

ROLADER & ROLADER, P.C.

Donald A. Rolader,
Attorney for Applicant

CONSTITUTIONAL OBJECTIONS

Georgia Law and the procedures of the City of Alpharetta require us to raise Federal and State Constitutional objections during the rezoning 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,

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 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

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOT 196 OF THE 1ST DISTRICT, 1ST SECTION AND LAND LOT 1254 OF THE 2ND DISTRICT, 1ST SECTION OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ONE HALF INCH REBAR FOUND AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF FOX ROAD (HAVING A VARIABLE RIGHT-OF-WAY) AND THE SOUTHERLY LAND LOT LINE OF LAND LOT 1254 OF THE 2ND DISTRICT, 1ST SECTION OF FULTON COUNTY, GEORGIA AND BEING COMMON LAND LOT LINE TO LAND LOT 196 OF THE 1ST DISTRICT, 1ST SECTION OF FULTON COUNTY, GEORGIA SAID LAND LOT LINE ALSO BEING THE DISTRICT LINE, SAID ONE HALF INCH REBAR BEING THE TRUE POINT OF BEGINNING.

WITH THE TRUE POINT OF BEGINNING AS THUS BEING ESTABLISHED; THENCE RUNNING NORTH 60 DEGREE 00 MINUTES 16 SECONDS EAST A DISTANCE OF 238.63 FEET TO A POINT; THENCE RUNNNING ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 126.99 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 32 DEGREES 24 MINUTES 13 SECONDS EAST WITH A CHORD DISTANCE OF 122.14 FEET AND HAVING A 131.81 FOOT RADIUS; THENCE RUNNING NORTH 04 DEGREES 48 MINUTES 17 SECONDS EAST A DISTANCE OF 58.21 FEET TO A ONE HALF INCH REBAR FOUND AT THE NORTHWESTERLY MOST CORNER OF TRRACT 1, AT THE END OF THE RIGHT-OF-WAY OF FOX ROAD (VARIABLE RIGHT-OF-WAY AND BEING A COMMON LINE TO LANDS NOW OR FORMERLY OWNED BY HELEN P. FLOYD (DEED BOOOK 34962, PAGE 502); THENCE RUNNING NORTH 89 DEGREES 53 MINUTES 17 SECONDS EAST A DISTANCE OF 933.63 FEET TO A ONE HALF INCH REBAR FOUND AT THE NORTHEASTERLY MOST CORNER OF TRACT 1 AND BEING COMMON TO LANDS NOW OR FORMERLY OWNED BY SUSAN ELIZABETH ROWLINSON (DEED BOOK 53024, PAGE 455) AND LANDS OF TONY L. CARUSO (DEED BOOK 13004, PAGE 83) SAID POINT ALSO BEING THE EASTERLY LINE OF LAND LOT 1254 OF THE 2ND DISTRICT, 1ST SECTION OF FULTON COUNTY, GEORGIA AND BEING THE DIVIDNG LINE BETWEEN LAND LOT 1254 AND LAND LOT 1255 SAID DISTRICT AND SECTION; THENCE RUNNING SOUTH OO DEGREES 14 MINUTES 14 SECONDS EAST A DISTANCE OF 279.91 FEET TO A ONE HALF INCH REBAR FOUND AT THE APPROXIMATE LOCATION OF THE LAND LOT CORNER COMMON TO LAND LOT 1254 AND 1255 OF THE 2ND DISTRICT, 1ST SECTION OF FULTON COUNTY, GEORGIA AND LAND LOT 196 AND 232 OF THE 1ST DISTRICT, 1ST SECTION OF FULTON COUNTY, GEORGIA; AND ALSO BEING COMMON TO LANDS NOW OR FORMERLY OWNED BY PHYLLIS K. KOENIGSHOF (DEED BOOK 43396, PGE 002) AND LANDS OF FULTON COUNTY BOARD OF EDUCATION (LAKE WINDWARD ELEMENTARY SCHOOL); THENCE RUNNING SOUTH 89 DEGREES 53 MINUTES 21 SECONDS WEST A DISTANCE

OF 591.30 FEET TO A ONE HALF INCH REBAR FOUND; THENCE RUNNING SOUTH 03 DEGREES 10 MINUTES 56 SECONDS EAST A DISTANC EOF 192.26 FEET TO A ONE HALF INCH REBAR FOUND; THENCE RUNNING SOUTH 88 DEGREES 53 MINUTES 08 SECONDS WEST A DISTANCE OF 353.90 FEET TO A THREE QUARTER INCH CRIMP TOP PIPE FOUND AND BEING COMMON TO LANDS OF FULTON COUNTY BOARD OF EDUCATION (LAKE WINDWARD ELEMENTARY SCHOOL) AND LANDS YONG LIN YU (DEED BOOK 38144, PAGE 87); THENCE RUNNING NORTH 05 DEGREES 52 MINUTES 55 SECONDS WEST A DISTANCE OF 199.19 FEET TO A ONE HALF INCH REBAR FOUND; THENCE RUNNING SOUTH 89 DEGREES 53 MINUTES 21 SECONDS WEST A DISTANCE OF 256.91 FEET TO A ONE HALF INCH REBAR FOUND ON THE SOUTHEASTERLY RIGHT-OFWAY OF FOX ROAD (VARIABLE RIGHT-OF-WAY) AND BEING THE TRUE POINT OF BEGINNING OF TRACT 1.

SAID TRACT OR PARCEL CONTAINING 354,935 SQUARE FEET OR 8.148 ACRES, MORE OR LESS.

LEGAL DESCRIPTION TRACT 2

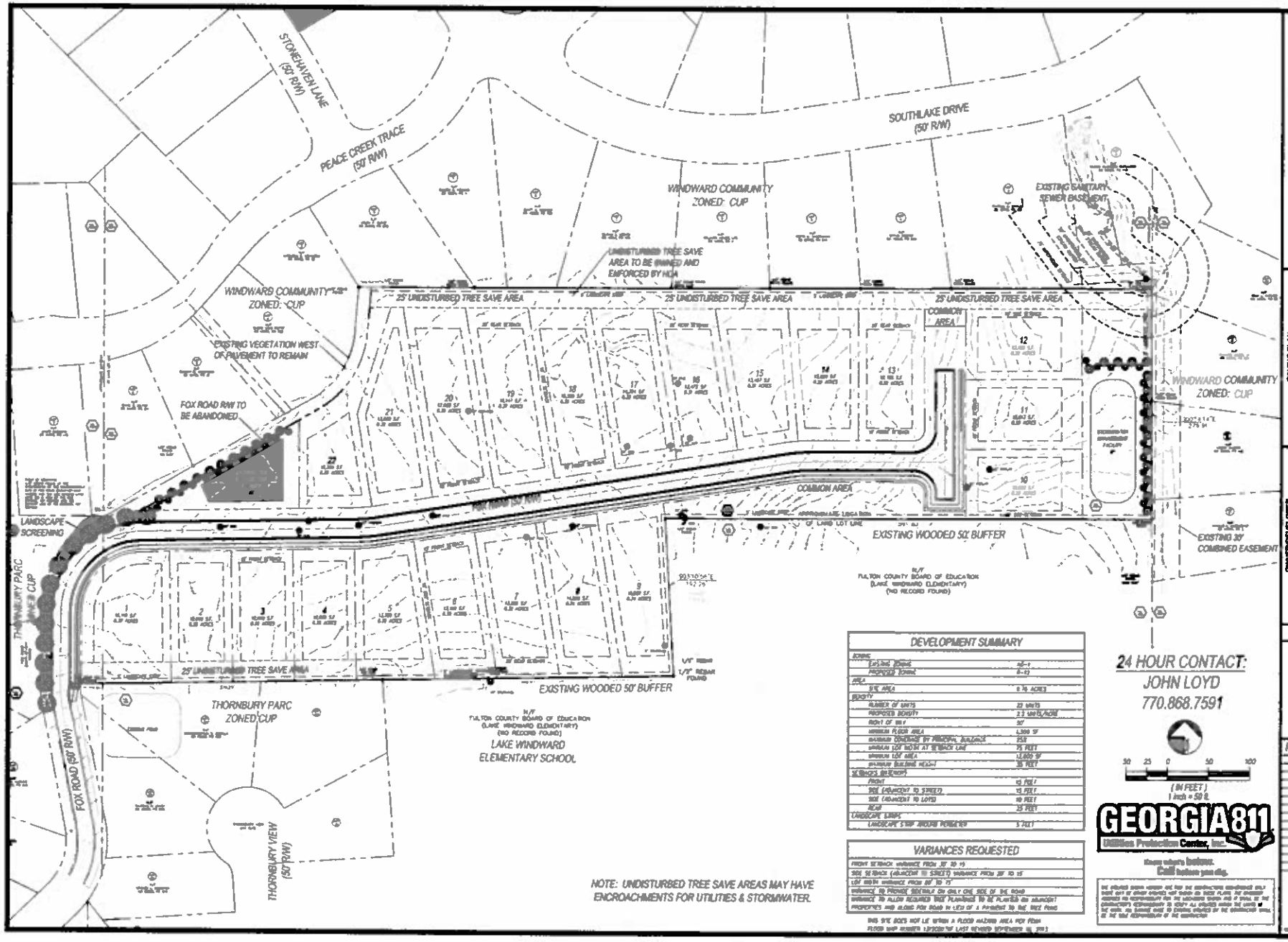
ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOTS 195 & 196 OF THE 1ST DISTRICT, 1ST SECTION OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ONE HALF INCH REBAR FOUND AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF FOX ROAD (HAVING A VARIABLE RIGHT-OF-WAY) AND THE SOUTHERLY LAND LOT LINE OF LAND LOT 1254 OF THE 2ND DISTRICT, 1ST SECTION OF FULTON COUNTY, GEORGIA AND BEING COMMON LAND LOT LINE TO LAND LOT 196 OF THE 1ST DISTRICT, 1ST SECTION OF FULTON COUNTY, GEORGIA SAID LAND LOT LINE ALSO BEING THE DISTRICT LINE, SAID ONE HALF INCH REBAR BEING THE TRUE POINT OF BEGINNING OF TRACT 2.

WITH THE TRUE POINT OF BEGINNING AS THUS BEING ESTABLISHED; THENCE RUNNING NORTH 89 DEGREES 53 MINUTES 21 SECONDS EAST A DISTANCE OF 256.91 FEET TO A ONE HALF INCH REBAR; THENCE RUNNING SOUTH 05 DEGREES 52 MINUTES 55 SECONDS EAST A DISTANCE OF 199.19 FEET TO A THREE QUARTER INCH CRIMP TOP PIPE FOUND AT LANDS NOW OR FORMERLY OWNED BY LANDS OF FULTON COUNTY BOARD OF EDUCATION (LAKE WINDWARD ELEMENTARY SCHOOL) (NO RECORD FOUND) AND LANDS OF YONG LIN YU (DEED BOOK 38144, PAGE 87); THENCE RUNNING SOUTH 88 DEGREES 53 MINUTES 17 SEOCONDS WEST A DISTANCE OF 378.25 FEET TO A THREE QUARTER INCH CRIMP TOP PIPE FOUND OF THR EASTERLY RIGHT-OF-WAY OF FOX ROAD (VARIABLE RIGHT-OF-WAY); THENCE RUNNING ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 67.34 TO A POINT, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 00 DEGREES OO MINUTES 46 SECONDS WEST

WITH A CHORD DISTANCE OF 67.34 FEET AND HAVING A CHORD DISTANCE OF 67.34 FEET AND HAVING A 2156.98 FOOT RADIUS; THENCE RUNNING ALONG A COMPOUND CURVE TO THE RIGHT AN ARC DISTANCE OF 135.00 FEET TO A POINT, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 27 DEGREES 33 MINUTES 20 SECONDS EAST WITH A CHORD DISTANCE OF 130.18 FEET AND HAVING A 144.99 FOOT RADIUS; THENCE CONTINUING ALONG A COMPOUND CURVE TO THE RIGHT AN ARC DISTANCE OF 46.45 FEET TO A ONE HALF INCH REBAR FOUND ON THE SOUTHEASTERLY SIDE OF FOX ROAD (VARIABLE RIGHT-OF-WAY), SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 61 DEGREES 19 MINUTES 38 SECONDS EAST WITH A CHORD DISTANCE OF 46.33 FEET AND HAVING A 187.47 FOOT RADIUS; SAID REBAR FOUND BEING THE TRUE POINT OF BEGINNING OF TRACT 2.

SAID TRACT OR PARCEL CONTAINING 70,331 SQUARE FEET OR 1.615 ACRES, MORE OR LESS.



DEVELOPMENT SUMMARY	
ZONING	
EXISTING ZONING	AG-1
PROPOSED ZONING	R-12
AREA	
SITE AREA	6.76 ACRES
DENSITY	
NUMBER OF UNITS	22 UNITS
PROPOSED DENSITY	2.3 UNITS/ACRE
RIGHT OF WAY	50'
MINIMUM FLOOR AREA	1,800 SF
MAXIMUM COVERAGE BY PRINCIPAL BUILDINGS	25%
MINIMUM LOT WIDTH AT SETBACK LINE	75 FEET
MINIMUM LOT AREA	12,000 SF
MAXIMUM BUILDING HEIGHT	35 FEET
SETBACKS (MINIMUM)	
FRONT	15 FEET
SIDE (ADJACENT TO STREET)	15 FEET
SIDE (ADJACENT TO LOT)	10 FEET
REAR	25 FEET
LANDSCAPE STRIP	
LANDSCAPE STRIP AROUND PERIMETER	5 FEET

VARIANCES REQUESTED
FRONT SETBACK VARIANCE FROM 35' TO 15
SIDE SETBACK (ADJACENT TO STREET) VARIANCE FROM 35' TO 15
LOT WIDTH VARIANCE FROM 80' TO 75'
VARIANCE TO PROVIDE SIDEWALK ON ONLY ONE SIDE OF THE ROAD
VARIANCE TO ALLOW REQUIRED TREE PLANTING TO BE PLACED ON ADJACENT PROPERTIES AND ALONG FOX ROAD IN LIEU OF A PAYMENT TO THE TREE FUND

THIS SITE DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FEMA FLOOD MAP NUMBER 13121C0167F LAST REVISED SEPTEMBER 18, 2013

Z-15-16 Y-15-28
FOX RD SUBDIVISION

ALTA / ACSM LAND TITLE SURVEY

PARCEL 1 OF 3

LL 1 and Fractional Northeast Tube Insertions Company

LAND LOTS 195 & 196, 1ST DISTRICT, 1ST SECTION

FOX RD SUBDIVISION

Z-15-18 V-15-28

SITE ADDRESS:

[illegible]
ALPHARETTA, GA 30005

TOTAL AREA:

TRACT 1: 6.148 ACRES OR 264,000 SQUARE FEET
TRACT 2: 1.616 ACRES OR 70,381 SQUARE FEET
COMBINED TRACTS 1 & 2: 8.700 ACRES OR 378,806 SQUARE FEET

PARKING SPACES:

[illegible]

ZONING INFORMATION: AG-1 (AGRICULTURE)

VARIOUS SETBACKS:

FRONT: 50'
SIDE: 30'
REAR: 50'

MINIMUM HEATED FLOOR: 1,800 SQUARE FEET

MAXIMUM BUILDING HEIGHT: 35'

THE INFORMATION IN THE TEXT INTENDED TO INTERPRET OR MAKE CONCLUSIONS REGARDING THE ZONING AND SETBACK REQUIREMENTS BEYOND THE INFORMATION IS DERIVED FROM PUBLIC INFORMATION OBTAINED FROM FORSYTH COUNTY PLANNING AND ZONING DEPARTMENT MAP.
NOTE: FRONT AND SIDE SETBACKS CANNOT VARY FROM THOSE LISTED ONLINE WITH FORSYTH COUNTY. A VARIANCE REQUESTING THESE CHANGES MAY BE ON FILE WITH FORSYTH COUNTY, GEORGIA

LEGAL DESCRIPTION TRACT 1

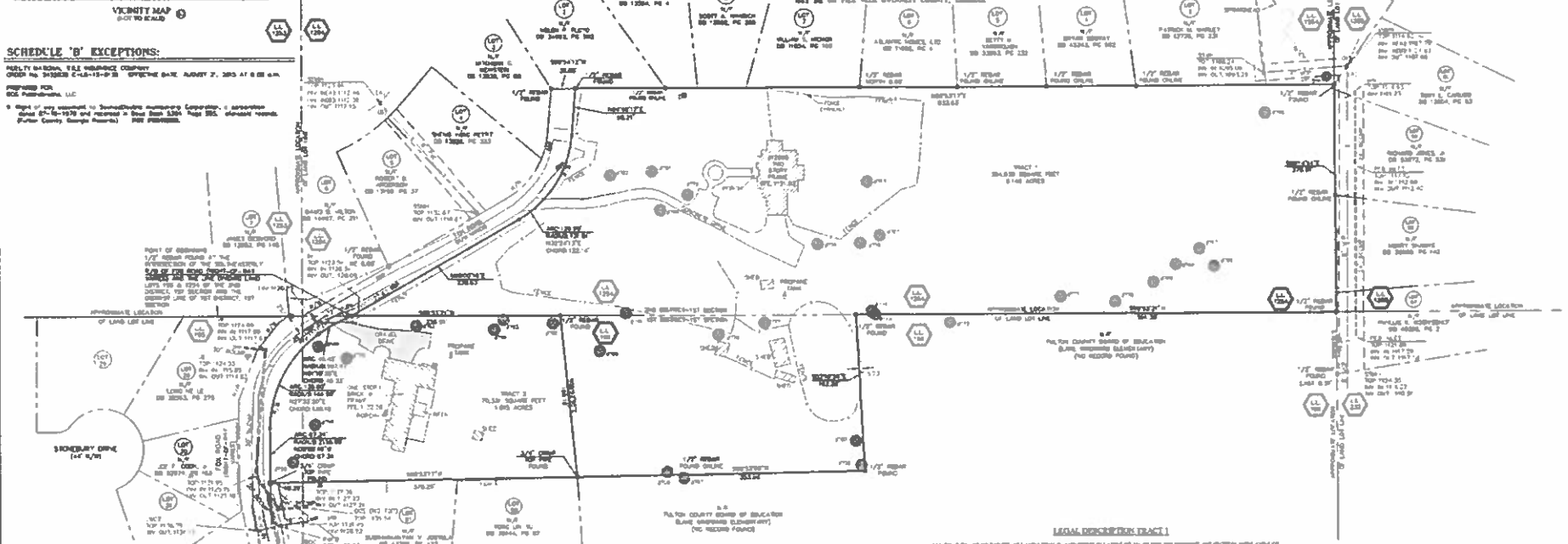
[illegible]

SCHEDULE 'B' EXCEPTIONS:

REALTY [illegible], TITLE INSURANCE COMPANY
ORDER No. 3[illegible] EFFECTIVE DATE: AUGUST 7, 2015 AT 8:00 a.m.

PREPARED FOR:
[illegible], LLC

- Right of way contained in [illegible] Corporation, a corporation dated [illegible] and recorded in Deed Book [illegible] Page [illegible], aforesaid records. (Forsyth County, Georgia Records) [illegible]



LEGAL DESCRIPTION TRACT 1

[illegible]

FLOOD STATEMENT

BY GRAPHIC PLOTTING ONLY, A PART (LOCATED THE INTERMEDIATE REGIONAL FLOOD) PARCEL CURRENTLY AVAILABLE AND FOUND THAT THE PROPERTY IS LOCATED IN A ZONE "X" SPECIAL FLOOD HAZARD ZONE, ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) PANEL NUMBER 13-2[illegible]F, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 18, 2013, FOR FORSYTH COUNTY, GEORGIA.

ZONE "X" = AREAS OF MODERATE OR MINIMAL HAZARD SUBJECT TO FLOODING FROM SEVERE STORM ACTIVITY OR LOCAL DRAINAGE PROBLEMS. THESE ZONES MAY BE SHOWN ON FIRMS AS WIDER OR OTHER ZONE 1 & 2 THE DESIGNATION FOR B AND C ZONES AND IS USED IN PLACE OF THESE ZONES ON THE MAPS.

THIS SURVEY WAS PREPARED 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.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY OR NAMED PERSON WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMED AND PERSON.

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THE 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: SEE ABOVE

BOUNDARY EVIDENCE: OLDER BOOK TYPE, PAGE 1 IN FIELDWORK PERFORMED ON: 8-24-15

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN ONLY FEET.

THIS PLAT HAS BEEN PREPARED USING A TRIMBLE 360 ROBOTIC TOTAL STATION.

THE FIELD DATA OVER WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN [illegible] FEET AND ANGULAR ERROR OF [illegible] SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

LEGEND:

PROPERTY CORNER FOUND (AS NOTED)	POWER METER	TELEPHONE BOX	BSL BUILDING SETBACK LINE
1/2" REBAR W/ CAP SET 1.39' S 0.39'	POWER POLE	SIGN	CONCRETE (OR EDGE OF PAVEMENT)
A/C VENTILATOR	A/C UNIT	WATER LINE	LL LAND LOT
A/C WATER METER	LIGHT POLE	OVERHEAD UTILITY LINE	R/W NOW OR FORMERLY
AREA DRAIN	GUY WIRE	SEWER LINE	R/W RIGHT-OF-WAY
GAS METER	MANHOLE	GAS LINE	OH OVERHEAD
GAS VALVE	CLEAN OUT	CABLE LINE	POINT OF BEGINNING (OR COORDINATED METAL PIPE)
PERMA POLE	GAS METER	TELEPHONE LINE	FOUND CLAY PIPE
JUNCTION BOX	GAS VALVE	FENCE LINE	POB POINT OF BEGINNING
	CABLE BOX	CONTOUR LINE	

GRAPHIC SCALE - IN FEET
1" = 0 60 120 180 240

BOUNDARY zone, inc.
SURVEYING/LANDSCAPE ARCHITECTURE/LAND PLANNING
www.boundaryzone.com ✆ (770) 399-0[illegible] ✆ (770) 399-0[illegible]

LAND SURVEYING SERVICES
LANDSCAPE ARCHITECTURE
LAND PLANNING

SURVEYOR
[illegible]
[illegible]

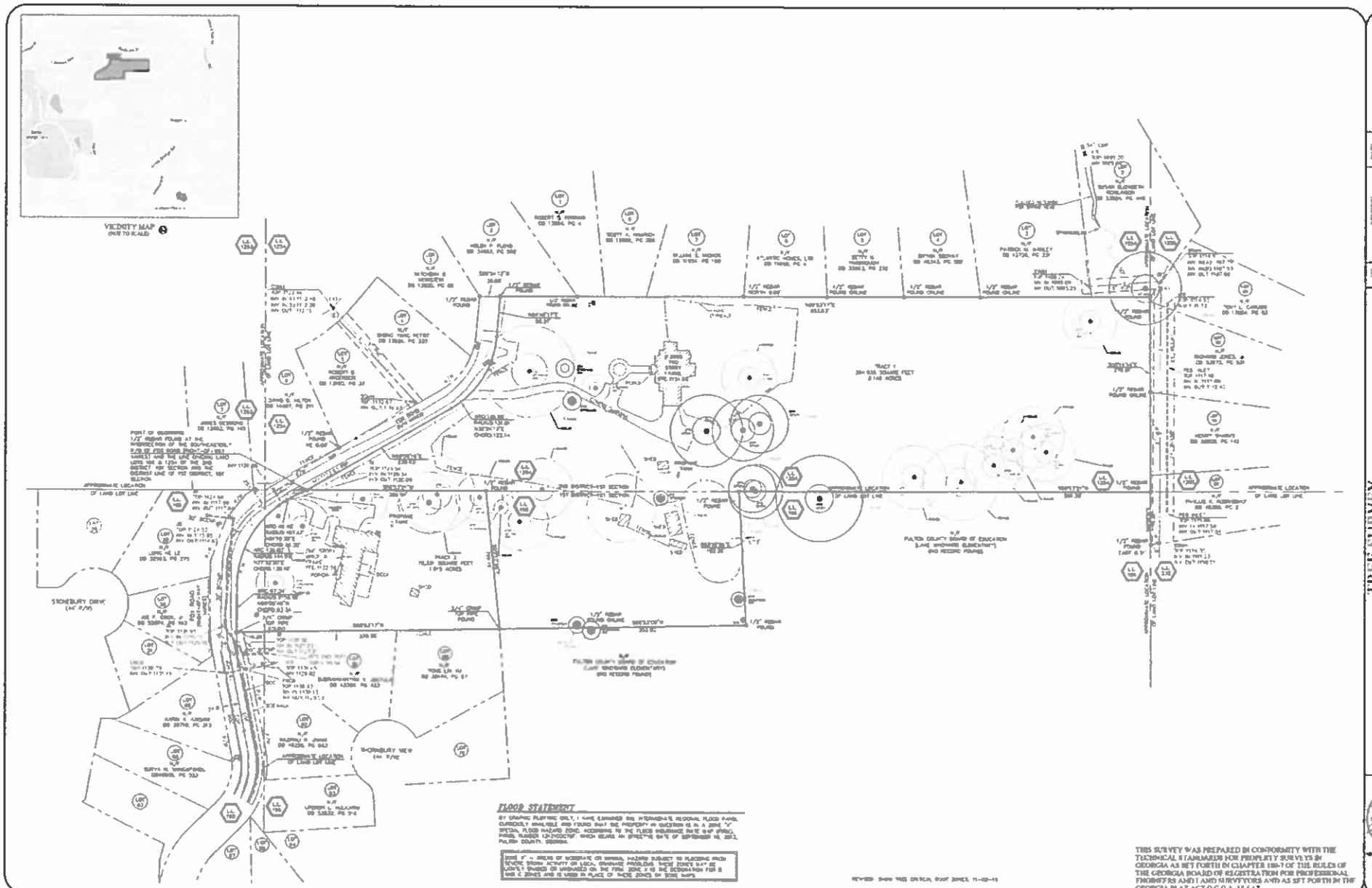
ENGINEER
[illegible]
[illegible]

ATLANTA
[illegible]
[illegible]

SALLAGER
[illegible]
[illegible]

PROJECT
[illegible]-ALTA

SHEET
1 OF 1



Z-15-18 V-15-28
FOX RD SUBDIVISION

mondo
LAND PLANNING + DESIGN

On-Site Evaluation Date (s):

August 8, 2015

Report Date:

August 11, 2015

Tree Inventory & Analysis

CLIENT

Fox Road

Alpharetta Georgia

DESCRIPTION OF PROJECT SITE

The subject property is 10.5 acres that is bordered to the southeast by Windward Elementary School and all other property lines by neighborhoods. There are two houses on the subject property.

SURROUNDING CONDITIONS

The site consists of open areas around the houses on the western portion of the property with scattered trees and woodland area with mixed hardwood and softwoods on the eastern portion of the property.

EVALUATION BASED ON

Evaluation is based upon field observation and practical horticulture and arboriculture experience. No sub-grade or internal coring investigation was performed on the subject trees. Photos of damage or defect, are included (Exhibit A)

CONDITION DEFINED

GOOD: Tree has excellent vigor and is actively growing without any serious pathogenic problems. Tree exhibits a structural form that is safe and typical of the species.

FAIR: Tree is in moderate health, but may have a minor pathogenic problem. Tree may have minor structural defects and may not exhibit optimal form for the species in an urban environment. A tree in fair condition may not react favorably to site developments or additional stress.

POOR: Tree's vigor is low to moderate. It may also have moderate to severe structural defects or a form that is undesirable for the species. Some trees in poor condition are not recoverable and could degrade into a state of advanced decline leading to death. Some poor trees are in severe decline.

NONSPECIMEN / DDH: Tree is Poor, not of specimen quality per standards of jurisdictional code, Dead, Diseased and/or Hazardous per professional opinion of this Arborist.

INVASIVE: Trees that are non-indigenous to the Atlanta area, Piedmont region.

HAZARDOUS: Tree with uncorrectable defects severe enough to pose present danger to people or buildings under normal conditions, as determined by an Arborist or Forester.

DBH: Diameter of trunk in inches, measured at 4.5' above average soil level. Where split, tree is measured at narrowest point below split.

SPLIT: Trunk splits into two trunks or is two trees growing together at a point of inclusive bark. See Arborist note last page of report.

Tree # 762 **Species** OAK **Size (DBH)** 28

GOOD ✓	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 763 **Species** PINE **Size (DBH)** 30

GOOD ✓	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 764 **Species** OAK **Size (DBH)** 32

GOOD	FAIR ☑	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant ☑
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 765 **Species** POPLAR **Size (DBH)** 30

GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant ☑
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze ☑
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes: DECAY IN THE SPLIT

Tree # 766 **Species** PINE **Size (DBH)** 35

GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment ☑	Codominant ☑
Included Bark	Open Wound	Broken Branches ☑	Included Bark ☑
Decay	Dead Branches	Dead Branches ☑	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes: SPLIT IN THE TRUNK

Tree # 767 **Species** POPLAR **Size (DBH)** 34

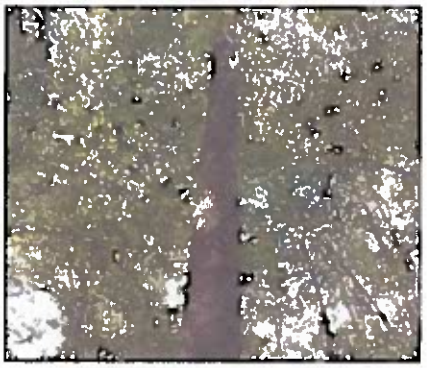
GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment ☑	Codominant ☑
Included Bark	Open Wound	Broken Branches	Included Bark ☑
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze ☑
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes: LOOSE BARK AT BASE

Tree # 768 **Species** POPLAR **Size (DBH)** 32

GOOD ✓	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:



Tree # 769 **Species** POPLAR **Size (DBH)** 32

GOOD ✓	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 770 **Species** MAPLE **Size (DBH)** 42

GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment ☑	Codominant ☑
Included Bark	Open Wound	Broken Branches ☑	Included Bark ☑
Decay	Dead Branches	Dead Branches ☑	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes: CAVITY WITH WATER AND DEAD LEADERS

Tree # 771 **Species** PINE **Size (DBH)** 35

GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment ☑	Codominant ☑
Included Bark	Open Wound	Broken Branches ☑	Included Bark ☑
Decay	Dead Branches	Dead Branches ☑	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes: Decay on leader

Tree # 772 **Species** OAK **Size (DBH)** 40

GOOD ☑	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant ☑
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 773 **Species** OAK **Size (DBH)** 30

GOOD ☑	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant ☑
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 774 **Species** OAK **Size (DBH)** 26

GOOD ✓	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant ✓
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 775 **Species** OAK **Size (DBH)** 34

GOOD	FAIR ✓	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches ✓	Included Bark
Decay	Dead Branches	Dead Branches ✓	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback ✓	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 776 **Species** OAK **Size (DBH)** 40

GOOD ☑	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 777 **Species** DOGWOOD **Size (DBH)** 8

GOOD ☑	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 778 **Species** PINE **Size (DBH)** 38

GOOD ✓	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 779 **Species** DOGWOOD **Size (DBH)** 16

GOOD	FAIR	POOR	Non-Specimen / DDH ✓
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment ✓	Codominant ✓
Included Bark	Open Wound	Broken Branches	Included Bark ✓
Decay ✓	Dead Branches ✓	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 780 **Species** DOGWOOD **Size (DBH)** 10

GOOD ✓	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 781 **Species** DOGWOOD **Size (DBH)** 10

GOOD	FAIR	POOR	Non-Specimen / DDH ✓
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay ✓
Canker/Gall	Unbalanced Crown	Tip Dieback ✓	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 782 **Species** OAK **Size (DBH)** 51

GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches ☑	Included Bark
Decay	Dead Branches	Dead Branches ☑	Heartwood Decay ☑
Canker/Gall	Unbalanced Crown ☑	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 783 **Species** OAK **Size (DBH)** 42

GOOD	FAIR ☑	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant ☑
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 784 **Species** OAK **Size (DBH)** 34

GOOD ✓	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 785 **Species** HICKORY **Size (DBH)** 26

GOOD ✓	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 786 **Species** PINE **Size (DBH)** 33

GOOD ✓	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes: No photo of tree

Tree # 787 **Species** SOURWOOD **Size (DBH)** 8

GOOD ✓	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 789 **Species** PINE **Size (DBH)** 32

GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches ☑	Included Bark
Decay	Dead Branches	Dead Branches ☑	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall ☑
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes: MULTIPLE CANKERS ON TRUNK

Tree # 790 **Species** MAGNOLIA **Size (DBH)** 9

GOOD ☑	FAIR	POOR	Non-Specimen / DDH
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 792 **Species** SOURWOOD **Size (DBH)** 8

GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment ☑	Codominant ☑
Included Bark	Open Wound	Broken Branches ☑	Included Bark ☑
Decay	Dead Branches	Dead Branches ☑	Heartwood Decay ☑
Canker/Gall	Unbalanced Crown	Tip Dieback ☑	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 794 **Species** SOURWOOD **Size (DBH)** 9

GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches ☑	Included Bark
Decay	Dead Branches	Dead Branches ☑	Heartwood Decay ☑
Canker/Gall	Unbalanced Crown	Tip Dieback ☑	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 797 **Species** SOURWOOD **Size (DBH)** 10

GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches ☑	Included Bark
Decay	Dead Branches	Dead Branches ☑	Heartwood Decay ☑
Canker/Gall ☑	Unbalanced Crown	Tip Dieback ☑	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 798 **Species** DOGWOOD **Size (DBH)** 21

GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant ☑
Included Bark	Open Wound	Broken Branches ☑	Included Bark
Decay	Dead Branches	Dead Branches ☑	Heartwood Decay ☑
Canker/Gall	Unbalanced Crown	Tip Dieback ☑	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Tree # 799 **Species** PINE **Size (DBH)** 30

GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay	Dead Branches	Dead Branches ☑	Heartwood Decay
Canker/Gall	Unbalanced Crown	Tip Dieback ☑	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze ☑
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes: HOLLOW SOUND TRUNK

Tree # 800 **Species** SWEETGUM **Size (DBH)** 31

GOOD	FAIR	POOR	Non-Specimen / DDH ☑
Canopy		**Trunk**	
Multi-Leaders	Conk/Mushroom	Weak Attachment	Codominant
Included Bark	Open Wound	Broken Branches	Included Bark
Decay ☑	Dead Branches	Dead Branches	Heartwood Decay
Canker/Gall	Unbalanced Crown ☑	Tip Dieback	Canker/Gall
Roots/Sight Conditions		Lightning Damage	Ooze
Surface Roots	Target	Conk/Mushroom	
Root Decay	Slope	Open Wound	

Notes:

Analysis prepared by:

E. Tyrone Casteel, ISA Certified Arborist
Certificate Number: SO-5646A
Mondo Land Planning + Design, LLC

Warranty Disclaimer:
No warranties expressed or implied are made with respect to the report of aforementioned specimen trees. It is understood the OWNER makes use of this report by the ARBORIST at OWNER'S sole risk and that the report is provided as best judgment opinion. In no manner does this report guarantee the life or imply any length of life span of the trees that are determined to be specimens.

Arborist Note:
Due to certain species and undesirable traits, some trees shall be considered in poor condition if the following is true. Numerous trees grown in a native setting may appear to grow as multi-trunk; however this is not desirable in most trees. Most trees having multi-trunks at the base are usually created when two separate trees grow together or the tree branches off at an early age and the separate trunks become Co-Dominate Leaders. Either scenario is an undesirable condition for most trees because they both create weak crotches, included bark and/or a prime place for debris and water to get trapped that will eventually cause decay. In this case these trees become increasingly hazardous and can not be considered specimen trees.

Some trees are an exception to this rule, such as, but not limited to: Birch, Wax Myrtle, Red Bud, Dogwood, Holly, Cedar, Sourwood, small Magnolia, Red Bay and Live Oak. Said are an exception because they naturally create sucker growth from the roots and/or trunk or do not typically grow to a large enough size to become an increased hazard.

Reference: Sinclar, Wayne A., 1936. Diseases of Trees and Shrubs/ Wayne A. Sinclair and Howard H. Lyon. - 2nd ed. Published 2005

RIDGE PLANNING AND ENGINEERING

Fox Road Tract - Alpharetta, Georgia

Calculation of Anticipated Project Trips

Based upon methodology from ITE's Trip Generation, 9th Edition (2012)

Land Use	Project Density	Project Trips			ITE Code	Variable	Equation Used[1]	In/Out Distribution
		Total	Inbound	Outbound				
Single-Family Residential - Detached Housing	22				210	Dwelling Units		
Daily		226	113	113			ln(T) = 0.92ln(X)+2.72	*50%/50%*
AM Peak Hour		17	4	13			T = 0.70(X)+9.74	*25%/75%*
PM Peak Hour		22	14	8			ln(T) = 0.90ln(X)+0.51	*63%/37%*

Note:

[1]Where: T = Trips: X = Density by Variable

COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared by: Richard McLeod, Senior Planner

SUBJECT: CLUP-15-10/Z-15-09/V-15-27 Providence Group/DT-LW

PLANNING COMMISSION: February 4, 2016

CITY COUNCIL: February 22, 2016

RECOMMENDATION:

Deny CLUP-15-10/Z-15-09/V-15-27 Providence Group/DT-LW for, zoning change and the variance.

If approval is considered, Staff recommends the following conditions:

1. **The property to be rezoned shall have a "DT-LW" zoning classification. The Land Use classification shall be "Mixed Use Live-Work".**
2. **A maximum of 30,000 square feet office shall be permitted and a maximum of 49 townhomes. Property shall be developed substantially in accordance with submitted plan by Planners and Engineers Collaborative dated 10/19/2015. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.**
3. **A rear 25' undisturbed buffer shall be provided along the south property line as depicted. The rear buffer shall be enhanced with additional planting where sparse. The 25' rear setback shall be in addition to buffer.**
4. **Development shall not be gated.**
5. **Site Plan shall include outdoor amenity spaces that comprise a minimum 10% of the land area per the Downtown Master Plan recommendations. Amenity areas shall be improved with hardscape and landscape, with final approval by Staff.**
6. **Applicant shall provide a 10' landscape strip to the west and east.**
7. **Internal green spaces shall include structures, landscaping, or other visual elements to terminate green spaces that are open to alleyways with final approval by Staff. Visible retaining walls shall be stone or brick faced.**
8. **Site plan shall be revised to include saving trees #976, #967and #968. Trees #969 and #970 shall be saved using walls with stone or brick.**
9. **Applicant shall obtain GDOT driveway permit.**
10. **Sidewalks shall be constructed on both sides of internal street with street trees and decorative lighting. Internal streets shall be planted every 20' with a minimum of 4" caliper trees.**
11. **The applicant shall provide a sidewalk connection from the office building to Old Milton Parkway and shall provide pedestrian fixtures throughout development including lighting, benches, and trash cans.**
12. **Driveways shall be a minimum of 18' or less than 5' from the sidewalk to the garage.**
13. **Right of way shall be extended west to the property lines for interparcel access on the rear of the 2385 Old Milton Parkway property and east for interparcel access to 2455 Old Milton Parkway.**
14. **Detention Ponds shall be heavily landscaped and retaining walls shall be faced with brick or stone where visible from public right of way with final approval by Staff.**
15. **Applicant shall install a bicycle facility.**

16. **All buildings shall meet all design requirement of the Alpharetta Downtown Code. The office architecture shall require review and approval by the DRB.**
17. **Building front shall be oriented to Old Milton Parkway and at grade. Decorative street lights and landscaping shall be required along Old Milton Parkway.**
18. **Units 13-27 shall be permitted to be front loaded.**

REPORT-IN-BRIEF

The applicant, Providence Group, is requesting to rezone property in order to allow 58 attached homes at a density of 7.7 units per acre and construct a 14,000 sq. ft. office building.

DISCUSSION

The submitted request, if approved, will allow the Providence Group to construct 58 attached "for-sale" townhome units and a two story, 14,000 square foot office. The property is approximately 7.1 acres with a requested density of 7.7 units per acre.

The +/-7.1 acre parcel is currently zoned R-12 and O-I. The property is within the Downtown Master Plan area. Both the 2030 Comprehensive Plan and the Downtown Plan show the property as Professional/Business Office under the Future Land Use Plan. In September 2015, the Mixed Use Live Work category was added to the property for consideration of residential and professional offices.

The property to the north is O-I and developed with a bank and post office and to the west is R-12, to the east is property zoned O-I, and to the south the property is zoned R-4A and contains the Haynes Park townhomes.

Currently the properties have three homes which were built in the 1970s. The homes will be removed for the project and replaced with the 58 townhomes and the office building.

The applicant proposes a DT-LW (Downtown Live-Work) zoning designation with a density of 7.7 units per acre. There are 11 specimen trees on site but only two are incorporated into the plan which include a 54" water oak and a 45" water oak. The applicant should lose lots 50 – 58 due to the oak tree in good condition (#969). Applicant should also protect tree #970 by creating a roundabout around it and the CRZ. There are specimens on site that could be incorporated into the site plan and provide an amenity area for the office as well as residential uses. The parking area should be moved in order the incorporate specimen trees. Additionally, more office could be incorporated, office is at a current vacancy rate of 9.5%. These changes would incorporate more green space, reduce the

number of townhomes from 58 to 43 and add additional office space. If units 50 - 58 were removed to incorporate more trees, the townhomes would be reduced to 49.

Results from the Downtown Master Plan study show residential demand over the next five years within the downtown area as follows:

- Townhomes: 185 – 210 units;

The following townhome projects are currently under construction, received zoning approval, or are in the pre-construction land disturbance permit process:

1. The Georgian (under construction)	54 units
2. Windsong Townhomes (land disturbance)	28 units
3. Olmstead Park Townhomes (land disturbance)	21 units
4. Stonewalk Mayfield Corners (rezoned)	20 units
5. Canton Street Townhomes (rezoned)	40 units
6. Appen Townhomes (rezoned)	17 units
7. Old Milton Holdings (rezoned)	104 units
8. Academy Tract (rezoned)	42 units
9. Thompson Street (rezoned)	40 units

Total New Townhomes Units (approved since adoption of plan) – 186 units

Since the adoption of the Downtown Master Plan 186 townhome units have been approved and there are 180 either under construction or approved several years ago but not constructed. If these units are approved it would push the approved townhomes from 186 to 244 units which exceeds the total of the five year estimate of 210. The proposed number should be reduced to include more amenity and green space. The plan should save and incorporate specimen trees and possibly a mix of attached and detached products, or an increase in the office square footage.

The architecture for the townhomes should be historic in era and match the Downtown Code. Residential architecture will require approval by Staff. The office will require review by the DRB.

Opportunities for roadway and/or pedestrian connections should be evaluated. The Unified Development Code requires a 50’ undisturbed buffer adjacent to non-residential uses, however in this area close to downtown a 10’ landscape strip should provide sufficient separation.

The recent Downtown Master Plan depicts the area for High Density Residential with consideration up to 8 units to the acre. However there are several townhome projects approved or under construction. Applicant should consider detached mix or additional office. The number of units will be reduced if plan incorporated tree save.

In general, the site plan meets the Alpharetta Downtown Code for DT-LW land use but doesn't meet parking requrements. The office is under parked with only 34 parking spaces and requires parking lot islands with shade trees. The sidewalk should be on both sides of the street on internal roads. The amenity space and civic space are lacking in detail and the civic space is including the round-a-bout. There are also no bicycle facilities on the site plan.

Trip Generation

Traffic for the proposed development was calculated using equations and rates contained in the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition*. The trip generation was calculated assuming 58 townhomes (Land Use 230) and 14,000 SF of office (Land Use 710). **Table 1** summarizes the trip generation for the proposed development under full build-out (year 2018).

Table 1
Project Trip Generation Summary

Land Use	ITE Code	Daily Traffic		AM Peak Hour		PM Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
Residential Condominium/Townhouse (58 units)	*230*	200	200	6	27	25	13
General Office (14,000 SF)	*710*	148	148	35	5	16	78
Gross Trips		**348**	**348**	**41**	**32**	**41**	**91**
Mixed-Use Reduction		*-9*	*-9*	*-1*	*-1*	*-2*	*-2*
Net New Trips		**339**	**339**	**40**	**31**	**39**	**89**

Mixed-use vehicle trip reductions were taken according to the *ITE Trip Generation Handbook, an ITE Proposed Recommended Practice, Third Edition, 2014*. Total internal capture and vehicular trip reduction between the proposed land uses as a result of the anticipated interaction between the residential and office uses within the proposed development is expected to be 2.3% for the weekday, 2.7% for the AM peak hour, and 3.0% for the PM peak hour. Note that methodology for a 24-hour weekday is not provided by ITE, so weekday internal capture was assumed to be an average of AM rates and PM rates.

For the purposes of a more conservative analysis, alternative mode reductions and pass-by trips were not taken.

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 distinguish the number of children that a residential development will generate. The following chart outlines these figures:

FULTON COUNTY SCHOOLS
AVERAGE SCHOOL AGE CHILDREN PER HOUSEHOLD
BASED ON HOUSING TYPE

	Townhome Average # 58
Manning Oaks Elementary School	0 - 34
Hopewell Middle School	0 - 4
Alpharetta High School	0 - 14

Based on the total figure for all three-school levels, it can be assumed that the proposed development could house approximately 52 school age children. Mannings Oaks Elementary, Hopewell Middle and Alpharetta High can meet demand however, they are shown to be over 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.

The proposal is compatible with the adjacent uses and will complement the nearby uses. However, the plan should be revised to include more specimen trees in order to incorporate more green space.

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

If the application is approved, it should be revised to save more specimen trees and to cut the number of townhomes.

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

The proposal does adversely affect the natural environment. The applicant's plan should be revised to include more specimen trees.

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

The property is currently zoned R-12 and O-I and thus would permit about 25 homes and office development. However, the future land use depicts a higher density. But careful consideration should be given to the design to incorporate tree save. The applicant wants 14,000 sq. ft. of office which could be increased and the townhomes decreased.

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.

The schools will see an increase of up to 52 students.

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

The proposal is supported by the future recommendations in the recently adopted Downtown Master Plan. However, the site could be reworked to increase the opportunity for more office and saving more trees by reducing the number of townhomes.

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.

The zoning proposal reflects a reasonable balance due to complying with the future land use plan.

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

The current zoning would permit construction of 12,000 square foot lots and office density.

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

It is consistent with the Comprehensive Plan which designates the area as Mixed Use Live Work.

COMPREHENSIVE LAND USE PLAN

The Unified Development Code Section 4.1.3 STANDARDS FOR CLUP AMENDMENT APPROVAL provides criteria for consideration when evaluating a request for a CLUP amendment as listed below:

A. The extent to which a change in the economy, land use or development opportunities of the area has occurred.

The proposed development reflects the goals outlined in the Downtown Master Plan.

B. The extent to which the proposed designation is in compliance with the goals and policies of the Plan.

The Comprehensive Land Use Plan discusses the goal to promote and encourage residential densities and designs that ensure varied living areas and housing types. The properties to the north across Old Milton Parkway with Old Milton Holdings, Andrews Homes, Thompson Street Flats and Hedgewood, have been developed with Medium and High density residential with quite a bit of mixed use development.

C. The extent to which the proposed designation would require changes in the provision of public facilities and services.

The designation would not require changes to public facilities and services.

D. The extent to which the proposed designation would impact the public health, safety, and welfare.

The proposal would not 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.

N/A

F. The extent to which area demographics or projections are not occurring as projected.

The Downtown Master Plan demand analysis results show 5 year projects of Single Family attached townhomes as 185-210 units. Demographics and projections have changed for the area. However the Downtown Plan study found that additional residential density is needed close to the downtown area.

VARIANCE REQUIREMENTS

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

The ordinance does create a hardship for the property owner due to the southernmost property line running against the south end of the Downtown Master Plan. The units #13-27 run against the north end of Haynes Park which are front loaded. They have added a undisturbed buffer on the south end to keep the privacy of the neighbors. Staff does

not have an issue with this variance However, gating the subdivision violates section 2.2.2 E of the Alpharetta Downtown Code which states that no public or private street within Downtown Overlay, including alleys, may be gated.

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

The requirement to allow units #13 – 27 to be rear loaded creates a hardship for the applicant whom is backed up to the front loaded Haynes Park. With the additional non-disturbed buffer, Staff does not have any problems with the variance. The variance for the gated entrance does not have any hardship.

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

Not applicable.

(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,

Not applicable.

CONCURRENCES

Staff's analysis finds that the requested rezoning could be supported with some site plan changes that incorporate specimen trees. The higher density proposed may be appropriate in this location because of the location within the Downtown Master Plan. However, the lot count should be reduced to make enough room for the parking lot and the oak tree. Every effort should be made to include existing tree coverage and limit impacts.

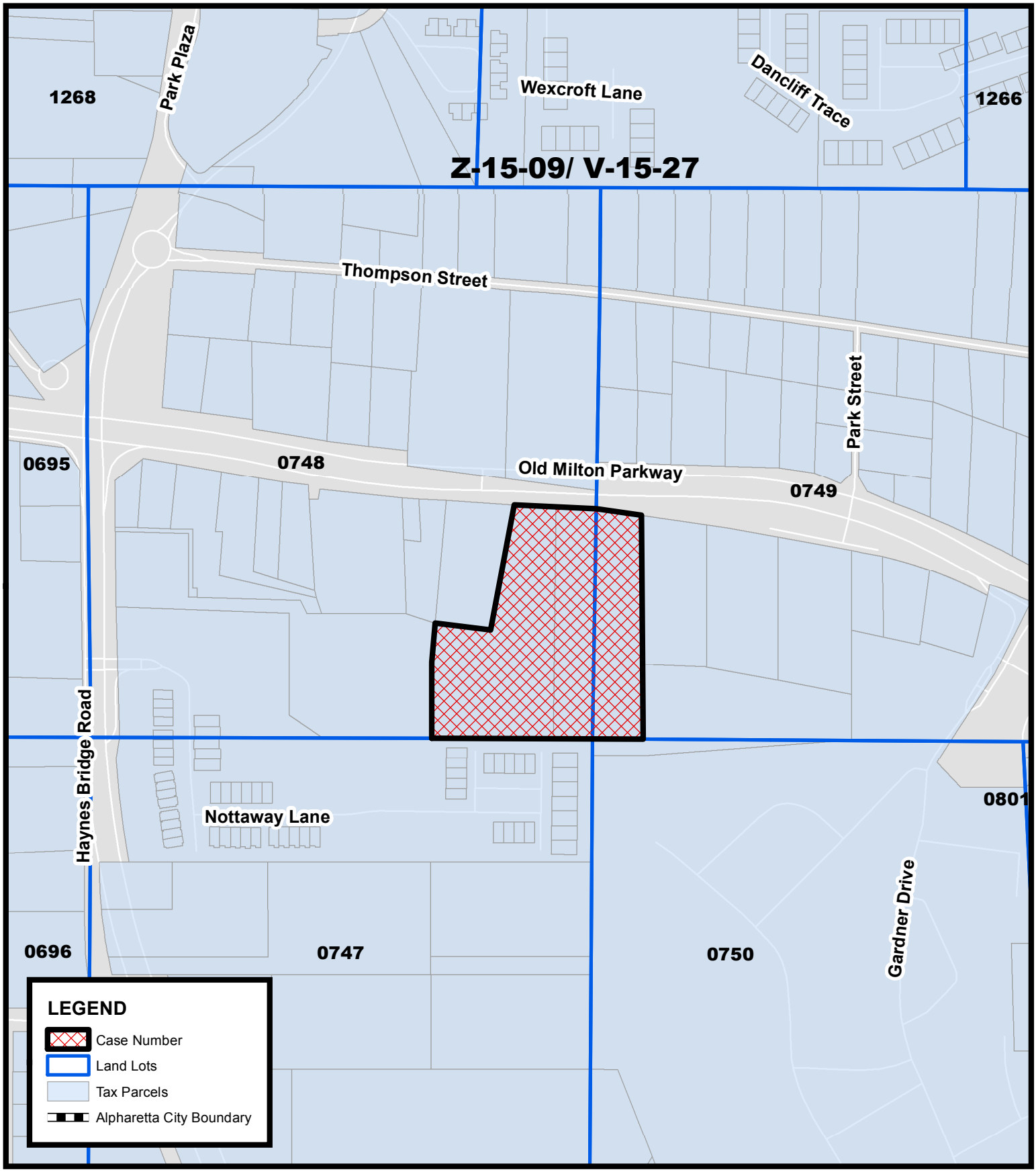
This plan should be changed to incorporate tree save, and reduce the townhome. The proposed uses are good, however, balance should be achieved by adding greenspace, by protecting existing trees.

CITIZEN PARTICIPATION PLAN

The applicant notified everyone within 500 feet of the intent for the property. The report states that only one person who represents the adjoining property owner called.

ATTACHMENT

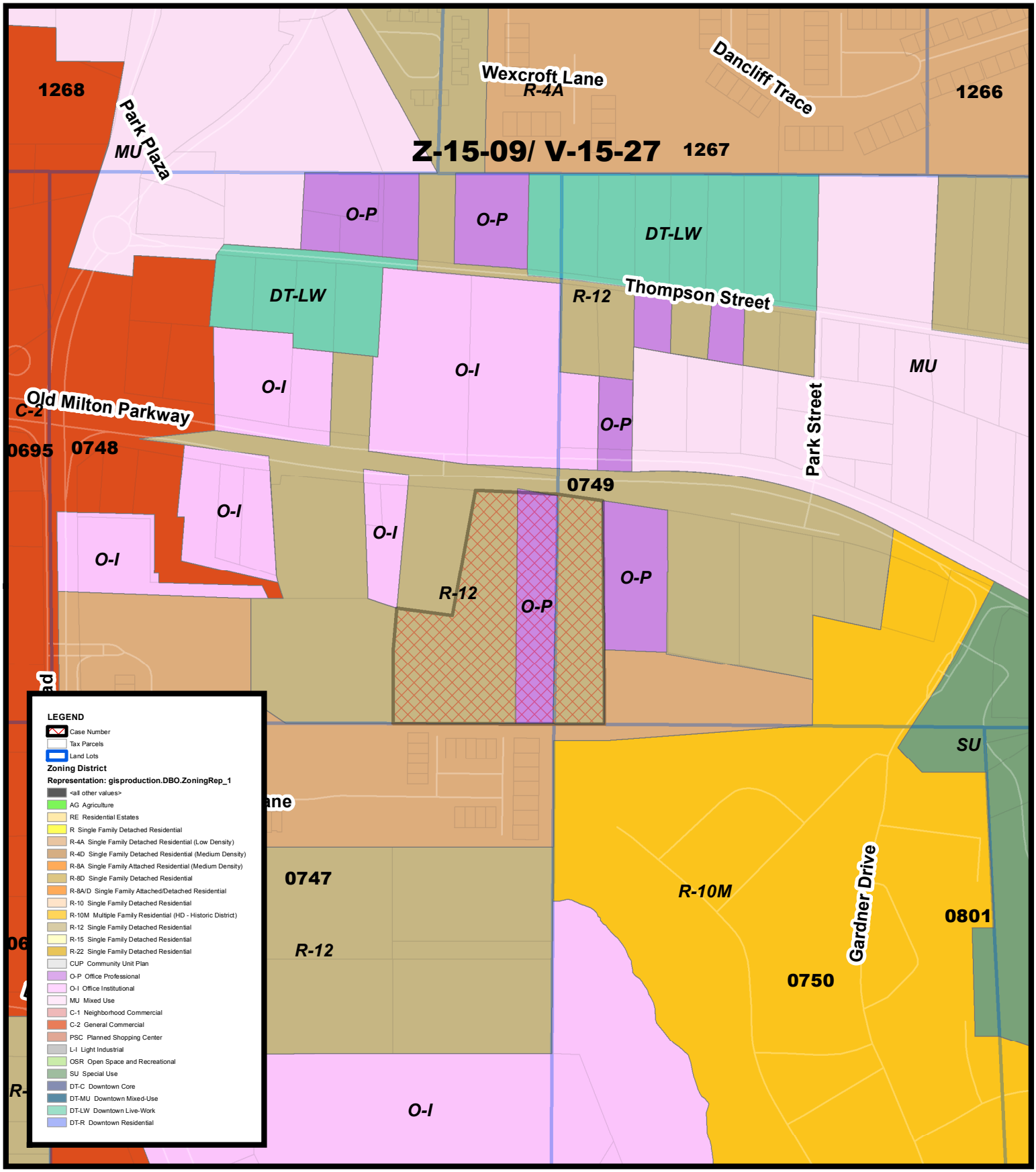
Site Plan
Elevations



Location Map
Providence Group
DT-LW

Case: Z-15-09/ V15-27
D/LL: 1/2/0748, 0749
PC Date: 2/04/16
CC Date: 2/22/16

Location Map Provided by:
Community Development - GIS

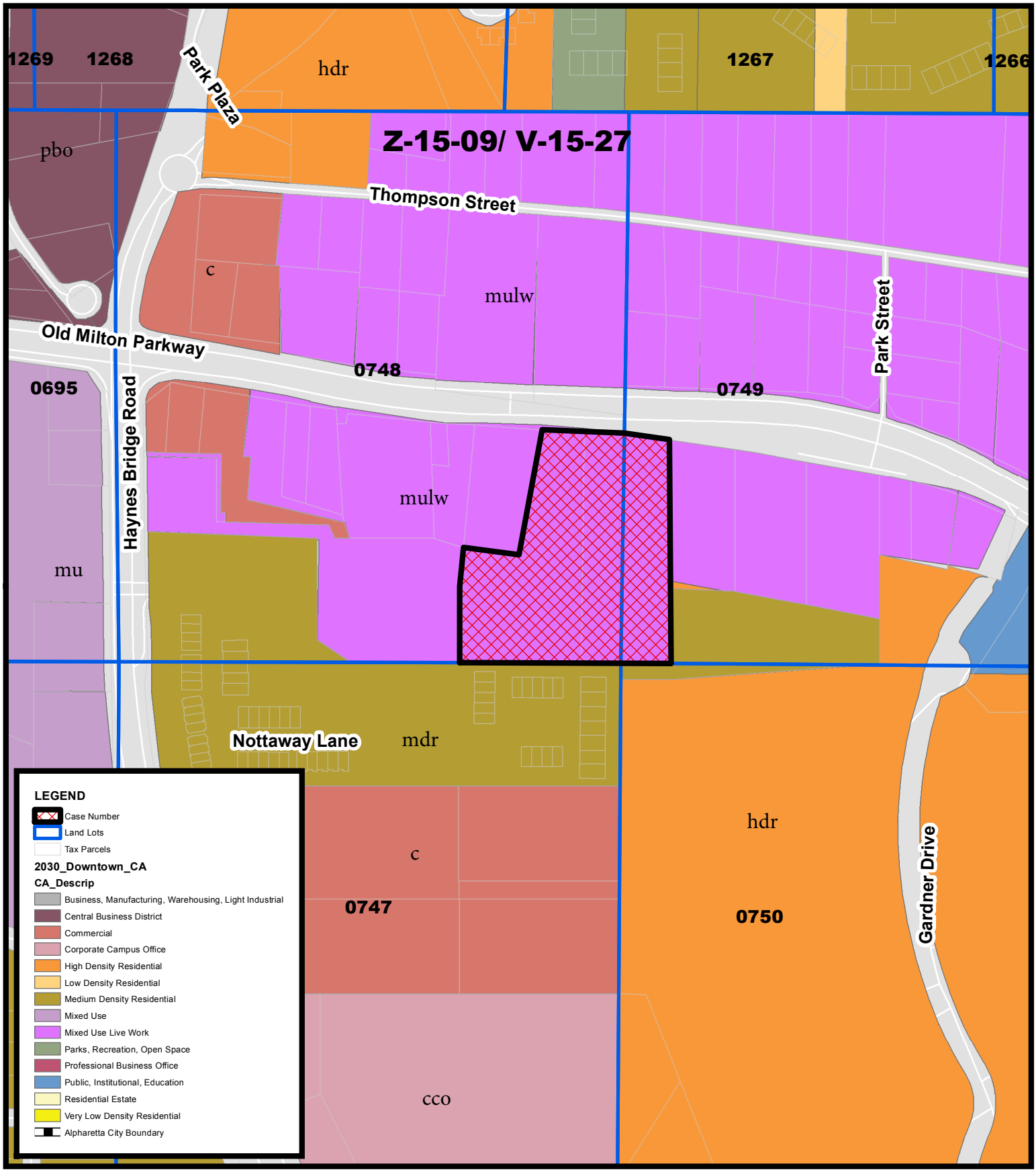


Zoning Map
Providence Group
DT-LW

Case: Z-15-09/ V15-27
D/LL: 1/2/0748, 0749
PC Date: 2/04/16
CC Date: 2/22/16

Location Map Provided by:
Community Development - GIS

THE CITY OF ALPHARETTA



THE CITY OF ALPHARETTA

2030 Land Use
Providence Group
DT-LW

Case: Z-15-09/ V-15-27
D/LL: 1/2/0748, 0749
PC Date: 2/04/16
CC Date: 2/22/16

Location Map Provided by:
Community Development - GIS

Aerial Map
Providence Group
DT-LW

Case: Z-15-09/ V-15-27 D/LL: 1/2/0748, 0749
PC Date: 2/04/16
CC Date: 2/22/16

Location Map Provided by:
Community Development - GIS

Revised Site Plan 10.19.15

TITLE REFERENCES

Scale: 1"=40' Horizontal
1"=10' Vertical

ENTRANCE SIGHT DISTANCE PROFILE

OPEN SPACE PLAN

Old Milton Parkway

2 STORY OFFICE BUILDING

DET POND

LOCATION MAP

SITE ADDRESS

SITE AREA:

REFERENCE PLATS:

SITE NOTES

1. Site area: 7.04 acres Overall
2. Total Number of Lots/Units: 58
   43 : 20' Rear Entry
   15 : 27' Front Entry
   2 Story Office Building
3. Density: 7.7 Lot/Units per acre.
4. Existing Zoning: R-12 & OI
5. Proposed Zoning: DT-LW
6. Proposed land use: Townhomes and Office
7. Lot Coverage: 60%
8. Amenity Space: 0.71 acres (10%) Meets min. required
9. Civic Space: 0.71 acres (10%) Meets min. required
10. Four of the seven specimen trees on site will be saved.

Variances

1. Variance to allow for a gated entrance to the residential townhomes.
2. Variance to allow the use of front entry product on units 15-27

thePROVIDENCEgroup

Warren Jolly

ZONING PLAN

Old Milton Parkway Tract

2405 Old Milton Parkway

City of Alpharetta

Georgia

DATE	10/19/15
SCALE	1" = 40'
CH	
LSV	2-140091CP-10
JN	
FN	198-D-150

1 of 1

1. *This survey is a retracement survey of an existing tract or combination of existing tracts. This survey is not intended to create new tracts of land or change existing tracts of land. This survey is not a subdivision plat and has not been approved by the correct jurisdictional authorities.*
2. *This plat was prepared for the exclusive use of the person, persons, or entity named in the title block. Said use does not extend to any unnamed person without express permission by the surveyor naming said person.*
3. *Unless otherwise specified, all distances as shown are horizontal ground distances in U.S. survey feet (39.37 inches = 1 meter).*

Title Exceptions:

4. *This survey relied upon information contained within a title commitment number A4441, A4441A, and A4441B prepared by Dogwood Title and Abstract Company, with an effective date of July 10, 1014, with respect to the property surveyed described in "Exhibit A", and the exceptions listed in "Schedule B, Section II".*

Flood Hazard Note:

5. *By graphic plotting only, a portion of this property does lie within a 100 year flood hazard zone and is depicted as zone A as defined by the F.E.M.A Flood Insurance Rate Map of Fulton County, Georgia and incorporated areas map number 13121C0058F, effective date September 18, 2013.*

6. *No easement documentation found by this surveyor for this sanitary sewer line crossing Tracts 1 and 3.*

TITLE REFERENCES

Tracts 1 & 2
Dogwood Title & Abstract Company
File No. A4441
Effective Date: July 10, 2014 at 8:00 AM

7. Easement to Georgia Power Company recorded In Deed Book 21613, page 350, Fulton County records. *(affects subject property, not plottable).*

8. Sewer Easement to Fulton County recorded In Deed Book 11403, page 252, Fulton County records. *(It is this surveyor's opinion that this easement is contained within the current R/W of Old Milton Parkway and therefore does not affect subject property).*

9. Right of Way Deed to the Department of Transportation recorded in Deed Book 18324, page 206, Fulton County records. *(affects subject property - the R/W described in this deed is the current R/W line shown for Old Milton Parkway).*

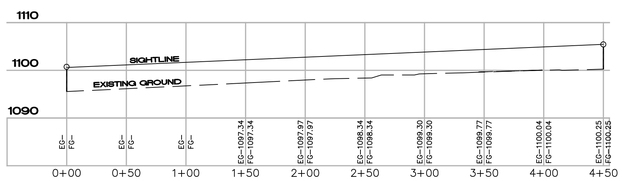
10. Right of Way Easement to Southern Bell Telephone and Telegraph Company recorded in Deed Book 7178, page 315, Fulton County records. *(May affect subject property - portions of this deed are illegible, therefore easement is not plottable).*

Tract 3
Dogwood Title & Abstract Company
File No. A4441B
Effective Date: July 10, 2014 at 8:00 AM

7. Easement to Georgia Power Company recorded In Deed Book 21613, page 349, Fulton County records. *(affects subject property, not plottable).*

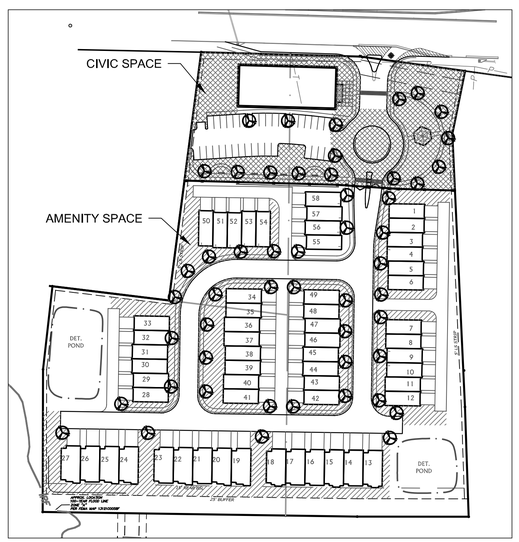
Tract 4
Dogwood Title & Abstract Company
File No. A4441A
Effective Date: July 10, 2014 at 8:00 AM

7. Easement to Southern Bell Telephone and Telegraph Company recorded in Deed Book 7178, page 311, Fulton County records. *(May affect subject property - portions of this deed are illegible, therefore easement is not plottable).*

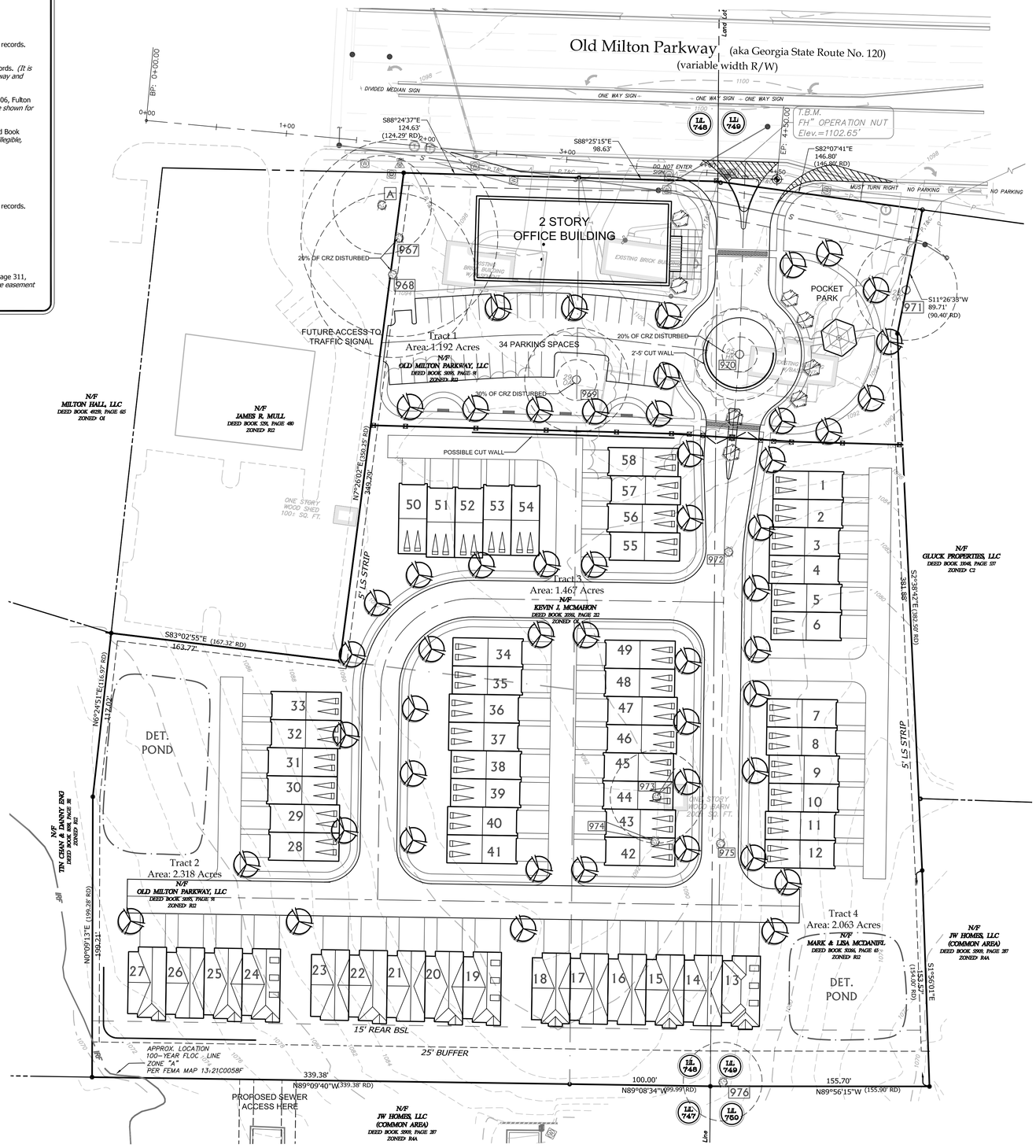


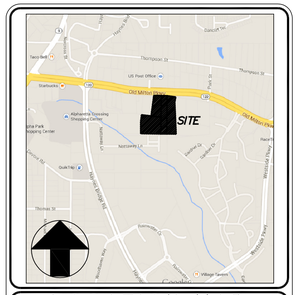
Scale: 1"=40' Horizontal
1"=10' Vertical

ENTRANCE SIGHT DISTANCE PROFILE



OPEN SPACE PLAN
SCALE 1" = 100'





LOCATION MAP
not to scale

SITE ADDRESS:

Tracts 1–2: 2405 Old Milton Parkway
Tract 3: 2425 Old Milton Parkway
Tract 4: 2445 Old Milton Parkway

SITE AREA:

Tract 1 = 1.192 acres, Tract 2 = 2.318 acres
Tract 3 = 1.467 acres, Tract 2 = 2.063 acres
Total = 7.040 acres

REFERENCE PLATS:

1. *Department of Transportation Right of Way Map for the S.R. 120 Widening – Project No. STP–189–1(16), prepared by Moreland Altobelli Associates, Inc., dated 10–12–93, last revised 7–3–95.*
2. *Exhibit Plat for Dr. Brett D. Gluck & Ralph Bowen prepared by Hayes, James & Associates, dated February 20, 2004.*

SITE NOTES

1. Site area: 7.04 acres Overall
2. Total Number of Lots/Units: 58
   - 43 - 20' Rear Entry
   - 15 - 27' Front Entry
   - 2 Story Office Building
3. Density: 7.7 Lot/Units per acre.
4. Existing Zoning: R-12 & OI
5. Proposed Zoning: DT-LW
6. Proposed land use : Townhomes and Office
7. Lot Coverage: 60%
8. Amenity Space: 0.71 acres (10%) Meets min. required
9. Civic Space: 0.71 acres (10%) Meets min. required
10. Six of the seven specimen trees on site will be saved.
-Specimen tree #969 is located in the proposed parking lot and will be saved by designing a parking island around it.
-Specimen tree #970 is located in the entrance drive and will be saved by creating a design that incorporates a round-about that will be centered on the tree.

Variances

1. Variance to allow for a gated entrance to the residential townhomes.
2. Variance to allow the use of front entry product on units 13 -27.

OWNER/DEVELOPER
thePROVIDENCEgroup
Warren Jolly
11340 Lakefield Drive
Building II, Suite 200
Johns Creek, Georgia 30097
Tele: (678) 475-1800

Travis Pruitt & Associates, Inc.
4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770)416-7511
Fax: (770)416-6759
www.travispruitt.com

ZONING PLAN
Old Milton Parkway Tract

2405 Old Milton Parkway
City of Alpharetta
Georgia

GEORGIA REGISTERED LANDSCAPE ARCHITECT No. 1395 EDWARD J. ANDERSON

For The Firm
Travis Pruitt & Associates, Inc.

DATE	10/19/15
SCALE	1" = 40'
CN	
LSV	2-140041CP-10
JN	
FN	159-D-150

November 10, 2015

The Providence Group of Georgia LLC
11340 Lakefield drive
Suite 250
Johns Creek GA 30097

RE: Rezoning Application by The Providence Group of Georgia, LLC for 7.1 acres located on Old Milton Parkway, Alpharetta, GA; rezoning from R-12 and O&I to DT-LW.

Dear Property Owner:

The Providence Group of Georgia, LLC has amended their application to rezone 7.1 acres on Old Milton Parkway from R-12 and O&I to DT-LW to permit the development of a townhome subdivision of 58 homes on this property, and an office building. There now a variance request for the property for seeking a Gated Entry and for Front entrance Town Homes on South side of property.

The Planning Commission meeting is scheduled for December 3, 2015 at 7:30 p.m. at City Hall. The City Council meeting is scheduled for December 14, 2015 at 7:30 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, his email is don@roladerandrolader.com, and his address is 1865 Locke way Drive, Suite 601, Alpharetta, GA 30004.

New site plan is attached for your consideration.

Sincerely,

Dave Boccolucci

Dave Boccolucci for
The Providence Group of Georgia, LLC
Dbocco@theprovidencegroup.com
678 990-8572

1. This survey is a retracement survey of an existing tract or monumentation of existing parcels. This survey is not intended to locate any traces of field or change existing tracts of land. This survey is not a subdivision plat and has not been approved by the annual jurisdictional authorities.
2. This plat was prepared for the exclusive use of the persons, persons, or entity named in the title block. Field use does not extend to any unnamed person without express permission by the surveyor making said survey.
3. Unless otherwise specified, all distances are shown are horizontal ground distances to 0.0 survey foot (30.37 meters = 1 meter).

Title Commitment

4. This survey relied upon information contained within a title commitment (Number Attached, Dated, and Issued) prepared by Stewart Title and Guaranty Company, with an effective date of July 18, 2014, with respect to the property referred described in "Exhibit A", and the exceptions listed in "Schedule B, Section 2".

Flood Hazard Note:

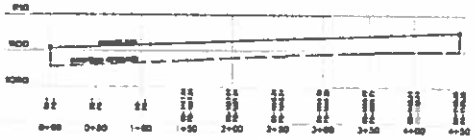
5. No portion existing only a portion of this property does lie within a 100 year flood hazard area, and is shaded on Zone A as defined by the F.I.R.M. Flood Insurance Rate Map of Fulton County, Georgia, and Incorporated areas map number 13121C0088F, effective date September 08, 2003.
6. No visual determination found by the surveyor for this existing must be showing Items 7 and 8.

TITLE REFERENCES

Tract 1 & 2

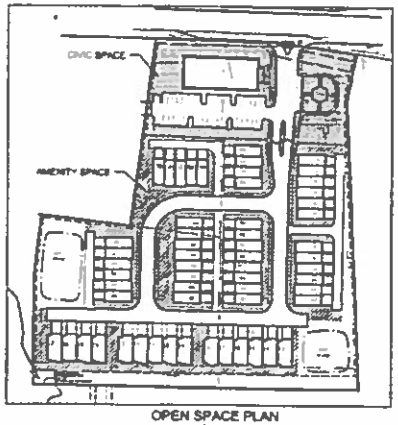
Tract 3

Tract 4

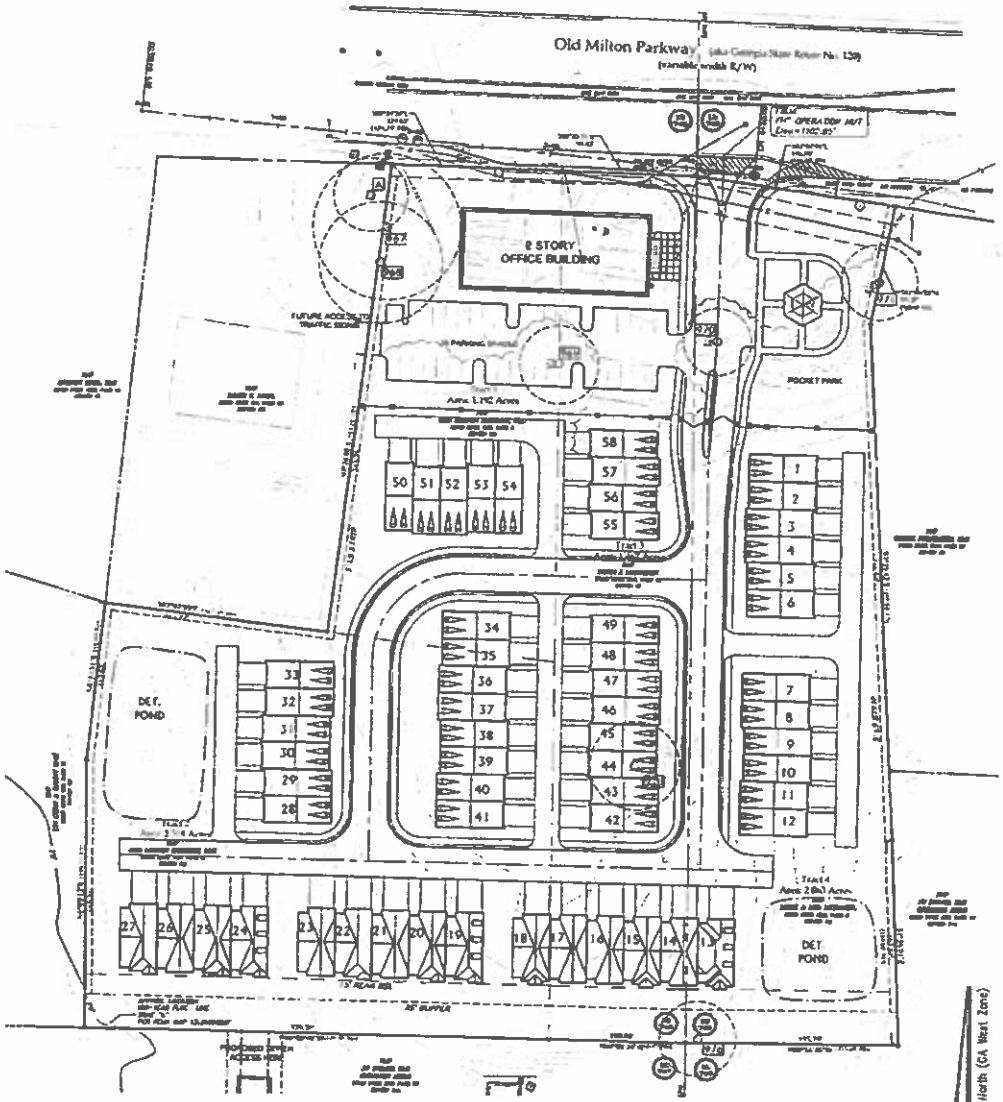


Scale: 1"=40' Horizontal
1"=10' Vertical

ENTRANCE SIGHT DISTANCE PROFILE



OPEN SPACE PLAN
SCALE 1" = 100'



SITE ADDRESS:

SITE AREA:

REFERENCE PLATS:

1. Right-of-Way Dedication Plat of the Map for the S.R. 120 Widening - Project No. (BP-N00-N140), prepared for Standard Alabama Properties, Inc., dated 10-12-93, last revised 7-2-96.
2. Exhibit Plat for Dr. Scott A. Clark & Sign Stone prepared by Hope, Adams & Associates, dated February 26, 2004.

SITE NOTES

1. Site Area: 7.06 acres Overall
2. Total Number of Units/Units: 50
   43 - 28' Rear Entry
   15 - 27' Front Entry
   2 Story Office Building
3. Density: 7.7 Units/Units per acre.
4. Existing Zoning: O-I & OI
5. Proposed Zoning: OI-UW
6. Proposed land use: Townhomes and Office
7. Lot Coverage: 60%
8. Amenity Space: 0.71 acres (10%) Meets min. required
9. Civic Space: 0.71 acres (10%) Meets min. required
10. Four of the seven specimen trees on site will be saved.

Variances

1. Variance to allow for a gated entrance to the residential townhomes.
2. Variance to allow the use of front entry product on units 15 -27.

DEVELOPER

thePROVIDENCEgroup

Warren Jolly

Travis Pruitt & Associates, Inc.

4317 Park Drive, Suite 400
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Phone: (770)416-7511
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ZONING PLAN

Old Milton Parkway Tract

2405 Old Milton Parkway

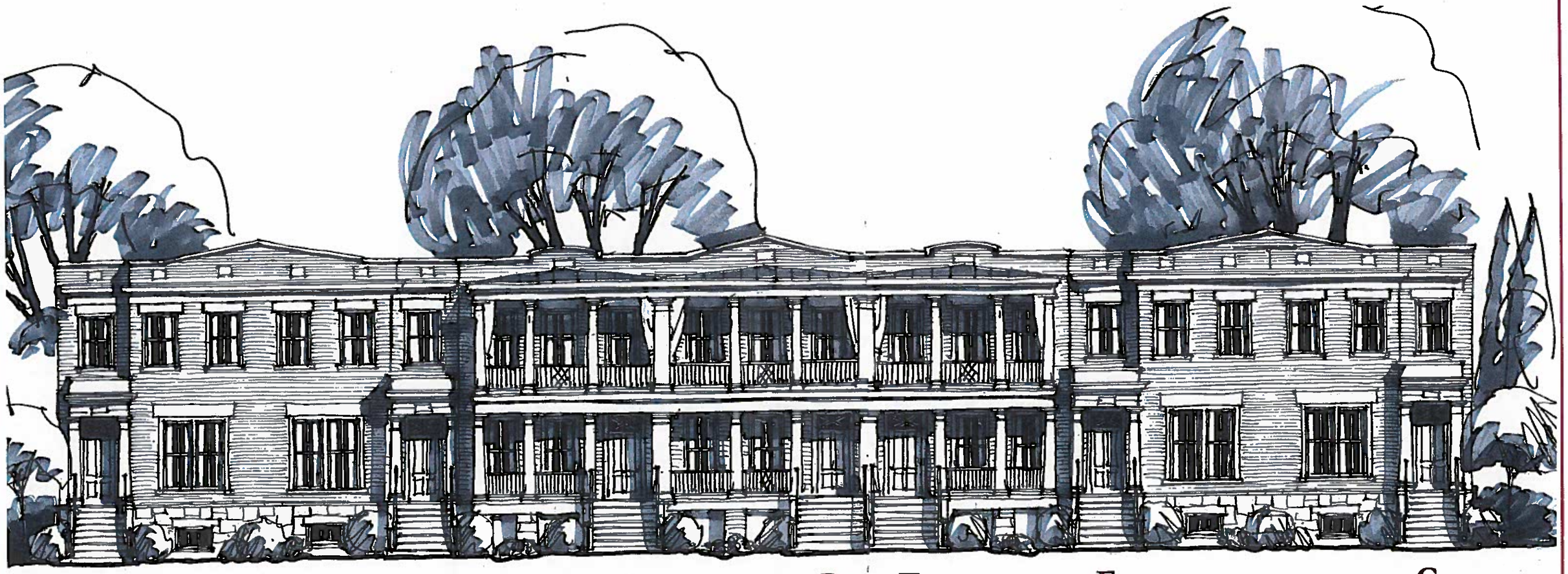
City of Alpharetta

Georgia

DATE	10/15/13
SCALE	1" = 40'
DR	
LBV	2-14084 KOP-80
JR	
FN	

1 of 1

Townhouse Elevation Renderings



A B C D E F G

Townhouses: Rear Load/ Below Grade Units

thePROVIDENCEgroup

FULLER DESIGNS ARCHITECTURE

Townhouse Elevation Renderings

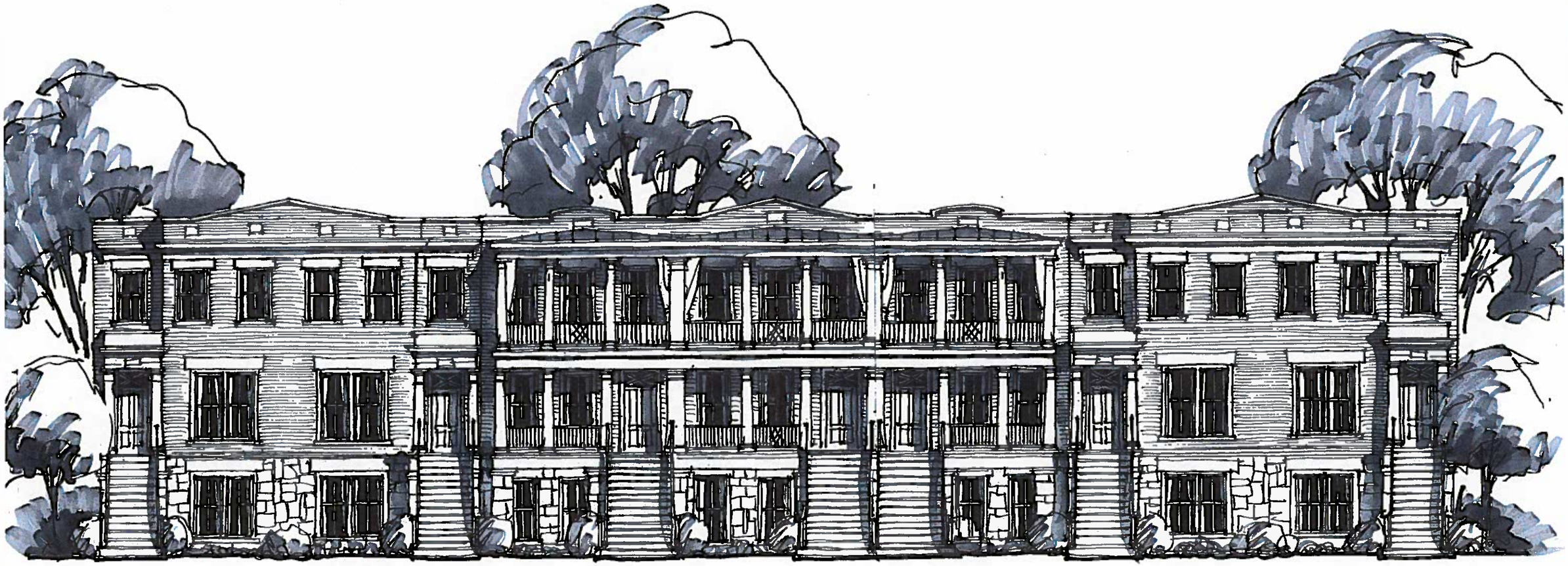
A B C D E F G

Townhouses: Front Load Units

thePROVIDENCEgroup

FULLER DESIGNS ARCHITECTURE

Townhouse Elevation Renderings



A B C D E F G

Townhouses: Rear Load/ Above Grade Units

thePROVIDENCEgroup

FULLER DESIGNS ARCHITECTURE

CITY OF ALPHARETTA

CLUP-15-10/Z-15-09
PROVIDENCE GROUP/DT-LW

PUBLIC HEARING APPLICATION

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT • 2 PARK PLAZA • ALPHARETTA, GA 30009

RECEIVED AUG 7 2015 Community Development

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: The Providence Group of Georgia Telephone: 678-990-8572

Address: 11340 Lakefield Drive Suite: 250

City Johns Creek State: GA Zip: 30097 Fax: _____

Mobile Tel: 678-410-2032 Email: dbocco@theprovidencegroup.com

Subject Property Information:

Address: 2409, 2425 & 2445 Old Milton Parkway Current Zoning: R-12 O&I

District: 2 Section: _____ Land Lot: 748 & 749 Parcel ID: 12-2704-0749-042-8, 12-2703-0748-064-4 & 12-2704-07 49-042-8

Proposed Zoning: DT-LW Current Use: single family homes / day care

This Application For *(Check All That Apply)*:

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

Applicant Request And Intent

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

Applicant will construct offices and residential townhomes under the DT-LW classification.

Applicant's Request *(Please itemize the proposal)*:

The request is to rezone the property from R-12 and O&I to DT-LW.

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

Applicant intends to construct offices and 56 residential townhomes on the property.

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

This combination of office and townhome development is compatible with nearby uses and reflects the DT-LW category of the Downtown Zoning District.

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

This development will compliment existing uses and increase the value of surrounding properties.

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

It cannot be developed as a combination of R-12 and O&I. Both parcels are too small to permit viable development. The property can be developed under the new DT-LW category.

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

Population increase is estimated at less than 200 people. Traffic increase will be insignificant and will not alter current intersection service levels.

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

Sufficient utilities are available to handle demand. School impact is slight due to townhome use and small number of units.

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

The proposal is consistent with the Downtown Zoning District which is being reflected in the pending revision to the Comprehensive Plan.

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

Due to the development of Town Center and the redevelopment of Thompson Street, the development of the subject property is in harmony with new development trends in the immediate area.

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.

PROPERTY OWNER AUTHORIZATION

X **Property Owner Information:** 2405 Old Milton Parkway, LLC

Contact Name: GARY SHIRLEY Telephone: 404 308 5359

Address: 2533 RIVERS RD Suite:

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
- ☑ Rezoning
- ☐ Variance
- ☐ Land Use Application
- ☐ Special Use
- ☐ Conditional Use
- ☐ Master Plan
- ☐ Other

Identify Authorized Applicant:

Name of Authorized Applicant: The Providence Group of Georgia LLC Telephone: 678-475-9400

Address: 11340 Lakefield Drive Suite: 250

City Johns Creek State: GA Zip: 30097 -

So Sworn and Attested:

X Owner Signature: Date: 7/27/15

Notary:

Notary Signature: Date: 7-27-15

DAVIS M. ROBINSON
MY COMMISSION EXPIRES
DEC. 5 2016
FULTON CO., GEORGIA
NOTARY PUBLIC

PROPERTY OWNER AUTHORIZATION

X **Property Owner Information:**

Contact Name: Kim McMahon Telephone: 404-787-6029

Address: 310 Oak Ridge Terrace Suite:

City Alpharetta State: GA Zip: 30005

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.

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- ☐ Variance
- ☐ Land Use Application
- ☐ Special Use
- ☐ Conditional Use
- ☐ Master Plan
- ☐ Other

Identify Authorized Applicant:

Name of Authorized Applicant: The Providence Group of Georgia LLC Telephone: 678-475-9400

Address: 11340 Lakefield Drive Suite: 250

City Johns Creek State: GA Zip: 30097

So Sworn and Attested:

X Owner Signature: Kim McMahon Date: 7-25-15

Notary:

Notary Signature: Allison L. Jolly Date: 07/25/15

ALLISON L. JOLLY NOTARY PUBLIC GEORGIA COBB COUNTY EXPIRES MARCH 25, 2016

PROPERTY OWNER AUTHORIZATION

X **Property Owner Information:**

Contact Name: MARK McDaniel Telephone: 850-476-0508

Address: 264 Sabine Dr. Suite:

City Pensacola Beach State: Fl Zip: 32561 -

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: The Providence Group of Georgia LLC Telephone: 678-475-9400

Address: 11340 Lakefield Drive Suite: 250

City Johns Creek State: GA Zip: 30097 -

So Sworn and Attested:

X Owner Signature: [signature] Date: 7-27-15

STATE OF FLORIDA, ESCAMBIA COUNTY

Notary:

Notary Signature: [signature] Date: 7-27-15

SIGNED THIS DATE, IN MY PRESENCE BY MARK F. McDANIEL, PERSONALLY KNOWN.

TERRENCE K. DENNY
MY COMMISSION # FF 213439
EXPIRES: May 24, 2019
Bonded Thru Notary Public Underwriters

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: THE PROVIDENCE GROUP of Georgia, LLC

Subject Public Hearing Case: OLD MILTON PARKWAY

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: _____ Position: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A 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: [signature] Date: 12/23/15

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: _____

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: _____ Position: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A 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.

X Signature: _____ Date: 7/27/15

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: Kim McMahon

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: Position:

Description of Contribution: N/A Value:

Description of Contribution: N/A Value:

Description of Contribution: N/A Value:

Description of Contribution: N/A Value: -

Description of Contribution: N/A 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.

X Signature: Kim McMahon Date: 7-27-15

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: Providence Group of Georgia

Subject Public Hearing Case:

Campaign Contribution Information: N/A

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: Position:

Description of Contribution: N/A Value:

Description of Contribution: N/A Value:

Description of Contribution: N/A Value:

Description of Contribution: N/A Value:

Description of Contribution: N/A 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.

X Signature: Date: 7-27-15

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: Providence Old Milton DT-LW

Contact Name: Dave Boccolucci Telephone:

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 those persons listed on Exhibit A attached hereto and incorporated

herein.

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.***

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)*

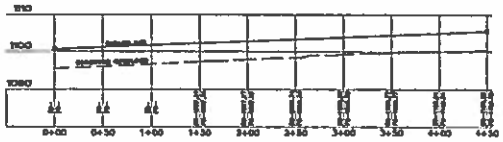
Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

Notified parties may respond by letter, fax, telephone call, email or personal meeting.

Exhibit A
Providence Group – Old Milton Parkway
Parcels Within 500 Feet

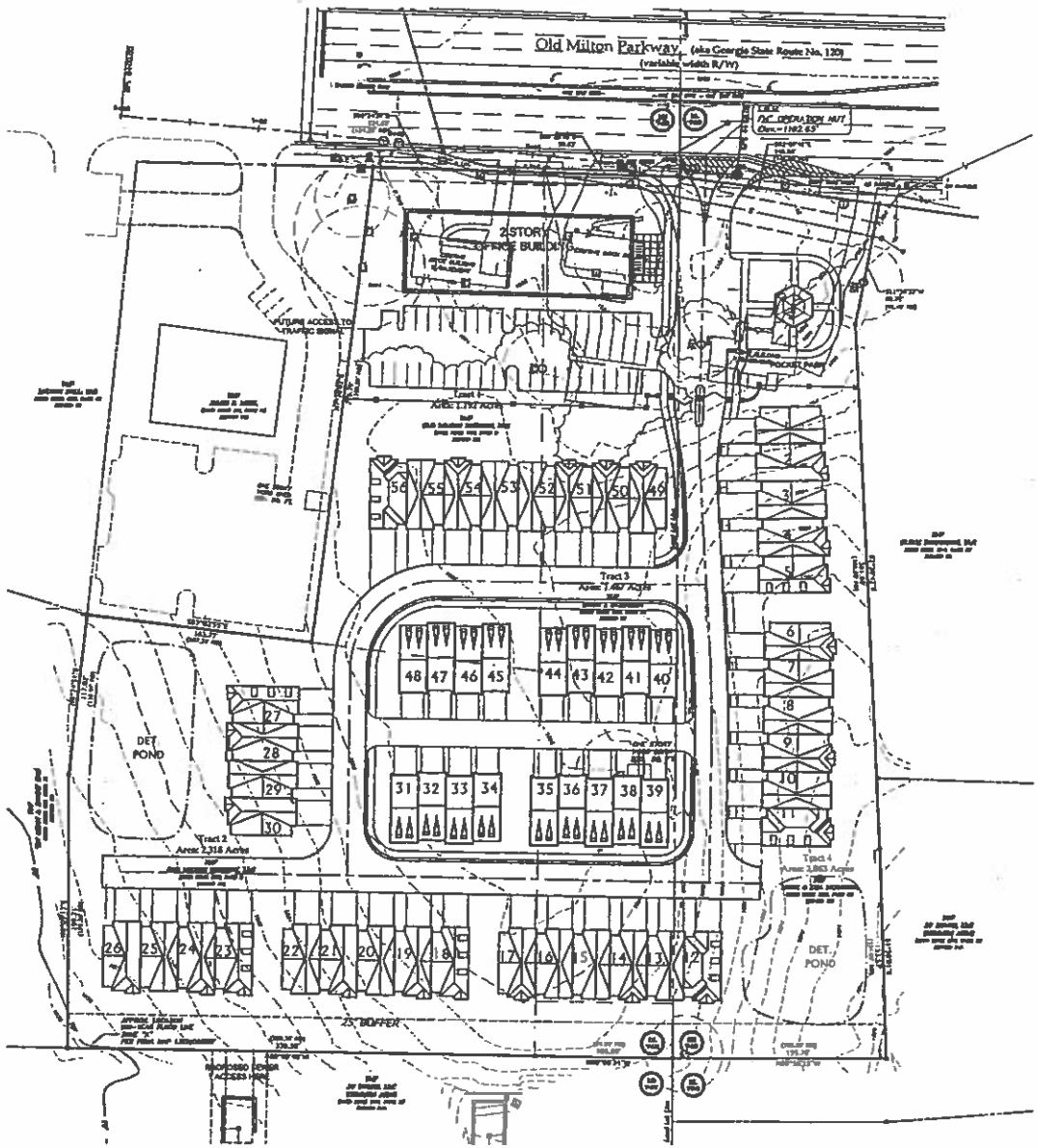
LastName	FirstName	Address1	City	State	PostalCode	Parcel	Property
Alexandre	Amorim Rafaela	305 Nottaway Lane	Alpharetta	GA	30009	12-270007470812	305 Nottaway Ln.
Parker	James & Jodie	307 Nottaway Lane	Alpharetta	GA	30009	12-270007470820	307 Nottaway Ln.
Spiezio	Kimberly	309 Nottaway Lane	Alpharetta	GA	30009	12-270007470838	309 Nottaway Ln.
Psimas	Ronald & Susan	401 Nottaway Lane	Alpharetta	GA	30009	12-270007470846	401 Nottaway Ln.
Dickerson	Simon	403 Nottaway Lane	Alpharetta	GA	30009	12-270007470853	403 Nottaway Ln.
Kauffman	Stanford	405 Nottaway Lane	Alpharetta	GA	30009	12-270007470861	405 Nottaway Ln.
Ackerman	Donna	407 Nottaway Lane	Alpharetta	GA	30009	12-270007470879	407 Nottaway Ln.
Desousa	Thomas	409 Nottaway Lane	Alpharetta	GA	30009	12-270007470887	409 Nottaway Ln.
O'Leary	Dennis	706 Nottaway Lane	Alpharetta	GA	30009	12-270007470770	706 Nottaway Ln.
Ward	Alice	708 Nottaway Lane	Alpharetta	GA	30009	12-270007470762	708 Nottaway Ln.
Stoffel, Jr. Revoc Trust	Robert E.	710 Nottaway Lane	Alpharetta	GA	30009	12-270007470754	710 Nottaway Ln.
Boardman	Gayle	712 Nottaway Lane	Alpharetta	GA	30009	12-270007470747	712 Nottaway Ln.
Harper	Terrence & Tracey	714 Nottaway Lane	Alpharetta	GA	30009	12-270007470739	714 Nottaway Ln.
Bruchey	Michael & Marchal	716 Nottaway Lane	Alpharetta	GA	30009	12-270007470721	716 Nottaway Ln.
Blackwell	Bert & Joyce	71 Thompson Street	Alpharetta	GA	30004	12-270307480321	71 Thompson St.
Sullivan	Beverly	138 Mossland Drive	Perry	GA	31069	12-270307480743	83 Thompson St.
Kaldani	Narden	145 Thompson Street	Alpharetta	GA	30004	12-270407490667	145 Thompson St.
Jones	James	2305 Dinsmore Road	Alpharetta	GA	30004	12-270407490659	155 Thompson St.
Gilkey	Scott	2095 Willshire Gln.	Alpharetta	GA	30009	12-270407490238	165 Thompson St.
Strain	Myron	233 Fields Chapel Road	Canton	GA	30114	12-270407490220	175 Thompson St.
Aycock	Elvin	185 Thompson Street	Alpharetta	GA	30004	12-270407490212	185 Thompson St.
Avren	Linda & Douglas	205 Hembree Park Terr.	Roswell	GA	30076	12-270407490618	195 Thompson St.
Buckley	Kerry	1985 Southers Circle	Suwanee	GA	30024	12-270307480305	2260 Old Milton Pkwy.
Leasing Enterprises LLC	Old Milton	1645 Eversedge Drive	Alpharetta	GA	30004	12-270407490394	2485 Old Milton Pkwy.
Family Investments	King Dalton	P. O. Box 20096	Atlanta	GA	30325	12-270407490451	2505 Old Milton Pkwy.
Drive LLC	Gardner	200 W. Monroe St., Ste 2200	Chicago	IL	60606	12-270007500097	32000 Westside Pkwy.
Burgess	Gail	11715 Haynes Bridge Road	Alpharetta	GA	30009	12-270107470167	11715 Haynes Bridge Rd.
Guven	Sabri & Keriman	2225 Old Milton Pkwy.	Alpharetta	GA	30009	12-270307480156	2245 Old Milton Pkwy.
Bates	Peggy	13480 Hopewell Road	Alpharetta	GA	30004	12-270107470175	0 Norcross St.
Properties LLC	CJP	292 S. Main St. Suite 600	Alpharetta	GA	30004	12-270307480149	2255 Old Milton Pkwy.
Hall LLC	Milton	2365 Old Milton Pkwy, Ste. 200	Alpharetta	GA	30009	12-270307480552	95 Duluth St.
Hall LLC	Milton	2365 Old Milton Pkwy, Ste. 200	Alpharetta	GA	30009	12-270307480545	91 Old Milton Pkwy.
Chan & Danny Eng	Tin	3975 Old Milton Pkwy. #S 1	Alpharetta	GA	30005	12-270307480560	210 Norcross St.
Wellman	Glenn & Anne	500 Nottaway Lane	Alpharetta	GA	30009	12-270007470978	500 Nottaway Ln.
Moore	John	704 Nottaway Lane	Alpharetta	GA	30009	12-270007470788	704 Nottaway Ln.
McKnight	Carolyn	4040 Dunagan Road	Gainesville	GA	30507	12-270307480487	2270 Old Milton Pkwy.
Properties LLC	Stature	675 Seminole Ave., Ste 301	Atlanta	GA	30307	12-270307480479	2300 Old Milton Pkwy.
Chan & Danny Eng	Tin	3975 Old Milton Pkwy. #S 1	Alpharetta	GA	30005	12-270307480230	2325 Old Milton Pkwy.
Trust Company	State Bank &	4219 Forsyth Road	Macon	GA	31208	12-270307480818	2380 Old Milton Pkwy.
Mull	James	2385 Old Milton Pkwy.	Alpharetta	GA	30009	12-270307480636	2385 Old Milton Pkwy.
Postal Service	United States	1735 North Brown Road, Ste 200	Lawrenceville	GA	30043	12-270307480800	2400 Old Milton Pkwy.
Concrete Company LLC	Fulton	1200 Urban Center Dr.	Birmingham	AL	35242	12-270407490584	2410 Old Milton Pkwy.
Porter	David	376 Air Acres Way	Woodstock	GA	30188	12-270407490576	2440 Old Milton Pkwy.
Properties	Gluck	2455 Old Milton Pkwy.	Alpharetta	GA	30004	12-270007490059	2455 Old Milton Pkwy.
Chester	Charles	2465 Old Milton Pkwy.	Alpharetta	GA	30004	12-270407490402	2465 Old Milton Pkwy.
Holdings LLC	Old Milton	2719 Buford Highway	Atlanta	GA	30324	12-	2450-2460 Old Milton Pkwy
Covington	Alec	2300 Lakeview Parkway, Ste. 700	Alpharetta	GA	30009		Haynes Park HOA President

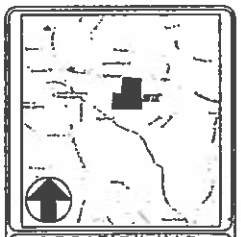
Laurl/mail/2015ProvidenceGroupOldMiltonPkwyList



Scale: 1"=40' Horizontal
1"=10' Vertical

ENTRANCE SIGHT DISTANCE PROFILE





LOCATION MAP
not to scale

SITE ADDRESS:

Suite 1-A 3485 Old Milton Parkway
Suite B 3485 Old Milton Parkway
Suite C 3485 Old Milton Parkway

SITE AREA:

Tract 1 = 1.883 acres, Tract 2 = 2.318 acres
Tract 3 = 1.467 acres, Tract 4 = 2.863 acres
Total = 7.531 acres

REFERENCE PLATS:

1. Department of Transportation Right of Way Map for the S.R. 120 Widening - Project No. STP-120-4(36), prepared by Southeast Aerophoto Inc. dated 10-12-83 and revised 7-3-84.
2. Exhibit Plat for Dr. Brett B. Grant & Paul Brown prepared by Bryan, Jensen & Associates, dated February 26, 2004.

SITE NOTES

1. Site area: 7.1 acres Overall
2. Total Number of Lots/Units: 56
   38 - 27' Front Entry
   18 - 20' Rear Entry
   2 Story Office Building
3. Density: 7.88 Lot/Units per acre.
4. Existing Zoning: R-12 & OI
5. Proposed Zoning: DT-LW
6. Proposed land use : Townhomes and Office

1. This survey is a retracement survey of an existing tract or consolidation of existing tracts. This survey is not intended to create new lands of land or change existing lands of land. This survey is not a subdivision plat and has not been approved by the normal jurisdictional authorities.
2. This plat was prepared for the exclusive use of the persons, persons, or entity named in the title block. Only the client and entities to any unnamed person without express permission by the surveyor bearing said certificate.
3. Unless otherwise specified, all distances as shown are horizontal ground distances in U.S. survey feet (39.37 inches = 1 meter).

Title Exceptions:

4. This survey relied upon information contained within a title commitment number A4441, A4442, and A4443 prepared by Regional Title and Abstract Company with an effective date of July 19, 2004, with respect to the property surveyed described in "Exhibit A", and the exceptions listed in "Schedule B, Section 2".

Flood Hazard Note:

5. By graphic plotting only a portion of this property lies in either a 100 year flood hazard area and is plotted on Zone A as defined by the F.E.M.A. Flood Insurance Rate Map of Fulton County, Georgia and Incorporated areas map number 13121C0066F, effective date September 29, 2006.
6. No unusual characteristics found by this surveyor for this survey over the existing Tracts 1 and 2.

TITLE REFERENCES

Tracts 1 & 2
Regional Title & Abstract Company
File No. A4441
Effective Date: July 19, 2004 at 8:00 AM

2. Easement to Georgia Power Company recorded in Deed Book 2661, page 206, Fulton County records. (affects subject property, not plottable).

3. Sewer Easement to Fulton County recorded in Deed Book 11403, page 323, Fulton County records. (If a field surveyor's opinion that this easement is contained within the current R/W of Old Milton Parkway and therefore does not affect subject property).

4. Right of Way Deed to the Department of Transportation recorded in Deed Book 10324, page 206, Fulton County records. (affects subject property - the R/W depicted in this deed is the current R/W line shown for Old Milton Parkway).

5. Right of Way Easement to Southern Bell Telephone and Telegraph Company recorded in Deed Book 7378, page 203, Fulton County records. (May affect subject property - portions of this deed are legible, therefore easement is not plottable).

Tract 3
Regional Title & Abstract Company
File No. A4442
Effective Date: July 19, 2004 at 8:00 AM

2. Easement to Georgia Power Company recorded in Deed Book 2661, page 242, Fulton County records. (affects subject property, not plottable).

Tract 4
Regional Title & Abstract Company
File No. A4443
Effective Date: July 19, 2004 at 8:00 AM

2. Easement to Southern Bell Telephone and Telegraph Company recorded in Deed Book 7378, page 203, Fulton County records. (May affect subject property - portions of this deed are legible, therefore easement is not plottable).

OWNER/DEVELOPER

thePROVIDENCEgroup

Warren Jolly

11340 Lakefield Drive
Building 2, Suite 200
Johns Creek, Georgia 30097
Tel: (678) 473-4000

Travis Pruitt & Associates, Inc.

4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770)416-7511
Fax: (770)416-6759
www.travispruitt.com

ZONING PLAN

Old Milton Parkway Tract

3485 Old Milton Parkway
City of Alpharetta
Georgia

GEORGIA REGISTERED LAND SURVEYOR
RONALD A. ANDERSON

For the Firm
Travis Pruitt & Associates, Inc.

DATE	09/03/15
SCALE	1" = 40'
CH	
LBV	2-140041CP-03
JOB	
FN	

A4441
2405 Old Milton Parkway

Exhibit A
Legal Description

Tract 1:

All that tract or parcel of land lying and being in Land Lot 748, 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia, being a Tract of 1.192 acres (Parcel A), as shown on plat of survey for Clarence H. Shirley, dated December 9, 1994, by Brumbelow-Reese & Associates, Inc. (Rodney H. Reese, R.L.S.), and being more particularly described as follows:

To ascertain the true point of beginning, commence at an iron pin found located at the southeast land lot corner of Land Lot 748, said district and section, run thence south 89 degrees 38 minutes 18 seconds west along the south land lot line of Land Lot 748 a distance of 100 feet to an iron pin found; run thence north 00 degrees 36 minutes 34 seconds west a distance of 280.31 feet to an iron pin set and being the true point of beginning; from said true point of beginning thus established, running thence north 84 degrees 13 minutes 32 seconds west a distance of 167.32 feet to an iron pin found; running thence north 06 degrees 16 minutes 50 seconds east a distance of 350.25 feet to an iron pin set located on the south right of way line of Duluth Street, also known as State Route 120; running thence south 89 degrees 30 minutes 32 seconds east along the south right of way line of Duluth Street a distance of 124.29 feet to an iron pin set; thence leaving the south right of way line of Duluth Street and running thence south 00 degrees 36 minutes 34 seconds east a distance of 363.93 feet to an iron pin set and being the true point of beginning; being a tract of 1.192 acres (Parcel A) as shown on plat of survey for Clarence H. Shirley dated December 9, 1994, by Brumbelow-Reese & Associates, Inc., (Rodney H. Reese, R.L.S.), being improved property with a residence located thereon known as 125 Duluth Street under the present system of numbering houses within the City of Alpharetta, Fulton County, Georgia.

(Continued)

A4441
2405 Old Milton Parkway

Exhibit A
Legal Description
(Continued)

Tract 1-A:

All that tract or parcel of land lying and being in Land Lot 748, 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia, being a Tract of 2.317 acres (Parcel B), as shown on plat of survey for Clarence H. Shirley, dated December 9, 1994, by Brumbelow-Reese & Associates, Inc., (Rodney H. Reese, R.L.S.), and being more particularly described as follows:

To ascertain the true point of beginning, commence at an iron pin found located at the southeast land lot corner of Land Lot 748, said district and section, run thence south 89 degrees 38 minutes 18 seconds west along the south land lot line of Land Lot 748 a distance of 100 feet to an iron pin found and being the true point of beginning; from said true point of beginning, thus established, running thence south 89 degrees 38 minutes 18 seconds west along the south land lot line of Land Lot 748, a distance of 339.38 feet to an axle found; running thence north 01 degree 01 minute 09 seconds west a distance of 199.28 feet to a flat iron found; running thence north 05 degrees 12 minutes 19 seconds east a distance of 116.97 feet to an iron pin found; running thence south 84 degrees 13 minutes 32 seconds east a distance of 331 feet to an iron pin set; running thence south 00 degrees 36 minutes 34 seconds east a distance of 280.31 feet to an iron pin found located on the south land lot line of Land Lot 748 and being the true point of beginning. Being a tract of 2.317 acres (Parcel B) as shown on plat of survey for Clarence H. Shirley, dated December 9, 1994, by Brumbelow-Reese & Associates, Inc., (Rodney H. Reese, R.L.S.)

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 748 OF THE 1ST DISTRICT, 2ND SECTION OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION COMMON TO LAND LOTS 748, 749, 747 AND 750; THENCE RUN NORTH 89 DEGREES 58 MINUTES 18 SECONDS WEST A DISTANCE OF 35.58 FEET TO AN IRON PIN FOUND; THENCE RUN NORTH 00 DEGREES 28 MINUTES 41 SECONDS EAST A DISTANCE OF 844.18 FEET TO AN IRON PIN FOUND ON THE SOUTHERLY RIGHT-OF-WAY LINE OF DULUTH STREET (HAVING A 60-FOOT RIGHT-OF-WAY AT THIS POINT); THENCE RUN NORTH 00 DEGREES 25 MINUTES 23 SECONDS EAST A DISTANCE OF 18.66 FEET TO AN IRON PIN FOUND ON THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF DULUTH STREET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE SOUTH 82 DEGREES 11 MINUTES 21 SECONDS EAST A DISTANCE OF 39.71 FEET TO AN IRON PIN FOUND; THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 00 DEGREES 29 MINUTES 55 SECONDS WEST A DISTANCE OF 842.36 FEET TO THE INTERSECTION COMMON TO LAND LOTS 748, 749, 747 AND 750 AND THE POINT OF BEGINNING.

THE ABOVE-REFERENCED PROPERTY IS INTENDED TO BE THE SAME PROPERTY AS CONVEYED IN WARRANTY DEED FROM DOROTHY C. RAINWATER, ET AL, TO HERBERT F. COX AND ERNESTINE COX, DATED NOVEMBER 30, 1976, FILED AND RECORDED IN DEED BOOK 7120, PAGE 344, AFORESAID RECORDS.

A4441B
2425 Old Milton Parkway

Exhibit A
Legal Description

All that tract or parcel of land lying and being in Land Lot 748 of the 1st District, 2nd Section, Fulton County, Georgia, and being more particularly described as follows:

Beginning at the intersection common to Land Lots 748, 749, 747 and 750; thence run north 89 degrees 08 minutes 16 seconds west a distance of 99.99 feet to an iron pin found; thence run north 00 degrees 35 minutes 41 seconds east a distance of 644.19 feet to an iron pin found on the southerly right of way line of Duluth Street (having a 60 foot right of way at this point); thence run north 00 degrees 29 minutes 23 seconds east a distance of 10.66 feet to an iron pin found on the existing southerly right of way line of Duluth Street; thence continuing along said right of way line, south 82 degrees 11 minutes 21 seconds east a distance of 99.71 feet to an iron pin found; thence leaving said right of way line, south 00 degrees 29 minutes 55 seconds west a distance of 642.80 feet to the intersection common to Land Lots 748, 749, 747 and 750 and the point of beginning.

ROLADER & ROLADER, P.C.
ATTORNEYS AND COUNSELORS AT LAW
1865 LOCKEWAY DRIVE, SUITE 601
ALPHARETTA, GEORGIA 30004
Telephone (770) 442-0330
Fax (770) 442-0641
www.roladerandrolader.com

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August 2, 2015

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

RE: Application of Providence Group of Georgia, LLC for Rezoning from R-12 and O&I to DT-LW on 7.1 acres on Old Milton Parkway Parkway, City of Alpharetta, Fulton County, Georgia

Dear Mayor and Councilpersons:

This firm represents The Providence Group of Georgia, LLC, the Applicant, seeking approval of this Rezoning from R-12 and O&I to DT-LW. This letter shall be construed as the Letter of Intent for this Application. This Application seeks variances which are set out below.

The subject property contains approximately 7.1 acres and is located on Old Milton Parkway. To the North is property zoned O&I and developed as a bank and the Alpharetta post Office. .To the east is property zoned C-2. Property to the south of this property is zoned R-12 and R-4A (may now be RTH) with existing Haynes Park townhome development. To the west is property zoned R-12.

Applicant proposes to rezone the property DT-LW and construct 56 for sale residential single family townhomes. It will be a community with a mandatory Homeowners' Association.

The granting of this Zoning Application will have no negative impact on adjoining or nearby properties, but will provide a compatible, transitional use. This development will not unduly tax any City of Alpharetta services, including, but not limited to, fire and police protection, water service and garbage collection. Presently sewer is available through Fulton County. The development will have minimal impact on the Fulton County School System. To fail to approve this Application will be of no benefit to the citizens of Alpharetta, Georgia while causing a financial burden upon the property owner and the developer.

The office building will be an approximately 20,000 square foot two story building with the building located along the street and parking in the rear of the building, as provided for under the new Downtown Live Work zoning guidelines. The two story building will provide suites which can be sized to meet the needs of an office tenant.

There is a current demand for high quality housing in a pedestrian friendly community near downtown and the City Center development, and that demand is increasing presently. Offering residences near substantial office development reduces overall traffic and permits employees to work closer to home. This project will be very walkable with a mix of single family and office uses. Applicant has an outstanding track record for developing quality residential development in North Fulton County.

It is the position of the Applicant that the Alpharetta Zoning Ordinance, in zoning the property R-12 and O&I is unconstitutional in that it destroys the marketability of the property and renders the property exceptionally less valuable, and such zoning therefore constitutes a taking. Constitutional Objections are attached to this Letter of Intent and made a part hereof by reference. Owner further challenges the affixing of any significant conditions or restrictions which are burdensome or excessive, in that such acts would represent arbitrary and capricious acts on behalf of the City, and would deny the property owner the equal protection of the laws and due process of law guaranteed by the U.S. Constitution.

Property owner respectfully requests that the Mayor and City Council approve this Application for Rezoning to allow the use of the property as indicated on the site plan.

Very truly yours,
ROLADER & ROLADER, P.C.

Donald A. Rolader

DAR/ddf
cc: Warren Jolly

CONSTITUTIONAL OBJECTIONS

Georgia Law and the procedures of the City of Alpharetta require us to raise Federal and State Constitutional objections during the rezoning 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,