



# City Council Meeting and Public Hearing FEBRUARY 22, 2016

ALPHARETTA CITY HALL  
COUNCIL CHAMBERS  
2 PARK PLAZA  
7:30 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE TO THE FLAG
- IV. CONSENT AGENDA
  - A. Council Meeting Minutes (Meeting of 02/15/2016)
  - B. Alcoholic Beverage License Applications
- V. PROJECT UPDATES
  - A. Convention Center
  - B. City Center - Public Development
  - C. City Center - Private Development
- VI. PUBLIC HEARING
  - A. Z-15-18/V-15-28 Fox Road Subdivision
  - B. V-16-06 Home 2 Suites
  - C. Revisions to Sign Ordinance (2nd reading)  
"AN ORDINANCE TO AMEND ARTICLES II AND IV OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO MODIFY PROVISIONS IN SUBSECTION 2.3.6 RELATED TO REQUIRED MATERIALS FOR FENCES AND WALLS; TO DELETE SECTION 2.6 ("SIGNS") IN ITS ENTIRETY AND REPLACE WITH A NEW SECTION 2.6 IN ORDER TO PROVIDE FOR THE MODIFICATION, DELETION AND ADDITION OF PROVISIONS RELATED TO SIGNS; TO MODIFY PROVISIONS IN SUBSECTIONS 4.2.1 AND 4.2.2 RELATED TO APPLICATIONS AND PUBLIC HEARINGS FOR REZONINGS, TEXT AMENDMENTS AND CONDITIONAL USES; TO MODIFY PROVISIONS IN SUBSECTION 4.4.5 RELATED TO BUILDING PLAN REQUIREMENTS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES."
- VII. OLD BUSINESS
- VIII. NEW BUSINESS
  - A. Fiscal Year 2016 Mid-Year Budget Amendment
  - B. MARTA Resolution
- IX. WORKSHOP
- X. PUBLIC COMMENT
- XI. REPORTS
- XII. ADJOURNMENT TO EXECUTIVE SESSION



Official Minutes of  
Council Meeting  
On February 15, 2016  
City Hall – 2 Park Plaza  
7:30 PM

**Official Minutes**

The public is advised that the following minutes are not a verbatim transcription of business presented at the Council Meeting of the date shown; but are a synopsis of pertinent information. The public is further advised that the tapes recorded at said meeting are a matter of public record and are available to be heard at the City of Alpharetta's Clerk's office during normal business hours.

I. CALL TO ORDER

❖ *Mayor Belle Isle called the meeting to order at 7:34 p.m.*

II. ROLL CALL

Members Present:

Mayor Belle Isle, Mayor Pro Tem Owens, Council Members Kennedy, Binder, Merkel, Mitchell and Gilvin

Members Absent:

None

Staff Present:

City Administrator Bob Regus, Assistant City Administrator James Drinkard, City Attorney Sam Thomas, City Clerk Coty Thigpen, Director of Community Development Kathi Cook, Director of Public Works Pete Sewczwicz, Director of Finance Tom Harris, Director of Public Safety Gary George, Deputy Director of Recreation and Parks Lisa Cherry, Senior Engineer Eric Graves

III. PLEDGE TO THE FLAG

- Roger Wise of the American Legion led the Pledge of Allegiance

IV. PROCLAMATIONS

A. "Rotary has Heart" Proclamation

V. CONSENT AGENDA



A. Council Meeting Minutes (Meeting of 02/09/2016)

- ❖ *Council Member Kennedy offered a motion to approve the Consent Agenda*
  - *The motion was seconded by Council Member Owens*
  - *Motion approved (7-0)*

VI. PROJECT UPDATES

A. Convention Center

1. Presentation by Stormont Hospitality Group

- Jim Stormont provided a brief update on the progress of the convention center.

B. City Center - Public Development

- Mr. Regus reported that the construction of the bandstand has begun.

C. City Center - Private Development

- Mr. Regus reported that the developers, Mid-City Partners, will be here at a Council meeting in March to present status of the project

Public Comment

- Alexander Williamson 12535 Academy Street, Alpharetta, GA, came forward to speak on this item

VII. OLD BUSINESS

A. SR 120- State Bridge to Jones Bridge (tabled 1/19/16)

- ❖ *Council Member Owens offered a motion to remove the item from the table*
  - *The motion was seconded by Council Member Gilvin*
  - *Motion approved (7-0)*
- Director of Public Works, Pete Sewczwicz, came forward to present this item on behalf of staff.
- Mr Sewczwicz provided a brief overview of the project and a summary of the public comment received on this proposed project
- The City of Johns Creek has been working with the design team to improve SR 120 between State Bridge Road and Jones Bridge Road. Improvements consist

of adding additional travel lanes in this stretch, improvements to the intersection of Webb Bridge Way and SR 120, and pedestrian improvements consisting of a multi-use trail along both sides of SR 120.

- The section between Webb Bridge Way and Kimball Parc Way is two lanes with no turn lanes. As a result, the traffic in the AM and PM peak hours are trapped in a bottleneck that is blocked by a single left turning vehicle. Additionally, there is a school zone for the Bridgeway Christian Academy in this section. School traffic gridlocks traffic on its way to SR 400 and SR 141 every morning. Widening the section to four lanes will enable traffic to transition to and from Jones Bridge and SR 120 (Old Milton Parkway).
- The project also improves the intersection of Webb Bridge Way and SR 120 through adding dual left turn lanes onto east-bound SR 120 and a dedicated right turn lane onto west-bound SR 120. The dedicated right turn lane will also accommodate a longer queue that will help mitigate cars from stacking in the thru and left turn lane.
- One component of the current project includes providing a right-in/right – out connection from SR 120 to Webb Bridge Park. To mitigate traffic speed, and provide safety for pedestrians, a roundabout is proposed at the entrance of Webb Bridge Park. The project is currently in the right-of-way acquisition phase and a decision needs to be made if the project will include this new connection to Webb Bridge Park or if the plans should omit the connection.

#### Public Comment

- Katie Reeves, 4165 Big Creek Overlook, Alpharetta, GA came forward to speak on this item
- Debbie Gibson, 305 Woodlake Court, Alpharetta, GA came forward to speak on this item
- Jim Campbell, 4772 & 4773 Webb Bridge Rd, Alpharetta, GA, came forward to speak on behalf of Alpharetta International Academy
- Ellen Gates-Haynie, 13990 Mariners Cove, Alpharetta, GA, came forward to speak on this item
- Bruce Potter, 3570 Lakewind Way, Alpharetta, GA, came forward to speak on this item

❖ *Council Member Owens offered a motion that City of Alpharetta take an official position to not re-open Webb Bridge Road on to Kimball Bridge Road and to convey that position to the City of Johns Creek and Georgia Department of Transportation and it to be supported by the public input comment cards received at the two open houses, the e-mail information sent to staff, and the comments here tonight in these minutes. Additionally, ask staff to convey and report back to Council how that position has been received.*

- *The motion was seconded by Council Member Binder*
- *Motion approved (7-0)*

B. Ordinance for Calling of an Election to Determine the Issuance or Non-Issuance of City of Alpharetta General Obligation Bonds in the Principal Amount of \$52,500,000 (2<sup>nd</sup> reading)

"AN ORDINANCE TO REGULATE AND PROVIDE FOR THE CALLING OF AN ELECTION TO DETERMINE THE ISSUANCE OR NON-ISSUANCE OF CITY OF ALPHARETTA GENERAL OBLIGATION BONDS, IN THE PRINCIPAL AMOUNT OF \$52,500,000.00; TO PROVIDE FOR THE DATE, MAXIMUM RATE OF INTEREST AND SCHEDULE OF MATURITIES THAT SAID BONDS SHALL BEAR; TO PROVIDE FOR THE LEVY AND COLLECTION OF TAXES TO SERVICE SAID BONDED INDEBTEDNESS; AND FOR OTHER PURPOSES"

- City Attorney, Sam Thomas, read the Ordinance aloud constituting a 2<sup>nd</sup> reading
- Mr. Thomas explained one minor change that had been made since the first reading
- Director of Public Works, Pete Sewczwicz, came forward to provide a brief overview of the Public Works projects slated for the Bond
- Deputy Director of Recreation and Parks, Lisa Cherry, came forward to provide a brief overview of the Recreation and Parks projects slated for the Bond

Public Comment  
None

- ❖ *Council Member Owens offered a motion to adopt the Ordinance as read by the City Attorney*
- *The motion was seconded by Council Member Mitchell*
- *Motion approved (7-0)*

VIII. NEW BUSINESS

A. 911 Emergency Telephone System Replacement

- Director of Public Safety, Gary George, and Division Chief Carl Hall, came forward to present this item on behalf of staff
- Please award RFP 16-106 to AT&T for the purchase, installation, and maintenance of a replacement 911 Emergency Phone System in an amount totaling \$273,958 and authorize the Mayor to execute all necessary documents.

- This request is for the purchase, installation, and maintenance of a replacement 911 Emergency Telephone System with a VOIP (Voice over IP) system capable of meeting the future needs of the 911 Center. The current system was installed in 2008 and has served the 911 Center well; however, service reliability issues have surfaced over the last year.
- Advances in 911 call technology have stabilized with the introduction of VOIP technology and the adoption of the latest National Emergency Number Association NexGeneration 911 standards. The proposed system is compliant with current standards and the annual maintenance agreement will ensure compliance in the future as standards evolve.
- The Public Safety Department, with guidance from the Finance Department, prepared a Request for Proposal (RFP) and advertised for proposals in October/November 2015. The City received five proposals on/or before November 12, 2015 from AT&T, Frontier Communications, MicroAutomation Inc., Spok Inc., and Synergem Technologies Inc. Staff from the Public Safety and Information Technology Departments (the Evaluation Committee) reviewed and scored the proposals.
- Phase I (Initial Evaluation): The Evaluation Committee met on December 4, 2015, to tabulate the overall scores which were evaluated based on scope of work (50%), product specifications (47%), and local vendor preference (3%). The top three proposals were shortlisted to Phase II (presentation phase) and included AT&T, Frontier Communications, and Spok Inc.
- Phase II (Presentation Phase): The Evaluation Committee invited the shortlisted vendors to provide onsite presentations and allow for a question and answer dialogue on January 25, 2016 (AT&T) and January 29, 2016 (Frontier Communications and Spok Inc.). The shortlisted vendors were evaluated based on presentation/product demonstration (70%), cost proposal (27%), and local vendor preference (3%) with the resulting scores as follows (scale of 1 to 5; 5 being the highest):

|                           |      |
|---------------------------|------|
| • AT&T                    | 4.33 |
| • Frontier Communications | 3.10 |
| • Spok Inc.               | 2.98 |
- The Evaluation Committee unanimously identified AT&T as the vendor best suited for this engagement. AT&T proposes the installation of Intrado's VIPER system which meets the City's operating specifications. The VIPER system is also compliant with the City's existing telephone system as well as other technology requirements. The Viper System is currently in use by multiple surrounding agencies which allows the City's 911 center seamless interoperability opportunities when a crisis arises. These agencies include: Forsyth County; ChatComm; City of Atlanta; and Fulton County.
- City staff has contacted AT&T references and found the firm has met and/or exceeded expectations with regard to the functionality of the hardware/software components as well as implementation services. AT&T has assured staff that they understand the expectations of the City and can meet them. Therefore, staff recommends award of RFP 16-106 to AT&T.

#### Public Comment

- Don Nahser, 305 Karen Dr, Alpharetta, GA, came forward to speak on this item

❖ *Council Member Gilvin offered a motion to award RFP 16-106 to AT&T for the purchase, installation, and maintenance of a replacement 911 Emergency Phone System in an amount not to exceed \$273,958 and authorize the Mayor to execute all necessary documents*

- *The motion was seconded by Council Member Merkel*
- *Motion approved (7-0)*

**B. Intergovernmental Agreement with Fulton County for Provision of Election Services**

- City Clerk, Coty Thigpen, came forward to present this item on behalf of staff
- Staff recommends approval of the Intergovernmental Agreement for the Provision of Election Services between Fulton County and the City of Alpharetta in the amount of \$56,636.76 for the May 24, 2016 Election.
- The attached Intergovernmental Agreement (IGA) with Fulton County is for the provision of Election Services for the May 24, 2016 State and Local Primary Election in which the City of Alpharetta will place two questions on the ballot regarding a bond referendum.
- This IGA is for these bond questions only and the IGA will terminate effective May 31, 2016.
- As with previous elections, Fulton County will conduct all aspects of the election, with the exception of the City's legal and advertising requirements.
- Due to policy changes at the County level, the compensation portion of the contract differs from what the City has experienced with past Elections. The City is responsible for paying all costs incurred in performing election functions. Since this Election is to be conducted contemporaneously with a countywide election, the City is to share in the costs based on the municipality's pro-rate share of the number of electors. The cost breakdown is included in the IGA as exhibit B.
- The FY 2016 Adopted Budget included \$110,000 for costs related to the November 2015 City election. However, the election was cancelled as all candidates qualified for office and ran unopposed. The savings will now be used to offset costs incurred in the May 2016 referendum.

**Public Comment**

None

❖ *Council Member Mitchell offered a motion to approve the Intergovernmental Agreement for the Provision of Election Services between Fulton County and the City of Alpharetta in the amount not to exceed \$56,636.76 for the May 24, 2016 Election.*

- *The motion was seconded by Council Member Kennedy*
- *Motion approved (7-0)*

IX. WORKSHOP

A. Sign Ordinance Amendment Discussion

- Director of Community Development, Kathi Cook, came forward to discuss this item on behalf of staff
- Proposed language would allow (1) 14 day period or (2) 7 day periods per calendar year, per lot. Proposed language would also treat stand alone and shopping center tenants the same.
- Lift restriction that you cannot have more than 2 per shopping center
- 2<sup>nd</sup> reading of revised ordinance is slated for the next Council Meeting on 2/22/16

X. PUBLIC COMMENT

None

XI. REPORTS

- Council Member Kennedy announced that the City will hold the 1<sup>st</sup> public session for discussion regarding the Comprehensive Plan tomorrow night at 6:30 at City Hall. Consultants and staff will facilitate the public comment meeting.
- Mayor Belle Isle announced that he and Mr. Regus will be meeting tomorrow with various interested parties concerning the new transportation bill and MARTA's interest in that legislation

XII. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ *Council Member Kennedy offered a motion to adjourn to Executive Session*
- *The motion was seconded by Council Member Gilvin*
- *Motion approved (7-0)*

Respectfully Submitted,



Coty Thigpen, City Clerk



# CITY COUNCIL MEETING AGENDA ITEM ROUTING FORM

DEPARTMENT DIRECTOR: COTY THIGPEN  
PREPARED BY: LYN KENNEDY  
COUNCIL MEETING DATE: February 22, 2016  
AGENDA ITEM TITLE: LIQUOR LICENSE APPLICATION – THE DEVORE HOUSE – PH-16-AB-06  
RFP / BID # (IF APPLICABLE): N/A

CHECK ONE: ☐ BUSINESS ☒ CONSENT ☐ PUBLIC HEARING ☐ WORKSHOP

After approval by the director of the submitting department, please attach this form to your report and related / supporting items and route the full packet to the following departments in the order listed below. The initiating department is responsible for obtaining all necessary signatures prior to submittal of the report to the City Clerk; however, each reviewer is asked to forward the packet to the next reviewer following approval. All items must be received by the City Clerk a minimum of ten (10) business days before the scheduled Council Meeting.

| DEPARTMENT                          | DATE IN | DATE OUT | APPROVED<br>YES / NO                    |                             | INITIAL |
|-------------------------------------|---------|----------|-----------------------------------------|-----------------------------|---------|
| INFORMATION TECHNOLOGY <sup>1</sup> | _____   | _____    | <input type="checkbox"/> YES            | <input type="checkbox"/> NO | _____   |
| PUBLIC WORKS <sup>2</sup>           | _____   | _____    | <input type="checkbox"/> YES            | <input type="checkbox"/> NO | _____   |
| FINANCE                             | _____   | _____    | <input type="checkbox"/> YES            | <input type="checkbox"/> NO | _____   |
| CITY ATTORNEY                       | _____   | _____    | <input type="checkbox"/> YES            | <input type="checkbox"/> NO | _____   |
| CITY CLERK                          | _____   | _____    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | _____   |
| ASSISTANT CITY ADMINISTRATOR        | _____   | _____    | <input type="checkbox"/> YES            | <input type="checkbox"/> NO | _____   |
| CITY ADMINISTRATOR                  | _____   | _____    | <input type="checkbox"/> YES            | <input type="checkbox"/> NO | _____   |

<sup>1</sup> Required of all items involving software, computer systems, network resources, communication devices, etc.

<sup>2</sup> Required of all items involving facilities, infrastructure, etc.



# CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: CITY CLERK  
SUBMITTED BY: COTY THIGPEN  
DRAFTED BY: LYN KENNEDY

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I. AGENDA ITEM TITLE: LIQUOR LICENSE APPLICATION – PH-16-AB-06, THE DEVORE HOUSE

II. RECOMMENDATION:

Please approve above application for Alcohol License

III. REPORT IN BRIEF:

A Public Hearing was held on Thursday, February 18, 2016 and it was noted that after the background investigation and the review by staff that there is no reason not to approve the application. Also, no one came forward to speak against the application. Staff recommends approval.

IV. ALTERNATIVES:

N/A

V. ATTACHMENTS:

- Agenda





*CITY OF ALPHARETTA  
PUBLIC HEARING  
ALCOHOL BEVERAGE LICENSE*

*DATE: FEBRUARY 18, 2016  
TIME: 3:00 P.M.  
LOCATION: CITY HALL - COUNCIL CHAMBERS*

*AGENDA*

- I. Call to order*
- II. License Applications:*

*A. PH-16-AB-06*

*Bitefull, LLC  
d/b/a The Devore House  
34 Church Street  
Alpharetta, Ga. 30009*

*Consumption Premises  
Liquor, Beer & Wine, Sunday Sales*

*Owner: Bitefull, LLC  
Registered Agent: Lorraine L. Smith*

- III. Adjournment*



# 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

CITY COUNCIL: February 22, 2016

## **PLANNING COMMISSION:**

**This item was heard at the February 4 Planning Commission meeting. Chris Palmer with the Windward Community Service Association spoke in favor of the request. Six people spoke against the plan based on traffic, density, loss of nature, lot sizes and the need for Fox Road sidewalks south of the proposed project. After discussion, the Planning Commission voted 4-0-0 to recommend approval of the request with conditions as amended.**

## **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 adjacent to Thornbury Parc shall be 18,000 square feet minimum with the undisturbed tree save area included. 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 strip shall be provided 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 development's HOA. A 25' undisturbed tree save area shall be required on the south side of property only along the Thornbury Parc lots. A split rail fence shall be

required to be installed on the interior side of the northern 25' 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 berm and landscape strip shall be required where sparse 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. Impact fees will be granted for eligible portions of sidewalk as approved 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 pond shall be built as an earthen pond to be approved by Staff.
10. A variance shall be granted to allow the applicant to use required recompense and site density trees to plant trees on adjacent property, along Fox Road and/or in landscape screening, landscape strips, and buffers. 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.
13. Landscape screening shall be provided in Fox Road right of way on the west portion of the site as depicted in Zoning Plan. Landscape

screening shall have final approval by Staff. Recompense, site density, and/or street trees may be used as plants in the screening.

14. The new Development's HOA shall be responsible for annually inspecting the detention facilities. This inspection shall be performed by a Registered Civil Engineer and must verify the facility is functioning properly, the ground is stabilized and there are no invasive vegetation impeding the function of the facility.

Condition requested by Windward Community Services Association.

15. The erosion control measures shall include a double row of silt fence with mulch between the fences and polymers with final approval by Staff. This shall be installed on the downhill slope of any area which storm water sheet flows from the site.

Condition requested by Windward Community Services Association.

16. The developer will expand the NPDES testing to include predevelopment and during development testing at the site's storm water outfall points.

Condition requested by Windward Community Services Association.

17. The developer and WCSA will work together to add additional erosion control measures on WCSA property if on site measures are insufficient as determined by the City of Alpharetta.

Condition requested by Windward Community Services Association.

## 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 Southlake Woods has a density of 1.8 units per acre.

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 is 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 high water level 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 visible 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 <sup>1</sup>   | In/Out Distribution |
|----------------------------------------------|-----------------|---------------|---------|----------|----------|----------------|------------------------------|---------------------|
|                                              |                 | Total         | Inbound | Outbound |          |                |                              |                     |
| Single-Family Residential - Detached Housing | 22              |               |         |          | 210      | Dwelling Units |                              |                     |
| Daily                                        |                 | 226           | 113     | 113      |          |                | $\ln(T) = 0.92\ln(X) + 2.72$ | 50%/50%             |
| AM Peak Hour                                 |                 | 17            | 4       | 13       |          |                | $T = 0.70(X) + 9.74$         | 25%/75%             |
| PM Peak Hour                                 |                 | 22            | 14      | 8        |          |                | $\ln(T) = 0.90\ln(X) + 0.51$ | 63%/37%             |

Note:

<sup>1</sup>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.

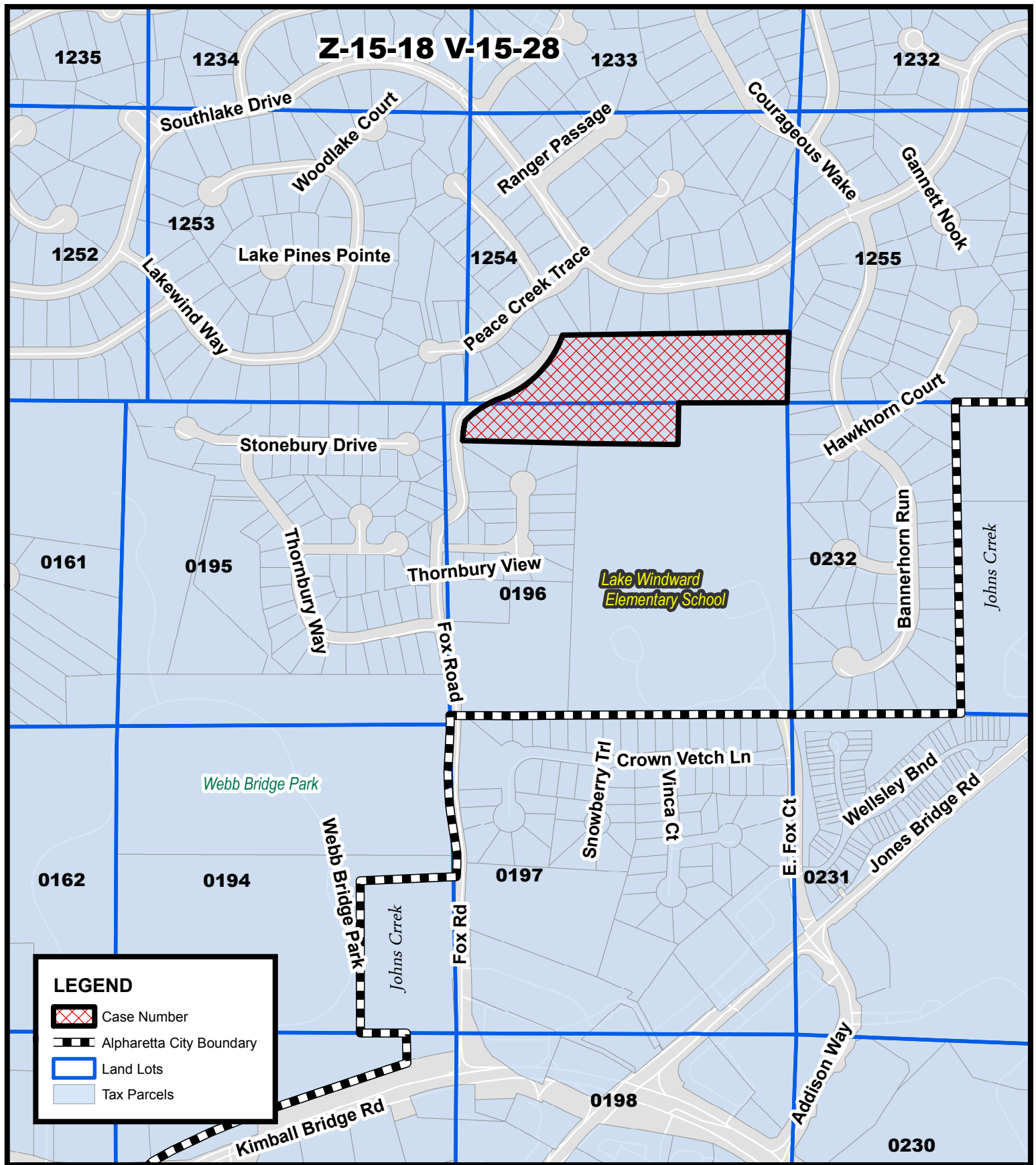
Another commented via email that lot size should be 18,000 square feet adjacent to existing Thornbury Parc homes, the same as Windward. Sidewalks along Fox Road and also, construction traffic hours should be restricted between 8:00 am and 7:00 pm because many children and parents from Thornbury Parc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

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. The lot configuration shall be site plan specific as shown on the submitted plan by Ridge Planning and Engineering Z100 dated 2/17/16.~~
2. Property shall be developed substantially in accordance with submitted plan by Ridge Planning and Engineering Z100 dated ~~12/15/2015~~ 2/17/16. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
3. The homes on Lots 8, 16 and 17 may encroach into the CRZ to provide more of a rear separation, with final approval by Staff.
4. A 5' landscape strip shall be provided 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 development's HOA. A 25' undisturbed tree save area shall be required on the south side of property only along the Thornbury Parc lots. A split rail fence shall be required to be installed on the interior side of the northern 25' undisturbed ~~tree save area~~ 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 berm and landscape strip shall be required where sparse with final approval by Staff. A 5' mulch walking path shall be provided with an access easement as shown on the Site Plan.
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' , except Lots 14 & 15 may have a 10' separation
  - 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. Impact fees will be granted for eligible portions of sidewalk as approved by Staff. Developer out of pocket maximum (not including Impact Fee Credits) shall be \$25,000.
9. Detention ponds shall have ~~1520~~' 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 pond shall be built as an earthen pond to be approved by Staff.
10. A variance shall be granted to allow the applicant to use required recompense and site density trees to plant trees on adjacent property, along Fox Road and/or in landscape screening, landscape strips, and buffers. 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.
13. Landscape screening shall be provided in Fox Road right of way on the west portion of the site as depicted in Zoning Plan. Landscape screening shall have final approval by Staff. Recompense, site density, and/or street trees may be used as plants in the screening.
14. The new Development's HOA shall be responsible for annually inspecting the detention facilities. This inspection shall be performed by a Registered Civil Engineer and must verify the facility is functioning properly, the ground is stabilized and there are no invasive vegetation impeding the function of the facility.

15. The erosion control measures shall include a double row of silt fence with mulch between the fences and polymers shall be applied. This shall be installed on the downhill slope of any area which storm water sheet flows from the site.
16. The developer will expand the NPDES testing to include predevelopment and during development testing at the site's storm water outfall points.
17. The developer and WCSA will work together to add additional erosion control measures on WCSA property if on site measures are insufficient as determined by the City of Alpharetta.



## Location Map Fox Road Subdivision

**Z-15-18 V-15-28**

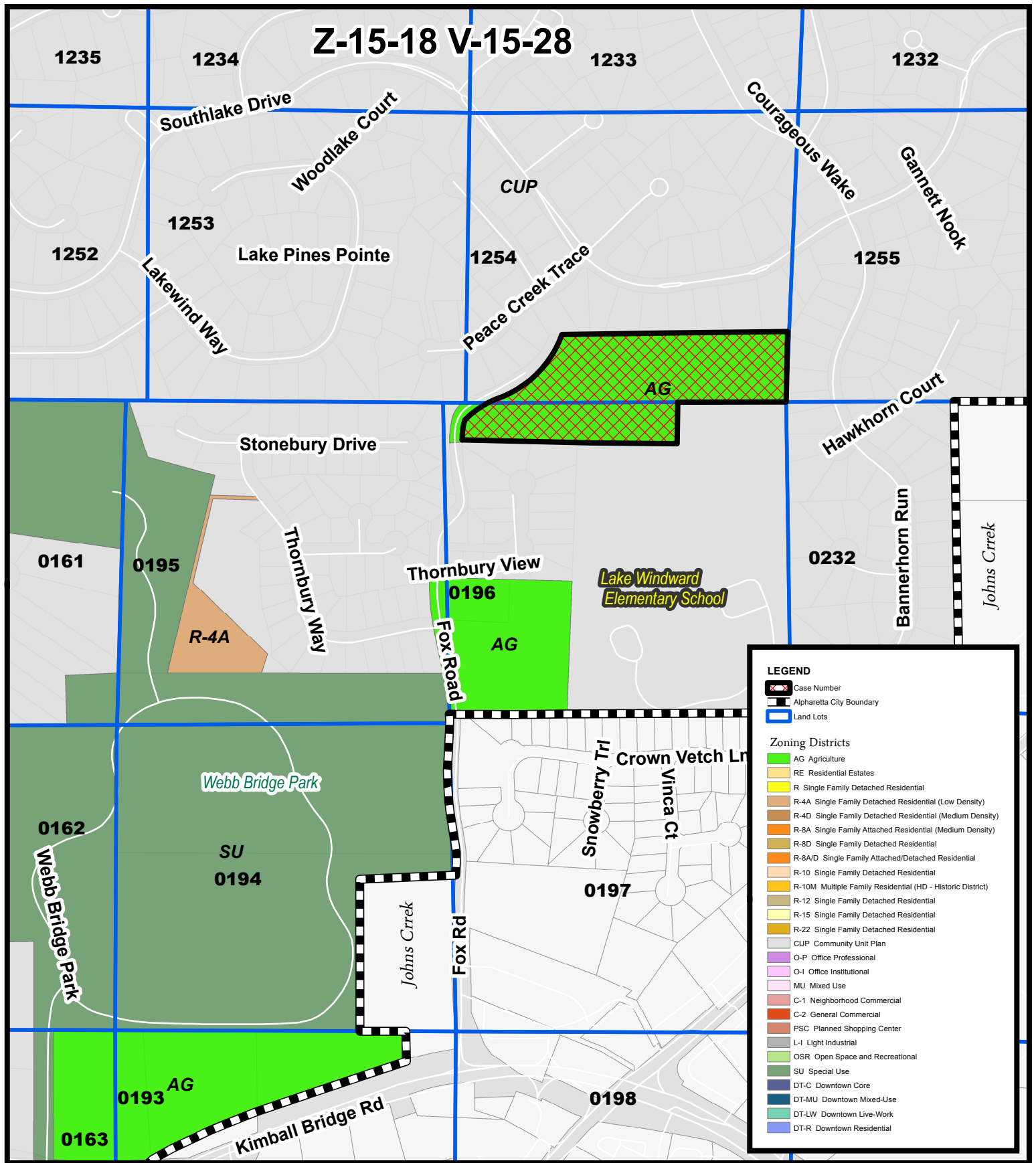
**D/LL: 2/1/1254**

**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**

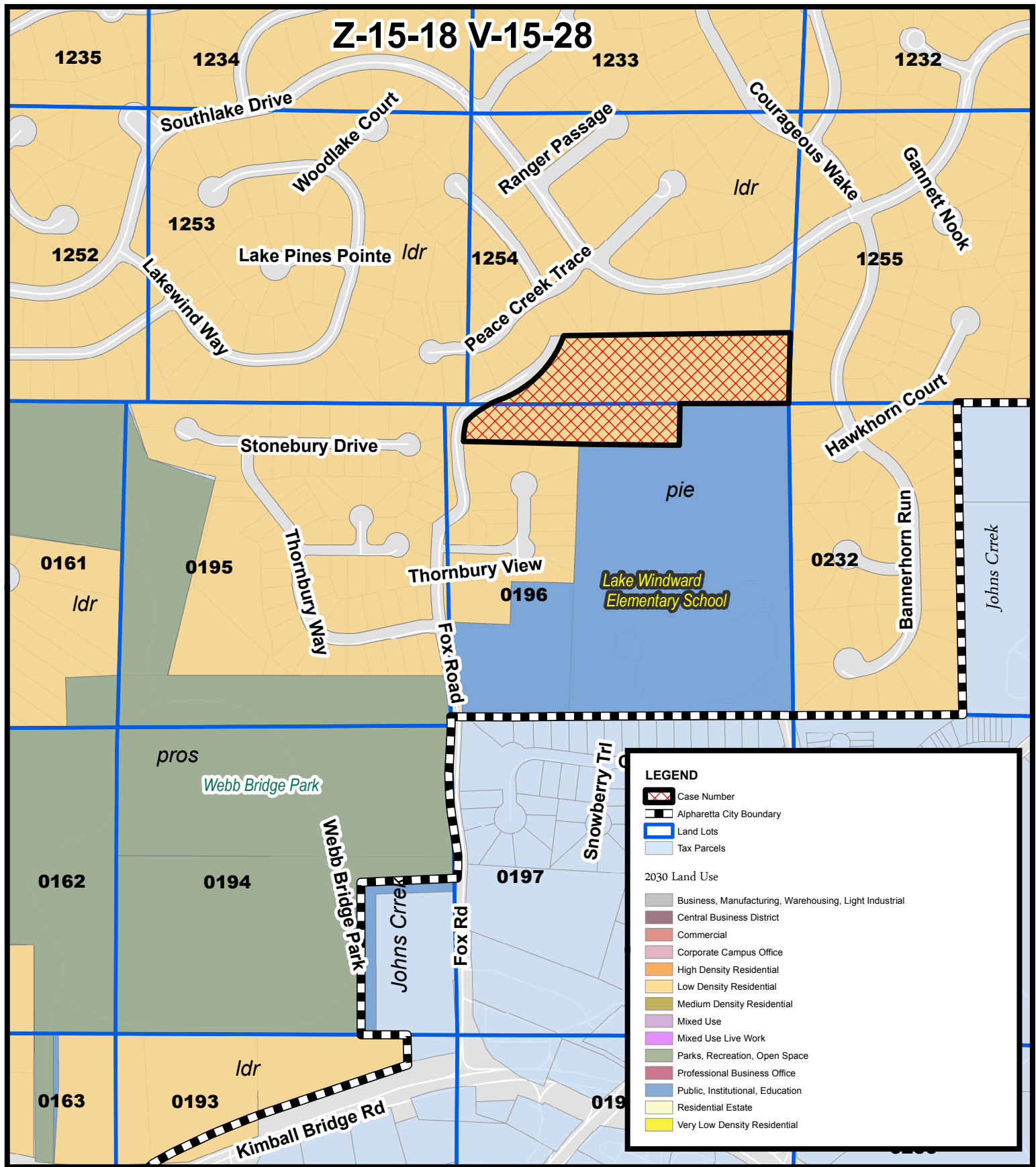
**1/1/196**

**PC Date: 2/04/16**

**CC Date: 2/22/16**

**Location Map Provided by:  
Community Development - GIS**





## 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**





## Aerial Map Fox Road Subdivision

**Z-15-18 V-15-28**

**D/LL: 2/1/1254**

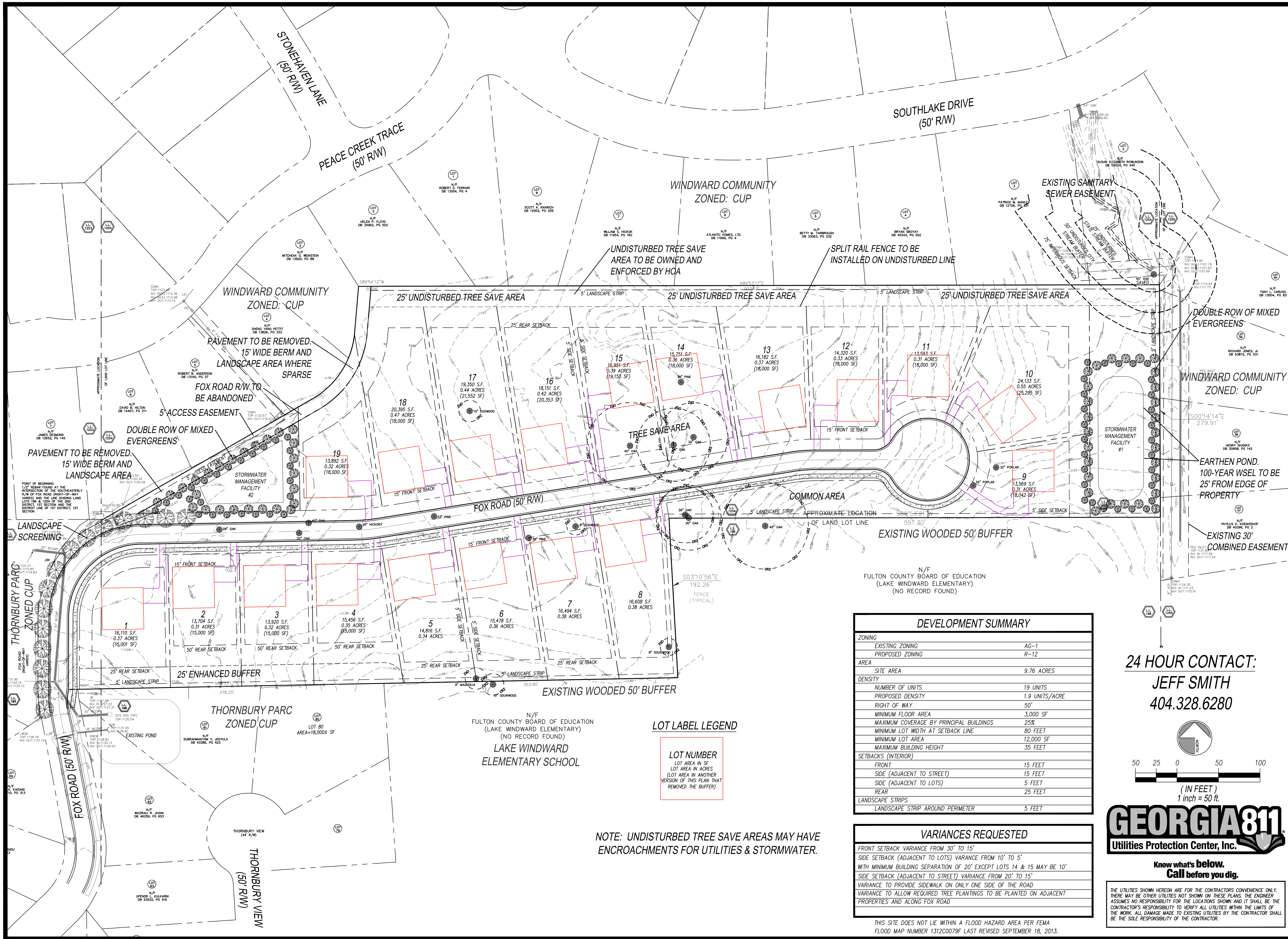
**1/1/196**

**PC Date: 2/04/16**

**CC Date: 2/22/16**

**Location Map Provided by:  
Community Development - GIS**



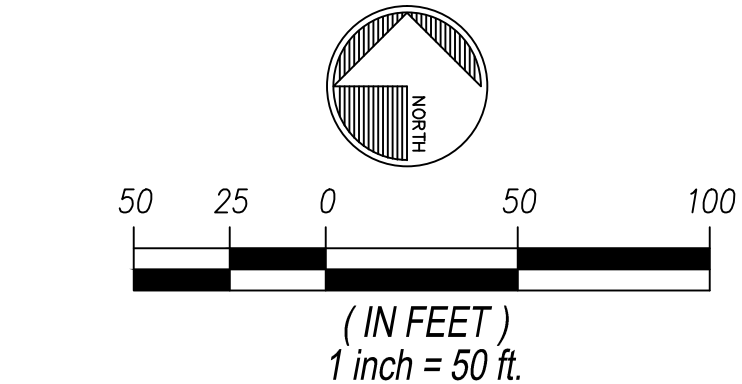


| DEVELOPMENT SUMMARY                     |                |
|-----------------------------------------|----------------|
| ZONING                                  |                |
| EXISTING ZONING                         | AG-1           |
| PROPOSED ZONING                         | R-12           |
| AREA                                    |                |
| SITE AREA                               | 9.76 ACRES     |
| DENSITY                                 |                |
| NUMBER OF UNITS                         | 19 UNITS       |
| PROPOSED DENSITY                        | 1.9 UNITS/ACRE |
| RIGHT OF WAY                            | 50'            |
| MINIMUM FLOOR AREA                      | 3,000 SF       |
| MAXIMUM COVERAGE BY PRINCIPAL BUILDINGS | 25%            |
| MINIMUM LOT WIDTH AT SETBACK LINE       | 80 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) VARIANCE FROM 10' TO 5'                                           |  |
| WITH MINIMUM BUILDING SEPARATION OF 20' EXCEPT LOTS 14 & 15 MAY BE 10'                            |  |
| SIDE SETBACK (ADJACENT TO STREET) VARIANCE FROM 20' TO 15'                                        |  |
| 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.

24 HOUR CONTACT:  
JEFF SMITH  
404.328.6280



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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.

ZONING 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

REVISIONS  
2/17/16-REVISE ZONING PLAN

ZONING PLAN  
Z100





February 3, 2016

Ms. Kathi Cook, Members of the Planning Commission, Mayor Belle Isle and Members of the Alpharetta City Council

**RE: Z-15-18/V-15-28 Fox Road subdivision**

For several months, members of the Windward HOA Board and adjacent residents have been in discussions with Ridge Planning and Engineering regarding the requested zoning, Site Plan options, tree saves, screening, detention ponds, and potential run-off into Lake Windward from this property. The Ridge principals have worked diligently in trying to address the neighbors' concerns, for which we commend them.

After discussion, the WCSA Board has unanimously voted to endorse the site plan Z-100 dated 12-15-15 with the zoning conditions listed on the accompanying document dated 2-3-16.

This plan should be approved as an exception to the prior zoning, justified by the undisturbed buffers being deeded to the Fox Rd Development Home Owners Association, trees saved, screening, and drainage work so that developers for other nearby parcels could not be able to use the reduction to R-12 as a precedent for smaller lots as future developments are proposed without similar efforts to justify that lots size.

For the WCSA Board

Chris Palmer

President

Attached Z-100 site plan

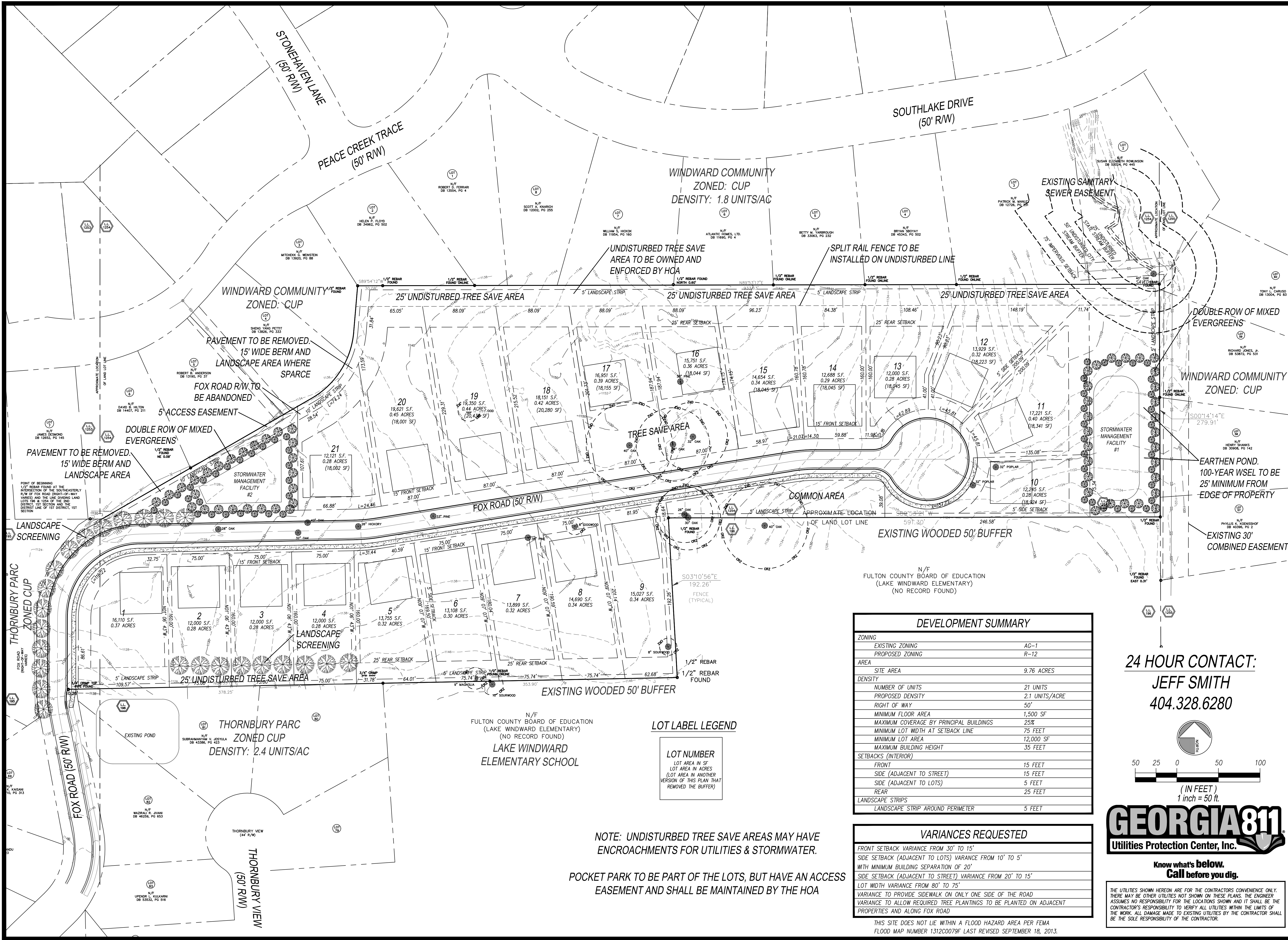
2-3-16 Zoning Conditions

## **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 lot configuration shall be site plan specific as shown on the submitted plan by Ridge Planning and Engineering Z100 dated 1/15/2015. Minor deviations required during design may be approved by the Community Development Director.
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 strip shall be provided on the external perimeter of all the lots as depicted, if required. 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 only along the Thornbury Parc lots.. A split rail fence shall be required to be installed on the interior side of the northern 25’ 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 berm and landscape strip shall be required where sparse 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 where practical. The roads and building pads may be mass graded as long as the specimen trees shown as saved on the submitted Zoning Plan are protected. Grading beyond the building pads into the backyards shall be minimized.
8. Sidewalk shall be installed on south side of Fox Road only. Developer shall contribute up to \$25,000 towards building a sidewalk on Fox Road south to connect Kimball Bridge Road with final approval by Staff.
9. Detention ponds shall have a 15’ heavy landscape screening as shown in Exhibit A Landscape Screening in addition to required access easement. Detention shall have a natural appearance and where walls are visible they





| 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 LOTS)                 | 15 FEET        |
| SIDE (ADJACENT TO STREET)               | 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) VARIANCE 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 131200079F 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.

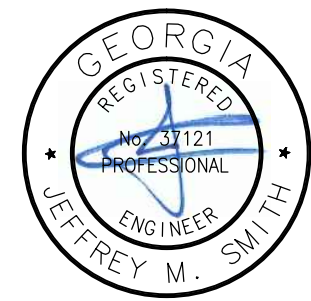
POCKET PARK TO BE PART OF THE LOTS, BUT HAVE AN ACCESS EASEMENT AND SHALL BE MAINTAINED BY THE HOA

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



REVISIONS

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ZONING PLAN

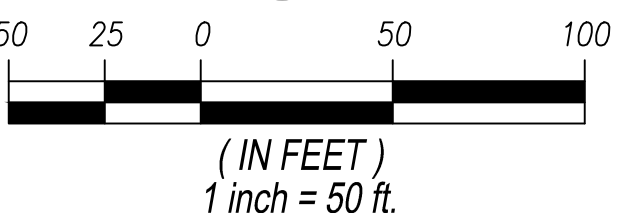
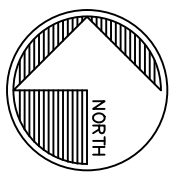
Z100

15019 ZONING.DWG

12.15.2015

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shall be faced with stone or brick as approved by Staff. Eastern pond shall be built as an earthen pond.

10. A variance shall be granted to allow the applicant to use required recompense and site density trees to plant trees on adjacent property, along Fox Road and/or in landscape screening, landscape strips, and buffers. 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 three sides or as approved by Staff.
12. Homes shall be located close to front setback away from existing homes in order to provide more separation.
13. Landscape screening shall be provided in Fox Road right of way on the west portion of the site as depicted in the Zoning Plan. Landscape screening shall be per Exhibit A Landscape Screening. Recompense, site density, and/or street trees may be used as plants in the screening.
14. The new Development's HOA shall be responsible for annually inspecting the detention facilities. This inspection shall be performed by a Registered Civil Engineer and must verify the facility is functioning properly, the ground is stabilized and there are no invasive vegetation impeding the function of the facility.
15. The erosion control measures shall include a double row of silt fence with mulch between the fences and polymers shall be applied. This shall be installed on the downhill slope of any area which storm water sheet flows from the site.
16. The developer will expand the NPDES testing to include predevelopment and during development testing at the site's storm water outfall points.
17. The developer and WCSA will work together to add additional erosion control measures on WCSA property if on site measures are insufficient as determined by the City of Alpharetta.

**From:** "Sarat Vemuri" <[sarat@svemuri.com](mailto:sarat@svemuri.com)>

**Date:** February 4, 2016 at 2:15:24 PM EST

**To:** "'Cook, Kathi'" <[Kcook@alpharetta.ga.us](mailto:Kcook@alpharetta.ga.us)>, "'McLeod, Richard'" <[rmcleod@alpharetta.ga.us](mailto:rmcleod@alpharetta.ga.us)>, <[mkenedy@alpharetta.ga.us](mailto:mkenedy@alpharetta.ga.us)>

**Cc:** "'Jeff Smith'" <[jeff@ridgepe.com](mailto:jeff@ridgepe.com)>

**Subject:** Fox Road Development

Ms. Cook, Mr McLeod and Mr Kennedy,

Thanks you for meeting with us (Thornbury Parc residents) regarding Fox Road development. As a community, our main concerns was the lack of sidewalks on Fox Road making it very unsafe for pedestrians (which will get worse with this development due to 25% increased traffic) and drainage issues on Fox Road. Some residents that own lots adjacent to the proposed development also had concerns unique to them regarding number and size of lots.

I saw the your recommendation on City website. Thank you for including conditions to address these concerns.

I've had several conversations with Jeff Smith from Ridge Planning and Engineering to address our concerns. He agreed to commit hard dollars towards building the sidewalks and also to work with both cities in for sidewalks as well as drainage issues.

I am writing to you let you know that I am in favor of approving the rezoning application with conditions as laid out in the attached document. The \$25k commitment and good faith effort to work with both cities, including securing impact fee credits towards the sidewalk sufficiently addresses our community concerns. I also request you (staff, commission and council) to grant the necessary impact fee credits towards building these sidewalks and to work with the developer to make the sidewalk and drainage improvements a reality.

Thanks for your time.

Sincerely,  
Sarat Vemuri  
Thornbury Parc  
678-361-8277





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

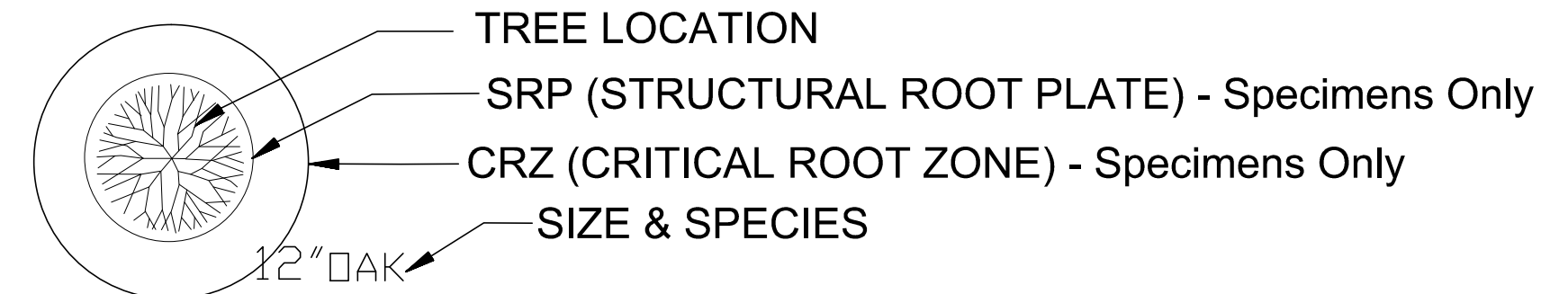
### 5' LANDSCAPE STRIP AT PROPERTY PERIPHERY

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.

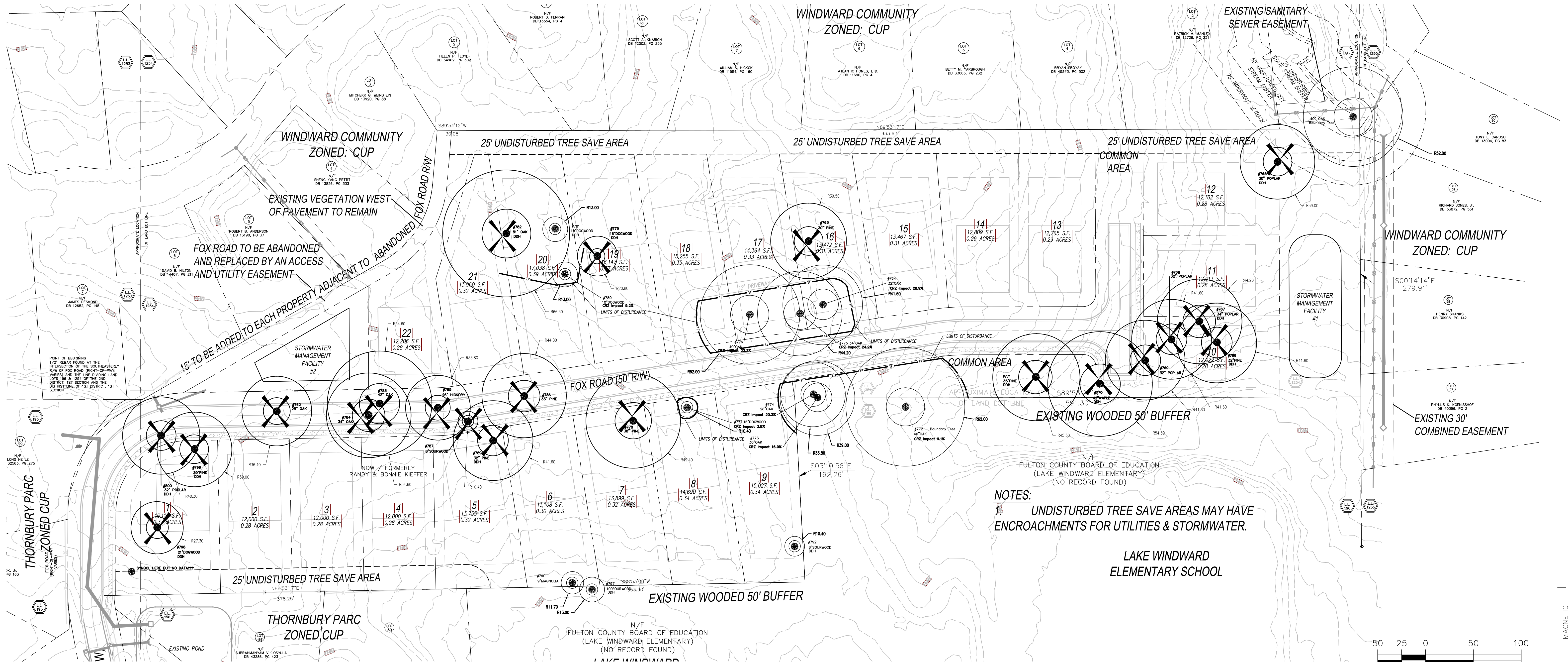


TREE TO BE REMOVED PER  
PROPOSED SCOPE OF WORK.

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.

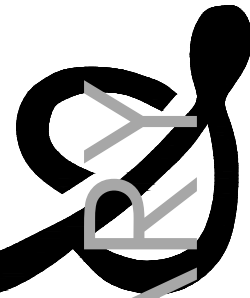
CITY ARBORIST MAY REQUIRE ADDITIONAL TREES, ALONG THE LIMITS  
OF DISTURBANCE, TO BE REMOVED PRIOR TO CERTIFICATE OF  
OCCUPANCY IF THE STRUCTURAL ROOT PLATE IS IMPACTED OR THE  
TREES ARE DETERMINED TO BE CLASSIFIED AS DEAD, DYING OR  
HAZARDOUS BY THE CITY.



| REVISIONS |             |
|-----------|-------------|
| DATE      | DESCRIPTION |
|           |             |
|           |             |
|           |             |
|           |             |
|           |             |
|           |             |
|           |             |
|           |             |
|           |             |

CLIENT

**mondo**  
LAND PLANNING and DESIGN, LLC  
8023 MAIN STREET  
WOODSTOCK, GEORGIA 30188  
phone 770.402.3719  
fax 1.888.334.0203



NOT RELEASED FOR CONSTRUCTION  
UNLESS SEALED AND SIGNED IN THIS BOX

PRELIMINARY

TREE PROTECTION PLAN  
FOR  
FOX ROAD

DATE 12.15.15  
JOB NO. MOTP1531  
DRAWN MRC  
CHECKED ETC  
SCALE 1\"/>

DATE 12.15.15  
JOB NO. MOTP1531  
DRAWN MRC  
CHECKED ETC  
SCALE 1\"/>



Waxleaf Ligustrum

Little Gem Magnolia

Little Gem Magnolia

Overcup Oak

Nellie R Stevens Holly

Loropetalum

Cryptomeria

15'

Cryptomeria

- Typical 200 LF Planting
- Mix of Hardwood Shade Trees, Evergreen Shrubs and Evergreen Trees
- Portion of Evergreen Trees to be Provided with Specimen Recompense Plantings



- Typical 200 LF Planting
- Evergreen Trees (1 per 25') and Double Row of Evergreen Shrubs

Not to Scale



**FOX ROAD – Landscape  
Screening – Detention Pond**



Not to Scale



**FOX ROAD – Landscape Screening  
– Streets**



















# 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.*



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.

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

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<sup>2</sup>; 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                                          | OwnerAdd1            | OwnerAdd2                |
|----------------------|------------------------------------------------|----------------------|--------------------------|
| 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  | GERMAN 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 |
| 800 STONEHAVEN LN    | CLARKE RODNEY J & POCAHONTAS                   | 800 STONEHAVEN LN    | ALPHARETTA GA 30005      |
| 635 PEACE CREEK TRC  | SANDERS WAYNE EDWARD                           | 635 PEACE CREEK TRCE | ALPHARETTA GA 30005      |
| 640 PEACE CREEK TRC  | SALMON MARK A & AUDREY D                       | 640 PEACE CREEK TRCE | ALPHARETTA GA 30005 4348 |
| 620 PEACE CREEK TRC  | ANDERSON ROBERT B & BONITA K                   | 620 PEACE CREEK TRCE | ALPHARETTA GA 30005      |
| 630 PEACE CREEK TRC  | PETTIT SHENG YANG & PHILLIPA                   | 630 PEACE CREEK TRCE | ALPHARETTA GA 30005 4348 |
| 5175 SOUTHLAKE DR    | WEINSTEIN MITCHELL G & LINDA J                 | 5175 SOUTHLAKE DR    | ALPHARETTA GA 30005      |
| 5165 SOUTHLAKE DR    | AL WAZANI IHAB & AL WAZANI STEFANIE            | 5165 SOUTHLAKE DR    | ALPHARETTA GA 30005      |
| 5145 SOUTHLAKE DR    | BUNAREK PETER                                  | 5145 SOUTHLAKE DR    | ALPHARETTA GA 30005      |
| 5135 SOUTHLAKE DR    | KARLSTROMER STEPHEN T & ROSE A                 | 5135 SOUTHLAKE DR    | ALPHARETTA GA 30005      |
| 5125 SOUTHLAKE DR    | MATTHEWS SHERRY & STEWART                      | 5125 SOUTHLAKE DR    | ALPHARETTA GA 30005      |
| 6200 BANNERHORN RUN  | WALKER REMSEN C & JANICE A                     | 6200 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 6220 BANNERHORN RUN  | CARUSO ERNEST ROMUALD & CARUSO BARBARA MUELLER | 6220 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 6230 BANNERHORN RUN  | WEIKERT SARAH R                                | 6230 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 6240 BANNERHORN RUN  | HECHT PHILIP T & MAI                           | 6240 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 6250 BANNERHORN RUN  | KELLY USA M & JAMES P                          | 6250 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 6260 BANNERHORN RUN  | LYNN DAVID & BIRON LINDA                       | 6260 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 922 HAWKHORN CT      | NGUYEN KHANH & BACH LIEN TRAN                  | 922 HAWKHORN CT      | ALPHARETTA GA 30005      |
| 932 HAWKHORN CT      | ZETTERSTROM CHAS E & JANET D                   | 932 HAWKHORN CT      | ALPHARETTA GA 30005      |
| 942 HAWKHORN CT      | HULETT MARK & JOHANNA                          | 942 HAWKHORN CT      | ALPHARETTA GA 30005      |
| 952 HAWKHORN CT      | DAVIS WILLIAM R & DEANA Y                      | 952 HAWKHORN CT      | ALPHARETTA GA 30005      |
| 6265 BANNERHORN RUN  | MC ARDIE SHEILA K                              | 6265 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 6255 BANNERHORN RUN  | HAMPTON LEO & DEBRA                            | 6255 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 6245 BANNERHORN RUN  | SHIRES ANDREW DOUGLAS & SHIRES AUDREY ANN      | 6245 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 6235 BANNERHORN RUN  | RABLEY ANNE                                    | 6235 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 6225 BANNERHORN RUN  | JONES RICHARD JR & JONES DANIELLE F            | 6225 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 6215 BANNERHORN RUN  | CARUSO TONY L & SHELLEY M                      | 6215 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 6205 BANNERHORN RUN  | CASTILLO JORGE V & RICE MEGAN M                | 6205 BANNERHORN RUN  | ALPHARETTA GA 30005      |
| 401 RANGER PASSAGE   | ROTH NEIL J & CAROL B                          | 401 RANGER PASSAGE   | ALPHARETTA GA 30005      |
| 300 INTREPID CUT     | KARIMI SEIFOLLAH & MOHAMMADI MOJDEH            | 300 INTREPID CUT     | ALPHARETTA GA 30005      |
| 310 INTREPID CUT     | CARUSO PETER J & JUDY L                        | 310 INTREPID CUT     | ALPHARETTA GA 30005      |
| 335 INTREPID CUT     | GONZALEZ EMILIANO T & NONI M                   | 335 INTREPID CUT     | ALPHARETTA GA 30005      |
| 325 INTREPID CUT     | SUAREZ LARRY A                                 | 325 INTREPID CUT     | ALPHARETTA GA 30005      |
| 315 INTREPID CUT     | A&A PROPERTY ACCOUNT LLC                       | 315 INTREPID CUT     | ALPHARETTA GA 30005      |
| 305 INTREPID CUT     | RHYNE PLATO S & III & MARGARET M               | 305 INTREPID CUT     | ALPHARETTA GA 30005      |
| 610 PEACE CREEK TRC  | STANTON JAMES D JR & CHRISTINE C               | 610 PEACE CREEK TRCE | ALPHARETTA GA 30004      |
| 5190 SOUTHLAKE DR    | PURE ADAM & PURE MINDY                         | 5190 SOUTHLAKE DR    | ALPHARETTA GA 30005 4340 |
| 4200 COURAGEOUS WAKE | SMITH TODD R & DABNEY D                        | 4200 COURAGEOUS WAKE | ALPHARETTA GA 30005      |
| 650 PEACE CREEK TRC  | SMITH WAYNE K & DENMAN SMITH ANNA MARIE        | 650 PEACE CREEK TRCE | ALPHARETTA GA 30005      |
| 5160 SOUTHLAKE DR    | KNARICH SCOTT A & SUSAN E                      | 5160 SOUTHLAKE DR    | ALPHARETTA GA 30005      |
| 5120 SOUTHLAKE DR    | FOSSUM CLYDE S & RHONDA J                      | 5120 SOUTHLAKE DR    | ALPHARETTA GA 30005      |
|                      | HILTON DAVID B & SHERRY L                      |                      | ALPHARETTA GA 30005      |
|                      | VARBROUGH BETTY M                              |                      | ALPHARETTA GA 30005      |
|                      | KAUFMAN KODE & SUSAN D                         |                      | ALPHARETTA GA 30005      |



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

Exhibit "A" - Page Three

902 HAWKHORN CT  
3419 LAKEWIND WAY  
6275 BANNERHORN RUN  
12005 FOX RD

COOPER DELL P & COOPER JULIE J  
SANTILLO DOMINIC F YONAULOCK BARBARA L  
KOENIGSHOF PHYLLIS K  
HOLCOMB BENJAMIN F & BARBARA J

902 HAWKHORN CT  
3419 LAKEWIND WAY  
6275 BANNERHORN RUN  
12005 FOX RD

ALPHARETTA GA 30005  
ALPHARETTA GA 30005  
ALPHARETTA GA 30005  
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](mailto:don@roladerandrolader.com), and his address is 1865 Lockeway Drive, Suite 601, Alpharetta, GA 30004.

Sincerely,



Jeff Smith  
DCG Pebblebrook, LLC

# CITY OF ALPHARETTA

## PUBLIC HEARING APPLICATION

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

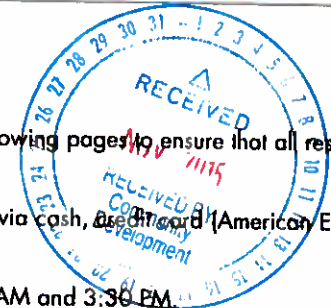
FOR OFFICE USE ONLY  
2-15-18 / V-15-28  
Case #: PHA150004  
☒ Fee Paid Initial BP

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, 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: 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

☐ Master Plan Amendment

☒ Rezoning

☐ Master Plan Review

☒ Variance

☐ Public Hearing

☐ Comprehensive Plan Amendment

☐ Other (Specify)

---

## APPLICANT REQUEST AND INTENT

---

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

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.

- |                                               |                                          |
|-----------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Annexation           | <input type="checkbox"/> Special Use     |
| <input checked="" type="checkbox"/> Rezoning  | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Variance             | <input type="checkbox"/> Master Plan     |
| <input type="checkbox"/> Land Use Application | <input type="checkbox"/> 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

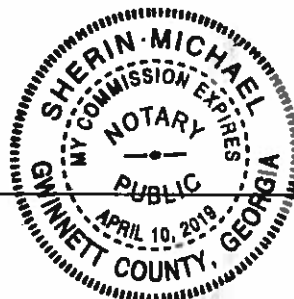
Notary:

Notary Signature:



Date:

10/30/15



# PROPERTY OWNER AUTHORIZATION

2-15-18 V-15-20  
FOX RD SUBDIVISION

## Property Owner Information:

Contact Name: Randy Kleffer

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

☐ 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:

*Randy J. Kleffer*

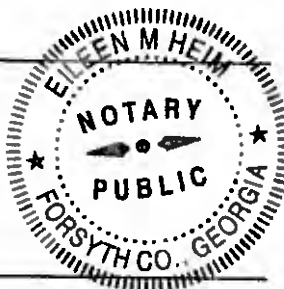
Date:

11-1-15

Notary:

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 has been made.

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

Name of Official: N/A

Position: \_\_\_\_\_

Description of Contribution: N/A

Value: 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



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## ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

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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.

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## BOARD OF ZONING APPEALS REVIEW CRITERIA

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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 from 30' 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.

☒

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 & PHILIPA                    | 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 SHEILA 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 INTREPID CUT     | ALPHARETTA GA 30005      |
| 305 INTREPID CUT     | SMITH TODD R & DABNEY D                        | 305 INTREPID 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      |

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

645 PEACE CREEK TRC  
830 STONEHAVEN LN  
600 PEACE CREEK TRC  
5180 SOUTHLAKE DR  
5150 SOUTHLAKE DR  
820 STONEHAVEN LN  
5130 SOUTHLAKE DR  
5170 SOUTHLAKE DR  
5140 SOUTHLAKE DR  
555 STONEBURY DR  
585 STONEBURY DR  
425 FOX CHASE CIR  
415 FOX CHASE CIR  
600 STONEBURY DR  
590 STONEBURY DR  
595 STONEBURY DR  
575 STONEBURY DR  
565 STONEBURY DR  
580 STONEBURY DR  
11980 FOX RD  
11970 FOX RD  
11990 FOX RD  
11944 THORNBURY VIEW  
11932 THORNBURY VIEW  
11999 FOX RD  
0 SPRUILL RD  
11928 THORNBURY VIEW  
11969 THORNBURY VIEW  
11968 THORNBURY VIEW  
11965 THORNBURY VIEW  
11961 THORNBURY VIEW  
11960 THORNBURY VIEW  
11972 THORNBURY VIEW  
11964 THORNBURY VIEW  
11957 THORNBURY VIEW  
6315 BANNERHORN RUN  
903 HAWKHORN CT  
6305 BANNERHORN RUN  
6335 BANNERHORN RUN  
11770 EAST FOX CT  
913 HAWKHORN CT  
215 LEAFWING CT  
6285 BANNERHORN RUN  
235 LEAFWING CT  
6300 BANNERHORN RUN  
6325 BANNERHORN RUN  
225 LEAFWING CT  
6295 BANNERHORN RUN  
3409 LAKEWIND WAY  
680 PEACE CREEK TRC  
670 PEACE CREEK TRC  
912 HAWKHORN CT

DEPUYDT JACOB W & MELISSA C  
 HALE EDWARD WILCOX & HALE MARY BARBARA  
 FERRARI ROBERT D & FLAX DEBRA S  
 HICKOK WILLIAM S & ELIZABETH A  
 SIMINA MARIN SIMINA DANIELA  
 MILLER BLAISE M & DINA L  
 ROWLINSON SUSAN ELIZABETH  
 DOHERTY EAMON N & CAROLYN M  
 MANLEY PATRICK M & VALERIE L  
 GERARD V & KATHLEEN BERNADETTE FALOON REVOCABLE  
 XU JIANWU & HAN YUYUAN  
 YU YEON SOOK  
 LAI JAMES  
 LE LONG H & VALERIE E  
 KELLY RICHARD KELLY LISA  
 COOK JOE F JR & COOK ANNETTE M  
 LI JIE & WANG ZHIGANG  
 SETHI TARUN & POONAM  
 WOOLHEATER TIMOTHY R & AUDRAY D  
 VANGAPANDU SURYA N & JAGANA SUNITA  
 KARABIN SCOTT M & DODDS WENDY M  
 KAISANI KARIM K  
 CHENG SONG & WANG YING  
 RAJESH GOPALASWAMY & VAIDHYANATHAN MEENAKSHI  
 KIEFFER RANDY J & BONNIE W  
 HOLCOMB BENJAMIN F & BARBARA J  
 PUROHIT SANJAY O & ARPITA  
 YU YONG LIN & ZHAO YUN  
 JIVANI WAZIRALI R & MUNIRA  
 ARIBINDI KRISHNA P & KANAKADURGA  
 JOHNSON NORMAN ALLEN & HYOJUNG CHOI  
 KOMANDURI RAGHURAM & REVATHI  
 KALAGA SUBRAHMANYAM V & JOSYULA LAKSHMI V  
 KULKARNI UPENDRA L & KULKARNI SWATI UPENDRA  
 SELVAGGIO CELANE & FRANK  
 SMITH BRYAN O & TERRI H  
 ZSCHACH KEVIN & ZSCHACH LAURA  
 GONSALVES JOSEPH & MONACO MARY  
 OATES RANDY P & KATHLEEN P  
 FULTON COUNTY BOARD OF EDUCATION  
 MC GINN WILLIAM F & MARIANNA W  
 CRAVER JEFFREY L & TARRAN S  
 DYKE GLENN W & DYKE SUZETTE S  
 KAPLAN CHARLES A & CYNTHIA R  
 LANTHIER STEPHEN & CHERIE C  
 DEMPSY DANIEL  
 ROBERTS SCOTT R & SUSAN M  
 FORBES SARAH & FORBES STEPHEN JR  
 OTTEN RAYMOND E & CAROL J  
 MENOLINGER LAYNA L  
 SELL CURTIS L & BARBARA B  
 HACKMAN ILANA E

645 PEACE CREEK TRCE  
830 STONEHAVEN LANE  
600 PEACE CREEK TRCE  
5180 SOUTHLAKE DR  
5150 SOUTHLAKE DR  
820 STONEHAVEN LN  
5130 SOUTHLAKE DR  
5170 SOUTHLAKE DR  
5140 SOUTHLAKE DR  
THE 555 STONEBURY DR  
585 STONEBURY DR  
425 FOX CHASE CIR  
1 ROSEVILLE LANE  
600 STONEBURY DR  
590 STONEBURY DR  
595 STONEBURY DR  
255 BEACON KNOLL DR  
565 STONEBURY DR  
580 STONEBURY DR  
11980 FOX RD  
11970 FOX RD  
11990 FOX RD  
11944 THORNBURY VIEW  
11932 THORNBURY VIEW  
11999 FOX RD  
12005 FOX RD  
11928 THORNBURY VW  
11969 THORNBURY VIEW  
11968 THORNBURY VIEW  
11965 THORNBURY VIEW  
11961 THORNBURY VIEW  
11960 THORNBURY VIEW  
11972 THORNBURY VIEW  
11964 THORNBURY VW  
11957 THORNBURY VIEW  
6315 BANNERHORN RUN  
903 HAWKHORN CT  
6305 BANNERHORN RUN  
6335 BANNERHORN RUN  
786 CLEVELAND AVE  
913 HAWKHORN CT  
215 LEAFWING CT  
6285 BANNERHORN RUN  
235 LEAF WING CT  
6300 BANNERHORN RUN  
6325 BANNER HORN RUN  
225 LEAFWING CT  
6295 BANNERHORN RUN  
3409 LAKEWIND WAY  
680 PEACE CREEK TRCE  
670 PEACE CREEK TRCE  
912 HAWKHORN CT

[illegible]



Exhibit "A" - Page Three

902 HAWKHORN CT  
3419 LAKEWIND WAY  
6275 BANNERHORN RUN  
12005 FOX RD

COOPER DELL P & COOPER JULIE J  
SANTILLO DOMINIC F VONAULOCK BARBARA L  
KOENIGSHOF PHYLLIS K  
HOLCOMB BENJAMIN F & BARBARA J

902 HAWKHORN CT  
3419 LAKEWIND WAY  
6275 BANNERHORN RUN  
12005 FOX RD

ALPHARETTA GA 30005  
ALPHARETTA GA 30005  
ALPHARETTA GA 30005  
ALPHARETTA GA 30005 7886

**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

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.

Mayor and City Council  
City of Alpharetta, Georgia  
November 2, 2015  
Page Two

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.



Mayor and City Council  
City of Alpharetta, Georgia  
Page Three

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.

A handwritten signature in dark ink, appearing to read "Donald A. Rolader", is written over the printed name.

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 1<sup>ST</sup> DISTRICT, 1<sup>ST</sup> SECTION AND LAND LOT 1254 OF THE 2<sup>ND</sup> DISTRICT, 1<sup>ST</sup> 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 2<sup>ND</sup> DISTRICT, 1<sup>ST</sup> SECTION OF FULTON COUNTY, GEORGIA AND BEING COMMON LAND LOT LINE TO LAND LOT 196 OF THE 1<sup>ST</sup> DISTRICT, 1<sup>ST</sup> 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 TRTRACT 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 2<sup>ND</sup> DISTRICT, 1<sup>ST</sup> 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 00 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 2<sup>ND</sup> DISTRICT, 1<sup>ST</sup> SECTION OF FULTON COUNTY, GEORGIA AND LAND LOT 196 AND 232 OF THE 1<sup>ST</sup> DISTRICT, 1<sup>ST</sup> 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 DISTANCE OF 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-OF-WAY 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, 1<sup>ST</sup> 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 2<sup>ND</sup> DISTRICT, 1<sup>ST</sup> SECTION OF FULTON COUNTY, GEORGIA AND BEING COMMON LAND LOT LINE TO LAND LOT 196 OF THE 1<sup>ST</sup> DISTRICT, 1<sup>ST</sup> 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 SECONDS WEST A DISTANCE OF 378.25 FEET TO A THREE QUARTER INCH CRIMP TOP PIPE FOUND OF THE 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 00 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.









**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                   | <input checked="" type="checkbox"/> | 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                   | <input checked="" type="checkbox"/> | 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             | <input checked="" type="checkbox"/> | POOR            | Non-Specimen / DDH                  |
|------------------------|------------------|-------------------------------------|-----------------|-------------------------------------|
| Canopy                 |                  | Trunk                               |                 |                                     |
| Multi-Leaders          | Conk/Mushroom    | Weak Attachment                     | Codominant      | <input checked="" type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> |
|------------------------|------------------|------------------|--------------------|-------------------------------------|
| Canopy                 |                  | Trunk            |                    |                                     |
| Multi-Leaders          | Conk/Mushroom    | Weak Attachment  | Codominant         | <input checked="" type="checkbox"/> |
| 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               | <input checked="" type="checkbox"/> |
| 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                  | <input checked="" type="checkbox"/> |                                     |
|------------------------|------------------|------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Canopy                 |                  | Trunk            |                                     |                                     |                                     |
| Multi-Leaders          | Conk/Mushroom    | Weak Attachment  | <input checked="" type="checkbox"/> | Codominant                          | <input checked="" type="checkbox"/> |
| Included Bark          | Open Wound       | Broken Branches  | <input checked="" type="checkbox"/> | Included Bark                       | <input checked="" type="checkbox"/> |
| Decay                  | Dead Branches    | Dead Branches    | <input checked="" type="checkbox"/> | 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 |                                     | <input checked="" type="checkbox"/> |
|------------------------|------------------|------------------|--|-------------------------------------|-----------------|--------------------|-------------------------------------|-------------------------------------|
| Canopy                 |                  |                  |  | Trunk                               |                 |                    |                                     |                                     |
| Multi-Leaders          | Conk/Mushroom    | Weak Attachment  |  | <input checked="" type="checkbox"/> | Codominant      |                    | <input checked="" type="checkbox"/> |                                     |
| Included Bark          | Open Wound       | Broken Branches  |  |                                     | Included Bark   |                    | <input checked="" type="checkbox"/> |                                     |
| Decay                  | Dead Branches    | Dead Branches    |  |                                     | Heartwood Decay |                    |                                     |                                     |
| Canker/Gall            | Unbalanced Crown | Tip Dieback      |  |                                     | Canker/Gall     |                    |                                     |                                     |
| Roots/Sight Conditions |                  | Lightning Damage |  |                                     | Ooze            |                    | <input checked="" type="checkbox"/> |                                     |
| Surface Roots          | Target           | Conk/Mushroom    |  |                                     |                 |                    |                                     |                                     |
| Root Decay             | Slope            | Open Wound       |  |                                     |                 |                    |                                     |                                     |

**Notes:** LOOSE BARK AT BASE

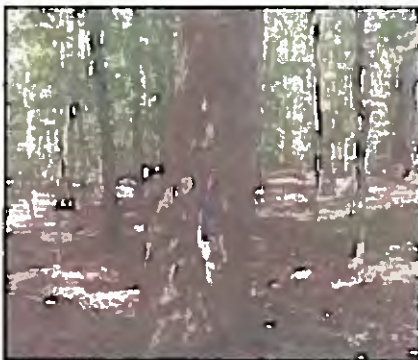
**Tree #** 768

**Species** POPLAR

**Size (DBH)** 32

|                                                 |                  |                  |                 |                           |
|-------------------------------------------------|------------------|------------------|-----------------|---------------------------|
| <b>GOOD</b> <input checked="" type="checkbox"/> |                  | <b>FAIR</b>      | <b>POOR</b>     | <b>Non-Specimen / DDH</b> |
| <b>Canopy</b>                                   |                  | <b>Trunk</b>     |                 |                           |
| 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     |                           |
| <b>Roots/Sight Conditions</b>                   |                  | Lightning Damage | Ooze            |                           |
| Surface Roots                                   | Target           | Conk/Mushroom    |                 |                           |
| Root Decay                                      | Slope            | Open Wound       |                 |                           |

**Notes:**



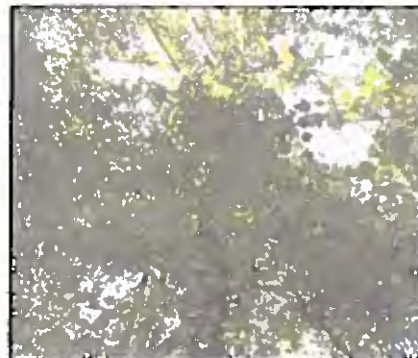
**Tree #** 769

**Species** POPLAR

**Size (DBH)** 32

|                                                 |                  |                  |                 |                           |
|-------------------------------------------------|------------------|------------------|-----------------|---------------------------|
| <b>GOOD</b> <input checked="" type="checkbox"/> |                  | <b>FAIR</b>      | <b>POOR</b>     | <b>Non-Specimen / DDH</b> |
| <b>Canopy</b>                                   |                  | <b>Trunk</b>     |                 |                           |
| 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     |                           |
| <b>Roots/Sight Conditions</b>                   |                  | 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 |  | <input checked="" type="checkbox"/> |
|------------------------|------------------|-----------------|-------------------------------------|------------------|-------------------------------------|--------------------|--|-------------------------------------|
| Canopy                 |                  |                 |                                     | Trunk            |                                     |                    |  |                                     |
| Multi-Leaders          | Conk/Mushroom    | Weak Attachment | <input checked="" type="checkbox"/> | Codominant       | <input checked="" type="checkbox"/> |                    |  |                                     |
| Included Bark          | Open Wound       | Broken Branches | <input checked="" type="checkbox"/> | Included Bark    | <input checked="" type="checkbox"/> |                    |  |                                     |
| Decay                  | Dead Branches    | Dead Branches   | <input checked="" type="checkbox"/> | 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 |  | <input checked="" type="checkbox"/> |
|------------------------|------------------|-----------------|-------------------------------------|------------------|-------------------------------------|--------------------|--|-------------------------------------|
| Canopy                 |                  |                 |                                     | Trunk            |                                     |                    |  |                                     |
| Multi-Leaders          | Conk/Mushroom    | Weak Attachment | <input checked="" type="checkbox"/> | Codominant       | <input checked="" type="checkbox"/> |                    |  |                                     |
| Included Bark          | Open Wound       | Broken Branches | <input checked="" type="checkbox"/> | Included Bark    | <input checked="" type="checkbox"/> |                    |  |                                     |
| Decay                  | Dead Branches    | Dead Branches   | <input checked="" type="checkbox"/> | 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 <input checked="" type="checkbox"/> |  | FAIR             |  | POOR             |  | Non-Specimen / DDH                             |  |
| Canopy                                   |  |                  |  | Trunk            |  |                                                |  |
| Multi-Leaders                            |  | Conk/Mushroom    |  | Weak Attachment  |  | Codominant <input checked="" type="checkbox"/> |  |
| 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 <input checked="" type="checkbox"/> |  | FAIR             |  | POOR             |  | Non-Specimen / DDH                             |  |
| Canopy                                   |  |                  |  | Trunk            |  |                                                |  |
| Multi-Leaders                            |  | Conk/Mushroom    |  | Weak Attachment  |  | Codominant <input checked="" type="checkbox"/> |  |
| 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 <input checked="" type="checkbox"/> |                  | FAIR             | POOR                                           | Non-Specimen / DDH |
|------------------------------------------|------------------|------------------|------------------------------------------------|--------------------|
| Canopy                                   |                  | Trunk            |                                                |                    |
| Multi-Leaders                            | Conk/Mushroom    | Weak Attachment  | Codominant <input checked="" type="checkbox"/> |                    |
| 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:



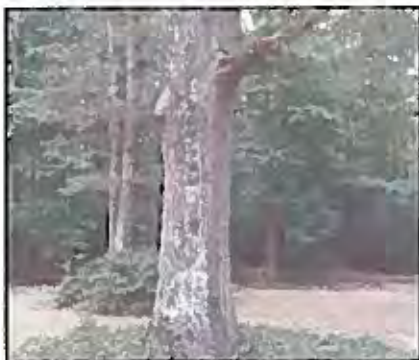
Tree # 775

Species OAK

Size (DBH) 34

| GOOD                   |                  | FAIR <input checked="" type="checkbox"/>            | POOR            | Non-Specimen / DDH |
|------------------------|------------------|-----------------------------------------------------|-----------------|--------------------|
| Canopy                 |                  | Trunk                                               |                 |                    |
| Multi-Leaders          | Conk/Mushroom    | Weak Attachment                                     | Codominant      |                    |
| Included Bark          | Open Wound       | Broken Branches <input checked="" type="checkbox"/> | Included Bark   |                    |
| Decay                  | Dead Branches    | Dead Branches <input checked="" type="checkbox"/>   | Heartwood Decay |                    |
| Canker/Gall            | Unbalanced Crown | Tip Dieback <input checked="" type="checkbox"/>     | 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 <input checked="" type="checkbox"/> |                  | 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 <input checked="" type="checkbox"/> |                  | 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                   | <input checked="" type="checkbox"/> | 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                  |               | <input checked="" type="checkbox"/> |                                     |
|------------------------|--|-------------------------------------|---------------|------------------|-------------------------------------|-------------------------------------|---------------|-------------------------------------|-------------------------------------|
| Canopy                 |  |                                     |               | Trunk            |                                     |                                     |               |                                     |                                     |
| Multi-Leaders          |  | Conk/Mushroom                       |               | Weak Attachment  |                                     | <input checked="" type="checkbox"/> | Codominant    |                                     | <input checked="" type="checkbox"/> |
| Included Bark          |  | Open Wound                          |               | Broken Branches  |                                     |                                     | Included Bark |                                     | <input checked="" type="checkbox"/> |
| Decay                  |  | <input checked="" type="checkbox"/> | Dead Branches |                  | <input checked="" type="checkbox"/> | 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

|                                                 |                  |                  |                           |
|-------------------------------------------------|------------------|------------------|---------------------------|
| <b>GOOD</b> <input checked="" type="checkbox"/> | <b>FAIR</b>      | <b>POOR</b>      | <b>Non-Specimen / DDH</b> |
| <b>Canopy</b>                                   |                  | <b>Trunk</b>     |                           |
| 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               |
| <b>Roots/Sight Conditions</b>                   |                  | Lightning Damage | Ooze                      |
| Surface Roots                                   | Target           | Conk/Mushroom    |                           |
| Root Decay                                      | Slope            | Open Wound       |                           |

**Notes:**



**Tree #** 781

**Species** DOGWOOD

**Size (DBH)** 10

|                               |                  |                                                 |                                                               |
|-------------------------------|------------------|-------------------------------------------------|---------------------------------------------------------------|
| <b>GOOD</b>                   | <b>FAIR</b>      | <b>POOR</b>                                     | <b>Non-Specimen / DDH</b> <input checked="" type="checkbox"/> |
| <b>Canopy</b>                 |                  | <b>Trunk</b>                                    |                                                               |
| Multi-Leaders                 | Conk/Mushroom    | Weak Attachment                                 | Codominant                                                    |
| Included Bark                 | Open Wound       | Broken Branches                                 | Included Bark                                                 |
| Decay                         | Dead Branches    | Dead Branches                                   | Heartwood Decay <input checked="" type="checkbox"/>           |
| Canker/Gall                   | Unbalanced Crown | Tip Dieback <input checked="" type="checkbox"/> | Canker/Gall                                                   |
| <b>Roots/Sight Conditions</b> |                  | 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 |  | <input checked="" type="checkbox"/> |                                     |
|------------------------|------------------|------|-------------------------------------|------------------|-------------------------------------|--------------------|--|-------------------------------------|-------------------------------------|
| Canopy                 |                  |      |                                     | Trunk            |                                     |                    |  |                                     |                                     |
| Multi-Leaders          | Conk/Mushroom    |      | Weak Attachment                     |                  | Codominant                          |                    |  |                                     |                                     |
| Included Bark          | Open Wound       |      | Broken Branches                     |                  | <input checked="" type="checkbox"/> | Included Bark      |  |                                     |                                     |
| Decay                  | Dead Branches    |      | Dead Branches                       |                  | <input checked="" type="checkbox"/> | Heartwood Decay    |  |                                     | <input checked="" type="checkbox"/> |
| Canker/Gall            | Unbalanced Crown |      | <input checked="" type="checkbox"/> | Tip Dieback      |                                     | Canker/Gall        |  |                                     | <input type="checkbox"/>            |
| 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 | <input checked="" type="checkbox"/> | POOR  |                 | Non-Specimen / DDH |                                     |
|------------------------|------------------|------|-------------------------------------|-------|-----------------|--------------------|-------------------------------------|
| Canopy                 |                  |      |                                     | Trunk |                 |                    |                                     |
| Multi-Leaders          | Conk/Mushroom    |      | Weak Attachment                     |       | Codominant      |                    | <input checked="" type="checkbox"/> |
| 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 <input checked="" type="checkbox"/> |                  | 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 <input checked="" type="checkbox"/> |                  | 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 <input checked="" type="checkbox"/> |                  | 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 <input checked="" type="checkbox"/> |                  | 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 |  | <input checked="" type="checkbox"/> |                                     |
|------------------------|------------------|------|-----------------|------------------|-------------------------------------|--------------------|--|-------------------------------------|-------------------------------------|
| Canopy                 |                  |      |                 | Trunk            |                                     |                    |  |                                     |                                     |
| Multi-Leaders          | Conk/Mushroom    |      | Weak Attachment |                  | Codominant                          |                    |  |                                     |                                     |
| Included Bark          | Open Wound       |      | Broken Branches |                  | <input checked="" type="checkbox"/> |                    |  |                                     |                                     |
| Decay                  | Dead Branches    |      | Dead Branches   |                  | <input checked="" type="checkbox"/> |                    |  |                                     |                                     |
| Canker/Gall            | Unbalanced Crown |      | Tip Dieback     |                  | Canker/Gall                         |                    |  |                                     | <input checked="" type="checkbox"/> |
| 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                   | <input checked="" type="checkbox"/> | 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 |                                     | <input checked="" type="checkbox"/> |
|------------------------|------------------|-----------------|--|-------------------------------------|-----------------|--------------------|-------------------------------------|-------------------------------------|
| Canopy                 |                  |                 |  | Trunk                               |                 |                    |                                     |                                     |
| Multi-Leaders          | Conk/Mushroom    | Weak Attachment |  | <input checked="" type="checkbox"/> | Codominant      |                    | <input checked="" type="checkbox"/> |                                     |
| Included Bark          | Open Wound       | Broken Branches |  | <input checked="" type="checkbox"/> | Included Bark   |                    | <input checked="" type="checkbox"/> |                                     |
| Decay                  | Dead Branches    | Dead Branches   |  | <input checked="" type="checkbox"/> | Heartwood Decay |                    | <input checked="" type="checkbox"/> |                                     |
| Canker/Gall            | Unbalanced Crown | Tip Dieback     |  | <input checked="" type="checkbox"/> | 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                  |                 | <input checked="" type="checkbox"/> |                                     |
|------------------------|--|------------------|--|------------------|--|-------------------------------------|-----------------|-------------------------------------|-------------------------------------|
| Canopy                 |  |                  |  | Trunk            |  |                                     |                 |                                     |                                     |
| Multi-Leaders          |  | Conk/Mushroom    |  | Weak Attachment  |  | Codominant                          |                 |                                     |                                     |
| Included Bark          |  | Open Wound       |  | Broken Branches  |  | <input checked="" type="checkbox"/> | Included Bark   |                                     |                                     |
| Decay                  |  | Dead Branches    |  | Dead Branches    |  | <input checked="" type="checkbox"/> | Heartwood Decay |                                     | <input checked="" type="checkbox"/> |
| Canker/Gall            |  | Unbalanced Crown |  | Tip Dieback      |  | <input checked="" type="checkbox"/> | 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                  |                                     | <input checked="" type="checkbox"/> |                                     |
|------------------------|--|-------------------------------------|------------------|------------------|-------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Canopy                 |  |                                     |                  | Trunk            |             |                                     |                                     |                                     |                                     |
| Multi-Leaders          |  | Conk/Mushroom                       |                  | Weak Attachment  |             | Codominant                          |                                     |                                     |                                     |
| Included Bark          |  | Open Wound                          |                  | Broken Branches  |             | <input checked="" type="checkbox"/> | Included Bark                       |                                     |                                     |
| Decay                  |  | Dead Branches                       |                  | Dead Branches    |             | <input checked="" type="checkbox"/> | Heartwood Decay                     |                                     | <input checked="" type="checkbox"/> |
| Canker/Gall            |  | <input checked="" type="checkbox"/> | Unbalanced Crown |                  | Tip Dieback |                                     | <input checked="" type="checkbox"/> | 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 |  | <input checked="" type="checkbox"/> |                                     |
|------------------------|------------------|-----------------|--|------------------|-------------------------------------|--------------------|--|-------------------------------------|-------------------------------------|
| Canopy                 |                  |                 |  | Trunk            |                                     |                    |  |                                     |                                     |
| Multi-Leaders          | Conk/Mushroom    | Weak Attachment |  |                  | Codominant                          |                    |  | <input checked="" type="checkbox"/> |                                     |
| Included Bark          | Open Wound       | Broken Branches |  |                  | <input checked="" type="checkbox"/> | Included Bark      |  |                                     |                                     |
| Decay                  | Dead Branches    | Dead Branches   |  |                  | <input checked="" type="checkbox"/> | Heartwood Decay    |  |                                     | <input checked="" type="checkbox"/> |
| Canker/Gall            | Unbalanced Crown | Tip Dieback     |  |                  | <input checked="" type="checkbox"/> | 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 |  | <input checked="" type="checkbox"/> |                                     |
|------------------------|------------------|-----------------|--|------------------|-------------------------------------|--------------------|--|-------------------------------------|-------------------------------------|
| Canopy                 |                  |                 |  | Trunk            |                                     |                    |  |                                     |                                     |
| Multi-Leaders          | Conk/Mushroom    | Weak Attachment |  |                  | Codominant                          |                    |  |                                     |                                     |
| Included Bark          | Open Wound       | Broken Branches |  |                  | Included Bark                       |                    |  |                                     |                                     |
| Decay                  | Dead Branches    | Dead Branches   |  |                  | <input checked="" type="checkbox"/> | Heartwood Decay    |  |                                     |                                     |
| Canker/Gall            | Unbalanced Crown | Tip Dieback     |  |                  | <input checked="" type="checkbox"/> | Canker/Gall        |  |                                     |                                     |
| Roots/Sight Conditions |                  |                 |  | Lightning Damage |                                     | Ooze               |  |                                     | <input checked="" type="checkbox"/> |
| Surface Roots          | Target           | Conk/Mushroom   |  |                  |                                     |                    |  |                                     |                                     |
| Root Decay             | Slope            | Open Wound      |  |                  |                                     |                    |  |                                     |                                     |

**Notes:** HOLLOW SOUND TRUNK

Tree # 800

Species SWEETGUM

Size (DBH) 31

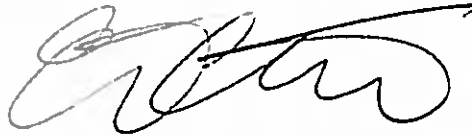
| GOOD                   |  | FAIR                                |               | POOR                                |               | Non-Specimen / DDH |                 | <input checked="" type="checkbox"/> |
|------------------------|--|-------------------------------------|---------------|-------------------------------------|---------------|--------------------|-----------------|-------------------------------------|
| Canopy                 |  |                                     |               | Trunk                               |               |                    |                 |                                     |
| Multi-Leaders          |  | Conk/Mushroom                       |               | Weak Attachment                     |               | Codominant         |                 |                                     |
| Included Bark          |  | Open Wound                          |               | Broken Branches                     |               | Included Bark      |                 |                                     |
| Decay                  |  | <input checked="" type="checkbox"/> | Dead Branches |                                     | Dead Branches |                    | Heartwood Decay |                                     |
| Canker/Gall            |  | Unbalanced Crown                    |               | <input checked="" type="checkbox"/> | 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: Sinclair, Wayne A., 1936. Diseases of Trees and Shrubs/ Wayne A. Sinclair and Howard H. Lyon. - 2nd ed. Published 2005**

## 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 <sup>1</sup>   | In/Out Distribution |
|----------------------------------------------|-----------------|---------------|---------|----------|----------|----------------|------------------------------|---------------------|
|                                              |                 | Total         | Inbound | Outbound |          |                |                              |                     |
| Single-Family Residential - Detached Housing | 22              |               |         |          | 210      | Dwelling Units |                              |                     |
| Daily                                        |                 | 226           | 113     | 113      |          |                | $\ln(T) = 0.92\ln(X) + 2.72$ | 50%/50%             |
| AM Peak Hour                                 |                 | 17            | 4       | 13       |          |                | $T = 0.70(X) + 9.74$         | 25%/75%             |
| PM Peak Hour                                 |                 | 22            | 14      | 8        |          |                | $\ln(T) = 0.90\ln(X) + 0.51$ | 63%/37%             |

Note:

<sup>1</sup>Where: T = Trips; X = Density by Variable



# COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director

SUBJECT: V-16-06 Home 2 Suites

CITY COUNCIL: February 22, 2016

## **RECOMMENDATION:**

**Approve V-16-06 Home 2 Suites Variance subject to the following conditions:**

- 1. All portions of the retaining wall seen from the public right-of-way shall be faced with a masonry material with a stone appearance and shall be compatible with the materials used for the primary structure. Material to be approved by Staff.**
- 2. Guardrail shall be decorative black metal with final approval by Staff.**
- 3. A 10' ornamental heavy landscape strip with street trees and decorative pedestrian lighting shall be provided along Morris Road. Lighting to be maintained by the development.**
- 4. Applicant shall install sidewalk along Morris Road and extend the connection to Webb Bridge Road. Impact fee credits shall be permitted for offsite sidewalk construction. Additional street trees and/or landscaping shall be required where wall is visible along Webb Bridge Road.**
- 5. Building shall be brick with traditional architecture similar to the attached Example A with final approval by Staff.**
- 6. Retaining wall shall be tiered, with a minimum 5' prepared planting bed space to reduce the impact of the large wall adjacent to the public right-of-way. Landscaping to be approved by Staff.**

## **REPORT-IN-BRIEF**

The subject site is located just east of Hwy. 400 at the corner of Webb Bridge and Morris Parkway. The applicant, Home 2 Suites, is requesting a variance to section 3.2.5 of the Unified Development Code in order to allow a retaining wall structure to encroach into the front, side and rear setbacks and a variance to reduce the required parking from 112 spaces to 100.

## **DISCUSSION**



The site is located south on Morris Road south of Webb Bridge Road. The property's existing topography is extremely steep and has significant grade changes throughout. The site will require a significant amount of earth cutting and filling and retaining walls. The applicant is proposing to build a 107 room Home2Suites extended stay hotel which is a permitted use within the Preston Ridge Master Plan.

The property is zoned Office-Institutional (O-I) and is the subject of the Preston Ridge Master Plan approved in 1989. The specific parcel is located on "Pod F" of the Master Plan. The property is 6 acres in size.

The Unified Development Code requires that no structures are permitted within the setbacks of the site. The setbacks are 50' on Morris Road and the applicant's retaining wall will encroach into the front, rear and side setbacks. Of particular concern is the front height and location of the wall which is 18' at the entrance and 23' at the corner towards Webb Bridge. Other sections of the wall are close to 28' in height along the northern side of the development. The applicant has proposed to tier the wall in order to break the wall with additional landscaping and provide better stability.

## **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 site varies by nearly 70' and it too steep to not have retaining walls. The proposed walls are nearly 28' high along Webb Bridge Road. The applicant is requesting the variance to build the retaining walls in the setback in order to create a building pad. The reduction in parking is requested in order to save the large white oak located at the northeast corner of the site. 112 spaces are required and 100 have been provided.*

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

*If denied, the applicant would be required to build the retaining walls 50' back from Morris Road which would not accommodate their parking area.*

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,

*A wall exists along Morris Road south of the site therefore approval should not be a detriment. The existing wall is not tiered and the wall material is not aesthetically pleasing, these requirements should be addressed with zoning conditions.*

## CONCURRENCES

After analysis, Staff finds that the variance can be justified; however additional protections should be conditioned in order to require additional landscaping, aesthetically pleasing wall material and pedestrian lighting. Also due to the visibility of the building and height of the building from the Webb Bridge and Morris Road intersection, the architecture should be traditional instead of the elevation submitted with contains a lighted “beacon” on the tower portion. Example A below provides an example of acceptable traditional hotel architecture.



Example A: Other suites hotel with traditional architecture and materials (mostly brick with window depth and accents)

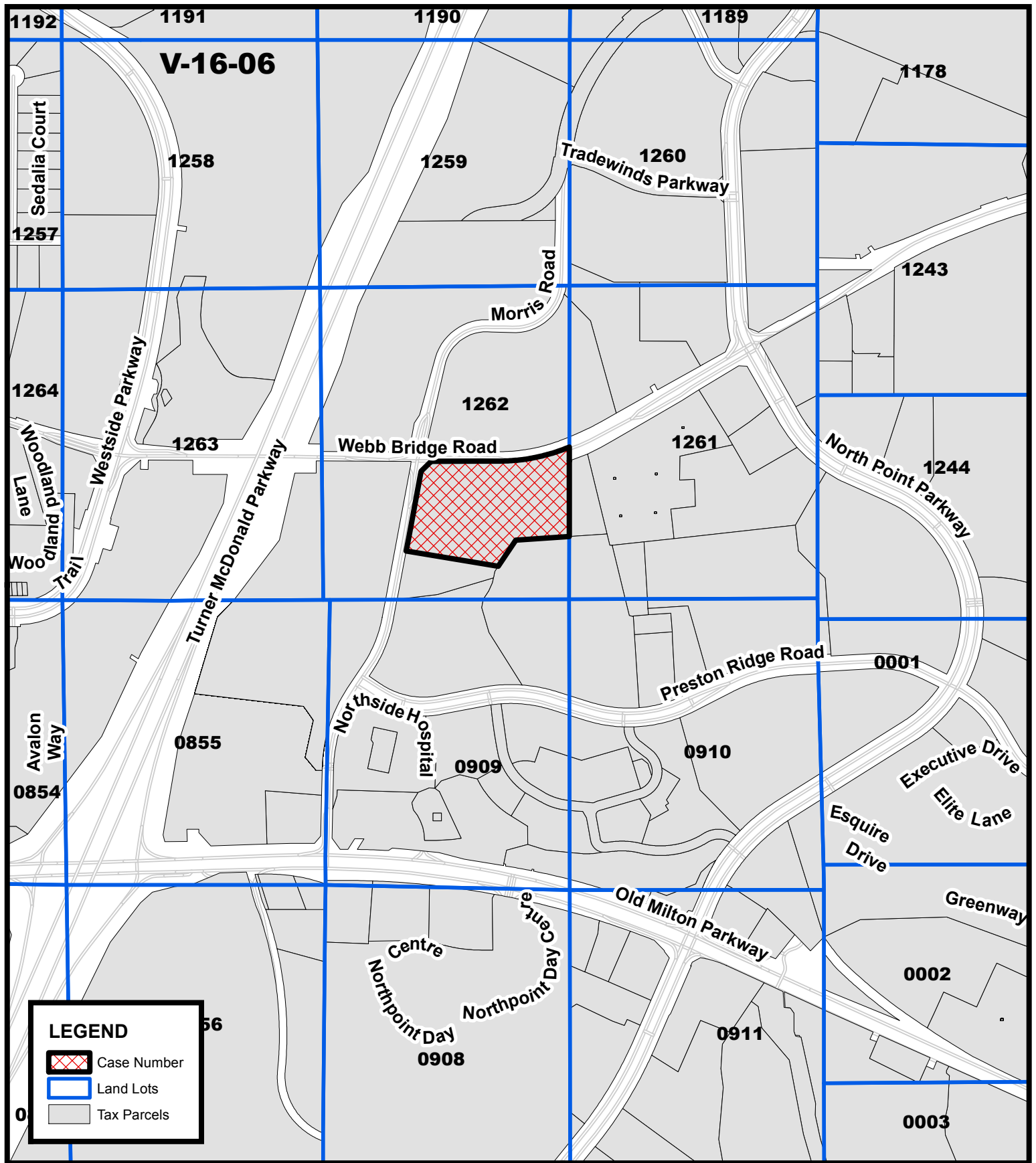


Example B: Applicant's hotel in Pittsburgh



Example B: Applicant's hotel in Pittsburgh





# **Location Map** **Home 2 Suites** **Morris Road**

**Case: V-16-06**  
**D/S/LL: 2/2/1262**  
**PH Date: 2/22/16**



**Location Map Provided by:**  
**Community Development-GIS**













# 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: Rinkesh Patel

Telephone: 706-660-5616

Address: 233 12th Street

Suite: 301

City: Columbus

State: GA

Zip: 31901

Fax: 480-772-4760

Mobile Tel: \_\_\_\_\_

Email: rinkesh@ramhotels.com

### Subject Property Information:

Address: Morris Road - Parcel F

Current Zoning: CUP

District: 2

Section: 2

Land Lot: 1262

Parcel ID: 22-546012610826 & 22-546012620833

Proposed Zoning: CUP

Current Use: Vacant

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

☐ Conditional Use

☐ Master Plan Amendment

☐ Rezoning

☐ Master Plan Review

☒ Variance

☐ Public Hearing

☐ Comprehensive Plan Amendment

☐ Other (Specify): \_\_\_\_\_

---

# APPLICANT REQUEST AND INTENT

---

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

The proposed use is a Hotel.

Applicant's Request (Please itemize the proposal):

We are requesting a variance for Topographical Hardship to build proposed retaining walls within the building setback.

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

See letter of intent attached



# PROPERTY OWNER AUTHORIZATION

## Property Owner Information:

Contact Name: Chris Scott at Greenstone Properties

Telephone: (678) 589-7606

Address: 3301 Windy Ridge Parkway

Suite: Suite 320

City Atlanta

State: GA

Zip: 30339

## 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.

- |                                               |                                          |
|-----------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Annexation           | <input type="checkbox"/> Special Use     |
| <input type="checkbox"/> Rezoning             | <input type="checkbox"/> Conditional Use |
| <input checked="" type="checkbox"/> Variance  | <input type="checkbox"/> Master Plan     |
| <input type="checkbox"/> Land Use Application | <input type="checkbox"/> Other _____     |

## Identify Authorized Applicant:

Name of Authorized Applicant: Rinkesh Patel at RAM Hotels

Telephone: 706-660-5616

Address: 233 12th Street

Suite: 301

City Columbus

State: GA

Zip: 31901

## So Sworn and Attested:

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Notary: \_\_\_\_\_

Notary Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# 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: Rinkesh Patel

Subject Public Hearing Case: Home 2 Suites

## Campaign Contribution Information:

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

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

Name of Official:

*N/A*

Position:

Description of Contribution:

Value:

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:

*Rinkesh Patel*

Date:

*11 FEB 2016*



---

# BOARD OF ZONING APPEALS REVIEW CRITERIA

---

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

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

In its current state, the property is not topographically developable without the use of retaining walls and grading. The grade changes within the proposed property lines can vertically exceed seventy feet. Because of its hilly nature, this only allows a portion of the site to be used for development, as using the entire property and spreading out the development would not make sense from a cost, environmental, horticultural or engineering standpoint.

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

It would create a insurmountable hardship to reduce or eliminate the proposed retaining walls on the site that fall within the setback areas. They are necessary to allow for proper orientation and placement of the proposed building, parking lot and required landscaping. Without them, the site ceases to function effectively.

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

The condition that is most peculiar to the property is the existing topography. According to the provided survey, the grade changes within the proposed property lines can vertically exceed seventy feet. The property is too steep by itself to allow for all the needed requirements of a business. We have used the existing topography to develop a balanced grading plan to meet the needs of the project and property without creating too many excessively high retaining walls or leaving too much slope on the proposed site.

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.

This proposal would not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code. In fact, it will maintain a high quality of development standard for the area, attract developers with compatible businesses and raise property values significantly for the immediate area that is now relatively undeveloped. It would also provide affordable lodging, business/networking opportunities, tax revenue for the City of Alpharetta and a new source for which the surrounding businesses can cater.

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



# CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: Home 2 Suites

Contact Name: Rinkesh Patel Telephone: 706-660-5616

*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.*

(Property Owners within 500')

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

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.

- |                                            |                                                       |
|--------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits              |
| <input type="checkbox"/> Telephone         | <input type="checkbox"/> Group Meeting                |
| <input type="checkbox"/> Email             | <input type="checkbox"/> 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.

Citizens may respond or contact the applicant by telephone, email or meeting.

# 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: Home 2 Suites

Contact Name: Rinkesh Patel Telephone: 706-660-5616

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.

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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.*

- |                                    |                                                       |
|------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Letter    | <input type="checkbox"/> Personal Visits              |
| <input type="checkbox"/> Telephone | <input type="checkbox"/> Group Meeting                |
| <input type="checkbox"/> Email     | <input type="checkbox"/> 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



January 28, 2016

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

RE: **Home 2 Suites Variance Application**  
**Letter of Intent**

Dear Mayor and Councilpersons:

The applicant, RAM Hotels, is seeking a variance to the building setback ordinance in order to allow the proposed site to utilize retaining walls within the building setbacks.

The existing topography is extremely steep and has significant grade changes throughout the site. In order to make the property usable, the site will require a significant amount of earth cutting, filling and retaining walls in the development of the property. The applicant has explored multiple site layout and grading strategies for the project, with the current site plan proposed being the best fit for the site.

The applicant is seeking a variance to the building setback requirements specified in the Preston Ridge Zoning Conditions, dated September 1, 1989. The Summary of Zoning Attributes, Schedule 3 on page 5 of 16 states that the Morris Road setback is 50 feet with other yards being 25 feet. The applicant requests hardship relief from this requirement to allow the construction of the retaining walls within the building setbacks of the parcel.

RAM Hotels respectfully submits that the failure to grant it a variance would be unconstitutional, illegal, null and void, constituting a taking of Applicant'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 Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Alpharetta City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and 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

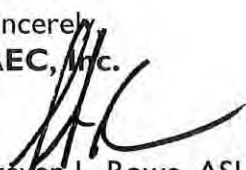


Alpharetta City Council to approve the variance application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property 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. The application of the City of Alpharetta Unified Development Code, facially and as applied to the Property, which restricts the Property to any zoning classification, uses, or to any zoning classification other than the classification as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant'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 Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

For all the foregoing reasons, it is submitted on behalf of the Applicant that the variance application of RAM Hotels meets the requirements of the Alpharetta Unified Development Code. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the City an opportunity to grant the requested variance. If action is not taken by the City Council to grant the variance within a reasonable time, a claim will be filed in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Property, diminution of value of the Property, attorney's fees and other damages in an amount no less than Ten Million Dollars (\$10,000,000) arising out of the unlawful deprivation of the Applicant's property rights.

Accordingly, your Applicant respectfully requests that the variance be granted as requested by the Applicant. I thank you for your time and consideration of this matter.

Sincerely,  
**AEC, Inc.**

  
Steven L. Rowe, ASLA  
Vice President

SLR/CJF/slr

M:\2015 JOBS\15-3824 Home 2 Suites\Docs\Variance\H2S-Variance Lett of Intent.docx

## HOME 2 SUITES

### Legal Description

All that tract or parcel of land lying and being in Land Lot 1262 of the 2nd District, 2nd Section, City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

**Commencing** at the intersection of the Eastern right-of-way of Morris Road and the Southerly right-of-way of Webb Bridge Road; said point being the **Point of Beginning**. Thence, continuing along said right-of-way line  $S46^{\circ} 16' 55.29''W$  for a distance of 71.78 feet, thence, continuing along said right-of-way line  $S10^{\circ} 16' 34.29''W$  for a distance of 64.63 feet; said point being **True Point of Beginning**;

Thence leaving said right-of-way line  $S79^{\circ} 23' 9.84''E$  for a distance of 354.09' feet to a point;

Thence,  $S 10^{\circ} 36' 28.26'' W$  for a distance of 351.32 feet to a point,

Thence,  $N 79^{\circ} 23' 31.74'' W$  for a distance of 371.51 feet to a point,

Thence,  $N 10^{\circ} 35' 12.29'' E$  for a distance of 215.72 feet to a point; said point being on the right-of-way of Morris Road,

Thence, continuing along said right-of-way,  $S 79^{\circ} 47' 9.71'' W$  for a distance of 4.79 feet to a point,

Thence,  $N 17^{\circ} 18' 59.29'' W$  for a distance of 110.08 feet to a point,

Thence,  $N 10^{\circ} 16' 34.29'' W$  for a distance of 26.28 feet to a point, said point being the **True Point of Beginning**.

Said property contains 2.96 acres (128,857.22 square feet) more or less. The above legal description was completed by **AEC, Inc.** and is based upon the survey by Inland Survey dated 9/10/14.





## KEYSTONE COMPAC III

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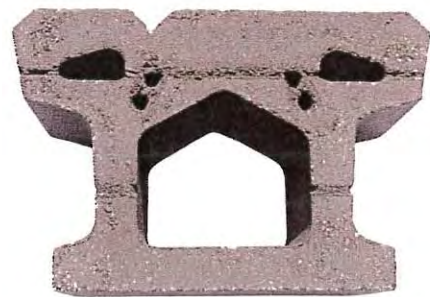
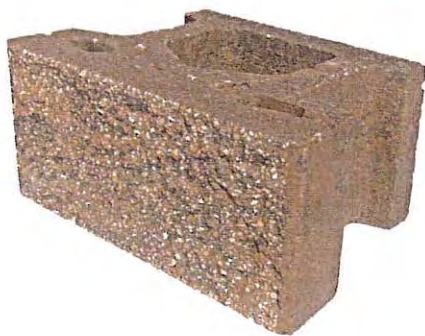
An industry favorite, Keystone Compac III combines unrivaled aesthetic options with cost saving versatility and proven wall performance. Trusted by architects, engineers, and contractors worldwide, the Keystone Compac III utilizes the proven Keystone pin connection system.

Due to the improved design, Keystone Compac III delivers all of the structural security people have come to expect from the Compac unit in addition to a number of installation and financial benefits. Compac is also available in the Regency random score variation to provide additional aesthetic appeal.





COMPAC PRAIRIE



OPEN CORE DESIGN



# KEYSTONE COMPAC III



COFFEE



MOCHA



NATURAL



PRAIRIE



SANDSTONE



TAN

MIX TO COMPLEMENT BUILDING COLORS

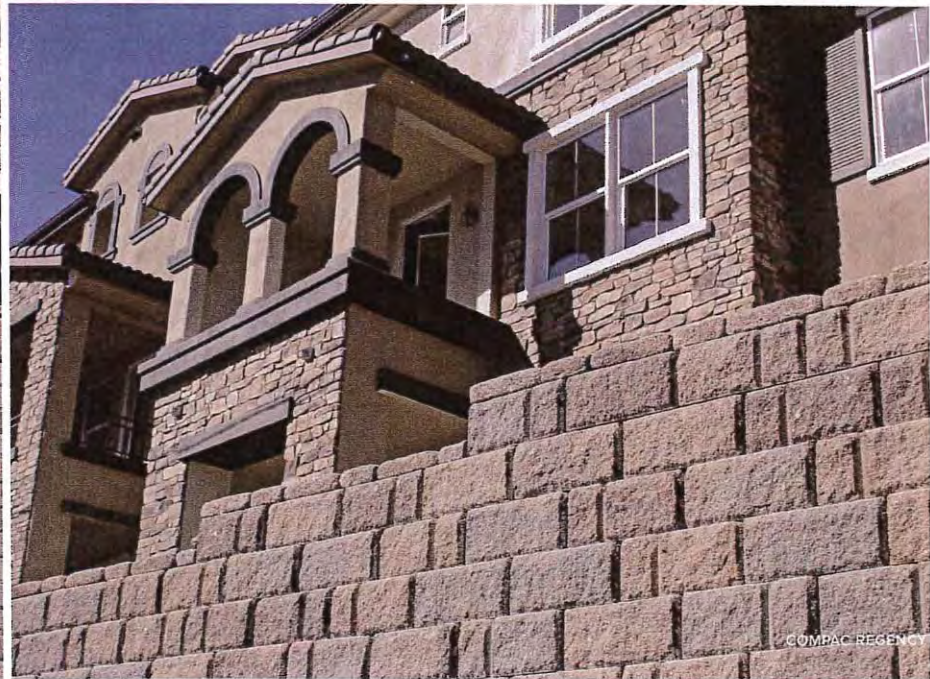




COMPAC REGENCY



COMPAC PRAIRIE



COMPAC REGENCY



COMPAC REGENCY

WIDTH: 18"  
DEPTH: 12"  
HEIGHT: 8"



STRAIGHT FACE

WIDTH: 18"  
DEPTH: 12"  
HEIGHT: 8"



COMPAC CAP

WIDTH: 18"  
DEPTH: 12"  
THICK: 4"



ALIGNMENT PINS





STONEGATE  
MUNICH  
PALAZZO  
COMPAC

## COMPAC

An industry favorite, Keystone Compac III combines unrivaled aesthetic options with cost saving versatility and proven wall performance. Trusted by architects, engineers, and contractors worldwide, the Keystone Compac III utilizes the proven Keystone pin connection system.

Due to the improved design, Keystone Compac III delivers all of the structural security people have come to expect from the Compac unit in addition to a number of installation and financial benefits. Compac is also available in the Regency random score variation to provide additional aesthetic appeal.



### COMPAC

**PRODUCT CODE:** RW03156

**WIDTH:** 18"

**HEIGHT:** 8"

**DEPTH:** 12"

**UNITS PER CUBE:** 40

**CUBE WEIGHT:** 3000 LBS

**FINISH:** STANDARD

**SURFACE TEXTURE:** HARD SPLIT



### COMPAC REGENCY

**PRODUCT CODE:** RW03180

**WIDTH:** 18"

**HEIGHT:** 8"

**DEPTH:** 12"

**UNITS PER CUBE:** 40

**CUBE WEIGHT:** 3000 LBS

**FINISH:** STANDARD

**SURFACE TEXTURE:** HARD SPLIT



### COMPAC REGENCY SCORED

**PRODUCT CODE:** RW03176

**WIDTH:** 18"

**HEIGHT:** 8"

**DEPTH:** 12"

**UNITS PER CUBE:** 40

**CUBE WEIGHT:** 3000 LBS

**FINISH:** STANDARD

**SURFACE TEXTURE:** HARD SPLIT RANDOM SCORE



### COMPAC CAP

**PRODUCT CODE:** RW03187

**WIDTH:** 18"

**HEIGHT:** 4"

**DEPTH:** 12"

**UNITS PER CUBE:** 48

**CUBE WEIGHT:** 3150 LBS

**FINISH:** STANDARD

**SURFACE TEXTURE:** HARD SPLIT

### COMPAC PHOTOS



#### Products

PAVING SLABS

PAVERS

RETAINING WALLS

ACCENTS

ACCESSORIES

#### About Us

ABOUT US

PLANT LOCATIONS

DESIGN CENTERS

LOCATE A SALES REP

CONTACT

#### Resources

PAY ONLINE

INSPIRATION

ONLINE STORE

MOBILE APP

PROFESSIONALS

#### Contact Us

HEADQUARTERS

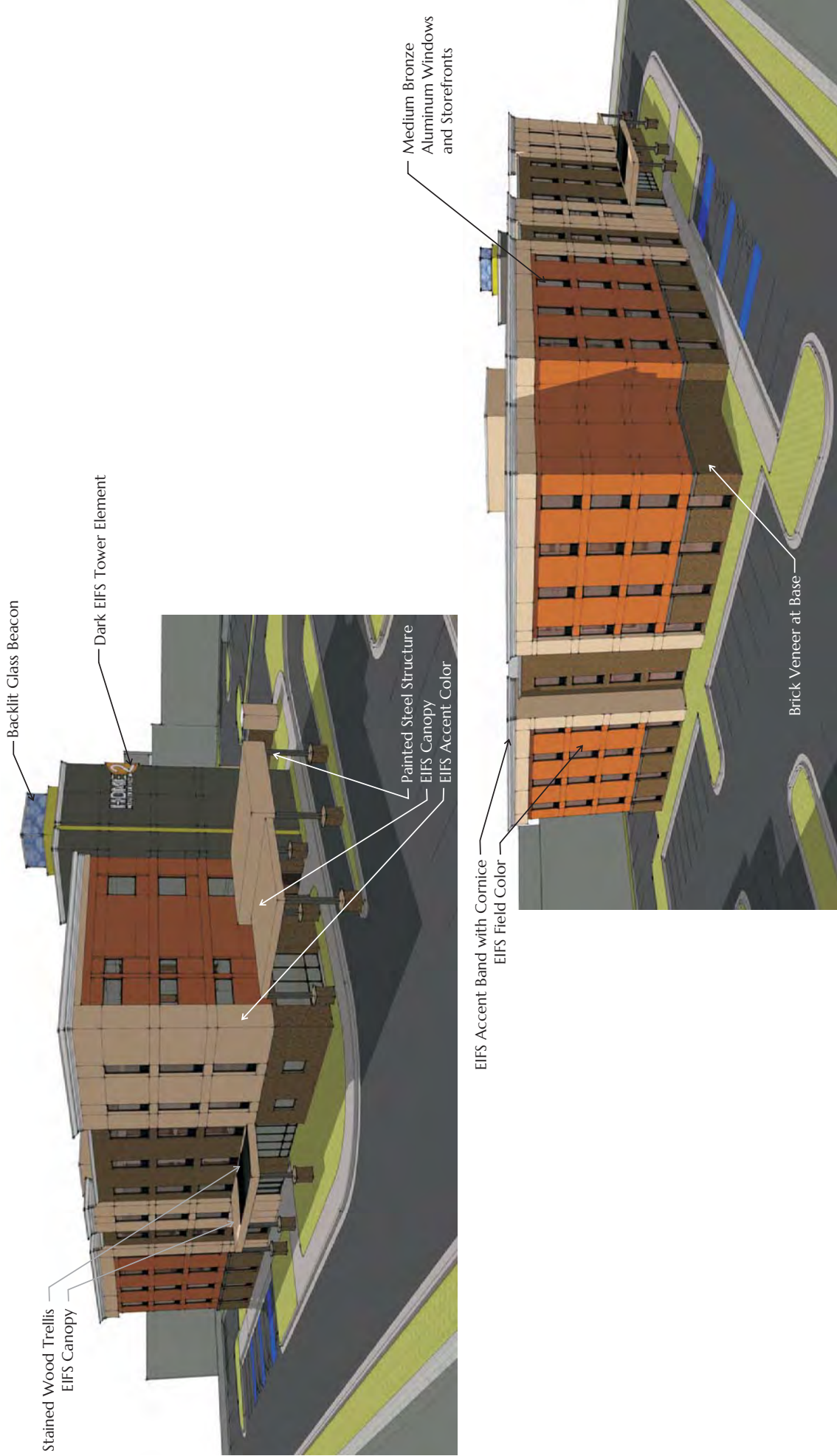
2885 St. Clair Street  
Jacksonville, FL 32254  
(904) 359-5900  
(866) 358-5900

#### Catalog

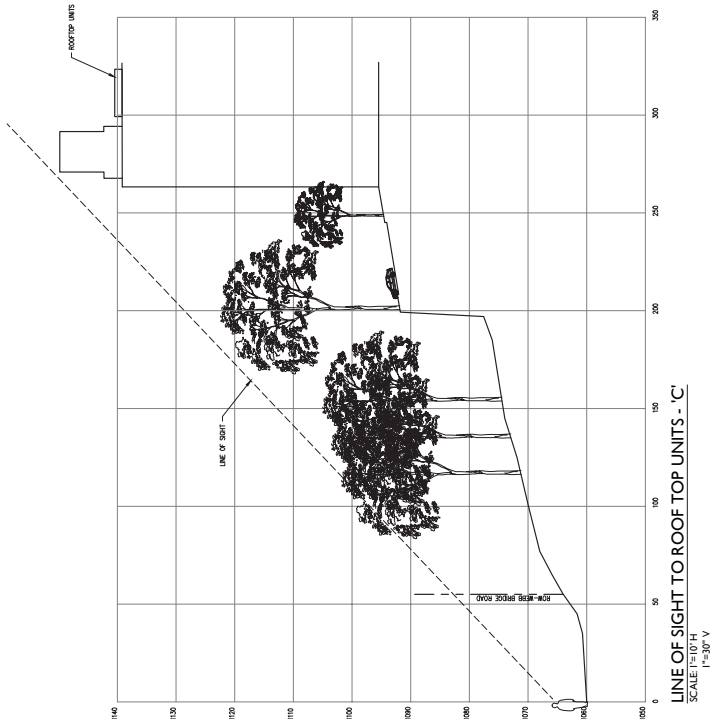
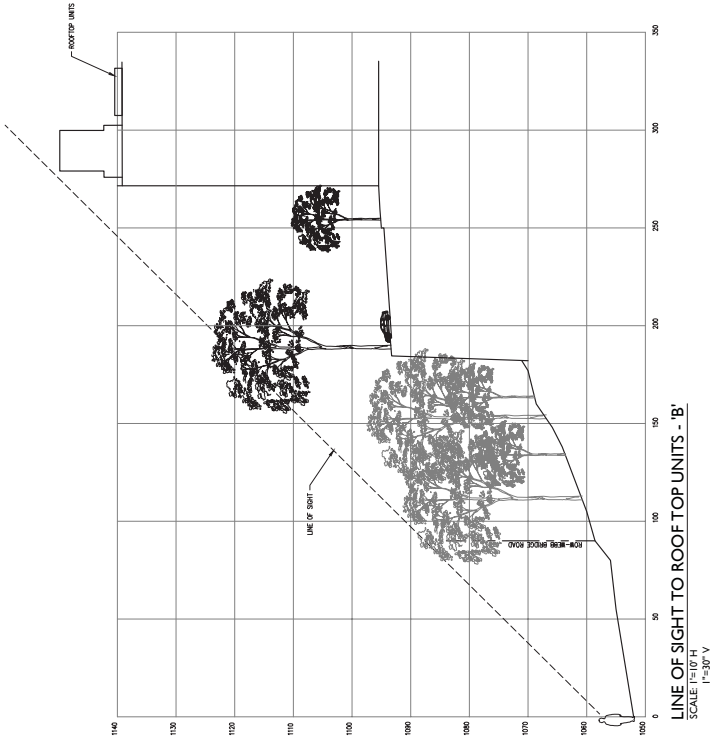




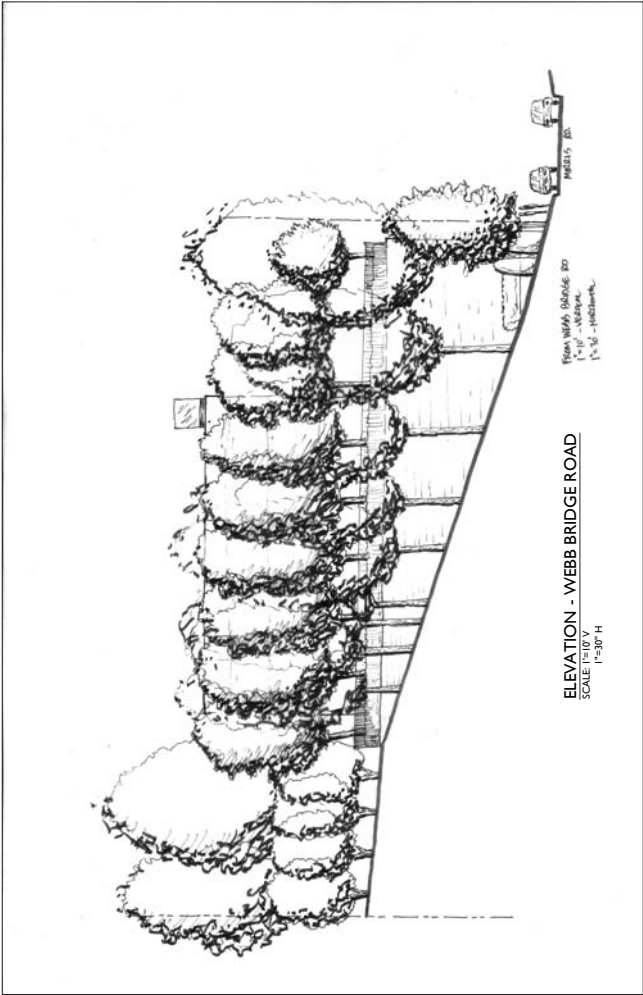
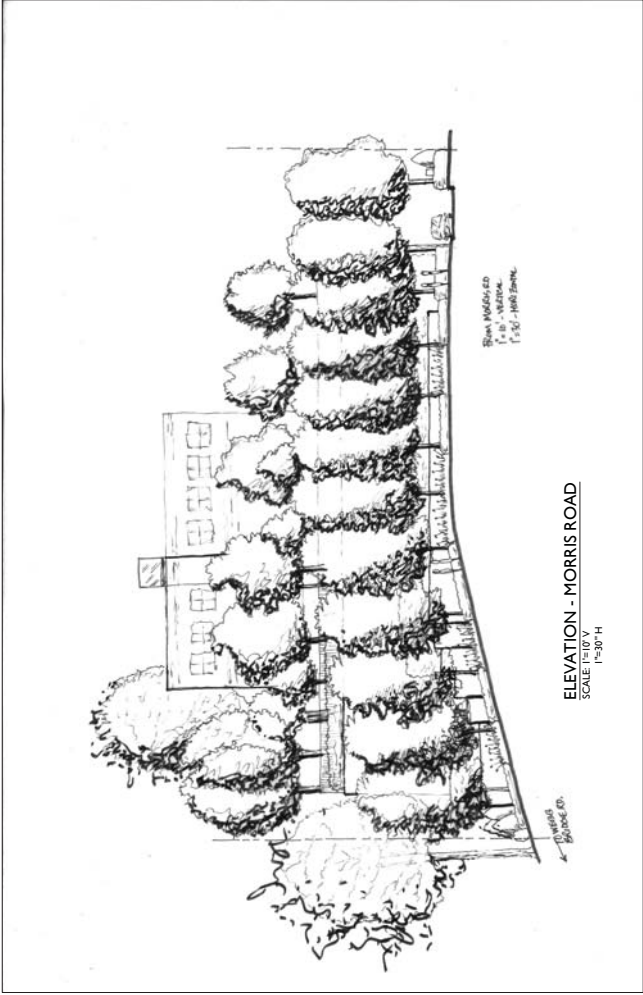












## ELEVATIONS

# HOME 2 SUITES

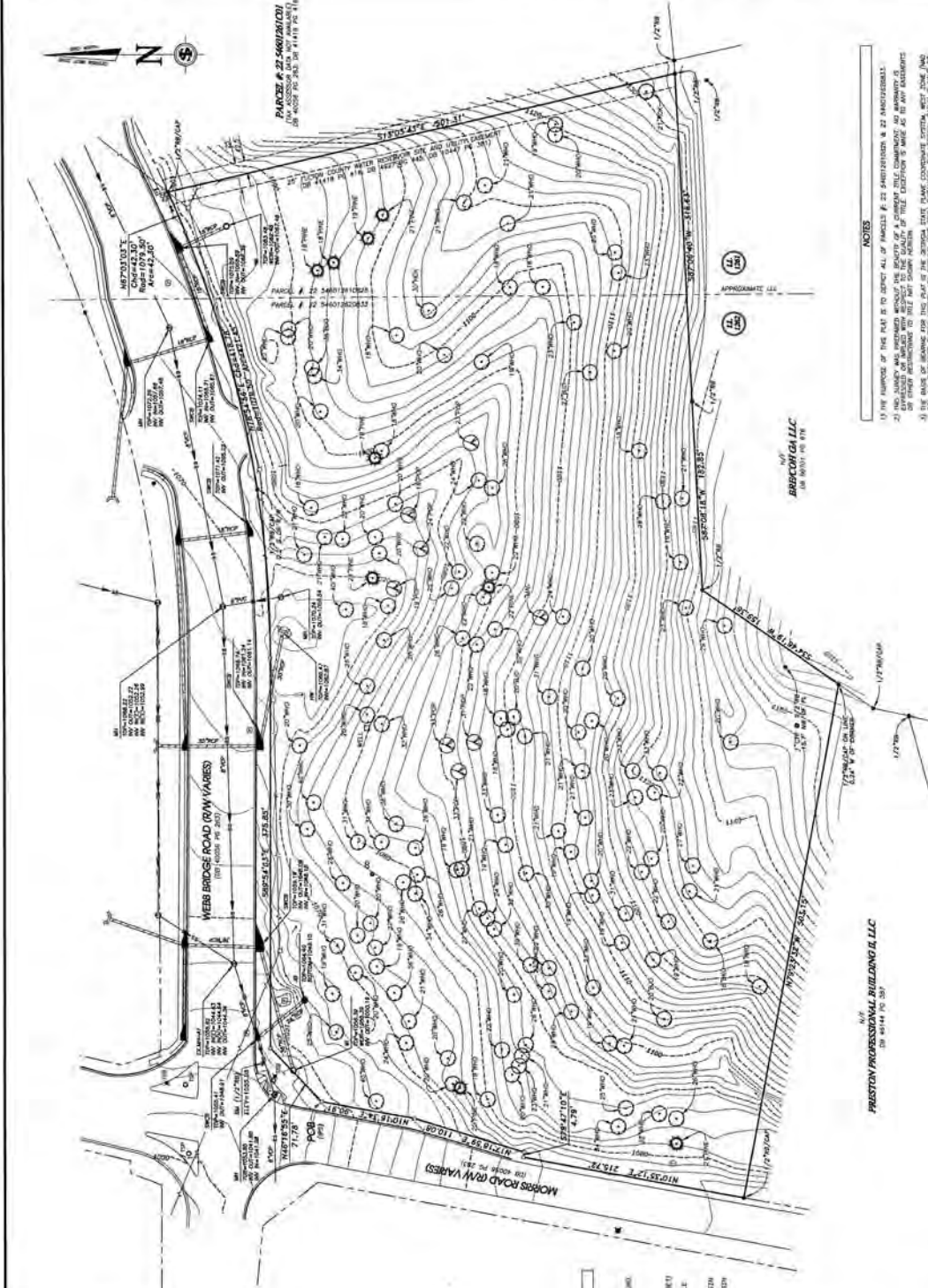
Alpharetta, GA

| PROJECT INFORMATION |            |
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| PROJECT NO:         | 15-3824.10 |
| DATE:               | 01-26-16   |
| SCALE:              | 1" = 30'   |
| FILE NAME:          |            |
| DESIGNED BY:        |            |
| DRAWN BY:           | slr/bcg    |





AREA  
10.716 ACRES



**NOTES**

1) THE PURPOSE OF THIS PLAN IS TO DEPICT ALL OF PARCELS # 22 546012610261 & 22 546012610271.

2) THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE PROFESSION OF SURVEYING AS SET FORTH IN THE OFFICIAL CODE OF ETHICS AND THE PROFESSIONAL CONDUCT ACT, AND THE STANDARDS AND PRACTICES OF THE PROFESSION OF SURVEYING AS SET FORTH IN THE OFFICIAL CODE OF ETHICS AND THE PROFESSIONAL CONDUCT ACT.

3) THE SURVEY WAS PERFORMED USING A TOTAL STATION AND A GPS RECEIVER. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE PROFESSION OF SURVEYING AS SET FORTH IN THE OFFICIAL CODE OF ETHICS AND THE PROFESSIONAL CONDUCT ACT.

4) THE SURVEY WAS PERFORMED USING A TOTAL STATION AND A GPS RECEIVER. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE PROFESSION OF SURVEYING AS SET FORTH IN THE OFFICIAL CODE OF ETHICS AND THE PROFESSIONAL CONDUCT ACT.

5) THE SURVEY WAS PERFORMED USING A TOTAL STATION AND A GPS RECEIVER. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE PROFESSION OF SURVEYING AS SET FORTH IN THE OFFICIAL CODE OF ETHICS AND THE PROFESSIONAL CONDUCT ACT.

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10) THE SURVEY WAS PERFORMED USING A TOTAL STATION AND A GPS RECEIVER. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE PROFESSION OF SURVEYING AS SET FORTH IN THE OFFICIAL CODE OF ETHICS AND THE PROFESSIONAL CONDUCT ACT.

PRISTON PROFESSIONAL BUILDING & LLC  
DB 40144 PO 307

- ABBREVIATIONS**
- 1. IRON PIN FOUND
  - 2. CONCRETE FOUNDATION
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BOUNDARY & TOPOGRAPHIC SURVEY  
PARCELS # 22 546012610261 & 22 546012610271  
THE LASALLE GROUP  
LOCATION  
LAND LOTS 1261 & 1262, 2ND DISTRICT, 2ND SECTION  
CITY OF ALABAMA, GEORGIA



| REVISIONS |
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15-10-26-01 Webb  
Bridge Morris Rd  
Arterial Report  
Reference: CUC  
Alpharetta, Georgia

All of the following information is based upon visual field observation and 21 years of practical international experience in the field of tree surveying and is provided for your information. It is not intended to be used as a basis for any legal action or to be used in any way that may cause injury or damage to any person or property.

Outdoor Spaces, LLC

By Scott H. Webb

Report Date: November 12, 2015

Revised Date: November 12, 2015

Revised Date: November 12, 2015

Revised Date: November 12, 2015

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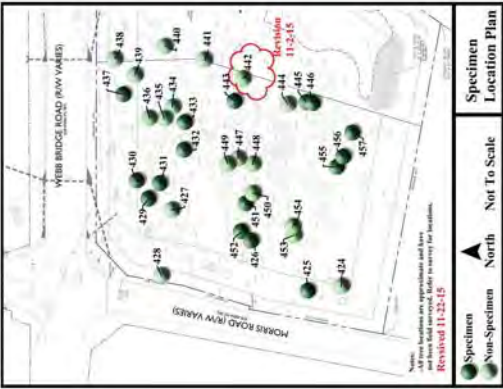
Revised Date: November 12, 2015

Revised Date: November 12, 2015

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Revised Date: November 12, 2015

Revised Date: November 12, 2015



### ARTICLE III. LAND DEVELOPMENT ACTIVITIES

#### SECTION 3.2.2 TREE PROTECTION

##### 3.2.2.1 IDENTIFICATION

For the purpose of this section, a specimen tree is defined as a tree that is at least 10 inches in diameter at breast height (DBH) and is at least 20 feet tall. A specimen tree is identified by a red circle around its base. A red line indicates a boundary or path. The plan includes a north arrow and a scale bar.

##### APPENDIX B

##### IDENTIFICATION

Some trees are a site warrant special consideration and encouragement for preservation. These trees are referred to as Specimen Trees. The following criteria are used by the District to identify specimen trees. A Specimen Tree is any tree which qualifies for special consideration for preservation due to its size, type, condition, location, or historical significance. Specimen Trees are identified by a red circle around their base. A red line indicates a boundary or path. The plan includes a north arrow and a scale bar.



Call before you dig.

1-800-282-7411

Call before you dig.

1-800-282-7411

Call before you dig.

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Call before you dig.

1-800-282-7411

# HOME 2 SUITES

Alpharetta, GA

## TREE SURVEY

### PROJECT INFORMATION

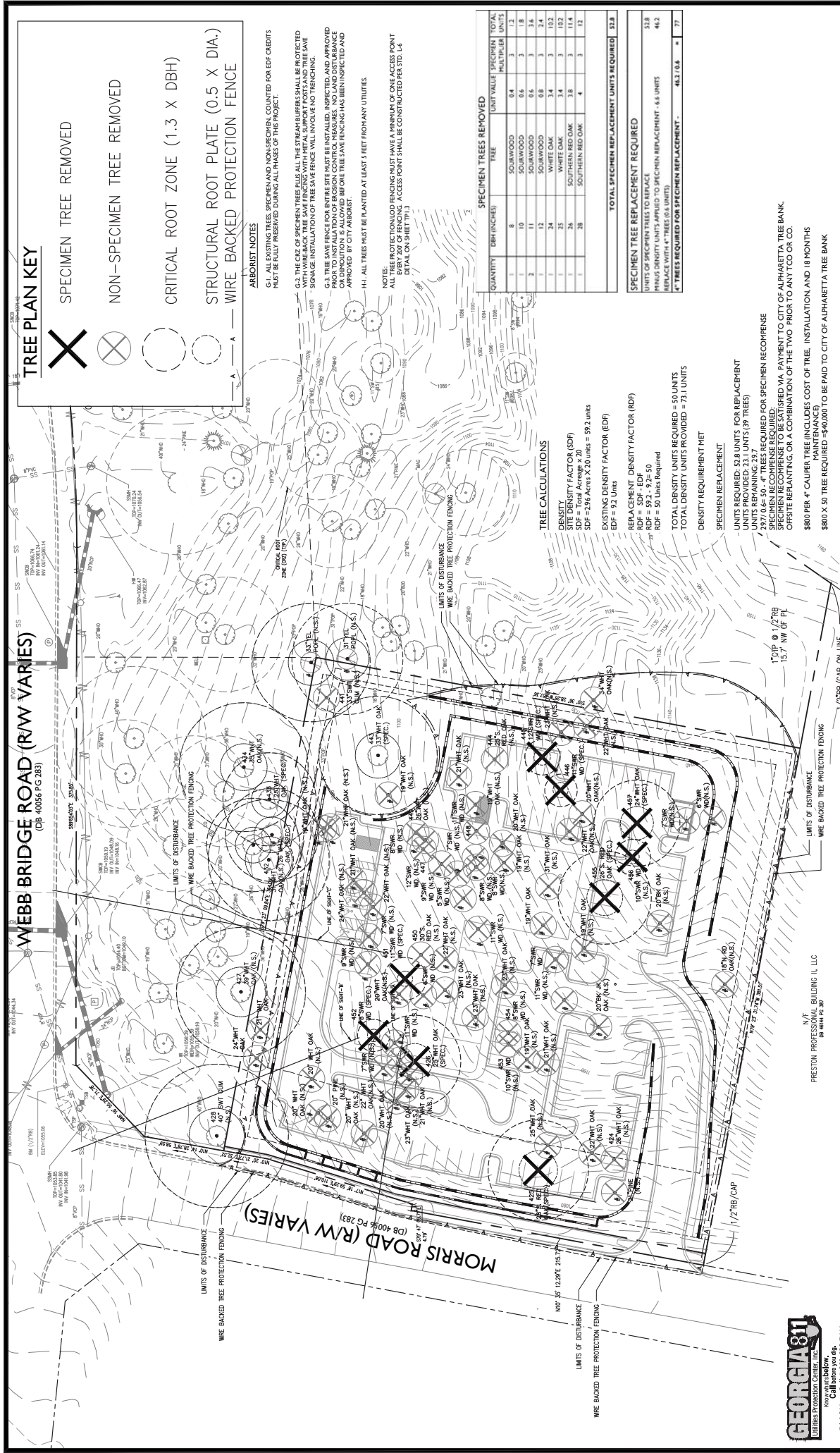
PROJECT NO: 15-3824.10

DATE: 11-24-15

SCALE: NO SCALE

FILE NAME: 15-3824-04.dwg

DESIGNED BY: strdabec



# TREE PLAN KEY



SPECIMEN TREE REMOVED



NON-SPECIMEN TREE REMOVED



CRITICAL ROOT ZONE (1.3 X DBH)



STRUCTURAL ROOT PLATE (0.5 X DIA.)



WIRE BACKED PROTECTION FENCE

## ARBOREST NOTES

- G-1. ALL EXISTING TREES, SPECIMENS AND NON-SPECIMENS, GRANTED FOR EDP CREDITS MUST BE FULLY INSURED DURING ALL PHASES OF THIS PROJECT.
- G-2. THE C.R.Z. OF SPECIMEN TREES PLUS ALL THE STREAM BUFFERS SHALL BE PROTECTED WITH WIRE-BACK TREE SAVE FENCING WITH METAL SUPPORT POSTS AND TREE SAVE STORAGE INSTALLATION OF TREE SAVE FENCE SHALL INVOLVE NO TRENCING.
- G-3. TREE SAVE FENCING FOR ENTIRE SITE MUST BE INSTALLED, INSPECTED AND APPROVED BY CITY ARBOREST BEFORE ANY CONSTRUCTION BEGINS. TREE SAVE FENCING OR DISPOSITION IS ALLOWED BEFORE TREE SAVE FENCING HAS BEEN INSPECTED AND APPROVED BY CITY ARBOREST.
- H-1. ALL TREES MUST BE PLANTED AT LEAST 5 FEET FROM ANY UTILITIES.

NOTES:  
H-2. IF PROPOSED FENCING MUST HAVE A MINIMUM OF ONE ACCESS POINT AT EVERY 200' OF FENCING. ACCESS POINT SHALL BE CONSTRUCTED PER STD. L-4 DETAIL ON SHEET PH-3

| SPECIMEN TREES REMOVED |              | TOTAL SPECIMEN REPLACEMENT UNITS REQUIRED |                                              |
|------------------------|--------------|-------------------------------------------|----------------------------------------------|
| QUANTITY               | DBH (INCHES) | TREE                                      | UNIT VALUE (SPECIMEN TOTAL) MULTIPLIER UNITS |
| 1                      | 8            | SOURWOOD                                  | 0.4                                          |
| 1                      | 10           | SOURWOOD                                  | 0.6                                          |
| 2                      | 11           | SOURWOOD                                  | 0.6                                          |
| 1                      | 12           | SOURWOOD                                  | 0.8                                          |
| 1                      | 24           | WHITE OAK                                 | 3.4                                          |
| 1                      | 24           | SOUTHERN RED OAK                          | 3.4                                          |
| 1                      | 24           | SOUTHERN RED OAK                          | 3.4                                          |
| 1                      | 28           | SOUTHERN RED OAK                          | 4                                            |
|                        |              | TOTAL SPECIMEN REPLACEMENT UNITS REQUIRED |                                              |
|                        |              | 12.8                                      |                                              |

| SPECIMEN TREE REPLACEMENT REQUIRED                  |                    |
|-----------------------------------------------------|--------------------|
| UNITS OF SPECIMEN TREES TO REPLACE                  | 51.8               |
| MINUS DENSITY UNITS APPLIED TO SPECIMEN REPLACEMENT | -46.2              |
| REPLACE WITH 4" TREES (0.4 UNITS)                   |                    |
| 4" TREES REQUIRED FOR SPECIMEN REPLACEMENT          | 46.2 / 0.4 = 115.5 |

## TREE CALCULATIONS

DENSITY  
SITE DENSITY FACTOR (DPF)  
SDF = Total Acreage x 20  
SDF = 2.96 Acres x 20 unit = 59.2 Units  
EXISTING DENSITY FACTOR (EDF)  
EDF = 9.2 Units

REPLACEMENT DENSITY FACTOR (RDF)  
RDF = 59.2 - 9.2 = 50  
RDF = 50 Units Required

TOTAL DENSITY UNITS REQUIRED = 50 UNITS

TOTAL DENSITY UNITS PROVIDED = 73.1 UNITS

## SPECIMEN REPLACEMENT

UNITS REQUIRED: 52.8 UNITS FOR REPLACEMENT  
UNITS PROVIDED: 23.1 UNITS (39 TREES)

UNITS REMAINING: 29.7 UNITS REQUIRED FOR SPECIMEN RECOMPENSE  
SPECIMEN RECOMPENSE REQUIRED:

SPECIMEN RECOMPENSE TO BE SATISFIED VIA PAYMENT TO CITY OF ALPHARETTA TREE BANK.  
OFFSITE REPLANTING, OR A COMBINATION OF THE TWO PRIOR TO ANY TCO OR CO.

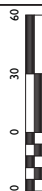
\$800 PER 4" CALIPER TREE (INCLUDES COST OF TREE, INSTALLATION AND 18 MONTHS MAINTENANCE)

\$800 X 30 TREE REQUIRED = \$240,000 TO BE PAID TO CITY OF ALPHARETTA TREE BANK

# HOME 2 SUITES

Alpharetta, GA

## TREE PROTECTION PLAN



Civil Engineering • Planning • Landscape Architecture  
1000 Peachtree Street, NE  
Atlanta, GA 30309  
(770) 441-1442 • www.aecatl.com



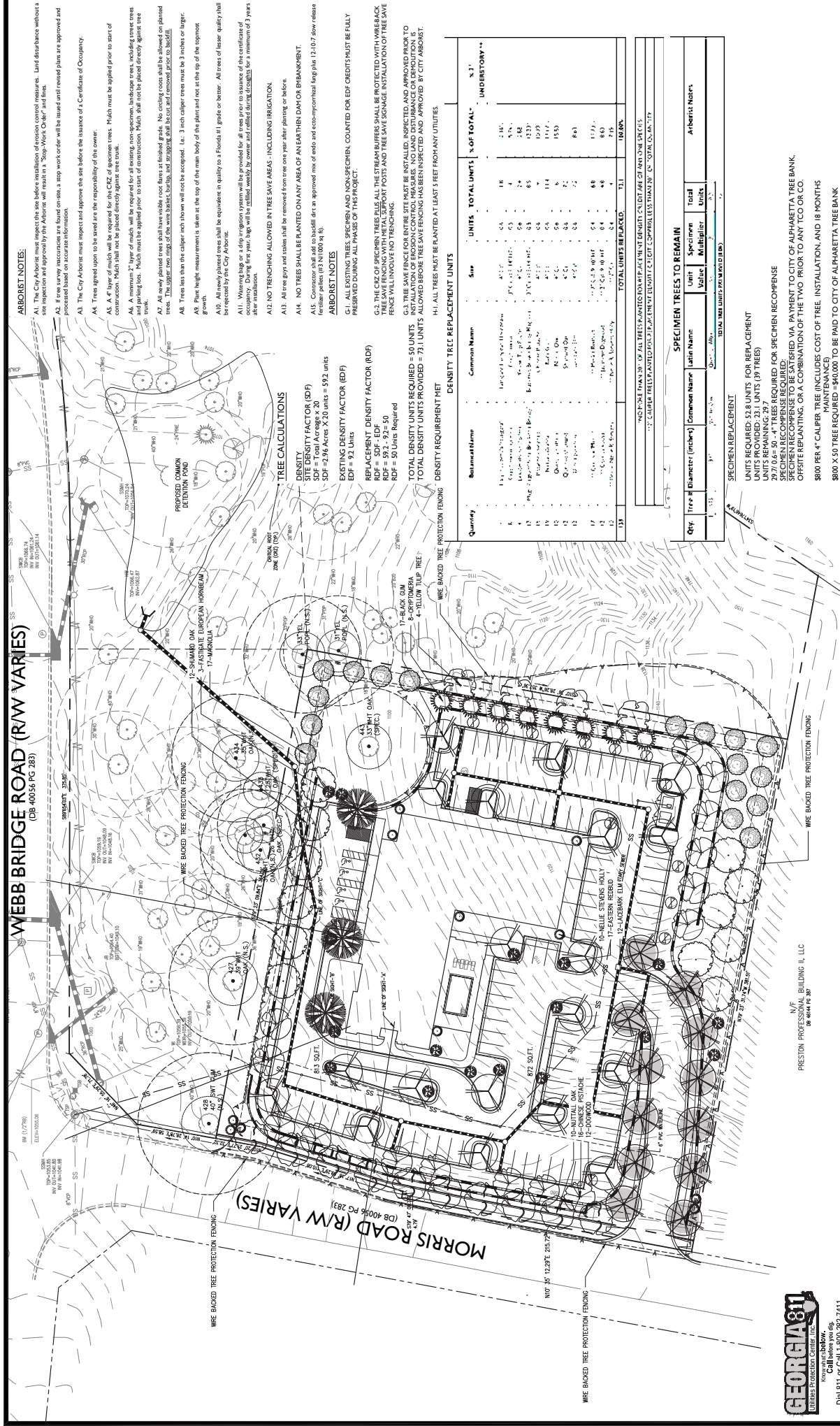
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Know what's below.

DBI 811 or Call 1-800-282-7411

## PROJECT INFORMATION

|                           |
|---------------------------|
| PROJECT NO: 15-3824.10    |
| DATE: 11-24-15            |
| SCALE: 1" = 30'           |
| FILE NAME: 15-3824-04.dwg |
| DESIGNED BY: str/abg      |





**ARBORET NOTES:**

A1. The City Arborist must inspect the site before installation of erosion control measures. Land disturbance without a tree inspection and approval by the Arborist will result in a "Stop-Work Order" and fines.

A2. If any survey inaccuracies are found on-site, a stop-work order will be issued until revised plans are approved and processed based on accurate information.

A3. The City Arborist must inspect and approve the site before the issuance of a Certificate of Occupancy.

A4. Trees agreed upon to be saved are the responsibility of the owner.

A5. A 6" layer of mulch will be required for the CEI of all specimen trees. Mulch must be applied prior to start of construction. Mulch shall not be placed directly against tree trunk.

A6. A minimum 1" layer of mulch will be required for all existing non-specimen landscape trees, including those trees and parking lot. Mulch must be applied prior to start of construction. Mulch shall not be placed directly against tree trunk.

A7. All newly planted trees shall have visible root flares at finished grade. No circling roots shall be allowed on planned trees. The upper two rings of the roots shall be cut and removed prior to backfill.

A8. Trees less than 4" caliper inch shown will not be accepted. I.e., 3 inch caliper trees must be 3 inches or larger.

A9. Plant height measurement is taken at the top of the main body of the plant and not at the top of the opposite growth.

A10. All newly planted trees shall be equivalent in quality to a Florida #1 grade or better. All trees of lesser quality shall be rejected by the City Arborist.

A11. Watering bag or a drip irrigation system will be provided for all trees prior to issuance of the certificate of occupancy. During first year, bags will be filled weekly by owner and refilled during droughts for a minimum of 3 years after installation.

A12. NO TRENCING ALLOWED IN TREE SAVE AREAS - INCLUDING IRRIGATION.

A13. All tree pits and stakes shall be removed from one year after planting or before.

A14. NO TREE SHALL BE PLANTED ON ANY AREA OF AN EARTHEN DAM OR EMBANKMENT.

A15. Contractor shall add to backfill dirt an approved rate of ardo and eco-mycorrhizal fungi plus 12-16.7 slow release fertilizer (20-20-20).

**ARBORET NOTES**

G1. ALL EXISTING TREES, SPECIMEN AND NON-SPECIMEN, COUNTED FOR EDP CREDITS MUST BE FULLY MEASURED DURING ALL PHASE OF THIS PROJECT.

G2. THE CEI OF SPECIMEN TREES DUE TO ALL THE STEAM SUPPLIES SHALL BE PROTECTED WITH WIRE-BACKED TREE SAVE FENCING WITH METAL SUPPORT POSTS AND TREE SAVE SIGNAGE. INSTALLATION OF TREE SAVE FENCE WILL INVOLVE NO TRENCING.

G3. TREE SAVE FENCE FOR ENTIRE SITE MUST BE INSTALLED, INSPECTED, AND APPROVED PRIOR TO INSTALLATION OF EROSION CONTROL MEASURES. NO LAND DISTURBANCE OR DEPOSITION IS ALLOWED ABOVE TREE SAVE FENCING HAS BEEN INSPECTED AND APPROVED BY CITY ARBORET.

H1. ALL TREES MUST BE PLANTED AT LEAST 5 FEET FROM ANY UTILITIES.

**TREE CALCULATIONS**

DENSITY

SITE DENSITY FACTOR (SDF)

SDF = Total Acres x 20

SDF = 2.96 Acres x 20 units = 59.2 units

EXISTING DENSITY FACTOR (EDF)

EDF = 92 Units

REPLACEMENT DENSITY FACTOR (RDF)

RDF = 92 - 59.2 = 32.8

RDF = 30 Units Required

TOTAL DENSITY UNITS REQUIRED = 60 UNITS

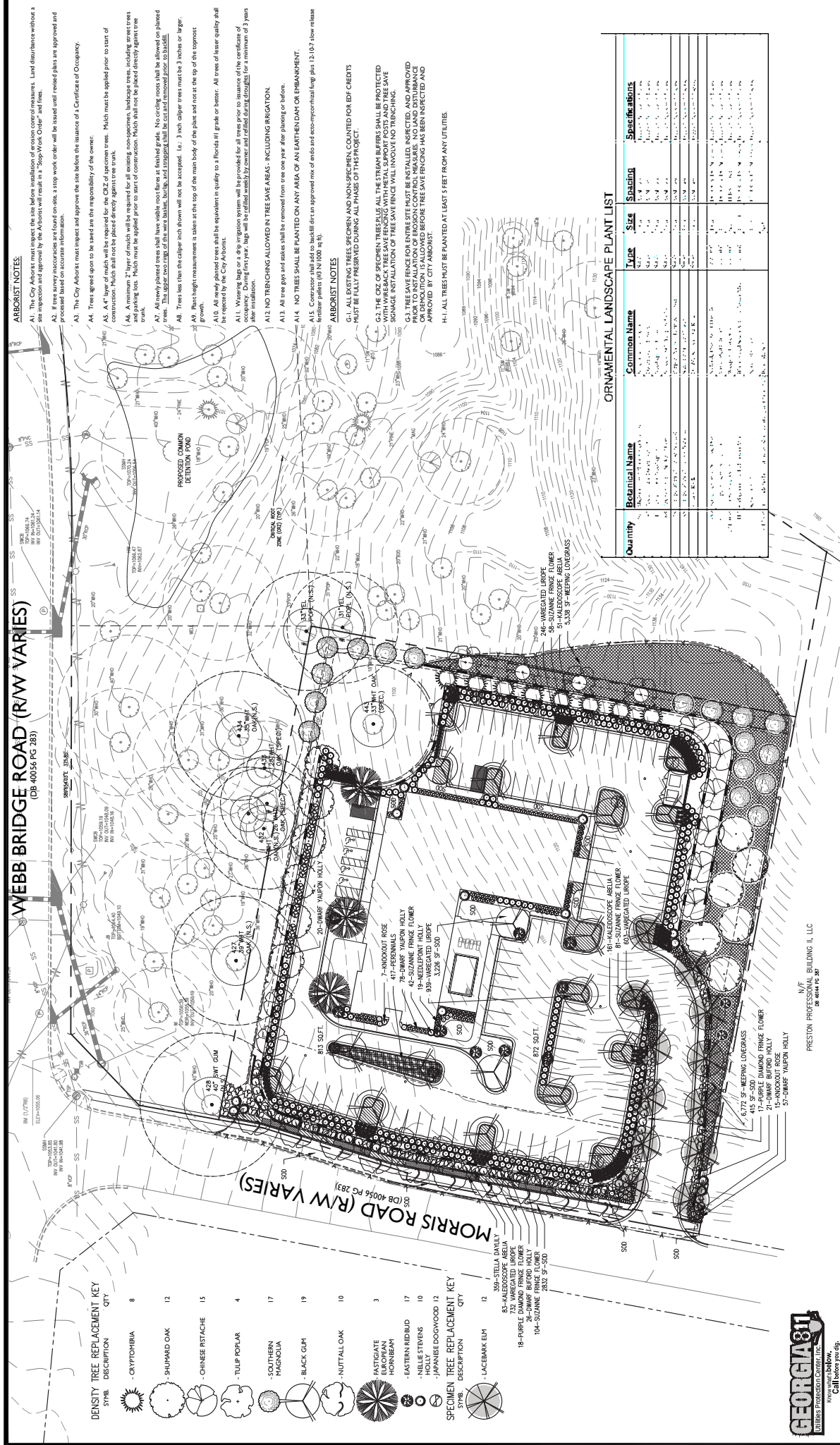
TOTAL DENSITY UNITS PROVIDED = 73.1 UNITS

DENSITY REQUIREMENT MET

**DENSITY TREE REPLACEMENT UNITS**

| Quantity | Botanical Name            | Common Name | Size     | Units | Total Units | % of Total | 3' x 3' UNDERSTORY |
|----------|---------------------------|-------------|----------|-------|-------------|------------|--------------------|
| 1        | 1-1/2" Caliper Live Oak   | Live Oak    | 1-1/2"   | 1     | 1           | 1.4%       | 1                  |
| 2        | 2-1/2" Caliper Live Oak   | Live Oak    | 2-1/2"   | 2     | 2           | 2.8%       | 2                  |
| 3        | 3-1/2" Caliper Live Oak   | Live Oak    | 3-1/2"   | 3     | 3           | 4.2%       | 3                  |
| 4        | 4-1/2" Caliper Live Oak   | Live Oak    | 4-1/2"   | 4     | 4           | 5.6%       | 4                  |
| 5        | 5-1/2" Caliper Live Oak   | Live Oak    | 5-1/2"   | 5     | 5           | 7.0%       | 5                  |
| 6        | 6-1/2" Caliper Live Oak   | Live Oak    | 6-1/2"   | 6     | 6           | 8.4%       | 6                  |
| 7        | 7-1/2" Caliper Live Oak   | Live Oak    | 7-1/2"   | 7     | 7           | 9.8%       | 7                  |
| 8        | 8-1/2" Caliper Live Oak   | Live Oak    | 8-1/2"   | 8     | 8           | 11.2%      | 8                  |
| 9        | 9-1/2" Caliper Live Oak   | Live Oak    | 9-1/2"   | 9     | 9           | 12.6%      | 9                  |
| 10       | 10-1/2" Caliper Live Oak  | Live Oak    | 10-1/2"  | 10    | 10          | 14.0%      | 10                 |
| 11       | 11-1/2" Caliper Live Oak  | Live Oak    | 11-1/2"  | 11    | 11          | 15.4%      | 11                 |
| 12       | 12-1/2" Caliper Live Oak  | Live Oak    | 12-1/2"  | 12    | 12          | 16.8%      | 12                 |
| 13       | 13-1/2" Caliper Live Oak  | Live Oak    | 13-1/2"  | 13    | 13          | 18.2%      | 13                 |
| 14       | 14-1/2" Caliper Live Oak  | Live Oak    | 14-1/2"  | 14    | 14          | 19.6%      | 14                 |
| 15       | 15-1/2" Caliper Live Oak  | Live Oak    | 15-1/2"  | 15    | 15          | 21.0%      | 15                 |
| 16       | 16-1/2" Caliper Live Oak  | Live Oak    | 16-1/2"  | 16    | 16          | 22.4%      | 16                 |
| 17       | 17-1/2" Caliper Live Oak  | Live Oak    | 17-1/2"  | 17    | 17          | 23.8%      | 17                 |
| 18       | 18-1/2" Caliper Live Oak  | Live Oak    | 18-1/2"  | 18    | 18          | 25.2%      | 18                 |
| 19       | 19-1/2" Caliper Live Oak  | Live Oak    | 19-1/2"  | 19    | 19          | 26.6%      | 19                 |
| 20       | 20-1/2" Caliper Live Oak  | Live Oak    | 20-1/2"  | 20    | 20          | 28.0%      | 20                 |
| 21       | 21-1/2" Caliper Live Oak  | Live Oak    | 21-1/2"  | 21    | 21          | 29.4%      | 21                 |
| 22       | 22-1/2" Caliper Live Oak  | Live Oak    | 22-1/2"  | 22    | 22          | 30.8%      | 22                 |
| 23       | 23-1/2" Caliper Live Oak  | Live Oak    | 23-1/2"  | 23    | 23          | 32.2%      | 23                 |
| 24       | 24-1/2" Caliper Live Oak  | Live Oak    | 24-1/2"  | 24    | 24          | 33.6%      | 24                 |
| 25       | 25-1/2" Caliper Live Oak  | Live Oak    | 25-1/2"  | 25    | 25          | 35.0%      | 25                 |
| 26       | 26-1/2" Caliper Live Oak  | Live Oak    | 26-1/2"  | 26    | 26          | 36.4%      | 26                 |
| 27       | 27-1/2" Caliper Live Oak  | Live Oak    | 27-1/2"  | 27    | 27          | 37.8%      | 27                 |
| 28       | 28-1/2" Caliper Live Oak  | Live Oak    | 28-1/2"  | 28    | 28          | 39.2%      | 28                 |
| 29       | 29-1/2" Caliper Live Oak  | Live Oak    | 29-1/2"  | 29    | 29          | 40.6%      | 29                 |
| 30       | 30-1/2" Caliper Live Oak  | Live Oak    | 30-1/2"  | 30    | 30          | 42.0%      | 30                 |
| 31       | 31-1/2" Caliper Live Oak  | Live Oak    | 31-1/2"  | 31    | 31          | 43.4%      | 31                 |
| 32       | 32-1/2" Caliper Live Oak  | Live Oak    | 32-1/2"  | 32    | 32          | 44.8%      | 32                 |
| 33       | 33-1/2" Caliper Live Oak  | Live Oak    | 33-1/2"  | 33    | 33          | 46.2%      | 33                 |
| 34       | 34-1/2" Caliper Live Oak  | Live Oak    | 34-1/2"  | 34    | 34          | 47.6%      | 34                 |
| 35       | 35-1/2" Caliper Live Oak  | Live Oak    | 35-1/2"  | 35    | 35          | 49.0%      | 35                 |
| 36       | 36-1/2" Caliper Live Oak  | Live Oak    | 36-1/2"  | 36    | 36          | 50.4%      | 36                 |
| 37       | 37-1/2" Caliper Live Oak  | Live Oak    | 37-1/2"  | 37    | 37          | 51.8%      | 37                 |
| 38       | 38-1/2" Caliper Live Oak  | Live Oak    | 38-1/2"  | 38    | 38          | 53.2%      | 38                 |
| 39       | 39-1/2" Caliper Live Oak  | Live Oak    | 39-1/2"  | 39    | 39          | 54.6%      | 39                 |
| 40       | 40-1/2" Caliper Live Oak  | Live Oak    | 40-1/2"  | 40    | 40          | 56.0%      | 40                 |
| 41       | 41-1/2" Caliper Live Oak  | Live Oak    | 41-1/2"  | 41    | 41          | 57.4%      | 41                 |
| 42       | 42-1/2" Caliper Live Oak  | Live Oak    | 42-1/2"  | 42    | 42          | 58.8%      | 42                 |
| 43       | 43-1/2" Caliper Live Oak  | Live Oak    | 43-1/2"  | 43    | 43          | 60.2%      | 43                 |
| 44       | 44-1/2" Caliper Live Oak  | Live Oak    | 44-1/2"  | 44    | 44          | 61.6%      | 44                 |
| 45       | 45-1/2" Caliper Live Oak  | Live Oak    | 45-1/2"  | 45    | 45          | 63.0%      | 45                 |
| 46       | 46-1/2" Caliper Live Oak  | Live Oak    | 46-1/2"  | 46    | 46          | 64.4%      | 46                 |
| 47       | 47-1/2" Caliper Live Oak  | Live Oak    | 47-1/2"  | 47    | 47          | 65.8%      | 47                 |
| 48       | 48-1/2" Caliper Live Oak  | Live Oak    | 48-1/2"  | 48    | 48          | 67.2%      | 48                 |
| 49       | 49-1/2" Caliper Live Oak  | Live Oak    | 49-1/2"  | 49    | 49          | 68.6%      | 49                 |
| 50       | 50-1/2" Caliper Live Oak  | Live Oak    | 50-1/2"  | 50    | 50          | 70.0%      | 50                 |
| 51       | 51-1/2" Caliper Live Oak  | Live Oak    | 51-1/2"  | 51    | 51          | 71.4%      | 51                 |
| 52       | 52-1/2" Caliper Live Oak  | Live Oak    | 52-1/2"  | 52    | 52          | 72.8%      | 52                 |
| 53       | 53-1/2" Caliper Live Oak  | Live Oak    | 53-1/2"  | 53    | 53          | 74.2%      | 53                 |
| 54       | 54-1/2" Caliper Live Oak  | Live Oak    | 54-1/2"  | 54    | 54          | 75.6%      | 54                 |
| 55       | 55-1/2" Caliper Live Oak  | Live Oak    | 55-1/2"  | 55    | 55          | 77.0%      | 55                 |
| 56       | 56-1/2" Caliper Live Oak  | Live Oak    | 56-1/2"  | 56    | 56          | 78.4%      | 56                 |
| 57       | 57-1/2" Caliper Live Oak  | Live Oak    | 57-1/2"  | 57    | 57          | 79.8%      | 57                 |
| 58       | 58-1/2" Caliper Live Oak  | Live Oak    | 58-1/2"  | 58    | 58          | 81.2%      | 58                 |
| 59       | 59-1/2" Caliper Live Oak  | Live Oak    | 59-1/2"  | 59    | 59          | 82.6%      | 59                 |
| 60       | 60-1/2" Caliper Live Oak  | Live Oak    | 60-1/2"  | 60    | 60          | 84.0%      | 60                 |
| 61       | 61-1/2" Caliper Live Oak  | Live Oak    | 61-1/2"  | 61    | 61          | 85.4%      | 61                 |
| 62       | 62-1/2" Caliper Live Oak  | Live Oak    | 62-1/2"  | 62    | 62          | 86.8%      | 62                 |
| 63       | 63-1/2" Caliper Live Oak  | Live Oak    | 63-1/2"  | 63    | 63          | 88.2%      | 63                 |
| 64       | 64-1/2" Caliper Live Oak  | Live Oak    | 64-1/2"  | 64    | 64          | 89.6%      | 64                 |
| 65       | 65-1/2" Caliper Live Oak  | Live Oak    | 65-1/2"  | 65    | 65          | 91.0%      | 65                 |
| 66       | 66-1/2" Caliper Live Oak  | Live Oak    | 66-1/2"  | 66    | 66          | 92.4%      | 66                 |
| 67       | 67-1/2" Caliper Live Oak  | Live Oak    | 67-1/2"  | 67    | 67          | 93.8%      | 67                 |
| 68       | 68-1/2" Caliper Live Oak  | Live Oak    | 68-1/2"  | 68    | 68          | 95.2%      | 68                 |
| 69       | 69-1/2" Caliper Live Oak  | Live Oak    | 69-1/2"  | 69    | 69          | 96.6%      | 69                 |
| 70       | 70-1/2" Caliper Live Oak  | Live Oak    | 70-1/2"  | 70    | 70          | 98.0%      | 70                 |
| 71       | 71-1/2" Caliper Live Oak  | Live Oak    | 71-1/2"  | 71    | 71          | 99.4%      | 71                 |
| 72       | 72-1/2" Caliper Live Oak  | Live Oak    | 72-1/2"  | 72    | 72          | 100.8%     | 72                 |
| 73       | 73-1/2" Caliper Live Oak  | Live Oak    | 73-1/2"  | 73    | 73          | 102.2%     | 73                 |
| 74       | 74-1/2" Caliper Live Oak  | Live Oak    | 74-1/2"  | 74    | 74          | 103.6%     | 74                 |
| 75       | 75-1/2" Caliper Live Oak  | Live Oak    | 75-1/2"  | 75    | 75          | 105.0%     | 75                 |
| 76       | 76-1/2" Caliper Live Oak  | Live Oak    | 76-1/2"  | 76    | 76          | 106.4%     | 76                 |
| 77       | 77-1/2" Caliper Live Oak  | Live Oak    | 77-1/2"  | 77    | 77          | 107.8%     | 77                 |
| 78       | 78-1/2" Caliper Live Oak  | Live Oak    | 78-1/2"  | 78    | 78          | 109.2%     | 78                 |
| 79       | 79-1/2" Caliper Live Oak  | Live Oak    | 79-1/2"  | 79    | 79          | 110.6%     | 79                 |
| 80       | 80-1/2" Caliper Live Oak  | Live Oak    | 80-1/2"  | 80    | 80          | 112.0%     | 80                 |
| 81       | 81-1/2" Caliper Live Oak  | Live Oak    | 81-1/2"  | 81    | 81          | 113.4%     | 81                 |
| 82       | 82-1/2" Caliper Live Oak  | Live Oak    | 82-1/2"  | 82    | 82          | 114.8%     | 82                 |
| 83       | 83-1/2" Caliper Live Oak  | Live Oak    | 83-1/2"  | 83    | 83          | 116.2%     | 83                 |
| 84       | 84-1/2" Caliper Live Oak  | Live Oak    | 84-1/2"  | 84    | 84          | 117.6%     | 84                 |
| 85       | 85-1/2" Caliper Live Oak  | Live Oak    | 85-1/2"  | 85    | 85          | 119.0%     | 85                 |
| 86       | 86-1/2" Caliper Live Oak  | Live Oak    | 86-1/2"  | 86    | 86          | 120.4%     | 86                 |
| 87       | 87-1/2" Caliper Live Oak  | Live Oak    | 87-1/2"  | 87    | 87          | 121.8%     | 87                 |
| 88       | 88-1/2" Caliper Live Oak  | Live Oak    | 88-1/2"  | 88    | 88          | 123.2%     | 88                 |
| 89       | 89-1/2" Caliper Live Oak  | Live Oak    | 89-1/2"  | 89    | 89          | 124.6%     | 89                 |
| 90       | 90-1/2" Caliper Live Oak  | Live Oak    | 90-1/2"  | 90    | 90          | 126.0%     | 90                 |
| 91       | 91-1/2" Caliper Live Oak  | Live Oak    | 91-1/2"  | 91    | 91          | 127.4%     | 91                 |
| 92       | 92-1/2" Caliper Live Oak  | Live Oak    | 92-1/2"  | 92    | 92          | 128.8%     | 92                 |
| 93       | 93-1/2" Caliper Live Oak  | Live Oak    | 93-1/2"  | 93    | 93          | 130.2%     | 93                 |
| 94       | 94-1/2" Caliper Live Oak  | Live Oak    | 94-1/2"  | 94    | 94          | 131.6%     | 94                 |
| 95       | 95-1/2" Caliper Live Oak  | Live Oak    | 95-1/2"  | 95    | 95          | 133.0%     | 95                 |
| 96       | 96-1/2" Caliper Live Oak  | Live Oak    | 96-1/2"  | 96    | 96          | 134.4%     | 96                 |
| 97       | 97-1/2" Caliper Live Oak  | Live Oak    | 97-1/2"  | 97    | 97          | 135.8%     | 97                 |
| 98       | 98-1/2" Caliper Live Oak  | Live Oak    | 98-1/2"  | 98    | 98          | 137.2%     | 98                 |
| 99       | 99-1/2" Caliper Live Oak  | Live Oak    | 99-1/2"  | 99    | 99          | 138.6%     | 99                 |
| 100      | 100-1/2" Caliper Live Oak | Live Oak    | 100-1/2" | 100   | 100         | 140.0%     | 100                |
| 101      | 101-1/2" Caliper Live Oak | Live Oak    | 101-1/2" | 101   | 101         | 141.4%     | 101                |
| 102      | 102-1/2" Caliper Live Oak | Live Oak    | 102-1/2" | 102   | 102         | 142.8%     | 102                |
| 103      | 103-1/2" Caliper Live Oak | Live Oak    | 103-1/2" | 103   | 103         | 144.2%     | 103                |
| 104      | 104-1/2" Caliper Live Oak | Live Oak    | 104-1/2" | 104   | 104         | 145.6%     | 104                |
| 105      | 105-1/2" Caliper Live Oak | Live Oak    | 105-1/2" | 105   | 105         | 147.0%     | 105                |
| 106      | 106-1/2" Caliper Live Oak | Live Oak    | 106-1/2" | 106   | 106         | 148.4%     | 106                |
| 107      | 107-1/2" Caliper Live Oak | Live Oak    | 107-1/2" | 107   | 107         | 149.8%     | 107                |
| 108      | 108-1/2" Caliper Live Oak | Live Oak    | 108-1/2" | 108   | 108         | 151.2%     | 108                |
| 109      | 109-1/2" Caliper Live Oak | Live Oak    | 109-1/2" | 109   | 109         | 152.6%     | 109                |
| 110      | 110-1/2" Caliper Live Oak | Live Oak    | 110-1/2" | 110   | 110         | 154.0%     | 110                |
| 111      | 111-1/2" Caliper Live Oak | Live Oak    | 111-1/2" | 111   | 111         | 155.4%     | 111                |
| 112      | 112-1/2" Caliper Live Oak | Live Oak    | 112-1/2" | 112   | 112         | 156.8%     | 112                |
| 113      | 113-1/2" Caliper Live Oak | Live Oak    | 113-1/2" | 113   | 113         | 158.2%     | 113                |
| 114      | 114-1/2" Caliper Live Oak | Live Oak    | 114-1/2" | 114   | 114         | 159.6%     | 114                |
| 115      | 115-1/2" Caliper Live Oak | Live Oak    | 115-1/2" | 115   | 115         | 161.0%     | 115                |
| 116      | 116-1/2" Caliper Live Oak | Live Oak    | 116-1/2" | 116   | 116         | 162.4%     | 116                |
| 117      | 117-1/2" Caliper Live Oak | Live Oak    | 117-1/2" | 117   | 117         | 163.8%     | 117                |
| 118      | 118-1/2" Caliper Live Oak | Live Oak    | 118-1/2" | 118   | 118         | 165.2%     | 118                |
| 119      | 119-1/2" Caliper Live Oak | Live Oak    | 119-1/2" | 119   | 119         | 166.6%     | 119                |
| 120      | 120-1/2" Caliper Live Oak | Live Oak    | 120-1/2" | 120   | 120         | 168.0%     | 120                |
| 121      | 121-1/2" Caliper Live Oak | Live Oak    | 121-1/2" | 121   | 121         | 169.4%     | 121                |
| 122      | 122-1/2" Caliper Live Oak | Live Oak    | 122-1/2" | 122   | 122         | 170.8%     | 122                |
| 123      | 123-1/2" Caliper Live Oak | Live Oak    | 123-1/2" | 123   | 123         | 172.2%     | 123                |
| 124      | 124-1/2" Caliper Live Oak | Live Oak    | 124-1/2" | 124   | 124         | 173.6%     | 124                |
| 125      | 125-1/2" Caliper Live Oak | Live Oak    | 125-1/2" | 125   | 125         | 175.0%     | 125                |
| 126      | 126-1/2" Caliper Live Oak | Live Oak    | 126-1/2" | 126   | 126         | 176.4%     | 126                |
| 127      | 127-1/2" Caliper Live Oak | Live Oak    | 127-1/2" | 127   | 127         | 177.8%     | 127                |
| 128      | 128-1/2" Caliper Live Oak | Live Oak    | 128-1/2" | 128   | 128         | 179.2%     | 128                |
| 129      | 129-1/2" Caliper Live Oak | Live Oak    | 129-1/2" | 129   | 129         | 180.6%     | 129                |
| 130      | 130-1/2" Caliper Live Oak | Live Oak    | 130-1/2" | 130   | 130         | 182.0%     | 130                |
| 131      | 131-1/2" Caliper Live Oak | Live Oak    | 131-1/2" | 131   | 131         | 183.4%     | 131                |
| 132      | 132-1/2" Caliper Live Oak | Live Oak    | 132-1/2" | 132   | 132         | 184.8%     | 132                |
| 133      | 133-1/2" Caliper Live Oak | Live Oak    | 133-1/2" | 133   | 133         | 186.2%     | 133                |
| 134      | 134-1/2" Caliper Live Oak | Live Oak    | 134-1/2" | 134   | 134         | 187.6%     | 134                |
| 135      | 135-1/2" Caliper Live Oak | Live Oak    | 135-1/2" | 135   | 135         | 189.0%     | 135                |
| 136      | 136-1/2" Caliper Live Oak | Live Oak    | 136-1/2" | 136   | 136         | 190.4%     | 136                |
| 137      | 137-1/2" Caliper Live Oak | Live Oak    | 137-1/2" | 137   | 137         | 191.8%     | 137                |
| 138      | 138-1/2" Caliper Live Oak | Live Oak    | 138-1/2" | 138   | 138         | 193.2%     | 138                |
| 139      | 139-1/2" Caliper Live Oak | Live Oak    | 139-1/2" | 139   | 139         | 194.6%     | 139                |
| 140      | 140-1/2" Caliper Live Oak | Live Oak    | 140-1/2" | 140   | 140         | 196.0%     | 140                |
| 141      | 141-1/2" Caliper Live Oak | Live Oak    | 141-1/2" | 141   | 141         | 197.4%     | 141                |
| 142      | 142-1/2" Caliper Live Oak | Live Oak    | 142-1/2" | 142   | 142         | 198.8%     | 142                |
| 143      | 143-1/2" Caliper Live Oak | Live Oak    | 143-1/2" | 143   | 143         | 200.2%     | 143                |
| 144      | 144-1/2" Caliper Live Oak | Live Oak    | 144-1/2" | 144   | 144         | 201.6%     | 144                |
| 145      | 145-1/2" Caliper Live Oak | Live Oak    |          |       |             |            |                    |





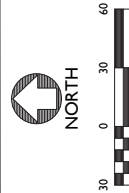
| ORNAMENTAL LANDSCAPE PLANT LIST |                                            |                    |       |      |             |                                            |
|---------------------------------|--------------------------------------------|--------------------|-------|------|-------------|--------------------------------------------|
| Country                         | Botanical Name                             | Common Name        | Type  | Size | Spacing     | Specifications                             |
| USA                             | <i>Quercus alba</i>                        | White Oak          | Tree  | 10m  | 3m x 3m     | Native, drought-tolerant, low maintenance. |
|                                 | <i>Juniperus horizontalis</i>              | Creeping Juniper   | Shrub | 2m   | 1m x 1m     | Evergreen, low-growing, versatile.         |
|                                 | <i>Hydrangea macrophylla</i>               | Bigleaf Hydrangea  | Shrub | 2.5m | 1.5m x 1.5m | Deciduous, flowering, shade-tolerant.      |
|                                 | <i>Salix alba</i>                          | Weeping Willow     | Tree  | 12m  | 3m x 3m     | Native, fast-growing, water-loving.        |
| UK                              | <i>Rosa rugosa</i>                         | Rugosa Rose        | Shrub | 2m   | 1m x 1m     | Deciduous, flowering, disease-resistant.   |
|                                 | <i>Camellia japonica</i>                   | Camellia           | Shrub | 3m   | 1.5m x 1.5m | Evergreen, flowering, shade-tolerant.      |
|                                 | <i>Philadelphus coronarius</i>             | Mock Orange        | Shrub | 2m   | 1m x 1m     | Deciduous, flowering, drought-tolerant.    |
|                                 | <i>Prunella vulgaris</i>                   | Common Heath       | Shrub | 1.5m | 0.8m x 0.8m | Perennial, flowering, low-growing.         |
| Canada                          | <i>Aspen (Populus tremula)</i>             | Aspen              | Tree  | 15m  | 4m x 4m     | Native, fast-growing, shade-tolerant.      |
|                                 | <i>Balsam Poplar (Populus balsamifera)</i> | Balsam Poplar      | Tree  | 12m  | 3m x 3m     | Native, fast-growing, shade-tolerant.      |
|                                 | <i>White Birch (Betula papyrifera)</i>     | White Birch        | Tree  | 10m  | 3m x 3m     | Native, fast-growing, shade-tolerant.      |
|                                 | <i>Black Birch (Betula nigra)</i>          | Black Birch        | Tree  | 10m  | 3m x 3m     | Native, fast-growing, shade-tolerant.      |
| Australia                       | <i>Acacia dealbata</i>                     | Silver Wattle      | Tree  | 10m  | 3m x 3m     | Native, fast-growing, drought-tolerant.    |
|                                 | <i>Callistemon citrinus</i>                | Citrus Bottlebrush | Shrub | 2m   | 1m x 1m     | Native, fast-growing, drought-tolerant.    |
|                                 | <i>Leptospermum laevis</i>                 | Native Tea Tree    | Shrub | 2m   | 1m x 1m     | Native, fast-growing, drought-tolerant.    |
|                                 | <i>Allocasuarina verticillata</i>          | Sheoak             | Tree  | 10m  | 3m x 3m     | Native, fast-growing, drought-tolerant.    |

|                            |
|----------------------------|
| PROJECT INFORMATION        |
| PROJECT NO.: 15-3824.10    |
| DATE: 11.24.15             |
| SCALE: 1" = 30'            |
| FILE NAME: 15-3824p04.dwg  |
| DESIGN/DRAWN: slr/sch/bc-g |

# HOME 2 SUITES

Alpharetta, GA

## LANDSCAPE PLAN



CIVIL ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE  
50 Warm Springs Circle  
Roswell • Georgia • 30075  
(770) 441-1942 • [www.seattl.com](http://www.seattl.com)

**GEORGIA 811**  
Utilities Protection Center, Inc.

**Call before you dig.**  
Dial 811 or Call 1-800-282-7411

**Call before you dig.**  
Dial 811 or Call 1-800-282-7411









## HOME 2 SUITES

### Legal Description

All that tract or parcel of land lying and being in Land Lot 1262 of the 2nd District, 2nd Section, City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

**Commencing** at the intersection of the Eastern right-of-way of Morris Road and the Southerly right-of-way of Webb Bridge Road; said point being the **Point of Beginning**. Thence, continuing along said right-of-way line S46° 16' 55.29"W for a distance of 71.78 feet, thence, continuing along said right-of-way line S10° 16' 34.29"W for a distance of 64.63 feet; said point being **True Point of Beginning**;

Thence leaving said right-of-way line S79° 23' 9.84"E for a distance of 354.09' feet to a point;

Thence, S 10° 36' 28.26 W for a distance of 351.32 feet to a point,

Thence, N 79° 23' 31.74 W for a distance of 371.51 feet to a point,

Thence, N 10° 35' 12.29" E for a distance of 215.72 feet to a point; said point being on the right-of-way of Morris Road,

Thence, continuing along said right-of-way, S 79° 47' 9.71" W for a distance of 4.79 feet to a point,

Thence, N 17° 18' 59.29" W for a distance of 110.08 feet to a point,

Thence, N 10° 16' 34.29" W for a distance of 26.28 feet to a point, said point being the **True Point of Beginning**.

Said property contains 2.96 acres (128,857.22 square feet) more or less. The above legal description was completed by **AEC, Inc.** and is based upon the survey by Inland Survey dated 9/10/14.



January 28, 2016

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

RE: **Home 2 Suites Variance Application  
Letter of Intent**

Dear Mayor and Councilpersons:

The applicant, RAM Hotels, is seeking a variance to the building setback ordinance in order to allow the proposed site to utilize retaining walls within the building setbacks.

The existing topography is extremely steep and has significant grade changes throughout the site. In order to make the property usable, the site will require a significant amount of earth cutting, filling and retaining walls in the development of the property. The applicant has explored multiple site layout and grading strategies for the project, with the current site plan proposed being the best fit for the site.

The applicant is seeking a variance to the building setback requirements specified in the Preston Ridge Zoning Conditions, dated September 1, 1989. The Summary of Zoning Attributes, Schedule 3 on page 5 of 16 states that the Morris Road setback is 50 feet with other yards being 25 feet. The applicant requests hardship relief from this requirement to allow the construction of the retaining walls within the building setbacks of the parcel.

RAM Hotels respectfully submits that the failure to grant it a variance would be unconstitutional, illegal, null and void, constituting a taking of Applicant'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 Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Alpharetta City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and 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

Alpharetta City Council to approve the variance application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the 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. The application of the City of Alpharetta Unified Development Code, facially and as applied to the Property, which restricts the Property to any zoning classification, uses, or to any zoning classification other than the classification as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant'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 Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

For all the foregoing reasons, it is submitted on behalf of the Applicant that the variance application of RAM Hotels meets the requirements of the Alpharetta Unified Development Code. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the City an opportunity to grant the requested variance. If action is not taken by the City Council to grant the variance within a reasonable time, a claim will be filed in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Property, diminution of value of the Property, attorney's fees and other damages in an amount no less than Ten Million Dollars (\$10,000,000) arising out of the unlawful deprivation of the Applicant's property rights.

Accordingly, your Applicant respectfully requests that the variance be granted as requested by the Applicant. I thank you for your time and consideration of this matter.

Sincerely,  
**AEC, Inc.**

  
Steven L. Rowe, ASLA  
Vice President

SLR/CJF/slr

M:\2015 JOBS\15-3824 Home 2 Suites\Docs\Variance\H2S-Variance Lett of Intent.docx





# City Council Meeting and Public Hearing STAFF REPORT

Submitting Department: Community Development  
Submitted By: Richard McLeod, Senior Planner  
Meeting Date: February 22, 2016

## I. AGENDA ITEM TITLE: REVISIONS TO SIGN ORDINANCE (2ND READING)

"AN ORDINANCE TO AMEND ARTICLES II AND IV OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO MODIFY PROVISIONS IN SUBSECTION 2.3.6 RELATED TO REQUIRED MATERIALS FOR FENCES AND WALLS; TO DELETE SECTION 2.6 ("SIGNS") IN ITS ENTIRETY AND REPLACE WITH A NEW SECTION 2.6 IN ORDER TO PROVIDE FOR THE MODIFICATION, DELETION AND ADDITION OF PROVISIONS RELATED TO SIGNS; TO MODIFY PROVISIONS IN SUBSECTIONS 4.2.1 AND 4.2.2 RELATED TO APPLICATIONS AND PUBLIC HEARINGS FOR REZONINGS, TEXT AMENDMENTS AND CONDITIONAL USES; TO MODIFY PROVISIONS IN SUBSECTION 4.4.5 RELATED TO BUILDING PLAN REQUIREMENTS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES."

## II. RECOMMENDATION:

## III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

| ACCOUNT TITLE/NUMBER | DOLLAR AMOUNT |
|----------------------|---------------|
|                      |               |

EXTERNAL FUNDING SOURCES:

| ACCOUNT TITLE/NUMBER | DOLLAR AMOUNT |
|----------------------|---------------|
|                      |               |

## IV. REPORT IN BRIEF:

## V. ALTERNATIVES:

## VI. ATTACHMENTS:

Ordinance, Sign Ordinance



# COUNCIL AGENDA REPORT

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

SUBJECT: PH-15-24 UDC Changes-Sign Ordinance and Text Amendments

CITY COUNCIL: February 22, 2016 (2<sup>nd</sup> Reading)  
**This item was deferred from February 1, 2016.**

## PLANNING COMMISSION:

**This item was heard at the December 3, 2015 Planning Commission meeting for the text amendments and at the January 7, 2016 Planning Commission for the Sign Ordinance. At the December 3 meeting, one person spoke about the fence ordinance requesting additional language be added to address fence maintenance such as prevention of leaning. It was explained that the property maintenance code could be changed. After discussion, the Planning Commission voted 5-0-0 to recommend approval of the text amendments and they voted 4-0-0 to recommend approval of the Sign Ordinance.**

## RECOMMENDATION:

**Approve PH-15-24 UDC Changes- Sign Ordinance and Text Amendments.**

## REPORT-IN-BRIEF

Several changes are proposed by Staff and the City Attorney's office as a result of use trends and clarifications needed in the Unified Development Code.

## DISCUSSION

Consideration of changes to the Unified Development Code are proposed that include changes to the sign ordinance in the UDC Article II, Section 2.6., and changes to the UDC to define 'wood' as a durable product for treatment of weather proofing as well as other general clarifications. Considerations of amending the UDC Section 4.3.1 and 4.2.2 to insert Director. Considerations of amending the UDC Section 4.4.5 to remove residential and commercial plan requirements and removing building inspections to refer to the residential or commercial inspection procedures are also included.

Sign Ordinance changes are proposed that provide for the modifications, deletions and/or add definitions and addition of other provisions related to certain types of signs, and for other purposes.



**AN ORDINANCE TO AMEND ARTICLES II AND IV OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO MODIFY PROVISIONS IN SUBSECTION 2.3.6 RELATED TO REQUIRED MATERIALS FOR FENCES AND WALLS; TO DELETE SECTION 2.6 (“SIGNS”) IN ITS ENTIRETY AND REPLACE WITH A NEW SECTION 2.6 IN ORDER TO PROVIDE FOR THE MODIFICATION, DELETION AND ADDITION OF PROVISIONS RELATED TO SIGNS; TO MODIFY PROVISIONS IN SUBSECTIONS 4.2.1 AND 4.2.2 RELATED TO APPLICATIONS AND PUBLIC HEARINGS FOR REZONINGS, TEXT AMENDMENTS AND CONDITIONAL USES; TO MODIFY PROVISIONS IN SUBSECTION 4.4.5 RELATED TO BUILDING PLAN REQUIREMENTS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, on or about May 21, 2001, the City of Alpharetta (the “City”) adopted a comprehensive zoning ordinance known and cited as the Unified Development Code of the City of Alpharetta, Georgia, which has subsequently been amended from time to time (the “Unified Development Code”); and

**WHEREAS**, the Mayor and Council of the City of Alpharetta (the “City Council” or “Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

**WHEREAS**, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make the Unified Development Code more responsive to community needs; and

**WHEREAS**, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City’s operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta; and

**WHEREAS**, the City Council desires to amend Articles II and IV of the Unified Development Code for the foregoing purposes; and

**WHEREAS**, the City Council finds that the following amendment to the Unified Development Code promotes the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta;

**NOW THEREFORE, The Council of the City of Alpharetta hereby ordains, as follows:**

**Section 1:**      **Paragraph C** of **Subsection 2.3.6** of Article II of the Unified Development Code is hereby amended by deleting same and inserting in lieu thereof a new Paragraph C to read as follows:

“C.    Materials. Fences and walls used as fences shall be made of wood which shall be protected from decay by the use of naturally durable wood or wood that is pressure treated, metal, brick, block, vinyl or stone. Barbed, razor wire or electrically charged fencing shall be permitted in AG and RE districts and may be permitted, subject to administrative review and approval, in other districts.”

**Section 2:**      **Section 2.6** of Article II of the Unified Development Code is hereby amended by deleting same in its entirety and inserting in lieu thereof a new Section 2.6 to read as set forth in Exhibit “A” attached hereto as if fully set forth herein.

**Section 3:**      **Paragraph A of Subsection 4.2.1** of Article IV of the Unified Development Code is hereby amended by deleting same and inserting in lieu thereof a new Paragraph A to read as follows:

- “A. An application for a zoning change may be initiated by the City Council, the Planning Commission, the Director, or by any person who owns property within the City. Unless initiated by the City Council, the Planning Commission or the Director, all such applications shall be initiated by the owner of a majority interest in the property affected.”

**Section 4:**      **Paragraph 1 of Subsection 4.2.2(B)** of Article IV of the Unified Development Code is hereby amended by deleting same and inserting in lieu thereof a new Paragraph 1 to read as follows:

- “1. The Director shall submit each application to the Planning Commission, together with a report of the Director's findings and a recommendation. The Planning Commission shall review and take action upon each application after holding a public hearing. In making a recommendation on each application, the Planning Commission shall follow the standards set forth under this Section. The recommendation of the Planning Commission and that of the Director, together with the minutes of the Planning Commission hearing at which the application is reviewed, shall be submitted to the City Council. If the Planning Commission does not act upon an application, the Director may take it to the City Council without a recommendation from the Planning Commission. No member of the Planning Commission shall rule on a matter in which he or she has a financial interest.”

**Section 5:**      **Paragraphs 4 and 5 of Subsection 4.4.5(C)** of Article IV of the Unified Development Code are hereby amended by deleting same in their entirety and inserting in lieu thereof new Paragraphs 4 and 5 to read as follows:

- “4. Residential Building Plan Requirements: Refer to the Residential Permitting Procedures.
5. Commercial Building Plan Requirements: Refer to the Commercial Permitting Procedures.”

**Section 6:**      If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

**Section 7:** This Ordinance shall be effective immediately upon its adoption by the City Council and incorporated into The Unified Development Code of the City of Alpharetta, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Approved:

\_\_\_\_\_  
David Belle Isle, Mayor

Attest:

**COUNCILMEMBERS**

\_\_\_\_\_  
Coty Thigpen, City Clerk  
(Seal)

Approved as to Form:

\_\_\_\_\_  
C. Sam Thomas, City Attorney

\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_



Key:

~~Strikethrough~~ = deletions

Underlined = additions

## SECTION 2.6 - SIGNS

### 2.6.1 Findings, purpose and intent.

#### A. Findings.

1. The City of Alpharetta finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners' desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares and properties. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.
2. The City of Alpharetta~~further~~ finds that the ~~number~~, size, height, number, design characteristics, spacing and ~~locations~~ of signs in the City directly affect the public health, safety and, welfare and property values.
3. The City further finds that the regulation of the size, height, number, design characteristics, spacing and location of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the City, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of both advertising and non-commercial messages for the benefit of all the City's citizens.
4. The City further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of limited signs serving other purely public purposes, such as identifying government buildings or conveying government speech, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The City finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

5. The City further finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through adoption of the following regulations.

B. Purpose and Intent. The purpose and intent of the governing authority of the City of Alpharetta in enacting this Ordinance includes, are as follows:

1. To protect the health, safety, general welfare and property values of the citizens of the City, and to implement the policies and objectives of the ~~e~~Comprehensive ~~development p~~lan of the City through enactment of a comprehensive set of regulations governing signs in the City<sub>i</sub>:-
2. To regulate the erection and placement of signs within the City in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers and pedestrians<sub>i</sub>:-
3. To preserve the value of property on which signs are located and from which signs may be viewed<sub>i</sub>:-
4. To maintain an aesthetically attractive city in which signs are compatible with the surrounding area<sub>i</sub>:-
5. To maintain for the City's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interests of the City<sub>i</sub>:-
6. To prevent the destruction of the natural beauty and environment of the City and ~~To~~-maintain and maximize tree coverage within the City<sub>i</sub>:-
7. To establish comprehensive sign regulations which effectively balance the protection of legitimate business and development needs and the rights of individuals and businesses to convey their messages through signs with the promotion of a safe and aesthetically attractive environment for residents, workers and visitors to the City and the protection of the public health, safety, and general welfare<sub>i</sub>:-
8. To ensure the protection of free speech rights under the State and United States Constitution within the City<sub>i</sub>:-
9. To promote economic development;
109. To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of the areas where the signs are to be located<sub>i</sub>:-
110. To provide temporary signs in limited circumstances<sub>i</sub>:-
124. To place reasonable controls on non-conforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said non-conforming signs<sub>i</sub>:-
12. ~~To prohibit all signs not expressly authorized by this Ordinance.~~
13. To provide for the maintenance of signs<sub>i</sub>:-
14. To avoid the harmful aspects of the unrestricted proliferation of signs<sub>i</sub>:- and
15. To ensure the fair and consistent enforcement of sign regulations.

#### 2.6.2 Scope of regulations.

- A. The provisions and standards of this Ordinance shall apply to all signs located or erected within the corporate limits of the City. It shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign or cause the same to be done within the City except in accordance with the provisions of this Ordinance.

- ~~B. Non-commercial speech protected under the First Amendment of the United States Constitution and the Constitution of the State of Georgia shall be regulated by this Ordinance only as to the size of signage containing such speech, the numerosity of such signs, and such other reasonable time, place and manner, restrictions as are set forth in this Ordinance. Any sign or structure used solely for the purpose of displaying a protected non-commercial message or protected non-commercial speech is exempt from all other aspects of this Ordinance. Except, however, all sign structures shall remain subject to the provisions of the City Zoning Ordinance, Building Codes and other relevant laws.~~
- ~~CB. Protected non-commercial speech shall be permitted in any place commercial speech is permitted under this Ordinance. Any sign provided for in any zoning district may contain non-commercial messages. To the extent any conflict arises between this provision and any other language found in this Ordinance, this provision shall control.~~
- ~~D. Any sign or structure erected for the purpose of displaying a protected non-commercial message or protected non-commercial speech shall not be used for a commercial message or commercial speech unless such sign or structure is erected in conformance with all requirements of this Ordinance and has received a sign permit as required under Section 2.6.4.~~
- ~~CE. For purposes of this Ordinance, a "non-commercial message" or "non-commercial speech" shall mean any message or speech that does not meet the definition of "commercial message or commercial sign" as set forth in Section 2.6.3 of this Ordinance. Nothing herein shall be construed to permit display of any message which is obscene, illegal or speech which is otherwise unprotected under the First Amendment of the United States Constitution. Nothing herein shall be construed to prohibit a prosecution for violation of a criminal statute by the City or other duly constituted government authority or a civil action by the City or other private person or entity.~~

### 2.6.3 Definitions.

As used in this Ordinance, unless the context indicates otherwise, the following terms shall have the meaning set forth below:

~~*Abandoned Sign.* Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or deteriorated copy through lack of maintenance, or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility. A sign which refers to a use or activity that is no longer located on the property where the sign is located, or which has ceased to be used through the removal of its copy or the deterioration of its copy through lack of maintenance, but excluding temporary or short-term periods of remodeling, refurbishment or maintenance of the sign or temporary vacancy of the premises.~~

~~*Animated Sign.* Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene, which changes colors or physical position by movement or rotation, or which gives the visual impression of such movement or rotation. This includes signs that flash, blink, scroll, fade or rotate/revolve to display a message in more than one direction, and tri-vision signs, but does not include flags, banners, or canopies.~~

~~*Area of Sign.* The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame which forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Where sections or modules are installed back to back, one face only is considered as area. If there is a difference, the larger face will be counted.~~

~~*Background Area.* The entire area of a sign face on which copy could be placed, as opposed to the copy area, where copy is in fact posted or painted. See also, "Face of Sign" (or "Sign Face").~~

~~*Banner.* Any sign of lightweight fabric, plastic or similar material that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners. permanently mounted at one or more edges to a pole or other structure. National flags, state and municipal flags, and official flags of businesses, institutions or other organizations shall not be considered banners.~~



*Beacon.* Any light with one (1) or more beams which rotate, move or which are directed into the atmosphere or at one (1) or more points not on the same lot as the light source.

*Canopy (or Marquee).* A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material such as fabric, metal, glass or plastic.

*Canopy Sign.* Any sign attached to or constructed in or on a canopy. For purposes of this Ordinance, this term includes Marquee Sign.

~~*Changeable Copy Board.* A sign on which copy or sign panels may be changed, such as boards with changeable letters or changeable pictorial panels. Any sign or part of a sign face that incorporates changeable board or panels, each of which contain a number, letter, character, graphic, symbol or image, to form a sign message or messages ("changeable copy"), whether the changing of such panels or boards are accomplished electronically or manually. A tenant panel is not considered changeable copy.~~

*City.* The City of Alpharetta, Georgia.

~~*Commercial Message or Commercial Sign.* Any sign, wording, logo, or other visual representation that directly or indirectly identifies, names, advertises, or directs attention to a business operated for profit, or to a product, commodity commercial interest or activity, or is otherwise intended to induce the purchase of goods, commodities, products, property, or services.~~

*Copy.* The characters, symbols, graphics, images, letters, words, writing, and/or information or advertising display on a sign surface.

*Copy Area.* The area in square feet of the smallest ~~rectangle enclosing geometric figure which describes the area enclosed by~~ the actual copy of a sign. ~~For wall or canopy sign, the copy area limits refer to the message, not to the illuminated background.~~

*Directory Sign.* A single, permanent free-standing sign for multiple businesses, offices, professionals, industries or other entities located within a planned center.

*Double-Faced Sign.* A sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty degrees (60°) or less, where one (1) face is designed to be seen from one (1) direction and the other face from another direction.

~~*Electrical Sign.* Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.~~

*Electronic sign.* Any sign, or portion of a sign, whose message may be changed at intervals by electronic process or by remote control, including signs such as a tri-vision sign, LCD sign or LED sign.

*Facade.* The exterior front of a building or structure exposed to public view.

*Face of Sign or Sign Face.* That part of a sign that is or can be used to announce, direct attention to, identify, advertise or otherwise communicate information. The entire area of sign on which copy could be placed. See also, "Background Area." ~~The sign face may be composed of two or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.~~

*Feather Sign.* A temporary sign or device made of lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a single rod, stake or staff for support, and designed to move in the wind.

*Flags.* Any fabric, plastic-bunting or similar material containing distinctive colors, patterns, or symbols.

*Flashing Sign.* A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. ~~Illuminated signs which indicate only the time, temperature, or date shall not be considered flashing signs.~~

*Free-standing Sign.* Any sign erected on a free-standing base, foundation, or frame, or otherwise supported by structures, supports or posts that are attached to, placed on, or anchored in the ground, and which are independent from and ~~mast or pole~~ not attached to any building or other structure. All permanent free-standing signs ~~or poles~~ shall be self-supporting structures erected on and permanently attached to solid bases or foundations. ~~Foundations shall be designed to carry weight and wind load of the sign, in soil which it is placed. Any poles or columns utilized for structural purposes shall be fabricated or covered so they may not be detected visually.~~

Ground Level. Street grade.

~~Ground Sign.~~ A free-standing sign (as defined previously) installed directly on the ground.

~~Height of Sign.~~ The vertical distance to the highest point of a sign from ground level.

Illuminated Sign, External. Any sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.

Illuminated Sign, Internal. Any sign illuminated by an internal light source. Such source cannot be a device that changes color, flashes or alternates, which is lighted from within (direct) or without (indirect).

*Lot or Parcel.* A designed parcel, tract or area of land legally established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed or built upon.

*Monument Sign.* A type of permanent free-standing sign that consists of a sign face attached on a solid base or foundation, designed in a manner such that the bottom (base) of the sign face is flush with the supporting solid base, which is directly mounted on and flush with the ground. The supporting base shall be at least as wide as the sign face and shall be constructed of brick, stone, or other architectural material as set forth herein. Also referred to as a "ground sign."

*Non-conforming Sign.* A sign erected or otherwise in use prior to the effective date of this Ordinance which fails in one or more respects to comply with all provisions of this Ordinance.

*Obscene.* Any form of speech which, taken as a whole, appeals to the prurient interest in sex, portrays sexual conduct in a patently offensive way, and which, taken as a whole, does not have serious literary, artistic, political, or scientific value. See *Miller v. California*, 413 U.S. 15, 93 S. Ct. 2607 (1973).

*Outparcel.* A portion of a larger parcel of land generally designed as a site for a separate structure and business from that of the larger main tract. To be recognized as an outparcel, the parcel must abut and be external to the larger main tract, have street frontage, and at the time of approval of the site plan for the larger main parcel be identified and delineated as a separate building site from that of the larger main parcel.

~~Owner.~~ The title owner and its agents and assignees.

Pennant or Streamer. A temporary sign or device made of lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Permanent Sign. Any sign affixed in manner that enables the sign and its copy to resist environment loads and precludes ready removal or movement of the sign, which is designed and constructed in a manner such that its intended use appears to be indefinite, and which, when installed, is intended for permanent use.

*Perpendicular Sign.* A sign that is placed perpendicular to the face of a wall and can be read on both sides. Such signs can be mounted to a wall or attached to the underside of an awning.

~~*Pole Sign.* A sign that is mounted on a free-standing pole or other support.~~

*Portable Sign.* Any sign which is designed to be transported, including, but not limited to, signs transported by trailer or its own wheels, even though the wheels of such sign may be removed and remaining chassis or support constructed without wheels is converted to an "A" or "T" frame sign or attached temporarily or permanently to the ground. Portable sign also means a sign carried by a person when that person's function is to display or convey a message as a pedestrian. Portable sign also means and includes a sign attached to, mounted on, posted on, painted or drawn on a motorized or drawn vehicle, when such vehicle is parked or placed in such a manner as to serve the purpose of an advertising device, or routinely parked at a location other than the location generally associated with the message conveyed or identified thereon, or when the primary purpose or function of such vehicle is to transport the message or messages conveyed or identified thereon. Portable signs shall not be deemed to include standard bumper stickers on vehicles, license plates, or signs that may be reflected on hats or other articles of clothing.

~~*Prohibited Sign.* Any sign, other than a nonconforming sign, which does not comply with this Section or is specifically restricted herein.~~

~~*Public Notice.* Any sign or notice posted by the City.~~

~~*Real Estate 'For-Sale', Lease or Rent.* For the purposes of this Ordinance, real estate is 'For-Sale', lease or rent when the real estate is being openly and actively marketed by the owner or a duly-licensed real estate agent or broker.~~

*Roof Line.* The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

*Roof Sign.* Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

*Rotating Sign.* Any sign or portion of a sign that moves in a revolving or similar manner.

*Sidewalk or Sandwich Board Sign.* A movable sign not secured or attached to the ground or surface upon which it is located.

~~*Sign.* Any identification, description, illustration, symbol, statue or device, fixture, structure, display or visual representation illuminated or non-illuminated, which is visible from any public place and affixed to, or supported or suspended by, a stationary object, structure, building or the ground that uses any color, form, character, symbol, graphic, image, illumination, or writing to announce, direct attention to, identify, or advertise an object, idea, location, place, person, institution, organization, business, product, service, activity or event or to otherwise visually communicate information, ideas or messages of any kind to the public. "Sign" includes the sign face and sign structure each designed to advertise, identify or convey information, including any landscaping where letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and state or national flags. For the purpose of removal, sign shall also include all sign structures.~~

*Sign Structure.* Any structure, other than a building, which supports, has supported or is designed to support a sign. A decorative cover is part of a sign structure.

*Site Plan.* A scaled, legible drawing representing the parcel of land on which a sign is to be located showing at least the property lines, public street right-of-ways, drive entrances, buildings and the location of existing free-standing signs.

~~*Standard Informational Sign.* A non-illuminated, temporary free-standing sign, which shall contain no reflecting elements, flags, projections or unpainted wooden surfaces, mounted on a post, stake or metal frame (with a thickness or diameter not greater than three and one-half inches) that is attached to, or anchored in, the ground. Standard informational signs are limited per lot to either one (1) sign that is twelve (12) square feet in area or up to four (4) signs not to exceed an aggregate of twelve (12) square feet in area. In addition, each sign shall not exceed a height of five (5) feet. These signs shall be set back not less than~~



ten (10) feet from public right-of-way or ten (10) feet from the back of curb of a private roadway. Standard informational signs do not require a permit.

*Strip Shopping Center.* A multi-tenant retail center with less than fifty thousand square feet (50,000 sq. ft.) of enclosed, leasable space.

*Subdivision Sign.* A monument sign located at the vehicular entrance or exit ~~to-of~~ a platted residential subdivision.

*Substandard Lot or Parcel.* A lot or parcel that does not meet the lot area, width or public street frontage and access requirements of the City Zoning Ordinance~~this Code~~.

*Swinging Sign.* A hinged sign installed on an arm or spar, and which is not also permanently fastened to an adjacent wall, ceiling or upright pole or support.

*Temporary Sign.* Any sign ~~which-that~~ is not a permanently signaffixed.

*Tenant Frontage* or Tenant Space Frontage. The horizontal distance in feet between the left side wall and the right side wall or building end wall of a tenant space fronting on a street.

*Tenant panel.* A physically removable panel on a sign face that may be changed for different like-sized panels and which is at least two (2) square feet in area. Tenant panels do not include electronic signs, reader boards or changeable copy.

*Tenant Space.* The physical location within a building designed and intended to serve as the separate and exclusive premises for the operations of a business or entity, which has its own exclusive public entrance/exit from the exterior of the building, and which is occupied by a business or entity legally operating pursuant to all Federal, State, City or other applicable laws and regulations. The use of any such physical location by more than one (1) legally operating business or entity shall only constitute a single tenant space. In the event such a physical location is used or occupied by more than one (1) business or entity, in order for such physical location to constitute a "tenant space", all businesses and/or entities operating therein must be operating pursuant to all Federal, State, City or other applicable laws and regulations.

*Under-canopy Sign.* A sign suspended below the ceiling or roof of a canopy or marquee and perpendicular to the face of the building. For the purposes of this Ordinance, this term includes Under-marquee Sign.

*Variable Message Board.* A programmable sign that provides changing information.

*Wall Sign.* A sign attached to or erected against ~~the outside~~ wall of a building, with the face parallel to the building wall and extending not more than 1 foot (1 ft.) therefrom, and which displays only one sign face. For the purposes of this Section, this term includes Fascia Sign.

~~*Weekend Signs.* A temporary sign that is placed after 12:01 a.m. on Thursday and removed prior to 11:59 p.m. on Sunday.~~

*Window Sign.* A sign installed on or inside a window for purposes of viewing from outside the building. This term does not include merchandise located in window or similar window displays.

#### **2.6.4 Permits and labels.**

- A. PERMIT REQUIRED. Except as specifically exempted from the provisions of this Ordinance, it shall be unlawful for any person to post, display, materially change, or erect a sign in the City without first having obtained a sign permit. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this Ordinance. A change in only the copy of a sign shall not constitute a material change.

**B. PERMIT REQUIREMENT AND APPLICATION.** ~~Except as specifically exempted from the provisions of this Ordinance, it shall be unlawful for any person to post, display, substantially change, or erect a sign without a permit. A change in the copy only of a sign shall not constitute a substantial change.~~ Applications for sign permits shall be filed by the sign owner or its agent with the Director. The application shall describe and set forth the following:

1. The street address of the property upon which the subject sign is to be located and a site plan of the property which bears the scaled and labeled proposed location of the sign.
2. The aggregate area and copy area for all signs on the parcel.
3. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
4. Name, address, telephone number, business license number and signature of the business owner authorizing placement of the sign.
5. Name, address, telephone number, fax number, business license number and signature of the sign contractor.
6. The type of sign to be erected, the area and copy area of the sign, the height of the sign, (if free-standing) the shape of the sign, the color(s) of the sign, the material of the sign and details showing how the sign will be mounted, installed or erected.
7. For permanent free-standing, ~~and~~ ground and monument signs only, show dimensioned sign location on site plan and include structural foundation and mounting details. Indicate the location and size of all existing permanent free-standing, ~~and~~ ground and monument signs on the property.
8. The cost of the sign (materials and installation).
9. ~~If an electrical sign, All applicants for signs which incorporate electricity must obtain an electrical permit or, if previously issued,~~ a copy of the electrical permit. Signs connected to an approved, existing wired outlet or junction box do not require electrical permits.

**CB. PERMIT FEES, LABELS AND EXPIRATION DATE.**

1. No permit shall be issued until the appropriate application has been filed with, and approved by, the Director and fees have been paid. Fees and any required deposits shall be established from time to time by resolution of the City Council. No application shall be deemed to be accepted by the Director unless and until all fees and deposits are paid and all information reasonably required by the Director is provided by the applicant.
2. The Director may inspect all existing signs in the City to determine if such signs conform to the provisions of the Ordinance. The Director is authorized and empowered to revoke any permit issued upon failure of the holder thereof to comply with any provision of this Ordinance or other Ordinances of the City, or to take other action lawful and necessary to assure correction of violations. Appeal from a revocation of a permit shall be in accordance with the provisions for appeal of a permit denial as set forth in paragraphs #5 and #6.
3. A sign permit shall become null and void if the sign for which the permit was issued has not been completed and erected within the time frame specified by the permit or six (6) months after the date of issuance.
4. A sign permit shall be issued or denied by the Director within 30 days of the filing of a complete and conforming permit application, payment of the appropriate deposits and fee(s), and compliance with all requirements under this Ordinance. If the City fails to act within the thirty-day period, the permit shall be deemed to have been granted.
5. In the event a permit application is denied, the Director shall provide the applicant a written denial, indicating the reason(s) for denial. The applicant may appeal a denial to the Board of Appeals by filing a notice of appeal with the Director within 10 days of written notice of the permit denial. The notice shall state the reasons for the appeal.

6. The Board of Appeals shall take final action on the appeal within 60 days of the notice. If the Board of Appeals fails to act within 60 days, the permit shall be deemed to have been granted. Should the Board of Appeals vote to uphold the denial, the Board of Appeals shall issue a written decision, indicating the reason(s) to the applicant. Appeal from the decision of the Board of Appeals is by writ of certiorari to the Fulton County Superior Court and must be filed within 30 days of the date of the Board's decision.

~~7. With each permanent sign permit, the director shall issue a sticker bearing the same number as the permit with which it is issued. It shall be the duty of the permittee or his agent to affix such sticker to the lower right sign face or sign edge so that it will be easily seen for inspection.~~

#### 2.6.5 Variances.

- A. Where a literal application of terms of this Ordinance, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted pursuant to procedures set forth in ~~the City Zoning Ordinance~~ this Code, where all the following conditions exist:

1. a. Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape or topography, which are not applicable to other lands or structures in the area; or  
b. The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen;
2. The applicant would be deprived of rights that are commonly enjoyed by others similarly situated;
3. Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
4. The exceptional circumstances are not the result of action by the applicant;
5. The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
6. Granting of the variance would not violate more than one standard of this Ordinance; and
7. Granting the variance would not 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.

Notwithstanding the foregoing, no variance shall be granted as to the size (area) of a sign or number of signs exceeding the maximum size or number of signs, as applicable, within the subject property's zoning district. Further, no variance shall be granted to permit a type of sign that is not otherwise allowed in accordance with this Ordinance.

Notwithstanding the foregoing, no variance shall be granted for any sign that is a prohibited sign under Subsection 2.6.8

#### 2.6.6 Non-conforming signs.

It is the policy of the City to encourage that all signs within the City be brought into compliance with the terms and requirements of this Ordinance.

- A. The City finds that non-conforming signs may adversely affect the public health, safety and welfare. Such signs adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs. Accordingly, the following registration requirements are found to be necessary in order to minimize these possible adverse effects through annual inspections and



maintenance and allow the City to remain cognizant of the locations and maintenance of said signs.

- B. The owner(s) or authorized agent(s) of each non-conforming sign located within the City shall register said non-conforming sign with the Director no later than 90 days after the effective date of this Ordinance and shall renew this registration annually thereafter. Any non-conforming sign that does not comply with the registration requirements herein shall be deemed to be an illegal sign and shall be subject to the regulations applicable to illegal signs and all other enforcement provisions of this Ordinance. The Director shall promulgate a form for the registration of non-conforming signs and shall annually inspect said signs to assure that they continue in all other respects in conformity with all other provisions of this Ordinance and any other applicable ordinance or regulation of the City.
- C. The Director may inspect existing signs in the City from time to time to determine if such signs conform to the provisions of this Ordinance.
- D. Any non-conforming sign which is not used or leased for a continuous period of 1 year shall not be reused for sign purposes unless and until it fully conforms with the terms and requirements of this Ordinance.
- E. No change in shape, size or design, shall be permitted except to make a non-conforming sign comply with all requirements of this Ordinance.
- F. A non-conforming sign may not be replaced by another non-conforming sign.

#### **2.6.7 Exemptions from permit requirements signs.**

~~A. Legally authorized public notices when posted by a government officer in the performance of his or her duties.~~

~~AB.~~ The following ~~types of~~ signs shall be exempt from the permit requirements of Section 2.6.4, provided all standards set forth in this Ordinance are met, including, but not limited to, the standards set forth below:

- ~~1A.~~ Standard informational signs~~Non-illuminated free-standing signs having an aggregate sign area of not more than 12 sq. ft., provided that no single sign shall exceed 4 ft. in height, have an area greater than 6 sq. ft., or be set back less than 10 ft. from the public right-of-way.~~
- ~~2B.~~ Signs~~Address numerals, not exceeding six (6) inches in height in residential districts and twelve (12) inches in height in non-residential districts,~~ for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law.
- ~~3C.~~ Flags provided that the height of a flag pole shall not exceed the allowed height provided for a structure or a building in the applicable zoning district, or sixty (60) ft., whichever is less, and in residential districts shall not exceed twenty-five (25) ft. in height or the height of the primary structure on the lot, whichever is less. In addition, the maximum dimensions of any flag shall be proportional to the flag pole height and the hoist side of the flag shall not exceed twenty percent (20%) of the vertical height of the flag pole. Each lot shall be allowed a maximum of three (3) flag poles unless a special land use permit or variance is obtained. A maximum of 2 flags per pole is allowed.
- ~~4D.~~ Non-governmental traffic control devices in or adjacent to internal parking areas and driveways in private developments, such as entrance and exit signs located so as not to interfere with, or detract from, official traffic control devices, and which conform to MUTCD (current edition) standards, including, but not limited to, standards regarding size, height, design and location.
- ~~5E.~~ Window signs installed for the purpose of viewing from outside the premises. However, such signs shall not exceed 20% of the available window space meeting the standards of this Ordinance.

- F. Legally authorized public notices when posted by a government officer in the performance of his or her duties.

### 2.6.8 Prohibited signs and devices.

Except as otherwise provided, the following types of signs or ~~advertising attention-getting~~ devices are prohibited in all zoning districts of the City:

- ~~1. Reef signs, Balloons, pennants, streamers, feather signs, or air or gas filled figures, or similar attention-getting devices or wind-activated devices, excluding flags.~~
2. Swinging signs.
3. Rotating signs.
4. Animated signs, flashing signs, and intensely lighted signs ~~—no sign shall be permitted which is animated by means of flashing, blinking or traveling lights or any other means not providing constant illumination.~~
5. Beacons, search lights or laser lights or images.
- ~~56.~~ Variable message boards used for purposes other than traffic management.
- ~~67.~~ Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal.
- ~~7. Signs which are painted on or attached to any courtesy bench, trash can, or similar object on which advertising is displayed.~~
8. Window signs which, in aggregate, exceed 20% of the window area or otherwise fail to meet the standards of this Ordinance.
- ~~9. Wind activated devices other than flags, banners and streamers.~~
- ~~109.~~ A-frame signs, sandwich board, sidewalk or curb signs are prohibited except when placed within 5 ft. of the front door of a building.
- ~~11. Signs attached or painted onto balloons and other such devices, whether hot or cold air or gas filled.~~
- ~~102.~~ Signs painted on or attached to utility poles, trees, rocks or other similar objects, except signs lawfully placed on utility poles by a government, public authority or public utility.
- ~~114.~~ Signs which obstruct a fire escape, required exit, window or door opening used as a means of ingress or egress, or which interfere with any opening required for ventilation, or which violate any code of the City, including the Life Safety Code and the Fire Prevention Code.
- ~~125.~~ Signs occupying a parking space required under the minimum parking requirements of this Ordinance, other than signs designating the space as reserved for handicapped or other use.
- ~~136.~~ Signs which do not conform to City-adopted building and electrical codes.
- ~~147.~~ Signs which emit audible sound, odor or visible matter.
- ~~158.~~ Portable signs.
169. Signs directly painted on a wall.
- ~~1720.~~ Signs set back less than 10 ft. from the pavement of any street (5 ft. within the Central Business District) or located in roadway medians. ~~[Reserved].~~
- ~~1824.~~ Signs attached to any street signs or any signs directing or controlling traffic control devices, or to any sign attached to a pole supporting such signs same, or any sign attached to any utility pole, ~~tree, shrub or plant,~~ other than those signs lawfully placed by a government, public agency, or public utility.

- ~~1922.~~ Signs projected on a building.
- ~~203.~~ Signs ~~on-in a~~ public right-of-way other than publicly owned or maintained signs.
- ~~214.~~ Signs which are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted.
- ~~25. Any sign constructed of non-durable material including, but not limited to, paper, cardboard or flexible plastic that has been displayed for more than 60 days and shows signs of damage from weather or the elements. Nothing herein shall prohibit such a sign from being replaced by an identical sign.~~
- ~~226.~~ Signs located on any substandard lot.
27. Abandoned ~~commercial signs. Commercial signs (including sign structures) shall be deemed abandoned if the business, service or commercial transaction to which it relates has been discontinued for 30 days.~~
28. Any sign that is structurally unsound, or is a hazard to traffic or pedestrians.
29. Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy.
30. Signs exceeding 156 sq. ft. in copy area and/or signs and sign structures in excess of 15 ft. in height (measured from the ground to the highest point of the structure).
31. Signs in any area designated as an undisturbed buffer pursuant to a federal, state or local law, a condition of zoning, or approved plat.
32. Internally illuminated window signs, including neon or LED signs (except as otherwise permitted herein). Additionally, LED, string or similar lighting outlining the windows, doors or other similar building features shall be prohibited.

#### 2.6.9 Remedies.

In case any sign covered by this Ordinance is or is proposed to be erected, constructed, altered, converted or used in violation of any provision of this Ordinance, the Director may, in addition to other remedies, and after due notice to the appropriate person(s), issue a citation for violation of this Ordinance requiring the presence of the violator in the municipal court or the Alpharetta Code Enforcement Board, or institute injunctive or other appropriate legal or administrative proceedings to prevent such unlawful erection, construction, alteration, conversion or use or to correct or abate such violation.

#### 2.6.10 Severability.

In the event that any section, subsection, sentence or work of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this Ordinance, even if the surviving parts of this Ordinance result in greater restrictions after any unconstitutional provisions are stricken. The Mayor and Council declare that they would have enacted the remaining parts of this Ordinance if they had known such portions thereof would be declared or adjudged unconstitutional or invalid. The Mayor and Council declare their intent that should this Ordinance be declared invalid, in whole or in part, signs are to continue to be subject to regulations applicable to "structures" contained in other city ordinances, including ~~the City Zoning Ordinance~~other sections of this Code.



## 2.6.11 General provisions.

Except as otherwise provided in this Ordinance, the following general regulations apply to all zoning districts in the City:

### A. MAINTENANCE AND APPEARANCE OF SIGNS.

1. All signs shall be maintained in good condition and present a neat and orderly appearance. Any sign showing gross neglect, or which becomes dilapidated, or which is surrounded by an unmaintained ground area, or due to its condition which may pose a threat to the safety of the public may be required to be repaired or removed as set forth below.
2. The Director, upon finding any of the above conditions, will give the owner written notice which may be up to 10 days to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the Director may issue a citation under the enforcement provisions of this Ordinance.

### B. ILLUMINATION OF SIGNS.

1. The light from any illuminated sign shall not be of an intensity or brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
2. No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color.
3. No color lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
4. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
5. Lighting for free-standing signs shall be located above the sign and aimed downward in order to minimize the brightness added to the night sky.

### C. MEASUREMENT OF SIGN AREA.

1. Generally. Except as otherwise provided herein, the area of a sign shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, together with any sign face cabinet, frame, material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any copy or serve background, but rather are purely structural or architectural in nature, except as provided above.
2. Double-Faced Signs. For double-faced signs, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is sixty (60) degrees or less, the area of the sign shall be taken as the areas on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed from any angle.
3. Monument Signs.
  - a. Area of Sign. For monument signs, the "sign area" or "area of the sign" shall mean the total area of the visible surface of the sign, including the base, sign structure, and sign face of the sign. The computation of the sign area of a monument sign shall include the entire surface of the base, sign structure and sign face, as measured from top to bottom and side to side. For monument signs that are double-faced, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is sixty (60) degrees or less, the area of the sign shall be taken as the areas on the largest side.

- b. Sign Face. For monument signs, the area of the sign face shall be measured in the same manner as provided for the measurement of the area of sign for all other signs.
- c. Copy Area. For monument signs, the copy area shall be measured in the manner provided in the definition of "copy area."
- d. Tenant Panels and Changeable Copy Board. If a portion of a monument sign includes a sign face with tenant panels or changeable copy board, which is separated from another copy area on the sign by portions of a sign structure that are not intended to contain any copy, but rather are purely structural or architectural in nature, the portion of the sign containing tenant panels or changeable copy board shall be measured separately from the other copy area of the sign (i.e., the copy area of the monument sign is the total of (i) the area within the smallest rectangle enclosing the limits of the sign face comprised of tenant panels or changeable copy and (ii) the other (separated) copy area.

#### D. STANDARDS FOR MONUMENT SIGNS.

- 1. The base of a monument sign shall be at least as wide as the sign face. Unless otherwise specified in a Master Sign Plan or a condition of zoning approval, the base and structure of a monument sign shall be constructed of brick, stone, or other architectural materials matching the principal building's materials and color. Any poles or columns utilized for structural purposes shall be fabricated or covered so that they may not be detected visually. Foundations shall be designed to carry weight and wind load of the sign, in soil which it is placed
- 2. Any tenant panels or changeable copy on a monument sign shall have a uniform background color and material.
- 3. All monument signs shall display the property address in numbers at least six (6) inches in height. The numerical address shall not be considered part of the sign face and shall not count against the allowable sign square footage provided such numbers are not more than twelve (12) inches in height.
- 4. Except for subdivision signs, monument signs may not be constructed before the principal building is on a lot.

#### C. WEEKEND SIGNS. Weekend signs shall be permitted as follows:

- 1. ~~Weekend signs shall be permitted between 12:01 a.m. on Thursday Friday through 11:59 p.m. on Sunday. No weekend sign shall be placed for a period longer than ninety-sixseventy-two (9672) hours.~~
- 2. ~~Weekend signs shall not be greater than 4 sq. ft.~~
- 3. ~~Weekend signs pertaining to the same property shall not be located within 1,000 ft. of each other.~~
- 4. ~~Weekend signs shall be permitted within any zoning district; however, such signs shall not be placed within the historic business district or on public right-of-way.~~

#### DE. FLAGS, BANNERS AND STREAMERS.

Banners require a permit and are permitted in all zoning districts pursuant to the following standards:

- 1. Banners shall be permitted for either one (1) fourteen (14) day period per calendar year per lot or two (2) seven (7) day periods per calendar year per lot. An individual banner permit may be divided into two (2) non-consecutive seven (7) day periods provided the dates are stated on the permit. However, in the case of lots which contain a shopping center (or strip shopping center) with multiple tenant

spaces, each tenant space shall be allowed to erect or place a banner for either one (1) fourteen (14) day period per calendar year or two (2) seven (7) day periods per calendar year. Banners shall be ~~allowed~~ for a period not exceeding fourteen (14) days ~~per calendar year~~ with no more than two (2) such ~~seven (7)~~ day periods being permitted per calendar year per lot. ~~However, in the case of for lots which contain a shopping center (or strip shopping center) with multiple tenant spaces,~~ each tenant space shall be allowed to erect or place a banner for one (1) ~~fourteen (14) day or 2 seven (7) period(s)~~ per calendar year. Banners shall be removed from the premises within fourteen (14) days from the date the device is first placed on the lot.

12. ~~Flags,~~ In addition to the foregoing, banners, streamers, pennants and similar devices shall be ~~permitted-allowed~~ on private property during an approved temporary use, as defined in Section 2.3.2 of the U.D.C., for the approved period of such temporary use, but not to exceed ~~forty-five (45) days~~; provided, however, the placement of banners on lots during approved temporary uses shall not be permitted more than two (2) times per calendar year per lot. Any such banners shall be removed upon termination of the temporary ~~use or~~ within forty-five (45) days from the date it is first placed on the lot, whichever is first to occur. Upon removal, no banner shall be placed on the same lot for a period of sixty (60) days. ~~or special event within thirty (30) days of the opening of a business on such property.~~
2. ~~No such device shall be erected or placed on any lot more than four times in any twelve-month period. Such devices shall be removed from the premises within thirty (30) days from the date the device is first placed on the lot. Upon removal, no such device shall be erected or placed on the same lot for a period of thirty (30) days from the removal.~~
3. Banners shall not exceed ~~48-24~~ sq. ft. total area in size.
4. ~~Wall mounted b~~Banners must either be free-standing or mounted to the wall of a tenant space or the lot's existing monument sign. If free-standing, the height of the banner shall not exceed five (5) above grade. If mounted to the wall of a tenant space, the width of the banner shall not exceed tenant frontage and shall not extend above the horizontal plane of the roof where the building wall and roof meet. ~~Free-standing banners must be set back at least ten feet from the right-of-way. If mounted to the lot's existing monument sign, the banner shall not extend beyond the sign face of the monument sign.~~
5. Banners shall be erected with supports or other means so that they do not sag or become dilapidated.
6. No more than two (2) banners shall be permitted on a lot at the same time.

**EE. PLACEMENT OF SIGNS.** Except within the Central Business District, all free-standing signs must be set back at least ~~ten (10)~~ ft. from the public right-of-way. Within the Central Business District, all free standing signs must be set back at least five ~~(5)~~ feet from the public right-of-way.

**FG. CHANGEABLE COPYBOARD SIGNS.** Any ~~ground—monument~~ sign permitted under this Ordinance may contain up to ~~sixty-five percent (65%)~~ changeable copy if the sign is located on a lot zoned and used (as its principal existing use) for an institutional, public or semi-public use and which includes an indoor public assembly place accommodating one hundred (100) or more persons.



## 2.6.12 Requirements for non-residential zoning districts.

### A. Signs Permitted in Strip Shopping Centers (less than 50,000 sq. ft. enclosed leasable space).

1. Primary Free-standing Sign (Monument Sign). One (1) free-standing primary monument sign no greater than ten (10) ft. in height with no more than forty-two (42) sq. ft. of copy area shall be permitted in a strip shopping center. ~~If tenants are identified on the sign up to 4 tenants may be identified.~~ The monument sign may have up to four (4) tenant panels, which shall be calculated as part of the copy area. This sign shall be set back 20 ft. from the public right-of-way.
2. Wall Signs. One wall sign per road frontage for each tenant space no greater than one (1) sq. ft. of sign area per one (1) ln. ft. of tenant space frontage shall be permitted; provided, however, no more than two (2) wall signs shall be allowed for a tenant space. (i.e. Corner tenants within strip shopping centers may have a wall sign on the end of the building in addition to the wall sign on the front of the building for a maximum of two (2) wall signs.).
3. Rear Entrance Sign. One (1) rear door entrance sign is allowed for each tenant space within the strip shopping center. Rear entrance signs shall be located on the tenant space's rear entrance door and shall not to exceed square two (2) sq. ft. in size area shall be permitted. Rear entrance signs shall not require a permit from the Director.
4. Window Signs. Window signs not exceeding 20% of the glass area shall be allowed, and do not require a permit. Window signs, as defined in this Ordinance, are permitted for each tenant space in a shopping center. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area of the subject tenant space. One (1) illuminated window sign is permitted for each tenant space provided that such sign does exceed a maximum of four (4) sq. ft. in area. Illuminated window signs shall be included in the maximum aggregate window sign area calculation. Any illuminated window sign shall be constant in its light emission, shall not be animated, and shall not be so large or of character to obscure vision into the premises from the outside. Window signs shall not require a permit from the Director. However, each tenant shall immediately remove any window sign upon receipt of written notification from the Director stating that such window sign obscures the vision of police or other security or safety personnel into the premises in a manner that endangers public safety.
5. Under-Canopy Sign. One (1) under-canopy sign is permitted for each per tenant space within a strip shopping center, which shall not exceeding 28 sq. ft. in size area.
6. Sign During Construction. One (1) temporary free-standing sign per strip shopping center project may beshall be permitted during the construction of the strip shopping center or the principal building of any outparcel. erected no more than 15 days prior to Such sign shall be allowed upon the commencementthe beginning of construction for which a valid land disturbance permit has been issued, and removed terminating upon the issuance of a certificate of occupancy, installation of a permanent sign, or expiration/termination of the land development permit, whichever is first to occurwithin 30 days following the opening of the establishment. The sign shall not exceed ten (10) ft. in height, thirty-two (32) sq. ft. in area, and must be set back ten (10) ft. from the public right-of-way (five (5) ft. in the Central Business District). Further, the location of the sign be confined to the site of construction, and only one (1) such sign may be permitted per project.
7. Standard Informational Signs. Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director. However, standard information signs shall be removed upon receipt of written notification from the Director stating that.
7. One sign when the real estate is 'For-Sale', lease or rent. The sign shall not exceed 10 ft. in height, 32 sq. ft. in area, and must be set back 10 ft. from the public right-of-way (5 ft. in the Central Business District).
8. Tag signs shall not be permitted.

B. Signs Permitted in Shopping Centers (more than 50,000 sq. ft. enclosed leasable space).

1. Primary Free-standing Signs (Monument Signs).

- a. The maximum number of ~~free-standing~~primary monument signs permitted in a shopping center is as follows:

| Size of Center (enclosed leasable space) | Total Number of Signs |
|------------------------------------------|-----------------------|
| 50,000 sq. ft. to 150,000 sq. ft.        | 2                     |
| Over 150,000 sq. ft. to 200,000 sq. ft.  | 3                     |
| Over 200,000 sq. ft.                     | 4                     |

- b. The monument sign may have up to four (4) tenant panels, which shall be calculated as part of the copy area. If tenants are identified on the sign, the major tenant and 3 other tenants may be identified.
- c. No ~~free-standing~~ such sign shall be located within twenty (20) ft. of the public right-of-way of the street which affords the principal means of access to the shopping center. The sight distance of each sign shall conform to City standards, and evidence of conformity shall be provided to the Director.
- d. ~~The width of the sign or its support shall not exceed the width of the free-standing sign structure.~~
- ed. The maximum height of any such sign shall be twelve (12) ft.~~permitted and the maximum area permitted for any such free-standing signs within shopping centers~~ is as follows:

| Height                               | Area <u>of Sign</u> | Copy Area  |
|--------------------------------------|---------------------|------------|
| 10 feet or less                      | 420 sq. ft.         | 78 sq. ft. |
| Over 10 ft. but not more than 12 ft. | 360 sq. ft.         | 64 sq. ft. |

- f. The name and street number of the shopping center may be set forth on the free-standing monument sign. The calculation of the permitted copy area shall not include the ~~name or~~ street number.
- g. The owner or developer of a shopping center which exceeds 150,000 sq. ft. may elect to forego one or more ~~free-standing of the monument~~ signs otherwise permitted under this Ordinance subsection. For each sign that is foregone, the owner of or developer may elect to increase the copy area of one remaining sign up to 100% of the square footage that is otherwise permitted under this Ordinance subsection, or, in the event there is more than one remaining sign, this percentage may be allocated among the remaining signs. In no event shall the copy area of any sign be increased by more than 100%. By way of

illustration, if an owner of a shopping center exceeding 200,000 sq. ft. elects to forego one of the four permitted ~~free-standing monument~~ signs, he might elect to increase the copy area of one of the remaining signs by 100%, or he might elect to increase the copy area of one remaining sign by 50% and the two other signs by 25% each, etc.

- h. In addition to the ~~free-standing monument~~ signs permitted above, one (1) free-standing monument sign not exceeding 10 ft. in height and 32 sq. ft. in copy area is permitted for each out-parcel; provided, however, if the out-parcel is a corner lot, one (1) sign for each street frontage is permitted.

## 2. Canopy Signs and Wall Signs.

- a. One canopy sign or wall sign is permitted for each tenant space in the shopping center.
- b. No wall sign or canopy sign shall be located so that any part of the sign or its support extends above the top of the wall or canopy, and no copy shall be located within five (5) in. of the top of the sign.
- c. The area of a wall sign or canopy sign shall not exceed one (1) sq. ft. for each linear foot of tenant space frontage.

## 3. Under-Canopy Signs.

- a. ~~One (1) Under-canopy signs are-is~~ permitted for each tenant space within a shopping center.

~~Only 1 under-canopy sign shall be permitted per tenant.~~

- b. Under-canopy signs shall extend perpendicular to the wall of the tenant space, shall not exceed 2-8 sq. ft. in area, and shall be attached at a uniform height sufficient to assure the safety of pedestrians. Under-canopy signs shall match the wall or canopy signage for the subject tenant space in graphics and content unless otherwise approved by the Director.

## 4. Rear Entrance Sign.

- a. One rear entrance sign is permitted for each tenant space within the shopping center. The developer or owner of the shopping center shall be responsible to the City for proper rear entrance signage of tenant spaces, including proper maintenance.
- b. Rear entrance signs shall be located on the tenant space's rear door.
- c. The area of rear entrance signs shall not exceed 8 sq. ft.; however, the sign may not be less than 18 in. wide and 12 in. high.

## ~~5. Changeable Copy Board.~~

- ~~a. One (1) changeable copy board, as defined in this Ordinance, is permitted in a shopping center. Changeable copy board signs shall be attached to a wall or a canopy fascia of a structure unless it is used in conjunction with a movie theater. The area of a changeable copy board shall not exceed 30 sq. ft.~~
- ~~b. No changeable copy board sign shall be located so that any part of the sign or its support extends above the top of the wall or canopy, and no copy shall be located within 5 in. of the top of the sign.~~

## ~~65. Signs During Construction.~~

- a. One (1) temporary free-standing sign per shopping center project shall be permitted during the construction of the shopping center or the principal building of any outparcel. Such signs shall be allowed upon erected no more than 15 days prior to the commencement beginning of construction for which a valid land disturbance permit has been issued, shall be confined to the site of construction, and shall be removed within 30 days following the and terminating upon the issuance of a certificate of occupancy, the



installation of a permanent sign, or the expiration/termination of the land development permit, whichever is first to occur opening of the shopping center.

- b. The size of the sign shall not exceed thirty-two square feet (32 sq. ft.) in area and the height of such sign shall not exceed ten feet (10 ft.). and Further, the location of the sign shall be confined to the site of construction, and only one (1) such sign may be permitted per project.

#### 7. Window Signs.

- a. Window signs, as defined in this Ordinance, are permitted for each tenant space in a shopping center. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area of the subject tenant space.
- b. ~~Neon~~ One (1) illuminated window signs ~~is are~~ permitted for each tenant space provided that such sign does not exceed four (4) sq. ft. in area ~~a maximum of 10% of the 20% total aggregate window signage permitted. Illuminated window signs shall be included in the maximum aggregate window sign area calculation.~~ Any ~~neon-illuminated~~ window sign shall be constant in its light emission, shall not be animated, and shall not be so large or of a character to obscure vision into the premises from the outside.
- c. Window signs shall not require a permit from the Director. However, each tenant shall immediately remove any window sign upon receipt of written notification from the Director stating that such window sign obscures the vision of police or other security or safety personnel into the premises in such a manner that endangers public safety.

#### ~~8. Signs When Real Estate is 'For-Sale', Lease or Rent.~~

- ~~a. When real estate within a shopping center is 'For-Sale', lease or rent, one (1) additional sign is permitted for the shopping center provided the sign is not located closer than one hundred linear feet (100 ft.) (or that number of linear feet constituting one-half (½) of the frontage, whichever is less) to any shopping center free-standing sign, is not illuminated, and does not exceed forty-eight square feet (48 sq. ft.) in area or ten feet (10 ft.) in height. Colors and textures of such signs shall be compatible with those of the shopping center free-standing sign or of the shopping center structure.~~
- ~~b. When there is vacant tenant space within a shopping center, one (1) additional wall or window sign not to exceed eight square feet (8 sq. ft.) may be located on each vacant tenant space.~~

#### 9. Signs Permitted for Cinema Complexes~~Changeable Copy Boards.~~

- a. In addition to the primary monument signs permitted for the shopping center, One (1) free-standing cinema monument sign, which may include changeable copy board, sign shall be permitted for each a lot containing a cinema complex; provided, however, if the cinema complex is located on an outparcel, any cinema monument signs erected shall be in lieu of the monument sign that is otherwise permitted for the outparcel pursuant to this subsection. if the cinema complex is on a corner lot, one (1) cinema monument sign for each street frontage is permitted.
- b. ~~All free-standing cinema changeable copy board signs shall be self-supporting structures with a monument type base (at least three feet (3 ft.) in height) erected on and permanently attached to solid foundations. Foundations shall be designed to carry weight and wind load of the sign in soil which it is placed.~~ The changeable copy board shall be constructed in such a fashion to prevent wind, rain or other elements from altering the position of the copy.
- c. The height of a monument sign for a cinema complex~~free-standing cinema changeable copy board sign~~ shall not exceed fifteen (15) ft.
- d. ~~The width of a free-standing cinema changeable copy board sign or its support shall not exceed the width of the free-standing sign structure.~~

- e. ~~The copy area of a free-standing cinema changeable copy board sign shall not include the cinema identification sign.~~ The copy area of a monument sign for a cinema complex shall not exceed one-hundred-and-twenty (120) sq. ft.
- f. One (1) wall sign, which may include ~~cinema~~ changeable copy board, wall sign or canopy sign shall be permitted for each-a cinema complex; provided, however, if theaters are contained within separate buildings then one such sign shall be permitted for each building. Signage for each building shall be treated as a separate sign. The aggregate area of wall signs or canopy signs for each-a cinema complex shall not exceed 1 sq. ft. for each linear foot of building frontage.
- g. No wall sign or canopy sign shall be located so that any part of the sign or its support extends above the top of the wall or canopy, and no copy shall be located within five (5) in. of the top of the sign. The provisions of this Ordinance subsection pertaining to signage in cinema complexes shall also apply to cinemas not located within a shopping center.

10. Entry Wall Signs. A sign of up to three (3) sq. ft. is permitted on the wall above or adjacent to the entry of a business-establishmenttenant space located in a building without a common front entry.

11. Standard Informational Signs. Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

C. Signs Permitted in Industrial and Office Parks.

1. Free-Standing Signs.

- a. Primary Free-Standing (Monument) Signs. A maximum of two (2) primary ~~free-standing monument~~ signs are permitted in an industrial or office park. No primary ~~free-standing monument~~ sign shall exceed 15 ft. in height. A changeable copy board is not permitted on an industrial or office park ~~primary free-standing~~ sign. No primary ~~free-standingmonument~~ sign shall be located within 20 ft. of the public right-of-way of the street which affords the principal means of access to the industrial or office park. The permitted area for primary free-standing signs is as follows:

| Frontage         | Area            | Copy Area   |
|------------------|-----------------|-------------|
| Up to 500 feet   | 75 square feet  | 60 sq. ft.  |
| 501—1,000 feet   | 100 square feet | 75 sq. ft.  |
| 1,001—1,500 feet | 150 square feet | 100 sq. ft. |
| Over 1,500 feet  | 200 square feet | 150 sq. ft. |

- b. Secondary Free-Standing (Monument) Signs. One secondary ~~free-standing-monument~~ sign shall be permitted for each building in the industrial or office park, not to exceed 32 sq. ft. in area. ~~All secondary free-standing signs shall be self-supporting structures erected on or permanently attached to solid foundations.~~ The height of a secondary ~~free-standingmonument~~ sign shall not exceed 10 ft.

2. Wall Signs. Buildings of ~~three~~ two (2) stories or greater may have a wall sign located at the top of the building, ~~and that is not greater than 48 sq. ft. in area. If a tenant is identified on the sign, no more than one tenant shall be identified. The maximum area of such sign shall not exceed 20 sq. ft. per floor or story above road grade, not to exceed 156 sq. ft.~~
3. Door or Wall Sign. One (1) sign of up to three square feet (3 sq. ft.) is permitted for each tenant space within a building. Such signs shall be located on the door of the suite, or on a wall immediately adjacent to the door of the suite for business establishments located in a building without a common front entry.
4. Directory Signs. Directory signs are permitted in industrial or office parks. Each exterior directory sign shall be a monument sign ~~free-standing signs and may identify the suite numbers of the businesses located in the building or buildings included within the directory. If the copy identifies the suite numbers and businesses within the park, the copy on a directory sign may be changeable.~~ Height of a directory sign shall not exceed ten feet (10 ft.).

5. ~~Signs When Real Estate is 'For-Sale', Lease or Rent. When real estate within an industrial or office park is 'For-Sale', lease or rent, one (1) additional sign is permitted for each industrial or office park provided such sign is not located closer than one hundred linear feet (100 lin. ft.) (or that number of linear feet constituting one-half (½) of the frontage, whichever is less) to any office park identification sign and is not illuminated. The sign shall not exceed forty-eight square feet (48 sq. ft.) in area or ten (10 ft.) in height.~~

~~When a subdivided tract of real estate within an industrial or office park is 'For-Sale', lease or rent, one (1) additional sign is also permitted for each subdivided tract within an industrial or office park provided that such sign is confined to the subdivided tract. Such signs shall not be illuminated and shall be subject to the same size and distance limitations as set forth above.~~

6. Rear, Secondary or Delivery Entrance Signs. Rear, secondary or delivery entrance signs are permitted at appropriate locations within an industrial or office park. All such signs shall be free-standing and shall not exceed eight square feet (8 sq. ft.) in size and ten feet (10 ft.) in height.
7. Signs During Construction. One (1) ~~additional sign~~ temporary free-standing sign for each subdivided tract within an industrial or office park is permitted during construction. Such signs shall be ~~erected no more than fifteen (15) days prior to the beginning~~ allowed upon the commencement of construction for which a valid land disturbance permit has been issued, ~~and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development permit, whichever is first to occur.~~ shall be confined to the site of construction, and shall be removed within thirty (30) days following the opening of the industrial or office park.

The size of such signs shall not exceed ~~forty-eight~~ thirty two square feet (~~32~~ 48 sq. ft.) and the maximum height of such sign shall be ten feet (10 ft.). Further, the location of the sign shall be confined to the site of construction.

8. Standard Informational Signs. Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

#### D. Signs Permitted for Convenience Centers with Gasoline Pumps.

1. One ground-monument sign per road frontage not to exceed ten feet (10 ft.) in height and thirty-two square feet (32 sq. ft.) in area. The monument sign may include changeable copy board, not to exceed four (4) square feet in area, which shall be calculated as part of the copy area.
2. Wall signage for convenience store and accessory buildings shall not exceed an aggregate area of eighty square feet (80 sq. ft.).
3. One canopy sign per road frontage not to exceed twenty square feet (20 sq. ft.) per sign.
4. Signs on pumps shall not exceed three square feet (3 sq. ft.) per pump.



5. ~~Window signs shall not exceed twenty percent (20%) of window area. Window signs, as defined in this Ordinance, are permitted. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area of the subject building or tenant space. One (1) illuminated window sign is permitted for each tenant space provided that such sign does not exceed four (4) sq. ft. in area.~~

6. Standard Informational Signs. Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

~~6.—No changeable copy board shall be allowed except the ground sign.~~

E. Signs Permitted for Free-Standing Commercial Establishments not Located within a Shopping Center, Office Park or Industrial Park.

1. One (1) ground-monument sign per road frontage no greater than ten feet (10 ft.) in height with no more than thirty-two square feet (32 sq. ft.) of area. Each sign shall be set back not less than ten feet (10 ft.) from the public right-of-way, except in the Central Business District where the setback shall be not less than five feet (5 ft.) from the public right-of-way.

2. One (1) wall sign per ~~tenant for each~~ road frontage for each tenant space no greater than one square foot (1 sq. ft.) of area per one linear foot (1 ln. ft.) of tenant frontage; provided, however, no more than 2 wall signs shall be allowed for a tenant space.

3. One (1) rear door sign not to exceed three square feet (3 sq. ft.) in area.

4. Window signs not exceeding twenty percent (20%) of the glass area.

5. One (1) sign no greater than three square feet (3 sq. ft.) located on the front door or on a wall immediately adjacent to the front door.

6. Buildings of three (3) stories or greater may have a wall sign located at the top of the building and is not greater than forty-eight square feet (48 sq. ft.) in area. ~~if a tenant is identified on the sign, no more than one tenant shall be identified.~~

7. One (1) temporary free-standing sign shall be permitted during the construction of the principal building for the lot. Such sign shall be allowed upon the commencement of erected no more than fifteen (15) days prior to the beginning of construction for which a valid land disturbance or building permit has been issued, and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development or building permit, whichever is first to occur. removed within thirty (30) days following the opening of the establishment. The sign shall not exceed ten feet (10 ft.) in height, thirty-two square feet (32 sq. ft.) in area, and must be set back ten feet (10 ft.) from the public right-of-way (five feet (5 ft.) in the Central Business District).

8. Standard Informational Signs. Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

~~One (1) sign when the real estate is 'For Sale', lease or rent. The sign shall not exceed ten feet (10 ft.) in height, thirty-two square feet (32 sq. ft.) in area, and must be set back ten feet (10 ft.) from the public right-of-way or five feet (5 ft.) in the Central Business District.~~

~~F.—Other Signage Permitted in Non-Residential Zoning Districts. In addition to the signs authorized above, each non-residential lot or parcel may contain additional signage having an aggregate sign area of not greater than ten square feet (10 sq. ft.). No single sign shall exceed three feet (3 ft.) in height. Each sign shall be set back at least ten feet (10 ft.).~~

GF. Signs permitted within the Historic Business District and MU zoned properties. In addition to the signs authorized under a designated category, each business in the Historic Business District and within MU zoned properties may utilize the following additional signage:

1. Each located on the ground floor of a building shall be permitted one (1) perpendicular sign which shall not exceed eight (8) square feet in size and shall be placed at least eight (8) feet, but no more than twelve (12) feet above sidewalk. In order to foster originality, the shape of the sign may not incorporate more than one set of parallel edges and words may only comprise up to 50% of the sign face area. The remaining sign face area must incorporate some form of graphic design. In addition, signs must be mounted on decorative black brackets.
2. Businesses located within the first two floors of a building that backs onto a parking lot, alley, park or other public space may have an additional wall sign up to twenty-four (24) square feet in size. This additional wall sign shall be located on the back of the building facing the parking lot, alley, park or other public space and placed within general proximity of the associated business.

**HG.** Building Ground Signs (monument signs) within the Central Business District shall not be internally illuminated. Where illumination is needed, lighting fixtures may be placed at the top of the sign and aimed downward or may be placed on the ground and aimed in such a way as to illuminate the sign without creating spillover into the night sky. This regulation shall apply only to new signs. The changing of a sign face or panel shall not constitute a new sign.

### 2.6.13 Requirements for residential zoning districts.

- A. Standard Informational Signs. Each lot located in a ~~dwelling, 'For-Sale',~~ residential district may display standard informational signs, as defined in this Ordinance. ~~is permitted an aggregate sign area of no greater than twelve square feet (12 sq. ft.), subject to exemptions contained elsewhere in this Ordinance. In apartment, condominium or townhouse developments, the permitted aggregate sign area is no greater than six square feet (6 sq. ft.) per unit.~~ No single sign shall exceed four feet (4 ft.) in height. No sign shall be illuminated. All signs must be set back at least ten feet (10 ft.) from the right-of-way.
- B. Subdivision Signs. A maximum of two (2) subdivision ~~or entrance~~ signs per ~~entrance into any platted residential subdivision~~ entrance or residential real estate development ~~is are~~ permitted, which may be erected while the subdivision is under construction and being actively marketed 'For-Sale'. These signs shall be single-faced, not exceed ten feet (10 ft.) in height or thirty-two square feet (32 sq. ft.) in area, and must be set back at least ten feet (10 ft.) from the right-of-way. Subdivision signs shall not be included in the calculation of aggregate sign area for any lot. A subdivision sign ~~may be indirectly~~ shall not be internally illuminated.
- C. ~~A maximum of two signs per subdivision entrance shall be permitted while the subdivision is under construction and being actively marketed 'For-Sale'. These signs shall not exceed ten feet (10 ft.) in height or thirty-two square feet (32 sq. ft.) in area, and must be set back at least ten feet (10 ft.) from the right-of-way.~~
- C. 'For-Rent' Dwelling Developments. One (1) monument sign shall be permitted for a planned 'for-rent' dwelling development. Such sign shall not exceed ten feet (10 ft.) in height or thirty-two square feet (32 sq. ft.) in area, and be set back at least ten feet (10 ft.) from the right-of-way. The sign shall not be internally illuminated.
- D. CUP Districts. Within CUP zoning districts, ~~dwelling, 'For-Rent',~~ dwelling developments shall also be permitted one permanent, free-standing, directional sign. Such sign shall be a monument sign and shall match the appearance of the primary sign on the site, be setback at least ten feet (10 ft.) from the public right-of-way, and shall be no greater than thirty-two square feet (32 sq. ft.) in area. ~~If the sign lists subdevelopment names, no more than four subdevelopment names shall be listed.~~



# City Council Meeting and Public Hearing STAFF REPORT

Submitting Department: Finance

Submitted By:

Meeting Date: February 22, 2016

**I. AGENDA ITEM TITLE:** FISCAL YEAR 2016 MID-YEAR BUDGET AMENDMENT

**II. RECOMMENDATION:**

Staff recommends that the Fiscal Year 2016 Mid-Year Budget Ordinance (1<sup>st</sup> reading) be approved.

**III. BUDGET IMPLICATIONS:**

BUDGETED ITEM: NO

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT.  
BUDGET: NO

TOTAL PROJECT COST: VARIES BY FUND. SEE MID-YEAR  
BUDGET REQUESTS (ATTACHED).

APPROPRIATIONS:

| <u>ACCOUNT TITLE/NUMBER</u> | <u>DOLLAR AMOUNT</u> |
|-----------------------------|----------------------|
|                             |                      |

EXTERNAL FUNDING SOURCES:

| <u>ACCOUNT TITLE/NUMBER</u> | <u>DOLLAR AMOUNT</u> |
|-----------------------------|----------------------|
|                             |                      |

**IV. REPORT IN BRIEF:**

The purpose of the Fiscal Year (FY) 2016 Mid-Year Budget Amendment is to amend the base budget as adopted by City Council for targeted initiatives that have already occurred (e.g. during the first seven months of the fiscal year) or are planned to occur before fiscal year-end.

Initiatives are discussed in detail within the attached *Fiscal Year 2016 Mid-Year Budget Requests*.

**V. ALTERNATIVES:**

**VI. ATTACHMENTS:**

2016 Mid-Year Ordinance, 2016 Mid-Year Budget





**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA, TO ADOPT THE MID-YEAR FISCAL 2016 BUDGET FOR CERTAIN FUNDS OF THE CITY OF ALPHARETTA, GEORGIA APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES, ADOPTING THE ITEM OF REVENUE ANTICIPATION, PROHIBITING EXPENDITURES TO EXCEED APPROPRIATIONS, AND PROHIBITING EXPENDITURES TO EXCEED ACTUAL FUNDING AVAILABLE.**

**WHEREAS**, the Director of Finance has presented a proposed fiscal year 2016 mid-year budget to the City Council on certain funds of the City; and

**WHEREAS**, each of these proposed amendments will adjust expenditures and revenues originally appropriated in the fiscal year 2016 budget; and

**WHEREAS**, each of these mid-year amendments represent a balanced budget, so that anticipated revenues for each fund equal or exceed proposed expenditures;

**NOW, THEREFORE BE IT ORDAINED** that this mid-year budget, "Exhibit A" attached hereto and by this reference made a part hereof this ordinance shall be the City of Alpharetta's fiscal year 2016 mid-year budget for these certain funds for the fiscal year 2016; and

**BE IT FURTHER ORDAINED** that this mid-year budget be and is hereby approved and the revenue items shown in the budget for each fund in the amount anticipated are adopted and that the several amounts shown in the budget for each fund as proposed expenditures are hereby appropriated to the departments named in each fund; and

**BE IT FURTHER ORDAINED** that the expenditures shall not exceed the appropriations authorized by this mid-year budget or amendments thereto provided; and that expenditures shall not exceed actual funding available.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF ALPHARETTA, GEORGIA

By: \_\_\_\_\_  
David Belle Isle, Mayor

COUNCILMEMBERS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(SEAL)

Attest:

\_\_\_\_\_  
City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_



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City of Alpharetta, Georgia  
Fiscal Year 2016  
Mid-Year Budget Request

The purpose of the Fiscal Year (FY) 2016 Mid-Year Budget Amendment is to amend the base budget as adopted by City Council for targeted initiatives that have already occurred (e.g. during the first seven months of the fiscal year) or are planned to occur before fiscal year-end.

### **General Fund**

The General Fund is the principal operating fund of the City and includes governmental activities such as police, fire, recreation, transportation, and other general government functions that are primarily funded with property taxes, utility taxes, franchise fees, state shared revenues, and charges for services such as recreation program fees. State law requires that the City's budget be balanced: revenues = expenditures.

The budgetary legal level of control resides at the department level (e.g. Public Safety, Recreation & Parks, etc.). That is to say, a given department has the operational flexibility to reallocate appropriations within specific line-items to achieve its mission, but cannot exceed its overall appropriation level as approved by City Council. Furthermore, the Adopted Budget approves the staffing level (i.e. authorized full-time equivalent staffing level) for each department. The FY 2016 Mid-Year Budget Amendment adjusts four departmental budgets and General Government to specifically fund/reserve/authorize the targeted initiatives discussed in detail over the following pages.



## Fiscal Year 2016 Mid-Year Budget Requests

| LEGAL LEVEL OF CONTROL                      |                                |                                 |                                |
|---------------------------------------------|--------------------------------|---------------------------------|--------------------------------|
| General Fund                                | Fiscal Year 2016               |                                 |                                |
|                                             | Current<br>Budget<br>Jan. 2016 | Mid-Year<br>Budget<br>Amendment | Revised<br>Budget<br>Feb. 2016 |
| <b>Revenues by Source:</b>                  |                                |                                 |                                |
| Property Taxes                              | \$ 20,349,500                  | \$ -                            | \$ 20,349,500                  |
| Local Option Sales Taxes                    | 14,700,000                     | -                               | 14,700,000                     |
| Other Taxes                                 | 13,229,500                     | -                               | 13,229,500                     |
| Licenses and Permits                        | 946,050                        | -                               | 946,050                        |
| Building Permit Fees                        | 1,100,000                      | 31,000                          | 1,131,000                      |
| Intergovernmental Revenue                   | 380,000                        | -                               | 380,000                        |
| Courts Facility Use IGA with City of Milton | -                              | 9,000                           | 9,000                          |
| Charges for Services                        | 2,711,000                      | -                               | 2,711,000                      |
| Recreation Programs (Non-Resident Fees)     | 200,000                        | 23,640                          | 223,640                        |
| Fines and Forfeitures                       | 2,779,000                      | -                               | 2,779,000                      |
| Investment Earnings                         | 50,000                         | -                               | 50,000                         |
| Other/Miscellaneous                         | 258,996                        | -                               | 258,996                        |
| Other Financing Sources                     |                                |                                 |                                |
| Transfer(s) in from Hotel/Motel Fund        | 1,780,000                      | 439,858                         | 2,219,858                      |
| Budgeted Fund Balance                       | 5,036,209                      | -                               | 5,036,209                      |
| <b>Total Revenues</b>                       | <b>\$ 63,520,255</b>           | <b>\$ 503,498</b>               | <b>\$ 64,023,753</b>           |
| <b>Expenditures by Department:</b>          |                                |                                 |                                |
| Mayor & Council                             | \$ 350,069                     | \$ -                            | \$ 350,069                     |
| City Administration                         | 2,056,082                      | -                               | 2,056,082                      |
| Finance                                     | 3,160,975                      | -                               | 3,160,975                      |
| City Attorney                               | 525,000                        | -                               | 525,000                        |
| Information Technology                      | 1,523,355                      | -                               | 1,523,355                      |
| Human Resources                             | 395,114                        | -                               | 395,114                        |
| Municipal Court                             | 1,052,500                      | 9,000                           | 1,061,500                      |
| Public Safety                               | 25,385,562                     | -                               | 25,385,562                     |
| Public Works                                | 7,941,386                      | -                               | 7,941,386                      |
| Recreation & Parks                          | 8,313,151                      | 23,640                          | 8,336,791                      |
| Community Development                       | 2,391,485                      | 31,000                          | 2,422,485                      |
| <b>subtotal</b>                             | <b>\$ 53,094,679</b>           | <b>\$ 63,640</b>                | <b>\$ 53,158,319</b>           |
| General Government:                         |                                |                                 |                                |
| Non-Departmental                            | \$ 45,000                      | \$ -                            | \$ 45,000                      |
| Insurance Premiums                          | 607,000                        | -                               | 607,000                        |
| Gwinnett Tech Bond (P&I)                    | 290,340                        | -                               | 290,340                        |
| Transfer(s) to other Funds                  | 8,943,236                      | -                               | 8,943,236                      |
| Contingency                                 | 540,000                        | 102,358                         | 642,358                        |
| Debt Service Reserve (Convention Ctr Bonds) | -                              | 337,500                         | 337,500                        |
| <b>subtotal</b>                             | <b>\$ 10,425,576</b>           | <b>\$ 439,858</b>               | <b>\$ 10,865,434</b>           |
| <b>Total Expenditures</b>                   | <b>\$ 63,520,255</b>           | <b>\$ 503,498</b>               | <b>\$ 64,023,753</b>           |

## Fiscal Year 2016 Mid-Year Budget Requests

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The following section provides, by department, the associated detail/justification for each targeted initiative requested through the FY 2016 Mid-Year Budget Amendment.

### **Community Development Department**

Initiative: One Building Inspector position (1 full-time-equivalent)  
Funding Request: \$31,000 (partial year impact in FY 2016; annualized impact is \$81,000)  
Funding Source: \$31,000 (additional Building Permit Fees)

Prior to the 2008 recession, the City funded five Building Inspector positions. Starting in 2008 with the recession and reduced demand for inspection services, Building Inspector positions were reduced through attrition from five to three. A Building Inspector position was added during the FY 2014 Mid-Year Budget to bring the current position count to four Building Inspectors. This request is to fund one additional Building Inspector position to bring total inspector staffing to five which was the pre-recession staffing level.

A recent analysis by the Community Development Department shows that the raw number of inspections has steadily increased from the 2010 low of 9,146 inspections to 20,556 inspections in 2014 (125% increase). Additionally, in 2015 there were 22,984 inspections, 12% higher than 2014. Based on the Building Department workload trend over the last few years as well as forecasted projects, an additional Building Inspector position is requested. The position will enable the Department to meet current and projected demand while maintaining the same level of service to customers.

The budgetary impact for FY 2016 totals \$31,000 and represents four months of personnel costs (e.g. March through June), operational costs (e.g. uniform, supplies, etc.), and one-time startup costs (e.g. computer, mobile devices, etc.) and is being funded through additional building permit fee collections. The annualized impact of this position is \$81,000 (personnel and operating expenses).

### **Public Safety Department**

Initiative: Two Part-Time Parking Enforcement Officer positions (1 full-time-equivalent)  
Funding Request: \$77,274 (partial year impact in FY 2016; annualized impact is \$59,100)  
Funding Source: Cost savings within the existing Public Safety Department Budget

The City Council approved the Downtown Parking Management Program on July 13, 2015. Included within this program was the hiring of two temporary part-time Parking Enforcement Officers to staff operations until the mid-year budget process when formal approval of the new positions could be requested. Accordingly, this request is to formally approve the addition of two part-time Parking Enforcement Officer positions.

The budgetary impact for FY 2016 totals \$77,274 and represents personnel, operational (e.g. uniforms, supplies, mobile devices, etc.), and one-time capital costs (e.g. electric cart, radios, etc.) and is funded through cost savings within the FY 2016 Public Safety Department budget. The annualized impact of these positions totals \$59,100 (personnel and operating expenses).

### **Municipal Court**

Initiative: Court Facility Use IGA with the City of Milton  
Funding Request: \$9,000 (targeted utilities, maintenance, and one-time capital improvements)  
Funding Source: \$9,000 (partial year collections in FY 2016; annualized collections total \$36,000)

On November 16, 2015 the City Council approved an IGA with the City of Milton for the lease and joint use of Alpharetta's municipal court facilities. Pursuant to the IGA, the City of Milton funds \$3,000 monthly for use of the court facility and Alpharetta is obligated to fund operating and maintenance costs (e.g. utilities, facility repair and maintenance, janitorial, etc.). Billing under the IGA is estimated to begin in April

## Fiscal Year 2016 Mid-Year Budget Requests

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2016 (with Milton's buildout of their leased space) which equals \$9,000 in collections during FY 2016 (April-June or \$3,000 \* 3 months).

FY 2016 collections will be utilized by the Municipal Court to cover operations (e.g. utilities and janitorial), maintenance (security camera replacements), and various minor capital initiatives (installation of audio/visual equipment in the court room). On an annualized basis, direct expenditures associated with this agreement (e.g. utilities, janitorial, maintenance, etc.) will approximate \$15,000 with the remaining \$21,000 compensating Alpharetta for use of our facility.

### **Recreation & Parks Department**

Initiative: Bike Share Program

Funding Request: \$23,640 (one-time installation costs for bike stations/recurring bike maintenance)

Funding Source: \$23,640 (additional recreation program fees; bike share fees to be determined)

The Alpharetta Bike Share Program would provide residents and visitors a bike-friendly transportation alternative. Bike "docking" stations would be located in designated areas in the City for people to access. Initial locations would be along the Big Creek Greenway (3 locations total).

- One time fees include the installation of bike stations at each location which has spaces for 8 adjustable bicycles. The cost per station is \$2,600 (\$7,800 total for the three stations).
- Recurring fees are comprised of monthly maintenance charges of \$110 per bicycle which totals \$15,840 annually (4 bicycles \* 3 locations \* \$110 monthly maintenance charge \* 12 months). This fee is paid annually in advance.

Bicycles would be rented by accessing the selected vendor's website or mobile app. Fee schedule would be determined by the City. Typically, bicycles are provided at no charge for the first few hours and rented at a fee for anything in excess of the waived hours. The selected vendor would be responsible for collecting program fees and remitting to the City a percentage (generally 80% to 90%) of the net revenues monthly. Should the program meet City goals, additional bicycle stations could be added at the base rates set forth above.

### **General Government**

Initiative: City's portion of the Hotel/Motel Tax change

Funding Request: \$439,858 (\$102,358 contingency; \$337,500 debt service reserve)

Funding Source: \$439,858 (additional Hotel Taxes: \$102,358 base; \$337,500 expanded)

Effective October 1, 2015, the Hotel/Motel Tax was changed from 6% (6 pennies) to 8% (8 pennies) to fund tourist development including construction of a new convention center at the Avalon development. Please refer to the Hotel/Motel Fund write-up for detailed information.

The forecasted increase in the City's collections associated with the Hotel/Motel Tax change for FY 2016 totals \$439,858. Of this amount, \$102,358 is associated with general growth in the revenue source and is being allocated to Contingency while the remaining \$337,500 is associated with the City's expanded share of the tax and is being held as a debt service reserve for the proposed Convention Center bonds. The City's goal is to accumulate a \$1.5 million reserve of surplus hotel/motel taxes for a debt service reserve on the Convention Center bonds to be issued later this year. The intent is that the debt service reserve will be fully funded eventually through the Convention Center portion of the tax (\$843,750 est. for FY 2016). However, the City will contribute taxes from its expanded portion towards the reserve in the early years and recapture those funds as they become available through the Convention Center portion of the tax.



# Fiscal Year 2016 Mid-Year Budget Requests

## Hotel/Motel Fund

The Hotel/Motel Fund accounts for occupancy tax collections from area hotels for the purpose of promoting conventions, tourism, trade shows, etc. as well as construction of a state-of-the-art Convention Center to further serve and promote Alpharetta. The budgetary level of control resides at the project level.

Effective October 1, 2015, the Hotel/Motel Tax was changed from 6% (6 pennies) to 8% (8 pennies) to fund tourist development including construction of a new Convention Center at the Avalon development. Specifically, tax distributions were changed as follows:

|                                                 | Prior<br>6 Pennies Tax | Current<br>8 Pennies Tax |
|-------------------------------------------------|------------------------|--------------------------|
| Alpharetta Convention & Visitors Bureau (ACVB)  | 43.33%/2.6 pennies     | 43.75%/3.5 pennies       |
| Alpharetta Business Community (ABC)             | 16.67%/1.0 pennies     | -                        |
| Convention Center (Tourism Product Development) | -                      | 18.75%/1.5 pennies       |
| City (base)                                     | 40.00%/2.4 pennies     | 30.00%/2.4 pennies       |
| City (expanded)                                 | -                      | 7.50%/0.6 pennies        |
|                                                 | 100%/6.0 pennies       | 100%/8.0 pennies         |

The FY 2016 Mid-Year Budget Amendment adjusts the entity disbursements (e.g. City, ACVB, etc.) within the Hotel/Motel Fund to reflect the revised tax distributions. The net increase in the Hotel/Motel Fund budget totals \$1.4 million.

| LEGAL LEVEL OF CONTROL                          |                     |                     |                     |
|-------------------------------------------------|---------------------|---------------------|---------------------|
| <u>Hotel/Motel Fund</u>                         | Fiscal Year 2016    |                     |                     |
|                                                 | Current<br>Budget   | Mid-Year<br>Budget  | Revised<br>Budget   |
|                                                 | Jan. 2016           | Amendment           | Feb. 2016           |
| <b>Revenues by Source:</b>                      |                     |                     |                     |
| Hotel/Motel Taxes                               | \$ 4,450,000        | \$ 1,380,895        | \$ 5,830,895        |
| <b>Total Revenues</b>                           | <b>\$ 4,450,000</b> | <b>\$ 1,380,895</b> | <b>\$ 5,830,895</b> |
| <b>Expenditures by Project (Entity/Use):</b>    |                     |                     |                     |
| Alpharetta Convention & Visitors Bureau (ACVB)  | \$ 1,928,185        | \$ 617,242          | \$ 2,545,427        |
| Alpharetta Business Community (ABC)             | 741,815             | (519,955)           | 221,860             |
| Convention Center (Tourism Product Development) | -                   | 843,750             | 843,750             |
| City (base)                                     | 1,780,000           | 102,358             | 1,882,358           |
| City (expanded)                                 | -                   | 337,500             | 337,500             |
| <b>Total Expenditures</b>                       | <b>\$ 4,450,000</b> | <b>\$ 1,380,895</b> | <b>\$ 5,830,895</b> |

It should be noted that it is the City's goal to accumulate a \$1.5 million reserve of surplus hotel/motel taxes for a debt service reserve on the Convention Center bonds to be issued later this year. The intent is that the debt service reserve will be fully funded eventually through the Convention Center portion of the tax (\$843,750 est. for FY 2016). However, the City will contribute taxes from its expanded portion towards the reserve in the early years and recapture those funds as they become available through the Convention Center portion of the tax. Specifically, \$337,500 of the increase in the City's portion will be reserved in the General Fund towards the debt service reserve.

# Fiscal Year 2016 Mid-Year Budget Requests

## Convention Center Bonds

Upon issuance of Convention Center Bonds, the City's budget (all effected Funds) will be amended to reflect the associated activity in accordance with the City's budget policies and Generally Accepted Accounting Principles.

## DEA Fund

The DEA Fund accounts for revenues received from the enforcement of drug laws and the confiscation of property from drug offender's arrests that can be used by public safety to aid in drug enforcement activity. The budgetary legal level of control resides at the department level (Public Safety) for operations/minor capital and project level for targeted initiatives.

The North Fulton Regional Radio System initial capitalization requirement totaled \$16 million. Alpharetta's allocable share totaled \$3.7 million and was funded as follows:

- E-911 Fund: \$ 2,413,730 *fully spent*
- DEA Fund: 1,283,840 *encumbrance remaining of \$678,062*  
\$ 3,697,570

Unspent funds as of February 2016 total \$678,062 and are encumbered within the DEA Fund. Staff is requesting that the \$678,062 encumbrance be moved from the DEA Fund to the E-911 Fund for the following reasons:

- The NF Radio System is an allowable use of E-911 funds and there is available funding (\$735,782); and
- E-911 Fund allowable uses are typically more restrictive than DEA Fund uses and therefore should be allocated first.

| LEGAL LEVEL OF CONTROL             |                                |                                 |                                |
|------------------------------------|--------------------------------|---------------------------------|--------------------------------|
| <u>DEA Fund</u>                    | Fiscal Year 2016               |                                 |                                |
|                                    | Current<br>Budget<br>Jan. 2016 | Mid-Year<br>Budget<br>Amendment | Revised<br>Budget<br>Feb. 2016 |
|                                    |                                |                                 |                                |
| <b>Expenditures by Department:</b> |                                |                                 |                                |
| Public Safety                      | \$ 626,855                     | \$ -                            | \$ 626,855                     |
| <b>subtotal</b>                    | <b>\$ 626,855</b>              | <b>\$ -</b>                     | <b>\$ 626,855</b>              |
| Targeted Initiatives               |                                |                                 |                                |
| North Fulton Radio System          | \$ 678,062                     | \$ (678,062)                    | \$ -                           |
| Taser Lease                        | 50,000                         | -                               | 50,000                         |
| Reserve                            | 1,068,563                      | 678,062                         | 1,746,625                      |
| <b>subtotal</b>                    | <b>\$ 1,796,625</b>            | <b>\$ -</b>                     | <b>\$ 1,796,625</b>            |
| <b>Total Expenditures</b>          | <b>\$ 2,423,480</b>            | <b>\$ -</b>                     | <b>\$ 2,423,480</b>            |

# Fiscal Year 2016 Mid-Year Budget Requests

## E-911 Fund

The Emergency 911 Fund accounts for fees received from users, or potential users, of the City's Emergency 911 System. The fees are paid directly from wired, wireless (including prepaid cards), and voice-over-internet-protocol telecommunications providers, with expenditures occurring to maintain and run the system within the government.

The North Fulton Regional Radio System initial capitalization requirement totaled \$16 million. Alpharetta's allocable share totaled \$3.7 million and was funded as follows:

- E-911 Fund: \$ 2,413,730 *fully spent*
- DEA Fund: 1,283,840 *encumbrance remaining of \$678,062*  
\$ 3,697,570

Unspent funds as of February 2016 total \$678,062 and are encumbered within the DEA Fund. Staff is requesting that the \$678,062 encumbrance be moved from the DEA Fund to the E-911 Fund for the following reasons:

- The NF Radio System is an allowable use of E-911 funds and there is available funding (\$735,782); and
- E-911 Fund allowable uses are typically more restrictive than DEA Fund uses and therefore should be allocated first.

| LEGAL LEVEL OF CONTROL             |                 |                                |                                 |                                |
|------------------------------------|-----------------|--------------------------------|---------------------------------|--------------------------------|
| <u>E-911 Fund</u>                  |                 | Fiscal Year 2016               |                                 |                                |
|                                    |                 | Current<br>Budget<br>Jan. 2016 | Mid-Year<br>Budget<br>Amendment | Revised<br>Budget<br>Feb. 2016 |
| <b>Expenditures by Department:</b> |                 |                                |                                 |                                |
| Public Safety                      |                 | \$ 3,447,075                   | \$ -                            | \$ 3,447,075                   |
|                                    | <b>subtotal</b> | <b>\$ 3,447,075</b>            | <b>\$ -</b>                     | <b>\$ 3,447,075</b>            |
| Targeted Initiatives               |                 |                                |                                 |                                |
| North Fulton Radio System          |                 | \$ -                           | \$ 678,062                      | \$ 678,062                     |
| Public Safety Radio Replacements   |                 | 669,650                        | -                               | 669,650                        |
| E-911 VOIP Phone System Upgrade    |                 | 400,000                        | -                               | 400,000                        |
| Reserve                            |                 | 735,782                        | (678,062)                       | 57,720                         |
|                                    | <b>subtotal</b> | <b>\$ 1,805,432</b>            | <b>\$ -</b>                     | <b>\$ 1,805,432</b>            |
| <b>Total Expenditures</b>          |                 | <b>\$ 5,252,507</b>            | <b>\$ -</b>                     | <b>\$ 5,252,507</b>            |



# Fiscal Year 2016 Mid-Year Budget Requests

## Capital Project Fund

The Capital Project Fund accounts for the acquisition and construction of major items such as buildings, infrastructure, parks, streets, and other major capital facilities. The budgetary legal level of control resides at the project level.

The FY 2016 Mid-Year Budget Amendment reallocates funding from non-allocated to fund a contribution towards the McGinnis Ferry Road widening project.

| LEGAL LEVEL OF CONTROL                      |                     |                     |                     |
|---------------------------------------------|---------------------|---------------------|---------------------|
| <u>Capital Project Fund</u>                 | Fiscal Year 2016    |                     |                     |
|                                             | Current             | Mid-Year            | Revised             |
|                                             | Budget              | Budget              | Budget              |
|                                             | Jan. 2016           | Amendment           | Feb. 2016           |
| <b>Expenditures by Department:</b>          |                     |                     |                     |
| Public Works                                |                     |                     |                     |
| McGinnis Ferry Road widening (contribution) | \$ -                | \$ 400,000          | \$ 400,000          |
| <b>subtotal</b>                             | <b>\$ -</b>         | <b>\$ 400,000</b>   | <b>\$ 400,000</b>   |
| Non-Departmental                            |                     |                     |                     |
| Non-Allocated                               | \$ 1,007,823        | \$ (400,000)        | \$ 607,823          |
| <b>subtotal</b>                             | <b>\$ 1,007,823</b> | <b>\$ (400,000)</b> | <b>\$ 607,823</b>   |
| <b>Net Budget Adjustments</b>               | <b>\$ 1,007,823</b> | <b>\$ -</b>         | <b>\$ 1,007,823</b> |

## Public Works Department

Initiative: Contribution towards McGinnis Ferry Road widening

Funding Request: \$400,000

History: McGinnis Ferry Road widening from Sargent Road to Union Hill Road has been identified as part of the Forsyth County SPLOST since February 2008 as it was approved by voters of Forsyth County. This section of McGinnis Ferry Road was also identified as a Tier 1 "Vehicular Project" as part of the North Fulton County Comprehensive Transportation Plan released in October 2010.

Description: The proposed project consists of the widening of McGinnis Ferry Road from Sargent Road to Union Hill Road/Ronald Reagan Boulevard located on the Fulton County line in southern Forsyth County. The length of the proposed project is approximately 4.58 miles. The proposed design includes two lanes in each direction with a 20-foot raised median. The design speed is 45 mph. The proposed outside shoulder would be a 16-foot urban shoulder on the north side containing curb and gutter with a 10-foot multi-use path and on the south side would be a 12-foot urban shoulder containing curb and gutter with 5-foot sidewalks.

Current cost estimate totals \$40 million and is forecasted to be funded through multiple sources including Forsyth County SPLOST, GDOT, and contributions from benefitting jurisdictions including Johns Creek and Alpharetta. Included in this request is approval for the Mayor to execute all necessary documents (e.g. Intergovernmental Agreement) associated with Alpharetta's contribution towards this project.